

THE LIMIT OF ENDURANCE HAS BEEN REACHED: THE 7TH U.S. CAVALRY  
REGIMENT, RACIAL TERROR AND RECONSTRUCTION, 1871-1876

A Dissertation

by

THOMAS GLENN NESTER

Submitted to the Office of Graduate Studies of  
Texas A&M University  
in partial fulfillment of the requirements for the degree of

DOCTOR OF PHILOSOPHY

May 2010

Major Subject: History

The Limit of Endurance Has Been Reached: The 7th U.S. Cavalry Regiment, Racial

Terror and Reconstruction, 1871-1876

Copyright 2010 Thomas Glenn Nester

THE LIMIT OF ENDURANCE HAS BEEN REACHED: THE 7TH U.S. CAVALRY  
REGIMENT, RACIAL TERROR AND RECONSTRUCTION, 1871-1876

A Dissertation

by

THOMAS GLENN NESTER

Submitted to the Office of Graduate Studies of  
Texas A&M University  
in partial fulfillment of the requirements for the degree of

DOCTOR OF PHILOSOPHY

Approved by:

Chair of Committee,	Joseph G. Dawson III
Committee Members,	Walter Kamphoefner
	Albert Broussard
	Henry C. Schmidt
	William Bedford Clark
Head of Department,	Walter Buenger

May 2010

Major Subject: History

## ABSTRACT

The Limit of Endurance Has Been Reached: The 7<sup>th</sup> U.S. Cavalry, Racial Terror, and Reconstruction, 1871-76. (May 2010)

Thomas Glenn Nester, B.A., Susquehanna University; M.A., Temple University

Chair of Advisory Committee: Dr. Joseph G. Dawson III

The 7th Cavalry Regiment participated in Reconstruction during two of its most critical phases. Companies from the regiment were deployed to South Carolina, from 1871-73, to conduct the federal government's campaign to eradicate the Ku Klux Klan and to Louisiana, from 1874-76, in an effort to protect the legally-elected state government against White League depredations. In both cases, the regiment carried out the federal government's Reconstruction policies under the Enforcement Acts and operated against two distinct white supremacist organizations intent on using racial terrorism to end the Republican party's dominance in state politics. As a result of these unique experiences, the 7th Cavalry presents an invaluable lens through which to evaluate how Reconstruction, and the Army's role in it, evolved during the early 1870s as the federal government moved from aggressive enforcement of its policies to acquiescence in the face of Conservative white opposition. In particular, careful examination of the regiment's performance of its duties offer indications of the effectiveness of military intervention in civil affairs and demonstrate whether or not the

Army could have protected the new social and political order created in the South under Reconstruction.

In suppressing racial terror and upholding African-American civil and political rights, this dissertation concludes that the 7th Cavalry performed its mission professionally and effectively throughout both of its Southern tours, but especially in South Carolina where it helped eradicate the Ku Klux Klan as an active opponent of Reconstruction. In late-Reconstruction Louisiana, however, the regiment confronted new circumstances that mitigated its effectiveness. These included deeply partisan state authorities who frequently manipulated the application of military force to suit their own particular agendas, an Army headquarters opposed to further military intervention in Louisiana affairs, and rapidly diminishing popular support for Reconstruction within the U.S. electorate.

DEDICATION

For my girls

## ACKNOWLEDGEMENTS

This dissertation is the product of much time and effort on my part, but none of it would have been possible without the professional guidance, financial assistance, and emotional support I have received from many individuals and institutions along the way. The completion of this project and my graduate education has been a long time coming and I am pleased to have the opportunity to recognize those whom I am indebted to for sustaining me throughout my intellectual journey and helping me fulfill my academic dream.

To begin with, I would like to thank the members of my dissertation committee, Dr. Walter Kampehofner, Dr. Albert Broussard, Dr. Henry C. Schmidt, Dr. William Bedford Clark, and especially my committee chair, Dr. Joseph Dawson, who have provided essential guidance, support, and criticism. Their verbal and written comments on my dissertation as it progressed from rough draft to finished manuscript were essential to its improvement. In addition, I thank them for their willingness to write numerous letters of recommendation in support of my fellowship applications. The financial awards that I received made my research trips possible. Most importantly, their flexibility during this past year, when I completed and defended my dissertation while living and working in Doha, Qatar, helped me tremendously in bringing this project to a successful conclusion.

My dissertation received a tremendous boost from the financial support I received, both from within the Texas A&M University community and from without.

The U.S. Army Center of Military History rewarded me with a generous stipend and granted me access to its facility and staff who asked probing questions regarding my conclusions at the end of my year-long fellowship. Dr. Willie Dobak and Dr. Mark Bradley proved particularly helpful in sharing their knowledge of the late-19th Century U.S. Army, in offering advice on navigating the National Archives in Washington, D.C., and supplying books, a meal and conversation when it was badly needed. In my opinion, the funding opportunities available to graduate students on the campus of Texas A&M is second-to-none and is one of the many reasons why I thoroughly enjoyed my studies in College Station, Texas. I would like to thank the Association of Former Students for awarding me the Charles Keeble '48 Dissertation Fellowship, the College of Liberals Arts for supporting my research through a Dissertation Research Award, and the Melbern G. Glasscock Center for Humanities Research for naming me a Stipendiary Fellow.

The expenses I incurred in conducting research in the nation's capital were substantially reduced by several people who kindly invited me into their homes. Dr. Janet Valentine allowed me to cat/apartment-sit for her for three weeks while she attended West Point's Summer Seminar in military history. Steve Wiley and Mary Donovan, my uncle and aunt in-law, invited me in and helped sustain during my last week of research when my resolve was rapidly diminishing after weeks of relative isolation in the reading and microfilm rooms at the downtown archives.

In addition to research funding, I would like to recognize the Society of Military History and the Texas A&M Office of Graduate Studies for providing me with travel

awards that facilitated my attendance at professional conferences where I presented some of the preliminary findings of my dissertation research. Also, the Centre for the Study of the United States at the University of Toronto funded my travel to attend its conference on the American Civil War: Causes and Consequences in 2005 where I had the opportunity to “rub elbows” with some of the leading scholars of the Civil War and Reconstruction period.

There are many members of the department of history, faculty, staff and fellow graduate students, who made my time at Texas A&M enjoyable. In entering the working world I have lost that sense of community that sustained me over the years. I could not have asked for a better, more supportive, environment. In addition to moral support, I received generous funding from the department in the form of a graduate assistantship that provided a salary and benefits that made my graduate education possible. In the process, I have had the opportunity to work with many splendid professors from whom I have learned a great deal about being a successful historian and an effective teacher. Also, I would like to extend my thanks to the department staff, Mary Johnson, Barbara Dawson, Rita Walker, and Kelly Cook for all of their assistance; I always enjoyed a break in the day to chat with the ladies in the main office. Most importantly, I do not know what I would have done without fellow graduate students Andy Clink, Niles Illich, Mike Krivdo, Derek Mallet, Verity McInnis, Chris Mortenson, Casey Motl, and Paul Springer. They provided fellowship, an opportunity to commiserate on the challenges of graduate school, and offered many important tips on

research, funding, and teaching that I came to rely upon. I already miss their collegiately more than they could ever imagine.

When I graduated with my bachelor's degree in history from Susquehanna University in 1995, I knew the career path I wanted to follow. My less than inspiring performance as an undergraduate, however, also indicated to me that I needed a little seasoning before I returned to school. Making the decision to go back to school required me to make some significant changes in my life. During this sometimes difficult adjustment, I leaned heavily on my parents, Thomas P. and Christina Nester. Not only did they provide love and emotional support, they manifested unwavering confidence in my ability to succeed in my chosen profession and this helped carry me through some difficult days as I worked full time while attending graduate school at night at Temple University in Philadelphia, Pennsylvania. In addition I lost several cherished members of my family during the completion of this project. My grandfathers, Glenn D. Graff and Thomas J. Nester, and my grandmother Mary Ellen Nester passed away before I completed my dissertation. I miss them terribly and hope that they know I finally got it done.

Perhaps more than most others, graduate school transformed my life. Halfway through my studies I met and eventually married my wife, Courtney Beggs, whom I love and adore. She has given me three extraordinary daughters, Hannah, Eliza, and Amelia, who make every day worth living. Without their love and emotional support, I doubt this dissertation would have reached a successful conclusion, or attained whatever values

it may possess. Its strengths are to their credit; its weaknesses I reserve exclusively to myself.

## TABLE OF CONTENTS

	Page
ABSTRACT .....	iii
DEDICATION .....	v
ACKNOWLEDGEMENTS .....	vi
TABLE OF CONTENTS .....	xi
CHAPTER	
I    INTRODUCTION.....	1
II   THE ARMY AND RECONSTRUCTION, 1861-1871 .....	23
III  THE POLITICS OF MILITARY INTERVENTION .....	63
IV   A PERFECT REIGN OF TERROR.....	109
V    STAMPING OUT THE EMBERS OF REBELLION.....	163
VI   GEORGE ARMSTRONG CUSTER, RECONSTRUCTION OFFICER .....	207
VII  INTO THE LABYRINTH .....	250
VIII CONCLUSION: A BITTER END.....	310
BIBLIOGRAPHY .....	333
VITA .....	353

## CHAPTER I

### INTRODUCTION

Although the 7th U.S. Cavalry Regiment is better known for its service on the frontier during the last quarter of the 19th Century, the regiment played an integral role in maintaining legally-elected Republican governments in the Reconstruction South during the 1870s. In addition to protecting state and local governments from violent overthrow by former Confederates and white supremacists, the cavalrymen played a leading role in carrying out the federal government's campaign to eradicate extra-legal opposition groups such as the Ku Klux Klan in South Carolina and the White League in Louisiana. During both of its Southern deployments, the cavalry regiment effectively performed its peacekeeping mission, but it enjoyed far more success in rooting out and destroying the Klan than in preventing the overthrow of Louisiana's Republican administration. This resulted from several factors beyond the regiment's control, such as the changing national political landscape, the expiration of the habeas corpus provision contained in the 3d Enforcement Act, and the behavior of deeply partisan civil authorities in Louisiana who embroiled the cavalrymen in local political disputes and tainted its mission in the public eye. In the end, the 7th Cavalry performed admirably during Reconstruction, even when confronted with withering obstacles to the effective enforcement of federal law in the former Confederate states. Its record of achievement

---

This dissertation follows the style of the *Journal of Military History*.

and frustration provides insight to the limitations of military force in civil affairs.

There is an expansive and daunting body of literature concerning the 7th U.S. Cavalry regiment and its leading figure, Lieutenant Colonel George Armstrong Custer.<sup>1</sup> A fine illustration of this point is contained in Gregory J. W. Urwin's Civil War biography of Custer as the author devotes his preface, entitled "Why Another Custer Book?," to defending his decision to add to the already voluminous body of historiography known as Custeriana.<sup>2</sup> This is a relevant question and one that any historian should be prepared to answer when writing about the "Boy General" or the cavalry regiment he famously led into the valley of the Little Big Horn River on 25 June 1876. The first step in responding to this question, Urwin explains, is recognizing that "[m]ost Custer books deal exclusively with or at least climax in his final defeat."<sup>3</sup> Books, articles, and pamphlets too numerous to catalog here fill libraries across North America and all seek to provide an explanation for Custer's defeat in this epic battle of the American West. There is even an organization, the Little Big Horn Associates, and magazine, solely devoted to the history of the regiment during this time.<sup>4</sup> Even with this plethora of analysis, there is little discussion or debate in the majority of these histories regarding the regiment's military service away from the frontier. Custer and the 7th Cavalry Regiment have become inextricably linked to the Great Plains and the Indian Wars of the late 19th century.<sup>5</sup>

In many respects, this frontier focus and concomitant heavy emphasis on Custer is not surprising. Aside from the fact that "Old Curly" and the Old West have provided compelling storylines that an insatiable public appetite has consumed for more than a

century, many of Custer's contemporaries regarded his defeat at the Battle of the Little Big Horn a national tragedy. In the immediate aftermath of "Custer's Last Stand," the popular sobriquet for the 7th's historic defeat at the hands of Crazy Horse and his band of allied Indian tribesmen, reporters, newspaper editors, battle participants, spouses, and historians all set to work analyzing the engagement to identify miscalculations, errors, and negligence on the part of the principle participants in order fix blame. In the process, they began defining Custer's legacy and creating a mythic public memory of his persona. Many of the early writers had an agenda and openly suffused their portrayal of events and individuals with their affection or contempt for Custer. Subsequent generations of historians chose sides and similarly assigned fault in an effort to either blame or exonerate him for this disastrous defeat. As a result, the 7th Cavalry Regiment's historiography has been dominated by the twin pillars of Custer and the Little Big Horn. The most serious casualty in all this has been the regiment's non-Western service, which lacked the allure of the Old West, the romance of Indian campaigning, and, to a large extent, Custer's indomitable presence.<sup>6</sup>

Many of the men who made up the 7th Cavalry contributed to this omission. Veterans of the Little Big Horn, recognizing that they had participated in an historic event, documented their accounts and readily found publishers willing to put them in print to satisfy public demand for eyewitness accounts of the battle. A disproportionate number of the regiment's enlisted men published memoirs compared to other regiments that served on the frontier. In many instances, the cavalrymen did not confine themselves to the 1876 campaign and touched on various aspects of late-nineteenth-

century Army life. Historians of the Old West and the frontier Army have long tapped into this rich resource, as well as the substantial number of memoirs written by Army wives. These personal accounts enable the historian to transcend rank and class to reveal the complexity and diversity of experiences in the late-nineteenth century Army.<sup>7</sup>

Unfortunately, relatively few 7th cavalymen ranged so far as to cover the time that the regiment spent in the former Confederate states during the early 1870s. This is partly due to the fact that not all of the men present at the Little Big Horn had previously served in the South. But even among those who had, few recounted that time. Veterans seldom touted their Reconstruction service choosing instead to marginalize or omit time spent garrisoning the former slave states. The Reconstruction South simply lacked the romance and allure of the West. The handful of 7th cavalymen that did document their Southern service offered a useful resource that Reconstruction historians have largely overlooked. This represents a significant shortcoming in Reconstruction historiography. If these men had served in another regiment they likely would not have set their memories down on paper. Had they not experienced the crushing defeat at the Little Big Horn their experiences would have been ordinary and their personal testimony regarded as irrelevant. But the 7th Cavalry, because of Custer and the Battle of the Little Big Horn, is special. Some of its members recognized this and a few briefly reflected on their service in the South, offering a cavalryman's unique perspective on soldiering in the South during Reconstruction.

Although the image of the 7th Cavalry Regiment largely remains that of mounted men in blue campaigning across the undulating landscape of the Great Plains, regimental

guidon flapping furiously in the breeze, and Garry Owen's cadence echoing across open expanses of the grasslands, this is only part of the story. In reality, between its formation and epic last stand at the Little Big Horn ten years later, all or part of the 7th received a significant assignments in the ex-slave states chasing down violent unreconstructed rebels, breaking up illicit whiskey distilleries, and protecting Southern Republicans, black and white, in the free exercise of their civil and political rights. Created by the Army Act of 28 July 1866, the 7th Cavalry Regiment assembled at Fort Riley, Kansas and within a few years earned its reputation as an Indian-fighting regiment under Custer's field generalship by breaking Native American resistance to the expansion of Anglo-American civilization and culture on the Southern Plains. By the spring of 1871, the War Department sent the entire regiment on Reconstruction duty. After two years, it returned to the frontier, this time to the Northern Plains. In September 1874, however, persistent strife in the Gulf states caused the deployment of six troops, half the regiment's total strength, back to the South for another twenty months.<sup>8</sup> Considering these assignments reveals that throughout the first decade of its existence, all or most of the 7th Cavalry spent 38 percent of its time in the Reconstruction South. These numbers become even more impressive and better illustrate the magnitude of the omission in the regiment's historiography when confined to the five-year period preceding the Little Big Horn. With Reconstruction drawing to a close, significant portions of the regiment (defined as more than 50 percent of its total strength) spent roughly 43 out of 60 months, or 72 percent of its time, in the South. Therefore, it is important for historians to recognize the 7th Cavalry's Reconstruction assignments and revise the regiment's

traditional image as a frontier unit, especially leading up to its “Last Stand” with Custer at the Little Big Horn when the 7th Cavalry served in the Reconstruction South more frequently than the West.

The significance of the regiment’s efforts devoted to Reconstruction, however, exceeds numbers of days stationed in the South. The 7th Cavalry performed this duty during two pivotal stages in the era’s history. During the first stage, March 1871-March 1873, the officers and men of the regiment helped protect several of the South’s emerging state and local governments from fraud and abuse, and safeguarded Southern Republicans in the exercise of their civil and political rights. The regiment operated under the Enforcement Acts, three federal laws passed in 1870 and 1871 that congressional Republicans designed to guarantee free and fair elections in the North and South. The last of these, known as the Ku-Klux Act, outlawed armed conspiracies intent on depriving U.S. citizens of their constitutional rights. Under these laws, soldiers from the regiment confronted the Ku Klux Klan, a secretive and shadowy organization intent on overthrowing the South’s Republican governments through vigilante-style terror. The troops in the state cooperated with U.S. marshals and attorneys, as well as some state and local authorities, putting teeth into the Ku Klux Act and making it an effective instrument against South Carolina’s Klan. Military manpower made criminal investigations, arrests, and confinement possible, leading to scores of convictions that caused the Klan to dissolve. President Ulysses Grant and Attorney General Amos Akerman intended this campaign to serve as a precedent, demonstrating their resolve to intervene in state affairs whenever necessary to preserve law and order and prevent the

violent ouster of Southern Republican governments. Although successfully established, the precedent came at a political cost for the administration and the Republican party in the North. By the time they embarked on establishing it, six years had passed since the Civil War ended and the Northern electorate had grown tired of the periodic outbreaks of violence and frequent appeals for federal aid. Subduing the South politically was taking far longer than defeating it militarily and, with many other pressing concerns vying for the government's attention, growing Northern disillusionment and dissipating public support made it likely that South Carolina would be the national Republicans' last full-scale effort to preserve the party's sectional reconciliation program.

The regiment's second Reconstruction assignment came in September 1874 when organized violence in Louisiana prompted half of the regiment's return to the Gulf South. By this time, the political landscape had clearly changed. The Republicans' habit of "waving the bloody shirt" to shore up the ranks come election time no longer swayed many Northern voters. Despite Grant's determination to sustain the state's Republican government, federal officials found it increasingly difficult to gain convictions in cases involving enforcement act violations. Diminished appropriations from Congress curtailed Army operations and when combined with the eroding support for their mission led to widespread disillusionment in the Army's ranks. Only a few diehard officers, such as Major General Philip Sheridan and Major Lewis Merrill, remained committed to Reconstruction in Louisiana. The 7th cavalymen found it far more difficult to suppress the White League as effectively as they had done the Ku Klux Klan in South Carolina three years prior. Unlike the loosely-organized, poorly

disciplined Klan, the White League was a paramilitary organization largely composed of well-armed and dedicated Confederate veterans that used a variety of interwoven intimidation tactics, including social ostracism, economic coercion, and violence, in an effort to topple Republican governments at the state, parish, and municipal level.<sup>9</sup> The 7th Cavalry's experiences in Louisiana contrasted sharply with its earlier success in South Carolina. By the time the regiment departed from the Gulf South, Southern Democrats started their preparations to "redeem" Florida, Louisiana, and South Carolina, the last three former Confederate states to still be controlled by the Republican party, in the 1876 elections. Washington's retreat from Reconstruction had left the Army in an increasingly precarious position, one the majority of 7th cavalrymen still serving in the South happily relinquished to rejoin the regiment on the frontier. Symbolically, the 7th regiment and the nation abandoned the South and decisively turned away from Reconstruction simultaneously.

It is disappointing that the 7th Cavalry's extremely relevant experience during Reconstruction has been slighted or overshadowed. It is related to a broader shortcoming in Reconstruction historiography in which the Army has not been given its due for the essential contributions it made in reconstructing the South. Little attention is devoted to the regiment's Southern deployments, usually confined to Custer's brief tours in Louisiana and Texas (1865-66) before the regiment was formed, and Kentucky (1871-73). Otherwise, the vital role played by the 7th cavalrymen only emerges within larger studies of Reconstruction, particularly in books and articles pertaining to Louisiana and South Carolina, federal enforcement, Southern violence, or the Army.<sup>10</sup> By far, the most

extensive treatment the regiment's Southern service has received is contained in historical literature concerning its efforts against the South Carolina Klan. In generating controversy, this episode caught several generations of historians' attention and brought the 7th Cavalry onto the "Dark and Bloody Ground" of Reconstruction historiography where analyses of its contributions have been decidedly mixed.<sup>11</sup>

Early twentieth century historians, noted for their extremely critical view of Reconstruction, placed federal intervention in a starkly negative context. This perspective is connected to the "Dunning school," named after its intellectual founder and scholarly progenitor of many of its leading practitioners, William A. Dunning. Generally, these Southern apologists rail against the federal excesses they perceive in most pieces of Reconstruction-era legislation, as well as Republican graft and corruption and the Army's "bayonet rule" that made it all possible. "Dunning school" historians unquestioningly embraced the Democratic party's view on Reconstruction issues, including the Ku Klux Klan. In reviewing the South Carolina episode, Dunning concludes that the Klan was nothing more than a disorganized "expression of social demoralization" by lower-class whites to which Radical Republicans responded with "extremist provisions" designed to bolster the party's Southern wing at the expense of native whites.<sup>12</sup> Not surprisingly, Dunning and his like-minded colleagues viewed federal enforcement and President Grant's decision to suspend habeas corpus in South Carolina with disgust. John S. Reynolds authored the first book-length treatment of Reconstruction South Carolina in 1905. In it, he predictably condemns the military arrests that followed Grant's suspension of habeas corpus, arguing that the "task of

restoring peace and order was not difficult” and had been accomplished by influential local whites, months prior to the president’s proclamation. Grant, in Reynolds’ estimation, used dictatorial power to suppress a conspiracy that no longer existed and protect rights that were not threatened.<sup>13</sup> Beginning a shift away from the “Dunning school,” Francis Simkins and Robert Woody are only slightly more generous in their book on Reconstruction South Carolina. Writing two decades after Reynolds, they characterize military intervention as “tardy and often bungling,” but admit that these half measures proved sufficient to defeat an organization already subdued by the condemnation of prominent Southern whites.<sup>14</sup>

This is where the verdict on military intervention in South Carolina remained until the mid-twentieth century when a new generation of historians, commonly grouped together as the revisionists, reexamined this era. Many of these scholars were infused with the hope and optimism generated by the 1960s’ social reform initiatives, especially the Civil Rights Movement. It appeared that the promise of equal citizenship for African Americans would be realized nearly a century after Reconstruction. The Civil Rights Movement of the “Second Reconstruction” worked to transform Southern society by challenging the racial status quo. Some of the Movement’s leaders looked to the federal government for recognition and support. Historians, influenced by these events, found much to praise about federal Reconstruction and government efforts to suppress Southern violence. In his 1962 article on federal enforcement, Everette Swinney contends that Washington Republicans “moved expeditiously” and made a “determined effort” to enforce the law before being halted by untiring Southern intransigence and

Northern apathy.<sup>15</sup> Herbert Shapiro echoes these sentiments, but adds that before enforcement waned federal action “struck a staggering blow at the South Carolina Ku Klux Klan,” which “was unable, in the face of government suppression, to maintain its own existence.”<sup>16</sup> Allen Trelease concludes in his comprehensive treatment of the Reconstruction-era Klan that the invisible empire’s violence and intimidation “ended as a result of federal intervention.”<sup>17</sup> Concentrating on the Army’s performance in conducting this operation, James Sefton contends “the application of military force broke the Klan in South Carolina.”<sup>18</sup>

Sixties idealism eventually gave way to harsh realism in subsequent decades. The Civil Rights Movement began to fracture, losing focus and energy, racial strife rose, and blacks across America continued to languish under racial discrimination. Beginning in the 1970s, the “Second Reconstruction” appeared to be as disappointing as the first. Also during the decade, the federal government received its share of scrutiny and criticism due to swelling public disillusionment with the Vietnam War and the Watergate scandal. Post-revisionist evaluations of Reconstruction reflected this growing cynicism and most found more to condemn than to tout. The Grant administration’s effort against the Klan became a focal point for post-revisionist criticism. Historian Lou Faulkner Williams evaluates the federal performance on the basis of enforcement’s impact on the long-term social and political structure of South Carolina. She concludes: “The federal government’s most sustained effort to provide positive civil and political rights for black citizens ended with no substantial constitutional gains.” Furthermore, she argues that enforcement only achieved “an uneasy peace” in South Carolina that did

not last.<sup>19</sup> Richard Zuczek focuses on the political and military Reconstruction of South Carolina and finds that previous historians failed to examine enforcement in the state with enough scrutiny. He argues that “when historians found a decline of violence in South Carolina coinciding with the onset of federal activity, the conclusions seemed both logical and timely.” According to Zuczek, however, these conclusions are unfounded. Echoing the “Dunning school,” he argues that the Army’s operational effectiveness has been exaggerated. He writes: “evidence suggests that a movement against violence was underway long before the intervention” and concludes that the “Klan had subsided *before* the president suspended the writ of habeas corpus.” In the long run, the federal effort in South Carolina “demonstrated the enforcement program’s weaknesses rather than its strengths, and ultimately damaged Reconstruction more than did the Klan.”<sup>20</sup>

Each of these perspectives on federal enforcement merit reconsideration and evaluating the role and actions of the 7th Cavalry provides the opportunity to do just that. While military intervention did not alter the social and political structure of the South, it was never designed to. The Army intervened in South Carolina to enforce civil laws that Reconstruction’s opponents found distasteful and prodigiously violated prior to the 7th Cavalry’s arrival. Nor did Army intervention succeed in stamping out extralegal intimidation by armed groups intent on depriving individuals of their civil and political rights. George Rable, Michael Perman, and James Hogue each argue convincingly in their respective works that new and more effective white supremacist paramilitary organizations, such as Hampton’s Red Shirts in South Carolina and the White League in Louisiana, replaced the Ku Klux Klan and succeeded in forcing an end to Republican-

led Reconstruction.<sup>21</sup> This, however, does not diminish the 7th Cavalry's achievement in eliminating the Klan as an active terrorist organization. The Army, in general, and the 7th Cavalry, in particular, actively cooperated with civil law enforcement to effectively employ the Ku Klux Act and waged a vigorous and successful campaign that resulted in the arrest of hundreds of South Carolina Klan members, led thousands to voluntarily confess their association, and caused countless others to flee the state. The 7th regiment dragged this secret, nocturnal organization out into the light where it collapsed under the weight of federal prosecution and public scrutiny. Thus began a period of peace and stability in South Carolina. When organized, armed opposition reemerged in the state it assumed a different character entirely. This alone is testament to the legislation's effectiveness and the useful application of federal military force when state authorities had been ineffective.

Although 7th Cavalry histories commonly feature Custer, he played only a minor role in the regiment's Reconstruction assignments. Instead, Major Merrill acted as the 7th's leading officer when it confronted the Klan in South Carolina and the White League in Louisiana. In both states, two successive department commanders created new sub-districts and placed Merrill in charge. As the commanding officer of the Districts of Northern South Carolina and the Upper Red River, the major controlled the largest contingents from his regiment serving in the former Confederacy. One of the most active and effective Army officers to serve in the South during this period, Merrill provides a valuable case study in Army leadership during Reconstruction. A conscientious officer who believed strongly in Reconstruction and the rule of law, he

proved to be the right man for the job of confronting political insurgents and racial terrorists. Merrill strictly interpreted the federal Enforcements Acts and actively employed his troopers as posse comitatus to quell Conservative violence and support legally-elected state and local governments. Merrill diligently investigated Klan outrages in South Carolina and recorded extensive testimony that became the foundation for the Justice Department's cases against alleged Klansmen. The major acted similarly in Louisiana where he sought to duplicate the success he achieved in South Carolina by aggressively confronting Conservatives and reseating Republican officeholders who had been ousted by the White League.<sup>22</sup>

Merrill's unwavering support for Reconstruction and dedication to orders occasionally brought him into conflict with fellow officers, particularly Custer, a Democrat, and consistently placed him at odds with white Southern Conservatives. He was the regiment's most prominent figure during its Southern engagements and became a popular target for Democratic criticism and intrigue. Reviews from his military and civilian superiors were mixed. The positions that his contemporaries and historians have taken on Merrill over the years better reflect their own ideology than the true value of his service, but circumstances change and evaluations have turned decidedly in Merrill's favor. The 9/11 terrorist attacks, the Global War on Terror, and Army occupations and counterinsurgencies in Iraq and Afghanistan have brought increased interest in historical precedents for dealing with these national security threats. They have also brought greater compassion and understanding for soldiers engaged in "the unenviable task of military occupation."<sup>23</sup> As a result, Merrill's and the 7th Cavalry's efforts in South

Carolina have received more just consideration, albeit in coverage that is more descriptive than analytical.<sup>24</sup>

When the 7th Cavalry regiment returned to the frontier in 1873, many of its officers and men thankfully resumed the routine of frontier Army life. Its troops were distributed in company sized garrisons at posts scattered across the Dakota Territory and frequently employed as escorts to protect survey crews of the Northern Pacific Railroad and Northern Boundary Commission. Additionally, the regiment participated in the first significant scientific exploration of the Black Hills during the summer of 1874 to ascertain the area's mineral wealth and exploitability. These missions brought a welcome respite from Southern politics. For many 7th cavalrymen, however, deteriorating conditions in Louisiana brought them back to the South.<sup>25</sup> The White League started forming in Louisiana earlier in the year and within a few months had forcibly ousted enough Republican officeholders at the parish level to threaten Governor William Kellogg's control over the state. Once again, the 7th Cavalry was called upon to help restore order. The War Department dispatched six troops led by Major Merrill and within a few weeks they had reseated many of Kellogg's appointees, arrested some of the leading White Leaguers, and maintained the peace during the election. For their efforts, 7th cavalrymen were excoriated in Conservative newspapers and in one instance an officer was arrested by Democratic state authorities. The regiment faced an impossible task and with support for Kellogg's administration withering even within the Grant administration there was little chance of replicating the successes of South Carolina. The cavalrymen had restored peace, but only temporarily. The White League

remained unbroken and Democrats rode the growing tide of opposition to Grant's intervention in Louisiana to a majority of seats in the U.S. House of Representatives in the 1874 election.<sup>26</sup> When the last three troops departed the state in April 1876, they left Louisiana without any mounted soldiers. Reconstruction duty had ended for the 7th Cavalry and soon Louisiana and South Carolina joined the remainder of the former Confederacy when Democrats assumed the majority of political offices and "redeemed" them.<sup>27</sup>

The 7th Cavalry's actions in Louisiana have received less attention than their earlier involvement in South Carolina. In Louisiana, the regiment did not participate in extravagant campaigns to defeat the White League. Instead, its measured actions sought little beyond preventing violent outbreaks between the state's Republican government and its deeply divided constituency. As a result, traditional interpretations hold that the Army interfered in state politics by intimidating Democratic voters through unlawful arrests on unsubstantiated charges and maintaining a prominent presence throughout Louisiana in the weeks leading up to the November 1874 election and especially on the day voters cast their ballots.<sup>28</sup> By far, the most thorough treatment of the 7th's operations in any Southern state, but especially Louisiana, is provided in Joseph Dawson's *Army Generals and Reconstruction*. As his title indicates, Dawson's focus is on the higher echelons of military command and the regiment mainly enters his narrative when it interacts with higher headquarters. His methodology follows a familiar pattern in Reconstruction historiography. The focus has traditionally been on national politics and the highest levels of military command.

Ironically, the Reconstruction Army receives its most thorough treatments in the work of the “Dunning school” historians. These scholars relied heavily on the Democratic newspapers of the time, which frequently excoriated the role federal military forces played within the former Confederate states. These opinions easily migrated into the historical literature. In attempting to overturn this perspective and simultaneously empower previously marginalized actors in Reconstruction’s drama, revisionists shifted attention away from the Army’s critical role. Historians’ efforts at overturning the Dunning synthesis and empowering previously marginalized groups in the Reconstruction struggle have negatively impacted the memory of the Army during these years. The “Dunning school” portrayed the Army’s role in strongly negative terms. Only a handful of scholars have devoted attention to correcting this version. Although they have done a wonderful job, these are top-down approaches.

This dissertation addresses this shortcoming by carefully evaluating the 7th Cavalry’s Reconstruction experience during two phases. Comparing and contrasting these experiences shows that the 7th regiment made significant contribution toward maintaining Republican government and the rule of law in the South. Its troopers pursued this objective dispassionately and successfully in the face of increasingly stiff resistance. Exploring the 7th Cavalry’s contributions affords the opportunity to carefully consider what it was like to soldier in the South during the last years of Reconstruction, when the Army’s mandate to involve itself in civil affairs was less clear and its officers’ desire and ability to do so less certain. The 7th Cavalry regiment overcame most of these challenges. Its officers and men confronted the Ku Klux Klan in South Carolina

and defeated it, banishing the organization from any further involvement in the post-Civil War settlement. Eighteen months later most of the regiment returned to confront a new opponent, Louisiana's White League. The regiment's ability to engage Louisiana Conservatives was hamstrung by dissipating support in Washington and around the nation for military intervention in state civil affairs. Under these circumstances the cavalymen could do little more than uphold Republican officeholders before quietly returning to the frontier to watch its Conservative opponents take control over South Carolina and Louisiana. In the end, many within the 7th regiment may have questioned the significance of their sacrifice. The 7th Cavalry, more than any other Army regiment, gave Reconstruction its last best hope for success. Locating causal factors behind Reconstruction's collapse is challenging. The 7th's story illuminates the military side of the frustration.

The military history of Reconstruction has, for too long, been relegated to the sidelines, excluded from an interpretive synthesis that includes and often blends political, social, economic, and cultural themes. When it is discussed, the military history of Reconstruction is confined to the traditional top-down political approach where the connections between policy formation and implementation are obvious. Reconstruction scholars must begin to recognize, however, that the Army often stood at the intersections of Reconstruction politics, society, economy, and culture. This dissertation seeks to illuminate this fact through a narrow focus that concentrates on the art of military occupation, peacekeeping, and nation building (Reconstruction-era soldiers, of course, would not have recognized these phrases or understood their actions

in these twentieth and twenty-first century terms). The 7th Cavalry offers the opportunity to explore military intervention in the Reconstruction South at the tactical, small unit level. Understanding and interpreting this regiment's experience reflects on Reconstruction's partial military successes and disappointing failures, factors mostly ignored by all of the major historiographical perspectives.<sup>29</sup>

## ENDNOTES

---

<sup>1</sup> For the sake of brevity and clarity, Army officers' actual ranks will be used throughout this dissertation, rather than their brevet ranks. Brevet ranks were honorary titles that seldom came with increased responsibility, pay, or privileges. They were important to the men who held them and argued over them but they are not nearly as relevant to the historian or reader. They are a cumbersome and unnecessary extravagance that I have decided to discard. Lieutenant Colonel was Custer's real post-Civil War rank and accurately represents his position in the Army, whereas Brevet Major General only contributes to confusion.

<sup>2</sup> Gregory J. W. Urwin, *Custer Victorious: The Civil War Battles of General George Armstrong Custer* (Rutherford, NJ: Fairleigh Dickinson University Press, 1983; reprint, Lincoln: University of Nebraska Press, 1990), 13.

<sup>3</sup> *Ibid.*, 14.

<sup>4</sup> The Little Big Horn Associates publishes the *Research Review*, publishing articles on the regiment's history written by and for the organization's members. This organization is devoted to all things 7th Cavalry and focuses heavily, almost exclusively, on the 1876 Sioux campaign and the Little Big Horn battle.

<sup>5</sup> Though dated, the best summation of Custer historiography remains Robert M. Utley, *Custer and the Great Controversy: The Origin and Development of a Legend* (Pasadena, CA: Westernlore Press, 1962; reprint, Lincoln: University of Nebraska Press, 1998).

<sup>6</sup> The Custer controversy, according to Utley, originated in the press. News of the battle unfolded in the nation's major newspapers and early reports were filled with speculation and misinformation. Reports of the Little Big Horn shook the nation and newspaper editors fed the insatiable public demand for information with rumors and fabrications. Ironically, this incident had an impact on Reconstruction. The year 1876 held a presidential election contest and Democrats seized on this opportunity to once again cast a shadow over President Ulysses S. Grant's Republican administration. Custer's defeat helped accomplish that with some blame being affixed to the administration by Democratic newspapers. Debate intensified with the publication of Frederick Whittaker's, *A Complete Life of Gen. George Armstrong Custer Major-General of Volunteers; Brevet Major-General, U.S. Army; and Lieutenant-Colonel, 7th U.S. Cavalry* (New York: Sheldon, 1876). Whittaker exonerated Custer of any wrongdoing and placed blame for the defeat on two subordinates, Major Marcus Reno and Captain Frederick W. Benteen, and a superior, Brigadier General Alfred H. Terry. Thus, the Custer controversy was born. It embroiled newspaper reporters, Army officers, Custer's spouse, Elizabeth ("Libbie"), and generations of amateur and professional historians. The debate continues to this day and remains vibrant and contentious, although now it is slightly less emotional. Utley, *Custer and the Great Controversy*, 29-78.

<sup>7</sup> See for example, Edward M. Coffman, *The Old Army: A Portrait of the American Army in Peacetime, 1784-1898* (New York: Oxford University Press, 1986).

---

<sup>8</sup> 7th Cavalry Returns, March 1871-April 1876, Returns from Regular Army Cavalry Regiments (hereafter RRACR), 1833-1916 (Microcopy M-744, reel 71 and 72), Record Group (hereafter RG) 391, National Archives and Records Administration (hereafter NARA), Washington, D.C.

<sup>9</sup> George C. Rable, *But There Was No Peace: The Role of Violence in the Politics of Reconstruction* (Athens: University of Georgia Press, 1984), 132-142.

<sup>10</sup> See, for example, Robert Shook, "Custer's Texas Command," *Military History of Texas and the Southwest* 9 (1971): 49-54; William L. Richter, "A Better Time in Store for Us': An Analysis of the Reconstruction Attitudes of George Armstrong Custer," *Military History of Texas and the Southwest* 11 (1973): 31-50; and Theodore J. Crackel, "Custer's Kentucky: General George Armstrong Custer and Elizabethtown, Kentucky, 1871-1873," *Filson Club Historical Quarterly* 48 (April 1974): 144-55.

<sup>11</sup> Bernard A. Weisberger, "The Dark and Bloody Ground of Reconstruction Historiography," *Journal of Southern History* 25 (November 1959): 427-47.

Weisberger was one of the first historians to call for a new perspective on Reconstruction to supplant the dominant "Dunning school" perspective.

<sup>12</sup> William A. Dunning, *Reconstruction: Political and Economic 1865-1877*, The American Nation, ed. Albert Bushnell Hart (New York: Harper & Brothers Publishers, 1907), 188.

<sup>13</sup> John S. Reynolds, *Reconstruction in South Carolina, 1865-1877* (Columbia, SC: State Co. Pub., 1905), 190-95.

<sup>14</sup> Francis B. Simkins, "The Ku Klux Klan in South Carolina, 1868-1871," *Journal of Negro History* 12 (October 1927): 639, 646-47. Simkins also recognized in this article that while the Klan collapsed, force remained a key ingredient in former Confederate tactics. Force proved successful against South Carolina's Republican government and was not abandoned. Former Confederates sought ways to use force more effectively, achieving desired results without provoking federal intervention. See also, Francis B. Simkins and Robert H. Woody, *South Carolina During Reconstruction* (Chapel Hill: University of North Carolina Press, 1932), 462-64.

<sup>15</sup> Everette Swinney, "Enforcing the Fifteenth Amendment, 1870-1877," *Journal of Southern History* 28 (May 1962): 205.

<sup>16</sup> Herbert Shapiro, "The Ku Klux Klan During Reconstruction: The South Carolina Episode," *Journal of Negro History* 49 (January 1965): 46 and 53.

<sup>17</sup> Allen Trelease, *White Terror: The Ku Klux Klan Conspiracy and Southern Reconstruction* (New York: Harper & Row, Publishers, 1971), 361.

<sup>18</sup> James E. Sefton, *The United States Army and Reconstruction, 1865-1877* (Baton Rouge: Louisiana State University Press, 1967), 226.

<sup>19</sup> Lou Faulkner Williams, "The South Carolina Ku Klux Klan Trials and Enforcement of Federal Rights, 1871-1872," *Civil War History* 39 (1993): 65; Williams., *The Great South Carolina Ku Klux Klan Trials, 1871-1872* (Athens and London: University of Georgia Press, 1996), 111.

<sup>20</sup> Richard Zuczek, "The Federal Government's Attack on the Ku Klux Klan: A Reassessment," *South Carolina Historical Magazine* 97 (January 1996): 48; Zuczek,

---

*State of Rebellion: Reconstruction in South Carolina* (Columbia: University of South Carolina Press, 1996), 104-107.

<sup>21</sup> George C. Rable, *But There Was No Peace: The Role of Violence in the Politics of Reconstruction* (Athens: University of Georgia Press, 1984); Michael Perman, "Counter Reconstruction: The Role of Violence in Southern Redemption," in *The Facts of Reconstruction: Essays in Honor of John Hope Franklin*, ed. Eric Anderson and Alfred A. Moss, Jr. (Baton Rouge: Louisiana State University Press, 1991), 121-40; and James K. Hogue, *Uncivil War: Five New Orleans Street Battles and the Rise and Fall of Radical Reconstruction* (Baton Rouge: Louisiana State University Press, 2006), 11-12.

<sup>22</sup> Zuczek, *State of Rebellion*, 111; Joseph G. Dawson III, *Army Generals and Reconstruction: Louisiana, 1862-1877* (Baton Rouge: Louisiana State University Press, 1982), 185.

<sup>23</sup> Major Dick Winters and Colonel Cole C. Kingseed, *Beyond Band of Brothers* (New York: Berkley Publishing Group, 2006), 229.

<sup>24</sup> For example, see, David Everitt, "1871 War on Terror," *American History* 38 (June 2003): 26-33; John D. Mackintosh, "Facing Down the Klan: The 7th Cavalry in York County, South Carolina," *Research Review: The Journal of the Little Big Horn Associates* 20 (Winter 2006): 8-15, 30-31; and J. Michael Martinez, *Carpenter, Cavalry, and the Ku Klux Klan*, American Crisis Series, ed. Steven E. Woodworth (Lanham, MD: Rowman & Littlefield Publishers, Inc., 2007).

<sup>25</sup> 7th Cavalry Returns, June-September 1874, RRACR, 1833-1916, (Microcopy M-744, reel 72), RG 391, NARA.

<sup>26</sup> Ted Tunnell, *Crucible of Reconstruction: War, Radicalism, and Race in Louisiana 1862-1877* (Baton Rouge: Louisiana State University Press, 1984), 204-5. Tunnell notes that General Philip H. Sheridan's 1875 proposal that Congress or the president declare the White League banditti and allow the army to deal with its members under martial law created a furor. He concludes: "The North's eagerness to disengage itself from Reconstruction may be measured by this: The controversy above the Potomac centered on Sheridan's actions and not those of the White League conspirators."

<sup>27</sup> Dawson, *Army Generals and Reconstruction*, 179-82.

<sup>28</sup> H. Oscar Lestage, Jr., "The White League in Louisiana and Its Participation in Reconstruction Riots," *Louisiana Historical Quarterly* 18 (July 1935): 617-95.

<sup>29</sup> See, for example, Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: Harper & Row, Pub., 1988); Eric Foner, *A Short History of Reconstruction, 1863-1877* (New York: Harper & Row, Pub., 1990); Jean Harvey Baker, David Donald and Michael Holt, *Civil War and Reconstruction* (New York: W. W. Norton & Co., 2001); Thomas J. Brown, ed., *Reconstructions: New Perspectives on the Postbellum United States* (New York: Oxford University Press, 2006).

## CHAPTER II

### THE ARMY AND RECONSTRUCTION, 1861-1871

The Union and U.S. armies did more to advance Reconstruction than any other group of individuals or government institutions. In defeating the Confederate armies on the battlefield, a necessary prerequisite in reconstructing the nation, emancipating slaves, assisting freedpersons in adjusting to their new social and economic status, working to reconcile white Southerners to post-emancipation life, rebuilding civil governments and economies in the former Confederate states, and enforcing the 13th, 14th, and 15th Amendments, the Army found itself involved in almost every aspect of the restoration process. From a military standpoint, Reconstruction can be delineated into three distinct phases. The first phase occurred during the Civil War, when the Army's ability to influence Southern Reconstruction was almost absolute, as long as it stayed within the broad outlines sketched by President Abraham Lincoln and to a lesser extent Congress. Between 1861 and 1865, Army officers enjoyed the freedom and authority to create and implement processes designed to suit local circumstances and advance the cause of Union victory. Throughout the war years, military necessity remained the defining feature of wartime Reconstruction. Confederate surrender significantly curtailed Army control over Reconstruction by eliminating its principle justification, military necessity. In the spring of 1865, peace ushered in the second phase, encompassing both Presidential and Congressional Reconstruction, which lasted until 1868-71 depending on when Congress readmitted each state. Under Washington's direction, the Army's ability

to dictate Reconstruction significantly diminished, but its influence remained considerable. Tasked with implementing Reconstruction policy, especially under the congressional program, Army commanders enjoyed a level of control that enabled them to invigorate or attenuate the process so long as they fulfilled their overarching obligations under the Reconstruction laws. The third and final phase began at various intervals between 1868 and 1871 and lasted until 1877. The Army's ability to impact Reconstruction had reached its ebb and sank deeper as the years passed. Civil governments having been established, many commanders purposely limited their involvement in civil affairs. The law aided in this process, only allowing military authorities to intervene at the request of civil authorities, unless otherwise authorized by Washington. Throughout all three phases, many officers considered Reconstruction duty a nuisance, but it was during the last that soldiers found themselves increasingly on the sidelines, relegated to the role of observer in the increasingly violent struggle to control Reconstruction.<sup>1</sup>

The 7th U.S. Cavalry regiment entered the South during the third phase. Engaged in the work of preserving Reconstruction during its last half decade, the regiment's officers, most of whom had served in the Union army during the Civil War, drew upon their earlier experiences and previously established precedents in their handling of Southern affairs. None of these officers pursued Reconstruction in the same way. Much like African Americans, Southern Unionists, Northern citizens, and politicians serving in Washington, Army officers and soldiers possessed their own collection of individually held assumptions as to why the North fought the Civil War and

what preserving the Union meant for postwar America. In other words, every American who had sided with the Union during the Civil War and counted themselves among the victors defined for themselves the fruits, or fundamental elements, of that victory. For most, Southern recalcitrance in accepting defeat crossed a line when it threatened to make wartime sacrifices meaningless. In evaluating individual actions as reflections of these personal assumptions, the “fruits of victory” offers a powerful concept in understanding private motivations in carrying out Reconstruction. One can see this concept at work in moderate Republicans’ gradual movement from favoring a policy of restoration including some basic protections for blacks, to adopting Reconstruction founded on the basis of black manhood suffrage. Based on their wartime service and sacrifice, military commanders likely perceived threats to the fruits of Union victory more keenly than their civilian counterparts. How they acted on behalf of Reconstruction depended upon their conception of what constituted “fruits of victory.” As Reconstruction requirements evolved to include black citizenship and universal male suffrage, some officers balked at vigorously upholding federal policy.<sup>2</sup>

In determining what constituted the “fruits of victory,” one must begin by exploring the evolution of Union war aims between 1861 and 1865. At the outset of the war, the majority of Northerners, including President Abraham Lincoln, simply demanded that the Union be restored to the *status quo antebellum*. Throughout the secession winter of 1860-61, Reconstruction remained a purely hypothetical political consideration, with efforts being made to convince the seceded states to return with all of their rights intact. The first phase of military Reconstruction did not begin until 12

April, when Confederates fired on Fort Sumter, thrusting the U.S. Army to center stage in the process of reunion. For the remainder of the military conflict, defeating Confederates in battle remained the primary focus. Every other element involved in achieving reunion, such as the readmission of Southern senators and representatives to Congress and resuming control of federal property in the South, lagged well behind this objective. Most Union commanders perceived the potential repercussions their prosecution of the war might have on sectional reconciliation. They recognized that how the war ended helped determine how the peace began, a particularly relevant consideration when waging civil war in an effort to force states and countrymen to return to the Union. Believing that victory could be quickly accomplished, many federal policymakers preferred pursuing a conciliatory strategy toward the rebellious states, sparing Southern civilians, as much as possible, from experiencing the harsh realities of war to the point of recognizing their property rights under the Constitution.<sup>3</sup>

Under the conciliation strategy, federal authorities labored to convince Confederates that their war aims were targeted at restoring the Union while destroying the apparatus of the Confederacy as a nation. In a 4 July message to Congress, President Lincoln reiterated that the *raison d'être* for the Northern war effort remained sectional reconciliation with “no purpose, directly or indirectly, to interfere with slavery in the States where it exists.”<sup>4</sup> Congress seconded these sentiments, voting almost unanimously in favor of the Crittenden-Johnson resolution affirming Washington’s commitment to conciliation and waging war solely to preserve the Union.<sup>5</sup> At this early stage in the war effort, many Army officers and soldiers enthusiastically embraced

conciliation. Before entering Virginia in 1861, Major General George McClellan confidently entrusted his soldiers to “honor the persons & property of the Virginians ... respect their feelings & all their rights.”<sup>6</sup> To Virginians, McClellan promised that rather than interfere with slavery “we will on the contrary with an iron hand, crush any attempt at [slave] insurrection.”<sup>7</sup> These statements demonstrated the difficult task in reuniting the nation that already confronted the Union in 1861. As the Civil War intensified and conciliation gave way to increasingly severe measures, the task of Reconstruction grew more challenging and, in the end, offered no simple solutions.

Federal policymakers and military strategists may have chosen to define Union war aims conservatively, ignoring the centrality of slavery as a causal factor leading to secession and civil war, but African Americans did not. Washington policy statements had no impact on blacks’ perception of the Civil War. African Americans in the North and South, free and slave, regarded the war as the long-anticipated day of reckoning to decide the fate of human bondage in the American republic. Many blacks believed slavery’s demise was close at hand. While Union strategists attempted to reassure Southern slaveholders that their constitutionally protected property rights remained in force, Northern abolitionists formulated a theoretical framework that they hoped would make emancipation palatable to the masses, justifying abolition as a military necessity. Unaffected by Northern conservatism and unaware of abolitionists’ efforts on their behalf, slaves put theory into practice and by their individual flights freedom began transforming the Union army into an army of liberation.<sup>8</sup>

Slave agency created the first fissures in federal conciliation strategy. On 23 May, three slaves, who had been laboring on Confederate fortifications, fled for freedom within Union lines at Fortress Monroe, Virginia. Lawyer, politician, and volunteer general from Massachusetts, Benjamin Butler, refused to return the slaves to their master on the grounds that they had been placed in the service of the Confederate army and constituted “contraband of war,” subject to seizure under the international laws of warfare.<sup>9</sup> Butler’s conceptualization of fugitive slaves as contraband proved to be groundbreaking, with repercussions for the Union army that extended well beyond Butler’s command. In the words of military chaplain John Eaton, who eventually became General Ulysses Grant’s superintendent of contrabands in the Department of the Tennessee, Butler’s action “cut the knot of tangled relationship between the army and blacks,” establishing two important precedents for commanders in other theaters to follow.<sup>10</sup> First, Butler resolved a complicated and increasingly frustrating issue faced by every Union commander that advanced into Confederate states only to find their military operations inhibited by masses of slaves flooding their lines seeking freedom. Second, Butler’s action revealed that Army’s ability to establish policies in the field, designed to meet the exigencies of battle. The possibility existed, of course, that officers might espouse policies that ran afoul of their civilian superiors in Washington by anticipating federal strategy, but in most cases as long as field commanders stayed within the general guidelines emanating from Washington they remained free to pursue their own initiative to meet the particular demands of their command.<sup>11</sup>

Perhaps the best example of commanders' freedom to choose arose from the fact that most commanders rejected Butler's "contraband of war" theory, continuing to either assist slave owners in recapturing their fugitive slave property or banning slave from their lines completely in an effort to avoid the problem altogether. Congress had validated Butler's policy by codifying it in the first of what became two Confiscation Acts, thus expecting the Army to obey national law and confiscate runaways or slaves of Confederate civilians in rebellion against the Union. The first act, passed on 6 August 1861, empowered federal agents to seize all property used in military aid of the Confederate rebellion. This included slaves, but only those directly aiding Confederate military forces, adding up to many thousands. The act made no provision for emancipation. However, individual commanders remained free to accept or reject Butler's precedent and, according to Eaton, the act of Congress was "little regarded by commanders in the field."<sup>12</sup> During the war's first year, there existed a "constellation of policies" for Union officers to seemingly pick and choose from. The president remained reluctant to lock himself into specific policies, preferring the flexibility to address circumstances as they arose and the freedom to endorse policies that proved effective. Preserving the Union remained his top priority, as he announced in his first annual message to Congress on 3 December. "I have been anxious and careful that the inevitable conflict for this purpose shall not degenerate into a violent and remorseless revolutionary struggle," which he believed ran counter to his principle purpose.<sup>13</sup>

This situation may have served the president well politically, but the lack of guidelines and direction from their civilian superiors posed serious challenges to field

commanders who struggled to frame orders that conformed to the dominant conciliation strategy while also meeting the demands imposed by the war. Ambiguity sometimes bred confusion and error. In Missouri in 1861, General John Fremont revealed these consequences when he anticipated government policy. After a series of military reversals, Fremont embraced hard-war measures on 30 August, proclaiming martial law throughout the state, imposing the death penalty for Confederate guerrillas captured behind Union lines, and extending freedom to slaves belonging to pro-Confederate Missourians. The general's action provoked a swift response from the White House. The president ordered Fremont to modify his proclamation pertaining to slaves, suggesting that he bring it into line with the provisions of the Confiscation Act.<sup>14</sup> Secretary of War Simon Cameron provoked a similar reaction from the president when he advocated arming freed slaves to fight for the Union in his annual report to Congress and leaked it to the press on 1 December without first receiving presidential consent or approval. Cameron's precipitate action, like Fremont's, brought a swift response from Lincoln who ordered the secretary of war to recall his report and delete the passages concerning black soldiers. Clearly these incidences had an affect on commanders in the field. Fremont's experience likely contributed his successor's, General Henry Halleck, attempt to completely avoid potential pitfalls by banning fugitive slaves from entering Union lines and camps on 30 November.<sup>15</sup>

Throughout 1861 and early 1862, the federal commitment to conciliation remained steadfast. Commanders repeatedly instructed their soldiers to respect Southern citizens and their property as Union armies pressed into the South occupying

Confederate land. Subordinate officers reinforced these standing orders and the occupiers worked to reassure Southern civilians that they had no designs on slavery, routinely returning fugitive slaves to their masters and barring blacks from camp. Upon entering the rebellious states, federal soldiers were encouraged by what they discovered. Pervasive Southern submissiveness and absence of active resistance reaffirmed the belief that the war would end soon and that the Union would be victorious. What Union soldiers could not see was that beneath this innocuous veneer, many Southern citizens remained resolute Confederates. So long as Confederate armies remained in the field hope persisted that the Confederate nation would be realized. By mid-1862, many of these submissive civilians began engaging in active resistance, including guerrilla warfare, thereby causing a shift in Union war aims.<sup>16</sup>

Ironically, the Confederacy's determined fighting nurtured the growing conviction within Union Army ranks and Washington political circles that the time had come to abandon conciliation and take steps to deprive rebels of their "pillar of strength" – slavery. Northern abolitionists and Radical Republicans had staked out an unpopular position that, by 1862, their more conservative brethren came to embrace.

Emancipation's emergence as a Union war objective evolved from a variety of factors, the two most important being the continuation of determined Confederate resistance and slaves' refusal to be dissuaded from seeking freedom with the Union Army. Both helped undermine the conciliatory strategy. Many Northerners, in the Army and out, began to recognize the importance of slavery to the Confederate war effort. On 14 January 1862, Radical Republican U.S. Representative from Indiana George Julian urged his

colleagues to recognize that “this rebellion has its source and life in slavery.” He still had some convincing to do, but over the course of the year more and more Northerners recognized the value of converting black labor from the service to the Confederacy to service to the Union, strengthening federal military might at the South’s expense and hastening the Confederacy’s defeat. As Union sacrifices mounted, many Northerners came to regard restoration of the Union with slavery an ignoble victory. In several months, many Unionists came to agree with Congressman Julian’s conclusion that “the mere suppression of the rebellion will be an empty mockery to our suffering and sacrifices, if slavery shall be spared.”<sup>17</sup> Reunion with slavery would be no victory at all.

Federal conciliation strategy unraveled fastest in the Western Theater, where Union advances deep into Confederate-held territory unleashed a flood of fugitive slaves seeking freedom. While the North’s western armies achieved signal victories that continued to elude the Army of the Potomac, these military successes created a dilemma for field generals who turned to Washington seeking further instruction on how to handle the virtual “cities” of contrabands that descended upon the armies and threatened to impede their operations. General Halleck’s order barring slaves from Union lines and encampments buckled under the pressure of the onslaught of contrabands and dissipating support for conciliation within the ranks. General Grant, in particular, found Halleck’s order wholly unsatisfactory and totally unworkable in view of the challenges his army faced. Increasingly, soldiers ignored Halleck’s directive completely. A frustrated Grant reminded General John McClelland that, in fact, Halleck’s order remained in effect. “It leads to constant mistakes and embarrassment to have our men running through the

country interpreting confiscation acts and only strengthens the enthusiasm against us whilst it has a demoralizing influence upon our own troops.”<sup>18</sup>

Congressional Republicans especially found the practice of federal soldiers returning contrabands to their masters repugnant. Determined to stop the practice, legislators passed a war resolution on 13 March forbidding soldiers to turn over slaves under penalty of dismissal from the service. Over the next three months, Congress edged closer toward embracing abolition as a war measure, banning slavery from the nation’s capital and territories. Finally, in July, Congress passed two measures that bore directly on the African American’s status and relationship to the Union war effort. The first, a new militia act empowered the president to raise regiments of black soldiers. Second, Congress passed another, decidedly more severe, confiscation measure that authorized seizing property belonging to individuals actively engaged in rebellion against the United States. The legislature resolved the status of slave contrabands by designating them “forever free.” Although it contained weaknesses, for example, emancipation depended upon legal proceedings to determine whether or not the respective slave owner actually engaged in rebellion, it served as a symbol of the war’s evolution and formal acknowledgment of the Union Army’s status as liberators.<sup>19</sup>

Within the Northern army, Congress’s actions between March and July 1862 intensified the confusion many felt. Clearly, momentum was building for adopting emancipation as a Union war objective, but Lincoln continued to strike down any attempt to abolish slavery by military order. When the Department of the South’s commanding officer, General David Hunter, abolished slavery within his jurisdiction,

encompassing South Carolina, Georgia and Florida, on 9 May, he provoked a swift reaction from the White House.<sup>20</sup> “No commanding general shall do such a thing, on *my* responsibility,” the president forcefully asserted, “without consulting me.” Accepting that emancipation might “become a necessity,” wrote Lincoln, it remained a decision “I reserve to myself.”<sup>21</sup> But Lincoln had become convinced that the time for declaring emancipation a Union war objective was approaching. Having given up hope that Border State Unionists would voluntarily adopt a process of gradual, compensated emancipation, Lincoln advised his Cabinet on 22 July that the Civil War had evolved into a conflict that dictated the abolition of slavery as one of the principle prerequisites in restoring the Union. According to historian James McPherson, “The agency for accomplishing this was the executive working through the enforcing power of the army.”<sup>22</sup> Now the president only needed the Army of the Potomac to deliver a victory against General Robert Lee’s Army of Northern Virginia to proclaim emancipation. Otherwise, ending slavery might be interpreted as a reactionary undertaken by a desperate government fearful of defeat. It took Lincoln’s armies several weeks to deliver a suitable victory. Although a marginal victory, the Union Army’s defeat of Lee’s forces at Antietam, Maryland afforded the president the opportunity to issue his Preliminary Emancipation Proclamation declaring free all slaves in areas still in rebellion as of 1 January 1863. Fearful that the Northern electorate and soldiers might object to this change in direction, Lincoln justified emancipation on the grounds of military necessity.<sup>23</sup>

Lincoln had reason to fear the Army's reaction, at least in the East. On 8 July, a couple of weeks before the president expressed his resolve to act against slavery to his Cabinet, the popular commander of the Army of the Potomac, General McClellan, treated his commander-in-chief to a memorandum stating his conviction that "Military power should not be allowed to interfere with the relations of servitude ... A declaration of radical views, especially upon slavery, will rapidly disintegrate our present armies."<sup>24</sup> The president had not allowed field commanders to dictate his course before, and he certainly was not about to start now. Moreover, Lincoln did not regard emancipation as a radical step considering the military sacrifices that had been made. Furthermore, he maintained that his sole objective remained preserving the Union. In a letter to the *New York Tribune's* editor, Horace Greeley, the president wrote: "If I could save the Union without freeing *any* slave I would do it, and if I could save it by freeing *all* the slaves I would do it; and if I could save it by freeing some and leaving others alone, I would also do that."<sup>25</sup> Left unsaid was the fact that the president had already determined that freeing the slave offered the best hope for saving the Union.

Union soldiers' racial sentiments reflected those held by Northern society in general. For the men on the frontlines fighting the war, however, combat and exposure to African Americans softened their prejudices to a certain degree. Hearing reports of black soldiers' battlefield courage, such as the charge of the 54th Massachusetts at Fort Wagner, South Carolina on 18 July 1863 and the Confederate massacre of black Union soldiers at Fort Pillow, Tennessee on 12 April 1864, accomplished even more in lifting these racial prejudices.<sup>26</sup> As a result of Confederate resistance and their experiences in

the South, Union soldiers' attitudes toward African-American slaves underwent a transformation. Lincoln's Emancipation Proclamation divided soldiers for a time, but many Union soldiers ultimately embraced it. Part of this probably resulted from the soldiers' own changing views and because commanders enforced the policy just as they had enforced conciliation previously.<sup>27</sup> Even McClellan responded appropriately. After discovering some dissent toward the new policy within his command, the general issued a special order reminding his officers that under the American system civil authorities formulated policy that soldiers were duty-bound to enforce.<sup>28</sup> In a letter to Grant, General Halleck acknowledged what was by then obvious to many, informing the general that "the character of the war has very much changed within the last year." He also revealed the dominant sentiment within the Union armies. "Every slave withdrawn from the enemy is the equivalent of a white man put *hors de combat*."<sup>29</sup> In many ways, the Emancipation Proclamation merely confirmed a fact that slaves recognized early on, that Union soldiers were "agents of emancipation" and became so the moment they stepped foot on Southern soil.<sup>30</sup> By the end of the Civil War, most Northerners regarded emancipation as one of the fruits of Union victory and expected African Americans be granted some rights and protections in the postwar South.

Lincoln's Emancipation Proclamation did more than transform the Union war effort. According to historian Eric Foner, it "portended a far-reaching transformation in Southern life and a redefinition of the place of blacks in American society and of the very meaning of freedom in the American republic."<sup>31</sup> Part of that change included introducing free black labor to the South's plantation economy. Blacks change in status

from contraband of war to freed persons did not change the challenging circumstances faced by the Army in handling an exponentially expanding refugee population.

Washington had yet to develop a uniform, consistent policy to provide for the former slaves that swarmed into Union camps. For the time being, Army officers held ultimate power over them and some semblance of a policy emerged from their attempts to cope with the problems posed by the necessity of caring for so many non-combatants in a war zone. Not surprisingly, these men confronted the issue from a military standpoint and the policy that emerged always held military efficiency as its first priority. Contrabands, and later freed persons, were organized to minimize their interference with military operations and maximize their labor in support of the federal war effort.<sup>32</sup>

As Congress legislated, expanding Army responsibilities in relation to African Americans, officers grew increasingly frustrated. For federal army commanders it seemed that Congress cared only for stipulating blacks' future without giving any consideration to how that future would be attained, leaving military authorities to work out the details. General William T. Sherman revealed the level of frustration many officers likely felt. In a letter to his brother, Republican Senator John Sherman of Ohio, the general castigated Congress for its shortsightedness. "You or Congress may command 'slaves shall be free,' ... to make them free and see that they are not converted into thieves, idlers or worse is a difficult problem ... Where are they to get work? Who is to feed them, clothe them, and house them?"<sup>33</sup> Sherman advanced a valid argument. The Army received no special authorization to feed former slaves until they were employed. Unable to turn them away, the Army employed as many as it could manage,

but this proved to be a small percentage of the total and included mostly young, able-bodied men. Unwilling to allow the remainder to starve or die of exposure, military authorities housed them in contraband camps where they suffered from illness and exploitation at the hands of federal soldiers.<sup>34</sup>

General Grant feared the “demoralization and infection of the Union soldier and the downfall of the Union cause” that these contraband camps posed.<sup>35</sup> He intended to alleviate the Army’s burden and provided healthier living conditions for African Americans while enabling them to labor for their own benefit and that of the Union. In November 1862, Grant appointed Chaplain John Eaton to take charge of contrabands within his command. He charged the chaplain with sheltering contrabands in abandoned houses and encampments on abandoned plantations. At the general’s direction, Eaton organized contrabands into labor companies, set them to the task of picking and ginning the cotton crop abandoned by Confederates fleeing in advance of the approaching Northern armies, earning 12.5 cents per pound with cotton sold in the North to feed government coffers. Military necessity and basic humanity guided Grant’s program. The general believed that blacks could support themselves by living off the countryside and laboring for wages. Moreover, segregating contrabands and soldiers would raise the morale of both.<sup>36</sup>

Lincoln’s Emancipation Proclamation clouded the legal status of former slaves in Union-occupied territories, especially in Southern Louisiana. Since the proclamation did not apply to the thirteen Louisiana parishes under federal control, military commanders faced the difficult task of distinguishing between former slaves in the parishes from

those entering Union lines from Confederate areas. Complicating matters even further, General Nathaniel Banks faced the difficult task of reconciling local planters to the war's new course while also gaining their support for Reconstruction. Banks required blacks to sign annual labor contracts with landowners of their own choosing. The general tried to balance several different objectives, anticipating that labor contracts would relieve the army's burden of caring for contrabands, help restore the local economy to bolster the Union war effort, and win white support for his Reconstruction efforts.<sup>37</sup>

Further north up the Mississippi River, the federal army was inundated with runaways after the fall of Vicksburg. General Lorenzo Thomas opted to lease plantations to Northerners who hired black workers on terms prescribed by the army. Thomas hoped this would help consolidate Union control of the Mississippi Valley, relieve the army of the burden and expense of maintaining contraband camps, and teach former slaves to labor for their daily bread rather than rely on government support. Thomas's system did not operate as anticipated. The leased plantations competed with the army for available labor, food, and equipment, and lost. They also emerged as popular targets for Confederate raiders, causing most lessees to abandon their dreams for profit and return to the North by the end of 1864.<sup>38</sup>

Elsewhere on the river, the Army's experimental ventures brought favorable results. Davis Bend, Mississippi, the plantation belonging to Confederate president Jefferson Davis, was set aside by military authorities exclusively for freedperson settlement. Land was assigned to groups of former slaves for their use, the only requirement being that they paid for government rations, mules, and tools. By the last

year of the war, Davis Bend had emerged as a prime example of black self-reliance, forming a completely self-sufficient colony with its own government and law enforcement apparatus.<sup>39</sup>

The Army's experiments with free black labor met with dismal failure in most cases, except for the promising results coming out of Davis Bend. Despite these failures, in Louisiana, Banks established a new system of plantation agriculture by requiring African Americans to sign yearly labor contracts. This system, born out of military necessity, carried over into the postwar period, adopted by the newly formed Bureau of Freedmen, Refugees and Abandoned Lands. The army, as historian Eric Foner illustrates, "made crucial policy decisions" that addressed crucial issues raised by the Civil War.<sup>40</sup> That the Bureau adhered to policies established by the Army during the war is not surprising considering it staffed its agency from the ranks of the Army's officer corps. As Freedmen's Bureau agents, military authorities continued to influence federal Reconstruction through the understanding of policy objectives, defining the limits of black freedom and the transformation in Southern society and economy at the local level.<sup>41</sup>

Wartime rebuilding of civil administration in Union-occupied counties and towns throughout the South was attended by confusion and less than satisfactory results. This resulted largely from the president's determination to restore states to the Union quickly, before Union military forces had subdued the entire state or its population. Lincoln had several reasons for pursuing this policy. His attention focused on Louisiana. After an aborted attempt to draft a new state constitution and hold elections earlier in the year,

Lincoln promulgated his “Proclamation of Amnesty and Reconstruction,” better known as the “10-percent plan,” in December 1863. In it, the president offered amnesty to all Confederates except high-ranking civil and military officeholders after they had sworn an oath of future loyalty to the United States and agreed to accept the results of the war’s impact on slavery. Once the number taking the oath reached ten percent of voters who cast ballots in the 1860 presidential election a loyal state government could be formed and upon the abolition of slavery the president would consider the state reconstructed. He hoped that resurrecting civil administration in Louisiana under Banks’s direction would demonstrate to his critics that he was prosecuting the war successfully and that his Reconstruction program was viable. He also believed that his lenient conditions might also potentially shorten the war by encouraging other states to leave the Confederacy to rejoin the Union. Louisiana voters ratified the new constitution on 5 September but the Army continued to run a military government. Later that fall, however, after Lincoln’s victory in the presidential election became evident, Congress neglected to count Louisiana’s electoral votes, casting doubt on the new government’s status. In February 1865, Congress resolved the state’s uncertain status by refusing to seat its elected representatives.<sup>42</sup>

After pulling out of their entrenchments around Richmond and Petersburg in search of food, Lee’s Army of Northern Virginia gave into defeat on 9 April 1865. The dignified Confederate general rejected the idea that his army disband and take to the hills to carry on the war as guerrillas. With the plight of Missouri possibly in mind, Lee rejected the notion fearing the devolution of his beloved Army of Northern Virginia into

“band of marauders” who would invite Union cavalry to lay waste to previously unscathed sections of Virginia. Lee recognized that the end was near and feared the repercussions of carrying on the war with irregular troops. “We would bring on a state of affairs it would take the country years to recover from.”<sup>43</sup> Instead he sent a message to General Grant offering to surrender. Grant dictated lenient terms. He paroled Lee’s entire army, allowed anyone who owned a horse presently in service to the Confederacy to take it home, and allowed officers to retain their sidearms to spare them “an unnecessary humiliation.” “This done,” Grant wrote into the peace agreement, “each officer and man will be allowed to return to their homes not to be disturbed by United State Authority so long as they observe their parole and the laws in force where they may reside.”<sup>44</sup> The general had promised them blanket protection against prosecution for treason and provided a model for the surrender terms of other Confederate armies.<sup>45</sup>

Confederate surrender in 1865 left the United States with a number of important precedents for Reconstruction that, taken together, did not constitute a unified plan of Reconstruction. In fact, the Civil War left many of the questions raised by Southern secession unanswered. President Lincoln’s wartime regimes established in Arkansas, Louisiana, Tennessee, and Virginia remained in place, but the president’s assassination ensured that the task of reuniting the Union would pass to his successor, former military governor of Tennessee Andrew Johnson. Johnson’s handling of Reconstruction in his home state and his tough talk on punishing traitors encouraged congressional Republicans to believe that power had devolved upon the appropriate person who would pursue a satisfactorily punitive policy for the defeated South and not simply restore them

to the Union as many assumed Lincoln would do. In 1865, Congress appeared willing to follow Johnson's leadership on Reconstruction.<sup>46</sup>

The president's harsh rhetoric belied his true feelings. Johnson theorized that secession, an illegal act, had been an individual and not a state decision, explaining his desire to punish leading secessionists as traitors. Similar to his predecessor, Johnson regarded secession as unconstitutional and therefore null and void. This being the case, ex-Confederate states need only be restored to their proper standing within the Union, not reconstructed. In a May 1865 interview with General John Logan, the president argued "there is no such thing as Reconstruction ... These States have not gone out of the Union, therefore Reconstruction is unnecessary."<sup>47</sup>

Johnson's approach likely would not have encountered a great deal of opposition within the Republican party or the North in 1865. The Confederacy was defeated and many Republicans and Army commanders had reverted to the conciliation policy, regarding magnanimity as the best course to pursue in reconciling the rebels to their defeat and the changes the Civil War brought to Southern society and economy. Confederates encouraged this notion in the wake of military defeat by manifesting the appropriate attitude in their willingness to accept whatever conditions the federal government handed down. Johnson felt that Southerners embracing the war's results on their own, without any outside interference or coercion, promised to provide a solid foundation for a lasting peace. If they deviated from the appropriate course along the way, he intended to offer some personal guidance by private correspondence with local leaders to get them back on the right track. Johnson's policy might have proven

successful had Southerners recognized their obligations as the vanquished, or if the president had revised his earlier estimates in light of new evidence emerging from the former Confederacy suggesting that the South required a firmer hand. Instead, Southern violence and Johnson's unwillingness to consider other alternatives forced a showdown between the White House and Congress that spilled over onto the Army.<sup>48</sup>

In pursuance of his views on sectional restoration, Johnson recognized the four state governments established during the Civil War under Lincoln. Then on 29 May, the president announced his plan for the restoration of seven remaining rebellious states to the Union. It emerged in two proclamations. The first extended amnesty, pardon, and restored property rights, except slaves, to all Southerners who took an oath pledging future loyalty to the United States and their support for emancipation. Like Lincoln, Johnson excluded several classes of leading Confederates from taking the oath, including former U.S. officials, officeholders, and military personnel who had sworn to uphold the Constitution and then joined the Confederacy, as well as high-ranking members of the Confederate government. Johnson expanded this disqualification to include wealthy Southerners possessing \$20,000 or more in taxable property. Those excluded from taking the oath could apply to the president for pardon. The second proclamation appointed William Holden provisional governor of North Carolina, empowering him to call elections for a new state constitutional convention and stipulated that all residents qualified to vote in state in 1860 who had taken the prescribed loyalty oath be allowed to cast ballots; blacks, of course, were excluded under this provision.

Over the next several weeks, similar proclamations followed for six other ex-Confederate states.<sup>49</sup>

Throughout the remainder of the year, Unionists watched Johnson's policy unfold in the South, searching for some confirmation of its success or failure. Congressional Republicans could afford to wait and watch. The national legislature retained the authority to accept or reject any state's Congressional delegation, and readmission to Congress served as a powerful symbol, throughout the entire Reconstruction process, of a former Confederate states' formal readmission to the Union. While Radicals may have hoped for more, moderate Republicans were willing to observe and modify if necessary; many believed that some modification of the president's policy would indeed be required.<sup>50</sup>

From the outset, Johnson's program suffered from his unwillingness to forcefully impose his demands upon the Southern conventions and from the Southern delegates' apparent lack of awareness of feelings outside of their own section. Johnson's minimal suggestions often went unheeded as conventioners worked to curtail the impact of military defeat and emancipation upon Southern society and customs. The Mississippi convention was the first to meet under Johnson's proclamations and the president anticipated that it would "set an example that will be followed by all the states."<sup>51</sup> It certainly did. Towards the end of 1865, Mississippi and South Carolina provided examples in truculence for the other former Confederate states to follow. In many former Confederate states, conventioners refused to repudiate the state's war debt and passed strict ordinances, or Black Codes, designed to restrict African Americans'

freedom of movement and ability to seek employment off the plantation. The final straw came when several states elected prominent former Confederates to Congress; Georgia voters elected former Confederate vice president Alexander Stephens to the Senate.<sup>52</sup>

The results of these constitutional conventions and self-Reconstruction caused a collective shudder in the North. Deeply disturbed by these demonstrations of Southern recalcitrance, indicating that Confederate malignancy had indeed survived the war, some Northerners began to express reservations over presidential policy and questioned whether their wartime sacrifices had been in vain. Congressional Republicans understood their constituents concerns and returned to Washington in December 1865 determined to protect Union victory through legislation. Most congressmen remained determined to work with the president rather than assume complete control over the reunion process.

A Republican Senator from Massachusetts and prominent Radical, Charles Sumner met privately with the president before Congress reconvened. In the interview he challenged Johnson to recognize the inherent weaknesses of his program, considering it permitted recently rebellious Southerners, men the president himself had once characterized as traitors, to determine for themselves the conditions of their military defeat that they were willing to accept. Johnson, revealing his stubbornness, refused to budge, causing Sumner to accuse the president of throwing “away the fruits of the victories of the Union army.”<sup>53</sup> As previously stated, individuals determined for themselves what constituted a “fruit of victory.” Radicals like Sumner regarded anything less than black suffrage a sacrifice. On the other hand, most moderate and

conservative Republicans, reflecting the dominant attitude in the North, did not require voting rights for African-American males. At minimum, they expected Southerners to show remorse by repudiating the Confederate war debt, renouncing secession, and allowing African Americans a level of equality before the law. Johnson failed to offer this and many Republicans anticipated legislation to protect blacks. Johnson may have refused to concede anything to Sumner, but clearly the president was not satisfied with the South's actions either. As evidence of this, he chose to keep some of his appointed provisional governors in place although new governors had been elected, and he maintained the Army on occupation duty throughout the South, though military demobilization continued.<sup>54</sup>

The 1st session of the 39th Congress wasted little time in casting its judgment on presidential policy, refusing to admit the elected representatives and senators from eleven former Confederate states. Most congressional Republicans refused to assume complete control over Reconstruction, preferring instead to work with the president in developing legislation to better protect former slaves. Towards that end, Congress established the Joint Committee on Reconstruction, composed of nine representatives and six senators, to hear testimony on conditions in the South and frame legislative proposals for Reconstruction. Moderate Republicans constituted the majority of members, reflecting congressional Republicans' desire to reach some accommodation with Johnson on his policy. The committee held extensive hearings, taking testimony from Army officers, Freedmen's Bureau agents, Southern Unionists, and Southern blacks, most of whom attested to the dominance of Confederate pride that had swept

across the South after the president announced his restoration plan, leading to renewed hostility and violence.<sup>55</sup>

While the Joint Committee labored to develop a constitutional amendment capable of satisfying competing Republican agendas, Senate Judiciary Committee chairman Lyman Trumbull of Illinois drafted two bills designed to protect blacks from violence and intimidation, as well as counteract the more reprehensible aspects of the Black Codes. Trumbull's first bill extended the life of the Freedmen's Bureau, expanded its legal authority to intervene in cases where local authorities discriminated against blacks, and authorized the creation of freedpersons' schools. The second bill defined blacks' civil rights and granted U.S. courts appellate jurisdiction over discriminatory cases. Both measures passed with nearly unanimous Republican support. Johnson's decision to veto these measures created the first fissures between Johnson and congressional Republicans on Reconstruction, divisions that widened and deepened throughout the remainder of his administration. Most congressmen believed Trumbull's bills provided essential protections for Southern blacks that guaranteed Union efforts on behalf of former slaves would not be forsaken. On 9 April, Congress overrode the presidential veto on the Civil Rights Act, defining African Americans as U.S. citizens and guaranteeing them the right to own or rent property, make and enforce contracts, have access to courts as parties and witnesses, and enjoy "full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by white citizens."<sup>56</sup> Likewise, the Freedmen's Bureau extension law, after some debate and modification, passed over the president's veto on 16 July.<sup>57</sup>

Southern reaction to Johnson's vetoes convinced congressional Republicans that guarantees of black citizenship and civil rights protections needed to be written into the Constitution to protect them from presidential vetoes and shifting political majorities in Congress. By 1867, most Republicans regarded black citizenship as one of the fruits of Northern victory and sought to protect it. The amendment, drafted by the Joint Committee on Reconstruction, reached the states for ratification on 13 June. The 14th Amendment fixed black citizenship in the Constitution, identifying all persons born or naturalized in the U.S. as citizens and prohibiting states from depriving citizens of life, liberty, or property without due process, and providing for equal protection under the law regardless of race or previous condition. States retained the right to determine suffrage eligibility, but faced reduction in congressional representation in proportion to the number of white male citizens disqualified. Federal and state officers who had sworn an oath to uphold the Constitution and then violated that oath by engaging in rebellion were disfranchised and barred from holding office. Finally, the 14th Amendment empowered Congress to enforce the Constitution by "appropriate legislation."<sup>58</sup>

The 14th Amendment represented Congress's effort to correct the wrongs committed under presidential restoration. As such, it served as the Republican platform for the fall 1866 mid-term elections, which developed into a Northern referendum on Reconstruction. The amendment offered former Confederate states one last opportunity to voluntarily rejoin the Union. The Tennessee congressional delegation was admitted promptly upon ratification in July. Ten of the remaining former Confederate states

rejected the amendment.<sup>59</sup> By the time Congress adjourned in July 1866, it had accomplished a great deal to protect Southern blacks from discrimination and offered Southern states a way back into the Union.<sup>60</sup> Adjournment, however, suspended congressional oversight of Reconstruction until the next session of Congress convened in December. In doing so, Congress entrusted carrying out Reconstruction policy to the Army, placing military commanders in the difficult position of trying to protect the “fruits of victory” against the commander in chief’s interference.

Throughout 1866, high-ranking Army officers, particularly General Grant, grew increasingly convinced that ex-Confederates holding civil offices posed a significant threat to Reconstruction. The last thing Union veterans wanted to see was their enemies back in public office wielding power that enabled them to persecute and punish federal allies in the South. Unable to intervene directly in civil affairs on their own volition now that civil government functioned, military authorities were forced to stand by and watch as unreconstructed rebels used violence and intimidation to reaffirm white supremacy and the states’ rights doctrine. Perhaps more than any other factors, the Memphis and New Orleans race riots discredited presidential Reconstruction in the public eye. These conflagrations, in which Confederates attacked and murdered black veterans and their families in Memphis and blacks and white loyalists in New Orleans, in both cases with the help of municipal police officers, convinced Army officers that the vanquished foe they had treated with great respect during the surrender wielded a new weapon, civil authority. For soldiers occupying the South, no greater evidence of this fact was needed

than the numerous civil cases filed in Southern courts charging Union war veterans with committing crimes against their person or property.<sup>61</sup>

While Congress formulated legislative proposals for Reconstruction, Army headquarters in Washington acted on behalf of Union soldiers and Southern blacks. On 12 January 1866, Grant issued General Orders Number 3 authorizing Southern commanders to “protect” soldiers from civil proceedings arising from actions performed under orders during the Civil War.<sup>62</sup> In addition to protecting soldiers, Grant instructed his Southern commanders to intervene when African Americans received more severe penalties than a white person for being convicted of the same offense. Sensing that former Confederate civil authorities deprived blacks of due process, the general issued another general order, number 44, on 3 July, instructing soldiers at all command levels to arrest persons charged with committing crimes against U.S. officers, agents, citizens, or inhabitants, in situations where civil authorities either would not or could not do so.<sup>63</sup>

In spite of these general orders, the Army’s ability to intervene in civil affairs was seriously limited, becoming even more so after the president declared the rebellion ended in two proclamations on 2 April and 20 August 1866. These presidential edicts deprived Congress of the ability to justify interposing its authority under its “war powers.” But Johnson’s proclamations seemed to have less impact on circumscribing what Congress could do, than in undermining Grant’s orders, which the general himself believed had been nullified by Johnson’s proclamations. The Army’s ability to enforce Reconstruction in the South became even more uncertain in December when the U.S. Supreme Court issued its decision in *ex parte Milligan*. The majority opinion held that

“Martial law can never exist when the courts are open, and in the proper and unobstructed exercise of their jurisdiction.” This decision cast serious doubt on the Army’s ability to protect blacks and Unionists and enforce federal Reconstruction laws.<sup>64</sup>

As many officers became aware during the Civil War, military service in support of maintaining the Union, whether in time of war or peace, was distinctly political. While wrangling with Congress to control Reconstruction, the president turned to some leading military figures to serve tacit support for his restoration policy. With midterm Congressional elections looming in November, Johnson decided to take his message to the people on the occasion of Lincoln’s interment at Springfield, Illinois. The president planned to make a whirlwind tour across the North, reminiscent of his stump-speaking days in antebellum Tennessee, to whip up public support for his program. As evidence of the Army’s central role and the credibility the North’s military heroes might lend Johnson’s policy, the president brought along a military entourage that included Grant, and a collection of major generals consisting of George Stoneman, James Steedman, George Custer, and Lovell Rousseau. During this “whistle stop” tour, Johnson disgraced himself, the presidency, and his entourage with his acerbic characterizations of congressional Republicans and his willingness to engage hecklers in the crowds, causing Grant especially to dissociate himself from the president’s policy. In defending his lenient policy toward the former rebellious states, Johnson reminded audiences that Jesus Christ forgave men for their sins and did not condemn them. In a statement that must have repulsed citizens and veterans who already had sacrificed so much, Johnson

drew another analogy between his and Jesus' sacrifice, stating: "If more blood is needed, erect an altar, and upon it your humble speaker will pour out the last drop of his blood as a libation for his country's salvation."<sup>65</sup>

The 1866 midterm congressional election demonstrated how thoroughly discredited Johnson's policy had become in the eyes of most Northerners. Republicans swept to victory, possessing a significant majority in both houses of Congress and the confidence that they could comfortably override presidential vetoes. When the 40th Congress reconvened in December 1866, congressional Republicans had given up all hope of compromise with the president and were prepared to assume full control over Reconstruction. Regarding self-Reconstruction in the South a complete failure, Congressional Republicans resolved to start over by dictating new terms for readmission. On 2 March 1867, Congress passed the first of three Reconstruction Acts that dictated former Confederate states' path toward readmission and placed the Army in charge of supervising the process. This act declared the governments established under Johnson provisional, divided the South into five military districts under the command of a major general, made the Army responsible for protecting personal and property rights, suppressing insurrection, disorder and violence, authorized military authorities to ensure criminal acts were tried in civil court or by military commission, and curtailed ability to use habeas corpus to gain a prisoner's release from military custody. Once a state drafted and approved a new constitution acceptable to Congress, and ratified the 14th Amendment, military government would cease and the state would resume its normal

relations with the Union. Until the completion of this process, the Johnson governments remained subject to military supervision and intervention.<sup>66</sup>

Having placed the Army in control of its Reconstruction policy, Congress moved to insulate that institution from presidential interference by restricting Johnson's prerogatives as commander in chief. The Army Appropriations Act for 1867 permanently fixed the general in chief's headquarters in Washington and required that all orders emanating from the president and secretary of war be passed through the general in chief's office before going out to the Army. The act also disbanded all existing state militia organizations. Johnson signed the measure but issued a written protest to Congress. Next, congressional Republicans turned their attention to federal patronage and possibly even safeguarding Cabinet officials in the Tenure of Office Act, requiring the president to gain Senate consent in removing executive appointees that had been confirmed by that body.<sup>67</sup>

Congress had established the general framework of its restoration policy, but neglected to include essential details that needed to be clarified in subsequent legislation. For example, since the first Reconstruction Act did not specify when or how elections for delegates to new constitutional conventions should be accomplished, the South's provisional governments dragged their feet to prolong their control of civil administration. Congress provided a remedy on 23 March in the form of a second Reconstruction Act empowering district commanders to begin voter registrations, announce elections and results, and order convention delegates to assemble.<sup>68</sup>

Congressional Reconstruction had begun, but the president continued to defy Congress by attempting to thwart legislators' original intent. Phrasing of the laws allowed for wide disparities in interpretation and commanders in the South sought clarification from Washington in determining what executive and judicial officers fell within the legislation's scope and what wartime activities constituted engaging in rebellion or "giving aid or comfort" to enemies of the United States. In response to the generals' queries, Attorney General Henry Stanbery opined that disfranchisement only applied to high-ranking state officials that had taken an oath of office, excluding most county and municipal officers, and stipulating that the "aid or comfort" given to Confederates had to be voluntary and deliberate, meaning many active Confederates would not be penalized. Finally, Stanbery argued that military registrars did not possess the authority to deny anyone from taking the loyalty oath, the only remedy being prosecution for perjury in a civil court of law. Stanbery's opinion threatened to undermine congressional Reconstruction policy. General Grant limited the impact of the attorney general's opinion by instructing his district commanders that it did not carry the force of an order and should only be viewed as a non-binding interpretation. Being made aware of another loophole that demanded closing, Congress passed the third Reconstruction Act on 19 July. The law overruled the attorney general, declaring that voter registration boards possessed authority to deny anyone the right to take the loyalty oath based on their activities during the Civil War. The act also defined as disqualified anyone in the former Confederate states who had held an office created to administer the law.

White Southern Conservative opposition to Reconstruction measures imposed by Washington and their efforts to severely circumscribe the fundamental results of the Civil War caused many non-Democratic Northern voters, congressional Republicans, and some military commanders to question the significance of wartime sacrifices. In the minds of many, Southern truculence threatened to take away the “fruits of victory.” Most Northerners agreed that the South should manifest a deferential demeanor and willingly embrace the modest provisions Republicans wanted to impose upon their defeated foe. When Conservative Southern whites refused to offer up even a modicum of remorse, threatening blacks and Unionists, demonstrating reluctance to repudiate secession or the Confederate war debt, and defiantly elected prominent Confederates to high state offices and Congress, federal demands grew. Republican Congressmen, and a small number of Democrats, sought to protect black freedoms, including their right to labor freely and to recognize African Americans as citizens and black males as voters. Many Republicans believed that the 14th and 15th Amendments would secure African Americans’ future in the South. They did not. As a result of racial terrorism perpetrated by the Ku Klux Klan and other groups, Congress passed a series of enforcement acts in 1870 and 1871 in an effort to provide greater federal oversight and protection of black rights.<sup>69</sup>

As the determined actions of the 7<sup>th</sup> Cavalry Regiment against the Ku Klux Klan in South Carolina (1871-73) and the White League in Louisiana (1874-76) demonstrated during the third phase, the Army stood at the center of Reconstruction. Military commanders in the former Confederate states played a significant role in defining the

future course of Reconstruction during the Civil War and after by molding presidential and congressional policy, modifying it to conform to local conditions and circumstances or their own personal predilections. But the size and scope of the federal military presence in the former slave states proved insufficient to force compliance with federal standards. Even if Reconstruction had consumed the bulk of military resources, however, there is little reason to assume that Reconstruction would prove satisfactory to all the groups involved, including Republicans, Democrats, former Confederates, Southern Unionists and African Americans, considering the variety of opinions and competing agendas that contributed to obtuse legislation, vague directions from Washington, and arbitrary implementation by local commanders.

## ENDNOTES

<sup>1</sup> This method of delineating phases of Army involvement in Reconstruction was adopted from several historians who have done the same in their respective works, especially Joseph G. Dawson, III, *Army Generals and Reconstruction: Louisiana, 1862-1877* (Baton Rouge: Louisiana State University Press, 1982), 3-4; Mark Grimsley, *The Hard Hand of War: Union Military Policy Toward Southern Civilians, 1861-1865* (New York: Cambridge University Press, 1995); and James E. Sefton, *The United States Army and Reconstruction, 1865-1877* (Baton Rouge: Louisiana State University Press, 1967).

<sup>2</sup> Dawson, *Army Generals*, 1.

<sup>3</sup> Stephen V. Ash, *When the Yankees Came: Conflict and Chaos in the Occupied South, 1861-1865*, Civil War America, ed. Gary W. Gallagher (Chapel Hill: University of North Carolina Press, 1995), 25-27; Grimsley, *Hard Hand of War*, 2-3; Brooks D. Simpson, *Let Us Have Peace: Ulysses S. Grant and the Politics of War and Reconstruction, 1861-1868* (Chapel Hill: University of North Carolina Press, 1991), 13; Simpson, *The Reconstruction Presidents* (Lawrence: University Press of Kansas, 1998), 12.

<sup>4</sup> Roy P. Basler, ed., *The Collected Works of Abraham Lincoln*, 9 vols. (New Brunswick, New Jersey: 1953-55), 4: 263.

<sup>5</sup> *Congressional Globe* (hereafter CG), 37th Cong., 1st sess., 22 July 1861, 222-23.

<sup>6</sup> General George B. McClellan order To the Troops of the Department of the Ohio, 26 May 1861, reprinted in Stephen W. Sears, ed., *The Civil War Papers of George B. McClellan: Selected Correspondence, 1860-1865* (New York: Ticknor & Fields, 1989), 25. Similar orders enjoining Union soldiers to respect Southern citizens' property rights, including slaves, emanated from several commands before entering the South. Ash, *Yankees Came*, 27.

<sup>7</sup> Sears, *McClellan Papers*, 26.

<sup>8</sup> David W. Blight, "They Knew What Time It Was: African Americans," in *Why the Civil War Came*, ed. Gabor S. Boritt (New York: Oxford University Press, 1996), 54-55; Joseph T. Glatthaar, "Black Glory: The African American Role in Union Victory," in *Why the Confederacy Lost*, ed. Gabor S. Boritt (New York: Oxford University Press, 1992), 145-46.

<sup>9</sup> Benjamin F. Butler, *Butler's Book: A Review of His Legal, Political, and Military Career* (Boston: A. M. Thayer & Co., 1892), 256-59; Grimsley, *Hard Hand*, 52. According to Grimsley, the Union employed three different policies toward Southern civilians and their property during the course of the war. The first of these he defines as the conciliatory policy, aimed at limiting the war's impact on Southern civilians in an effort to encourage them to voluntarily rejoin the Union. The second, the pragmatic policy, served as a bridge between conciliation and the hard war measures that characterized the final year of the conflict. Butler's "contraband of war" order, according to Grimsley, is an "exemplar" of the pragmatic policy. At no time did any one of these concretely govern army actions. Traces of all three policies can be detected throughout the Civil War.

---

<sup>10</sup> John Eaton, *Grant, Lincoln and the Freedmen: Reminiscences of the Civil War* (New York: Longmans, Green, and Co., 1907; reprint, New York: Negro Universities Press, 1969), 11.

<sup>11</sup> Congress passed the first Confiscation Act by a strict party-line vote only two weeks after unanimously adopting the Crittenden-Johnson resolution. In the summer of 1861, federal authorities already found it necessary to reevaluate Union war policy and what was needed to achieve military victory and preserve the Union. According to historian James M. McPherson, this policy reevaluation occurred after Confederates routed Federal forces at Bull Run, an “important catalyst” that changed Republican attitudes toward war policy and encouraged abolitionists to speak out in favor of embracing emancipation as a war measure. James M. McPherson, *Battle Cry of Freedom: The Civil War Era*, Oxford History of the United States, ed. C. Vann Woodward (New York: Oxford University Press, 1988), 354.

<sup>12</sup> Eaton, *Grant, Lincoln and the Freedmen*, 48.

<sup>13</sup> Basler, ed., *Works of Lincoln*, 5: 48-49.

<sup>14</sup> War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (hereafter *OR*), 70 vols. (Washington, D.C.: Government Printing Office, 1880-1901), 3: 466-67; Basler, ed., *Works of Lincoln*, 4: 506, 517-18.

<sup>15</sup> McPherson, *Battle Cry*, 357-8; Allan Nevins, *Fremont: Pathmarker of the West* (New York: Longmans, Green and Co., 1955), 500-1, 505; Andrew Rolle, *John Charles Fremont: Character as Destiny* (Norman: University of Oklahoma Press, 1991), 205-6. For an excellent analysis of the actions undertaken by Butler, Fremont, and Cameron and their impact of Union strategy formation see, Russell Weigley, *A Great Civil War: A Military and Political History, 1861-1865* (Bloomington: Indiana University Press, 2000), 85-90.

<sup>16</sup> Ash, *Yankees Came*, 34.

<sup>17</sup> *CG*, 37th Cong, 2d sess., 14 January 1862, 327-32.

<sup>18</sup> John Y. Simon, ed., *Papers of Ulysses S. Grant*, 28 vols. (Carbondale: Southern Illinois University Press, 1967- ), 4: 270; Grimsley, *Hard Hand of War*, 39-43; Simpson, *Let Us Have Peace*, 21-22.

<sup>19</sup> *Statutes at Large*, 37th Cong., 2d sess., 589-92, 597; War Resolution 102, 13 March 1862, *OR*, 1: 810.

<sup>20</sup> McPherson, *Battle Cry*, 499, 503.

<sup>21</sup> Basler, ed., *Works of Lincoln*, 5: 219, 222-23.

<sup>22</sup> McPherson, *Battle Cry*, 501.

<sup>23</sup> *Ibid.*, 557.

<sup>24</sup> Major General George B. McClellan to President Abraham Lincoln, 7 July 1862, in Sears, *McClellan Papers*, 344-45.

<sup>25</sup> Lincoln to Horace Greeley, editor of the *New York Tribune*, 22 August 1862, reprinted in Basler, ed., *Works of Lincoln*, 5: 388-89.

<sup>26</sup> Weigley, *Great Civil War*, 292-93, 320; McPherson, *Battle Cry*, 793-95; Simpson, *Let Us Have Peace*, 58.

---

<sup>27</sup> Ash, *Yankees Came*, 47-50; James M. McPherson, *For Cause and Comrades: Why Men Fought in the Civil War* (New York: Oxford University Press, 1997), 117-30.

<sup>28</sup> McClellan to Lincoln, 7 October 1862, containing Army of the Potomac, General Orders Number 163, reprinted in *OR*, 19: 395-6.

<sup>29</sup> General Henry Halleck to General Ulysses Grant, 31 March 1863, reprinted in *OR*, 24: 157.

<sup>30</sup> McPherson, *Cause and Comrades*, 119.

<sup>31</sup> Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: Harper & Row, Pub., 1988), 3.

<sup>32</sup> Grimsley, *Hard Hand*, 35; Simpson, *Let Us Have Peace*, 30-31.

<sup>33</sup> General William T. Sherman to U.S. Senator John Sherman, 3 September 1862, reprinted in Brooks D. Simpson, ed., *Sherman's Civil War: Selected Correspondence of William T. Sherman, 1861-1865* (Chapel Hill: University of North Carolina Press, 1999), 303.

<sup>34</sup> Ulysses S. Grant, *Personal Memoirs of U.S. Grant*, 2 vols. (New York: Century Co., 1895), 1: 353-54; Simpson, *Let Us Have Peace*, 29-36.

<sup>35</sup> Eaton, *Grant, Lincoln and the Freedmen*, 3; Grant, *Personal Memoirs*, 1: 353-54.

<sup>36</sup> Eaton, *Grant, Lincoln and the Freedmen*, 3, 5; Simpson, *Let Us Have Peace*, 29-36.

<sup>37</sup> Foner, *Reconstruction*, 55-56; Dawson, *Army Generals*, 14; Ted Tunnell, *Crucible of Reconstruction: War, Radicalism, and Race in Louisiana, 1862-1877* (Baton Rouge: Louisiana State University Press, 1984), 84-85.

<sup>38</sup> Foner, *Reconstruction*, 57-58.

<sup>39</sup> *Ibid.*, 58.

<sup>40</sup> *Ibid.*, 60.

<sup>41</sup> Some historians blame the Union Army for limiting postwar alternatives in labor organization and land distribution. This is an unfair assertion since federal military policies toward former slaves were devised to meet wartime exigencies. If they, in fact, circumscribed postwar alternatives the blame lies elsewhere. Presidents Lincoln, Johnson, Grant and Hayes and Congress were free to accept or reject wartime precedents as they saw fit. That they did not reveals that the programs Army commanders pursued met with the approval of most of their civilian superiors. For examples of the negative portrayal of wartime military policy on postwar alternatives see, Louis S. Gerteis, *From Contraband to Freedmen: Federal Policy Toward Southern Blacks, 1861-1865* (Westport, CT: Greenwood Press, 1973); Peter C. Ripley, *Slaves and Freedmen in Civil War Louisiana* (Baton Rouge: Louisiana State University Press, 1976); Leon F. Litwack, *Been in the Storm So Long: The Aftermath of Slavery* (New York: Alfred A. Knopf, Pub., 1979).

<sup>42</sup> Dawson, *Army Generals*, 16-21.

<sup>43</sup> Lee quoted in McPherson, *Battle Cry*, 848.

<sup>44</sup> Grant quoted in Simpson, *Let Us Have Peace*, 84.

<sup>45</sup> McPherson, *Battle Cry*, 849.

<sup>46</sup> Foner, 178-82; Simpson, *Reconstruction Presidents*, 67.

---

<sup>47</sup> President Andrew Johnson interview with General John A. Logan, 31 May 1865, Paul H. Bergeron, ed., *The Papers of Andrew Johnson*, 16 vols. (Knoxville: University of Tennessee Press, 1967- ), 8: 153-54.

<sup>48</sup> Bergeron, ed., *Johnson Papers*, 8: 154. According to the president, the “doctrine of coercion” had been vindicated and it was now up to him, as the nation’s chief executive, “to see that the will of the people is carried out in the rehabilitation of these rebellious States.” The need to coerce the South, in Johnson’s opinion, ended with Union victory. Now the ex-Confederate states need be treated with compassion and leniency in resuming their normal relations within the Union. See also, Simpson, *Reconstruction Presidents*, 69 and Foner, *Reconstruction*, 179.

<sup>49</sup> Foner, *Reconstruction*, 181-84; Dan T., Carter, *When the War Was Over: The Failure of Self-Reconstruction in the South, 1865-1867* (Baton Rouge: Louisiana State University Press, 1985), 24-29..

<sup>50</sup> Foner, 216-24; Carter, *When the War Was Over*, 55-60.

<sup>51</sup> Quote appears in Simpson, *Reconstruction Presidents*, 80.

<sup>52</sup> *Ibid.*, 79-89; Carter, *When the War Was Over*, 63-95.

<sup>53</sup> Quoted in David H. Donald, *Charles Sumner and the Rights of Man* (New York: Alfred A. Knopf, 1970), 237-38.

<sup>54</sup> Simpson, *Reconstruction Presidents*, 85, 89.

<sup>55</sup> Foner, *Reconstruction*, 228, 238-39; Sefton, *Army and Reconstruction*, 60-63.

<sup>56</sup> *Statutes at Large*, 39th Cong., 1st sess, 27-29.

<sup>57</sup> Foner, *Reconstruction*, 243-51.

<sup>58</sup> *Ibid.*, 251-61.

<sup>59</sup> *Ibid.*, 251-58. The 14<sup>th</sup> Amendment revealed that Congressional Republicans envisioned Reconstruction as a temporary process, and underscored their determination to uphold legal equality through established civil institutions, specifically the federal court system, and not by lengthy military occupation or new federal bureaucracies.

<sup>60</sup> Sefton, *Army and Reconstruction*, 76.

<sup>61</sup> *Ibid.*, 67-71.

<sup>62</sup> Soldiers received some protection from civil suits under the Habeas Corpus Act of 1863 and a similar 1866 act of Congress. Both provided protection for soldiers from prosecution or civil suit for actions done under orders, requiring it be proved in court that soldiers did not act under orders. General Orders Number 3 provided greater protection by enabling commanders to interpret “protection” as broadly granting them authority to halt civil proceedings involving soldiers altogether.

<sup>63</sup> Sefton, *Army and Reconstruction*, 73.

<sup>64</sup> *Ibid.*, 74-75.

<sup>65</sup> Eric L. McKittrick, *Andrew Johnson and Reconstruction* (Chicago: University of Chicago Press, 1960), 428-38.

<sup>66</sup> Foner, *Reconstruction*, 263-69; Sefton, *Army and Reconstruction*, 109-13.

<sup>67</sup> Simpson, *Reconstruction Presidents*, 112-13.

<sup>68</sup> *Ibid.*, 116-17.

---

<sup>69</sup> Allen Trelease, *White Terror: The Ku Klux Klan Conspiracy and Southern Reconstruction* (New York: Harper & Row, Pub., 1971), 385-87.

### CHAPTER III

#### THE POLITICS OF MILITARY INTERVENTION

Between October 1870 and May 1871, the Ku Klux Klan and other white supremacist organizations unleashed a campaign of terror across parts of the former Confederate states that exceeded in scale, scope, and brutality many earlier outbreaks of anti-Reconstruction violence. These events indicated to some Republicans an alarming reversal of course in the Reconstruction process, begun under congressional direction in 1867 and believed by many Americans to be completed with the acceptance of the former Confederate states' senators and representatives to Congress by 1871. The Ku Klux Klan perpetrated politically-motivated atrocities against Southern Republicans, party organizations, and government institutions. Victims of this violence quickly discovered that local and state authorities, both Democrat and Republican, either could not or would not protect them. Increasingly they sought assistance from U.S. officials, urgently demanding the interposition of federal authority to uphold constitutional guarantees to life, property, and freedom from persecution. Federal agents responded slowly to these appeals, at first, as many Northern Republicans demonstrated a reluctance to embrace military measures to bolster the South's Reconstruction governments. The failure of government at all levels to intervene contributed to the escalation of Ku Klux terror throughout the winter of 1870 and 1871. Finally, in March, President Ulysses Grant's belated assertion of party leadership caused congressional Republicans to pass legislation designed to break Klan resistance by providing the

president with the legal and constitutional latitude required to aggressively employ federal military force to eradicate Southern Kukluxism.<sup>1</sup>

The tipping point arrived on 4 March, an important, often overshadowed date in the history of Reconstruction. On this day, three separate but convergent events placed federal policymakers on the path toward resuming direct military intervention in Southern civil affairs. Once again, Washington Republicans turned to the U.S. Army, to guide Reconstruction toward a successful conclusion. First, in Meridian, Mississippi, weeks of accumulating racial tensions exploded into racial rioting when a murderous outbreak of gunfire in a municipal courtroom sparked a pogrom against the city's black community. Second, the 1st session of the 42d Congress convened on Capitol Hill, beginning deliberations that resulted in the most powerful and controversial in a series of federal enforcement laws designed to forcibly extract the white South's obedience to the Reconstruction amendments. Third, determined to end the spate of Southern outrages and bring the perpetrators to justice, President Grant transferred two complete Army regiments to the Department of the South, raising troop strength in the former slave states for the first time since congressional Reconstruction began in 1867. Several months of surging Ku Klux terror, including brazen assaults against local, state, and federal civil institutions, combined with Southern states' inability or unwillingness to take action to stop it, brought about this substantial federal commitment to enforce Reconstruction reforms and bring an end to postwar turbulence in the South.<sup>2</sup>

The character of Southern white terror had clearly changed by the autumn of 1870. Typically, Ku Klux terror followed the election cycle, gaining in intensity up until

the day voters cast their ballots and subsiding quickly thereafter. During this particular season, however, Southern lawlessness departed from the norm when attacks began after the election and gathered momentum with every failure by government officials to check its advance. By the beginning of 1871, the number of brutal beatings, whippings, rapes, and murders climbed into the hundreds and white supremacists began to seek out more substantial targets, attacking the officers and institutions that symbolized Republican political dominance at the local level. This wave of terror paralyzed many Republican governments and was completely ignored by Democrats. As a result, Southern state governments completely failed to stop the rising tide of violence and proved woefully incapable of preventing the complete break down of law and order in Ku Klux Klan infested areas.<sup>3</sup>

The Reconstruction-era Ku Klux Klan lacked an overarching organizational hierarchy, which allowed dens to operate independently in pursuit of their own peculiar agendas. In general, however, Kukluxism sought to achieve one broadly defined political objective, “redemption,” the process of replacing Republican officeholders with native-born, white Democrats. No matter what form it assumed, white terror aimed to achieve this singular goal by intimidating, persecuting, and disfranchising Republican voters, disrupting grass-roots Republican party organizations, and driving Republicans out of public office. By using violence to thoroughly discredit the viability of Southern Republicanism, Klansmen intended to demonstrate the impotency of the Reconstruction governments, undermine federal and Northern resolve to sustain them, and allow for the reassertion of white supremacy through a rejuvenated Democratic party. In short, Klan

violence was geared towards resurrecting white Conservative “home rule” and reaffirming black subservience in all facets of Southern life. What made the Klan’s terror campaign in late 1870 and early 1871 unique was not its final objective, but the sudden urgency Klansmen displayed in attempting to achieve these ends quickly through extraordinarily aggressive acts of violence that carried with them the threat of provoking a strong federal reaction, an outcome that Southern reactionaries previously tried to avoid.<sup>4</sup>

The Ku Klux Klan’s campaign of terror proved most severe in South Carolina. Not surprisingly, the Palmetto State garnered the lion’s share of popular attention and federal scrutiny by 1871. The Ku Klux violence that raged throughout the state’s Upcountry counties began in Laurens County one day after the election. The violent outbreak capped off an intense political campaign season throughout the region that frequently pitted white Conservatives against the state’s black militia for control of the African-American vote. Rumors of white supremacists’ plotting to attack the Laurens militia company gained enough credibility that Army authorities dispatched a squad of U.S. infantry to the county seat of Laurensville to guarantee a free and fair election. The soldiers departed once the polls closed and the next day, 20 October, an altercation between a state constable and a white resident served the pretext for an all out assault by Upcountry white supremacists on Laurens Republicans. As word of the brewing battle spread, hundreds of area whites poured into town spoiling for a fight. After driving the part of the hastily-assembled militia from Laurensville the white mob distributed rifles from the state arsenal, placed pickets on the roads, formed themselves into companies,

and scoured the countryside looking for leading Republicans. By the following morning, as many as 2,500 armed whites controlled the county seat and nine prominent white and black Republicans lay brutally murdered, including a constable, a probate judge, and a state legislator. Governor Robert K. Scott, an Ohio carpetbagger, Union veteran, and former Freedmen's Bureau agent for the state, ordered the insurgents to return all state firearms to the capital and disperse in a proclamation declaring martial law in Laurens and its adjoining counties. Having disarmed the local militia and with county law enforcement clearly overcome, the governor lacked any effective means to enforce his proclamation. His actions only served to embolden government opponents throughout the Upcountry.<sup>5</sup>

The Ku Klux Klan insurgency blossomed in these counties throughout the winter and the state militia bore the brunt of this white violence designed to destroy the military arm of South Carolina's Republican government.<sup>6</sup> In late December, Union County whites arrested twelve black militiamen accused of murdering a disabled Confederate veteran and illicit whiskey distributor named Mat Stevens. On 4 January, the first of two raids on the county jail occurred in Unionville. In the first assault, 30 or 40 masked vigilantes, believed to be Klansmen, broke into the jail, removed five of Stevens' alleged killers, and attempted a summary execution, shooting them in a field outside of town. Three survived to be placed back in jail the next day. When state district court judge William M. Thomas learned of this brazen attack he issued a writ of habeas corpus ordering the prisoners' transfer to the state capital for safe confinement while they awaited trial. Thomas's writ fueled Upcountry Conservatives' suspicion that Governor

Scott intended to pardon the militiamen. Uncertain of the document's authenticity or legality, Union County's recently-elected Republican sheriff, Philip Dunn, consulted with his deputy, Democrat and local planter "Major" B. H. Rice, and several prominent local lawyers, including reputed Ku Klux grand secretary Robert W. Shand, to determine whether or not to comply with the judicial order. In pursuing this course, the sheriff, unwittingly or otherwise, consigned his prisoners to death at the hands of the Ku Klux Klan. Dunn's impromptu conference caused his prisoners to miss the last train of the week bound for Columbia, forcing them to remain in Unionville through the weekend. This delay, combined with the writ's becoming public knowledge as a result of the sheriff's consultation with local citizens, allowed Klansmen the opportunity to prepare one final assault on the county jail.<sup>7</sup>

Early on the morning of Monday, 13 February, between 300 and 800 Ku Klux Klansmen from several Upcountry counties and North Carolina joined in another raid on the Union County jail, seizing all ten of Stevens' alleged murderers. The Republican members of the congressional subcommittee that investigated the incident several months later found it incredulous that no one noticed this large force of masked men on horseback enter town or made any effort to impede them. When it came to locating the bodies the next morning, however, area residents dutifully turned out to conduct a thorough search and found eight corpses either lynched or riddled with bullets; two remained missing. This raid represented the largest Klan assault perpetrated in South Carolina during Reconstruction and indicated to many observers the existence of a thoroughly organized and disciplined conspiracy dedicated to subverting Republican

government in the Upcountry counties. The level of impunity demonstrated by these raids revealed the danger the state government faced if it continued to allow Kukluxism to go unpunished. By this time, however, effective state action had been significantly diminished by the rampant Ku Klux raids that disarmed and demoralized many militia companies and cowed local law enforcement.<sup>8</sup>

South Carolina Conservatives seized on these events to claim that the lawlessness in their state resulted from Republican misgovernment and corruption, not opposition to Reconstruction. Once Republican misrule was overturned, they argued, order would be restored. The experience of Southern Republicans living in Democratic controlled states, like Kentucky and Tennessee, however, belied the veracity of these assertions. By 1870 and 1871, Southern Republicans who lived under Democratic governance complained bitterly of their “wretched condition.” In Kentucky, where the Republican party never gained a foothold, stability did not naturally flow from Conservative control of public office. The terror the Bluegrass Klan visited upon African Americans rivaled that perpetrated in the Deep South, with the additional detriment that victims received absolutely no redress of their grievances from civil authorities now that “soldiers of the late rebels armies” had returned to political office. In a memorial to Congress, black Kentuckians accused the state’s Democratic legislators of “overthrowing all those rights which are the primary basis and object of the Government, which are expressly guaranteed to us by the Constitution.”<sup>9</sup>

Events in Kentucky revealed that redemption did not stop widespread lawlessness but refocused Ku Klux attention on whatever vestiges of Republican

influence remained, particularly federal officeholders, and heightened Klansmen's feelings of invincibility. In one highly publicized incident, a group of Klansmen assaulted African-American U.S. postal agent William H. Gibson on 26 January as he worked the mails on the Louisville and Lexington line nine miles from the state capital of Frankfort. The masked men threatened to kill Gibson if he did not quit his job. In Washington, Postmaster General John A. J. Creswell refused to submit to Ku Klux intimidation and had a detail of ten U.S. soldiers assigned to protect his black postman. He also issued a circular to all postmasters along the route ordering them to protect their workers or face suspension of the mail. When Creswell learned that local Klansmen planned to attack the mail car with sufficient force to "clean out the agent and his bodyguard" he immediately stopped mail service between Kentucky's two principle cities, Frankfort and the commercial entrepot of Louisville. Unfortunately, this action failed to encourage the state's Democratic government to take action to curb Klan abuses and mail service remained suspended for several weeks before federal authorities finally submitted to public pressure and restarted the mails.<sup>10</sup> This episode provoked the *New York Tribune's* editor to muse: "Is the war over, when the [federal] Government is powerless to protect its communications between the capital and the commercial metropolis of a great central State?"<sup>11</sup>

Nearly a month passed before Kentucky's Ku Klux Klan made another effort to subvert federal authority. An all-white jury's refusal to indict a white man, Thomas Scroggins, for killing an African American precipitated the incident. The U.S. attorney's office deemed the evidence in the case sufficient to try Scroggins for the

slaying and a deputy marshal arrested him for violating the victim's civil rights, by killing him, under the Enforcement Act of 1870. State law prohibited blacks from testifying against whites in court and the Kentucky Klan refused to allow Scroggins to be tried before a U.S. judge and jury on African-American testimony. Early on the morning of 25 February, a large group of Klansmen forcibly freed Scroggins from jail. The incident shocked many observers, including some state Conservatives.<sup>12</sup> The pro-Democrat *Louisville Courier Journal* believed the incident possessed "sinister importance" its having been perpetrated with "utter contempt" for and "insulting defiance" of the state government. Clearly concerned with nationwide impressions of his state, the editor called upon the Democratic legislature not to adjourn "without some assertion of the dignity and efficiency of our local government."<sup>13</sup> Meanwhile, the governor and legislators refused to budge, leading some of Frankfort's besieged black residents to exclaim exasperatingly in a memorial to Congress, "how long is this state of things to last!"<sup>14</sup>

With Southern affairs already spinning out of control in early 1871, the racial riot that erupted in Meridian, Mississippi on 4 March served the coup de grace to the status quo of federal inaction, state impotency, and Klan invincibility. Western Alabama's Ku Klux laid the foundation for the riot the previous fall by driving black laborers from area plantations after they brought in the harvest. Many decided to quit the state, seeking refuge Mississippi, especially congregating in and around nearby Meridian. Ironically, when the spring planting season arrived Alabama landowners experienced crippling labor shortages causing the Ku Klux Klan to reverse course and encourage black field

hands to return to their state. When the workers rebuffed friendly overtures, armed bands of white “border ruffians” crossed into Mississippi to force them back to the plantation. For several weeks, Meridian’s native African-American community endured indiscriminate kidnappings and abuse, leading the city’s white Republican mayor, William Sturges, to apply to fellow Republican Governor William L. Alcorn for military assistance. The mayor received his contingent of U.S. troops but only for a few days, not nearly long enough to permanently discourage the white supremacists. Under pressure to protect his constituents, Sturges advised them to take up arms and defend themselves.

With the mayor’s encouragement, Meridian’s blacks took to the streets, holding frequent nighttime rallies intended to demonstrate their resolve to resist white terror, by force if necessary. These meetings became occasions for vituperative speeches and expressions of black militancy, arousing white fears and further straining the city’s already tense racial atmosphere. The situation came to a head when a fire erupted in a store owned by the mayor and his two brothers, causing rally attendants who helped suppress the blaze to make intemperate remarks regarding the future security of Conservative-owned property in the city. After that, white Meridians prevailed upon Sheriff Robert J. Mosely, a Confederate veteran, to arrest three black leaders who spoke at the rally, state legislator J. Aaron Moore, local school teacher Warne Tyler, and William Dennis, on charges of making incendiary speeches and disturbing the peace. During preliminary arraignment proceedings on 4 March, Tyler objected to the testimony proffered by an ill-reputed white man, Jim Brantley, which caused a flurry of

gunfire in the courtroom that killed one of the black defendants as well as white municipal Justice of the Peace William Bramlette. The fight then moved to the streets where Meridian's whites proceeded to deal the black community a devastating blow. They stripped African-American households of all firearms, threatened and intimidated blacks on the street, and murdered community leaders. For his role in precipitating the violence, rioters forced Meridian's carpetbag mayor to leave town, forever. By the time U.S. soldiers arrived, disorder had abated. Their investigation revealed thirty African Americans dead, including Dennis and Tyler.<sup>15</sup> Mississippi Republicans joined the chorus calling for Congress to take "prompt and thorough measures to suppress outrage and violence."<sup>16</sup>

In spite of the increasing preponderance of compelling evidence demanding the interposition of federal authority, many Republicans remained reluctant to embrace anti-Ku Klux legislation. The last session of the 41st Congress concluded on 28 February without making any significant attempt to deal with the crisis in the former slave states. When it opened a few days later, the 42d Congress appeared similarly disinclined to take action against the outrages. Republican congressmen owed their sluggish response to several factors. First, contemporary notions of constitutionalism and federalism led many to conclude that passage of the 14th and 15th Amendments and readmission of the ex-Confederate states to the Union completed the work of Reconstruction. As equal citizens under the law, in full possession of every civil and political right granted to white citizens of the same sex, blacks were the equal of whites in the eyes of the law. Any further legislating on their behalf, according to many moderate and conservative

Republicans, smacked of special treatment. Moreover, throughout Reconstruction Republicans proved unwilling to substantially alter America's federal structure of government, continuing the tradition of leaving the states in primary charge of law enforcement. Secondly, many Northern Republicans detected a change in the nation's political climate and believed there was no further political benefit to be gained by waving the bloody shirt or prolonging Reconstruction. Many Republicans in the 42d Congress preferred to move away from Reconstruction, and stake out new positions on issues unrelated to the Civil War.<sup>17</sup>

To a certain degree, these Northern Republicans appeared out of touch with their constituencies. In response to a friend's query on the state of the Republican party, Rutherford B. Hayes, Ohio's Republican governor and future U.S. president, replied, "What do they [Republican voters] care about in public affairs?... 1. The South.... Until 'the South' is settled, all other questions are subordinate with the mass of the people who have fought the antislavery and Union battle."<sup>18</sup> Northern Republican newspapers agreed and lamented the present condition of the South. In response to Democratic claims that Reconstruction had concluded, the *New York Tribune* asserted: "Southern reconstruction will be 'finished' when all resistance thereto shall have been crushed out. Until then, it *is not* 'finished'."<sup>19</sup> Under siege throughout the former Confederacy, Southern Republicans dispatched hundreds of letters, telegrams, and memorials to Washington, desperately pleading for federal support. Republican congressman from Tennessee William B. Stokes, for example, received warning from one of his constituents that the Ku Klux Klan "grow bolder every day" along with a stern rebuke:

“Hoping that the authorities will soon do something for us, and not wait until more of us are murdered, to get proof that the Ku-Klux are actually bad men.”<sup>20</sup> A sense of despair resonated throughout many of these appeals. “How much longer are we expected to live without protection from some source? Civil courts are a farce ... when our State government fails to protect her citizens in life, and property, then it is the duty of Congress ... to accomplish this object.”<sup>21</sup> As one Southern Republican succinctly put it, “I ask protection because I have a right to it.”<sup>22</sup>

The continuing troubles in South Carolina and news of Scroggins’ forcible release from federal custody in Kentucky invigorated the president to take a more aggressive stance on the issue of the Klan’s outrages. Grant met with his Cabinet members on 24 February and expressed his determination to employ federal military force against the Ku Klux Klan.<sup>23</sup> The president ordered two complete Army regiments transferred to the South to preserve law and order, including some much needed cavalry.<sup>24</sup> While the president remained largely reticent in public on the subject of Klan violence, this action revealed his resolve to end these disturbances. Adding two regiments to the Reconstruction states was no small gesture in 1871. The previous year, Congress reduced the peacetime Army establishment to a total authorized strength of 30,000 officers and men, a number that paled in comparison to its continental commitments. Reinforcing the South necessarily created shortcomings elsewhere. Determined not to jeopardize the safety of peaceful, law-abiding citizens who needed and rightfully deserved federal protection, the commander-in-chief chose to make recalcitrant rebels bear the burden of this redeployment. He instructed Secretary of War

William W. Belknap to take the regiments destined for duty in the Department of the South from Texas where he believed they protected a mostly disloyal population of unreconstructed ex-Confederates inclined to murder loyal men if afforded the opportunity.<sup>25</sup>

The president understood that providing more soldiers did not constitute a panacea for Southern lawlessness. For one thing, the Army simply did not have enough soldiers to saturate the turbulent areas, a necessary step in quelling the Ku Klux Klan. Experience had shown him that when soldiers occupied an area, local Klan dens simply went underground to wait them out, giving a false impression of peace, and reemerged as strong as before when the soldiers left. The restoration of the former Confederate states to the Union only exacerbated this situation as the War Department reduced the total number of soldiers committed to the ex-Confederate states and consolidated those that remained at fewer posts usually located in larger cities frequently distant from the areas where the Klan operated. When violence erupted the soldiers, mainly infantry, responded slowly because they had to travel long distances giving Klansmen fair warning of their approach. In addition to reducing and consolidating forces, civil government restoration ended to local commanders' special authority to intervene in civil affairs at their own discretion, a power originally vested in the Southern commands by the Reconstruction Acts. With civil government restored the Reconstruction Acts ceased to function and military forces required a formal request from state authorities to intervene in domestic affairs. Considering the recent spate of evidence indicating the unreliability of civil administrators in the South and the demonstrations of the extent and

power of the Ku Klux conspiracy, the president concluded that he lacked sufficient authority under current legislation to employ federal military force effectively.<sup>26</sup>

In fact, federal laws designed to punish Southern outrages had proven largely ineffective. The First Enforcement Act of 31 May 1870 represented congressional Republicans' first attempt to provide legal mechanisms to secure citizens' rights when the states failed to do so. The act targeted common election day abuses, banning the use of force, bribery, or intimidation to coerce voters or officials to influence the outcome of local, state, and federal elections. Only one section attempted to address the rising Ku Klux menace by prohibiting groups of two or more individuals in disguise from conspiring to prevent the free exercise and enjoyment of rights or privileges secured by the Constitution. Because the First Enforcement Act failed to specify what actions constituted infractions designed to deprive citizens of their civil rights, distinguishing them from ordinary criminal acts punishable under state jurisdiction, U.S. attorneys found it difficult to frame indictments against Klansmen. The act also failed to provide a more effective means for employing federal military force, authorizing the president to employ land and naval forces as *posses comitatus*, but more extensive military involvement in civil law enforcement still had to come at the request of state governments.<sup>27</sup>

Furthermore, the Second Enforcement Act, passed by Congress in the midst of the escalating violence in February 1871, failed to address Kukluxism at all. Northern Democrats had chipped away at the Republican congressional majority in 1870 causing the GOP to conclude that Democrats had committed electoral frauds and abuses. Rather

than address the terror campaign in the South, the last session of the 41st Congress legislated to provide federal oversight for congressional elections in cities and towns with 20,000 or more inhabitants. Congressional Republicans clearly intended, by this act, to provide a bulwark against the fraud and corruption endemic to the North's machine politics. According to the 1870 U.S. Census, this enforcement act affected seventy-one American cities, only eight of which were located in the former Confederate states. Legislative proposals designed to institute tougher federal civil rights protections against Klan outrages had been laid aside in favor of this act.<sup>28</sup>

For Southern Republicans and their Northern allies, the 41st Congress ended in bitter disappointment. Those that returned to Washington for the next Congress were prepared to devote the entire session to the consideration of anti-Klan legislation. Many Republicans, however, preferred an early adjournment to lengthy debates on legislative proposals that threatened to create fissures within the party. By 1871, deep ideological differences emerged within the party, dividing Republicans on a variety of issues, including civil service and tariff reform, amnesty for ex-Confederates, annexation of Santo Domingo, and the Ku Klux Klan. The Republican party was in disarray when the first session of the 42d Congress convened, even leading some to speculate on the desirability of party realignment. As Ohio Representative James A. Garfield observed: "Public Affairs are growing as bad as the devil could wish ... and here we [Republican congressmen] are, quarreling among ourselves, mad at each other."<sup>29</sup> Few Republicans wanted to work out their differences on Capitol Hill, publicly airing their grievances and exposing weaknesses that their political opponents might exploit. The president

recognized this and encouraged House Speaker James Blaine to continue the session only if it could be confined to formulating a simple and effective bill on Southern outrages. If not, he concluded, the session better be adjourned.<sup>30</sup>

The opponents of a short session found their position bolstered on 10 March when Congress received the Morton Committee investigation report on its investigation of Klan outrages in North Carolina, commissioned by the previous session. After a series of party caucuses, spanning several days, Republican congressmen finally agreed to introduce an anti-Klan bill drafted by Massachusetts' Radical Representative Benjamin Butler.<sup>31</sup> The next day, however, before Butler entered his bill in the House, John A. Peters, a moderate Republican from Maine, proposed an alternative. Not satisfied with the scope of the Morton Committee investigation, Peters' resolution called for the creation of a bipartisan committee of thirteen Representatives to investigate Southern outrages throughout all of the former Confederate states. An incensed Butler denounced the measure as a "legislative trick."<sup>32</sup> Southern Republicans felt similarly abused. Horace Maynard of Tennessee regarded an investigation as unnecessary considering that facts proving the existence of an armed conspiracy "come to us from private sources by almost every mail" and characterized Peters' resolution as "a crime against humanity of the darkest character." Supporters of anti-Klan legislation suggested that profound peace would surely follow the investigating committee wherever it went and inadvertently serve the Democracy by outwardly validating its prevarications that the Ku Klux Klan did not exist.<sup>33</sup>

These arguments failed to sway the majority of House Republicans who viewed a lengthy investigation as an attractive expedient to diffuse the Ku Klux issue without subjecting the party to a lengthy, divisive legislative session. Several simply did not detect a need for more Reconstruction legislation. In a speech delivered on the House floor, Michigan Republican Austin Blair opined that the Ku Klux Klan did not ride roughshod over the South due to a dearth of federal statutes. “What is needed ... is not law, but the execution of law ... [t]here are enough laws now ... more than enough if we could only have them executed.” Garfield, a moderate Republican more interested in tariff reform than Southern outrages, agreed and added that Congress had not yet received any statement from the nation’s chief executive declaring that he either needed or wanted additional legislation. Charged with enforcing the nation’s laws, the president’s reticence led Garfield to conclude: “our laws, on the subject of outrages, in the South, are stringent, and comprehensive.”<sup>34</sup>

House debate on Peters’ resolution ended on 17 March when the Senate delivered a concurrent resolution proposing the appointment of a joint investigating committee. House Republicans remained divided and Democrats, largely favoring a lengthy investigation over immediate action, provided the margin of victory. Three days later, Congress established a bipartisan joint select committee composed of seven Senators and nine Representatives “to inquire into the condition of the late insurrectionary States so far as regards the execution of the laws and the safety of lives and property of citizens of the United States.” The resolution called for the investigating committee to submit its report at the next legislative session in December.<sup>35</sup>

By mid-March, the first session of the 42d Congress had reached an impasse. Radical and Southern Republican congressmen fumed, Klan outrages continued to mount, appeals for federal support from Southern Republicans intensified, and any hope that Congress would offer tougher enforcement mechanisms on its own rapidly diminished. These factors helped convince President Grant to place personal and political qualms aside and petition legislators for a new law expanding executive power to act against the Ku Klux Klan. The president's decision largely resulted from the events unfolding in South Carolina. After ordering two regiments to the South, which required a few weeks to arrive, Grant received another telegram from Governor Scott imploring the president to immediately dispatch U.S. soldiers to the Upcountry where, he estimated, "an actual state of war exists." In response, the president instructed Military Division of the South commander Major General Henry W. Halleck to dispatch four cavalry troops to the area to be replaced by the 7th Cavalry when it arrived from the West. Ten days later, on 21 March, Grant sat down to an interview with South Carolina's Republican senators, Thomas J. Robertson and Frederick A. Sawyer, and state attorney general Daniel H. Chamberlain. They cautioned the president against a brief deployment. Only the prolonged presence of U.S. troops in the disturbed counties, they advised, promised to have a positive effect in permanently quelling the outrages. The president assured them that he would keep U.S. cavalry until it restored law and order to the region, even if that took until the end of his administration.<sup>36</sup>

Two days later, on 23 March, the president called on Republican leaders from both Houses at the Capitol and urged them to provide legislative leadership to formulate

a punitive law to destroy the Ku Klux Klan. During a lengthy meeting in the president's room, the cadre of prominent Republicans impressed upon the president that, despite his misgivings, he must assume the leadership reigns and unite the party by asking the full Congress for the legislation he desired. Succumbing to their collective wisdom, Grant drafted a brief address to Congress on the spot that rendered moot several points of contention that, up until then, impeded consideration of tougher enforcement measures. Grant declared "[a] condition of affairs now exists in some of the States of the Union, rendering life and property insecure, and the carrying of the mails, and the collection of the revenue dangerous." Expressing his doubt that existing laws were "sufficient for present emergencies," he asked Congress for legislation to "secure life liberty and property, and the enforcement of law, in all parts of the United States." In order to stifle any efforts to introduce other legislation that might divide Republicans and delay anti-Klan legislation, Grant concluded his message by recommending against consideration of any other issue during the present session.<sup>37</sup>

Privately, Grant's message displeased some Republicans. Garfield confided in a letter to former Secretary of the Interior, Jacob Cox, that he "was in favor of an early adjournment, and joined in a movement to refer, the whole Ku Klux question, to a Committee of Investigation." Now, he feared, "Congress shall do nothing else, but legislate, concerning the Ku Klux." His personal misgivings aside, Garfield toed the party line. "I do not, for my part, see how any man belonging to either side of this House can dare, with that paper [President Grant's 23 March message] on our desks, to vote for going away without first giving all the attention, all the consideration, and all

the thought that we are capable of giving a request coming from the Chief Executive.” The *New York Times* reported that the president’s message served a “palpable effect” in uniting the congressional Republican majority in the House. The next day, Grant lent further emphasis to the emergency by issuing a proclamation ordering the South Carolina Klan to disperse within twenty days or face federal action. At a critical juncture, President Grant provided the political leadership the moment demanded causing the party faithful to fall into line to support the adoption of more stringent measures.<sup>38</sup>

On 28 March, the House began consideration of H.R. 320, a bill designed “to enforce the provisions of the 14th amendment to the Constitution of the United States, and for other purposes.” Dubbed the Ku Klux bill, it proposed to make up for the deficiencies of prior enforcement laws by extending federal jurisdiction over specific criminal acts perpetrated by organized conspiracies to deprive citizens of their constitutional rights, increasing the president’s authority to intervene in state affairs at his own discretion, and allowing him to suspend the writ of habeas corpus. During the debate that followed, many Republicans expressed concerns over the dramatic expansion of national executive power this bill entailed and questioned its constitutionality. Ohio Republican Samuel Shellabarger, the bill’s principle author, understood these reservations but urged his fellow congressmen to recognize that, if unchecked, the Ku Klux Klan posed a far greater threat to republican government. He insisted they accept that the 14th Amendment conferred rights of national citizenship superior to the states, rights that Congress was bound to uphold when states failed to do so. Shellabarger

offered a compelling endorsement, especially in light of the brutalities being committed by the Klan, but there remained much convincing left to be done when he poignantly concluded that should the House reject H.R. 320 “then not only is the profusion of guards erected by the 14th amendment around our rights a miserable waste of words, but the Government is itself a miserable sham, its citizenship a curse, and the Union not fit to be.”<sup>39</sup>

The broad Constitutional interpretation offered by Shellabarger as justification for the measure, brought an immediate rebuttal from states’ rights Democrats. They countered with their own Midwestern lawyer, Indiana Congressman Michael C. Kerr, who provided his party’s most forceful constitutional counter-argument. He rejected the notion that the Constitution implied the existence of a superior tier of national citizenship. According to Kerr, the 14th Amendment left the roots of citizenship and its rights of protection “where it found them.” Citizenship, Kerr maintained, resided with the states and constitutional protections only applied “to secure equal privileges and immunities to the citizens of *each* State while *temporarily* sojourning in any other State...[and] to prevent any State from discriminating in its laws *in favor or against* the citizens of any other State *merely because* they are the citizens of such other State.” Since no Southern state had taken positive action to deny these rights, most remained under Republican control after all, Congress held no authority to interfere in their affairs. Characteristically, Democrats refused to endorse broad constitutional interpretations or embrace any meaningful expansion of federal power that came at the states’ expense, or endorse the use of the Army in domestic affairs.<sup>40</sup>

The true testament of H.R. 320's importance to national politics may be best demonstrated by the sheer number of politicians, from both parties, who occupied the House floor to offer their views on the bill. Over the course of nine days, 80 congressmen explicated fully their support for or opposition to the measure.<sup>41</sup> Like many earlier congressional debates over Reconstruction policy, sophisticated arguments over the finer points of the Constitution and the framers' original intent ultimately devolved into bitter partisan squabbling.<sup>42</sup> House consideration of the Ku Klux bill concluded on 7 April and its approval reflected the Republican majority's willingness to come together to support the president. The bill received a more favorable reception in the Senate where Republicans held firmer control and more of them desired some sort of anti-Klan legislation be passed during the present session. After several conference committees and a few slight modifications the Third Enforcement Act, or "Ku Klux" Act as it was popularly known, became law on 20 April.<sup>43</sup>

The Ku Klux Act answered the president's request for firmer legislative footing upon which to take action against the Klan and enforce federal law in the South. Section two detailed twenty-two crimes that came under federal jurisdiction when committed by conspiracies "to deny any citizen of the United States the due and equal protection of the laws, or to ... prevent any citizen of the United States lawfully entitled to vote."<sup>44</sup> Sections three and four strengthened executive enforcement power by authorizing the president to employ the U.S. military to put down "insurrection, domestic violence, unlawful combinations, or conspiracies" and suspend the writ of habeas corpus whenever these conspiracies threatened to "overthrow or set at defiance" state or federal

government. Republican aversion to granting broad increases in executive authority emerged in the twelve-month time limit placed upon the president's authority to suspend habeas corpus and the requirement that he issue a proclamation commanding "insurgents" to disperse before suspending the writ. The suspension provision contained another shortcoming, not altogether obvious to legislators at the time. The fact that the suspension applied to areas and not individuals meant that Klansmen regained access to their habeas corpus privileges simply by removing themselves outside of the geographical limits of the presidential order. As the 7th Cavalry's experiences in South Carolina revealed, these limitations significantly hampered federal enforcement efforts.<sup>45</sup>

In obedience to presidential orders, U.S. Army headquarters issued General Orders Number 17 on 4 March, assigning the 4th U.S. Infantry and 7th U.S. Cavalry regiments to the Department of the South.<sup>46</sup> This marked the first time that the 7th Cavalry, created by the Army Act of 28 July 1866, left the Western frontier. The order stunned many 7th cavalrymen, a fact confirmed by K Troop's blacksmith, Winfield S. Harvey, who recorded in his journal: "This is very surprising to all of the soldiers to get east."<sup>47</sup> The vastness of the frontier forced the Army to concentrate its relatively small cavalry force in the West where its speed and mobility was deemed a necessity. As a result, the task of shepherding the former Confederate states back into the Union fell primarily to the infantry, with occasional assistance provided by artillery units garrisoning the South's coastal fortifications. Understandably, the men of the 7th Cavalry regiment came to view themselves as frontier soldiers and Indian fighters.<sup>48</sup> Since its organization at Fort Riley, Kansas, the regiment had been devoted to that

purpose, protecting white settlers, guarding communication and transportation routes, and generally promoting the transcontinental expansion of American civilization, as the soldiers understood it.<sup>49</sup>

The soldiers' surprise at receiving orders to the South did not necessarily indicate disappointment. In fact, many embraced the change. It meant an escape from the isolation, routine, and drudgery of frontier Army life, and offered a timely reprieve from the long, hot summer campaign season about to begin on the southern Plains. Within the regiment's ranks, the men especially looked forward to the prospect of easy access to entertainment, female companionship, and liquor that duty in the East seemed to promise. Farrier Harvey expected "some very hard times" ahead, his personal euphemism for the heavy drinking in which his cohorts frequently indulged.<sup>50</sup> Similar feelings of anticipation pervaded amongst the officers. According to Hugh L. Scott, who transferred into the 7th Cavalry as a lieutenant in 1876 to help reconstitute the regimental officer corps after the Little Bighorn battle, many officers in the West remained "children of the East, always looking eastward and longing to get back."<sup>51</sup> The officers' wives no doubt helped cultivate this sentiment. Describing her reaction to the "joyful news" of the 4th Infantry's deployment to the South alongside the 7th Cavalry, Ada Vodges wrote in her diary "I felt too happy too live for never did I expect to hear such good news."<sup>52</sup> Some officers were more ambivalent. Reflecting the cavalrymen's affiliation with the West, one of the 7th's captains, Frederick W. Benteen, regarded Southern occupation duty as "the most unsatisfactory work that a cavalryman can be detailed for."<sup>53</sup> An anonymous 4th Infantry officer reported to the *Army and Navy*

*Journal* that “the greater number of officers and men of course enjoy the prospect of being stationed in the ‘States’,” but warned, “[y]ou can, however, have too much of a good thing, and the duties which the condition of affairs may likely impose upon us are not such as to appear very attractive.”<sup>54</sup>

Reconstruction, as formulated by congressional Republicans in 1867, placed the Army in control of reestablishing civil government throughout the South and guiding the ex-Confederate states back into the Union. The Reconstruction Acts forced Army officers to become heavily involved in the political process, calling for elections for delegates to draft new state constitutions, supervising voter registration, observing and occasionally removing civil officers, and providing basic government services. Many Army officers, especially those discomfited by this disruption of traditional civilian control of the military, welcomed the return of civil government to the South, which allowed them to resume their normal, apolitical military functions. After readmission, some remained determined to stay out of Southern politics.<sup>55</sup> Major General Henry W. Halleck, who commanded the Military Division of the South from 1869 until his death in 1872, for example, believed that “military officers should not interfere in local civil difficulties” and forcefully argued in favor of limiting Army involvement “to a few well-defined cases, such as riots and insurrections, which cannot be suppressed by local and State authorities.” He believed that Southern authorities routinely and habitually called for Army assistance and concluded that encouraging this behavior undermined civil administration.<sup>56</sup> In order to become legitimate, Halleck offered, civil government must function on its own, without Army bolstering.<sup>57</sup>

In spite of Halleck's misgivings, Southern Republican governments had clearly come under siege by 1871 and the Army alone possessed the skill, manpower, and resources necessary to force compliance with federal law. White supremacists' resistance to Reconstruction reforms that emancipated and then elevated African Americans to the status of citizen existed throughout the postwar period. But counter-Reconstruction and Kukluxism had surpassed the infantry's ability to suppress. The situation demanded U.S. cavalry to counter the Klan's nightriders. During an inspection tour of Army posts in Mississippi, Lieutenant Charles King reported to Colonel William H. Emory, commanding the Department of the Gulf: "It is seldom that our Infantry can be used in this duty as their movements are necessarily slow. ... Cavalry must be employed in almost every instance."<sup>58</sup> A lieutenant in the 16th Infantry posted to Mississippi complained to his superiors in 1872: "The services of my Detachment have not been called upon since my arrival and if they were – I would respectfully suggest it would be worse than useless. Every man has a horse or mule ... Infantry could not move two miles before the cry of 'Yankees are coming;' would be spread ... giving of course ample time for the wicked to flee."<sup>59</sup> Even temporarily mounted infantry, which commanders were loath to employ anyway, proved ineffective against the Klan's experienced horsemen operating in familiar local terrain. As it became increasingly apparent to the Grant administration that the situation in the former slave states demanded federal intervention, it also became clear that effective interdiction required trained and experienced cavalymen possessing the requisite skills and experience to ride down the Ku Klux Klan.<sup>60</sup>

Sending the 7th Cavalry to the South, one of the Army's best known and respected frontier fighting units, represented a significant departure in federal Reconstruction strategy and Army organizational priority. The secretary of war's annual reports reveal that between October 1868, four months after Congress declared seven former Confederate states readmitted, and October 1870 the number of cavalry units in states that comprised the Department of the South in 1871 had been drastically drawn down. In October 1868, the 5th Cavalry regiment along with two companies of the 4th and one company of the 6th Cavalry regiments served in the department. Twelve months later, that number had been reduced to one company, stationed in Shreveport, Louisiana. The cavalry presence declined still further. The 1870 annual report indicated no cavalry units stationed in any Southern state, with the notable exception of Texas.<sup>61</sup> The Ku Klux Klan's rapid expansion across the South and a dramatic increase in violence accompanied this reduction in federal cavalry.<sup>62</sup>

This escalation in Southern outrages quickly began to reverse course after March 1871, once the 7th Cavalry joined the Department of the South. Even this modest cavalry presence, backed by enforcement laws, succeeded in curtailing Kukluxism throughout the Department of the South. For the next two years, it remained the only mounted unit permanently assigned to the command and its twelve companies exclusively provided cavalry support for a department that, by January 1872, embraced the states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.<sup>63</sup> Not surprisingly, the task of enforcing the Ku Klux Act and combating the Klan fell heavily upon the officers and men of the 7th

Cavalry. In the months to come, the regiment provided hundreds of temporary detachments to serve as *posses comitatus*. With its orders to the South in hand, the 7th Cavalry prepared to assume the daunting task of conducting federal enforcement operations, an obligation the regiment held, in spite of its late entry into the ex-Confederate states, for the remainder of Reconstruction.<sup>64</sup>

In some ways, the 7th Cavalry regiment represented a curious choice. Grant stipulated to his Cabinet on 24 February that the regiments designated for assignment to the South should come from Texas.<sup>65</sup> The 7th Cavalry was spread out across the southern Plains in forts and camps extending across Kansas and Colorado Territory. Relocating the 7th prompted the redeployment of the 6th Cavalry from Texas to the Department of the Missouri to replace it, essentially fulfilling the president's desire, but this movement provokes more questions. After all, the 6th regiment had Reconstruction experience whereas the 7th did not, and moving one regiment was easier than moving two.<sup>66</sup>

A variety of factors likely contributed to the 7th Cavalry's transfer to the South. First, race clearly played a role. There had been some preliminary discussion within the Grant administration about the possibility of sending black soldiers to quell the Ku Klux Klan. Interior secretary Columbus Delano and navy secretary George M. Robeson offered the idea, believing that the Buffalo Soldiers' presence might "encourage, the negro population, & give them more confidence & self reliance." One of the principle objectives of federal intervention at this time was to bolster Southern Republicans of both races so that they would be able to stand on their own in the future. But race won

out. Secretary of State Hamilton Fish, Grant's closest and most-trusted advisor, resolutely opposed the use of black soldiers, believing that they "may irritate the white population, & provoke collisions" and endanger the outcome federal authorities most desired – stability.<sup>67</sup>

As the debate over race indicates, politics helped guide the Grant administration's decisions in determining how to meet the Ku Klux Klan's reign of terror. Secretary Fish opposed dispatching black troops partly because he feared this might provoke a political backlash in the North, inspiring public criticism and further eroding the already tenuous support for military intervention within the Republican party.<sup>68</sup> With the gains made by Democrats in Congress in 1870 and a presidential election looming in 1872, President Grant understood the need to make good on his 1868 campaign promise of peace without turning back the clock on Reconstruction. Many Americans in the North and West desired an end to Reconstruction, and military intervention presented a potentially damaging political situation, especially if race war broke out between the Ku Klux Klan and the African-American soldiers the president dispatched to bring peace and stability. The president needed officers and men capable of performing "duty ... of the most delicate, important, and frequently embarrassing kind."<sup>69</sup>

From the standpoint of military effectiveness, the 7th Cavalry regiment appeared well suited to carry out this mission. Free of the taint of prior Reconstruction entanglements, the 7th Cavalry was unlikely to generate a public outcry from angry white Southerners that might gain a sympathetic ear in the North. The possibility existed

that the white South would favorably receive the regiment out of respect for their achievements in the Indian Wars. By 1871, Lieutenant Colonel George A. Custer and the 7th Cavalry had earned national acclaim and the unofficial title of the Army's premier Indian-fighting unit after its stunning victory in the Battle of the Washita that culminated an aggressive and dangerous winter campaign in 1868 that ended the resistance of several southern Plains tribes. Removing this distinguished fighting unit from the Plains for service in the South demonstrated federal resolve to end Klan outrages. But success on frontier battlefields frequently derived from attributes that contrasted sharply with those demanded by Reconstruction service. Military men faced many pitfalls in assisting civilian law enforcement.<sup>70</sup> An anonymous infantry officer familiar with these dangers stated it best. "If you shoot too soon, they will hang you by civil authority; and if you fire too late, you may be brought before a general court-martial."<sup>71</sup> In consideration of this, one might question the decision to send Custer, an outspoken Democrat with a demonstrated penchant for poor decision making, into this racially and politically charged atmosphere.<sup>72</sup> Custer's long-time benefactor and accomplished Indian campaigner, Lieutenant General Philip H. Sheridan, for example, essentially failed as a Reconstruction commander, especially in the eyes of Democrats, because of his aggressive nature and welcomed his transfer to the West in 1868. To federal policymakers' credit, the regiment initially inspired appreciation in a section that long held martial traditions in high esteem and Custer obligingly kept himself out of enforcement operations as much as possible.

In the end, however, relative peace on the southern Plains, geographical proximity to the South, and the fact that the regiment had not yet served in the ex-Confederate states likely proved decisive in determining the 7th Cavalry regiment's selection for this deployment. The completion of the Southern Pacific railroad made it possible to remove the regiment from Kansas. The 7th Cavalry's regimental headquarters and five troops, almost half its total strength, were based at Fort Leavenworth. Pulling the entire regiment back to this point on the Missouri River allowed for moving the regiment quickly by boat. The river voyage to Division and Department of the South headquarters in Louisville, Kentucky could be accomplished in one week's time. Conversely, dispatching a cavalry regiment directly from Texas, or somewhere else along the frontier, entailed more travel over greater distances by less efficient means. For this deployment, it appears that the 7th Cavalry may have been in the right place at the right time.<sup>73</sup> According to a *New York Times* correspondent, the 4th Infantry and 7th Cavalry "can be best spared" from their respective frontier posts and were due to go South since they had "served longest on the frontier."<sup>74</sup>

Because Washington delayed taking action against the Ku Klux Klan for so long, rapid redeployment of the regiments to the South became a priority. President Grant promised military support to South Carolina Republicans and he wanted the cavalry troopers established at their new posts as quickly as possible. General of the Army William T. Sherman instructed Brigadier General John Pope, commanding the Department of the Missouri, to immediately dispatch eight of the 7th Cavalry's twelve companies by boat, to be followed by the remainder when they became available. Pope

resented the expense his department incurred in procuring boats to transfer his best regiment outside of his command, with no return benefit. He informed Sherman of his reluctance to part with the 7th “as both men & horses were thoroughly acclimated & officers & men thoroughly acquainted with the Country & the service on the Plains.”<sup>75</sup> He also complained to the general of the exorbitant expense steamship captains charged for shipping men and materiel by water when rail transport provided a cheaper alternative. Sherman tried to alleviate Pope’s concerns, assuring him that after he sent the first wave there would be “[n]o particular hurry” in dispatching the remainder of the regiment “[n]or any reason why extraordinary expense should be incurred.”<sup>76</sup> Pope arranged for the boats and four companies remained behind to await the 6th Cavalry’s arrival from Texas before departing from the Department of the Missouri by train on 24 May.<sup>77</sup>

Despite this haste, several weeks passed before some of these companies reached their new posts in the South. Three companies, B, E, and K Troops, departed Fort Leavenworth on 13 March aboard the steamer *Mary McDonald*. The field, staff, and band and A, C, D, F, and I Troops followed a few days later aboard the *Nile* and *Glasgow*. On the first leg of the journey, these steamers carried the first contingent of cavalrymen from Kansas to Louisville, Kentucky via the Missouri, Mississippi, and Ohio rivers. Many of the enlisted men detested the passage aboard vessels packed tightly for economy’s sake. Aboard the *Mary McDonald*, Harvey recorded in his diary, “our officers and their hay bags have taken full charge of half the boat putting the soldiers’ ladies in one corner like they were convicts or ought to be. Laws the way our

women are used, it is scandalous.”<sup>78</sup> Fortunately for the rankers and their ladies, the steamers completed the voyage in a relatively short six days.

When they disembarked in Louisville, the company commanders reported in at department headquarters to receive orders from their new command. For most of the companies in this first wave, this represented little more than a brief layover before moving on to establish posts or join small garrisons in rural towns in Kentucky and South Carolina. Only regimental headquarters staff and F Troop remained at Taylor Barracks in Louisville. D and I Troops moved to Kentucky’s interior, taking up posts at Mount Vernon and Bagdad, respectively, while B, C, E, and K Troops rode the rails further south, bound for Upcountry South Carolina by way of Atlanta, Georgia.<sup>79</sup>

While brief, the layover in Louisville provided most of the officers and men with their first exposure to post-emancipation life in the Reconstruction South. Frequent demonstrations of ex-Confederate hostility angered the regiment’s younger soldiers who deeply resented the animus they encountered and the occasional epithets they endured. The regiment’s Union veterans, on the other hand, simply shrugged off these concerns; as one observed, “we were accustomed to this sort of thing.”<sup>80</sup> Few, however, had experienced Reconstruction or understood the passions it generated in the former slaves states. About the Ku Klux Klan, they knew little but what they had heard or read in newspapers and generally regarded the conspiracy as an overblown exaggeration. Some accepted Democratic accusations that Southern outrages were a fiction contrived for partisan purposes while others dismissed the reports as hyperbole designed to sell newspapers. Whatever their opinion, the soldiers soon became disabused of their false

notions. When Major Lewis Merrill, who would eventually lead the federal effort to stamp out the Klan in South Carolina, expressed his disbelief during his briefing with the Department of the South's commander, General Alfred Terry, the general instructed him: "When you get to South Carolina you will find that the half has not been told you." After a few months in the Upcountry, Merrill had learned the truth. In July 1871, he testified before members of the congressional subcommittee established to investigate Southern outrages that "I was absolutely incredulous, not only of its extent, but of the possibility of such a state of facts as exists here."<sup>81</sup> Later in the year he reported to the War Department that when it came to the Klan "the wildest exaggeration falls short of the truth."<sup>82</sup> Undergoing a process that many 7th cavalymen likely experienced, the major came to recognize that the Ku Klux Klan posed a substantial threat to peace and stability in the Reconstruction states and the nation's as a whole.

One of the most intriguing aspects of the regiment's journey through the Southern states was the opportunity it afforded 7th cavalymen to appreciate Civil War landmarks that they passed along the way. In the case of those men bound for posts deeper south, military transport blended into historic pilgrimage as they traveled along portions of the route of General Sherman's "March to the Sea" in 1864. Throughout their journey, the soldiers revealed a remarkable knowledge of Civil War history. Whether derived from personal experience, as in the case of Union Army veterans, or popular press coverage, their ability to recognize unmarked battlefields reveals the magnitude of the war's impact on American society, and foreshadowed a popular American pastime.<sup>83</sup> Moving through Tennessee, they commented reverently on the

battlefields at Lookout Mountain and Murfreesboro, near Nashville. Transferring trains in Atlanta, Georgia allowed some to get “a good view of the fortifications around that city.” After reaching Columbia, troopers camped along the Seluda River, on sites once occupied by Sherman’s army in 1865. Gazing across the river from their encampment, they could still discern the damage that Union artillery had inflicted on South Carolina’s capitol building.<sup>84</sup>

For the regiment’s Union veterans and amateur historians, this pilgrimage did not end upon reaching their new posts. Sergeant John Ryan, a veteran from Massachusetts, used his leave to explore South Carolina’s historic sites. On a ten-day furlough, he traveled to Charleston to tour the city where the war’s first shots were fired. He stood on the Battery wall to get a good look at Fort Sumter.<sup>85</sup> On another, shorter leave, Ryan visited Florence to tour the newly created national cemetery located there and pay his respects to the thousands of Northern prisoners of war who died ingloriously of disease and starvation in Confederate camps. The experience left an indelible impression upon him. Ryan recalled how he “could not help thinking of the suffering and torture the men went through while held there as prisoners.”<sup>86</sup> But South Carolina offered more than Civil War sites. Major Merrill and several other officers and ladies of the Yorkville garrison went on an outing to the Revolutionary War battlefield at King’s Mountain, where they enjoyed sightseeing and a picnic. Reporting on the officers’ visit, the *Yorkville Enquirer* drew an interesting analogy between the American War for Independence and the ex-Confederate cause, writing that American patriots “at that time were ku-kluxing through this section of the country.”<sup>87</sup>

By June 1871, all of the 7th Cavalry's Troops had reached their new posts in the Reconstruction South. Having escaped the frontier, they now confronted the stark realities of constabulary life as a Southern occupation force, spread out across four Southern states in company-sized garrisons, usually joined by at least one infantry company, located in county seats or smaller rural towns and villages. For the next two years, troopers joined forces with civilian law enforcement in an aggressive campaign to force compliance with the 14th and 15th Amendments under the authority of the First and Third Enforcement Acts. This union of federal civil authority and military force sought to eliminate the Ku Klux Klan as an extralegal opposition group and initiate a period of peace and stability throughout much of the former Confederacy. In his report to the general in chief in 1868, General Sherman had characterized the Indian Wars as a "war of the races" between indigenous Native American tribes and white Americans encroaching on their lands, with the Army standing in between, and regarded the conflict as "the normal condition of things on the plains."<sup>88</sup> In the spring of 1871, the Ku Klux Klan disrupted life in the Southern states. The 7th Cavalry regiment exchanged one race war in the West for another emerging in the South.

## ENDNOTES

---

<sup>1</sup> Report from the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States (hereafter KKK Report), 42d Cong., 2d sess., 1871, S. Rpt. 41, serial 1484, 22. The Joint Select Committee reported that the “generic Ku-Klux” applied to organizations existing in several states and employing a variety of names that all pursued the same purpose, white supremacy, by similar means, violence. Journalists of the 1870s invented the term “Kukluxism” to describe the principles and actions of members of the Ku Klux Klan and related Reconstruction-era white supremacist groups. For renewed use of this phrase see, for example, Edward John Harcourt, “Who Were the Pale Faces? New Perspectives on the Tennessee Ku Klux,” *Civil War History* 51 (March 2005): 27.

<sup>2</sup> KKK Report, serial 1484, 6-20, 23-53, 63-82, 96-164, 168-211, 220-22, 254; *Congressional Globe* (hereafter CG), 42d Cong., 1st sess., 1871, 1, 831-32; General William T. Sherman telegram to Brigadier General John Pope, 4 March 1871, Letters Received U.S. Army Adjutant General’s Office (hereafter AGO) File 767, 1871 (Microcopy M-666, reel 6), Record Group (hereafter RG) 94, National Archives and Records Administration (hereafter NARA), Washington, D.C.

<sup>3</sup> KKK Report, serial 1484, 28-37; *The Nation*, 27 October 1870; *Yorkville (SC) Enquirer*, 9 March, 6, 13 July 1871. In South Carolina, for example, the Ku Klux Klan first emerged in the spring of 1868 after Conservatives failed to defeat ratification of the new state constitution. Violence remained a prominent part of Conservative strategy for the remainder of Reconstruction but tended to dissipate when the risks, such as direct federal intervention, began to outweigh the rewards. South Carolina Conservatives joined with dissident Republicans in the state’s 1870 election in the hopes of luring black voters away from the Republican party. This effort failed and the Ku Klux Klan plunged the state into violence and terror during the winter of 1870-71. Richard Zuczek, *State of Rebellion: Reconstruction in South Carolina* (Columbia: University of South Carolina Press, 1996), 40-50, 57-61, 71-76, 83, 88-89; Michael Perman, *Road to Redemption: Southern Politics, 1869-1879* (Chapel Hill: University of North Carolina Press, 1984), 18-19, 22-23, 58-60; George Rable, *But There Was No Peace: The Role of Violence in the Politics of Reconstruction* (Athens: University of Georgia Press, 1984), 95.

<sup>4</sup> Allen Trelease, *White Terror: The Ku Klux Klan Conspiracy and Southern Reconstruction* (New York: Harper & Row, Pub., 1971), xlvii-xlviii; Michael Perman, “Counter Reconstruction: The Role of Violence in Southern Redemption,” in *The Facts of Reconstruction: Essays in Honor of John Hope Franklin*, ed. Eric Anderson and Alfred A. Moss, Jr. (Baton Rouge: Louisiana State University Press, 1991), 121, 130-1.

<sup>5</sup> KKK Report, serial 1484, 28-30. Governor Scott included Union, Newberry, and Spartanburg counties in his proclamation of martial law because it had been reported that “large bodies of armed men” came from their direction to participate in the Laurensville riot. State authorities estimated that anti-government terrorists seized more than 1,000 rifles from the state arsenal.

<sup>6</sup> Ibid., 28-33. The South Carolina militia, comprised almost exclusively of blacks and led by prominent local Republicans, played a prominent role in the closely contested Upcountry counties in 1870 where the white and black populations were nearly equal. The militia ensured that black voters remained steadfastly loyal to the party of Lincoln. South Carolina Conservatives condemned the militia for its role in the election and accused Republican incumbents of abusing their power by using the militia for partisan gain.

<sup>7</sup> KKK Report, serial 1484, 35-36.

<sup>8</sup> KKK Report, serial 1484, 35-40; *ibid.*, serial 1486, 4, 32, 62-64, 74; *ibid.*, serial 1487, 804, 971-77, 1026, 1086, 1091, 1107, 1112-18, 1136; "The Apologists of the Ku-Klux," *Harper's Weekly*, 29 April 1871; *New York Times*, 8 January, 15 February 1871.

<sup>9</sup> *Memorial of a Committee Appointed at a Meeting of Colored Citizens of Frankfort, Ky., and Vicinity, Praying for the Enactment of Laws for the Better Protection of Life*, 42d Congress, 1<sup>st</sup> sess., S. Misc. Docs. 49.

<sup>10</sup> *CG*, 42d Cong., 1st sess., 1871, 238; *ibid.*, Appendix, 145; *Louisville (KY) Courier-Journal*, 5, 31 March 1871; and *New York Times*, 1, 6 February; 7, 10, 25 March 1871; *New York Tribune*, 4, 7, 8, 16 March 1871. Congress approved the postmaster general's action on 23 February, allowing the discontinuation of mail service until safety was restored to the route.

<sup>11</sup> *New York Tribune*, 7 March 1871.

<sup>12</sup> *New York Tribune*, 27 February, 7 March 1871. Critics stated their incredulity over the fact that the state legislature was in session in the city at the time of the incident.

<sup>13</sup> *Ibid.*, 7 March 1871.

<sup>14</sup> Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: Harper & Row Pub., 1988), 449-50; *Memorial of a Committee ... Praying for the Enactment of Laws for the Better Protection of Life*, 42d Cong., 1st sess., 1871, S. Misc. Doc. 49, serial 1467, 1.

<sup>15</sup> State representative Moore barely escaped with his life by hiking across the state at night to the capital and Republican stronghold of Jackson.

<sup>16</sup> These examples of white terror constituted a mere fraction of the total number of atrocities and crimes committed by the Ku Klux Klan throughout the South between October 1870 and March 1871. Most outrages went unreported, but the incidents described above captured national attention and helped compel the president and Congress to take steps to stop the atrocities that spring. KKK Report, 42d Cong., 2d sess., 1871, H. Rep. 22, serial 1539, 6-20, 23-53, 63-82, 96-164, 168-211, 220-22, 254; *CG*, 42d Cong., 1st sess., 1871, 196-97; *ibid.*, Appendix, 129, 278; *New York Times*, 8, 9, 14 March 1871; *New York Tribune*, 16, 24 March 1871. See also, Trelease, *White Terror*, 290. Trelease concludes that the Meridian riot won national attention and "contributed importantly to the belated actions of Congress that spring against southern violence." Troop F of the 7th Cavalry was deployed to Meridian in July 1871 to ease tensions and remained until October of that year. 7th Cavalry Returns, July-October 1871, Returns from Regular Army Cavalry Regiments (hereafter RRACR), 1833-1916 (Microcopy M-744, reel 71), RG 391, NARA.

---

<sup>17</sup> Michael Les Benedict, *The Fruits of Victory: Alternatives in Restoring the Union, 1865-1877*, America's Alternatives, ed. Harold M. Hyman (Philadelphia, PA: J. B. Lippincott Co., 1975), 46-48; Brooks D. Simpson, *The Reconstruction Presidents* (Lawrence: University Press of Kansas, 1998), 148-49; Andrew L. Slap, *The Doom of Reconstruction: The Liberal Republicans in the Civil War Era*, *Reconstructing America*, ed. Paul A. Cimbala (New York: Fordham University Press, 2006), 112-14.

<sup>18</sup> Rutherford B. Hayes letter to Charles Nordhoff, 13 March 1871, Rutherford B. Hayes papers, <http://www.ohiohistory.org/onlinedoc/hayes/Volume03/Chapter29/COLUMBUSMarch131871.txt> (accessed 1 June 2008).

<sup>19</sup> *New York Tribune*, 7 March 1871.

<sup>20</sup> M. Strahmier to William B. Stokes, 1 January 1871, reprinted in *Letter of the Secretary of War, Communicating Information in Regard to Alleged Outrages Committed by Lawless Bands in the State of Tennessee*, 41<sup>st</sup> Cong., 3d sess., 1871, S. Ex. Doc. 22, serial 1440, 2.

<sup>21</sup> Thomas Waters to U.S. Representative William B. Stokes, 23 December 1870, reprinted in *Letter of the Secretary of War ... Lawless Bands in the State of Tennessee*, 41<sup>st</sup> Cong., 3d sess., 1871, S. Ex. Doc. 22, serial 1440, 3.

<sup>22</sup> Robert W. Burns to President Ulysses Grant, 27 March 1871, in John Y. Simon, ed. *The Papers of Ulysses S. Grant*, 28 vols. (Carbondale: Southern Illinois University Press, 1967- ), 21: 253.

<sup>23</sup> William B. Hesseltine, *Ulysses S. Grant: Politician* (New York: Dodd, Mead & Co., Inc., 1935; reprint, New York: Frederick Ungar Pub. Co., 1957), 159. According to Hesseltine, Grant's military and political careers both indicated his capacity for making sudden decisions. "In both the army and the White House, he manifested long periods of inactivity, broken by spurts of extraordinary energy."

<sup>24</sup> Governor Robert K. Scott to President Ulysses S. Grant, 14 February 1871, reprinted in Simon, ed., *Grant Papers*, 21: 259-64, 266-67. The South Carolina state legislature dispatched a three-member committee to Washington on 18 February to appeal directly to the president, *ibid.*, 260-62.

<sup>25</sup> Hamilton Fish diary entry, 24 February 1871, Hamilton Fish Papers, Library of Congress (hereafter LOC), Washington, D.C.; *Harper's Weekly*, 20 May 1871. In 1871, Texas was its own department under the Military Division of the South, with 74 companies stationed in the state out of a total of 137 in the entire division. *Annual Report of the Secretary of War* (hereafter *SW Report*), 42d Cong., 2d sess., 1871, H. Ex. Doc. 1, serial 1503, 96.

<sup>26</sup> Walter L. Fleming, ed. *Documentary History of Reconstruction: Political, Military, Social, Religious, Educational and Industrial, 1865-1906*, 2 vols. (Reprint, New York: McGraw-Hill Book Co., 1966), 476-78; Jean Edward Smith, *Grant* (New York: Simon & Schuster, 2001), 545-47.

<sup>27</sup> *Statutes at Large*, 41st Cong., 2d sess., vol. 16, ch. 114, 1870. Throughout its early history the Army occasionally served as *posse comitatus* in support civil law enforcement officials. This often placed soldiers in the uncomfortable position of acting

---

as a police force at the behest and under the direction of civil officials and outside of the normal military chain of command. Soldiers frequently served in this capacity during Reconstruction, becoming embroiled in local disputes and upsetting the Republicans' political opponents. Robert W. Coakley, *The Role of Federal Military Forces in Domestic Disorders, 1789-1878* (Washington, DC: Center of Military History, 1988), 21-22, 312-13.

<sup>28</sup> *Statutes at Large*, 41st Cong., 3d sess., vol. 16, ch. 99, 1871, 433-40. Section eight specifies cities and towns with 20,000 or more inhabitants. The eight former Confederate cities were New Orleans, Louisiana (191,418); Richmond, Virginia (51,038); Charleston, South Carolina (48,956); Memphis, Tennessee (40,226); Mobile, Alabama (32,034); Savannah, Georgia (28,235); Nashville, Tennessee (25,865); and Atlanta, Georgia (21,789). Five Border State cities also qualified: St. Louis, Missouri (310,864); Baltimore, Maryland (267,354); Louisville, Kentucky (100,753); Kansas City, Missouri (32,260); and Covington, Kentucky (24,505). U.S. Census Bureau, "Population of the 100 Largest Cities and Other Urban Places in the United States: 1790 to 1990," Population Division Working Paper No. 27, <http://www.census.gov/population/www/documentation/twp50027.html> (accessed 28 November 2007).

<sup>29</sup> James A. Garfield to Burke A. Hinsdale, 23 March 1871, in Mary L. Hinsdale, ed., *Garfield-Hinsdale Letters: Correspondence between James Abram Garfield and Burke Aaron Hinsdale* (Ann Arbor: University of Michigan Press, 1949), 171-2; Garfield to Jacob D. Cox, 23 March 1871, in Simon, ed., *Grant Papers*, 21: 247-48.

<sup>30</sup> *New York Times*, 10 March 1871; Grant to Speaker of the House James G. Blaine, 9 March 1871, in Simon, ed., *Grant Papers*, 21: 218-9. Grant wrote "unofficially" to Blaine of the "deplorable state of affairs existing in some portions of the South demanding the immediate attention of Congress." He continued: "If the attention of Congress can be confined to the single subject of providing means for the protection of life and property in those Sections of the Country where the present civil authority fails to secure that end, I feel that we should have such legislation. But if Committees are to be appointed and general legislation entered upon, then I fear the object of continuing the present session will be lost."

<sup>31</sup> *New York Tribune*, 15 March 1871.

<sup>32</sup> Uncharacteristically, Butler's comments provoked Speaker Blaine to leave his seat to confront the Massachusetts congressman on the House floor.

<sup>33</sup> *CG*, 42d Cong., 1st sess., 1871, 330, 355 and 362.

<sup>34</sup> *Ibid.*, 129-30; Garfield to Cox, 23 March 1871, in Simon, ed., *Grant Papers*, 21: 247-48. "Many good Republicans who feel deeply troubled by the state of things, shrink from the bestowal on the President of powers which, even supposing them to be constitutional, a change of administration might next lodge in the hands of a [Democrat]," *The Nation*, 23 March 1871, 189.

<sup>35</sup> *CG*, 42d Cong., 1st sess., 1871, 149, 180; *Resolution for the Appointment of a Joint Committee to Inquire into the Condition of the Late Insurrectionary States*, 42d Congress, 1st sess., S. Misc. Doc. 29, serial 1467, 1; *The Nation*, 23 March 1871, 189.

When offered the committee chairmanship, Butler rejected it outright as an insult. A congressman sympathetic to the Massachusetts Radical's position denounced the resolution as "a declaration to the whole country that additional legislation is needed, but that you propose to postpone it until December."

<sup>36</sup> Governor Robert K. Scott telegraph to President Grant, 9 March 1871; Grant telegram to Scott, 10 March 1871; U.S. Army Adjutant General Edward D. Townsend telegram to Major General Henry W. Halleck, 13 March 1871, in Simon, ed., *Grant Papers*, 21: 263.

<sup>37</sup> Grant proclamation to U.S. Congress, 23 March 1871, in Simon, ed., *Grant Papers*, 21: 246.

<sup>38</sup> *Ibid.* Garfield to Cox, 23 March 1871, in Simon, ed., *Grant Papers*, 21: 246-47; *CG*, 42d Cong., 1st sess., 1871, 246, 317.

<sup>39</sup> Garfield insisted that the bill rested "on an interpretation, of the 14.th Amendment, which I cannot yet see my way to adopt," Garfield to Cox, 23 March 1871, in Simon, ed., *Grant Papers*, 21: 247; *CG*, 42d Cong., 1st sess., 1871, Appendix, 67-71. Republican opposition to the measure was not confined to Congress. *Harper's Weekly* worried about the long-term ramification for the party and wrote: "We beg the Republicans in the House of Representatives to remember that this debate will make an issue of the most vital importance for the Presidential campaign ... there must be the greatest care that the policy recommended can be justified at every point before the people." "A Word to Congress," *Harper's Weekly*, 8 April 1871.

<sup>40</sup> *CG*, 42d Cong., 1st sess., 1871, 46-50.

<sup>41</sup> *Ibid.*, 330-2, 336-8, 351-6, 361-2; *New York World*, 27 March 1871; *New York Herald*, 21 April 1871.

<sup>42</sup> See House debate, *CG*, 42d Cong., 1<sup>st</sup> sess., 1871, 317-41, 351-8, 356-401, 522. The Republican press also attempted to establish the connection between the Ku Klux Klan and the Democratic party when it admonished its readers not to forget that "the success of the Democratic party is the success of the Ku-Klux." "The Apologists of the Ku-Klux," *Harper's Weekly*, 29 April 1871.

<sup>43</sup> "The Ku Klux Bill," *Harper's Weekly*, 15 April 1871; "The Sword and the Olive Branch," *ibid.*, 22 April 1871; *CG*, 42d Cong., 1st sess., 1871, 519-23, 538, 723-5, 749, 804.

<sup>44</sup> *CG*, 42d Cong., 1st sess., 1871, 317. Section two specified "murder, manslaughter, mayhem, robbery, assault and battery, perjury, subordination of perjury, criminal obstruction of legal process or resistance of officers in discharge of official duty, arson, or larceny" as criminal acts punishable under this law. Section five simply stated "nothing herein contained shall be construed to supersede or repeal any former act or law."

<sup>45</sup> *U.S. Statutes at Large*, 42d Cong., 1st sess., vol. 17, ch. 22, 1871, 13-15. The editors of *The Nation* commented presciently that if the U.S. government could not "interfere effectively" than it "had better not interfere at all." "The Problem at the South," *The Nation*, 23 March 1871, 193. For more on the burden the Enforcement Acts placed on federal law enforcement and judiciary see, Frederick S. Calhoun, *The Lawmen: United*

*States Marshals and Their Deputies, 1789-1989* (Washington, DC: Smithsonian Institution Press, 1989), 110-11; Kermit L. Hall, "The Civil War Era as a Crucible for Nationalizing the Lower Federal Courts," *Prologue: Journal of the National Archives* 7 (Fall 1975),

[http://www.archives.gov/publications/prologue/1975/fall/civil\\_war\\_courts.html](http://www.archives.gov/publications/prologue/1975/fall/civil_war_courts.html)

(accessed 10 July 2007); and Hall, "Political Power and Constitutional Legitimacy: The South Carolina Ku Klux Klan Trials, 1871-1872," *Emory Law Journal* 33 (Fall 1984): 924-26.

<sup>46</sup> Sherman telegram to Pope, 4 March 1871. The 4th U.S. Infantry regiment was stationed in Omaha, Nebraska. Sherman telegram to Major General Henry W. Halleck, 4 March 1871. The 7th Cavalry regiment was sent to the Military Division of the South but was initially earmarked for Kentucky and South Carolina, both of which fell under the subordinate command of the Department of the South. The Department of the South and the Department of the Gulf were included under the Military Division of the South in 1871. Secretary of War William W. Belknap, memorandum to Sherman, 11 March 1871, and Sherman telegram to Halleck, 11 March 1871, all in AGO file 767, 1871 (Microcopy M-666, reel 6), RG 94, NARA.

<sup>47</sup> Winfield S. Harvey diary typescript, 11 March 1871, Edward Settle Godfrey Papers, LOC.

<sup>48</sup> *SW Report*, 39th Cong., 2d sess., 1866, H. Ex. Doc. 1, serial 1285, 3; RRACR, 1833-1916 (Microcopy M-744, reel 71), RG 391, NARA.

<sup>49</sup> Allan R. Millett and Peter Maslowski, *For the Common Defense: A Military History of the United States of America*, rev. and expanded edition (New York: Free Press, 1994), 255; Michael L. Tate, *The American Army in Transition, 1865-1898*, Daily Life Through History, ed. David S. Heidler and Jeanne T. Heidler (Westport, CT: Greenwood Press, 2007), 32. According to Colonel Philippe Regis de Tobriand, "the infantry is absolutely useless in pursuing Indians on the 'warpath' and must be left in garrison ... the cavalry is the only arm that can be used effectively in pursuing Indians."

<sup>50</sup> Harvey diary, 11 March 1871, Godfrey Papers, LOC. Over the course of this deployment, in fact, excessive alcohol consumption proved far more dangerous to the regiment than the Ku Klux Klan. See *SW Report*, 42d Cong., 3d sess., 1872, H. Ex. Doc. 1, pt. 2, serial 1558, 87.

<sup>51</sup> Hugh L. Scott, *Some Memories of a Soldier* (New York: Century Co., 1928), 31.

<sup>52</sup> Ada Adelaide Adams Vodges, *Journal*, 7 March 1871, American Women's Diaries collection, Huntington Library, San Marino, CA. For the impact of Army wives on their husbands see Scott, *Memories of a Soldier*, 137, 189-90; and Charles K. Mills, *Harvest of Barren Regrets: The Army Career of Frederick William Benteen, 1834-1898* (Glendale, CA: Arthur H. Clark Co., 1985), 202-3.

<sup>53</sup> Benteen quoted in Mills, *Harvest of Barren Regrets*, 202.

<sup>54</sup> *Army and Navy Journal*, 8 April 1871, 541.

<sup>55</sup> See for example, Joseph G. Dawson III, *Army Generals and Reconstruction: Louisiana, 1862-1877* (Baton Rouge: Louisiana State University Press, 1982), 69-72;

and John F. Marszalek, *Sherman: A Soldier's Passion for Order* (New York: Free Press, 1993), 364-68, 371 and 376.

<sup>56</sup> *SW Report*, 41st Cong., 3d sess., 1870, H. Ex. Doc. 1, pt. 2, serial 1446, 37-38.

Sefton, *Army and Reconstruction*, 109-15, 128-31, 135-37, 141-46, 183-86, 198, 201, 206-7, 211-13, 217. Alabama, Arkansas, Florida, Georgia, Louisiana, North Carolina, and South Carolina returned to the Union in June 1868. Federal authorities remanded Georgia back to Army control on 22 December 1869 and it did not rejoin the Union until 1871. Mississippi, Texas, and Virginia were admitted in 1870. Congress required that each of the former Confederate states admitted after 1868 ratify the 15th Amendment, in addition to the 14th. From that point on, as Sefton argues, the major problem faced by Army officers in the South was their inability to get clear new guidelines from Washington. Civilian and military leaders preferred to allow local commanders to make their own decisions on whether or not to intervene in civil affairs since they were closer to the action and in a better position to decide what to do.

<sup>57</sup> *New York Tribune*, 8 November 1870; *Yorkville (SC) Enquirer*, 3 March 1870; *New York Times*, 25 March 1871; John F. Marszalek, *Commander of All Lincoln's Armies: A Life of General Henry W. Halleck* (Cambridge, MA: Belknap Press of Harvard University Press, 2004), 244-47; Sefton, *Army and Reconstruction*, 215-20; and Edward M. Coffman, *The Old Army: A Portrait of the American Army in Peacetime, 1784-1898* (New York: Oxford University Press, 1986), 236, 239-40, 268. According to Coffman, most Army officers found Reconstruction duty "onerous."

<sup>58</sup> Lieutenant Charles King to Colonel William Emory, 6 March 1872, AGO File 116, 1872 (Microcopy M-666, reel 46), RG 94, NARA.

<sup>59</sup> Quoted in Sefton, *Army and Reconstruction*, 223-24.

<sup>60</sup> For example, leaders in Washington demonstrated little interest in where military authorities placed the 4th Infantry and Sherman left it up to Division Commander Halleck to decide. This represented a significant contrast to the 7th Cavalry, which Secretary of War Belknap personally placed in position. Sherman telegram to Halleck, 11 March 1871, AGO file 767, 1871 (Microcopy M-666, reel 6), RG 94, NARA. See also, Sefton, *Army and Reconstruction*, 224.

<sup>61</sup> *SW Report*, 40th Cong., 3d sess., 1868, H. Ex. Doc. 1, serial 1367; *ibid.*, 41st Cong., 2d sess., 1869, H. Ex. Doc. 1, pt. 2, serial 1412; *ibid.*, 41st Cong., 3d sess., 1870, H. Ex. Doc. 1, pt. 2, serial 1446.

<sup>62</sup> Rable, *But There Was No Peace*, 83, 86-88, 95-96, 108. On page 108, Rable writes that "[b]etween 1867 and 1871, withdrawal of troops made keeping the peace increasingly difficult." For South Carolina see, Zuczek, *State of Rebellion*, 56-57, 71-73.

<sup>63</sup> RRACR, 1833-1916 (Microcopy M-744, reel 71), RG 391, NARA; *SW Report*, 42d Cong., 2d sess., 1871, H. Ex. Doc. 1, serial 1503, 21, 58-60; *ibid.*, 42d Cong., 3d sess., 1872, H. Ex. Doc. 1, serial 1558, 20-22, 81. The regiment also served in Mississippi and Louisiana in the Department of the Gulf during this period.

<sup>64</sup> Returns for March 1871-73, RRACR, 1833-1916 (Microcopy M-744, reel 71 and 72), RG 391, NARA.

<sup>65</sup> Historical documents do not reveal why federal authorities selected the 7th Cavalry for this posting. This absence of direct evidence offers a useful opportunity to speculate on the factors that likely went into this decision.

<sup>66</sup> Sherman assured Pope that he had been “compelled” to remove the 7th Cavalry from the Department of the Missouri. Sherman telegram to Pope, 2 March 1871, AGO file 767, 1871 (Microcopy M-666, reel 6), RG 94, NA. For 6th Cavalry’s Reconstruction duty stations see, *SW Report*, 40th Cong., 2d sess., 1867, H. Ex. Doc. 1, serial 1324; *ibid.*, 40th Cong., 3d sess., 1868, H. Ex. Doc. 1, serial 1367; *ibid.*, 41st Cong., 2d sess., 1869, H. Ex. Doc. 1, pt. 2, serial 1412.

<sup>67</sup> Fish diary, 24 February 1871, Fish Papers, LOC.

<sup>68</sup> Slap, *Doom of Reconstruction*, 113-17.

<sup>69</sup> Annual report of Major General Irvin McDowell, Military Division of the South, 6 October 1873, reprinted in *SW Report*, 43d Cong., 1st sess., 1873, H. Ex. Doc. 1, pt. 2, serial 1597, 51.

<sup>70</sup> Sefton, *Army and Reconstruction*, 8. He writes: “The soldiers’ Southern task required calmness, patience, tact, and an ability to use wide discretion wisely. The ruthlessness, impetuosity, and aggressiveness in combat which had made generals like Philip H. Sheridan popular war heroes also made them poor choices for Southern command.”

<sup>71</sup> *Army and Navy Journal*, 1 April 1871, 541.

<sup>72</sup> Robert M. Utley, *Cavalier in Buckskin: George Armstrong Custer and the Western Military Frontier*, The Oklahoma Western Biographies, ed. Richard W. Eutlain (Norman: University of Oklahoma Press, 1988), 5, 17-18, 27, 38-39, 104, 110. Sefton, *Army and Reconstruction*, 8. According to Sefton, “the political opinions and leanings of the senior commanders were a matter of considerable importance.” Custer received a court martial and was sentenced to suspension from rank and pay for one year on 11 October 1867 for being absent from his command without official leave and “conduct to the prejudice of good order and military discipline” for overworking horses, using them for private purposes, and failure to look after two enlisted men who had been attacked by an Indian war party (one was killed and the other wounded). He generated more controversy when he returned. Several of the regiment’s officers accused Custer of abandoning Major Elliott and nineteen men on the Washita battlefield on 27 November 1868. This incident contributed to an open break between Custer and Captain Frederick W. Benteen, in particular, and “deepened factionalism in the [regiment’s] officer corps.” Utley, *Cavalier in Buckskin*, 52-53, 69-70, 75, quote on page 75.

<sup>73</sup> Pope telegram to Sherman, 5 March 1871, AGO 767, 1871 (Microcopy M-666, reel 6), RG 94, NARA. Pope reported that five companies were stationed at Fort Leavenworth, two at Fort Harker, and one at Fort Scott.

<sup>74</sup> *New York Times*, 7 March 1871.

<sup>75</sup> The rapid exchange of telegrams between Pope and Sherman during the first weeks of March demonstrates this level of urgency. Sherman instructed Pope to “let me know how soon the 7th Cav. moves,” Sherman telegram to Pope, 4 March 1871, AGO file 767, 1871 (Microcopy M-666, reel 6), RG 94, NARA. See also, Pope to Sherman, 7 March 1871, AGO file 623 of 1871 (Microcopy M-666, reel 5), Record Group 94,

---

NARA. The Sixth Cavalry replaced the 7th in the Department of the Missouri. According to Pope, the regiment could be moved by rail at two-thirds the cost of boat transport, Pope to Sherman, 13 March 1871, AGO 767, 1871 (Microcopy M-666, reel 6), RG 94, NARA.

<sup>76</sup> Sherman telegram to Pope, 6 March 1871, AGO file 767 of 1871 (Microcopy M-666, reel 6), RG 94, NARA.

<sup>77</sup> Sherman to Pope, 4 March 1871, AGO file 767 of 1871 (Microcopy M-666, reel 6), RG 94, NARA. Troop G was stationed in Lyon, Colorado Territory; Troop H, out of Fort Hays, scouted the Sabine River from March 16-28; Troop L remained at Fort Wallace; and Troop M, out of Fort Hays, scouted the Solomon River from March 16-28, 1871. *March 1871 Return*, RRACR, 1833-1916 (Microcopy M-744, reel 71), RG 391, NARA.

<sup>78</sup> Harvey diary, 17 March 1871, Godfrey Papers, LOC.

<sup>79</sup> *Yorkville (SC) Enquirer*, 30 March 1871; Harvey diary, 26 March 1871, Godfrey papers, LOC. Secretary Belknap determined that the first eight companies to arrive in the Division of the South should be divided equally between Kentucky and South Carolina; Belknap memorandum to Sherman, 11 March 1871, Sherman telegram to Belknap, 14 March 1871. Governor Scott assisted in determining where the companies should be placed in South Carolina, Brigadier General Alfred H. Terry to Adjutant General Townsend, 25 March 1871, AGO 767, 1871 (Microcopy M-666, reel 6), RG 94, NARA.

<sup>80</sup> "Ten Years With Custer Among the American Indians," Newton (MA) *Circuit*, 1 October 1909.

<sup>81</sup> KKK Report, 42d Cong., 2d sess., H. Rep. 22, pt. 5, serial 1488, 1482.

<sup>82</sup> *Ibid.*, 1601-2.

<sup>83</sup> Nina Silber, *The Romance of Reunion: Northerners and the South, 1865-1900*, Civil War America, ed. Gary W. Gallagher (Chapel Hill: University of North Carolina Press, 1993), 67-69. According to Silber, the post-Civil War South emerged as a popular destination for Northern tourists beginning in the 1870s.

<sup>84</sup> Harvey diary, 14, 22, 23, 25 March 1871; "Ten Years," Newton (MA) *Circuit*, 1, 8, 15 October, 3 December 1909.

<sup>85</sup> "Ten Years," Newton (MA) *Circuit*, 8 October 1909.

<sup>86</sup> *Ibid.*, 15 October 1909.

<sup>87</sup> *Yorkville (SC) Enquirer*, 14 September 1871.

<sup>88</sup> Abstract of annual report from Lieutenant General William T. Sherman, Military Division of the Missouri, 1 November 1868, *SW Report*, 40th Cong., 3d sess., 1868, H. Ex. Doc. 1, serial 1367, x, 1.

## CHAPTER IV

### A PERFECT REIGN OF TERROR

When elements of the 7th Cavalry Regiment arrived in South Carolina, they were concentrated in the state's tumultuous Upcountry. Their presence moved the federal government one step closer to intervening in South Carolina's affairs. President Ulysses Grant's administration had the proper kind of troops in place to wage an effective campaign against the Ku Klux Klan. But executive officials remained reluctant to embrace the use of military force. Rather than order the Army to make arrests, the president issued a series of proclamations that condemned the outrages and encouraged Southerners to stem the tide of violence in their communities. This left the 7th Cavalry companies in the region in limbo for several months. Unable to catch the Klan in the act, the Army had little impact on curbing the violence and its severely circumscribed role emboldened white supremacists to commit more crimes against Republicans. The resumption of lawlessness convinced Major Lewis Merrill of the 7th Cavalry to conduct a thorough investigation into the Invisible Empire's reign of terror and he learned that rather than retire the Upcountry Klan lay in wait to unleash a new and more brutal campaign of terror as soon as the federal authorities turned their attention elsewhere. Mostly as a result of the major's diligence, federal authorities became convinced of the need to launch an aggressive campaign, directed by Washington, to root out and destroy the Ku Klux Klan in South Carolina.

Merrill, a 37 year-old regular Army major and brevet colonel, led the first contingent of 7th cavalymen into South Carolina and assumed command of the post of Yorkville, the county seat of York, located at the center of a hotbed of Ku Klux Klan activity. Based on his past experience, the major proved to be a propitious choice to command this post. While many Army officers regarded Reconstruction duty as an onerous task, fraught with professional pitfalls, Merrill embraced his mission of bringing peace and stability back to York.<sup>1</sup> The major descended from a prominent family of Pennsylvania lawyers and he possessed an aptitude for the law and an appreciation of jurisprudence that distinguished him from many of his peers and served him well in taking on South Carolina's Invisible Empire.<sup>2</sup> Merrill's prominent role in federal intervention ultimately earned him the scorn of Democrats and Southern white supremacists who derided him as a "Radical." But the major was no racial ideologue, nor did he possess a higher opinion of African Americans than many of his brother officers. Like his father, James, who forcefully opposed restricting the franchise to "white freemen" as a delegate to Pennsylvania's 1838 constitutional convention, Merrill's defense of black rights stemmed from his commitment to legal justice and social stability – not racial equality.<sup>3</sup>

Aside from his upbringing and natural aptitude for the law, Merrill's prior military career provided him with relevant experience in suppressing domestic disorders.<sup>4</sup> After his graduation from the U.S. Military Academy at West Point, New York in 1855, Merrill accepted a commission in the 2d Dragoons serving on the frontier in the Department of the West. The previous year, Congress enacted the Kansas-

Nebraska Act, allowing those two territories to become states on the basis of popular sovereignty, whereby territorial voters determined for themselves whether to enter the Union on the basis of slavery or freedom. The situation that developed in Kansas proved the folly of this theoretically democratic process as pro- and anti-slavery forces waged a quasi-civil war for recognition from Washington as the legitimate government authority in the territory. By 1856, the Army found itself in the middle of a rapidly deteriorating crisis. The task of keeping the peace fell primarily upon Lieutenant Colonel Edwin V. Sumner's 1st Cavalry posted at Fort Leavenworth in eastern Kansas. Faced with conflicting orders from the secretaries of war and state, Sumner disobeyed his immediate superior by refusing to employ his regiment as posse comitatus in support of the pro-slavery territorial government in Leecompton against the rival free-state government in Lawrence. Sumner used his soldiers to police the territory as a neutral third party, breaking up armed bands of both persuasions and ultimately succeeded in bringing some measure of peace and stability back to Kansas. Stationed further west at Fort Riley, Merrill's regiment was only tangentially involved in the territory's troubles but even these limited experiences in "Bleeding Kansas" served a potent introduction to using the Army to quell domestic disturbances generated by the sectional enmity engendered by slavery.<sup>5</sup>

Before Kansas's troubles ended, the 2d Dragoons received orders to join the military expedition to Utah to install a new territorial government and reassert federal supremacy over the territory's fiercely independent Mormon settlers. This expedition offered Merrill an experience that approximated circumstances he later faced in South

Carolina. To begin with, the expedition proved supremely frustrating for the soldiers who endured harassment from the Mormon militia, a shadowy enemy that employed subversive tactics similar to the Klan's, for several months while civil authorities attempted to arrange a solution that did not involve armed conflict. Ultimately, the expedition succeeded in its purpose, installing President James Buchanan's non-Mormon appointees as the new territorial government of Utah, assisting the U.S. circuit court as posse comitatus, and investigating allegations of outrages committed by the Mormons against other American citizens in the territory. As a lieutenant, Merrill led several of these posses and confronted challenges similar to those he and his subordinates encountered in South Carolina in 1871 and 1872, especially the frustration of justice caused by the flight of fugitives and the recalcitrance of Mormon witnesses and juries.<sup>6</sup>

When the Civil War broke out in 1861, Merrill, a recently promoted captain in the re-designated 2d Cavalry, spent the first few months of the war mustering volunteer regiments into federal service at Benton Barracks, Missouri. Shortly thereafter, he asked for and received permission to raise and command his own volunteer regiment, the 2d Missouri Cavalry, more commonly known as "Merrill's Horse."<sup>7</sup> Throughout the first two years of the war, Colonel Merrill earned a reputation in the trans-Mississippi West as a tough, effective cavalry officer and counterinsurgent, battling Confederate and pro-Confederate irregulars as commander of Missouri's Northeast Division.<sup>8</sup> The "people's war" in this Border State daily tested Merrill's judgment in determining the appropriate application of military might and hard war tactics when suppressing an insurgency in the midst of a civilian population deeply divided in its loyalties between North and South.

Throughout 1862 and 1863, Merrill's Horse remained "almost continuously in the saddle, day and night, scouting after bushwhackers."<sup>9</sup> When conciliation failed, as it frequently did in Civil War Missouri, Merrill adopted more severe punitive measures in an effort to pacify his division, levying fines against communities that harbored pro-Confederate fighters, banishing outright Confederates from the state, and being the first Union commander to order the execution of guerrilla prisoners to discourage the "pestiferous" gangs and purge the region of its "relative badness."<sup>10</sup> Never comfortable putting Americans to death, Merrill made numerous attempts to entice Confederates to surrender, promising to spare their lives if they laid down their arms because, in his words, "it is cheaper to feed them than to fight them."<sup>11</sup> As division commander, Merrill wielded his vast authority "liberally" but judiciously and his actions earned him approbations from higher authorities.<sup>12</sup> The Department of the Missouri's provost marshal, Lieutenant Colonel Franklin Dick, informed President Abraham Lincoln in December 1862 that the "military efforts of such brave men as General Merrill, who has captured thousands" of pro-Confederate guerillas and bushwhackers "have made them somewhat cautious."<sup>13</sup> Unfortunately for the federals, as Dick admitted, Merrill's efforts fell short of crushing Confederate resistance in Missouri.

After serving with distinction as department commander in northeast Missouri and participating in the Little Rock campaign of 1863, Merrill received other assignments. He commanded the Cavalry Depot in St. Louis, a post he held from June to October 1864.<sup>14</sup> By the spring of the following year, after a series of contentious exchanges with Major General William Rosecrans who regarded Merrill as "too

cautious” in reconnoitering the enemy, Merrill’s regiment was transferred to the Department of the Cumberland to defend Union supply lines and guard transportation and communication routes against Confederate raiders as the main army pushed deep into the Southern heartland.<sup>15</sup> As the war drew to a close, Merrill received the task of affecting the surrender of Confederate General William Wofford’s army in northern Georgia. His detailed report on the disposition of Wofford’s troops and his observations on the Confederates’ “earnest desire ... to return quietly to their homes” drew praise from Major General George Thomas who desired the level of detail the young officer provided.<sup>16</sup> Merrill’s intelligent and detailed reporting proved essential in Reconstruction South Carolina as well, giving his civil and military superiors what they needed most, an accurate assessment of local conditions.

During the Civil War, Merrill honed several important skills that served him well during Reconstruction. In Missouri, he demonstrated his ability to discern between loyal inhabitants, outright government opponents, and residents who preferred to avoid taking either side in the conflict, and treated them accordingly. As a department commander, he protected the loyal, punished the rebellious and criminal, and remained generally unoffending to those who sat on the fence. Throughout the war, he remained committed to bringing peace and stability to this troubled Border State infested by guerrillas, bushwhackers, and brigands who relied on swift movement, knowledge of the countryside, networks of sympathetic civilians, and terror to control territory and avoid capture; the Ku Klux Klan relied on the same tools during Reconstruction. With Missouri under martial law, the Union army operated as the state’s law enforcement

agency for most of the war. Merrill learned to rely upon a select group of dependable African Americans for intelligence, developed effective interrogation techniques, and displayed a measured hand in distributing mercy and punishment to counteract the guerrillas' tactics.<sup>17</sup>

After the war, Merrill returned to his captaincy in the regular Army, serving as acting assistant inspector general and acting judge advocate in the Department of the Platte until being promoted to major in the 7th Cavalry Regiment on 27 November 1868.<sup>18</sup> As a member of the regiment, he largely served without distinction until placed in command of the first contingent of cavalymen to arrive in the South in March 1871. After experiencing several months of the Ku Klux Klan riding roughshod all over his department giving off an air of invincibility, Brigadier General Alfred Terry was determined to stop the outrages. He communicated this sentiment in a set of verbal instructions to Merrill before sending him and half of the first contingent of cavalymen, four troops, into the state's turbulent Upcountry counties where they joined posts established weeks earlier by companies from the 18th Infantry in Union, Chester, Spartanburg, and York counties. When the 7th's remaining four troops arrived from the frontier in May, the general dispatched three more companies to the Palmetto State, where they established new posts in Sumter, Winnsboro, and Darlington counties. The high concentration of the department's meager cavalry resources in South Carolina's northern counties indicated Terry's grave concern over the Klan's recent reign of terror that plunged the region into anarchy and bloodshed. By ordering seven of the 7th regiment's twelve companies, 58 percent of its total strength, to seven counties in one

state, Terry delivered to South Carolina the highest concentration of cavalrymen in a former Confederate state since the Union army demobilized after the Civil War.<sup>19</sup>

The department commander reached out to South Carolina Governor Robert Scott to ensure that he posted his troopers in areas where they would achieve the greatest stabilizing effect. Furthermore, Terry assured the governor that if the state government declared martial law “I will enforce it with my whole command if necessary.” But Scott, an Ohio carpetbagger and Union army veteran who had served as a Freedmen’s Bureau agent in the state before being elected governor, rejected this alternative. As he had explained to state legislators earlier in the year, “I dare not and will not assume that justice cannot be administered until the effort is made and the failure evident.”<sup>20</sup>

Fighting to maintain his viability as a politician and his administration’s legitimacy, Scott understood that imposing martial law with federal soldiers only validated Conservatives’ claims that his was an alien government imposed upon the people at the point of a bayonet. The governor had been petitioning Washington for more troops for weeks and now that he had them he invited a select group of prominent Upcountry Conservatives down to Columbia to meet with him on 13 March to seek their cooperation in restoring order in their communities. Confident and self-assured, the delegates demanded concessions from the governor. In exchange for their cooperation Scott agreed to disband the remaining state militia companies, replace select Republican officeholders with more conservative men, and delay any proclamation of martial law. In meeting these demands, the governor gave up little that the Ku Klux Klan had not

already taken, or threatened to take, by force; he merely accepted the status quo in the Upcountry.<sup>21</sup>

The governor placed great faith in his peace initiative as Upcountry Conservatives publicly fulfilled their obligations under the gentlemen's agreement. For the next few weeks and periodically thereafter, white community leaders, including some high-ranking Klansmen, placed advertisements in local newspapers announcing their opposition to vigilantism.<sup>22</sup> In an extraordinary example of this effort, Yorkville merchant James Avery, a man regarded by many to be the leader of the York County Klan, condemned lawlessness and promoted his dry goods store at the same time, calling upon "every white man in the county, to do all in his power to preserve the peace and keep down all disturbances; so that every man, woman and child, may come, in safety, and see my large and elegant stock of Goods." Alongside these personal cards appeared numerous resolutions, adopted separately at white and black town meetings held throughout the region that also condemned violent acts and disturbances of the peace.<sup>23</sup> Within a few days of the governor's Columbia conference, Captain John Christopher, commanding the 18th Infantry detachment in Yorkville, reported "a great change in the condition of the affairs" in York County and observed "there seems to exist between the races a general sentiment of determination to check anarchy" and uphold the law.<sup>24</sup> The long-term success of the governor's strategy, however, remained to be determined. Whether or not conciliation would have succeeded on its own is difficult to measure for on the same day that the *Yorkville Enquirer* reported the outcome of the governor's "peace conference" it reprinted a story from the pro-Republican *Columbia Union* that

anticipated the arrival of four cavalry companies from the West “intended for service in the up-country.”<sup>25</sup>

Local efforts to discourage vigilantism, Congress’s consideration of additional enforcement legislation, and the deployment of more soldiers to the region combined to bring about a temporary lull in racial conflict in the Upcountry when detachments from the 7th Cavalry arrived at the end of March. With Kukluxism on the wane, the cavalymen found themselves with only routine camp duties to perform. Throughout the month of April, the soldiers established camps, explored their new surroundings, and wondered where the Ku Klux had gone. For the regiment’s officers, this lull in disturbances provided a unique training opportunity that was impossible to achieve under the near constant demands imposed upon the frontier Army.<sup>26</sup> Merrill understood that the 7th’s movement away from the frontier was only temporary, especially in light of the Klan’s disappearance. Before long the regiment would return to the West, and the major encouraged his subordinate officers to avoid falling into bad habits in the comfortable East and engage in practices “likely to be valuable to their companies in the future.” In one of his earliest orders, Merrill directed the Yorkville garrison to plant company gardens to supplement Army rations, an essential practice used to maintain nutrition at distant frontier posts and each week the garrison participated in cavalry drills.<sup>27</sup>

Outside of routine tasks to perform the men enjoyed plenty of free time during their first few months in the South to indulge in less desirable activities. The absence of Ku Klux activity disappointed many troopers who had been led to believe that the

organization constituted a large and dangerous conspiracy against the state and federal governments, a new Southern rebellion against federal authority. The thought of hunting down unreconstructed rebels appealed to their sense of patriotism and duty, especially for those raised on stories of Civil War glory. Having already confirmed their manhood against the Plains Indians, many 7th cavalrymen looked forward to confronting the Ku Klux. Unfortunately for them, the reality of Reconstruction duty failed to live up to these unrealistic expectations. For the balance of the spring through the early summer, times remained “dull” as K Troop’s farrier, Winfield Harvey, repeatedly complained in his diary. Day after day he discouragingly reported “[n]o news from the K.K.K.” and “[e]verything lovely” in Yorkville.<sup>28</sup>

During the first few weeks of the regiment’s Southern deployment, Upcountry whites conducted a thorough public relations campaign to convince the post commanders that peace had been restored. Recognizing the weight that Army reports on local conditions carried in Washington, Conservatives began by working to cultivate friendly relations with their local garrisons. The *Yorkville Enquirer*, for example, expressed pleasure at the opportunity to welcome the acclaimed 7th Cavalry regiment to its village and lauded the officers as “gentlemen of refinement and culture.”<sup>29</sup> The newspaper’s Chester correspondent praised that town’s garrison, declaring that “[t]he most admirable discipline is maintained, and the presence of the troops is a source of interest and pleasure to the town.”<sup>30</sup> Major Merrill’s early reports on local conditions to department headquarters reflected his appreciation of the kindness and courteousness Yorkville’s “principal citizens” and the “leading men of the country” extended to him

and the men under his command. These kindnesses tended to confirm the major's initial impression that the recent excitement had passed.<sup>31</sup>

Around the time the regiment arrived in the region, South Carolina Conservatives derived confidence that the soldiers were potential racial allies from two well-publicized incidents. In the first, Massachusetts congressman and outspoken Radical Republican Benjamin Butler denounced using U.S. soldiers to enforce black civil rights in the South because the Army "is composed largely of men who were Confederate soldiers in the late war" and that "a large part of the others could not be depended upon."<sup>32</sup> Second, in an address to a Republican political club in New Orleans, Louisiana, the Army's top general, William Sherman, stated his conviction that the Ku Klux conspiracy had been "greatly over-estimated" by Washington politicians and advocated disentangling the Army entirely from Southern Reconstruction so that it could focus all its limited resources on settling the frontier and civilizing its native inhabitants. The *Yorkville Enquirer* described Sherman's views as "manly and patriotic" and "gratifying to the people [of the South]."<sup>33</sup>

As a result of the increase in the federal military presence in the region and the new enforcement act signed into law on 20 April, South Carolina's Ku Klux Klan had drastically curtailed its activities in order to wait out the Army. As outrages subsided, the Grant administration patiently waited and closely watched to see what developed, hoping that Kukluxism had run its course and that racial violence would cease without resorting to the provisions contained in the highly controversial new enforcement law. At a 9 May Cabinet meeting, administration officials concluded "that the existing state

of affairs in the Southern States do not warrant any hasty action.”<sup>34</sup> Adding emphasis to the administration’s decision, the 1st session of the 42d Congress created the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States, a bipartisan committee to investigate allegations of an organized Ku Klux conspiracy in the former Confederate states. The Ku Klux committee, chaired by Republican Senator John Scott of Pennsylvania, had not yet begun its work and Grant officials preferred to allow it time to complete its task before utilizing the Ku Klux Act. Reflecting upon this period, U.S. district attorney for South Carolina, David Corbin, confirmed that “in the spring of 1871, the great practical difficulty was the want of accurate and reliable information” regarding the Ku Klux Klan.<sup>35</sup> Federal authorities required several months to develop this information.<sup>36</sup>

Having only received verbal instructions from the department commander regarding their responsibilities and with peace apparently restored, many of the 7th’s officers appeared uncertain of their legal authority and frequently refused to lend military support to civil law enforcement when asked. In reply to these requests, they argued that only the president possessed the authority to order them to serve in such a capacity. This situation deeply troubled the Ku Klux committee chairman who brought it to the president’s attention on 13 May. In response, Grant instructed the secretary of war to issue an order clarifying the soldiers’ obligations, which emerged from the War Department two days later as General Orders Number 48, commanding all U.S. military personnel in the Palmetto State to assist civil law enforcement in making arrests, prevent rescue attempts of men taken into custody, disperse bands of organized conspirators, and

open their camps to refugees seeking safety.<sup>37</sup> On the same day, the president removed any confusion regarding his stance on the Ku Klux question by issuing a proclamation calling all Americans' attention to the new anti-Klan law and asking them and "all public officers" to help suppress lawlessness. He devoted special attention to "the people of those parts of the Country [lately in rebellion]" whom he especially exhorted "to suppress all such combinations by their own *voluntary* efforts."<sup>38</sup> Grant emphasized his reluctance to accept the "extraordinary powers" conferred upon his office by Congress, but stressed "I will not hesitate to exhaust the powers thus vested in the Executive" if the outrages persisted. A continuation of Klan terror and absence of local or state law enforcement "imposes upon the National Government the duty of putting forth all its energies for the protection of its citizens of every race and color, and for the restoration of peace and order throughout the entire country."<sup>39</sup>

Of course, the president's proclamation elicited bitter resentment in the national Democratic press and in Upcountry newspapers. "This insolent, obtrusive manifesto," wrote the *New York World*, "shows that Kaiser Ulysses is so puffed up with a sense of his despotic authority that he cannot wait an occasion for its exercise."<sup>40</sup> In Yorkville, the *Enquirer's* editor condemned the president's thinly veiled jab at the former Confederate states, but cautioned his readers to "be prudent" in the face of national scrutiny while remaining firm in their resistance to state Republicans' "acts of roguery."<sup>41</sup> With national attention focused on the Upcountry, native whites became increasingly wary of outsiders, assuming strangers were "sensation hunters" dispatched by pro-Republican Northern newspapers to manufacture stories of Ku Klux atrocities to

cast their communities in a negative light. The *Enquirer* encouraged its readers to remain aloof from foreigners and expressed the conviction that traditional Southern masculinity, and the honor in which it was rooted, would eventually overcome “the inquisition.”<sup>42</sup> The intense hostility that greeted the president’s proclamation in some circles indicated that the administration must proceed cautiously in involving itself in a state’s domestic affairs, taking time to amass sufficient evidence against the Klan to justify military intervention.

Gradually, the Upcountry Klan drew courage from the Army’s inactivity and slowly resumed its nocturnal activities in the countryside, away from the garrisons posted in the county seats. Renewed Kukluxism in early May led Major Merrill to express reservations about the local peace process and confide to department headquarters that although “I was at first led to believe that the worst was past ... a fuller information leads me to fear that the fire is only smouldering.” His first indication that the Klan remained a potent force came when he learned that African-Americans who lived distant from the post continued to sleep out in the woods at night to avoid Ku Klux attacks. When he investigated the rumors further he found blacks unwilling to file formal complaints or appear in court for fear that, even with the Army present, “they would not be safe a moment after they had given evidence.” The fact that this level of fear continued to pervade Upcountry South Carolina’s black community encouraged the major to investigate Klan activities more thoroughly to gain a better perspective on the organization, its purpose, and its current state.<sup>43</sup>

Merrill was the only officer in the region to recognize and report that the Klan continued to pose a threat, but he remained naïve in regard to the ease with which federal authorities could dispatch the conspiracy. In his early reports, the major expressed great faith that punishing a few Ku Klux “would be the merest child’s play” and succeed in bringing Kukluxism to an end. He derived much of this confidence from his “excellent relations” with the county sheriff, whom he described as a “good man, disposed to do his duty,” even though he possessed “the characteristic shiftlessness of the officials here generally.”<sup>44</sup> For the moment, Merrill judged full-scale military intervention to be an unnecessary step, more likely to promote hostility toward Washington than enhance the federal government’s reputation in the region. Barely two weeks passed, however, before Merrill’s reports indicated a newfound contempt for the county sheriff and the legal restraints that “hampers every action and complicates every plan.” Since the victims and witnesses refused to file charges against Klansmen, the major became convinced that “it is idle to attempt arrests, unless the parties can be caught redhanded” in the act of committing their crimes.” Towards this end, Merrill fell back upon his Civil War experience and enlisted the help of a few local African Americans he deemed trustworthy and employed them as special agents to observe and report on the movements of suspected Klan leaders. He did not have to wait long before he learned through his black informants that Klansmen were preparing another raid. Certain that the Klansmen would be completely caught off guard, Merrill arranged for a cavalry escort to assist the sheriff in intercepting them. The accuracy of the reports was confirmed when the sheriff backed out at the last moment, depriving the major of the authority of acting

in support of a civil officer. After contemplating unilateral action he decided that the risks to his career and the Army's reputation outweighed any potential rewards.

Throughout the month of May, Merrill grew increasingly frustrated with the obstructions erected by local officials and his own inability to strike at the York County Klan directly. "It requires great patience and self control, he wrote to department headquarters, to keep one's hands off these infamous cowards when absolute knowledge exists, of who they are, and what they do, and what they propose to do."<sup>45</sup>

Thwarted in his attempts to bring the perpetrators of Ku Klux terror to justice by cooperating with the sheriff, the major engaged in subterfuge to get around the legal constraints that inhibited his action. On 14 May, he invited several prominent York Conservatives to meet with him in his office, including the dry goods merchant James Avery, the purported head Klansmen in the county. Swallowing his contempt for the sheriff, the major expressed his understanding of the difficult task civil law enforcement authorities faced in bringing the secret conspirators to justice. Then Merrill revealed that he had been conducting his own investigation uncovering details that, according to the *Yorkville Enquirer's* editor, "impressed those present with the idea that he is kept informed as to the operations of disguised persons in this county." When his audience pressed him to provide the criminals' names so that they could be brought to justice, Merrill refused. Rather than give any names, he preferred to leave every Klansmen in the county in fear. He left his visitors with some hope, encouraging them to take "prompt and decisive" action to bring Ku Klux criminals to trial. Only "by this timely action of the people," he warned, could "the necessity of declaring martial law" be

avoided. No time must be wasted, Merrill added, since “he was daily expecting notice that the writ of *habeas corpus* had been suspended” and military arrests ordered.<sup>46</sup>

The major’s conference with local residents came one day before the president’s proclamation and the timing left Yokvillians with the impression that Merrill was kept well informed of political decisions in Washington. As a result, they responded quickly to his demands. Once again, white residents filled the columns of the *Yorkville Enquirer* with signed cards denouncing Kukluxism and advocating peace and obedience to the law. The newspaper’s editor, Louis Grist, who had been present at the meeting called by the post commander, exhorted his readers to give up violence, anticipating that federal authorities fully intended to intervene if conditions did not improve. If York’s residents allowed this to come to pass, he argued, we “will soon have occasion to observe the practical operations of this law [Ku Klux Act] with its utmost severity and with all its unpleasant consequences.”<sup>47</sup> Reading these words in the local pro-Democratic newspaper likely confirmed in the major’s mind the success of his efforts. Merrill’s special agents informed him that in the wake of his conference York’s leading Klansmen gathered in a series of secret meetings to determine an appropriate course of action to take. After some disagreement and several heated exchanges between den leaders, they agreed to circulate a signed petition denouncing violence. Although several vehemently opposed the petition, preferring an armed confrontation with federal troops, Avery gained their assent by offering his opinion that “the paper amounted to nothing anyway” and “it would be wise to sign it and hold off for a while for further developments.” During his brief tenure in the region, Merrill had learned to place “no great faith in

pledges” and the outcome of this secret Ku Klux meeting only confirmed this conviction.<sup>48</sup>

The major’s meeting, the white community’s public condemnations against violence, and the petition signed by a number of prominent Klansmen, all helped to stem the latest round of outrages. But Merrill refused to be fooled again and he viewed the Klan’s current lull in activity as more window dressing than substance. In a report to his superiors in Louisville he wrote, “I have no substantial reason for expressing any hope that the situation is materially bettering [in Yorkville],” regarding any halt to violence as temporary and therefore “valueless as an indication of good.”<sup>49</sup> He believed that the Invisible Empire remained active by fostering discontent within the ranks of his command and harboring deserters, and he knew that Klansmen had repeatedly broken into his office to examine his official papers in order to gauge Washington’s true intentions.<sup>50</sup> Every indication he received pointed to the Klan’s growing strength in York, as it used the lull to expand its influence by chartering new dens and enrolling new members. In his opinion, Klansmen appeared intent on unleashing another, more brutal, terror campaign as soon as circumstances proved favorable. “I am forced to believe that whatever may be the appearance of things on the surface here, that no present intention exists of abandoning the ultimate objects of the order, or of delaying the consummation of their projects longer than is made advisable by the presence of the military, and the greater or less activity of the U.S. civil Officers under the Ku Klux act.”<sup>51</sup> The Klan intended that as soon as the Army removed the soldiers and Washington’s special vigilance lifted it would rule the night once again.

By June, the peaceful conditions had already begun to unravel. Merrill's efforts at sowing discontent within Ku Klux ranks was ruined on 25 May when the telegraph operator in Chester, the nearest telegraph station, informed Klansmen in Yorkville of an official request made by the major to department headquarters requesting permission to begin making military arrests. When the arrests failed to materialize, York Klansmen knew that Army authorities had refused to accede to Merrill's request and the major found his position in the community undermined and his ability to influence local affairs completely compromised. York's white supremacists were emboldened, secure in the knowledge that the major had misled them and that, at present, federal intervention remained unlikely. Adding insult to injury, Governor Scott met with Grant in Washington at the end of the month to discourage the president from placing South Carolina under martial law, proposing to allow his peace initiative more time to produce results.<sup>52</sup>

Merrill may have been frustrated by his inability to make arrests, but his personal investigation into the Ku Klux Klan was beginning to bear fruit. On 9 June, he reported to his superiors in Louisville that he had succeeded in turning a disillusioned Klansmen into an informant and was now "well and thoroughly informed of the workings" of the York Klan. In a dozen pages, he detailed the secret oaths, rituals, signs and passwords that his informant had revealed to him and confirmed the Klan's political purpose.<sup>53</sup> The next day, Merrill sent another report to department headquarters detailing rumors circulating around Yorkville of a planned Ku Klux raid on his post. He admitted that he desired the attack as a way to relieve him of the legal restraints on military action, and so

did his men. "I confess that my exasperation with their infamously cowardly outrages and with the stolid indifference, cowardice, and want of capacity, honesty and energy of the civil authorities," he wrote, "prompts very strongly the desire that they might try it out and so let me off [the] leash."<sup>54</sup> Frustrated at being forced to wait upon requests from civil authorities to act, men he regarded as either utterly incompetent, completely corrupt, or Ku Klux accomplices, the major longed for the opportunity to join in a pitched battle with the Klan.

Department headquarters may have denied Merrill's request to make arrests, but he did have a strong supporter in Louisville. General Terry placed great value in Merrill's frequent reports on local conditions in Upcountry South Carolina and he informed the secretary of war that he believed the major offered "a very clear and just view of the situation of affairs" in York County, "probably the most disturbed district of that State." The general proposed concentrating most of his limited resources on this region since the "whole army of the United States would be insufficient" to put down the insurgency everywhere it existed in the South. In Terry's opinion, by severely punishing the leading and most violent actors in an area where the Klan seemed invincible, "a fatal blow would be given everywhere, or that at any rate the task of suppression elsewhere would thereafter be an easy one." Moreover, he had already found an officer that he trusted to command the effort. As Merrill's reports indicated, the Ku Klux Klan had paralyzed the local justice system through widespread intimidation and rampant perjury. Sympathy with the Klan's objectives and pervasive fear of Ku Klux retribution

hampered any attempt at law enforcement by local officers, leading Terry to argue that the time had come to supplement civilian law enforcement with military force.<sup>55</sup>

Adding urgency to the situation, Merrill detected a significant change in African Americans' attitude toward the soldiers. Initially, many had welcomed the cavalry's arrival in the Upcountry and believed it signaled an end to the Klan's reign of terror. But the longer military authorities stood on the sidelines the bolder white supremacists became and the more blacks grew frustrated and disillusioned with Washington. By the summer of 1871, Merrill identified a growing restiveness within York County's black community and a desire to settle matters once and for all by initiating a race war. The major also worried about the potential impact on federal enforcement if Washington continued to dally because, in his words, "I find of late much less freedom in their talk with me," as well as, "a growing suspicion that my inaction is not necessary and can only come from sympathy with the Ku Klux." After spending weeks gaining the confidence of York blacks enabling him to gather evidence against the Klan, the major grew fearful that their growing reticence, when matched with the deafening silence emanating from the white community, would make it impossible for federal authorities to successfully investigate and prosecute Klansmen once the politicians finally decided to act.<sup>56</sup>

The enlisted soldiers' actions, the longer they sat idle, did not help the situation. Racial conflict between white cavalymen and black citizens emerged from the moment the 7th Cavalry detachments arrived in the state. The troopers' poor treatment of African Americans in the capital city of Columbia stood in stark contrast to their mission

as protectors of black rights. No matter how Washington policymakers conceived the mission, most enlisted men never viewed their duty in purely legalistic or constitutional terms. Furthermore, many shared Southern whites' racial prejudices and the notions of white racial supremacy that prevailed in American society. Members of the regiment first revealed these attitudes when they arrived at department headquarters in the border state of Kentucky where black residents warmly greeted the blue coats. For their part, the troopers enjoyed these interactions that conformed to their expectations of black subservience. "We had a big jubilee here with the niggers," recalled K Troop's farrier Winfield S. Harvey, "we made them dance and jump and sing 'Shu fly don't boder me'." Harvey and the other soldiers welcomed these displays that affirmed their preconceptions of white supremacy and black inferiority, especially when they reinforced racial stereotypes hardened by minstrel shows, popular entertainment in the North's ethnic communities.<sup>57</sup>

When portions of the regiment moved deeper South, going from Democratic-controlled Kentucky to Republican-dominated South Carolina, troopers encountered troubling evidence of the revolution in race relations wrought by Reconstruction. Conflict ensued. Largely as a result of its black majority, Republican reforms dug deeply in the state capital of Columbia, where the cavalrymen first confronted the spectacle of black policemen patrolling the city's streets.<sup>58</sup> Throughout their time in the South 7th cavalrymen came into conflict with local authorities when drunk and disorderly, a situation that was exacerbated when law enforcement were black.<sup>59</sup> For many 7th cavalrymen, African Americans enforcing the laws constituted black rule, an

unnatural ordering of the racial hierarchy that they sought to correct by reasserting white supremacy through the practice of playing “pranks.” In his memoirs, M Troop’s Sergeant John Ryan, a Union veteran, provided several examples of this behavior that first emerged at Columbia. African-American women frequented the cavalry camp on the Seluda River to sell cartloads of fresh fruits and vegetables and the rankers seized the opportunity to push them onto woolen blankets and repeatedly toss them into the air. Several recipients of this ill treatment complained to black leaders and “some high colored officials” came to the camp to lodge a formal complaint with the commanding officer appearing “quite indignant at the way these colored people had been used.” The officers being absent, the men treated their visitors to the same “prank” they had come to protest. In Ryan’s estimation, pulling “pranks” against Columbia blacks became “quite a diversion for the enlisted men, being used to the hard life of the frontier.”<sup>60</sup>

Pranking went beyond simple soldierly mischief perpetrated by enlisted men in the absence of their officers. Rank, in fact, did not spare African Americans from abuse at the regiment’s hands. Sergeant Ryan recalled that while “there were a good many pranks played on the colored people by the soldiers,” some officers also participated.<sup>61</sup> As with those “pranks” perpetrated by enlisted men, incidents involving officers occurred when African Americans posed a challenge to white racial superiority. One of M Troop’s officers, either Captain Thomas French or Lieutenant Thomas Custer, tormented a black adolescent by firing a shot from a cavalry carbine over the boy’s head when he refused to come when called for. The sound of the bullet tearing into the trees above his head grabbed the young man’s attention and the cavalry officer ordered the

boy to rock him in a hammock eventually paying him for the service. Bewildered and afraid, the youngster retreated slowly from camp, keeping a watchful eye on the soldiers while trying to comprehend what had transpired when the same officer, unable to resist one last “prank,” fired a second shot over the youth’s head, sending him scurrying for the safety of the woods. All of this transpired before several enlisted men, serving them an obvious lesson – Southern blacks existed to serve the white soldiers, not the other way around.<sup>62</sup>

Incidents of pranking decreased once the 7th cavalrymen arrived in the Upcountry where the Ku Klux Klan reigned supreme and African Americans enjoyed far less independence than in the state capital. Only a handful of defiant militiamen presented the troopers with any real or imagined challenges to their notions of white superiority. Consequently, the number of “pranks” declined precipitously, with one notable exception – Sumter County.<sup>63</sup> Sumter’s black community discerned few distinctions between the 7th’s G Troop and local Klansmen since both terrorized African Americans using intimidation and violence. Carpetbagger Benjamin Hodges recorded the town’s festering racial trouble in correspondence to his family in Massachusetts. Most of Sumter’s blacks, according to Hodges, feared the white troopers and “will not go near them.” When Parson, a black militiaman, challenged others in his community to overcome these fears, publicly boasting that the white soldiers dared not trouble him, a cavalryman beat him nearly to death. The assault on Parson’s, Hodges unsympathetically concluded, left the black community completely cowed. “They do not find the troops willing to put up with some of their nonsense.”<sup>64</sup>

G Troop had been in South Carolina less than a month before state Republicans petitioned Washington to have it removed. Sumter's white Conservatives, on the other hand, experienced a change of heart toward the military occupation in light of recent events and tried to retain the cavalrymen. They reasoned that Ku Klux violence and black insolence, both undesirable yet inextricably linked aspects of Reconstruction, ended upon G Troop's arrival. Sumter whites feared a resumption of lawlessness and instability if the troop left. The fact that local Conservatives wanted to retain the cavalrymen was not surprising. The troop's actions made the Ku Klux Klan irrelevant since the soldiers performed the task of maintaining the color line, allowing white supremacists to enjoy all the rewards without assuming the risk of provoking federal intervention.<sup>65</sup> Ultimately state Republicans won out and a company from the 18th Infantry replaced G Troop on 1 August, but the situation only worsened. Twenty days later, groups of armed blacks and infantrymen exchanged gunfire on the town's streets resulting in the wounding one infantryman and three African Americans. On this rare occasion, the pro-Democratic *Sumter News* defended the Army, blaming the black community for precipitating the clash by repeatedly making violent threats against the garrison.<sup>66</sup>

Fortunately for South Carolina Republicans and the Army, Sumter proved exceptional. Rarely did serious racial conflict occur between soldiers and civilians, black or white, in most Upcountry communities. When confrontations occurred they usually consisted of minor incidents involving no bloodshed. The practice of pranking, performed frequently in Columbia, dissipated when the regimental detachments reached

their Upcountry posts and race relations continued to improve throughout the remainder of the year. Farrier Harvey, for example, recorded having several heated altercations with local blacks during his first few weeks in Yorkville, but by August his diary entries reflected a new attitude, more approving of York's African Americans.<sup>67</sup> Gradually, he came to appreciate Southern black culture and even applied for a pass to attend a nearby camp meeting. In his journal, Harvey dropped all usage of the derogatory "nigger" in reference to African Americans, replacing it entirely with the more respectful "negro." While one man's diary does not prove racial enlightenment for an entire regiment, when combined with a reduction in anti-black behavior in the Upcountry and a more critical attitude toward Southern whites, Harvey's personal epiphany confirms a reduction in racial tension between the 7th Cavalry and Upcountry blacks.<sup>68</sup>

In Washington, the Ku Klux committee began taking testimony on 6 June. After several days of interviewing prominent Republicans and Conservatives from South Carolina the committee formed a subcommittee of three, consisting of Chairman Scott and congressmen Job E. Stevenson and Philadelph Van Trump, an Ohio Republican and Democrat, respectively, to go to the Palmetto State to meet with victims and witnesses of Klan assaults.<sup>69</sup> After only two days in Columbia, the subcommittee had heard enough stories of the brutal atrocities committed in the Upcountry that they decided to take a first-hand look at three towns, Spartanburg, Unionville, and Yorkville, that formed a triangle of white terror in the region.<sup>70</sup>

The subcommittee's arrival brought renewed hope to the African-American community and provided 7th cavalrymen with their first opportunity to make a

significant contribution to federal enforcement operations by escorting fearful and reluctant victims and witnesses to testify before the congressmen. With the Army's assistance, the subcommittee found no shortage of Republicans able to detail the horrific abuses perpetrated by the Ku Klux Klan's midnight raiders. Scott and Stevenson soon found themselves inundated and decided to focus their attention on the worst cases of abuse, interviewing black victims subjected to the most brutal whippings, beatings, stabbings, and gunshots. The psychological impact of these crimes was only slightly less apparent than their physical scars, especially in the cases of women whose recounting of their rapes moved the majority to condemn the Ku Klux outrages as barbarity worthy of only the most uncivilized and unscrupulous society. Even Congressman Van Trump, the subcommittee's lone Democratic member who vigorously challenged the Republicans' witnesses and discredit their testimony throughout the subcommittee's investigation, found the Klan's handiwork difficult to disprove. In a few cases, sufficient evidence existed to compel the subcommittee to order the military to make an arrest since local civil authorities had failed to do so.<sup>71</sup>

After spending eleven days in Spartanburg and two more in Unionville examining eighty-two witnesses, the subcommittee arrived in Yorkville on the morning of 22 July, where the Republican majority immediately discerned "a bitter spirit among the white citizens." Their assumption was confirmed while dining with the district's Republican U.S. Representative, Alexander S. Wallace, at Rawlinson's hotel that afternoon when local Conservative James Barry attempted to douse Wallace with a pitcher of buttermilk and struck Congressman Stevenson instead.<sup>72</sup> After dinner, the

subcommittee members retired to the hotel veranda where a group of local blacks celebrated their arrival with an impromptu serenade. The performance attracted the attention of groups of young white men who gathered on the sidewalk “cursing the negroes and the Yankees in an insulting manner.” Local law enforcement officers forcibly dispersed the blacks, leaving the white mob alone. When several African Americans resisted a melee ensued and the town’s deputy constable and purported Klansmen William Snyder mortally wounded a black man by shooting him five times.<sup>73</sup> The day’s events cast a troubling pall over the subcommittee’s visit to Yorkville and indicated to the Republican majority before they had heard a word of testimony that conditions in Yorkville were indeed dire, exactly as Merrill had described them in his frequent reports to department headquarters.

During the first two days of its investigation in York County, the subcommittee deposed thirteen witnesses called by the minority, all of them prominent Conservative professionals and suspected Klansmen. Throughout the subcommittee’s investigation in South Carolina, Congressman Van Trump zealously guarded his party’s interests by calling on prominent native whites to refute the testimony of poor blacks and white carpetbaggers and scalawags. His witnesses “always said they had heard of the ku-klux, but never saw one ... [and] did not consider them under general organization” but rather vigilance committees or an irregular police force gathered to repress lawlessness engendered by Republican corruption and inefficiency in government. To refute this testimony, the majority called upon Major Merrill’s Klansman turned government informant, William Owens, to testify. Owens’ appearance sent a shock wave through

York's white community as his sworn testimony revealed the extent to which the post commander had penetrated the Klan's veil of secrecy. Owens gave evidence on the order's internal working, explaining its structure and hierarchy, recruitment practices, purposes and activities, and implicated 18 local whites in the murder of black militia captain Jim Rainey and the raid on County Treasurer Rose's office in March, including five of the men who had sworn to the subcommittee under oath that they were not Klansmen. Most of the questions Owens fielded came from Van Trump who worked diligently to discredit the witness, accusing him of possessing a low moral character and suggesting he held grudges against the men he "falsely" accused for their material success and prominence within the community.<sup>74</sup>

Following his appearance before the subcommittee, Owens received numerous death threats and lived in exile at the Army post until military authorities arranged for his safe departure from Yorkville. The Army's involvement in protecting the informant only added to the growing public scorn for the military and his flight left only the post commander to shoulder the burden of the white community's contempt. The most scathing accusation against the major appeared in an anonymous letter printed in the *Yorkville Enquirer* that accused Merrill of bribing Owens to manufacture evidence to convince his superiors in Louisville and Washington to allow him to begin making arrests, action they had been unwilling to authorize in May. The authors alleged witnessing a 7th Cavalry officer handing Owens a pistol and "a considerable roll of money" at the depot, just before he boarded a "train for parts unknown." These were damning public accusations, sure to anger the most senior Army officer in the

Upcountry. It is difficult to imagine a more grievous error than maligning the most important and credible witness to testify on conditions in York County on the eve of his own appearance before the subcommittee.<sup>75</sup>

On 26 July, the subcommittee called on Merrill to read a report, prepared at the chairman's request, on conditions in York County. Notably, he was the only Army officer in the state to be called to testify. In his statement, the major reiterated much of what he had already reported to department headquarters. His original belief that the crisis had passed when he arrived in Yorkville "proved to be delusive" and within a few weeks Kukluxism "became nightly more aggravated and numerous" until recently when it abated in advance of the subcommittee's visit. The major testified that the present lull arose from "transient causes" and that he believed "violence will, in the near future, be renewed with more vigor than ever." Merrill's genuine dedication to the rule of law alone dictated his actions and by investigating "such cases as offered any opportunity to get at facts" he estimated that 300 to 400 outrages had occurred in York County since November 1870, a far larger number than many had supposed. He admitted his estimate might be low since "the greatest numbers of cases ... were never reported to me at all." Most of his report was dedicated to describing 68 specific cases of Klan abuse and murder, evidence that civil authorities overlooked or ignored and that he uncovered with modest effort. He received this information directly from African Americans who regarded the cavalrymen as being "sent here for their protection" and went to the post commander to report abuses rather than sheriff.<sup>76</sup>

Due to the “listlessness and indifference” of local law enforcement, Merrill supported direct federal intervention in order to permanently purge the Upcountry of its “diseased state of public sentiment in regard to the administration of justice.”<sup>77</sup> The post commander expressed his revulsion that so many of the community’s leading white residents justified Southern lawlessness in conversations with him “with the palliative remark ... ‘But you cannot but acknowledge that they [Ku Klux] have done some good,’ as if lawless violence could ever do anything, but harm.” It was this basic sympathy with the Klan’s white supremacy that sheltered and sustained the order. As a professional soldier, Merrill stressed that he preferred to avoid any role in civil matters, and only came to regard military arrests as necessary after becoming “convinced that the Ku-Klux organization was not only a very large one and exceedingly well organized, but a very dangerous one, and that their purpose was to persist in this whenever opportunity favored them.”<sup>78</sup> Since half-hearted public denunciations of Kukluxism and lax law enforcement had failed to restore law and order, in Merrill’s estimation, the time had come for federal authorities to assume control over the effort and break up the Ku Klux conspiracy.

As an objective outsider and professional officer, the major’s testimony carried great weight and the subcommittee’s visit to Yorkville established a crucial connection between Merrill and Senator Scott. In the coming months, the major enjoyed unprecedented access to the president through his relationship with the Ku Klux committee chairman and his dedicated investigation and thorough reports on local conditions helped influence decisions in Washington that autumn. The major’s

testimony threatened to pull down the careful façade Van Trump had been erecting. During the minority's cross-examination, Merrill received his first taste of the deeply partisan nature of military service in the Reconstruction South as Van Trump worked to discredit the witness by painting him as a political partisan. Merrill admitted to being "more decidedly with the republicans than with the democrats," but considered it altogether "unbefitting in me to engage in political discussions, particularly in the excited state of public feelings here [in York County]." He repeatedly denied any "political bearing" in the discharge of his duties as post commander and forcefully asserted that "so far as South Carolina was concerned" it was "purely and simply a question of social order."<sup>79</sup>

Before boarding the train back to Washington, Scott warned Yorkville's white supremacist agitators not to perpetrate any acts of retribution against the government's witnesses. When the subcommittee reached the capital, it promptly adjourned until 20 September when the whole committee planned to reconvene to receive reports. During the recess, Scott and Stevenson anonymously circulated a preliminary report to pro-Republican newspapers indicating their intention to recommend to the president that he apply the Ku Klux Act's most severe provision, suspension of habeas corpus, to Upcountry South Carolina. The news spread quickly across the national news outlets. As *The Nation* succinctly reported: "It is understood [that the subcommittee] ... are going to report that there is such a thing as the Klan in existence; that it does attack people for their politics; is composed of 'Conservatives,' and contains no Republicans; has committed many most bloody and shameful outrages, and that the Ku-klux law was

necessary and is beneficial.”<sup>80</sup> Through the pro-Democratic journals, Congressman Van Trump assailed the majority’s anonymous report as “untrue in many essential particulars and a perversion of the facts in others ... with the purposes of producing a partisan and false impression.” In addition to uttering the well-worn Democratic accusation that blacks perpetrated many acts of Kukluxism and blaming Southern Republicans for spawning disorder and vigilantism through their incompetence and graft, Van Trump described the subcommittee’s principle informant, Owens, as a self-proclaimed thief and opportunist. Furthermore, Van Trump alleged that Merrill and Congressman Wallace had bribed blacks to manufacture evidence of Kukluxism and encouraged them to appear before the congressional subcommittee by filling them with a false sense of importance.<sup>81</sup>

Unfortunately for Van Trump, by the end of the summer the Democracy was beginning to lose the battle for control of popular opinion regarding the Ku Klux Klan. As it had before, fresh reports of outrages undermined efforts to refute the Republican characterization of conditions prevailing in the former Confederate states. In spite of his warnings not to molest government witnesses, within a month Scott received communications from Reverend Anson Cummings of Spartanburg and Merrill informing him that acts of Kukluxism were once again on the rise.<sup>82</sup> His time in the Upcountry convinced the senator that federal action could not wait until the Ku Klux committee issued its official report to Congress in December so he dashed off a letter to the president informing him of the present situation and enclosed copies of the letters he had received.<sup>83</sup> As the senator explained to Grant, the outrages in Spartanburg and York “are

shocking to humanity – crimes that ought not go unpunished in any civilized country.” In his opinion, they easily justified federal intervention. As the victims had “no hope of protection from the local tribunals,” and since “[a]ll warnings have been disregarded, and the efforts of the well-disposed citizens have proved ineffectual,” the Ku Klux committee chairman enjoined the president to immediately issue a proclamation suspending the writ of habeas corpus under section 4 of the Ku Klux Act.<sup>84</sup> “I submit whether the time has not come, in view of these facts, when the people of these counties at least should be informed by proclamation that the limit of endurance has been reached.”<sup>85</sup>

Scott’s letter brought the president to the capital from his family’s customary summer-long vacation at Long Branch, New Jersey. He arrived in Washington on 31 August and promptly met with the senator. The next day, he gathered together his Cabinet and read the letter aloud to them. Then, the president referred the entire matter to Attorney General Amos Akerman to explore and offer his legal opinion on whether or not the recent spate of outrages in South Carolina met the conditions for suspending habeas corpus under the Ku Klux Act. Having dispensed with this business, the president returned to Long Branch after spending only two days at the capital. His brief appearance caused “a good deal of speculation as to the object of his visit” in the city’s presses. All indications pointed to the renewal of Kukluxism in parts of South Carolina as the principle motivation, but what had been discussed and what course of action decided upon remained unclear.<sup>86</sup>

The last in the series of events propelling the federal government toward direct intervention in South Carolina came on 18 September when the York County court of sessions convened for the first time in six months. Before the session began, Republican state circuit court judge William Thomas wrote Senator Scott asking him to provide information on the crimes he alleged to the president had occurred in the county since the Ku Klux investigating subcommittee's visit in July. A hopeful Scott replied to the judge urging him to contact the post commander directly for the details of these crimes. In a separate letter, the senator advised Merrill of the judge's request and asked him to be prepared to provide the court with all of the evidence he had collected on Ku Klux crimes committed in York. The major was also hopeful that local authorities might finally take the Klan in hand and he dutifully reported for the first day of grand jury proceedings. His enthusiasm turned to disdain as he listened to the judge's charge to the grand jury. According to the major, Thomas "proceeded to say that an important letter had had been written by Senator Scott to the President ... [explaining that] disorders had occurred in York County since the committee had been there."<sup>87</sup> The judge alluded to the jurors that he had asked for but did not receive affidavits from the senator supporting these allegations but strongly encouraged the jurors to summon Merrill and Congressman Wallace and "interrogate them in regard to these matters." In his instructions, Thomas warned the grand jury not to make the court into a "whitewashing committee" before he restricted its focus to only those crimes that had occurred during the previous month, rather than the six months since the court's last session. In his concluding statement, Thomas made the jurors aware that the prospect of martial law

loomed behind every failure of local jurisprudence and that he believed “[i]t is high time that we understood that if we wish to govern ourselves we must show that we can do so.”<sup>88</sup>

During its first two days of deliberations, the grand jury refused to acknowledge the major’s conspicuous presence or ask for his evidence, causing the proud officer to grow incensed at being subjected to yet another brash display of former Confederate recalcitrance. He fired off an abrupt message to Judge Thomas informing him that the jurors had disobeyed his instructions and chastising him for limiting the court’s focus to those outrages perpetrated over the previous six weeks, ignoring a host of crimes committed in the county since the last court session. These included five murders and two riots so notorious that the major assumed “there was no public man in the State who did not know of them.” Merrill concluded his missive by expressing his opinion that the judge should “direct the attention of your jury to the more important cases” of Ku Klux crime that occurred prior to the subcommittee’s visit, where his investigation had already developed sufficient evidence to bring the perpetrators to justice.<sup>89</sup>

The judge called upon Merrill at his headquarters the next evening to confer with him over his view of the current session. Rather than clarify any misperceptions that existed between the two men, the interview only convinced Merrill that the judge had no intention of satisfactorily fulfilling the obligations of his office. In the major’s recounting of the meeting, the judge contended that he preferred not to pursue older Klan abuses for fear of undermining the peace movement presently underway. He asked the major: “Do you not think that in the present ‘nascent and infantile’ state of public

sentiment in opposition to the Ku-Klux outrages it would be inexpedient to stir up these things by an investigation; that this sentiment that has just begun to show itself would become more powerful if these things were not stirred up?" For Merrill, however, the court's responsibility involved "a plain question of duty" to perform in upholding the law. Rather than advocate an agenda for the session, which might constitute military interference, Merrill stressed that he only intended to make the judge aware that he sensed "a strong disposition on the part of the grand jury to shirk and evade their duty." If this came to pass, he argued, "the feeling of the country would undeniably be that something must be done to insure protection to citizens of the United States who now had none." If Thomas truly wished to avoid that end as he indicated to the grand jury on the first day of the session, the major encouraged him to supervise the jurors more closely.<sup>90</sup>

Although disappointed that Thomas refused to extend his charge to the grand jury, he was pleased that their private conversation had spurred the jury foreman to call upon him to appear and present his evidence. This time the major took his case before the jurors, encouraging them to take note of the many brutal crimes committed in the county since the court's last session. Again, Merrill became dismayed over being stonewalled by local civil authorities as the jurors refused to take note of any crimes that went beyond the chronological scope of the judge's original charge. The grand jury, aware of the legal constraints imposed upon the post commander as a military officer, stayed just beyond his reach and flouted his authority without violating the law. When the major strenuously objected to the jurors' stubborn refusal to move beyond the scope

of the judge's instructions they asked the major to prepare formal affidavits, but Merrill balked at this suggestion stating that he "could not consent to be forced into any position in which I might seem to be taking the place of the proper civil functionaries." The grand jury must request the information on their own initiative, which they would not do. With nowhere else to turn, Merrill appealed to the judge one last time. "I do not conceive it to be my duty to initiate any proceedings before your grand jury or before your court, and cannot consent to assume any position which would make it appear that I was in any way responsible for either the action or failure to act, of any part of your court." But once again, Thomas refused to amend his instructions to the grand jury.<sup>91</sup>

After maneuvering the major into a corner the grand jury deliberated for two weeks before announcing on 2 October that Merrill's evidence of Kuklux crimes committed since July failed to support any indictments since it was based largely on hearsay and the major could not "state facts from individual knowledge."<sup>92</sup>irate and mystified, Merrill viewed the grand jury's findings as a personal affront and described the entire session as nothing more than a "labored effort to belittle and discredit my reports."<sup>93</sup> In a blistering statement to department headquarters, he accused the grand jurors of suppressing or diminishing the facts in ten Ku Klux cases "in a pretended examination of what now proves to have been a carnival of crime, not paralleled in human history."<sup>94</sup> In the major's opinion, the jurors' efforts at avoiding obvious conclusions required greater skill, dexterity, and determination than a simple acceptance of the facts and he decided that the entire body must be under the sway of a few Klansmen. "The whole conduct of their duty was so broad a farce, that it was distasteful

to be forced in contact with it, and present developments show it to have been the most ghastly mockery of justice that it is possible to conceive.”<sup>95</sup> By the fall of 1871, Merrill estimated the number of Ku Klux crimes perpetrated in York in the past twelve months at eleven murders and over 600 beatings and whippings that all promised to go unpunished.<sup>96</sup>

With Conservative intransigence thwarting every avenue of justice and the current means at his disposal for enforcing the law and protecting citizens “utterly inadequate to meet the secret power of the Ku-Klux,” an embittered Merrill turned to the Justice Department. Frustrated with the court’s progress, he went to Columbia to consult with the state’s U.S. district attorney, David Corbin.<sup>97</sup> Through Corbin, the attorney general became aware of the major’s dedicated efforts at enforcing the law in the Upcountry and confidentially received copies of Merrill’s reports from the secretary of war on 6 October. After reviewing them Akerman decided to pay a personal visit to Yorkville to confer with the post commander directly and confirm his observations. Before departing for the Palmetto State, the attorney general advised Solicitor General Benjamin Bristow that based on the information he had received he anticipated advising the president to suspend habeas corpus in the affected counties within a few days. “If my information is correct,” he wrote, “there is not the least reason for forbearing a single day longer than is required for the formalities; and I can verify the correctness of the information in one day at the place [Yorkville].”<sup>98</sup> According to the attorney general, the time for conciliation had passed and since former Confederates only seemed to

respond to force he figured Washington would finally “command their respect by the exercise of its powers.”<sup>99</sup>

After arriving in Yorkville and conferring with Merrill and Corbin, Attorney General Akerman confirmed “the necessity for decided steps” and, with Governor Scott’s concurrence, he advised the president to issued his preliminary proclamation calling upon all members of organized conspiracies in nine Upcountry counties to “retire peaceably to their homes” within five days, or face the suspension of habeas corpus.<sup>100</sup> On 16 October, the attorney general dispatched another letter to the president from Yorkville confirming that his proclamation had been ignored and that the time had come to formally suspend habeas corpus.<sup>101</sup> These letters contained several key elements found in Merrill’s own reports and testimony before the congressional subcommittee, indicating his impact on the attorney general. According to Corbin, the major’s “well-directed and indefatigable labors” succeeded in tearing away the Klan’s “veil of secrecy.” Through him, the true condition of the South Carolina Upcountry “became known to the President” who dispatched the attorney general to verify the major’s reports. After traveling to Yorkville and conferring with the post commander, Akerman “satisfied himself of the perfect accuracy of Major Merrill’s reports” and he “at once informed the President and recommended” that Grant invoke the powers conferred by Congress in the Ku Klux Act.<sup>102</sup>

In early October, the *New York Times* reported, “the Government is taking the entire Kuklux organization of the South literally by the throat” thanks to a secret government infiltration of the Invisible Empire that produced intelligence on the

conspirators' paraphernalia, insignia, secret passwords and signs, along with the names of many of its leading members. The newspaper's correspondent anticipated a "multitude of arrests and convictions" to follow.<sup>103</sup> Credit for the secret plan and the infiltration belonged to Major Merrill alone, acting on his own initiative as post commander at Yorkville.<sup>104</sup> Through his dedicated since he arrived from Kansas, Merrill succeeded in exposing the secret order of the Ku Klux in Upcountry South Carolina and achieved the direct federal intervention he became convinced was necessary. All that remained was for the major to effectively employ his military force in bringing the Klan to justice, which proved a more difficult task than simply exposing the order to the light of public scrutiny.

## ENDNOTES

---

<sup>1</sup> Edward M. Coffman, *Old Army: A Portrait of the American Army in Peacetime, 1784-1898* (New York: Oxford University Press, 1986), 236-40; James E. Sefton, *United States Army and Reconstruction 1865-1877* (Baton Rouge: Louisiana State University Press, 1967), 214-20. Reconstruction forced officers to navigate the treacherous waters of local, state, and national politics, where action benefiting one party often egregiously offended the other. Making matters worse, congressional legislation and presidential policy after the readmission of the former Confederate states to the Union only vaguely defined the Army's role in civil affairs. In addition, higher authorities frequently preferred to allow commanders on the scene to decide an appropriate course of action, which encouraged many officers to avoid involvement in civil affairs whenever possible. For example, the 7th Cavalry's two other majors, Joseph Tilford (USMA, 1851) who commanded posts in South Carolina and Kentucky, and Marcus Reno (USMA, 1855) who commanded the post at Spartanburg, provide instructive counterpoints to Merrill's leadership since neither officer displayed any tendency to take assertive action against the Ku Klux Klan. Local resident Edward Earl Bomar, Sr., whose father, John Earle Bomar, had been mayor of Spartanburg in 1871, informed a WPA interviewer in the 1930s: "I think Major Reno, a Kentuckian, did not like his job of arresting reputable white men." Quoted in, Susan Thoms, "Spartanburg's Civil War," *Carologue* (Spring 2003): 11.

<sup>2</sup> U.S. Census Bureau, *1850 Manuscript Census*. James died in 1841, leaving behind his wife, Rebecca, to raise their four children (May Jane, Charles, George, Lewis, and Jesse) alone. Lewis's son, John Houston, did enter the family profession, practicing law in Philadelphia, Pennsylvania. "A Merrill Memorial," Merrill.family, [http://www.merrill.org/genealogy/mm/mm\\_01\\_03.html](http://www.merrill.org/genealogy/mm/mm_01_03.html) (accessed 21 March 2005). Lewis Merrill Cadet Application Papers, 1851, U.S. Military Academy Cadet Application Papers, 1805-1866 (Microcopy M-688, reel 186), NARA. It remains unclear why Merrill chose the military over the law but he accepted an appointment to West Point out of Pennsylvania's 13th District from one of his father's former colleagues, U.S. Representative Joseph Casey. John A. Garraty, et al., eds., *American National Biography*, 24 vols. (New York: Oxford University Press, 1999), 4: 537-38

<sup>3</sup> Pennsylvania Constitutional Convention, *Proceedings and Debates of the Convention of the Commonwealth of Pennsylvania, to Propose Amendments to the Constitution, Commenced at Harrisburg, on the Second Day of May, 1837*, 14 vols. (Harrisburg: Packer, Barrett and Parke, 1837-39), 10: 4-7, 126-27. James Merrill, an Anti-Mason delegate, operated a successful law practice in New Berlin, Pennsylvania and represented Juniata, Mifflin, and Union counties at the 1838 constitutional convention convened in 1835 to revise the state's 1790 constitution. One of the major changes discussed during the proceedings included a new suffrage provision that restricted the franchise to "white freemen." James objected to inserting "white" into the constitution, fearing that empowering partisan registrars to determine who qualified as "white" in an ethnically diverse state like Pennsylvania invited instability. He proposed allowing

---

intelligent, property-owning males of all complexions to vote. James's opinion failed to sway the majority of delegates and the provision passed by a nonpartisan vote of 77-45. For more on this issue see, Charles McCool Snyder, *The Jacksonian Heritage: Pennsylvania Politics, 1833-1848* (Harrisburg: Pennsylvania Historical and Museum Commission, 1958), 102, 105, 108-9, and Eric Ledell Smith, "The End of Black Voting Rights in Pennsylvania: African Americans and the Pennsylvania Constitutional Convention of 1837-1838," *Pennsylvania History* 65 (Summer 1998): 279-99. Merrill's handling of runaway slaves in Civil War Missouri demonstrated that he, like his father, was no racial ideologue. When one of his subordinates, a volunteer officer, formulated his own approach toward runaway slaves that deviated from federal policy by refusing to return the fugitives to their masters, Merrill demanded, in a terse three-sentence dispatch, to know why he had refused to honor a court order requiring their return. Missouri remained in the Union and as such, Merrill reminded his subordinate, "You are called out in this State to enforce and sustain the laws and not to aid in violating them." He concluded his dispatch: "If you will give more attention to your legitimate business and less to runaway negroes, you will gain more reputation as a military man than you now enjoy." Merrill identified himself as a moderate Republican and, as this dispatch indicated, he remained far apart from the Radical camp on the issue of black rights. Brevet Brigadier General Lewis Merrill to Colonel Lane, 28 October 1862, *OR*, 13: 767. See also, J. Michael Martinez, *Carpetbaggers, Cavalry, and the Ku Klux Klan: Exposing the Invisible Empire During Reconstruction*, American Crisis, ed. Steven E. Woodworth (Lanham, MD: Rowman & Littlefield Pub., Inc., 2007), 89. Martinez suggests that Merrill "bore witness to the great man's [Major General John C. Fremont] painful self-destruction" after Fremont declared martial law in Missouri and ordered the emancipation of pro-Confederates' slaves in Missouri before President Lincoln's administration had approved such a policy.

<sup>4</sup> Sefton, *Army and Reconstruction*, 6. Sefton argues that Army officers enjoyed no direct precedent to instruct them in performing their Reconstruction duties. Since officers did not directly reference prior experiences, he concludes that they also did not draw on their own personal experiences. Merrill demonstrates, however, that Army officers did not have to cite specific precedents in official reports to draw from their previous experiences, especially during the Civil War

<sup>5</sup> Robert W. Coakley, *The Role of Federal Military Forces in Domestic Disorders 1789-1878* (Washington, DC: U.S. Army Center of Military History, 1988), 145, 157, 160-61, 171-72. Colonel Sumner received conflicting instructions from Washington. Secretary of State William L. Marcy instructed the territorial governor to use the Army as a police force while Secretary of War Jefferson Davis ordered Sumner to support the pro-slavery territorial government's militia, which "amounted to taking sides in an incipient civil war." Coakley concludes that Sumner pursued the proper course in following Marcy's advice over Davis's.

<sup>6</sup> *Ibid.*, 194-96, 203, 223-25.

<sup>7</sup> Samuel E. Baird, *With Merrill's Cavalry: The Civil War Experiences of Samuel Baird, 2nd Missouri Cavalry, U.S.A.* (San Marcos, CA: Book Habit, 1981), 5. According to

Baird, General John C. Fremont's wife gave the regiment the appellation of "Merrill's Horse," potentially indicating a close relationship between the regiment's young commander and the department commander. Prior to forming his own regiment, Merrill served as Fremont's chief of cavalry staff.

<sup>8</sup> Heitman, *Army Register*, 1: 705. Between 1861 and 1865, Merrill received three brevets for "gallant and meritorious service," the last brought the brevet rank of colonel. Brigadier General John Schofield Report of Operations in Missouri and Northwestern Arkansas, 10 April to 20 November 1862, reprinted in U.S. War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (hereafter *OR*), 70 vols. (Washington, D.C.: Government Printing Office, 1880-1901), 13: 13-15. According to Schofield, Merrill's Northeast Division was the "principal theater of operations at this time." He ended his report by expressing his "obligation to the principal officers who aided me in the difficult task of restoring peace to Missouri," naming Colonel Merrill as an officer who "performed most valuable service in the wise administration of their affairs of their respective divisions."

<sup>9</sup> Baird, *With Merrill's Cavalry*, 7. For historical surveys of the nature of the Civil War in Missouri see, Michael Fellman, *Inside War: The Guerilla Conflict in Missouri During the American Civil War* (New York: Oxford University Press, 1989); and Louis Gerteis, *Civil War St. Louis* (Lawrence: University Press of Kansas, 2001).

<sup>10</sup> General Order No. 1, Headquarters Northeast Division, 7 August 1862; Brigadier General Merrill to General J. B. Henderson, 2 September 1862; and Merrill to Major Caldwell, 2 September 1862, reprinted in *OR*, 13: 546, 611-13. Merrill found public executions distasteful but necessary and laid out detailed instructions to his subordinates on how to properly them, "inasmuch as I wish the necessary effects produced without being compelled again to order an execution." Circumstances beyond his control dictated that he order more executions but he resorted to punitive measures only after conciliation proved ineffective. On several occasions, he encouraged Confederates to surrender peacefully and promised them that "if they will come and in good faith deliver themselves up as prisoners their lives will be spared."

<sup>11</sup> Merrill to Colonel S. M. Wirt, 19 October 1862, *OR*, series II, 4: 636.

<sup>12</sup> Provost Marshal General, Department of Missouri, Lieutenant Colonel F. A. Dick to President Abraham Lincoln, 19 December 1862, *OR*, series II, 5: 99-100.

<sup>13</sup> Lieutenant Colonel Franklin Dick to President Lincoln, 19 December 1862, in *OR*, series 2, 5: 99-100.

<sup>14</sup> Special Orders No. 215, 21 June 1864; Special Orders No. 340, 10 October 1864; in *OR*, 22: 487. See also, Barry C. Johnson, "Custer, Reno, Merrill and the Lauffer Case: Some Warfare in 'The Fighting Seventh'," *English Westerners' Society: Brand Book* 12 (July 1970): 1. Johnson writes of Merrill's Civil War service: "It was to be his life-long complaint that his services were never properly recognised or rewarded, and that he had constantly to watch his juniors gain preferment over his head."

<sup>15</sup> Major General William Rosecrans to Merrill, 2 October 1864, in *OR*, series 1, 41: 556.

---

<sup>16</sup> Merrill to Major General George Thomas, 4 May and Thomas to Merrill, 5 May 1865, both in *OR*, series 1, 49: 605-7, 621-22

<sup>17</sup> Fellman, *Inside War*, 23, 27, 33, 66. The similarities between guerrillas in Civil War Missouri and the Reconstruction Klan are numerous. Both employed similar terror tactics; threatening lives and taking them, posting warning proclamations in public places, demanding opponents to leave or forfeit their lives; lacked effective command structures; recruited local boys into the ranks; raided particular communities or neighborhoods; and kept victims and witnesses fearful to testify against them.

<sup>18</sup> Heitman, *Historical Register*, 1: 705; Robert M. Utley, *Cavalier in Buckskin: George Armstrong Custer and the Western Military Frontier* (Norman: University of Oklahoma Press, 1988), 67-71.

<sup>19</sup> Annual Report of Brigadier General Alfred H. Terry, Department of the South, 26 October 1871, reprinted in *Annual Report of the Secretary of War* (hereafter *SW Report*), 42d Cong., 2d sess., H. Ex. Doc.1, 1871, serial 1503, 59-64; 7th Cavalry Returns, March-June 1871, Returns from Regular Army Cavalry Regiments (hereafter RRACR), 1833-1916 (Microcopy M-744, reel 71), Record Group (hereafter RG) 391, National Archives and Records Administration (hereafter NARA), Washington, DC. According to the 7th Cavalry's regimental returns, K Troop arrived in Yorkville on 27 March while B, C, and E Troops reached Unionville, Chester, and Spartanburg, respectively, two days later. Headquarters company and A, D, F, and I Troops, also in the first wave of the redeployment, remained in Kentucky while four troops remained in the Department of the Missouri to await the 6th Cavalry's arrival from Texas. From the second wave, department headquarters sent three more companies to South Carolina. L Troop arrived in Winnsboro on 9 June, G Troop in Sumter on 10 June, and M Troop in Darlington on 14 June, while H Troop joined the garrison at Nashville, Tennessee. In the Palmetto State, the 7th joined five companies of the 18th Infantry, one company of the 2d Infantry, and one battery of the 3d Artillery in the Upcountry. In contrast, General Terry concentrated the entire 4th Infantry regiment, also redeployed from the frontier to the Department of the South, in Kentucky's bluegrass region, where the Klan remained potent but less active. To the extent that the Army possessed an occupation strategy in 1871, it continued to concentrate detachments in "fortified" towns throughout the former Confederacy as it had during the Civil War. This allowed insurgents' control of the countryside while soldiers occasionally made raids against them. The initial military deployment to South Carolina largely proved ineffective because it followed earlier practices of concentrating soldiers in county seats where they were easily monitored and left the rest of the county to the Ku Klux. See, Stephen V. Ash, *When the Yankees Came: Conflict and Chaos in the Occupied South, 1861-1865* (Chapel Hill: University of North Carolina Press, 1995), 76-107; Mark Grimsley, *Hard Hand of War: Union Military Policy Toward Southern Civilians, 1861-1865* (New York: Cambridge University Press, 1995), 162-63; and Herman Hattaway and Archer Jones, *How the North Won* (Urbana: University of Illinois Press, 1983), 487-96.

<sup>20</sup> For Governor Robert Scott's appeals for federal troops, see Scott to Brigadier General Alfred Terry, 17 January; Scott telegraphs to President Ulysses Grant, 14 February, 9

---

and 16 March 1871, reprinted in John Y. Simon, ed., *The Papers of Ulysses S. Grant*, 28 vols. (Carbondale: Southern Illinois University Press, 1967- ), 21: 257-66. General Terry telegraph to Governor Scott, 11 March 1871, Box 23, Folder 8 and Terry telegraph to Scott, 27 March 1871, Box 24, Folder 8, Robert K. Scott papers, South Carolina Department of Archives and History (hereafter SCDAH), Columbia, SC. Scott had ineffectively declared martial law in three counties after the Laurensville riot of October 1870, but white supremacists had already broken the back of the state militia in those counties and the proclamation amounted to a dead letter. With the state militia's inability to put down Kukluxism becoming increasingly evident, the governor disbanded militia companies in counties where significant outrages occurred out of fear that the black militia promoted race conflict. Scott's decision was consistent with the actions of many other Southern governors. See Robert J. Kaczorowski, *The Politics of Judicial Interpretation: The Federal Courts, Department of Justice, and Civil Rights, 1866-1876* (New York: Fordham University Press, 2005), 64.

<sup>21</sup> President Ulysses Grant telegraph to Scott, 10 March 1871, reprinted in Simon, *Grant Papers*, 21: 263. A brief account of the Columbia "Peace Conference" appears in *Yorkville (SC) Enquirer*, 23 March 1871. The delegates hailed from nine Upcountry counties: Abbeville, Camden, Chester, Fairfield, Greeneville, Newberry, Spartanburg, Union, and York. They blamed the Ku Klux Klan on Governor Scott's decision to arm "one class or race of citizens against the other" when he organized the state militia in 1868, a move that antagonized whites by stirring deep-seated fears of black insurrection. In agreeing to sack certain Upcountry Republicans, the governor relinquished little that the Klan had not already taken by force. Due to Ku Klux intimidation, he had found it difficult to find Republicans willing to fill Upcountry vacancies, leaving him no choice but to appoint men deemed "acceptable" by local whites. Republican U.S. Senator from South Carolina Thomas Robertson endorsed the governor's actions believing that "the true road to peace" lay in cooperation with Democrats "so that none may feel themselves alien from the government." On 18 March, he addressed a letter to state Conservatives asking their "aid in arousing and concentrating the opinions of all good citizens in favor of law and order." Senator Robertson's letter reprinted in *Yorkville (SC) Enquirer*, 30 March 1871. Scott also received support from South Carolina's former provisional governor and President Andrew Johnson appointee Benjamin Perry, who acknowledged the wisdom of "consulting your political opponents." Perry letter to Scott reprinted in *Yorkville (SC) Enquirer*, 23 March 1871. For contrasting perspectives on the governor's concessions see Michael Perman, *The Road to Redemption: Southern Politics, 1869-1879* (Chapel Hill: University of North Carolina Press, 1984), 34-35 and Richard Zuczek, *State of Rebellion: Reconstruction in South Carolina* (Columbia: University of South Carolina Press, 1996), 92-93. Perman labels Scott a centrist, "wedded to the strategy of winning approval and support from respectable whites." Zuczek offers a more sympathetic view, contending that the governor's motives stemmed from a humanitarian concern that utilizing the state militia would result in a general race war and massacre of African Americans by white Conservatives. Both ignore the fact that Scott disbanded militia companies in Spartanburg, Union, and York counties prior to his

meeting with Upcountry Conservatives, so he merely continued pursuing a course he had already settled upon and one he hoped would allow him to resume his function as governor of the state.

<sup>22</sup> *New York Times*, 25 April 1871. The governor was not the only high-ranking state Republican to place his faith in white Conservatives. Attorney General Daniel Chamberlain characterized his party's situation in South Carolina as "grave, and the only salvation of the state lay with the men of intelligence and education."

<sup>23</sup> *Yorkville (SC) Enquirer*, 23, 30 March 1871; Thoms, "Spartanburg's Civil War," 12. According to Thoms, pro-Democratic Upcountry newspapers benefited financially from the upsurge in advertising.

<sup>24</sup> Captain John Christopher to Governor Scott, 15 March 1871, Box 15, Folder 19, Scott Papers, SCDAH.

<sup>25</sup> *Yorkville (SC) Enquirer*, 23 March 1871.

<sup>26</sup> Within a few months, the 7th's officers in South Carolina also found themselves too busy for regular military training exercises.

<sup>27</sup> Major Lewis Merrill to Adjutant General, Department of the South, 23 September 1871, reprinted in *SW Report*, 42d Cong., 3d sess., H. Ex. Doc. 1, serial 558, 88. For Merrill, who detected an alarming lapse in his soldiers' conduct since they arrived in South Carolina, which he attributed to "easy access to whiskey-shops, and being stationed in a village [Yorkville] where close supervision of conduct is by no means easy," military training provided the added benefit of maintaining discipline. In his annual report, Merrill noted that "[m]ost of the unfitness for duty has been from accidental injuries, among which has been the remarkable fact that in the last year *five* men have fallen from windows, resulting in one death, one amputation of a leg, and serious injury in three other cases." These falls occurred from one of the Rose Hotel's second-story windows, one of Yorkville's finest hotels that had been abandoned since March 1871 when proprietor and Republican county treasurer, Edward Rose, fled to the state capital following an attack on his office by the Ku Klux Klan. Finding the building vacant, elements of the 7th regiment converted the hotel into barracks. No disciplinary infraction dogged the major like desertion, a perennial problem throughout the 19th century, but especially troublesome for the Army in 1871. Desertion reached epidemic proportions that year, leading many officers to formulate pet theories on the principal causes of the increase, speculations that often reflected local concerns rather than provide Army-wide explanations. In several reports, Merrill accused the Ku Klux Klan of fomenting dissatisfaction within the ranks and of harboring deserters. The major's accusations aside, no definitive evidence exists connecting the Klan to an increase in desertions, nor any indication that Southern communities aided and abetted deserters more frequently or effectively than their counterparts in the West. The Secretary of War's annual report for 1871 reveals that a dramatic increase in desertion plagued every Army command and Secretary of War William Belknap attributed the spike to the pay reduction recently enacted by Congress that dropped soldiers' pay by \$2 per month, from the Civil War rate of \$15 back down to the antebellum standard. The majority of soldiers in the Army had enlisted under the old terms and many viewed the pay cut as a

breach of contract and deserted. Under pressure from the Army, Congress recognized its error and restored soldiers' pay on 15 May 1872, leading desertion rates back down to their normal, although still considerably high, average.

<sup>28</sup> Harvey diary, 4 May, 2, 12, 15 June 1871, Godfrey Papers, LOC; Major Merrill to Assistant Adjutant General, Department of the South, 10 and 11 June 1871, AGO file 2586 of 1871 (Microcopy M-666, reel 26), RG 94, NARA. The major wanted local Ku Klux to attack to initiate military intervention. A consummate professional, he took steps to prevent it by letting the townspeople know that he was aware of the rumor and prepared to meet any assault. On the other hand, Merrill expressed no confidence that the Ku Klux organization had ceased to exist. He knew that Ku Klux leaders had encouraged their nightriders to lay low and wait for the situation to calm down and the Army to leave before renewing their outrages.

<sup>29</sup> Harvey diary, 4, 11 May 1871, Godfrey Papers, LOC.

<sup>30</sup> *Ibid.*, 27 April 1871.

<sup>31</sup> Merrill to Assistant Adjutant General, Department of the South, 4 May 1871, AGO file 2586 of 1871 (Microcopy M-666, reel 26), RG 94, NARA. *Yorkville (SC) Enquirer*, 13 April, 4, 11 May, 1 June 1871; *New York World*, 5 May 1871; *Harper's Weekly*, 20 May 1871. When Merrill accepted local clergymen's offer to provide worship services to his command, which lacked a chaplain at the time, the *Enquirer* concluded the "courteous manner in which the offer is accepted by [brevet] Col. Merrill, reflects credit upon him as a gentleman, and indicates his fitness for the position he occupies." Clearly still bitter over the rejection of the surrender terms he had offered Confederate General Joseph E. Johnston in 1865, Sherman stated that if the leaders of the two armies been permitted to negotiate the settlement to the war "perfect conciliation would have been the result." The *New York World* regarded Grant's 3 May proclamation a rebuttal of General Sherman's "emphatic statement ... that the Ku Klux bill is needless and foolish." *Harper's*, on the other hand, although it did not endorse the Ku Klux Act, did regard the president proclamation as "a simple, earnest appeal to the people of the disturbed section to keep the peace and secure the rights of all citizens through the agency of local laws."

<sup>32</sup> *Yorkville (SC) Enquirer*, 13 April 1871; *Army and Navy Journal*, 1 April 1871.

<sup>33</sup> *Yorkville (SC) Enquirer*, 11 May 1871.

<sup>34</sup> *Philadelphia Public Ledger*, 10 May 1871. The *Ledger* reported that the cabinet refused to even broach a discussion on the mode and procedure for carrying the Ku Klux Act into effect.

<sup>35</sup> David T. Corbin, "Speech of Hon. D. T. Corbin, U.S. District Attorney for So. Ca., Delivered Before a Republican Mass Meeting, at Greenville, S.C., on the Fourth Day of July, A.D. 1872," n.p. (1872): 9. The administration ultimately received this information from Major Merrill who provided reliable evidence and stayed in communication with committee chairman Senator John Scott after the subcommittee left South Carolina.

<sup>36</sup> Michael Les Benedict, *The Fruits of Victory: Alternatives in Restoring the Union, 1865-1877* (Philadelphia, PA: J. B. Lippincott Co., 1975), 55; Brooks Simpson,

---

*Reconstruction Presidents* (Lawrence: University Press of Kansas, 1998), 155; Jean Edward Smith, *Grant* (New York: Simon & Schuster, 2001), 543. Benedict writes that President Grant “tried to avoid” using troops. According to Grant biographer Simpson, the president “hoped” that the Ku Klux Act “alone might quell some outbreaks.” Smith finds Grant “reluctant” to use military force when other means were available.

<sup>37</sup> President Grant to Secretary of War Belknap, 13 May 1871, in Simon, ed., *Grant Papers*, 21: 355; U.S. Army General Order Number 48, 15 May 1871, AGO file 1705 of 1871, RG 94, NARA; *Yorkville (SC) Enquirer*, 25 May 1871.

<sup>38</sup> Italics added for emphasis.

<sup>39</sup> Grant proclamation, 3 May 1871, in Simon, ed., *Grant Papers*, 21: 336-37.

<sup>40</sup> *New York World*, 5 May 1871.

<sup>41</sup> *Yorkville (SC) Enquirer*, 6 April, 11 May 1871.

<sup>42</sup> *Ibid.*, 4 May 1871.

<sup>43</sup> Merrill to Assistant Adjutant General, Department of the South, 4 May 1871, AGO file 2586 of 1871, RG 94, NARA.

<sup>44</sup> *Ibid.*

<sup>45</sup> Merrill to Assistant Adjutant General, Department of the South, 19 May 1871, AGO file 2586 of 1871 (Microcopy M-666, reel 26), RG 94, NARA.

<sup>46</sup> *Yorkville (SC) Enquirer*, 18 May 1871.

<sup>47</sup> *Ibid.*, 8 June 1871. The *Chester Reporter* characterized Major Merrill’s remarks to the Yorkville assemblage as “a warning, accompanied by an unhandsome threat” and criticized Yorkville whites for “undertaking to assist Major Merrill in doing what he has by a distinct threat commanded.” The *Yorkville Enquirer* took umbrage at the *Reporter*’s characterization of the event and regarded its report as damaging, “liable to be construed as an apology for outrages committed in the name of the Ku-Klux” by Washington policymakers.

<sup>48</sup> Merrill to Assistant Adjutant General, Department of the South, 19 May and 9 June 1871, AGO file 2586 of 1871 (Microcopy M-666, reel 26), RG 94, NARA

<sup>49</sup> *Ibid.*, 9 June 1871.

<sup>50</sup> He placed the papers on his desk to be discovered.

<sup>51</sup> *Ibid.*, 9 June 1871.

<sup>52</sup> *Ibid.*, 11 June 1871; *Philadelphia Daily Ledger*, 27 May 1871; *New York Times*, 27 May 1871. In a later report, Merrill seemingly justified his request by noting that General Terry endorsed the telegram on 6 June 1871.

<sup>53</sup> Merrill to Adjutant General, Department of the South, 9 June 1871, AGO file 2586 of 1871, (Microcopy M-666, Reel 26), RG 94, NARA.

<sup>54</sup> *Ibid.*, 10 June 1871.

<sup>55</sup> General Terry to Secretary of War Belknap, 11 June 1871, AGO file 1118 of 1871, (Microcopy M-666, Reel 17), RG 94, NARA.

<sup>56</sup> Merrill to Assistant Adjutant General, Department of the South, 10 June 1871, AGO file 2586 of 1871 (Microcopy M-666, reel 26), RG 94, NARA.

<sup>57</sup> *Yorkville (SC) Enquirer*, 21, 23 March 1871; Nina Silber, *The Romance of Reunion: Northerners and the South, 1865-1900*, Civil War America, ed. Gary W. Gallagher

(Chapel Hill: University of North Carolina Press, 1993), 78-9, 81, 127. African Americans, Silber argues, emerged as features of the unique Old South landscape to Northern tourists. For most Northerners, including those that frequently found their way into the Army's ranks, minstrel shows provided them with their only knowledge of the black experience and many expected African Americans to conform to those stereotypes.

<sup>58</sup> The other two states with black majorities were Mississippi and Louisiana. African Americans became increasingly disenchanted with being junior partners in the Republican coalition and began pressing for more leadership and patronage positions. The results were most dramatic in states with black majorities. Black South Carolinians succeeded in gaining eight appointments to executive offices, electing three congressmen, and placing Jonathan J. Wright on the state supreme court. Black representatives were in the majority in the state's lower house. By 1870, hundreds of African Americans served as city policemen, rural constables, magistrates, and justices of the peace. Eric Foner, *Reconstruction: America's Unfinished Revolution 1863-1877*, The New American Nation Series, ed. Henry Steele Commager and Richard B. Morris (New York: Harper & Row, Publishers, 1988), 352, 354, 362-63.

<sup>59</sup> Newton (MA) *Circuit*, 1 October 1909; Silber, *Romance of Reunion*, 53. According to Silber, the white South's Civil War defeat cast them as sufferers while Southern blacks existed "at the opposite pole from their former masters – they stood to profit from the war's outcome and from the policies of Reconstruction." This made it possible not to sympathize with African Americans, as some 7th cavalymen did not.

<sup>60</sup> Newton (MA) *Circuit*, 1, 18 October 1909; Harvey diary, 28 March-4 May 1871, Godfrey Papers, LOC; *Yorkville (SC) Enquirer*, 20 March 1873. It must be noted that the 7th cavalymen, when intoxicated, also clashed with white police officers. On its way back to the frontier in 1873, E Troop clashed with Atlanta, Georgia police several times and threatened to forcibly retrieve from jail comrades arrested for public drunkenness. When the troopers complained to the post commander he "peremptorily declined to furnish aid to rescue a soldier who had been arrested and fined for intoxication, declaring that, if compelled to order his troops out, it would only be to support the civil authorities." Elizabeth Bacon Custer, *Tenting on the Plains, or General Custer in Kansas and Texas*, Western Frontier Library, vol. 46 (Norman: University of Oklahoma Press, 1971), 1: 210-11. Custer noted that white soldiers often on the frontier played pranks on African-American soldiers.

<sup>61</sup> Newton (MA) *Circuit*, 1, 18 October 1909.

<sup>62</sup> *Ibid.*

<sup>63</sup> *Ibid.*, 8 October 1909; Silber, *Romance of Reunion*, 53. In South Carolina's Upcountry, blacks suffered mightily from Ku Klux terror and could once again be cast as sufferers.

<sup>64</sup> William P. Marchione, Jr., "Go South Young Man! Reconstruction Letters of a Massachusetts Yankee," *South Carolina Historical Magazine* 80 (1979): 34. Portions of Benjamin Hodges' letter dated 28 June 1871 are reprinted in this article. John Hammond Moore, ed., *The Juhl Letters to the Charleston Courier: A View of the South, 1865-1871* (Athens: University of Georgia Press, 1974), 384-85. Juhl, a Sumter white

---

and frequent editorial contributor to the *Charleston Courier*, detested the black militia's frequent discharge of their rifles and "the endless refrain of 'Shoo fly! don't bother me'" kept up by the brass band. On the withdrawal of K Troop, Juhl wrote "the cavalry are to leave tomorrow [7 August 1871] for Atlanta to appease, by their removal, the black Nemesis."

<sup>65</sup> Moore, ed., *Juhl Letters*, 384-85.

<sup>66</sup> *Sumter (SC) News*, 24 August 1871.

<sup>67</sup> Harvey diary, 28 March-4 May 1871, Godfrey Papers, LOC.

<sup>68</sup> *Ibid.*, 19, 20 August 1871; Silber, *Romance of Reunion*, 79. Silber finds that Northern tourists regularly attended black worship services in order to experience African Americans and make their experience more unusual and thereby more authentic. She concludes, "Consequently, writers and travelers seldom restrained themselves from declaring a gathering of black people, or even a lone black workers, to be 'picturesque.' ... travel writers could hardly mention the 'negro' without attaching a picturesque adjective."

<sup>69</sup> *Biographical Directory of the United States Congress 1774-Present*, <http://bioguide.congress.gov>, accessed 8 October 2007.

<sup>70</sup> *KKK Report*, 42d Cong., 2d sess., S. Rpt. 41, serial 1484, 1-2.

<sup>71</sup> *Spartanburg (SC) Herald*, 13 July 1871; *Yorkville (SC) Enquirer*, 20 July 1871. The *Spartan* accused white radicals of forcing local blacks to testify to Ku Klux abuse in order to "furnish a pretext for increasing the regular army to such numbers as would enable the authors of the ku-klux or enforcement Act to place bayonets in every voting precinct in the South."

<sup>72</sup> *Yorkville (SC) Enquirer*, 3 August, 21 September 1871; *Harper's Weekly*, 12 August 1871. In September, a York County jury found James Barry guilty of assault and battery against Representative Wallace.

<sup>73</sup> *Yorkville (SC) Enquirer*, 27 July 1871; Harvey diary, 22, 23 July 1871, Godfrey Papers, LOC.

<sup>74</sup> *Yorkville (SC) Enquirer*, 27 July 1871.

<sup>75</sup> Harvey diary, 24, 26, 27 July 1871, Godfrey Papers, LOC; *Yorkville (SC) Enquirer*, 3 August 1871.

<sup>76</sup> *Ibid.*, 1485.

<sup>77</sup> *KKK Report*, 42d Cong., 2d sess., S. Rpt. 41, serial 1484, 1463-68.

<sup>78</sup> *KKK Report*, 42d Cong., 2d sess., S. Rpt. 41, serial 1484, 1464.

<sup>79</sup> *Ibid.*

<sup>80</sup> *New York Herald*, 1 August 1871; *Nation*, 3 August 1871. *The Nation* disagreed, asserting the "passage of the Ku-klux law was inexpedient and wrong."

<sup>81</sup> *Yorkville (SC) Enquirer*, 10 August 1871. Original report appeared in the *Washington (DC) Patriot* on 2 August and was reprinted in the *Enquirer*.

<sup>82</sup> U.S. Senator John Scott to President Grant, 1 September 1871, in Simon, ed., *Grant Papers*, 22: 163-65; *Philadelphia Public Ledger*, 2 September 1871; *Yorkville (SC) Enquirer*, 7 September 1871. The senator's correspondents included Reverend A. W. Cummings of Spartanburg who had reported to the committee in July that 227 crimes

---

had been committed in that county between October 1870 and July 1871. Concerning conditions in York County, Scott received messages from Major Merrill and Congressman Wallace. He included Cummings' and Merrill's testimony as well as their and Wallace's letter in his correspondence with the president.

<sup>83</sup> U.S. Senator John Scott to President Grant, 1 September 1871, in Simon, ed., *Grant Papers*, 22: 163-65.

<sup>84</sup> *Ibid.* As evidence of the failure of local civil courts to provide justice, Senator Scott quoted an extract from the 20 July report of a Spartanburg grand jury that acknowledged numerous crimes had been committed in the county "but express the hope that the good and influential men in every part of the community will unite their efforts in preventing every infraction of the law, and in securing to all perfect security in their person and property." The senator blamed the renewal of Kukluxism on the failure of local courts to prosecute these cases, asserting in his letter to the president "the consequences of their repetition foreshadowed [by the failure of civil authorities to take action], the members of these lawless organizations have again resumed their arms and their midnight raids of brutality and assassination."

<sup>85</sup> *Ibid.*

<sup>86</sup> *New York Times*, 1 and 2 September 1871; *New York Tribune*, 1 and 2 September 1871; *New York Herald*, 2 September 1871. In his letter to the president, Senator Scott enclosed a copy of Merrill's letter.

<sup>87</sup> *Yorkville (SC) Enquirer*, 21 September 1871.

<sup>88</sup> *KKK Report*, 42d Cong., 2d sess., S. Rpt. 41, serial 1488, 1607.

<sup>89</sup> Merrill to Honorable William Thomas, 18 September 1871, reprinted in, *KKK Report*, 42d Cong., 2d sess., S. Rpt. 41, serial 1488, 1607-8.

<sup>90</sup> "Notes of a conversation between Judge W. M. Thomas and [Brevet] Colonel Lewis Merrill, at the office of the latter in Yorkville, South Carolina, September 19, 1871," reprinted in, *ibid.*, 1610. The 7th Cavalry's Captain Owen Hale attended the meeting "to hear and state, if necessary, what was said."

<sup>91</sup> Merrill to Judge Thomas, 22 September 1871, reprinted in, *ibid.*, 1609-10.

<sup>92</sup> York County Court of General Sessions, grand jury foreman, A. L. Hutchinson to Judge Thomas, September 1871, *ibid.*, 1611-12; *Yorkville (SC) Enquirer*, 28 September 1871.

<sup>93</sup> *Ibid.*

<sup>94</sup> Merrill to Adjutant General, Department of the South, 8 January 1872, reprinted in, *KKK Report*, 42d Cong., 2d sess., S. Rpt. 41, serial 1488, 1601.

<sup>95</sup> *Ibid.*, 1601.

<sup>96</sup> Zuczek, *State of Rebellion*, 104-6. According to Zuczek, "the Klan's 'reign of terror' had subsided before the president suspended the writ of habeas corpus." Through a close reading of the number of crimes referenced in the testimony collected by the Ku Klux committee, he contends that the Klan had outlived its usefulness and the white community shut it down during the summer of 1871. "Rather than risk what it had gained, the Klan – i.e., many conservative whites across South Carolina – opted for peace." This contradicts Merrill's reports and fails to take into account crimes

---

committed after the subcommittee left the state. Two and a half months passed between the subcommittee's departure and the president's suspension of habeas corpus.

Unfortunately, his argument has gained some traction. In *Reconstruction Presidents*, Simpson writes that "more careful research suggests that terrorism may have started to decline before the fall of 1871." Decline it did. Completely stop, it did not. As Merrill himself stated, the Upcountry Klan was merely waiting for the Army to leave before unleashing another wave of terror. Furthermore, the large-scale crimes that occurred before the 7th Cavalry arrived in the state went unpunished. That reason alone justified federal intervention, even if the Klan intended to cease operations

<sup>97</sup> Merrill to Adjutant General, Department of the South, 8 January 1872, reprinted in, *KKK Report*, 42d Cong., 2d sess., S. Rpt. 41, serial 1488, 1602.

<sup>98</sup> Akerman to Solicitor General Benjamin Bristow, 7 October 1871, in Simon, *Grant Papers*, 22: 162. Akerman did not arrive at this conclusion easily. According to historian Robert Kaczorowski: "The enforcement of this legislation required a significant departure from the attorney general's traditional inaction in federal criminal law enforcement." Kaczorowski, *Politics of Judicial Interpretation*, 64.

<sup>99</sup> Akerman quoted in Kaczorowski, *Politics of Judicial Interpretation*, 66.

<sup>100</sup> Grant Proclamation, in Simon, *Grant Papers*, 161-2. The nine counties included Spartanburg, York, Marion, Chester, Laurens, Newberry, Fairfield, Lancaster, and Chesterfield.

<sup>101</sup> *New York Times*, 31 October 1871; *Yorkville (SC) Enquirer*, 9 November 1871.

<sup>102</sup> David T. Corbin, "Speech of Hon. D. T. Corbin, U.S. District Attorney for So. Ca., Delivered Before a Republican Mass Meeting, at Greenville, S.C., on the Fourth Day of July, A.D. 1872," n.p. (1872): 10.

<sup>103</sup> *New York Times*, 11 October 1871.

<sup>104</sup> *Ibid.*, 11, 13, 20 October 1871.

## CHAPTER V

### STAMPING OUT THE EMBERS OF REBELLION

On 17 October 1871, President Ulysses S. Grant suspended the writ of habeas corpus in nine Upcountry South Carolina counties, marking the beginning of full-scale federal intervention and active military enforcement of national laws. The president lawfully pursued this course of action under section four of the Ku Klux Act. Convinced that “the preservation of the public safety” had become impracticable in certain parts of the Palmetto Piedmont, Grant elected to temporarily suspend habeas corpus in order to overthrow the Ku Klux Klan rebellion that had been growing in intensity since the organization first appeared in the state in 1868. Once the president decided upon this course of action, U.S. Army soldiers engaged in carefully coordinated operations with Justice Department officials in an effort to wage a vigorous and effective campaign designed to stamp out the Klan conspiracy, once and for all. The 7th U.S. Cavalry regiment played a vital role in this effort, supplying soldiers for posse comitati in support of civil law enforcement, or to act independently. In doing so, the regiment applied the martial power necessary to force compliance with federal law and apprehend hundreds of criminal conspirators determined to subvert representative governance and thwart the black suffrage equal protection of the laws guaranteed by the 14th and 15th Amendments.

In a relatively short span of time, less than one year, U.S. civil and military authorities dealt South Carolina’s Klan a devastating blow, ridding the state of that

particular Conservative terrorist organization for the remainder of the Reconstruction period.<sup>1</sup> The 7th Cavalry regiment, under Major Lewis Merrill's energetic leadership, made significant contributions toward this outcome. Along with elements of the 18th Infantry, the seven cavalry troops posted to South Carolina, a force of fewer than five hundred officers and men, provided the physical presence the federal government desperately needed in South Carolina's small Upcountry communities. By upholding the laws and enforcing presidential proclamations, these soldiers clearly communicated to Washington's opponents the national Republicans' determination to preserve post-Civil War Reconstruction reforms. At the president's direction, these acclaimed frontier-fighting men overawed state Conservatives with their well informed, intelligently designed, and disciplined campaign that dismantled the Ku Klux Klan. Through their actions, Major Merrill and his troopers exposed the magnitude of the Ku Klux menace to America's democratic institutions and reestablished the rule of law in Upcountry South Carolina.

For several weeks prior to the suspension of habeas corpus, U.S. officials in Washington, D.C., and South Carolina methodically planned a joint civil-military law enforcement operation, designed to root out and destroy the Upcountry Klan and demonstrate to unreconstructed rebels in other former Confederate states the futility of violently opposing national law. Federal policymakers believed that breaking the tyrannical grip Ku Klux leaders held over their rank-and-file and local communities sufficed to enable respectable citizens to freely and publicly denounce Klan criminality, enabling law-abiding sentiment to regenerate. In other words, federal authorities

expected that severing the organization's head would destroy the Ku Klux Klan.

Although they gave no indication as to how long they expected this process to take, it is clear from expressions of disappointment in government documents that U.S. officials did not fully appreciate the deep-rooted nature of anti-black sentiment in the Upcountry, or how stubbornly many native whites intended to cling to extralegal intimidation as a viable tool in reestablishing what Democrats called "Home Rule."

Decapitating the South Carolina Klan required that the government seize the initiative in order to gain the upper hand over Ku Klux leaders. Federal planners recognized the level of popular support Klansmen enjoyed throughout the region and anticipated the difficulty agents would experience in trying to capture community leaders and influential citizens, members of this class occupying the leadership positions, in counties hostile toward the central government. Striking quickly, unexpectedly, and decisively offered authorities the best opportunity to arrest these individuals before they succeeded in evading or resisting. Given adequate warning, Klan leaders could easily exploit their local influence to whip up public sentiment against federal intervention or organize direct efforts to thwart justice, possibly by force of arms, against state authorities. Military manpower was limited and already spread thinly across the South. Federal authorities needed to husband their resources, gathering them together at designated points to deliver a decisive blow before spreading back out to blanket South Carolina's Upcountry. By seizing the initiative and through bold action, federal strategists planned to deliver a quick and unexpected blow, severe enough to incite panic

within the organization's ranks and excite hysteria throughout the Klan's host communities, releasing these areas from Klan tyranny.

Impressively, the government succeeded in "quietly perfecting arrangements to destroy the Ku-Klux organizations" in the weeks leading up to federal intervention. South Carolina Conservatives indicated through their excited reaction that they had not expected President Grant to bring the full force of the Ku Klux Act to bear in the Palmetto State during the fall of 1871.<sup>2</sup> At the Army's Yorkville post in York County, Major Merrill, "to whom the details of the contemplated movement were committed," anxiously awaited his opportunity to go out and destroy the Ku Klux Klan. Seven of the 7th Cavalry's twelve companies, over half the regiment's total authorized strength, had been posted throughout the Upcountry for several months, restricted to exerting moral influence, assisting civil authorities when called upon, and intervening to prevent criminal acts. Not surprisingly, state law enforcement never called on the regiment to assist in law enforcement, and Ku Klux scrupulously avoided committing crimes in the Army's presence. Such restrictions relegated soldiers to the sidelines where they watched a resurgent Klan criminality go unchecked. Under these circumstances, cavalry proved just as impotent as infantry at discouraging kukluxism. The cavalry's most effective efforts against the South Carolina Klan came as a result of Major Merrill's personal investigation into Klan abuses. He gathered convincing evidence on eleven murders and over six-hundred beatings in York County alone, information he shared with congressional subcommittee members and Attorney General Amos T. Akerman. This evidence convinced President Grant's administration to take action against the

Palmetto conspiracy and provided Justice officials with a sound base from which to pursue indictments and convictions in U.S. courts. Much as South Carolina served as the focal point of federal attention in 1871, York County emerged as the locus for military operations in the Upcountry.<sup>3</sup>

After visiting Yorkville and conferring with the major in October, Attorney General Akerman concluded that affairs in South Carolina “had reached such a degree of strength and audacity as made it the President’s duty to exercise the extraordinary powers conferred” upon his office by the Ku Klux Act. President Grant responded by issuing a proclamation on 12 October calling on Klansmen in Spartanburg, York, Marion, Chester, Laurens, Newberry, Fairfield, Lancaster, and Chesterfield counties to disband, “retire peaceably” to their homes, and deliver whatever arms and accoutrements they possessed to U.S. civil or military authorities within five days. This preliminary proclamation was required under section four of the Ku Klux Act before the chief executive acted to lawfully suspend the writ of habeas corpus. Unfortunately for the architects of federal enforcement, this legal stipulation spoiled the national government’s covert agenda by broadcasting federal intentions to Klan leaders in the named counties, making them aware that intervention drew near.<sup>4</sup>

Day after day, for five days, not one single Klansmen acquiesced. Merrill watched despairingly as, in the *Army and Navy Journal* reported, “many of the Ku-Klux leaders, suspecting that measures were being devised to bring them to justice ... fled, leaving their poorer followers and ignorant dupes to stand sponsor for the crimes of which they had been the chief authors and instigators.” Unavoidable legal stipulations

jeopardized federal plans to make examples out of Ku Klux leaders and tormented the major, who had vowed to spare no effort in bringing down the Klan and seethed at the cowardice he believed characterized their actions. Seemingly seeking to rationalize the uninhibited flight of as many as one-hundred York County Klansmen, the major credited the lack of organized resistance to military arrests on the departure of so many leading members. Before the suspension of habeas corpus York resembled an “armed camp,” according to Merrill, so much so that had the leaders resolved to stay and resist “there would have been needed much more force than I had at command to enforce any arrests that might have been attempted.”<sup>5</sup> In the meantime, however, standing by waiting for five days to pass while watching “the exodus of the Ku-Klux” must have been a bitter pill for him to swallow.<sup>6</sup>

Army actions during those same five days revealed that federal officials did not expect Klansmen to comply with the president’s directive. On 12 October, B Company, 18th Infantry regiment temporarily joined the Yorkville garrison, followed two days later by D and L Troops, 7th Cavalry. Military authorities were preparing for active operations against the Klan before the five-day grace period elapsed. By the time the president suspended habeas corpus, Major Merrill held three cavalry companies in readiness, representing one quarter of the regiment’s total strength and almost half the total in South Carolina. All that remained was to receive orders from Washington ordering movements designed to eradicate the Ku Klux Klan.<sup>7</sup>

South Carolina Conservatives greeted the president’s 12 October pronouncement with a mixture of contempt and worry. Some rejected it as another federal edict cast

down from on high, bearing no particular relevance to domestic circumstances. The time for truculence, however, was running out. Grant had no intention of trifling with troublesome rebels. On the fifth day, 17 October, he invoked section four of the Ku Klux Act, proclaiming: “in my judgment, the public safety especially requires that the privileges of the *writ of habeas corpus* be suspended ... within the counties of Spartanburg, York, Marion, Chester, Laurens, Newberry, Fairfield, Lancaster, and Chesterfield.” The inclusion of Marion County in the 12 and 17 October proclamations was a mistake, a simple clerical error according to the attorney general, requiring a third proclamation on 3 November substituting Union County for Marion.<sup>8</sup>

Suspending the writ of habeas corpus was the most severe provision contained in the Ku Klux Act. The 20 April 1871 law did not provide for martial law, military commissions, or other forceful measures traditionally used to suppress rebellion. Historian Michael Les Benedict argues that the absence of these provisions indicates that the federal government opted for the “bare minimum.”<sup>9</sup> Depriving citizens of habeas corpus, however, was not a weak response or half measure. No less an authority on the subject than Major Merrill stated that suspending habeas corpus had a positive effect on Upcountry Conservatives, helping to bring about the Klan’s collapse.<sup>10</sup> Martial law and military tribunals indicate that civil government is not functioning, clearly not the case in South Carolina, where state authorities only lacked the physical power needed to confront the Klan and force compliance with the laws. As Benedict recognizes, national Republicans vacillated in 1870 and 1871, unable to agree on what measures, if any, to take against the Ku Klux conspiracy. Division within Republican ranks and concern

over northern voters' reaction to more Reconstruction legislation aimed at aiding southern Republicans dictated the alternatives legislators could countenance. More extreme military measures, reminiscent of Union wartime occupation or Military Reconstruction, might signal Reconstruction's failure and thin Republican ranks.<sup>11</sup>

At any rate, few Americans in 1871 regarded the Ku Klux Klan as a full-fledged rebellion, especially with Democrats still denying its very existence. In denouncing Grant's decision to suspend habeas corpus in South Carolina, the *Baltimore Sun* challenged that rebellions "do not depend upon 'the opinion' of any one, but are matters of absolute knowledge and certainty, as open armed resistance to the Government ... must necessarily be."<sup>12</sup> For those who lived through the Civil War years, proving rebellion required more dramatic manifestations than extravagantly costumed men parading around in the dark preying on the superstitions of former slaves. The Klan did not field an army, topple civil governments, or clash with federal troops anywhere in the South. Before military arrests and federal prosecutions proved the Invisible Empire's existence to the nation, the southern Ku Klux remained clouded in mystery. As most Americans learned in 1861, rebellions are not secretive or mysterious; they are belligerent and obvious. In other words, the standard of evidence required to prove the existence of rebellion was extraordinarily high.<sup>13</sup>

Suspending habeas corpus represented an appropriate response to the emergency the federal government faced in South Carolina. More importantly, from the president's perspective, it was the most severe measure allowed by law. Subsequent events proved that Conservatives viewed the loss of this right a harsh punishment indeed, and were

determined to challenge the law's constitutionality. As the protection against arbitrary arrest, habeas corpus prohibits law enforcement from holding a suspect without formal charge or for whom there is no pending indictment. Ku Klux intimidation hindered efforts to gather evidence of crime and gain grand jury indictments. Liberated from habeas corpus's provisions, federal authorities placed Klansmen in jail, preventing them from exercising any extralegal influence over judicial processes. Under the act, Ku Klux prisoners remained in jail until they appeared before a U.S. Commissioner who determined whether or not evidence warranted an indictment. This thwarted Ku Klux intimidation of victims, witnesses, and local officials, emboldening them to come forward with evidence against Klansmen. African-American victims and witnesses, whom federal authorities regarded as "faithful allies," no longer approached secretly and under cover of darkness to give testimony of Ku Klux abuses. Following the suspension of habeas corpus, blacks came in during the day and in greater numbers, secure in the knowledge that they and their families would remain safe. The ability to make mass arrests delivered a traumatic blow to Upcountry Conservatives, providing the necessary shock that eventually caused rank-and-file members and sympathizers to withdraw their active or passive support for local Klan dens.<sup>14</sup>

Two days after President Grant's 17 October proclamation suspended the writ of habeas corpus, Major Merrill, acting on telegraphic instructions from Attorney General Akerman, ordered his troopers to begin arresting York County's nightriders. Direct federal intervention in the South Carolina Upcountry and active Army operations against the Klan commenced in the county seat of Yorkville on Thursday morning, 19 October.

There is only one explanation for why military arrests began a full two days after the president suspended habeas corpus, a startling delay considering Merrill's knowledge of Klan flight. The *Yorkville Enquirer*, York County's Conservative weekly newspaper, was distributed every Thursday. By waiting until after the *Enquirer* went to print before making arrests, Army forces provided themselves a full week's worth of operations before news of the campaign could be circulated by the newspaper. Observing the timing of the York arrests, the *Army and Navy Journal* believed that this, combined with the "absence of telegraphic and postal facilities" in the Upcountry ensured that "the first intimation many of the Ku-Klux will have of the impending blow is when it falls."<sup>15</sup>

Town residents anticipated some sort of federal action in light of the president's proclamations, but the size and scope of the operation left many "bewildered and demoralized." Yorkvillians looked on helplessly that morning as soldiers advanced from one house to the next arresting neighbors, kin, friends and associates for violating the Enforcement Acts. Some rural residents, in town on business, found themselves under military guard and on their way to the county lockup. All of these arrests were made on evidence uncovered by Merrill's investigation. Fearful that more Klansmen would flee now that military arrests had begun, Merrill worked diligently to effect as many arrests as possible within a condensed time span, allowing Ku Klux little opportunity to evade the federal dragnet. At the same time that soldiers made arrests in Yorkville, Merrill divided D, K, and L Troops into ten to twenty man squads, sending them out to comb the countryside for his suspects. Over the course of the next three weeks, the post

commander employed his three troops around-the-clock hunting down Enforcement Act violators, with great effect.

This situation in York County was unique in the Upcountry. Nowhere else did an Army officer order arrests on his own authority. In the other eight counties affected by Grant's proclamation, soldiers moved strictly at the behest of federal law enforcement officers. In York, however, Major Merrill reigned supreme, leading some hostile Conservatives to brand him an "autocrat." Despite this negative opinion, the major earned this privilege by his strenuous efforts to expose the Invisible Empire, efforts that went well beyond what most Army officers offered. No one knew as much about the York Klan as the major. Consequently, no one was better suited to carry out the federal operation. Throughout the campaign to rid York County of Ku Klux, Major Merrill relied on his own investigation to guide his military forces against the Klan. In recognition of his ability and faithful service, military authorities reorganized the Army's command districts, placing North Carolina under the Department of the South and allowing Merrill to control the 7th Cavalry troops sent there from his own district.

Based on local reaction in York County, federal planners seemed to have achieved their goal of generating the fear and hysteria necessary to supplant Ku Klux tyranny. Klan sympathizers and members were now more afraid of government-imposed penalties than the Invisible Empire's threats of retribution. The *New York Tribune* found it surprising that so many former Confederates' were shocked by the onset of federal intervention, especially considering "[t]he garrison of United States troops had been eight months in Yorkville" and yet "[t]his sudden activity ... guided by

an intelligence that seemed to know every crime committed ... astonished and terrified the community.”<sup>16</sup> County residents lived in constant fear that any day soldiers might appear at their doors to take them into custody. York Conservatives found it difficult to comprehend that federal authorities had successfully penetrated that Klan’s veil of secrecy. Searching for an explanation, local whites assumed soldiers brought in any white male accused of kukluxing, no matter how flimsy the evidence supporting the charge. Few, it seems, recognized Merrill’s dedication to bringing down the Klan, or his rigorous investigative pursuit into Ku Klux crimes. The rapid and decisive nature of the military arrests accomplished within the first week serves a testament to the major’s dedication to the rule of law and social stability.

Local reaction demonstrates that federal intervention achieved a measure of surprise and delivered a shocking blow to the Conservative community. In fact, the methodical nature of the arrests, performed with such skill and accuracy, frightened some Upcountry South Carolinians who wondered how soldiers who had only been stationed in the region for a few months could possibly know so much about the clandestine organization. Rather than credit Major Merrill for his dogged investigation, rumors began circulating accusing county Republicans and Klan victims of bearing false witness. This canard enjoyed wide popularity among South Carolina Conservatives and especially throughout the nine Upcountry counties identified in Grant’s proclamation. A *Cincinnati Commercial* correspondent recounted several conversations with white citizens in an article describing his travel from Columbia to Yorkville. Before boarding his train out of the state capital one local warned the correspondent not to make the trip,

observing that soldiers placed “every man in jail that any nigger chooses to point out.” This paranoia and misrepresentation of military actions only worsened as the train entered the Upcountry. During a brief layover in Chester, a Chesterfield County resident presented the *Commercial*’s correspondent with the principle Conservative justification for white flight from the Upcountry in the wake of the presidential proclamations. He stated: “A negro can have fifty of our best citizens thrown into jail in half an hour.” Rather than submit to such false accusations emanating from former slaves “citizens left when they heard of the proclamation of martial law .... [t]hey knew what that meant.” For this resident, at least, the Enforcement Acts represented one more attempt by Washington Republicans to foist black equality on the “prostrate” South, though conditions in the region were quite different in 1871 than in 1865.<sup>17</sup>

Merrill understood that Washington’s unprecedented intervention in South Carolina was going to receive plenty of public scrutiny, especially from Democrats and the growing body of Grant’s critics within his own party. In order to dispel the wildly popular notion that military authorities arrested anyone local Republicans identified as being Klansmen, the major assured the editor of the *Yorkville Enquirer* “that no improper arrests would be made; and that any person who felt himself innocent of violating the Enforcement act or the Ku-Klux act, need entertain no fears of being molested in any way by the soldiery or the [U.S.] Marshall.” Merrill’s conciliation toward the local populace represented a continuation of the policy he pursued since arriving in the Upcountry. Although he believed most white South Carolinians bore some association with or responsibility for Klan abuses, as an Army officer he intended

to follow his orders. As the federal government's principal representative in the Upcountry, Merrill demonstrated his resolve to put down the Klan, restore the rule of law, and uphold Reconstruction.<sup>18</sup>

The Ku Klux flights from justice that began after the president's 12 October proclamation continued with greater urgency in the wake of military arrests. White flight tore many Upcountry families apart, creating the first noticeable breach in community support for the Klan. Bersheba neighborhood resident Mary Davis Brown recorded in her diary the fear and uncertainty that gripped many York families in October 1871. "There is a good many of the men left York.... Oure children & grandchildren is all under oure roof to night but it has the apperance that it may all never meet again."<sup>19</sup> Sadly for Brown, she realized her fears the following morning as her sons fled the county. Many friends and neighbors followed. Merrill figured that as many as one hundred York residents fled the county before year's end. Federal intervention brought with it the eerily familiar anxiety that had accompanied the end of the Civil War. Many Upcountry families confronted the possibility of extended detachment and separation, as adult male members faced the difficult choice of abandoning their families by going to jail, or fleeing for an indefinite period of time. For those guilty of crimes and possessing the means to flee, there seemed to be little doubt. This situation confronted some Upcountry women with familiar roles, as they assumed the duties of head of household in their father's, husband's, or older brothers' absence. Many Upcountry women had faced similar circumstances during the Civil War when they had to assume the majority of responsibilities for the farm and household. Judging

from high numbers of poor whites that voluntarily surrendered, as many as three hundred in York County alone, freely confessing their affiliation with kukluxism and violating sworn obligations under penalty of death, it appears that many women opted for peace over uncertainty.<sup>20</sup>

As one reporter described Yorkville, it “had the look of a town in war time recently captured by an invading army.” Northern observers, in particular, commented on the heavy presence of blue-coated soldiers gathered everywhere about town, a situation many found analogous to Union Army occupation. They informed their readers that “[g]roups of countrymen [South Carolinians] in gray homespun stood upon the street corners and in the Court-House yard, engaged in low and excited talk.”<sup>21</sup>

When federal intervention finally came, it dealt York’s residents a staggering blow. By their reaction, it appeared that they had not considered such aggressive action, on the federal government’s part, possible. The depth of this psychological impact was partly revealed by Yorkvillians’ response to the rapidly deteriorating economic conditions, an unintended consequence of federal enforcement. Yorkville’s economy thrived on county residents coming to town to purchase goods, pay for professional services, deposit money in banks, and transact other business. Once the military started making arrests, however, many stayed away, fearing they would be arrested if they came near the Army post. Business suffered tremendously as the local economy ground to a halt. While visiting Yorkville to see what she could discern of the government’s intentions towards her family, Mary Davis Brown reflected on her surprise at encountering barren streets in this normally vibrant Upcountry economic center. What little activity there was

consisted of merchants boxing up their unsold inventory for shipment back to distributors.<sup>22</sup> Worse, Yorkvillians did not anticipate a reversal in fortune coming any time soon. As a fervent advocate of southern industrialization and economic diversification, the *Yorkville Enquirer* sorrowfully lamented enforcement's "depressing influence on business and industrial pursuits" in its columns. The newspaper reflected the fear and uncertainty pervading the county. "Crops remain in the fields unharvested, and on account of the general feeling of insecurity, business is nearly at a standstill." So long as federal enforcement continued, York's economic prospects seemed grim, forcing the *Enquirer* to concede, "[t]he future of our section, we are free to confess, is now more gloomy than it has been at any time since the close of the war."<sup>23</sup> Economic troubles joined the growing list of reasons why many Conservative South Carolinians turned their backs on the Ku Klux Klan.

Fortunately for those York residents disturbed by enforcement's intrusion upon their daily lives, the frenetic pace of military arrests slackened quickly after the first week. In the first seven days, cavalrymen arrested 79 men. By the second week, this number dropped to 21, nearly a 75 percent decrease. This significant reduction is testament to the operation's success. In only two weeks, soldiers placed 103 suspected Ku Klux in jail, more Klansmen than the state authorities managed to arrest in three years. On 9 November, the *Yorkville Enquirer* reported forty-two new arrests and thirteen a week later. The focus of federal intervention, by the middle of the month, shifted to Spartanburg and Union counties, the other two of the three worst Ku Klux counties in Upcountry South Carolina.<sup>24</sup>

One of the principle reasons for the sudden decrease in York County arrests arose from the fact that hundreds of Klansmen decided not to wait for federal authorities to come to their door, preferring to visit Merrill's headquarters to surrender themselves and offer voluntary confessions. "Looking about for their chiefs and counselors, and finding that, to get orders or advice, they must go to them in jail or follow their flight," according to the major, the typical Ku Klux "recognized the fact that the game was up, that the organization was broken" and came in to surrender.<sup>25</sup> Merrill and his subordinates were inundated with hundreds of men wishing to confess their affiliation to the clandestine organization. "Each man seemed seized with the idea that those who first confessed would have the best chance for clemency," wrote the *Army Navy Journal*, so much so that men jockeyed for position in line outside Merrill's office.<sup>26</sup> U.S. District Attorney David T. Corbin's stenographer, Louis F. Post, assisted Merrill in taking down Ku Klux testimonials. Reflecting on this bizarre situation that kept him, and occasionally his wife, busily occupied around the clock, Post wrote, "confessions became quite the fashion as arrests multiplied."<sup>27</sup> Twenty to forty repentant nightriders came in every day by horse, wagon, and on foot, to assume their place in line outside Merrill's headquarters, waiting as many as three days to unburden their souls and discover their particular fate.

Most of these voluntary confessors downplayed their involvement in kukluxism. They asserted that they had joined the organization but did not participate in any raids, that they were compelled to join under threats of violence, or that they had joined the Klan in an effort to protect African-American employees.<sup>28</sup> This trend continued

throughout subsequent weeks as Merrill's headquarters were "constantly besieged" by those wanting to confess. Within three weeks of the opening arrests, Merrill and his staff had accepted over three-hundred voluntary confessions, presenting authorities with a new dilemma. "The evidence accumulates so fast that nothing can be done but take it down, file it away, and wait for an opportunity to arrange it."<sup>29</sup> Most of the confessions emanated from lower-ranking members and Merrill was disappointed by his inability to convince higher-ranking members to turn.<sup>30</sup> Occasionally, however, these interviews uncovered substantial pieces of evidence. A Yorkville Klansman, Samuel G. Browne, revealed the location of his Klan's constitution and by-laws, giving the 7th Cavalry's Lieutenant Edward S. Godfrey a letter he had written to his daughter instructing her to turn over the document to the soldiers. This particular piece of evidence contributed significantly to federal prosecutor's efforts to establish that the Ku Klux Klan was a politically-motivated conspiracy during the first series of Klan trials in Columbia in November.<sup>31</sup>

Inside headquarters, Merrill and District Attorney Corbin interviewed Klansmen separately, working to extract as much information as possible about the organization, its members, activities, and the potential whereabouts of sought after fugitives. At the end of these interviews, most of which occurred with low-ranking Klansmen not implicated in major crimes, Merrill and Corbin instructed interviewees: "You go home, and stay there, and mind your own business, and when you're wanted you'll be sent for." For added effect, just before the vanquished nightrider walked through the door of freedom, he received the following injunction: "If you haven't told all you know it will be worse

for you, for it will all come out before we get through.” White Conservatives derisively dismissed these Klan confessions as “puking,” a vulgar phrase that reflected their contempt for these voluntary confession and the men who provided them. But for federal agents, “puking” offered “an accumulating mass of testimony, each day bringing forth further clues for further arrests,” including information on five previously unknown York County murders.<sup>32</sup> Not everyone who confessed, however, was turned loose. As word of government pardons spread, it is not surprising that some tried to pass themselves off as low-ranking “dupes.” To these, the major delivered unwelcome news: “I am very sorry, Sir, but I shall have to send you to jail. I know more about your doings than you seem to yourself.”<sup>33</sup>

In response to the growing numbers of prisoners in York County, Merrill and Corbin formulated the policy that governed arrests, indictments, and prosecutions in South Carolina. “[P]owerless to do anything [other] than secure the person of those most deeply criminal, and send the rest home on their personal parole,” the major concentrated in confining Ku Klux leaders and those members guilty of committing the worst crimes, specifically severe beatings, rape, and murder.<sup>34</sup> Petty intimidation, lesser violence, and property damage were ignored in favor of imprisoning the planners and perpetrators of Klan barbarities. Although scholars have criticized this policy that permitted some criminals to escape any sort of punishment for their criminal acts, it was consistent with federal objectives laid out at the beginning of the campaign. Punish prominent members whose education and status indicated that they should have known better, extend clemency to the rank and file to conciliate the majority of members and

sympathizers, and encourage positive attitudes to flourish in the absence of Klan tyranny.<sup>35</sup> The *New York Tribune* reported: “The men who have confessed have nearly all been discharged and sent home. A few who have been concerned in murder, and in whippings and torture of a peculiarly brutal character, have been held for trial.”<sup>36</sup>

Federal officials relied on state facilities for holding prisoners, and these proved entirely inadequate. York County’s jail filled in only a few days. The Justice Department paid for renovations preparing the building’s upper story to accommodate the overflow, but even this was not enough. Having filled the entire structure, the major turned to an old sugarhouse for confinement. Between arrests and voluntary confessions, the York County jail had long since passed capacity forcing officials to be more selective in jailing Ku Klux suspects. The local newspaper reported that “[t]he jail building is, of course, very much crowded . . . but we believe every possible means is adopted to ensure the sanitary condition of the prisoners, and to render their situation as comfortable as circumstances will permit.” Caring for the prisoners’ health was a great concern for the soldiers considering the crowded conditions and public scrutiny. Throughout Upcountry South Carolina, the task fell to the 18th Infantry regiment. In order to allow the cavalry to devote all its energy to scouring the countryside for Klansmen, infantrymen received the onerous task of guarding prisoners. In Yorkville, B Company watched over the prisoners, Captain Morgan Lewis Ogden commanding. Every day the jail cells were inspected to ensure cleanliness and protect against the spread of disease.<sup>37</sup>

Whether a conciliatory gesture intended to help build loyalty toward elected government or an effort to rehabilitate his own image within the community, Major Merrill extended many kindnesses to the prisoners. An incident that attracted Post's attention involved Merrill's decision to allow one of his higher-ranking Klan prisoners to visit his terminally ill son. After asking the boy's age and condition, as well as how the prisoner intended to get home and when he would return, the major granted the prisoner's request. Impressed by this display of compassionate humanity "from one so rough in manner as I had sometimes seen him," District Attorney Corbin's stenographer believed that the major later feared he may have made an error in allowing the Ku Klux to leave. When Post expressed his own reservations, however, the officer assured him that for a southerner, word of honor provided a better guarantee than any posted bond ever could. The Ku Klux member returned as promised, leaving Post impressed with Merrill's "courageous generosity" and this particular prisoner's "fidelity."<sup>38</sup>

By mid-November, large-scale Army law enforcement operations in York County concluded. Yorkville's garrison continued its hunt for Klansmen, but on a smaller scale and with fewer troops. Town residents welcomed this reduction in arrests and military footprint. According to the *Yorkville Enquirer*, military arrests "have diminished in numbers to an extent quite gratifying." The editor looked forward to finally beginning the examinations before the U.S. Commissioner, hoping that this would bring some level of closure to the Ku Klux conspiracy and federal intervention in local affairs.<sup>39</sup>

Residents living in the other eight Upcountry counties affected by the president's 16 October proclamation had been anxiously observing events unfolding in York, while pondering when their turn to bear the brunt of federal enforcement would come. As the *Army and Navy Journal* reported on 25 November, "few arrests have thus far been made in Union County ... but it is understood that the work of capturing the Ku-Klux will be vigorously prosecuted during the coming week."

In some ways, the York campaign made U.S. authorities' task more difficult throughout the remaining counties. Most importantly, the government's ability to seize the initiative diminished significantly. Simply moving troops into position to make arrests threatened to alarm residents searching for any indication that arrests were imminent. For this reason, military authorities opted to move troops into position quickly, usually within less than twenty-four hours, to decrease the likelihood of resistance and evasion. The Army altered other tactics after York, as well. Again borrowing from the Klan's example, soldiers operated more frequently at night, hoping to capture nightriders with their guard down. In fact, by the summer of 1872, *Unionville Times* editor Robert M. Stokes described the federal soldiers engaged in nocturnal law enforcement operations as the new "night riders."<sup>40</sup>

After policing York, federal enforcement shifted to Spartanburg County. Like its eastern neighbors, York and Union, federal authorities identified Spartanburg as having one of Upcountry South Carolina's most active and threatening Klan networks. As a result, these were the first counties to receive a company from the 7th in March 1871, E Troop in Spartanburg's case. Pleased with the York operation, federal officials decided

to duplicate this success. U.S. officials boosted the cavalry strength in Spartanburg on the eve of arrests. Toward this end, on 4 and 9 November, G and B Troops, respectively, arrived to augment the garrison, the former coming by train from Columbia and the latter marching from Unionville, Union County. As in York, arrests began in the county seat and radiated out into the countryside. Troopers operated around the clock in an effort to grab criminals as quickly as possible. As previously stated, circumstances in York were unique. Recognizing these differences, a *New York Tribune* correspondent, remarked that the process of making federal arrests in Spartanburg differed substantially from York County, where “the Post commander [Merrill] is supreme.” Troopers did not operate independently and without warrants in Spartanburg County. Here, they aided civil authorities upon request in serving court processes, escorting civil authorities and providing protection by their presence. Spartanburg’s post commander, Major Marcus Reno, “assumes no unusual powers, does not gather information, hear confessions, examine witnesses, or order arrests.” This was more a reflection of Merrill’s unique status and abilities than an indictment of Reno’s abilities as a commanding officer, but it did demonstrate how important it was for Justice officials to have a motivated and capable military officer in the field. If Reconstruction had been consistently enforced, it would have benefited from more Army officers like Merrill.<sup>41</sup> Similar circumstances prevailed in December when E Troop left Spartanburg for Union County on 15 December, bolstering that garrison before the Army initiated arrests in that county.<sup>42</sup>

Army operations against the South Carolina Ku Klux required using surprise and decisive action to prevent suspects and sympathizers from subverting justice. In order to

achieve this, the 7th Cavalry employed tactics surprisingly reminiscent of the Klan's own. Sergeant John Ryan, a Civil War veteran and future Little Big Horn veteran, offered a detailed description of these operations in his serialized memoir entitled *Ten Years With Custer*. Ryan's E Troop arrived in Union County on 15 December, and shortly thereafter began campaigning against local Klan dens. The largest operation he was involved in targeted Unionville. The operation began around midnight, when the cavalymen quietly emerged from their campsites, mounted their horses and, aided by a detachment from I Battery, 3rd Artillery and F Company, 18th Infantry, surrounded the county seat of Unionville. The 7th Cavalry's own Captain Thomas French commanded the mission. He established pickets on all roads leading into town, instructing the sentries to allow civilians to enter, but none to leave. Then French divided his two cavalry companies into smaller, 20 to 30 man detachments that proceeded into Unionville to make "numerous arrests of the business men of the town, consisting of hotel keepers, store keepers, and tradesmen." The following morning, soldiers herded their prisoners onto the train bound for Columbia where they were to be arraigned. Those able to post bond returned home to Unionville in the afternoon, riding the same train as their former captors. One can only imagine the tension on the cars occupied by soldiers and civilians after such a long and difficult day.<sup>43</sup>

Following this successful operation in Unionville, E and M Troops received orders to conduct a similar night strike in neighboring Laurens County. This time, the target was Laurensville. Rather than move two whole companies of troopers, French called for thirty men from each troop, roughly half of his available strength. Once again,

the captain ordered his men to mount around midnight for the hour-long march to Laurensville. French blocked all roads into and out of town, but this time waited until daylight before entering town to make arrests. The Laurensville operation, according to Sergeant Ryan, ended successfully. He admitted that some suspects managed to evade arrest, but that “on the whole the trip was a success, as far as arrests went.”<sup>44</sup>

By the end of the year, Merrill reported that the Army in York County jailed 195 alleged criminals.<sup>45</sup> In addition to these arrests, over five hundred Klansmen voluntarily surrendered to federal authorities. Merrill estimated that between arrests, surrenders, and flight the Klan lost 800 members, or close to half its estimated number. In his last annual report to Congress as attorney general, Akerman indicated that federal authorities made 472 arrests under the Enforcement Acts in South Carolina, 168 by the Army. The majority of these arrests occurred in York, Spartanburg, and Union counties.<sup>46</sup>

During the November 1871 term of the 4th U.S. Circuit Court, grand jurors certified 420 indictments for various violations of federal law. Out of these, federal prosecutor Corbin, assisted by South Carolina Attorney General Daniel Chamberlain and Major Merrill, achieved five convictions and twenty-five guilty pleas. While these results pleased some, the difficulties of enforcing federal law with the machinery at hand became apparent. To some, it appeared that the wind was already leaving the sails of federal intervention. According to Akerman, the federal judiciary simply could not handle the caseload generated in one month under the suspension of habeas corpus. He asked Congress to increase the court’s capacity; otherwise Justice officials would be forced to reduce the number of cases brought to trial and allow suspected Klansmen to

go free. Furthermore, the soon-to-be former attorney general asked Congress to extend the power to suspend habeas corpus beyond the insurrectionary district to prevent Klansmen from simply seeking refuge beyond the borders of the presidential proclamation where they would once again receive habeas corpus privileges.<sup>47</sup>

In spite of these shortcomings, by the end of the year, the Army's successes in Upcountry South Carolina caused some observers to optimistically and somewhat presumptuously proclaim victory. The *New York Times*, for example, after only one week of military arrests in York County, decided "[a]ll information received here tends to prove that the Government has the Kuklux organization entirely at its mercy, giving strong hope that this last remnant of the rebellion may be destroyed."<sup>48</sup> The astounding numbers of despondent Klansmen who lined up outside Merrill's headquarters to "puke" led one Army officer to declare, "the present policy will effectually break the Klan up."<sup>49</sup> While pro-Democratic presses stressed that government prisoners came exclusively from the ignorant class, the *New York Tribune* confirmed Sergeant Ryan's contention that several prominent community leaders now languished in Upcountry county jails. Having seen the prisoners, the *Tribune* correspondent reported: "A majority of the men in jail ... belong to the respectable classes, being professional men, merchants, well-to-do farmers, and their sons." In the words of one white South Carolinian, "Broadcloth is in jail, or has run away, and Homespun has been paroled."<sup>50</sup>

Satisfied with the outcome of the November 1871 term of the 4th U.S. Circuit Court, Major Merrill concluded in January 1872 "in York County the Ku-Klux organization ... is completely crushed." He was forced to admit, however, that "the

causes from which this organization, with all its revolting crime, has sprung, are still to a great extent present, and will only be eradicated by time, and the better education and government of the people.”<sup>51</sup> Changes that would not be realized when the time came for the regiment to return to the frontier. The major proved himself to be a formidable enemy of the Ku Klux Klan. So much so that even his political adversaries, such as the Democratic *New York Herald*, admitted “if he [Merrill] performs what yet remains as thoroughly as he has accomplished the work so far, he will crush the incipient Ku-Klux rebellion by one of the most remarkable and startling military achievements in the history of the hooded and cloaked disorder.”<sup>52</sup> Fully realizing victory over the Klan became the problem in 1872 as numerous factors, most beyond the major’s control, hindered the military operation. Moreover, as Merrill later recognized, defeating the Ku Klux was relatively easy in comparison to defeating southern Conservatism and popular support for extralegal violence and intimidation as a justifiable means to overthrow southern Republican control over state offices.

The Conservatives’ reacted to such optimism by spewing more venom, disclosing that former Confederates had not yet been reconciled. Prior to Grant’s proclamation and the onset of military arrests, Conservative periodicals and Democratic politicians spared no effort in denying the existence of a Ku Klux conspiracy in the South, derisively dismissing the idea as the common partisan tactic of waving the “bloody shirt” to rally Northern Republicans and pushing them back into the Radical fold. By October 1871, large scale arrests and confessions made it impossible for to Democrats continue denying the organization’s existence. Still, Conservatives remained

truculent while distancing themselves from the organization, and preventing the Klan from the tarnishing the image of courageous sacrifice embodied in the Confederacy's "Lost Cause." On 26 October, the *Columbia Daily Phoenix* reported visiting nineteen Ku Klux prisoners confined in the state capital, characterizing them as young men, possessing "a low grade of intelligence," from the yeoman, or "small farmer class." The editor likened them to the type of young male conscripted into the Confederate Army toward the end of the Civil War who took advantage of the first opportunity to surrender to Union forces. These were not gallant Confederate veterans, but "dupes" who had always obeyed the wealthier class of their region without question "and have never been used to consider political acts from a moral stand-point, or think of personal responsibility in such matters." Deceived by a small group of unscrupulous men, their ignorance should not be held against them.

In the process, the *Phoenix* called into question federal enforcement's effectiveness by asserting that no Klansmen of consequence had yet been arrested. The editor indicated that failure to apprehend and convict Ku Klux leaders would result overall failure to stamp out the organization within the state. Generally speaking, during the first few weeks of federal intervention Conservatives maintained their truculent stance, conceding that the Ku Klux Klan existed but characterizing military prisoners as low and inconsequential members. By aggressively pursuing this tactic, Conservatives created doubt about enforcement's effectiveness and the federal government's ability to uphold law and order in the former Confederacy.<sup>53</sup>

Conducting enforcement operations was a difficult task, but one that that 7th Cavalry and soldiers aiding the regiment performed admirably. Merrill capably summarized the problems that his soldiers confronted. Unable to convince most respectable white citizens to assist them, and reluctant to utilize blacks for fear of antagonizing whites, soldiers from the regiment hunted down Klansmen with little help and much uncertainty. Unable to positively identify suspects made “the duty of arresting them [Ku Klux] unusually delicate and difficult for the officers and men engaged.” The soldiers’ performance of this duty was “worthy of high praise” according to the major. Only nine suspects were arrested by mistake. The soldiers performed their responsibilities without “even the smallest impropriety of conduct or want of courtesy” in spite of “the abuse that was heaped upon them the threats of armed resistance which were made.” Merrill found it extremely commendable that no violent incidents besmirched his soldiers’ record.<sup>54</sup>

For the 7th Cavalry troopers, making arrests in the countryside always proved more difficult than in town. As the Yorkville, Spartanburg, Unionville, and Laurensville operations reveal the pattern of federal arrests in the Upcountry where operations focused on the county seats before radiating out into the countryside. In order to achieve the maximum effect in towns, which contained denser populations, a higher ratio of influential citizens, and concentrations for communication and transportation, soldiers sacrificed some element of surprise in the countryside. Events demonstrated that Army officers calculated correctly. As York County shows, the military operation that began in town eventually brought hundreds in from the farms. In spite of the massive numbers

of voluntary surrenders in York, not every Klansman submitted to federal authorities. The heady days of late 1871 brought immediate results and gratification; the next year provided months of frustrating searches all over Upcountry South Carolina for Klansmen determined to hide out.

Klansmen living in the countryside employed a variety of responses to evade capture, either leaving the counties affected by Grant's proclamation, the state, or, in some cases, the United States. Ironically, the once vaunted nightriders utilized similar survival tactics formerly used by their Republican victims. According to the *Army and Navy Journal*, local Upcountry blacks reveled in this turn of events, exclaiming "'It's somebody else's turn to lay out in the woods.'"<sup>55</sup>

"Captain" Black, a Confederate veteran and purported Klan leader, who lived on the outskirts of the Laurensville provides an instructive example. Residing less than a half mile from Munroe's plantation where soldiers gathered prisoners captured during the Laurensville raid, Black enjoyed a bird's-eye view of the proceedings. He remained on his front porch throughout the day, keeping a watchful eye on the scene being carried out below. Knowing that Black was possibly a leading Klansman, 7th Cavalry troopers several times made their way up the lane toward his house only to find it empty upon their arrival. Each time Black sensed soldiers approaching he retreated through his house and out the back door, seeking refuge in the woods. After three frustrating failures, the troopers wised up. Before sending a fourth detail, two troopers executed a flanking maneuver, working their way through the dense piney woods, circling Black's property and approaching the house from the rear. This time, when seeking shelter in

the woods the former Confederate received “a different reception than formerly, when there had been no one there to dispute his progress.” The soldiers returned to Unionville with forty prisoners who were installed in the county jail.<sup>56</sup>

With remaining Klansmen determined to evade arrest, the number of federal apprehensions for Enforcement Act violations diminished throughout 1872. The frequency with which soldiers were sent out on the road to search for fugitives, however, remained constant. Dispatched in small squads ranging in size from one to thirty men, Army troops aided civil authorities serve court processes. The workload was burdensome, keeping troopers “out in the road the biggest part of the time hunting up members of the K.K.K.” As district commander, Major Merrill reported to his superiors that he provided military detachments “whenever asked for” because “no serious apprehension exists of resistance when troops accompany the deputies.” He concluded, “I consider it advisable” to have soldiers compose posses believing “perhaps fatal consequences” would thereby be avoided.<sup>57</sup>

After several months in South Carolina, the officers and men of the 7th Cavalry grew weary of constant calls to ride as a posse comitatus and the duties they entailed. Questioning whether or not the task of rounding up Klansmen would ever be completed, an Army officer stationed in Yorkville quipped: “Take a gun and go out and shoot every white man you meet, and you will hit a Ku-Klux every time!”<sup>58</sup>

“Following these K.K.Ks. was very dangerous work,” M Troop’s Sergeant Ryan later wrote. It required soldiers to ride through the Upcountry South Carolina wilderness at night, over rough and unfamiliar terrain. Months before, Lieutenant John Aspinwall

suffered a serious injury when his horse lost its footing on the muddy, rain soaked ground outside of Yorkville. The horse fell onto Aspinwall's leg, breaking a bone. Such an incident may not have been far from troopers' minds as they conducted these nighttime operations.<sup>59</sup> Ryan's observations notwithstanding, there is little evidence to indicate that troopers suffered frequent or serious injury during their nightly escapades. What they did experience was frustration and tedium. Remaining "out on the road the biggest part of the time hunting up the members of the K.K.K." grew tiresome during 1872.<sup>60</sup> Some Klansmen stubbornly tried to avoid punishment, and they stopped at nothing to evade arrest, forcing 7th cavalrymen into many different situations that they probably would rather have avoided. In one such instance, soldiers arrived to serve a warrant but a search of the premises failed to reveal the wanted head of the household. Soldiers entered one of the bedrooms and intruded upon the suspect's two adult-age daughters in their bed clothes. Normally, Victorian-Age conventions might have dictated a quick apology and hasty retreat. Under the circumstances, however, the women's presence did not deter the soldiers from searching the room and uncovering their quarry who had secreted himself away in his daughters' bed. Even strict Victorian manners and morals failed to save this man.<sup>61</sup>

Military authorities in South Carolina reported no instances of violent resistance experienced by their soldiers in the course of making arrests. One reason for this may be that troopers took few chances when apprehending these violent criminals. In Unionville, M Troop received intelligence on the whereabouts of a fugitive from a local African American, who reported the Klansman had been hiding out for some time in a

shed attic attached to his house. Determining the report credible, Captain French dispatched a squad to apprehend him. Once again, the troopers operated at night. After surrounding the shed, a noncommissioned officer removed his boots and quietly ascended the ladder leading up to the shed attic where he discovered the man sleeping, a rifle propped against the wall beside him. Without disturbing the sleeping criminal, the sergeant retrieved the rifle and handed it to a private waiting below. Then, he covered his quarry with his pistol and gently nudged him awake, informing him that he was now under arrest. As this incident reveals, soldiers cautiously approached suspected Klansmen, even though previous experience indicated that they would not forcibly resist. These were dangerous criminals, accused of perpetrating violent brutalities. Clearly, 7th Cavalry troopers intended to protect themselves on the off chance that one might decide to resist.<sup>62</sup>

Reconstruction service provided many pitfalls, as the men serving in the 7th Cavalry became well aware. After several months' service in South Carolina, many members of the regiment longed to return to the frontier; a desire that reveals a great deal about soldiers' resentment toward Reconstruction assignments. The cavalymen looked for orders to the West, in spite of the fact that along the frontier offered isolation and the blue uniform acted as a beacon for violent confrontation and possibly death, while in the former slave states they enjoyed all the comforts of American civilization and the uniform served as a deterrent. That alone may say all that needs to be said about soldiers' attitudes towards serving in the South during Reconstruction.<sup>63</sup>

The enlisted men especially disliked these frequently recurring assignments. Accustomed to serving on the Plains, many felt that the quasi-military law enforcement duties they performed in South Carolina left much to be desired. Reflecting on his time in the Palmetto State, longtime 7th cavalryman Charlie Windolph revealed the sentiment prevailing among enlisted men: “It was pretty dull, soldiering down there in the South. The regiment was broken up into companies, or small battalions, and our job was to smash the Ku Klux Klan, and run down illicit whiskey distillers. It wasn’t much fun for energetic, spirited young men.” Clearly the allure of service in the East had worn off. When the regiment finally received orders back to the West, the soldiers welcomed them. “Everybody was glad to get that news. We were tired of playing soldier. We wanted some action. It’d be fun to do a little Indian fighting.”<sup>64</sup> These troopers regarded themselves as Indian fighters, the best in the Army.

Military glory and public accolades remained beyond the soldiers’ reach so long as they were posted in the Reconstruction South. Worse, the highly partisan nature of Reconstruction politics, especially during the period of federal enforcement in South Carolina, placed the Army in an extremely difficult position. As one 4th Infantry officer presciently observed shortly after his regiment received orders from the War Department transferring it, along with the 7th Cavalry, to the Military Division of the South in 1871, “the duties which the condition of affairs may likely impose upon us are not such as to appear very attractive.” The anonymous officer went on to explain to the *Army and Navy Journal*’s readers that the dilemma that soldiers faced when comprising posse comitatus in the former Confederacy. “If you shoot too soon, they will hang you by civil

authority; and if you fire too late, you may be brought before a general court-martial.” A few 7th cavalrymen, in charge of Ku Klux prisoners, experienced this dilemma firsthand. While the majority of Ku Klux prisoners did not try to escape custody, Sergeant Ryan recounted two cases affecting soldiers in M Troop who received courts martial and rank reductions for allowing prisoners to escape. In both cases, the prisoners outwitted their captors, leaving them behind to face humiliation and punishment for neglect of duty.

On Thursday, 11 April 1872, Major Merrill provided Deputy U.S. Marshal J. D. F. Duncan with several warrants for Union County men accused of violating the Enforcement Acts. To assist him in this endeavor, Merrill supplied the deputy marshal with a military posse comprised of 7th cavalrymen under the command of 18th Infantry officer Lieutenant Hiram Benner. Upon reviewing the short list of names, one stood out. Marshal Duncan had been searching for Minor Paris for some time due to his connection with the Ku Klux Klan, and now he had a murder warrant in his name. Taking this man into custody would please him enormously. Duncan led his soldier escorts to Broad River, the natural boundary dividing Union and York Counties. He had been reliably informed that Paris had been seen in the area and that his boat lay moored along the riverbank. That evening, upon locating the boat, Lieutenant Benner deployed his men in such a way that they would be able to take Paris by surprise should he come to collect his vessel. His soldiers in place, Benner and Marshal Duncan retired to the nearby residence of a local Republican supporter, hoping to find comfortable accommodation for the evening. According to L Troop Lance Corporal Hamilton Grider, before leaving his men the lieutenant instructed them to arrest anyone who approached the boat and “if

they insisted on going to fire upon them.”<sup>65</sup> The men settled in for an evening of waiting.

At sunrise the next morning, the soldiers reported two men, with blankets hanging over their shoulders, approached the riverbank in the vicinity of where the boat was secured. The detachment called upon the men to halt, but one reacted immediately, pushing the boat into the river, violently pressing his pole into the river bottom in order to make his escape. As the 7th cavalrymen later testified, the troopers assembled on the bank and called to the fugitive several times to stop and return, otherwise they would be forced to shoot. Already two hundred yards downriver, the boat pilot gave no indication that he intended to return. After the boat slipped another hundred yards downriver, the detachment fired a volley, causing him to drop his pole and exit his craft onto a rock in the middle of the river, where he proceeded to lie down. The 7th cavalrymen retrieved the wounded man from the river, taking him to the nearby residence of Captain Latham where Dr. J. G. Gaffney examined him on the floor in the front hall. A bullet pierced his midsection, and within eight hours he lay dead. Dickerson Paris saw the victim’s body in Latham’s hallway and positively identified him. Minor Paris became the regiment’s first and only mortality victim in South Carolina.<sup>66</sup>

Military authorities moved quickly to learn the facts of this event and dispel false rumors, such as the one that emanated from Spartanburg on 17 April and circulated through the Conservative press claiming that Minor Parris “a poor, honest fisherman, was followed by United States troops, shot and instantly killed.”<sup>67</sup> Major Merrill, away from his command at the time, dispatched a telegram to the Adjutant General’s Office on

17 April informing the War Department about the incident and advising that newspaper reports intended to create a sensation. That same day he ordered the establishment of a board of officers to investigate the affair.

In a letter to Merrill, Army Adjutant General Townsend asked the major, at Secretary of War William Belknap's request, to find out why Lieutenant Benner issued the order to fire upon anyone attempting to resist arrest, which Belknap characterized as "unnecessary" and "improper" under the circumstances of the "delicate nature of the duty upon which he was employed."<sup>68</sup> Considering Merrill's reputation as a strict disciplinarian and his scrupulous adherence to military regulations and civil law, his response in this instance is surprising. Merrill defended Benner and his own decision not to discipline the young officer because: "I have been the subject constantly of the most vicious attacks of a partisan press, and not being blessed with the skin of a rhinoceros, they have been very irritating and difficult to bear in silence."<sup>69</sup> He feared that by pursuing disciplinary action against Benner he would open himself up to fresh abuses and accusations that he was trying to shift responsibility onto a subordinate officer. This was indeed difficult duty and the psychological strain created by this highly charged political atmosphere was significant. It is a testament to the discipline of the troops that there were so few missteps made during these years. There was also a professional price for officers to pay as two-year's service commanding small detachments "has tended to bring about a degree of satisfaction with low professional attainments, and with ability to discharge simply routine duty."<sup>70</sup>

Many troopers detested police work. No less an authority on Army affairs than the secretary of war recognized this fact in his 1871 annual report to Congress. Belknap concluded that using the military as a posse comitatus to enforce civil law had “few agreeable features.” Belknap credited his soldiers, however, with meeting this challenge, commending them for ably performing their Reconstruction duties “with that cheerful energy which is the result of discipline.”<sup>71</sup> The following year, Department of the South commander Brigadier General Alfred Terry, reported to the secretary of war: “It affords me pleasure to be able to report that in every instance the conduct of the troops, while performing this delicate service, has been exemplary.”<sup>72</sup> From his vantage point, the Northern District of South Carolina commander offered a different perspective on the impact of Reconstruction duty. Major Merrill echoed his superiors’ compliments towards the men, writing: “Prudence, firmness, and good senses on the part of the officers and men used as *posses* have prevented violence, to which the conduct of many of the person arrested was strongly provocative, so much so that great forbearance was not unfrequently necessary.” In the same report, the major identified several drawbacks. The “constant calls for duty” left little time for basic horsemanship and elementary drill, causing his command’s military preparation to fall well below standard, but “as good as the circumstances and peculiar duty have permitted.” He reported a more pernicious affect on commissioned officers, many of whom the major rated as “not well instructed professionally.” Tasked continuously with hunting up Klansmen at the head of small detachments, Merrill’s cavalry officers had “little time and no facilities for theoretical instruction,” which he felt “has tended to bring about a degree of satisfaction with low

professional attainments, and with ability to discharge simply routine duty.” Service in the former Confederacy, he concluded, had negatively affected the military preparedness of his men and “is highly detrimental to the best interests of the service.”<sup>73</sup>

In early September 1872, Major Merrill received Circular 19 from Department of the South headquarters requesting information on conditions in Upcountry South Carolina. Merrill’s evaluation of federal efforts and native attitudes reflected his growing disillusionment with Reconstruction duty. Calling his 17 January report naïve, Merrill alluded to the “irreconcilable hostility to the results of the war” as the main cause of continuing difficulties. Having hoped that the better class of citizens would begin to exert a positive influence on local communities once the Ku Klux menace had been removed, the officer doubted that state courts could be relied upon in prosecuting Ku Klux crimes. Part of the blame belonged to dishonest and incompetent state officials, the government in Columbia lacking the “wisdom, honesty, and executive ability” necessary to bring peace. Witness intimidation, perjury, and negligent law enforcement led Merrill to conclude that “[s]o long as the very fountains of justice are polluted in this way ... there is small hope for the good order or well-being of society.”<sup>74</sup>

The 7th Cavalry’s successful campaign, against a dedicated adversary, was no small accomplishment and should rank among the regiment’s greatest military achievements, surpassing many of its better-known frontier exploits. With national attention riveted on the unprecedented events unfolding in South Carolina in 1871 and 1872, the competency and discipline the cavalrymen displayed in supporting civil law enforcement officers generated a much-needed public relations victory for Grant’s

administration in an election year. For setting southern Reconstruction back on course, reaffirming Republican ascendancy in South Carolina, and reestablishing the rule of national law, their efforts earned approbations at many levels within the War and Justice Departments. Military intervention deprived the Klan of its two greatest assets: anonymity and invincibility. Formerly regarded an Invisible Empire, the Ku Klux Klan collapsed quickly under the combined pressure of federal intervention and popular scrutiny. As a result of federal enforcement, Conservatives came to view the Klan as a liability. No longer able to serve as an effective opponent of southern Republicanism or enforcer of white supremacy, South Carolina Conservatives abandoned the Ku Klan Klan.<sup>75</sup>

## ENDNOTES

<sup>1</sup> Appropriately, some Reconstruction histories have extended the era's parameters beyond its traditional 1865-77 periodization. While extending these boundaries reveals important pre-1865 processes that impacted sectional reconciliation and Reconstruction's own pervasive influence on American history since the Compromise of 1877, for the purposes of this dissertation, references to the "era" conform to the 1865-77 chronology.

<sup>2</sup> "Our Army at Work," *Army and Navy Journal*, 21 October 1871.

<sup>3</sup> "Our Army at Work," *Army and Navy Journal*, 21 October 1871; Major Lewis Merrill Report to Adjutant General, Department of the South, 17 January 1872, Letters Received Army Adjutant General's Office (hereafter AGO) file 2586 of 1871 (Microcopy M-666, reel 26), Record Group (hereafter RG) 94, National Archives and Records Administration (hereafter NARA).

<sup>4</sup> *Annual Report of the Attorney General* (hereafter *AG Report*), 42d Congress, 2d sess., H. Ex. Doc. 55, serial 1510, 4; John Y. Simon, ed., *Papers of Ulysses S. Grant*, 28 vols. (Carbondale: Southern Illinois University Press, 1967- ), 22: 161-62; "Dispersion of the Ku-Klux," *Army and Navy Journal*, 18 November 1871.

<sup>5</sup> Merrill Report, 17 January 1872, in AGO File 2586 of 1871 (Microcopy M-666, reel 26), RG 94, NARA.

<sup>6</sup> "Dispersion of the Ku-Klux," *Army and Navy Journal*, 18 November 1871.

<sup>7</sup> "Our Army at Work," *Army and Navy Journal*, 21 October 1871; Simon, ed., *Grant Papers*, 22: 161-62; Merrill report, 17 January 1872, in AGO File 2586 of 1871 (Microcopy M-666, reel 26), RG 94, NARA.

<sup>8</sup> Simon, ed., *Grant Papers*, 22: 161-62, 176-78, 200-1.

<sup>9</sup> Michael Les Benedict, *The Fruits of Victory: Alternatives in Restoring the Union, 1865-1877*, Harold M. Hyman, ed., America's Alternatives Series (Philadelphia, PA: J. B. Lippincott, Co., 1975), 53.

<sup>10</sup> Merrill Report, 17 January 1872, in AGO File 2586 of 1871 (Microcopy M-666, reel 26), RG 94, NARA.

<sup>11</sup> Benedict, *Fruits of Victory*, 53.

<sup>12</sup> Baltimore (MD) *Sun*, 8 November 1871.

<sup>13</sup> "The Reign of Terror in S. Carolina," *Yorkville (SC) Enquirer*, 16 November 1871.

<sup>14</sup> *AG Report*, 42d Congress, 2d sess., H. Ex. Doc. 55, serial 1510, 4-5; *Army and Navy Journal*, 27 January 1872.

<sup>15</sup> "Our Army at Work," *Army and Navy Journal*, 21 October 1871, 156.

<sup>16</sup> *New York Tribune*, 13 November 1871.

<sup>17</sup> "The Ku Klux Campaign in S. Carolina," *Yorkville (SC) Enquirer*, 16 November 1871.

<sup>18</sup> *Yorkville (SC) Enquirer*, 12, 26 October 1871.

<sup>19</sup> Mary Davis Brown diary, 16 October 1871, South Caroliniana Library (hereafter SCL), University of South Carolina, Columbia.

- 
- <sup>20</sup> Brown diary, 17 October, 10 November 1871, SCL; Merrill Report, 17 January 1872, in AGO File 2586 of 1871 (Microcopy M-666, reel 26), RG 94, NARA.
- <sup>21</sup> *New York Tribune*, 13 November 1871.
- <sup>22</sup> Brown diary, 15, 16, 17 October, 10 November 1871, SCL.
- <sup>23</sup> "A Gloomy Prospect," *Yorkville (SC) Enquirer*, 26 October 1871.
- <sup>24</sup> *Yorkville (SC) Enquirer*, 26 October, 2, 9, 16 November 1871.
- <sup>25</sup> Merrill Report, 17 January 1872, in AGO File 2586 of 1871 (Microcopy M-666, reel 26), RG 94, NARA.
- <sup>26</sup> "Dispersion of the Ku-Klux," *Army and Navy Journal*, 18 November 1871.
- <sup>27</sup> Louis F. Post, "A 'Carpetbagger' in South Carolina," *Journal of Negro History* 10 (January 1925): 44.
- <sup>28</sup> "The Situation," *Yorkville (SC) Enquirer*, 2 November 1871; *New York Tribune*, 8, 13 November 1871.
- <sup>29</sup> *New York Tribune*, 7, 8 November 1871.
- <sup>30</sup> Post, "A 'Carpetbagger' in South Carolina," 45-46.
- <sup>31</sup> See Lieutenant Edward S. Godfrey testimony, *Testimony Taken by the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States* (hereafter *KKK Report*), 42d Congress, 2d sess., H. Rpt. 22, pt. 5, serial 1488, 1679-80.
- <sup>32</sup> Post, "A 'Carpetbagger' in South Carolina," 44.
- <sup>33</sup> *New York Tribune*, 7, 8, 16 November 1871.
- <sup>34</sup> Merrill Report, 17 January 1872, in AGO File 2586 of 1871 (Microcopy M-666, reel 26), RG 94, NARA.
- <sup>35</sup> "The Ku-Klux Prisoners," *Yorkville (SC) Enquirer*, 9 November 1871; *New York Tribune*, 13, 16 November 1871; "Dispersion of the Ku-Klux," *Army and Navy Journal*, 18 November 1871.
- <sup>36</sup> *New York Tribune*, 8 November 1871.
- <sup>37</sup> *Yorkville (SC) Enquirer*, 26 October 1871; *Army and Navy Journal*, 18, 25 November 1871, 27 January 1872; Merrill Report, 17 January 1872, in AGO File 2586 of 1871 (Microcopy M-666, reel 26), RG 94, NARA; Black York County resident Lee Guidon reflected on the overcrowded jails sixty years after the fact in B. A. Botkin, ed., *Lay My Burden Down: A Folk History of Slavery* (Chicago: University of Chicago Press, 1945), 68; Post, "A 'Carpetbagger' in South Carolina," 41.
- <sup>38</sup> Post, "A 'Carpetbagger' in South Carolina," 45-48.
- <sup>39</sup> "The Military Arrests," *Yorkville (SC) Enquirer*, 16 November 1871. The newspaper reported thirteen military arrests during the previous week, decreasing by more than two-thirds from the week prior.
- <sup>40</sup> *Yorkville (SC) Enquirer*, 8 February 1872.
- <sup>41</sup> *New York Tribune*, 24 November 1871.
- <sup>42</sup> *Army and Navy Journal*, 25 November 1871, 231.
- <sup>43</sup> John Ryan, "Ten Years With Custer Among the American Indians," *Newton (MA) Circuit*, October 15, 1909.
- <sup>44</sup> *Ibid.*, November 5, 1909.

---

<sup>45</sup> Merrill Report, 17 January 1872, in AGO File 2586 of 1871 (Microcopy M-666, reel 26), RG 94, NARA.

<sup>46</sup> *AG Report*, 42d Congress, 2d sess., H. Ex. Doc. 55, serial 1510, 3-4.

<sup>47</sup> *Ibid.*, 5-6.

<sup>48</sup> “General Demoralization of the Kuklux Klan – They Surrender in Large Numbers,” *New York Times*, 22 October 1871. Just as federal authorities selected South Carolina as the focal point for intervention, York County immediately arose as the locus for military operations in support of civil law.

<sup>49</sup> *New York Tribune*, 7 November 1871.

<sup>50</sup> *Ibid.*, 8 November 1871.

<sup>51</sup> Merrill Report, 17 January 1872, in AGO File 2586 of 1871 (Microcopy M-666, reel 26), RG 94, NARA.

<sup>52</sup> “Our Army at Work,” *Army and Navy Journal*, 21 October 1871.

<sup>53</sup> *New York Times*, 11 November 1871; *Columbia Daily Phoenix*, 26 October 1871; “The South Carolina Kuklux – Action of the Survivors’ Association,” *New York Times*, 19 November 1871. As reported on 19 November by the *New York Times*, the South Carolina (Confederate Army) Survivors’ Association reflected their concern about claims that Confederate veterans filled out the Klan’s ranks by resolving “at no time has this association given countenance or encouragement to any organizations or combinations for the purpose of violating the established laws of the land, or the rights of any person ... and solemnly declare their disapproval of all such organizations.”

<sup>54</sup> Merrill Report, 17 January 1872, in AGO File 2586 of 1871 (Microcopy M-666, reel 26), RG 94, NARA.

<sup>55</sup> “Dispersion of the Ku-Klux,” *Army and Navy Journal*, 18 November 1871.

<sup>56</sup> *Ibid.*

<sup>57</sup> Merrill Report to Adjutant General, Department of the South, 23 September 1872, *SW Report*, 42d Congress, 3d sess., H. Ex. Doc. 1, serial 1558, 89.

<sup>58</sup> *New York Tribune*, 13 November 1871.

<sup>59</sup> Winfield S. Harvey diary (typescript), 1 July 1871, in Edward S. Godfrey Papers, Library of Congress (hereafter LOC), Washington, DC.

<sup>60</sup> Ryan, “Ten Years With Custer,” *Newton (MA) Circuit*, 5 November 1909.

<sup>61</sup> *Ibid.*, 12 November 1909.

<sup>62</sup> *Ibid.*, 5, 12 November and 3 December 1909.

<sup>63</sup> *Army and Navy Journal*, 8 April 1871; Ryan, “Ten Years With Custer,” *Newton (MA) Circuit*, 19 November 1909.

<sup>64</sup> Frazier Hunt and Robert Hunt, eds., *I Fought With Custer: The Story of Sergeant Windolph: Last Survivor of the Battle of the Little Big Horn* (New York: Charles Scribner’s Sons, 1947), 5; Merrill Report, 23 September 1872, *SW Report*, 42d Congress, 3d sess., H. Ex. Doc. 1, serial 1558, 89.

<sup>65</sup> *Yorkville (SC) Enquirer*, 2 May 1872.

<sup>66</sup> *Ibid.*, 18 April, 2 May 1872; *Army and Navy Journal*, 27 April 1872.

<sup>67</sup> *Army and Navy Journal*, 4 May 1872.

---

<sup>68</sup> Adjutant General Edward Townsend to Merrill, May 14, 1872, in AGO File 1432 of 1872 (Microcopy M-666, reel 58), RG 94, NARA.

<sup>69</sup> *KKK Report*, 42d Congress, 2d sess., H. Rpt. 22, pt. 5, serial 1488, 1472. Merrill possessed a deep respect and affinity for good order, military discipline, and law. He came from a family of lawyers, served several times as judge advocate of courts-martial, and for a time as judge advocate for an entire department.

<sup>70</sup> Merrill Report, 23 September 1872, *SW Report*, 42 Congress, 3d sess., H. Ex. Doc. 1, serial 1558, 86.

<sup>71</sup> *SW Report*, 42d Congress, 2d sess., H. Ex. Doc. 1, serial 1503, 4.

<sup>72</sup> Brigadier General Alfred H. Terry Report, 1 October 1872, *SW Report*, 42d Congress, 3d sess., H. Ex. Doc. 1, serial 1558, 84.

<sup>73</sup> Merrill Report, 23 September 1872, *SW Report*, 42 Congress, 3d sess., H. Ex. Doc. 1, serial 1558, 87-89.

<sup>74</sup> *Ibid.*, 89-91.

<sup>75</sup> Conservatives across the Southern states similarly abandoned the Ku Klux Klan around the same time, but for different reason. In Georgia, Tennessee, Virginia, and North Carolina, as well as Missouri and West Virginia, Conservatives regained control of state government making the Democratic party's extralegal auxiliary unnecessary. In other states, particularly those with Republican majorities, federal enforcement encouraged federal law enforcement officers to more vigorously oppose Ku Klux lawlessness. In South Carolina and Louisiana increased federal attention ran counter to Conservative goals and, here again, the Klan was abandoned. In spite of enforcement's apparent successes in South Carolina, some historians judge the campaign a failure. They largely base their assessments on the disappointing outcomes of federal prosecutions in the 4th U.S. Circuit Court and the fact that most Klansmen never appeared in a courtroom to be tried for their crimes. In short, enforcement's critics seek out every possible legal shortcoming. Clearly, these criticisms speak directly to the legal proceedings that followed military arrests. They do not reflect an accurate assessment of the military aspects of federal enforcement, or the 7th Cavalry's dedicated efforts to eradicate South Carolina's Ku Klux Klan. The contrasting view, argued here, supports recognizing these military accomplishments and suggests that, from the Army's perspective, the 7th regiment achieved its announced goal, elimination of the Ku Klux Klan. See Kermit L. Hall, "Political Power and Constitutional Legitimacy: The South Carolina Ku Klux Klan Trials, 1871-1872," *Emory Law Journal* 33 (Fall 1984): 921-51; Kermit L. Hall and Lou Falkner Williams, "Constitutional Tradition Amid Social Change: Hugh Lennox Bond and the Ku Klux Klan in South Carolina," *Maryland Historian* 16 (Fall/Winter 1985): 43-58; Lou Falkner Williams, *The Great South Carolina Ku Klux Klan Trials, 1871-1872*, Studies in the Legal History of the South, ed. Paul Finkelman and Kermit L. Hall (Athens: University of Georgia Press, 1996); Richard Zuczek, "The Federal Government's Attack on the Ku Klux Klan: A Reassessment," *South Carolina Historical Magazine* 97 (January 1996): 47-64; Richard Zuczek, *State of Rebellion: Reconstruction in South Carolina* (Columbia: University of South Carolina Press, 1996).

## CHAPTER VI

## GEORGE ARMSTRONG CUSTER, RECONSTRUCTION OFFICER

With national attention fixed on the enforcement operations underway in the Carolinas in late 1871 and 1872, the remainder of the 7th Cavalry Regiment provided martial support to Justice Department officials and federal revenue agents throughout the Military Division of the South. The regimental detachments stationed outside the Palmetto State shared the same mission and objectives as the troopers in the nine Upcountry counties where President Ulysses Grant had suspended the writ of habeas corpus, but their experiences on Reconstruction duty differed in many respects. These differences stemmed from several factors, including Kentucky's status as a Union state during the Civil War, the Democratic party's dominance in state politics, and federal authorities' decision to concentrate their enforcement efforts on South Carolina, making an example of its white supremacists in order to discourage opposition groups elsewhere in the former slave states. Kentucky remained a secondary theater in the government's campaign to eradicate the Ku Klux Klan. As a result, the state made a suitable destination for the regiment's most high profile officer and pronounced Democrat, Lieutenant Colonel George A. Custer. While a previously unknown major guided the federal enforcement effort in South Carolina, President Grant's administration kept Custer on the sidelines, commanding a small, two-company post in central Kentucky.<sup>1</sup>

Although Kentucky had not officially seceded, and thus was spared most of the stigma of Reconstruction, the state experienced the same fundamental economic and

social adjustments caused by emancipation of the slaves. The 7th Cavalry's nearly equal division between the Bluegrass and Palmetto states in 1871 indicated that Kentuckians struggled to overcome the dislocations caused by the war, emancipation, and the elevation of African Americans to full citizenship and voter status much the same as the former Confederate states. In fact, the federal government's hands-off approach to Kentucky allowed ex-Confederates to quickly reemerge as prominent figures in the Democratic Party and state politics after the war. Kentucky was among the first Southern states to be redeemed by Conservatives and offered an example to other former slave states. State lawmakers and court officials consistently dragged their feet in according black Kentuckians a new role in society and offered a potent example to white supremacists throughout the South. Ironically, Conservative hegemony in state politics, society, and economy did not prevent the Ku Klux Klan from flourishing in the state. Kentucky Klansmen unleashed a reign of terror rivaling any in the South, including South Carolina.<sup>2</sup>

Kentucky's postwar conservatism emerged from its divided loyalties during the Civil War. In the four-way contest for the presidency in 1860, Kentucky voters divided their ballots among all of the candidates. The Republican nominee, Abraham Lincoln, who claimed Kentucky as his birthplace, trailed well behind the Constitutional Union party's John Bell of Tennessee and the state's own John C. Breckinridge who headed the Southern Democratic ticket, reflecting the Republican party's lack of appeal outside the North.<sup>3</sup> When the secession crisis broke out during the winter of 1860-61, several leading Kentuckians attempted to act as mediators.<sup>4</sup> Their efforts failed to attract

supporters outside of the state, and when Confederates fired on Fort Sumter in April, Governor Beriah Magoffin, a conservative Unionist, responded to Lincoln's call for three-month volunteers by proclaiming Kentucky "neutral." The state's neutrality proved untenable, and after Confederates violated its "neutrality" most Kentuckians sided with the Union.<sup>5</sup>

Throughout the Civil War, most white Kentuckians' support for the Union remained conditional. As evidence of the strength of Confederate sympathy in the state, Kentucky sent representatives to the Confederate Congress in Richmond, Virginia, and maintained a governor in exile. More importantly, Kentuckians enlisted in the Confederate army in significant numbers.<sup>6</sup> Roughly one quarter of the approximately 100,000 Kentuckians who served during the Civil War wore Confederate gray.<sup>7</sup> As the conflict expanded, pro-Union sentiment began to ebb as many white Kentuckians grew increasingly wary of the Lincoln administration's prosecution of the war. Most complaints stemmed from the federal military occupation of Kentucky and the Union Army's repeated intrusions into civil affairs as it arrested Confederate sympathizers, meddled with the composition of the state courts, involved itself in elections, and interfered with the institution of slavery.<sup>8</sup> The persistence of these transgressions caused Governor Thomas E. Bramlette to grumble to the president in 1864 that the military authorities treated his state and its citizens "as though Kentucky was a rebellious and conquered province, instead of being as they are, a brave and loyal people."<sup>9</sup>

No issue generated as much resentment toward the government in Washington, D.C., or helped motivate the Conservatives' resurgence in Kentucky politics like the

administration's evolving policy toward slaves. When Lincoln broached the idea of voluntary, compensated emancipation to a delegation of border-state representatives in July 1862, it was summarily rejected. When the president issued his formal Emancipation Proclamation in January 1863, an edict that did not apply to loyal states or portions of Confederate states controlled by the Union, Kentucky Unionists, recognizing its potential impact on their state, denounced the measure as an unlawful abrogation of private property. The state legislature barred freed slaves from entering Kentucky. A more pervasive influence came from the Union Army's demand for labor. Military authorities enrolled Kentucky slaves to perform manual labor, liberating white soldiers to fight. By 1863, enlistment in the Union Army offered Kentucky blacks a path to freedom, and many slaves jumped at the opportunity. Black enlistments outraged slave owners and prompted the governor to go to Washington to protest.<sup>10</sup> In the 1864 presidential election, Kentucky's conservative Unionist majority demonstrated their displeasure by sending the state's delegation to the national Democratic convention in Chicago, rather than the Republican convention in Baltimore. Kentucky was one of only three states carried by the Democratic presidential candidate and Union general, George McClellan.<sup>11</sup> The election served as a referendum on the Civil War and emancipation and its results foreshadowed the Democratic party's dominance in state politics going into the postwar period as conservative Unionists combined with States' Rights Democrats to form a powerful Democratic coalition augmented by returning Confederate veterans.<sup>12</sup> When Congress passed the 13th Amendment abolishing slavery in January 1865, many white Kentuckians denounced the measure as a violation of

Lincoln's wartime promises to uphold slaveholders' rights in the loyal states. The governor referred the amendment to the legislature for ratification with the stipulation that slaveholders receive \$34 million in compensation for their lost property. Bramlette's action demonstrated how far popular opinion in Kentucky had fallen behind the rest of the nation, and the ratification debate showcased Kentucky's firm commitment to states' rights principles and the Democratic party. Kentucky refused to ratify the amendment to abolish slavery.<sup>13</sup>

No matter how white Kentuckians felt about their handling during the Civil War, the state emerged from the conflict better situated to direct its own future in relation to both ex-Confederates and former slaves than any Southern state. Kentuckians had fought for the Union on the basis of preserving the nation as it was. Not surprisingly, most white Kentuckians desired a rapid reconciliation between the sections as demonstrated by Unionists who embraced former Confederates as leaders in the Democratic party. The state legislature repealed wartime laws that deprived Confederates and their sympathizers of political and civil rights. The Republican party, never as potent a force in Kentucky politics as its Whig predecessor, similarly moved in a more conservative direction, supporting President Andrew Johnson's Reconstruction program, voicing opposition to extending civil and political equality to African Americans, calling for the restoration of habeas corpus, and demanding the withdrawal of federal troops and Freedmen's Bureau agents from the state. But Republicans' maneuvering failed to produce electoral gains and, worse, Confederate service became a prerequisite among most white voters for election to office. The Democratic party's

embrace of ex-Confederates led to political realignment as some wartime Unionists, disturbed by this, bolted to join Republicans, and Conservatives of all temperaments coalesced in a unified Democratic party. By 1866, Democrats controlled the state.

As was the case in other Border States stricken by divided loyalties, Kentucky suffered from guerrilla activity and rampant lawlessness and violence throughout the Civil War. On the home front, pro-Unionists and pro-Confederates demonstrated their allegiances in vicious atrocities and abuses against persons and property. The hatred and violence unleashed by the war spilled over into the postwar period in the form of gangs of “Regulators” who intimidated Unionists and attacked African-American veterans returning home after the war. When the Freedmen’s Bureau expanded its operations into Kentucky in late 1865 upon the ratification of the 13th Amendment, white supremacists violently opposed the Bureau’s authority and the legislature demanded its removal. The assistant commissioner for Kentucky, Tennessee, and Northern Alabama, Clinton Fisk, characterized Kentuckians as “some of the *meanest unsubjected and unreconstructed, rascally rebellious revolutionists*” in the South.<sup>14</sup> The numerous black veterans who returned to the state after being discharged from the Union Army quickly emerged as principle targets of white terror. Many had purchased their weapons from the federal government, a violation of state law and custom, and posed a threat to white supremacy and masculinity. In trying to protect African-American veterans and their families, Bureau agents complained that they received little or no cooperation from local civil authorities. According to a veteran of the 12th Kentucky Cavalry (Union), “The disposition of the *would-be rebels* is to persecute the freedmen to the utmost extent.”<sup>15</sup>

When the Ku Klux Klan expanded outside of Tennessee it found a hospitable home in Kentucky. State law prohibited blacks from voting, holding public office, and testifying against whites in court, leaving white supremacists with little reason for engaging in racial terror for narrow political motives. The Kentucky Klan guarded the color line by maintaining black subservience in social and economic relationships and persecuted the white pro-Unionists who supported them.<sup>16</sup>

The first elements of the 7th Cavalry Regiment, consisting of headquarters' company and eight troops, reached Louisville, Kentucky on 21 March 1871. Brigadier General Alfred Terry, commanding the Department of the South, distributed them equally between Kentucky and South Carolina, both states receiving four troops.<sup>17</sup> The regiment's commanding officer, Colonel Samuel Sturgis, established regimental headquarters at Taylor Barracks in Louisville. The 4th Infantry regiment, also added to the department from the frontier, preceded the cavalrymen into the Bluegrass State.<sup>18</sup> General Terry established eight new posts in Kentucky and raised the number of permanently occupied posts throughout the Department of the South from eighteen to thirty-three.<sup>19</sup> This surge rankled some white Kentuckians. The *Elizabethtown News* reported on 30 March: "When we heard a cavalry company was coming we thought they were after illicit distillers; now that we have infantry, and are soon to have the cavalry, we haven't any positive idea as to what they come or are coming for."<sup>20</sup> As was the case during the Civil War, many white Kentuckians detested the military occupation. They pointed to the fact that white public opinion, reflected in the state's newspapers, had already condemned the Ku Klux Klan, that Governor John Stevenson denounced

racial terror, and that many state courts presently had charges against Klansmen before grand juries, all in an effort to demonstrate that Kentucky did not deserve martial law. As leading Conservatives throughout the South proclaimed in the spring of 1871, the disturbances had subsided before the soldiers arrived. The editor of the *Elizabethtown News* wryly observed: “In the mean while, the whites of the frontiers are being left to the ‘tender mercies’ of the Indian. ... Would it not be more humane to protect the suffering whites in the far West than to stir up strife in Kentucky?”<sup>21</sup>

While Major Lewis Merrill proved these claims false in South Carolina, racial violence had largely ended in Kentucky by the time the cavalrymen arrived, no doubt due in part to their anticipated arrival. The regiment’s post returns reflect little military activity aside from normal fatigue and guard duty, tactical drills, and the occasional detachment provided to support civil law enforcement on short excursions to arrest men wanted on federal warrants, collect taxes, or close down illicit distilleries. These posse comitatus ranging in size from as few as one man to as many as twenty-five, were frequently led by a non-commissioned officer. Outside of South Carolina, commissioned officers rarely accompanied their men on these missions because they regarded them as corporal’s or sergeant’s guards and beneath the status of a regular Army officer to take into the field. As a result, the 7th’s officers confined themselves to the post and placed the burden of carrying out these delicate, politically volatile duties on the enlisted men, who had to sort out the tangled web of local politics without supervision and decide for themselves what constituted appropriate orders to follow. The stakes were high. Failure to remain within the law could result in a court martial or

civil prosecution. Essentially, the officers passed on this tremendous obligation and avoided becoming embroiled in Southern Reconstruction outside of the Palmetto State, leaving their men to deal with the repercussions that might follow. Along with arresting suspected criminals, the cavalymen provided protection for witnesses as they traveled to appear in U.S. circuit court and guarded them until the danger passed.<sup>22</sup>

Overall, white Kentuckians complained less of the military occupation than their counterparts in South Carolina. This attitude reflected the Army's limited role in the state. The resentment Elizabethtown residents felt toward Republicans in Washington for sending soldiers to their town, for example, did not trickle down to the members of the 4th Infantry and 7th Cavalry whom they commended for their "manly bearing and courteous manners." They recognized that soldiers must report where they were ordered to by politicians, and they felt "glad it was our lot to get gentlemen who are disposed to attend to their own business, and let the people attend to theirs."<sup>23</sup> This reflected both the soldiers' good discipline and General Terry's decision to make Upcountry South Carolina the focal point of enforcement operations in the Department of the South. The satisfaction Elizabethtown's residents felt only intensified when Lieutenant Colonel George Custer arrived in September and assumed command of the post. He brought distinction to this small Kentucky town and a fair bit of pride at having the opportunity to host the Western hero and prominent Democrat.<sup>24</sup>

Elizabethtown's residents may have been excited to have him, but Custer had tried to avoid coming to Kentucky. He had extended a thirty-day leave several times and applied for a transfer to another regiment serving in the West before finally coming to

the Bluegrass State.<sup>25</sup> Custer's delays and request for a transfer revealed that he possessed little enthusiasm for engaging in Reconstruction duty, even in Kentucky, a state where he and his wife had once dreamed of settling. His reluctance was understandable in light of his previous sour experiences in the former Confederate states as part of the "army of observation" that descended upon Texas in May 1865. His experiences in Louisiana and Texas in 1865 and 1866 bred a deep disillusionment in Custer toward the Army's role in Reconstruction, especially in the way that Confederate veterans, who had fought honorably for the cause they believed in. In Custer's opinion, Confederate veterans had been treated severely by ungrateful politicians whose vindictiveness threatened the peace that Union soldiers had sacrificed so much to achieve. From Custer's perspective, service in Kentucky appeared to offer the same level of professional gratification that Texas had provided him – none. As a result, in 1871, he was loath to abandon the field command he coveted to become administrator of an occupation force, responding to politicians' requests for military support to quell local disturbances.<sup>26</sup>

For Custer, his experiences as occupier stood in stark contrast to his glorious Civil War record as the dashing young major general of the 3d Michigan Cavalry Division in the Army of the Potomac. The "Boy General," as Northerners had affectionately dubbed him, had been a battlefield sensation beloved by his men for his brilliance in combat, ostentatious courage under fire, and the spirit de corps he brought to his command.<sup>27</sup> His experiences during the war apparently engendered no feelings of retribution in him. When the Army of Northern Virginia surrendered in April 1865,

Custer joyfully reunited with West Point classmates who had sided with the Confederacy, renewing fraternal bonds with men he had faced in battle only a few days before. In Custer's imagination, nothing was more honorable than the peace concluded by combatants at the end of a long, hard campaign. On the surrender of the Army of Northern Virginia, Custer addressed his men: "Let us hope that our work is done, and that, blessed with the comforts of peace, we may be permitted to enjoy the pleasures of home and friends."<sup>28</sup> Peace for the general meant a long-anticipated reunion with his young bride, Libbie.<sup>29</sup> Unfortunately for the Custers, peace and the opportunity to bask in the glow of victory was delayed by orders to go to the Southwest to assume command of a new cavalry division in the Department of the Gulf.<sup>30</sup> During the next few months, Custer's military leadership and Union loyalty came under intense scrutiny. After relinquishing command of his beloved Michigan cavalry, he never again enjoyed the unqualified affection of his soldiers or the public that he had become accustomed to during the Civil War. In the postwar Army, Custer quickly emerged as a polarizing figure.<sup>31</sup>

Custer's connection to Reconstruction began in Louisiana and Texas. In order to guarantee Confederate acquiescence to military defeat and the end of slavery and to demonstrate America's opposition to the French intervention in Mexico that placed Emperor Maximilian on the throne and deposed the native democratic government, Custer reluctantly went to Texas. Having his wife alongside him tempered his mixed emotions.<sup>32</sup> The young couple reveled in their new adventure. According to Libbie, they "were like children let out of school, and everything interested us."<sup>33</sup> During a brief

stop-over in New Orleans, the Custers made the city's streets their "daily resort," enthusiastically exploring the peculiarities of an alien Southern culture. The Boy General demonstrated a particular fondness for the Crescent City's spectacular diversity and cosmopolitan lifestyle, and the couple formed an undying affection for the city.<sup>34</sup> When they resumed their journey by traveling up the Red River to Alexandria, where Custer's new division was forming, evidence of the harsh realities of plantation threw the couple's "grand play-day" into sharp relief.<sup>35</sup> Traveling through Louisiana's sugar planting region forced the Custers to reevaluate their assumptions about the grandeur of Southern society. In a letter to his father-in-law, Daniel Bacon, Custer attested to the river-boat trip's profound impact on his view of the former Confederacy and of the Union's real accomplishment in the Civil War. Contact with freedpersons who bore terrible scars attesting to their inhumane treatment convinced the general that antebellum slavery in the Deep South closer approximated the depictions contained in Harriet Beecher Stowe's abolitionist novel, *Uncle Tom's Cabin*, than the notions of a patriarchal institution formed from his wartime experiences in Virginia. "If the War has attained nothing else it has placed America under a debt of gratitude for all time, for the removal of this evil [slavery]."<sup>36</sup> Greater challenges awaited Custer in northern Louisiana.

The couple reached Alexandria on 23 June, when Custer assumed command of the newly formed 2d Cavalry Division.<sup>37</sup> The division was comprised of the 5th and 12th Illinois, 7th Indiana, 1st Iowa, and 2d Wisconsin volunteer cavalry regiments. These regiments had been raised in 1861 and 1862, fought in numerous campaigns in the trans-Mississippi West, and deeply resented being kept in the Army beyond the

Confederacy's defeat when "nearly every man wanted to be mustered out and go home."<sup>38</sup> The Midwestern veterans viewed their retention in the military as an occupation force as a breach of contract. They had volunteered to fight Southern rebels and now that the rebellion had ended they wanted to go home. The soldiers' discontent and low morale resulted in numerous desertions that threatened to become epidemic if not checked. Rather than display the sort of compassion that might temporarily reconcile the men to their situation, Custer confronted the problem with a heavy-handedness and lack of judgment that characterized his leadership throughout his first few years in the post-Civil War Army.<sup>39</sup>

According to Libbie, Custer faced a "herculean task" in preparing these Western volunteers to perform the "generally demoralizing" duty of occupying Southern cities and towns. Adding to his woes, General Philip Sheridan had instructed Custer to demonstrate "kindness and conciliation" towards defeated Confederate civilians, a policy that the volunteer cavalymen found hard to embrace. They had spent the majority of the Civil War locked in a bitter and bloody guerrilla conflict, the sort of combat that inspired feelings of retribution, not conciliation. Custer's attitude toward the men did not help. In Libbie's estimation, the soldiers' low morale and mutinous conduct emanated from the character of their service, which had deprived them of the opportunity to engage in manly battle and left them with "no regimental pride of character, simply because there was no regimental deed of valor."<sup>40</sup> The Civil War had unleashed forces and emotions that could not be easily restrained after surrender, and

Custer's expectations as well as those of his superiors in the Department of the Gulf and the War Department proved unrealistic.

In order to end the disorder that plagued his command, Custer issued General Orders No. 2 on 24 June. The order banned unauthorized foraging and became provocative with the men because it encouraged "rebel citizens, entertaining the most malignant bitterness toward Federal soldiers" to make accusations against them that Custer readily believed.<sup>41</sup> Rather than investigate the charges or protect the soldiers, Custer's headquarters usually accepted them at face value and prescribed unlawful and humiliating physical punishment, including flogging which had been banned by Congress in 1861, head shaving, and parading the accused before his comrades.<sup>42</sup> In retaliation, the soldiers' unleashed a letter-writing campaign, informing family, friends, and politicians back home of the general's "abuse, wanton neglect, base slanders and atrocious outrages" against heroic Union veterans.<sup>43</sup> These letters spawned a storm of protest against Custer arising from the Midwestern states, causing some Republican newspapers in the North to begin to raise searching questions regarding his Union loyalties.<sup>44</sup> The governors of Illinois, Indiana, Iowa, and Wisconsin dispatched official letters to Washington claiming that their volunteers "unjustly received ... ill-treatment," demanding that the objectionable orders be revoked, and requesting that their regiments be immediately discharged. Custer had created a political firestorm by his ill-advised actions, and when General Grant requested an investigation by Department of the Gulf headquarters, Custer was forced to justify his actions. In a letter to Major George Lee dated 26 October, Custer condemned the soldiers' "infamous" conduct and characterized

his division as “a terror to the inhabitants of [Hempstead, Texas] ...and a disgrace to this or any other service.”<sup>45</sup> Sheridan accepted Custer’s description of events and supported his subordinate’s decision to take bold action to enforce discipline, but he also instructed him to rescind General Orders #2. The entire episode resulted in unpleasant accusations being made about Custer’s Union loyalties. The situation revealed how shockingly quickly a regular Army officer’s reputation, even one so revered as Michigan’s Boy General, could be sullied by postwar politics, and indicated why he was reluctant to return to the South in 1871.

The 2d Cavalry Division left Alexandria on 8 August to occupy Texas, establishing encampments at Hempstead and Austin.<sup>46</sup> Once again, Custer issued an order that the men disliked, this time raising questions about his military leadership. General Orders #15, promulgated 7 August, reminded the cavalymen of their responsibility to obey orders and tread lightly on local communities in order “to cultivate the most friendly feelings” by demonstrating “the most scrupulous regard for the rights and property” of former Confederates.<sup>47</sup> Custer’s regard for former Confederates again struck his soldiers as an example of Southern sympathizing. To discourage desertion, he closed ranks and subjected his men to a long, hot, dusty forced march of nearly three-hundred miles, viewed by most of the cavalymen as unnecessary in time of peace. They complained bitterly of the excessive heat and dust, bad water, and empty landscape. In the soldiers’ opinion, the Texas expedition proved “worse than useless” and completely failed to justify the lengthy delay before being mustered out.<sup>48</sup> During the march an officer reflected: “I was leaving home and friends farther and farther behind me every

day.”<sup>49</sup> For most of the volunteers, these issues simply would not be resolved until they received their discharge. To a certain extent, Libbie’s assessment was correct. There was nothing the general could do to reconcile these men to their plight. Unfortunately, his ill-advised actions usually made matters worse. By the time the 2d Cavalry Division received its long awaited return home, most “never saw more of Custer nor had any desire to.”<sup>50</sup>

As the division commander and part of a married couple, Custer perceived the South differently than most of the men of his command. The Custers’ prominent displays of marital bliss and joy at their togetherness probably added insult to the injury many men felt at being forced to remain in service far from their own families. For their part, the general and Libbie appeared completely unaware that their happiness might serve as a bitter reminder to the soldiers of what the Army kept them from experiencing. On top of this, the Custers drew close with former Confederates. In a letter to her mother, Libbie wrote “Our own relatives ... would not do so much for us as some of these Texans who were prominent and active rebels. We shall never forget their kindness to us. No country in the world can equal the South for hospitality.”<sup>51</sup> The Custers’ private comments and the general’s future political efforts on behalf of President Johnson stood in stark contrast to the statements he would soon make before Congress.

In December 1865, Custer received orders from the War Department indicating that he, along with one-hundred-and-twenty-three other major generals, would be mustered out of the volunteer service by 1 February. A “money cataclysm” awaited the

young couple, and a great deal of uncertainty lay in their future. Congress had yet to fix the size of the postwar Army and once the 2d Cavalry Division disbanded, the Boy General's rank would revert to captain in the 5th U.S. Cavalry Regiment and his salary reduced from \$8,000 to \$2,000 per annum. After several years of faithful service in a victorious cause, Custer had recently seen his reputation sullied by critics who publicly castigated him and encouraged their soldiers to disobey orders and desert, making the general's already difficult job harder. Libbie worried for her husband who had "missed all the home-coming, all the glorification awarded to the hero." But Libbie needed not to worry. The Boy General still had his supporters, especially in his wife's hometown of Monroe, Michigan, which accorded the general a hero's welcome befitting a native son. "It was a summer of excitement and uncertainty," a heady time for the young couple as the general considered offers to lend his reputation to private enterprises, though he "never cared for money for money's sake."<sup>52</sup>

Shortly after he returned from Texas, Custer received a summons to appear before the Joint Select Committee on Reconstruction, which was investigating conditions throughout the former Confederate states. The opinions he expressed contrasted sharply with his political dalliances later in the year and with his service in Kentucky in 1871. The committee members desired information about the Lone Star State and the Boy General used the opportunity to remind his superiors in Washington his service to the Union and lobby for a prominent billet in the post-war Army. Custer's politics had been scrutinized before, most notably during the Civil War, when his family's Democratic affiliation and the general's own close relationship to General

George McClellan caused some to question his allegiances, but Libbie, acting as her husband's agent in Washington, used society functions as venues to court prominent Republicans. Libbie deftly performed this role, but in the spring of 1866, Custer assumed this function and created more speculation about his true predilections. The public criticism he had endured and the blatant hostility of his men took a tremendous psychological toll on this young officer, only twenty-five years old at the time. The postwar criticism had clearly damaged his pride. He revealed this to his wife in a letter recounting his meeting with Secretary of War and noted Radical Republican Edwin Stanton. Custer gratefully acknowledged that Stanton, who hailed from the same part of Ohio as Custer, "seemed so glad to see me" and had been greatly relieved when the secretary "[s]aid he would not have believed me disloyal if all the papers in the U.S. has said so."<sup>53</sup>

His appearance before the congressional committee afforded the Boy General the opportunity to disprove the recent accusations leveled against him and demonstrate his loyalty to congressional Republicans who were in a position to confirm his next military posting. Custer's testimony on 10 March initiated one of the more bizarre and quixotic episodes in his military career. When asked about conditions in Texas, he stated: "I do not regard the disposition of the majority of the people towards the general government as at all friendly." In Custer's opinion, ex-rebels accepted their military defeat but grew increasingly discontented with the loss of their political power and influence and remained determined to regain their former standing.<sup>54</sup> When asked about the need to continue the military occupation, he confirmed that it would be "unsafe" and "unwise"

for loyal men to remain in Texas after the Army left. He felt that the majority of Southern whites interpreted Johnson's Reconstruction program as a "lenient policy," which caused them to assume a more defiant posture. Emboldened, they assailed the federal government and Reconstruction, denounced the provisional government, and publicly pronounced opposition to military occupation and the Freedmen's Bureau. On the existence of secret organizations designed to thwart federal authority, the general admitted he had received reports of their existence in the Red River region of northeastern Texas but had no direct knowledge to relate. He recommended the continuation of military government in Texas to allow pro-Union sentiment to gather strength, particularly in the political arena. If prevailing conditions continued, Custer believed that ex-Confederates stood to benefit by regaining political advantage, as they had in Kentucky by 1866.<sup>55</sup>

On the status of former slaves in the South, Custer differed from most Democrats by strongly supporting extending the life of the Freedmen's Bureau since Southern blacks daily encountered racial discrimination and threats of violence. According to Custer, white Southerners blamed former slaves for their present condition and seized every opportunity to inflict harm on them in retaliation. Texas state courts failed to provide equal justice. As to free labor, Custer asserted "freedmen will work as well, if not better, in some cases, by giving him an interest in the proceeds of his labor," and most blacks aspired to land ownership. On the issue of black suffrage, Custer testified that former slaves gave less consideration to this than to economic opportunities and access to education. Custer believed that if enfranchised African Americans' "votes

would be cast in favor of loyalty and union.”<sup>56</sup> The Boy General concluded by reiterating that the majority of white Texans did not manifest “a proper state of feeling, to be restored to their former rights and privileges,” therefore, the federal government should maintain control until loyal state administrations existed.<sup>57</sup>

Custer’s testimony surprised many white Southerners and Democrats. Benjamin Truman, the *New York Times*’ Texas correspondent, had defended the general against accusations of abuse and disloyalty in 1865 claiming that the Midwestern states’ governors “encouraged these men in the non-performance of their duties” and Custer, who had “tried every humane way to save his army from going to pieces, but failed,” was forced to embrace severe measures to prevent his division from devolving into a collection of “murderers and robbers and horse-thieves.”<sup>58</sup> After reading published reports of Custer’s testimony before the Reconstruction committee, however, Truman revised his assessment of Custer, casting him as the “erratic General” and suggesting that his statements only “goes to show that a Major-General’s is better than a Captain’s pay.”<sup>59</sup> Naturally Custer wanted to reassure congressional Republicans of his fealty. His military career depended upon it.

General Custer, like many Americans at the time, possessed a complex assortment of views and attitudes in regards to Reconstruction. They sometimes appeared contradictory, but the general’s feelings towards reunion and the confusion his attitudes sometimes produced paralleled the way the public misunderstood President Johnson’s attitude toward sectional reconciliation. In both cases, their opinion that secession was illegal and that the Union remained intact remained constant. It was their

reaction to external events that caused their attitudes toward Reconstruction to evolve. In a letter to Judge Isaac Christiancy dated 21 April 1865, the Boy General had written about the deep gloom that beset the Union army since Lincoln's assassination. He expressed great faith in the new president's policy toward the Confederacy based on Johnson's past speeches and due to his superior knowledge of Southerners as a Tennessean. At this time, Custer demonstrated bitterness and vindictiveness toward secessionists, the equal of the most rapid Radical Republican. He wrote that clemency "would be little better than self-murder" and advanced the notion that "Extermination is the only true policy we [Northerners] can adopt toward the political leaders of the rebellion."<sup>60</sup> But taken in the context of the moment and in consideration of his emphasis on the leaders of the rebellion rather than all Confederates, Custer's comments in this private letter are consistent with his politics. His testimony before the Reconstruction committee, in light of his cavorting with prominent New York Democrats, his actions on behalf of the National Union movement, and his support of Johnson's policy, seems to be a complete fabrication intended to win Republican approval. Several pro-Republican newspapers leveled this charge against him in 1866. He defended his testimony on the basis that he had been asked questions specifically about Texas and not the South in general. Custer never wavered in his endorsement of a lenient peace, such as that offered by Johnson. He rejected any extremism that threatened to prolong sectional enmity. He wrote General Russell Alger that he regretted violating his "rule" by engaging in politics, but felt compelled by his desire "to advance the interests of country, promote harmony and order throughout the land, and

thereby aid in attaining those ends for which you and I struggled and fought during the war of the rebellion.”<sup>61</sup>

Like many military men, Custer abhorred disorder and lawlessness and recognized that a hasty withdrawal of U.S. troops from the South threatened to sacrifice the fruits of Northern victory, something that he and his beloved Michigan cavalrymen had sacrificed so much to achieve. Custer alluded that most ex-Confederates regarded Johnson’s Reconstruction policy as lenient, but stopped well short of challenging the policy himself. Like many moderate Republicans in early 1866, Custer seemed to believe that the president’s policy simply needed to be supplemented, not overturned. The general’s testimony reflected his careful consideration of the issues confronting the South and his confidence that a rapid restoration of the Union remained plausible was not out of character with his conduct in Louisiana and Texas. His comments merely reflected a man who remained committed to a lenient peace and confident that Johnson’s policy represented the best option to achieve that goal.<sup>62</sup> When he confided to his wife after his appearance before the Reconstruction committee, “My confidence in the Constitution is increasing daily while Andy [Johnson] is as firm and upright as a tombstone,” he remained consistent in his Reconstruction attitudes.<sup>63</sup> There is similarly no contradiction in the Boy General’s comments regarding African Americans. He detested slavery’s impact and lauded its demise. But, in his mind, blacks remained inferior, a class willing to labor but not prepared to be American citizens on par with whites, to vote, or to serve in the Army. Custer favored the rapid demobilization of black soldiers from the Army, preferring that former slaves “lay down musket for

shovel” and return to their labors. In Custer’s opinion, the U.S. Army remained a white institution and white men should be given preference in forming the new peacetime military establishment. He favored elevating African Americans by education and granting them access to economic and social advancement. But this advancement must not come at the expense of white Americans and Custer strongly opposed extending suffrage to blacks. In his words, “I should as soon think of elevating an Indian Chief to the Popedom of Rome.”<sup>64</sup>

In August 1866, Custer attended the National Union convention in Philadelphia, Pennsylvania, as a vice president of the Michigan delegation.<sup>65</sup> Some Republicans found Custer’s participation intolerable because his military stature lent support to Johnson’s Reconstruction program. From Custer’s perspective, he simply endorsed a policy he believed in. He remained a state’s-rights oriented Democrat and agreed with the basis of the president’s policy that regarded secession as unlawful, meaning that the Union remained intact. This led him into the National Union party. Custer embraced the party’s platform that deemed Congress’s exclusion of the former Confederate states’ delegations an “unwarrantable assumption of power.”<sup>66</sup> In a letter to the *Detroit Free Press* dated the day before the convention commenced in Philadelphia, Custer gave his position as “the Union as it was, and the Constitution as it is.”<sup>67</sup> Once again, the Boy General extended an opportunity for his critics to excoriate him and question his loyalty to the Union. Additionally, many Republicans expressed doubts about the veracity of the statements Custer proffered before the congressional investigating committee a few months prior. In his response, Custer revealed his disdain for politicians meddling with

the peace honorably concluded between enemy combatants on the battlefield. “What have *you* done to justify you in traducing those whose patriotism has undergone the test of battle...?”<sup>68</sup>

Custer clearly lamented the loss of dignity in public policy debates since the end of the Civil War. In his estimation, the political wrangling between the president and congressional Republicans threatened to undermine the spirit of reunion that soldiers had worked to cultivate immediately after the war. If enemy combatants could be reconciled there should be no reason why civilians could not do the same. When questioned about his view on the possibilities of a more stringent Reconstruction process guided by Congress, Custer replied “as the victors we have a right to name the terms on which peace shall be established and the Union restored,” and he deemed any punishment that violated the terms or spirit of the surrender agreed to at Appomattox a “breach of faith.” Furthermore, he warned against trusting politicians who employed the rhetoric of fear to alarm voters on the eve of an election, hindering the reconciliation process. No matter what plan of Reconstruction ultimately triumphed, or who controlled the process, the general believed “*Union* will be the result” because “only that object will satisfy the people.”<sup>69</sup>

Between the National Union convention and the Ohio Soldiers’ and Sailors’ convention scheduled to convene in Cleveland, Custer joined President Johnson’s party on the “swing around the circle.” Ostensibly a trip to dedicate a memorial to Illinois Senator Stephen Douglas in Chicago, the president turned it into a stump-speaking tour through the North to generate support for his policy and the National Union movement

in advance of the midterm congressional elections that fall. It appeared that the Boy General failed to recognize the shrewd political decision-making that culminated in the president's invitation. Johnson had assembled around him a dizzying array of Union heroes, including Lieutenant General Ulysses Grant and Admiral David Farragut, in the hopes that their presence might be interpreted as support for the president's Reconstruction program. Custer reveled in his inclusion in this distinguished company, but he grew increasingly disturbed, not by the president's behavior, but by the rude manner in which the crowds greeted Johnson at his tour stops. On one occasion, Custer chastised the crowd for insulting the president by cheering for General Grant. "You cannot insult the President through Gen. Grant." When the president's train pulled into New Market, Ohio, Custer greeted calls for his own appearance by telling the crowd, "I was born two miles and a half from here, but I am ashamed of you." Further down the line, they encountered a more hospitable gathering at Cadiz Junction, leading the general to approvingly commend the display of Harrison County respectability arrayed before him, which he regarded as sorely lacking at their last stop. "I have not seen a worse class of people," Custer asserted, than those at New Market. When a Cadiz resident chided, "Except the rebels," Custer retorted, "No, I don't except them. The rebels have repented."<sup>70</sup> His outbursts drew the ire of the pro-Republican *Cleveland Leader*. The newspaper began drawing unflattering comparisons between the Boy General and "Andrew I," both being arrogant egotist who lectured audiences. The newspaper labeled Custer the "new politician" who had "distinguished himself last summer by whipping Iowa Cavalry boys for eating secesh beef."<sup>71</sup> The convening of the Soldier's and

Sailor's convention offered an escape and the Custers declined an invitation to accompany Johnson to Washington.

Custer strongly supported the Soldiers' and Sailors' Convention and he hoped that it would lead to an endorsement of the National Union platform by a majority of Union veterans.<sup>72</sup> Although "not a candidate for any office," the Boy General seemed enthusiastic to participate in the political process. But it came at a price. As one of the most "prominent Union heroes" in attendance at what the *Leader* dubbed the "Brevet Convention," he drew severe criticism from Ohio Republicans.<sup>73</sup> In addition to reminding its readers of Custer's statements before the Reconstruction committee six months prior, the *Leader* portrayed him as a political caricature, child-like and foolish, "a gentle youth with flaxen ringlets" who wore a major general's costume.<sup>74</sup> The convention concluded without achieving anything beyond a general endorsement of the National Union platform and Johnson's Reconstruction policy. There were limits to Custer's conservatism, however, as he successfully led a movement to have a resolution denouncing black suffrage quashed.<sup>75</sup> In playing this prominent role in state politics, Custer likely earned the reprobation of the general-in-chief. According to Adam Badeau, Grant regretted "the action of any officer of the army taking a conspicuous part in the political dissensions of the day."<sup>76</sup> For his part, Grant had rejected an invitation to appear at the pro-Republican Soldiers' and Sailors' convention in Pittsburgh, Pennsylvania.

Orders appointing Custer as lieutenant colonel of the newly established 7th Cavalry regiment arrived in the fall of 1866.<sup>77</sup> A frontier posting probably came as

welcome news to Custer. According to Libbie, she assumed “by the jubilant manner in which this official document was unfolded and read to me, that it was the inheritance of a principality” rather than a regimental lieutenant colonelcy.<sup>78</sup> His jubilation stemmed from two factors. First, he had successfully lobbied his way out of an appointment to command one of the Army’s two new all black cavalry regiments.<sup>79</sup> Emancipation was one thing, Custer felt, African Americans in the Army was another. He preferred to lose one rank rather than command black troops. Second, Custer had become disillusioned with Reconstruction politics by the fall of 1866. He embraced service in the West, imagining only the “high lights” of assignment to the frontier far away from the prominent political issues occupying the nation, ignoring the more sobering aspects of service in the West, such as isolation, hardship, privation, and danger.<sup>80</sup> Throughout his career, Custer elevated nepotism to a high art. Upon receiving his orders to join the 7th Cavalry, Custer turned his attention to getting his brother Tom out of the South and into his regiment.<sup>81</sup>

On the way to Fort Riley, Kansas, where the 7th was forming, the Custers stopped in St. Louis, Missouri, and attended the fair. It was there that the couple appreciated the Kentucky thoroughbreds and dreamed of one day owning “a Blue-grass farm with blooded horses.” They probably never imagined the possibility of the 7th Cavalry’s deployment to that state five years hence.<sup>82</sup> Lieutenant Colonel Custer embraced life on the frontier, earning himself a reputation as an accomplished frontiersmen and Indian fighter.<sup>83</sup> But his transition to the frontier was by no means smooth. In 1867, he spent his first campaign learning how to fight an Indian war in

Major General Winfield S. Hancock's ill-fated summer campaign. Once again, his military reputation came under scrutiny when he raced across Kansas to retrieve his wife and escort her to Fort Wallace. Along the way he subjected his cavalymen to several forced marches, ordered deserters summarily shot, denied them medical attention, and failed to rescue soldiers wounded by Indian raiders. For this he was arrested and charged with unauthorized absence from his command and "conduct to the prejudice of good order and military discipline."<sup>84</sup> On 11 October, a court-martial found Custer guilty on all charges without criminal intent. As punishment, he received a suspension of rank and pay for one year.<sup>85</sup>

Ironically, Reconstruction politics interceded on Custer's behalf in 1868 when President Johnson, no longer willing to tolerate what he perceived to be Sheridan's heavy-handed administration of congressional Reconstruction policy in Louisiana, switched Hancock and Sheridan. After a leave of absence to recover from his Louisiana ordeal, Sheridan assumed command of the Division of the Missouri and planned a winter campaign to punish the southern Plains Indians by attacking the tribes at their most vulnerable time of the year. He felt that he needed Custer and lobbied successfully to have his subordinate reinstated. The Boy General proved the soundness of his Civil War commander's decision on 23 November at the Battle of the Washita, achieving a signal victory against several of the southern Plains tribes and earning national recognition as the nation's premier Indian fighter.<sup>86</sup>

Never satisfied with the trajectory of his military career since 1865 and dissatisfied at being passed over for promotion to colonel of the 7th Cavalry, Custer

again explored civilian career opportunities in late 1870. He received a thirty-day leave in December and traveled to New York City to promote a silver mine in Colorado. He extended this leave several times and was in the East when the War Department transferred the 7th Cavalry to the Department of the South. Although he failed to attract investors, he succeeded in drawing President Grant's ire by cavorting with the city's leading Democrats, including *New York World* publisher August Belmont, *New York Herald* editor James Gordon Bennet, Jr., and his old commander General McClellan, all of whom were hostile to the Republican administration and its Reconstruction policy.<sup>87</sup> Custer stretched his leave as long as possible and the War Department finally ordered him to return to his regiment in Kentucky. He reluctantly returned to his regiment. As he wrote his wife: "I should have preferred the Plains ... Duty in the South has somewhat of a political aspect, which I always seek to avoid."<sup>88</sup>

On 3 September, he assumed command of the post of Elizabethtown, a small, two-company post where little of consequence occurred. Whether or not Grant had a hand in his assignment is impossible to discern, but there were few posts farther from the action than Elizabethtown. Custer assured Libbie before she arrived that "the citizens so far have been cordial, no one churlish or unfriendly," but she found Elizabethtown to be the "stillest, dullest place" she had ever encountered.<sup>89</sup>

Duty for Custer in central Kentucky contrasted sharply with that for Major Merrill in South Carolina. The Ku Klux Klan and bootlegging operations in and around Elizabethtown were relatively minor and many of the soldiers found the post a pleasant albeit boring one. The troopers lived in rented wooden buildings or small hotels and

kept the regiment's horses at the town livery stable. The officers, most of whom were married, procured furnished houses that some couples shared to lower expenses. Local churches organized festivals to raise funds, a common enough activity in rural, small-town America, but the soldiers' presence added to the potential profit for community institutions. The men eagerly engaged in these events because they offered opportunities for home-cooked meals, very different from the fare forced upon them by service on the Plains. The officers, in particular, added to the social life of the town, offering entertaining stories of life on the Plains and helping to fill out local ladies' dance cards. The post surgeon, Dr. B. F. Pope, married Lee Poston from Elizabethtown during the regiment's stay.<sup>90</sup>

As was common with many other 7th Cavalry officers outside of the Carolinas, Custer never participated in leading small detachments in search of Klansmen or bootleggers. Whenever he could, Custer found ways to escape the drudgery of occupation duty in sleepy Elizabethtown. He especially spent as much time in Louisville as possible. Indulging in one of his favorite pastimes, Custer served on a board procuring new mounts for the regiment. He also traveled to the city to serve on courts martial, attend Democratic political rallies, and in January 1872 he attended Major General Henry Halleck's funeral procession.<sup>91</sup> Throughout their stay in the Bluegrass State, the Custers also managed several private vacations, visiting Lexington, Kentucky, Cincinnati, Ohio, and Monroe.<sup>92</sup> Custer dreamed of returning to the frontier.<sup>93</sup> In January of 1872, he briefly returned to the Plains with General Sheridan and Wild Bill Cody in hosting a buffalo hunt for Russia's Grand Duke Alexis Romanov.

Sheridan had planned a full Western experience for his esteemed guest and Custer made an impression on the duke.<sup>94</sup> At Alexis's invitation, Custer and Libbie joined the ducal delegation for the remainder of its stay in the United States. They traveled by steamer down the Mississippi River to New Orleans.<sup>95</sup> The Custers enjoyed their time as royal guests and they especially welcomed their sojourn away from rural Kentucky. The couple finally achieved what they had sought since the end of the Civil War, admittance into the upper echelons of society and a life of pleasant luxury. The fact that Custer's martial fame bought them entrance into this social strata was probably not far from their minds. Neither could the prospect that their pleasant sojourn would soon end. In the meantime, the Custers continued to enjoy taking their meals in the Russian manner, touring their favorite Southern city, attending the opera, and experiencing Mardi gras. Upon their return to Elizabethtown, the couple made another get-away, this time to attend the wedding of Custer's sister Margaret to Lieutenant James Calhoun of the 7th.<sup>96</sup>

Still, the Custers spent a great deal of their time in Elizabethtown. During his stay, raised his hounds and began a new phase in his literary career by writing a serial for *Galaxy* magazine entitled "My Life on the Plains."<sup>97</sup> His first article appeared in May 1872. According to his personal servant, John Burkman, Custer enjoyed life during this period, laughing more than he would later after "he writ he truth right out too many times and made [President] Grant mad at him."<sup>98</sup> When he was not in his study writing, Custer joined Libbie on rides in the countryside. He also worked to maintain some semblance of military life, conducting drills, holding daily inspections, and roll calls three times daily.<sup>99</sup> Interestingly, Custer's stance on unauthorized foraging had softened

considerably since 1865, becoming far more indulgent of his troopers' excesses in this regard. Rather than abuse his troopers for preying upon and stealing from the local community in Elizabethtown, Custer demonstrated greater leniency toward his post's "midnight requisitions."<sup>100</sup> Custer's attitude may reflect the fact that Elizabethtown's residents proved more than willing to overlook these transgressions, especially in light of the incidents occurring in South Carolina under the president's proclamation. Their wartime experiences with Union army occupation had left many white Kentuckians embittered and extremely hostile toward military enforcement of federal law, mistakenly characterizing the Grant's proclamation suspending the writ of habeas corpus on nine Upcountry counties as the imposition of martial law rather than what it was, *posse comitatus* providing protection and support to civil law enforcement officers in the performance of their duties.<sup>101</sup>

Shortly before he assumed command of the Elizabethtown post, Custer resumed a feud with Merrill begun several months prior. The animus between Merrill and Custer emerged as a result of the major's offering an unflattering assessment of Custer's method of disciplining the men under his command before General Hancock's examining board. While at Fort Leavenworth in early 1871, Merrill learned that Captain Samuel Lauffer had accused him of accepting a bribe while serving as judge advocate in New Mexico in 1869 and that the rumor had been circulated by Custer. He demanded a court of inquiry to clear his name on the basis that Custer's stature lent credence to Lauffer's claims. He submitted two requests and both were denied since no formal charges had been filed against him. While on leave in New York, Custer wrote Lauffer

requesting evidence to support his accusations against Merrill. Upon learning of this “skulking attack” on his reputation, Merrill wrote his superior from Yorkville, South Carolina, on 26 April, castigating him for “leaving me in ignorance” while circulating Lauffer’s unfounded accusations. He requested that Custer bring formal charges against him so that he might defend himself in a court of inquiry. Custer let the matter rest until he arrived in Kentucky in September and dispatched a letter containing Lauffer’s claims to the War Department. In response, Army Adjutant General Edward Townsend asked Lauffer to file an affidavit against Merrill, but he refused because he no longer possessed the evidence needed to lodge formal charges against the major. Lauffer’s claims never amounted to formal charges, but the episode left the matter of the major’s conduct unresolved. Merrill had never received the opportunity to clear his name and he had been undercut by an officer within his own regiment.<sup>102</sup>

In pursuing Lauffer’s claims, Custer had performed a service for the Democrats by sullyng Merrill’s reputation. Lieutenant General William Sherman found the accusations against the major difficult to believe but admitted that they were “of such a nature, that it cannot be denied or overlooked.” Without Custer’s intervention, Lauffer’s claims would have been easily dismissed. In pursuing them, Custer opened Merrill’s reputation up to question. To his fellow Army officers, at least, Merrill appeared to be willing to accept a bribe. This was exactly the opportunity Democrats were looking for. On 1 March 1873, Senator James Bayard of Delaware introduced a resolution calling on Congress to inquire into accusations that Army officers on duty in South Carolina received or tried to procure payment from the state legislature for apprehending

Klansmen while performing official duties.<sup>103</sup> He did so in response to two bills that went before the South Carolina legislature in February. The first, introduced by the state senate's committee on finance, extended a \$10,000 "gratuity" payment to Merrill as a reward for his efforts in breaking up the Klan. Twelve days later, the house ways and means committee submitted an appropriations bill for \$35,000 to pay claims that arose as a result of Governor Robert Scott's proclamation of 28 July 1871, which offered a \$200 reward to any civil or military official who apprehended a Klansmen and provided evidence to convict.<sup>104</sup> Bayard's resolution set the War Department buzzing. This was the sort of scandal that the Grant administration and the Reconstruction Army did not need.

Merrill possessed "no reasonable doubt" that Bayard's inquiry had been directed at him, specifically. As he understood it, Democrats in Washington had chosen him for a target because of the prominent role he had played in protecting South Carolina's Republican government against Klan fraud and abuse in 1871 and 1872. The nation's Democratic newspapers left little room for doubt. In running the story of Bayard's resolution, the *Memphis Daily Appeal* indicated that Merrill, "who for the last two years has been conspicuous for his zeal as a hunter of ku-klux," had lobbied for the appropriations in the South Carolina legislature.<sup>105</sup> Fortunately for Merrill, he ably defended himself against the charges, stating that he had only applied for the reward offered by the governor after consulting with several attorneys who "unanimously" agreed that his claim was "legal and valid."<sup>106</sup> In reviewing the case against Merrill, Judge Adocate General Thomas Holt determined that he was perfectly justified in

applying for the payment since no statute or Army regulation precluded him from doing so. In fact, Holt felt a long-standing precedent existed of military officers accepting rewards from state governments for faithful service. The judge advocate concluded that Merrill's answer to Bayard's resolution laid all concerns of impropriety to rest and "it will scarcely be deemed worth while to revive the subject at a future session [of Congress]." <sup>107</sup> Holt could not have been more wrong. The charges against Merrill were revived in 1876, after he had served on Reconstruction duty a second time in Louisiana. Custer reveled in the trouble the major caused himself. <sup>108</sup>

The regiment began reforming for its deployment back to the frontier in May 1873. Eight troops, mostly from Alabama and South Carolina, assembled at Memphis, Tennessee under Custer's command. The remaining four organized in Louisville under Colonel Sturgis. The troopers remained at these locations for a couple weeks waiting for winter to break along the Missouri River. The delay allowed Custer time to prepare his men to return to duty on the Plains. Believing that the soldiers required a transition period to instill attention to proper military discipline and activities, Custer held afternoon drill five days a week, practicing cavalry maneuvers grown rusty during their two-year stint in the South acting as *posse comitatus* in support of law enforcement. <sup>109</sup> Finally, on 3 June, the first detachment of two troops boarded a steamer traveling from Memphis to Cairo, Illinois. Two more detachments followed on the fifth and seventh, respectively. There they joined the four remaining companies from Louisville and boarded trains bound for Sioux City, Iowa. After nearly a four-hundred mile march, the 7th Cavalry reached Fort Randall in Dakota Territory to begin its next phase of

operations. Having earned a reputation as Indian fighters, the soldiers essentially continued the constabulary work they began two years prior in the South, policing rural communities against the Ku Klux Klan. For the next twelve months, the regiment escorted the National Boundary survey parties and the workmen along the Northern Pacific Railroad.<sup>110</sup>

Major Merrill did not join the 7th Cavalry on its return to the frontier. After a little more than a year of intensive investigation, large-scale arrests and confinement, and tedious prosecution, Merrill applied for a leave of absence to recuperate from the stresses imposed by round-the-clock service in battling the Ku Klux Klan. After considering his request for nine months, the War Department referred the matter to Yorkville's post surgeon who concluded that Merrill, having "very little time for rest or mental recreation" suffered a "general prostration of the nervous system." The major's request next came before the Army surgeon in Columbia who wrote that Merrill suffered "from exhaustion of brain power ... consequent upon close and protracted mental application to duties incident to his official position at Yorkville, S.C." Merrill had remained behind in South Carolina to assist U.S. attorneys in preparing cases against Klansmen. On 4 June 1873, Merrill finally received his long awaited one-year leave of absence and a note from Attorney General George Williams thanking him for his devoted service to the Justice Department. Merrill's leave had been approved at a critical time.

## ENDNOTES

---

<sup>1</sup> 7th Cavalry Returns, March 1873, Returns from Regular Army Cavalry Regiments (hereafter RRACR), 1833-1916 (Microcopy M-744, reel 71), RG 391, National Archives and Record Administration (hereafter NARA), Washington, D.C.

<sup>2</sup> Allen W. Trelease, *White Terror: The Ku Klux Klan Conspiracy in Southern Reconstruction* (New York: Harper & Row, Pub., 1971), 89; J. Michael Crane, "'The Rebels Are Bold, Defiant, and Unscrupulous in Their Dementions of All Men': Social Violence in Daviess County, Kentucky, 1861-1868," *Ohio Valley History* 2 (Spring 2002): 18; J. Michael Rhyne, "'We Are Mobed & Beat': Regulator Violence Against Free Black Households in Kentucky's Bluegrass Region, 1865-1867," *Ohio Valley History* 2 (Spring 2002): 35-37. All three authors emphasize the predominately social function of white supremacist violence in Kentucky. Kentucky was one of the few states in which Kukluxism was not primarily motivated by politics or at least serve some sort of political function.

<sup>3</sup> E. Merton Coulter, *The Civil War and Readjustment in Kentucky* (Chapel Hill: University of North Carolina Press, 1926), 23-24. Bell polled 66,000 popular votes compared with 52,800 for Breckinridge and only 1,364 for Lincoln.

<sup>4</sup> Coulter, *Civil War and Readjustment*, 25-34. Proposals included calls for a slave state convention to draft grievances to be submitted to the federal government, a border state convention to promote a peaceful resolution to the secession crisis and Senator Crittenden's resolution proposing the extension of the Missouri Compromise line to the west.

<sup>5</sup> Coulter, *Civil War and Readjustment*, 95-97, 107-9, 114; James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Oxford University Press, 1988), 284.

<sup>6</sup> Lowell H. Harrison, "George W. Johnson" and "Richard Hawes" in, Lowell H. Harrison, ed., *Kentucky's Governors* (Lexington: University Press of Kentucky, 1994), 82-88. George W. Johnson, Kentucky first Confederate governor, served from 1861 until his death at the Battle of Shiloh in April 1862. Richard Hawes, although not involved in the formation of Kentucky's provisional Confederate government, succeeded Johnson in 1862 and served in exile for most of the Civil War. After the conflict, Hawes served as Bourbon County's judge and, in an ironic twist, declared the Freedmen's Bureau's apprentice contracts void since they only applied in ex-Confederate states.

<sup>7</sup> Ross A. Webb, "Kentucky: 'Pariah Among the Elect'," in *Radicalism, Racism, and Party Realignment: The Border States during Reconstruction*, ed. Richard O. Curry (Baltimore: Johns Hopkins Press, 1969), 108-9.

<sup>8</sup> *Ibid.*, 148-57.

<sup>9</sup> Louisville (KY) *Daily Courier*, 22 September 1864.

<sup>10</sup> Lowell Harrison, *The Civil War in Kentucky* (Lexington: University Press of Kentucky, 1975), 89-91. Some 30,000 black Kentuckians gained their freedom this way. Coulter, *Civil War and Readjustment in Kentucky*, 190-91, 203; Harrison, *Civil War Kentucky*, 89-93; Webb, "Kentucky: 'Pariah Among the Elect'," 107-10; Hambleton

---

Tapp and James C. Klotter, *Kentucky: Decades of Discord, 1865-1900* (Frankfort: Kentucky Historical Society, 1977), 2-3, 7-8.

<sup>11</sup> Harrison, *Civil War Kentucky*, 85-87. Kentucky voters overwhelmingly endorsed McClellan, 61,478 to 26,592. Even soldiers favored the Democratic candidate over Lincoln, 3,068 to 1,205.

<sup>12</sup> Tapp and Klotter, *Kentucky*, 16-17.

<sup>13</sup> Tapp and Klotter, *Kentucky*, 1-3. The upper and lower houses voted against ratification of the 13th Amendment by similar margins, 23 to 10 and 56 to 28, respectively.

<sup>14</sup> Assistant Commissioner Clinton B. Risk to Commissioner Oliver O. Howard, 6 January 1866, reprinted in *Message from the President of the United States Communicating, In Compliance with a Resolution of the Senate of the 27<sup>th</sup> of February Last...*, 39<sup>th</sup> Cong., 1<sup>st</sup> sess., 1866, S. Ex. Doc. 27, serial 1238, 3. Italics in original.

<sup>15</sup> W. F. Denton to Major General John Palmer, 29 December 1865, reprinted in *ibid.*, 8.

<sup>16</sup> Allen W. Trelease, *White Terror: The Ku Klux Klan Conspiracy and Southern Reconstruction* (New York: Harper & Row, 1971), 89-90, 124.

<sup>17</sup> A, D, F, and I troops went to Elizabethtown, Mt. Vernon, and Bagdad, respectively. B, C, E, and K troops went to South Carolina and joined posts at Unionville, Chester, Spartanburg, and Yorkville, respectively. The second wave of 7th Cavalry troops arrived in June 1871.

<sup>18</sup> *Elizabethtown (KY) News*, 30 March 1871. The 4th Infantry's ten companies occupied posts at Elizabethtown, Frankfort, Lebanon, Lexington, Louisville, Mt. Sterling, Mt. Vernon, and Paducah.

<sup>19</sup> 7th Cavalry Returns, March 1871-March 1873, Returns from Regular Army Cavalry Regiments (hereafter RRACR), 1833-1916 (Microcopy M-744, reel 71), RG 391, NARA; *Annual Report of the Secretary of War* (hereafter *SW Report*), 42d Cong., 2d sess., 1871, H. Ex. Doc. 1, serial 1503, 59-62. The secretary of war reported 18 permanently occupied posts in the Department of the South as of October 1870, two each in Kentucky (Lebanon and Louisville) and South Carolina (Charleston and Columbia). For the same period, he also reported seven temporary posts in the department with none in Kentucky and five in Upcountry South Carolina. In the case of South Carolina, therefore, the five temporary posts became permanent and one more was added, whereas all eight of Kentucky's new posts were created in 1871.

<sup>20</sup> *Elizabethtown (KY) News*, 30 March 1871.

<sup>21</sup> *Ibid.*, 6 April 1871. On 11 May, the newspaper reprinted President Grant's 2 May proclamation calling on all U.S. citizens to observe federal law under the heading "First Steps Toward Despotism. Proclamation by Ulysses I."

<sup>22</sup> Bagdad, Elizabethtown, Lebanon, Mt. Vernon, Shelbyville, Taylor Barracks, Kentucky post returns, Returns from U.S. Military Posts, 1800-1916 (Microcopy M-617, reels 345, 621, 652, 1494, 1526, 1542), RG 391, NARA.

<sup>23</sup> *Elizabethtown (KY) News*, 30 March 1871.

<sup>24</sup> *Elizabethtown (KY) News*, 14 June 1921 and 12 June 1936; R. Gerald McMurtry, "The Two-Year Residence of General George A. Custer in Elizabethtown," *Kentucky*

---

*Progress Magazine* 5 (Summer 1933): 32-33, 50; Velma Clever, "Colorful Custer Once Lived Here," *In Kentucky* 7 (Winter 1943): 16, 45-46; "Custer Was A Popular Figure Among Elizabethtown Folk," *In Kentucky* 20 (Spring 1957): 38-39.

<sup>25</sup> 7th Cavalry Returns, January-August 1871, RRACR, (Microcopy M-744, reel 71), RG 391, NARA. Custer's original thirty-day leave began 11 January 1871. The War Department ordered Custer to report back to his regiment on 11 August.

<sup>26</sup> Elizabeth Bacon Custer, *Tenting on the Plains, or General Custer in Kansas and Texas*, Western Frontier Library, vol. 46 (Norman: University of Oklahoma Press, 1971), 1: 229.

<sup>27</sup> Arlene Reynolds, *The Civil War Memories of Elizabeth Bacon Custer* (Austin: University of Texas Press, 1994), 160.

<sup>28</sup> Custer to the 3d Cavalry Division, 9 April 1865, reprinted in Marguerite Merington, ed., *The Custer Story: The Life and Intimate Letters of General George A. Custer and His Wife Elizabeth* (New York: Devin-Adair Co., 1950), 161.

<sup>29</sup> Reynolds, *Civil War Memories*, 137.

<sup>30</sup> *Ibid.*, 151. As a token of Sheridan's affection for the Boy General, he purchased the table on which the surrender terms had been drafted at Appomattox and gave it to Libbie as a gift. The last Confederate army remaining in the field was General Kirby Smith's force, which may have been larger than those surrendered by Lee and Johnston.

<sup>31</sup> In his last act as commander of 3d Michigan Cavalry, Custer led his division in the Grand Review of the victorious Northern armies in the capital on 23 May. During the procession, he briefly lost control of his horse as he approached the presidential reviewing stand, an incident that marked an ominous beginning to his post-Civil War career. *Harper's Weekly*, 15 April, 10 June, 4 November 1865; Reynolds, *Civil War Memories*, 160. Colonel Horace Porter's account of the incident is reprinted in Merington, *Custer Story*, 166-67.

<sup>32</sup> Reynolds, *Civil War Memories*, 163.

<sup>33</sup> Custer, *Tenting on the Plains*, 1: 50-62.

<sup>34</sup> *Ibid.*, 1: 63-65. General Custer, according to Libbie, became enthralled by cosmopolitan New Orleans's diversity and the living caricatures of the Old South he encountered throughout the city.

<sup>35</sup> *Ibid.*, 1: 65.

<sup>36</sup> Libbie Custer to Daniel S. Bacon, July 1865, reprinted in Merington, *Custer Story*, 168. General Custer's attitude is not indicated in Libbie's letter. See also, Custer, *Tenting on the Plains*, 1: 67. Libbie's characterization of this journey changed later in life. In *Tenting on the Plains*, she reminisces about an altogether "charming journey and city experience" in Louisiana in 1865.

<sup>37</sup> Special Orders No. 13, Military Division of the Southwest, 18 June 1865, OR . The 7th Indiana, 1st Iowa, 5th and 12th Illinois, and 2d Wisconsin cavalry regiments comprised Custer's new command.

<sup>38</sup> Emmet C. West, *History and Reminiscences of the Second Wisconsin Cavalry Regiment* (Portage, WI: State Register Print, 1904), 26. Charles H. Lothrop, *History of the First Iowa Cavalry* (Lyons, IA: Beers & Eaton, 1890), 216. According to Lothrop, a

---

surgeon serving in the regiment, the soldiers received word of Robert Lee's surrender "with much pleasure and gratification, and a joyful anticipation of a speedy muster out and return to home and friends were pleasingly indulged." The orders to Texas, on the other hand, brought "sore disappointment" to many soldiers.

<sup>39</sup> Merington, *Custer Story*, 173-74; Custer, *Tenting on the Plains*, 1: 98. General Sheridan, Custer's superior, supported the Boy General in his prescribed punishment. Upon hearing of the soldiers' mutinous attitude and behavior, Sheridan advised Custer to "[u]se such summary measures as you deem proper."

<sup>40</sup> Custer, *Tenting on the Plains*, 98-99.

<sup>41</sup> Lothrop, *Iowa Cavalry*, 234 and 245. In a message to the state legislature, Iowa's Governor Stone charged that Custer's order was "readily responded to by rebel citizens eager to bring Union soldiers into discredit and disgrace." General Order No. 2, Headquarters Cavalry, Alexandria, Louisiana, 24 June 1865, reprinted in John M. Carroll, *Custer in Texas: An Interrupted Narrative* (New York: Sol Lewis, 1975), 30.

<sup>42</sup> West, *Wisconsin Cavalry*, 27. West recalled that Alexandria lay in ruins as a result of General A. J. Smith's order to burn the city during the Red River campaign of 1864. Fewer than 500 residents had returned by June 1865 and most intensely disliked Union soldiers.

<sup>43</sup> Lothrop, *Iowa Cavalry*, 217.

<sup>44</sup> *Ibid.*

<sup>45</sup> Custer to Major George Lee, 26 October 1865, reprinted in *ibid.*, 262-66.

<sup>46</sup> Thomas S. Cogley, *History of the Seventh Indiana Cavalry Volunteers* (Laporte, IN: Herald Co., 1876. Reprint, Dayton, OH: Morningside House, 1991), 174.

<sup>47</sup> General Orders No. 15, Headquarters 2d Cavalry Division, Military Division of the Gulf, 7 August 1865, reprinted in Carroll, *Custer in Texas*, 58-60.

<sup>48</sup> West, *Wisconsin Cavalry*, 31. West characterized the entire mission to the Lone Star State as a "great picnic expedition" for Custer, his wife Libbie, and the general's staff.

<sup>49</sup> Portions of General Browne's journal from the march reprinted in Cogley, *Seventh Indiana Cavalry*, 181.

<sup>50</sup> Custer fared poorly in their memoirs and reminiscences.

<sup>51</sup> Elizabeth Custer to Eleanor Bacon, 22 October 1865, reprinted in Merington, *Custer Story*, 171. Custer, *Tenting on the Plains*, 1: 106.

<sup>51</sup> George A. Custer to Mr. and Mrs. Daniel S. Bacon, 5 October 1865, reprinted in Merington, *Custer Story*, 175.

<sup>52</sup> Custer, *Tenting on the Plains*, 2: 306-7; Reynolds, *Civil War Memories*, 158. Libbie referred to her husband's demotion from Major General of volunteers to regular Army captain as a "money cataclysm." When Custer received his discharge from the volunteer service in March 1866 his rank and pay reverted to that of a captain in the 5<sup>th</sup> Cavalry regiment. This represented a substantial decrease in pay and privileges of \$6,000 per annum, a 75 percent salary reduction.

<sup>53</sup> Custer to Elizabeth, 12 March 1866, Merington, *Custer Story*, 177.

<sup>54</sup> *Report of the Joint Committee on Reconstruction*, 39th Cong., 1st sess., 1866, H. Rpt. 30, serial 1273, 72-73, 77-78. On the march from Louisiana through East Texas, he

---

reported that “[t]he hostility of the citizens was so observable – it became so manifest that in several instances when we were encamped they would fell trees across our road ... during the night in order to impede and delay our march.”

<sup>55</sup> *Ibid.*, 74.

<sup>56</sup> *Ibid.*, 76-77.

<sup>57</sup> *Ibid.*, 77.

<sup>58</sup> *New York Times*, 5 March 1866.

<sup>59</sup> *New York Times*, 1 April 1866.

<sup>60</sup> Custer to Judge Christiancy, 21 April 1865, reprinted in *New York Times*, 7 May 1865.

<sup>61</sup> *New York Times*, 8 October 1866.

<sup>62</sup> Custer to J. W. Forney, secretary of the U.S. Senate, 20 August 1866, reprinted in *New York Times*, 22 August 1866.

<sup>63</sup> Custer to Libbie, 18 March 1866, reprinted in Merington, *Custer Story*, 179. Custer sincerely offered: “He [President Johnson] has not uttered any speeches lately, but I am nightly expecting an outburst of his peculiar eloquence.”

<sup>64</sup> George A. Custer to Mr. and Mrs. Daniel S. Bacon, 5 October 1865, reprinted in Merington, *Custer Story*, 175.

<sup>65</sup> *New York Times* 12, 13 August 1866. Custer represented his wife’s hometown of Monroe at the Michigan convention when it convened in Detroit on 9 August. At Detroit, the delegates adopted a resolution endorsing President Johnson’s Reconstruction program and endorsed the principles that secession being illegal the Southern states remained a part of the Union and were entitled to equal representation in Congress.

<sup>66</sup> *Harper’s Weekly*, 1 September 1866.

<sup>67</sup> Custer letter to the editor of the *Detroit Free Press*, 13 August 1866, reprinted in *New York Times*, 16 September 1866.

<sup>68</sup> Custer to J. W. Forney, Secretary of the U.S. Senate, 30 August 1866, reprinted in Merington, *Custer Story*, 185-86. See also, *New York Times*, 22 August 1866.

<sup>69</sup> Merington, *Custer Story*, 187-88. Italics in original.

<sup>70</sup> *New York Times*, 14 September 1866.

<sup>71</sup> *Cleveland (OH) Leader*, 6 and 10 September 1866.

<sup>72</sup> *New York Times*, 17 August 1866.

<sup>73</sup> *New York Times*, 16 September 1866. Kentucky Governor Bramlette also attended the convention arriving at the same time as Custer.

<sup>74</sup> *Cleveland (OH) Leader*, 18 and 19 September 1866.

<sup>75</sup> *Ibid.*, 21 September 1866.

<sup>76</sup> Adam Badeau to L. Edwin Dudley, Executive Committee Chairman of the Soldiers’ and Sailors’ Union, 18 September 1866, reprinted in *Cleveland (OH) Plain Dealer*, 21 September 1866.

<sup>77</sup> *New York Times*, 9 October 1866.

<sup>78</sup> Custer, *Tenting on the Plains*, 2: 326.

<sup>79</sup> The black regiments consisted of the 9th and 10th Cavalry and 38th, 39th, 40th, and 41st Infantry regiments (later consolidated down to the 24th and 25th Infantry regiments).

---

<sup>80</sup> Ibid., 326-27.

<sup>81</sup> Ibid., 329.

<sup>82</sup> Ibid., 340.

<sup>83</sup> Custer played no role in organizing and training his new regiment as he was forced to appear before an examining board in Washington for his new commission. He returned later in the year. Even if Custer had been present is it doubtful he would have exercised a great deal of direct influence over the 7th Cavalry regiment's formation and training. According to historian Robert M. Utley: "The company, not the regiment, functioned as the basic tactical unit, and its training, morale, and effectiveness reflected the leadership of company officers more than regimental officers." Utley, *Cavalier in Buckskin*, 45.

<sup>84</sup> Captain West brought an appended a third charge against Custer for his ordering deserters shot without trial and refusing them medical attention.

<sup>85</sup> Utley, *Cavalier in Buckskin*, 49-54. Custer put his year in exile to good use, manipulating the facts in a series of letters to exonerate himself for his recent failings and place the blame on Hancock's poor leadership.

<sup>86</sup> Utley, *Cavalier in Buckskin*, 54-75.

<sup>87</sup> Ibid., 109-10.

<sup>88</sup> Custer to Libbie, 1871, reprinted in Merington, *Custer Story*, 239.

<sup>89</sup> Custer to Libbie, 4 September 1871 and Libbie to Mrs. Calhoun, Kendall, Sabin, all 1871, reprinted in *ibid.*, 240-41. It appears that Libbie eventually grew accustomed to Elizabethtown. During Custer's many frequent absences, Libbie chose to stay behind in town and she returned in 1880 to visit with friends and acquaintances. H. A. Sommers, *History of Elizabethtown, Kentucky, 1869-1921* (Owensboro, KY, n.p. 1981), 17.

<sup>90</sup> *Elizabethtown (KY) News*, 6 April 1871; Physical description of Army post at Lebanon provided in Returns from U.S. Military Posts, 1800-1916, M617, reel 621, NARA.

<sup>91</sup> *Army and Navy Journal*, 20 January, 1 June 1872.

<sup>92</sup> Libbie to Mrs. Kendall, 1871, reprinted in Merington, *Custer Story*, 241.

<sup>93</sup> Libbie to Mrs. Sabin, 1871, reprinted in *ibid.*, 241-42.

<sup>94</sup> *New York Herald*, 18, 19, 20, 22, 23 January 1872.

<sup>95</sup> *New Orleans (LA) Daily Picayune*, 13 February 1872.

<sup>96</sup> Theodore J. Crackel, "Custer's Kentucky: General George Armstrong Custer and Elizabethtown, Kentucky, 1871-1873," *Filson Club Historical Quarterly* 48 (April 1974): 147-49.

<sup>97</sup> Libbie to Mrs. Sabin, 1871, reprinted in Merington, *Custer Story*, 242; *Army and Navy Journal*, 6 January 1872, 1 February 1873.

<sup>98</sup> Ibid., 58.

<sup>99</sup> Crackel, "Custer's Kentucky," 149-51.

<sup>100</sup> Glendolin D. Wagner, *Old Neutriment* (New York: Sol Lewis, 1973), 50-51.

<sup>101</sup> *Elizabethtown (KY) News*, 26 October 1871.

<sup>102</sup> Merrill to Adjutant General, Department of the Missouri, 17 and 27 January 1871; Merrill to Custer, 26 April 1871; Custer to Adjutant General Edward Townsend, 1 September 1871; Merrill to Assistant Adjutant General, Department of the South, 25

---

September 1871; Captain Samuel Lauffer to Townsend, 2 October and 13 November 1871, Letters Received by the Commission Branch of the Adjutant General's Office, 1863-1870, (Microcopy M1064, reel 38), RG 94, NARA.

<sup>103</sup> *Congressional Globe*, 42d Cong., 3d sess., 1 March 1873, 2017 and 2082; *New York Times*, 2 March 1873.

<sup>104</sup> Governor Robert Scott's proclamation, 28 July 1871; South Carolina House Bill 198, 17 January 1873; South Carolina Senate Bill 217, 14 February 1873; Letters Received Army Adjutant General's Office (hereafter AGO) file 840 of 1873 (Microcopy M-666, reel 104), Record Group (hereafter RG) 94, National Archives and Records Administration (hereafter NARA).

<sup>105</sup> *Memphis (TN) Daily Appeal*, 17 March 1873.

<sup>106</sup> Merrill to Assistant Adjutant General, Department of the South, 27 March 1873, AGO file 840 of 1873 (Microcopy M-666, reel 104), RG 94, NARA.

<sup>107</sup> Judge Advocate General Thomas Holt to Adjutant General Townsend, 31 July 1873, *ibid.*

<sup>108</sup> Custer to Libbie, 1 and 8 April 1876, reprinted in Merington, *Custer Story*, 281-83.

<sup>109</sup> *Memphis (TN) Avalanche*, 17 and 22 May 1873. Two companies of the 6<sup>th</sup> Cavalry on duty in Mississippi preceded the 7<sup>th</sup> back to the frontier. Upon its removal, M Troops departed South Carolina in order to assume the post at Oxford in January 1873. Newton (MA) *Circuit*, 3 December 1909.

<sup>110</sup> *Ibid.*, 22 May 1873.

## CHAPTER VII

### INTO THE LABYRINTH

Political violence in postwar Louisiana rivaled that of South Carolina in intensity and brutality. In its second deployment to the former Confederate states in the fall of 1874, however, the 7th Cavalry Regiment discovered that the political landscape for Reconstruction had changed dramatically since it took on Carolina's Klan. President Ulysses Grant had been elected to a second term, Attorney General George Williams had begun to discourage Justice Department agents from aggressively pursuing Enforcement Act cases, Northerners had grown more weary and disillusioned with Reconstruction and Southern Conservatives who still lived under Republican administrations remained committed to overturning those governments and disfranchising African American males. One factor remained constant. Major Lewis Merrill led the 7th Cavalry detachment into Louisiana in the fall of 1874 and assumed command of another subdistrict in the upper reaches of the turbulent Southern state. He quickly discovered that a great deal had changed since he last served in the South. By the end of the regiment's deployment, many of the officers and men, including Merrill, had grown to resent Reconstruction duty and welcomed their return to the frontier.

On 1 November 1871, six days after President Grant suspended habeas corpus in nine counties in Upcountry South Carolina, the War Department reorganized Army commands and created a new department by separating Louisiana from Texas and joining it with Arkansas, Mississippi and three coastal fortifications in Florida. The

Department of the Gulf, as it was called, fell under the Military Division of the South. The War Department tabbed Colonel William Emory to be the Gulf's commanding officer. A career Army officer with no prior Reconstruction experience, Emory's leadership was tested early and often in Louisiana.<sup>1</sup>

Shortly after assuming command, the colonel confronted the peculiar and frequently confounding nature of Louisiana politics when an interparty feud within the Republican coalition threatened to break out into open conflict. Uncertain of the military's obligations if fighting broke out between members of the same political party, Emory applied to the division commander, Major General Henry Halleck, for instructions. The Gulf commander received an unwelcome introduction to soldiering the South when Halleck's adjutant informed him that he was expected "to preserve order as in your judgment may be proper without referring to these headquarters."<sup>2</sup> Such responses were a recurring theme throughout Emory's tenure as he repeatedly sought guidance from higher authorities at division headquarters, the general in chief's office, the War Department, and within President Grant's administration only to be told to rely on his own judgment. It was a frustrating lesson that Emory had to learn over and over again and it left him hesitant and frequently indecisive in meeting the bizarre exigencies that arose in Louisiana.<sup>3</sup>

The 1872 election and its aftermath provided Emory's next significant test, which also offered the 7th Cavalry Regiment its first introduction to the state. In the gubernatorial contest, the Republican party ran Senator William Kellogg on a biracial ticket that included Caesar Antoine for lieutenant governor. In opposition, Democrats

and Liberal Republicans merged behind the Fusion ticket, endorsing Horace Greeley in his bid to unseat Grant and running Conservative John McEnery and former Confederate Colonel David Penn for governor and lieutenant governor, respectively. With General of the Army William Sherman's consent, Emory implemented a program to place soldiers in every important Louisiana town by the time voters cast their ballots on 4 November. The blanketing of the state with blue uniforms helped ensure a peaceful canvass as did the example the federal government recently made of South Carolina's Ku Klux Klan.<sup>4</sup> The state Returning Board announced the Republican candidate victorious on Christmas Eve and L Troop of the 7th Cavalry arrived in New Orleans the next day to help keep the peace. Declaring Kellogg a "usurper," Fusionists accused the Army of manufacturing a Republican victory in order to give the state's electors to Grant.<sup>5</sup> For the second time in twelve months, Louisiana had rival governments each claiming to be the legitimate authority.

Faced with another perplexing political dilemma, Emory appealed to his superiors for guidance, this time with better results. The threat of violence had been magnified by the fact that the rival governments represented different parties and Sherman ordered the Gulf's commander use his soldiers "to preserve peace, should a contingency arise which in your judgment calls for it."<sup>6</sup> Instructed not to interfere with the opening of the Conservative legislature by Washington, Emory distributed five infantry companies, two artillery batteries, and his lone troop of 7th cavalrymen throughout the Crescent City. Quiet prevailed and Emory came away convinced that his potent display of military force prevented a riot, but when state authorities requested he

turn out the troops again the following week to maintain order during the rival governors' inaugurations he only sent one infantry company. This token force reflected his concern that state authorities would refuse to arrive at a solution so long as the Army remained on call to prevent disturbances. Emory advised the assistant adjutant general at the War Department that the political situation in Louisiana was "becoming more complicated, and in my opinion, the use of troops simply to keep the peace cannot lead to a satisfactory or permanent solution of the difficulties here."<sup>7</sup> The president's recognition of Kellogg's administration and the Republican legislature as the legitimate government authority in the state appeared to end the conflict and lessen the potential for widespread violence in New Orleans. In reality the battlefield had only shifted outside of the capital, and events jolted from one crisis to another, eventually leading to the Army's intervention. In Grant Parish, the governor ousted two Fusionists who claimed to be the legally-elected judge and sheriff of the parish and replaced them with his own Republican appointees. These officials formed a black militia and after several altercations several hundred white Conservatives led by the Fusionist sheriff, Christopher Nash, who still claimed to be the legitimate officeholder, came to the parish seat of Colfax with warrants for the Republicans' arrest. For several hours they exchanged gunfire with the black militia guarding the courthouse. When the blacks retreated inside the building, the Conservative paramilitary set it ablaze to drive them out. Some died in the building, others were gunned down when they tried to escape the fire, and thirty-seven were captured and summarily murdered. Several survived to testify against their assailants. No exact figures for the number of black deaths exist, but

it is believed to have been at least one hundred killed.<sup>8</sup> In New Orleans, the pro-Democratic *Times* welcomed news of the battle, declaring triumphantly: “War at Last!”<sup>9</sup>

After proclaiming Grant Parish in a state of insurrection, Kellogg requested federal troops be sent there immediately to restore order but steamboat captains refused to transport the soldiers upriver. By the time Emory procured reliable transportation upriver eight days had elapsed. There was little for the two companies of the 19th Infantry to do but “bury the dead and take care of the wounded” and collect evidence to document the brutal atrocities that were committed. In his annual report for 1873, the Gulf commander concluded that the “Colfax massacre would probably never have occurred if United States troops had been in the neighborhood,” blaming the War Department for leaving him without sufficient manpower to prevent the bloodshed and making a special point to emphasize his lack of mounted troops following “the unexpected recall of the Cavalry in this Department to the frontier.”<sup>10</sup>

The Colfax massacre established a fearful precedent. With the Army lacking a presence outside of Jackson Barracks and Baton Rouge, white supremacists in the majority of parishes faced no opposition in employing terrorism to remove Republican officeholders and awe black voters. Conservative intimidation had Kellogg’s state government on the defensive. Even the Colfax murderers could not be brought to trial without soldiers being stationed at the courthouse to prevent white supremacists from intimidating witnesses, jurors, and state officials, or disrupting the proceedings.<sup>11</sup> Colfax’s most important effect on Reconstruction came in the trial of nine of the alleged participants. After two trials in federal circuit court in New Orleans, juries had acquitted

five of the accused on perjured testimony and convicted four for violating the Ku Klux Act in interfering with a legal assemblage. On appeal, in a devastating opinion for the Enforcement Acts, Supreme Court Justice Joseph Bradley determined that the 15th Amendment guaranteed against infringement upon citizens' rights by states, but not by individuals. The case was certified for the U.S. Supreme Court, but Bradley's opinion played a large role in determining the outcome.<sup>12</sup>

The White League originated in response to the Alexandria *Caucasian's* call for the formation of a white man's political party in its inaugural issue on 28 March 1874. Since Louisiana Republicans had made politics a matter of race in Louisiana, the editors wrote, that the time had come for tax-paying whites to abandon all party labels and join in the common cause of white supremacy. "There will be no security, no peace, and no prosperity for Louisiana until the government of the state is restored to the hands of the honest, intelligent, and tax-paying masses; until the superiority of the Caucasian over the African in all affairs pertaining to government, is acknowledged and established."<sup>13</sup> These and similar calls led to the formation of Louisiana's first White League in Opelousas, St. Landry Parish on 27 April. From there the organization spread quickly across the state. By July, most parishes had a White League. In some ways, the League resembled the Klan. Like its predecessor, the League possessed no overarching organizational structure and although similar in purpose no two parishes' units were exactly the same. Wherever Leagues formed they did so in response to local and statewide impetuses and embraced objectives designed to liberate their parish from

Republican control first, but that also promised to contribute to the overall goal of ousting Kellogg and his political appointees in New Orleans.<sup>14</sup>

The White League enjoyed some of its greatest support in northwestern Louisiana and the Red River valley. It is believed that the second successful White League in the entire state was formed at Mansfield in De Soto Parish, and others followed up and down the Red River. There was perhaps no greater champion of the White League in all of Louisiana than the *Shreveport Times*, one of the most extreme pro-Democratic organs in the state and a staunch advocate of violence. The newspaper issued a clarion call for the liberal use of force in the coming campaign, lauding “*what the white men of Grant and Rapides did at Colfax*” and deeming any white man who disapproved “*so base that he shames the worst class of his species.*” In answer to charges that the white man’s party planned to use intimidation to carry the election, the *Times* unashamedly answered: “*This is strictly true.*” Since black voters outnumbered white in Louisiana, “*We rely for success solely upon intimidation.*”<sup>15</sup> The Natchitoches *People’s Vindicator* seconded these sentiments, announcing that white Louisianans determination to secure victory for their candidates in the upcoming election “*is deliberate and unalterable, from the fact that their very existence depends upon it.*” With their backs against the wall and all other methods of redress a failure, Conservatives resorted to force. According to the *Alexandria Democrat*, now that Louisiana whites had resolved to get rid of Kellogg’s government “*they will not scruple about the means, as they have done in the past.*”<sup>16</sup> The *Vindicator* did reach out to black voters asking for their cooperation in unseating the Republicans by promising “*to do for*

you more than any party had yet done.”<sup>17</sup> If they failed to overturn Kellogg’s government they intended to create conditions that demanded the imposition of a military government by Washington.<sup>18</sup>

The White League movement received an ironic, unintended boost during its formative phase from the Army. The threats being published in the state’s Conservative newspapers failed to impress Emory, who continued with his preparations to remove the bulk of his command to Holly Springs, Mississippi, in July 1874 to wait out Yellow Fever season, leaving behind 130 officers and men at Baton Rouge and Colfax.<sup>19</sup> The *New Orleans Picayune*’s declaration that Conservatives would not cower “*before the effigy of the United States Army*” indicates the newspaper’s recognition that, at present, federal military forces in the state were too weak to oppose a determined effort by White Leaguers. Still, the colonel had heard such brash talk before and he felt confident that the “chief agitators” had already left Louisiana and anticipated “no disturbances whatever” until the state’s November election. Before departing, Emory added to his own difficulties by recommending to his superior, Military Division of the South commander Major General Irvin McDowell, that the 19th Infantry Regiment be removed to another department. It had been “actively used” and, in Emory’s judgment, deserved a break from Reconstruction. In exchanging infantry regiments, the colonel deprived himself of a seasoned regiment familiar with Louisiana politics and Reconstruction. The exchange also delayed the soldiers return to the state because Sherman demanded that the 19th’s replacement, the 3d Infantry, be given a few extra weeks to become acclimated to the Gulf’s subtropical climate. After establishing his command in northern

Mississippi, Emory left for New York to visit his family. Along the way he stopped in Washington to confer with War Department officials and suggested that most of the soldiers in Louisiana be sent to the frontier to quell the Indians. Clearly Emory did not have a firm grasp of the severity of the situation. The Army's absence did not directly contribute to the spread of the White League, but it certainly provided the opportunity for its rapid growth.<sup>20</sup>

One of the White League's most effective tactics, forcing local Republican officeholders to resign, originated in Natchitoches. At a 27 June mass meeting, parish Conservatives signed a petition demanding that Governor Kellogg remove four Republicans from the parish police jury for corruption and incompetence. When the White League broke up a Republican political rally on 4 July, the police jurors tendered their resignations. According to the *Louisiana Democrat*, "Natchitoches Parish is cleansed and her recuperation is begun."<sup>21</sup> Having gotten their way, League members demanded two more resignations, that of the parish judge and tax collector. Both were forced to flee the parish. The events in Natchitoches set a dangerous precedent that the *New Orleans Republican* condemned as the type of work done by the "Ku-Klux and armed bands from Texas, etc." White Leaguers in two other parishes coerced similar resignations the following week, demonstrating the potency of this new weapon in weakening the Kellogg government's authority in the state. In filling vacancies created by these forced resignations, the governor found it difficult to find willing appointees and those that did governed lightly so as not to offend local whites.<sup>22</sup>

The Army responded slowly to these challenges. When state Republicans called upon the commanders at Baton Rouge and Colfax to provide detachments to reseal ousted officeholders, commanders refused to involve themselves without orders from department headquarters directing them to do so. Making matters worse, Emory had left Mississippi. His adjutant simply forwarded Republican requests for soldiers to higher authorities where they sat on desks unanswered. By the end of the summer, Kellogg's government was in dire straits. As Louisiana was "the only Southern State that is practically without the presence of U.S. troops," Kellogg reminded Attorney General Williams, he believed it was imperative that the 3d Infantry occupy the posts vacated by the 19th Infantry as soon as possible, whether they had adjusted to the humidity or not. The administration, however, refused to rush soldiers into Louisiana. The White League enjoyed a few more weeks without Army interference and they made the most of the opportunity.<sup>23</sup>

In the months before the election, the White League perpetrated two major acts of violence. The first occurred in Red River Parish, a Republican stronghold in northern Louisiana. Pressure had been building on the Republican officeholders in the parish seat of Coushatta for several weeks as they faced down persistent rumors that White Leaguers in surrounding parishes intended to come and "clean out" the radicals. An altercation between black and white farmers in the nearby town of Brownsville stimulated rumors that an armed column of African Americans were preparing to march on Coushatta. In response, White Leaguers posted guards on the roads into town and prepared to defend themselves. When a black farmer inexplicably fired at one of these

patrols Coushatta's Leaguers called on neighboring parishes for help. By the next morning, an unruly white mob had assembled, filled with rough-looking strangers. Claiming a desire to protect the parish's Republican officeholders, local white Conservatives took them into custody and conducted a hasty investigation into their role in fomenting an insurrection. After a quick review of the evidence, former Confederate and leading White Leaguer Thomas Abney released U.S. marshal Henry Scott and his deputy Gilbert Cone. The remaining six Republicans, all state or local officeholders, promised to resign and quit the state. The next morning, Sunday, 30 August, approximately twenty Coushatta Conservatives escorted them to Shreveport to book passage out of Louisiana. They never made it. After stopping to rest some thirty miles from their destination they were attacked. Three prisoners were killed while trying to escape. The remainder surrendered only to be brutally executed. The Coushatta massacre received attention in the North and dispersed any notion in Washington that Louisiana's White League rhetoric was mere bluster.<sup>24</sup>

Even the cold-blooded murders perpetrated in Coushatta failed to force the president's hand. When Louisiana's governor appealed to Washington for soldiers "for the purpose of exercising a moral effect," Attorney General Williams telegraphed Kellogg to inform him "that the United States army was not intended, nor would it be used for any such object." On the same day that Williams outlined the president's position to the governor, Grant instructed Secretary of War Belknap to be prepared to make troops "available in cases of necessity." Grant placed all federal efforts to uphold the law in the South under the discretion of the Justice Department to be performed in

strict accordance with the Enforcement Acts. “No instructions need, therefore, be given the troops ordered into the Southern states,” the president advised the War Department, “except as they may be transmitted from time to time on advice from the Attorney General.”<sup>25</sup> In a circular dated 3 September, Williams directed the attention of all U.S. marshals and district attorneys serving in the South to the Civil Rights Act of 1866 and the Enforcement Acts and instructed them “to proceed, with all energy and dispatch, to detect, expose, arrest, and punish the perpetrators of these crimes.” In discharging this duty, the attorney general informed them that the Army would provide “all needful aid.”<sup>26</sup>

In response to the president’s bolstering of the Kellogg government, pro-Democratic newspapers across the state issued calls to arms and warnings to Washington not to interfere. The *New Orleans Bulletin* attested that the soldiers’ return was intended “to bolster up the corrupt Radical governments and to assist the Republican party to carry the coming elections.”<sup>27</sup> In the northwestern portion of the state, the *Shreveport Times* touted that white Louisianans refused to be intimidated “by the phantom of the Federal army in the person of a regiment or so of soldiers.”<sup>28</sup> The *Times* continued with a call to arms for the coming election, asserting that Kellogg’s “infamous government cannot longer misgovern here, and in the next sixty days Louisiana must be a free State or a military camp.”<sup>29</sup> The *Natchitoches People’s Vindicator* claimed that “no power on earth can continue this Kellogg fraud in rule over our people” and promised to “resist to the death any force that may be applied toward that end.” The *Vindicator* left little question about Louisiana Conservatives’ commitment to their ultimate object: “That

*Louisiana must be governed by white citizens, or that in sixty days she will be blotted from the map of free States, and a military force sufficient to conquer us shall be stationed in every neighborhood.”*<sup>30</sup>

The actions in the state’s hinterland, where the White League successfully overturned or crippled the Republican government in at least eight parishes, inspired an even greater effort to overthrow Kellogg’s government. The precipitating incident for the clash that Conservatives called the “Battle of Liberty Place” occurred two days earlier when the Metropolitan Police force learned of a large shipment of arms aboard the steamer *Mississippi* and bound for the New Orleans White League. When word leaked that the Metropolitans intended to prevent the shipment from landing, the League resolved to take possession of the guns. On Monday, 14 September, former Confederate general and militia commander James Longstreet arrayed his force of 500 Metropolitans and 3,000 black militiamen in a line to defend the river that extended from Jackson Square to Canal Street. The Custom House, protected by a small contingent of federal troops, provided a safe haven for state Republicans and anchored Longstreet’s left flank. Arrayed against them were over 8,000 White Leaguers, many of them experienced Confederate veterans.<sup>31</sup>

The battle did not last long and the White League’s objectives rapidly evolved from the taking of the arms shipment aboard the *Mississippi* to the complete overthrow of the Kellogg government. The Metropolitans fought bravely and held their own for a short time before being overwhelmed by the White League fighters. Casualties remained relatively light considering the number of men engaged. The New Orleans

League, however, had grossly underestimated the federal response to a direct attack on the state government. On 15 September, the governor appealed to Grant for federal aid in suppressing the disorder and the president responded immediately with soldiers, three warships, instructions to Emory to return to his command, and a proclamation calling upon the insurgents to disperse and submit to the state's lawful government. By 18 September, the Army restored Kellogg.<sup>32</sup>

In response to "Liberty Place," even more rural parishes in northern Louisiana ousted their Republican officials. Even after Kellogg's restoration, the Shreveport *Times* remained obstinate in its opposition. On 22 September, an article appeared in the newspaper stating that although the governor had reoccupied his office in New Orleans "he has not an official in authority in North Louisiana, nor will he have any until Federal troops are present to compel compliance in the country as in the city."<sup>33</sup> The *Times* and other northern Louisianans did not have long to wait. By the end of the month, more soldiers moved into the state, including four troops of the 7th Cavalry Regiment commanded by Major Lewis Merrill.<sup>34</sup> President Grant had intervened in Louisiana with federal military force reluctantly knowing that his decision to do so, when combined with the economic distress caused by the Panic of 1873, would aid the Democratic party, which gained a majority in the House of Representatives in the national midterm election. In Louisiana, the White League used unprecedented force to demonstrate that Kellogg governed by the grace of federal bayonets. Once these were removed, or the will to employ military force dissipated, Republican officials could once again be thrown out. In the meantime, they governed lightly.<sup>35</sup>

With New Orleans secure, Emory turned his attention to the trouble brewing in northern Louisiana. The deteriorating conditions in the Red River parishes worried him and he informed the division commander, General McDowell, that the “Red River Parishes [north]west of Alexandria are in such a condition that I do not think order can be maintained without the use of Cavalry.” He asked for a squadron of cavalry from neighboring Texas. When asked by Adjutant General Edward Townsend if he could spare an entire cavalry regiment for service in Louisiana, General Philip Sheridan, who commanded the Military Division of the Missouri which included Texas, offered six troops from the 7th Cavalry Regiment and an infantry regiment. After consulting with the president, Belknap directed Sheridan to send the six cavalry troops, without Lieutenant Colonel George Custer. On 28 September, Emory received word from Townsend that the 7th Cavalry was on its way.<sup>36</sup> Emory possessed a substantial force in Louisiana with 1,182 soldiers stationed in the state. He had nineteen companies in and around New Orleans and seven companies elsewhere at Baton Rouge, Colfax, St. Martinsville, Pineville, Monroe, Shreveport, and Coushatta.<sup>37</sup>

On 29 September, six troops of the 7th Cavalry Regiment, A, B, E, G, H, and K, departed Fort Abraham Lincoln in the Dakota Territory under the command of Major Merrill bound for Louisiana. As had been the case when it received similar orders in 1871, the officers’ wives who joined their husbands on the journey expressed joy at the opportunity to escape the frontier. An early snowstorm only heightened this excitement, according to Katherine Gibson, “for soon we would be basking in the warm, semitropical sunshine.” They headed south aboard railcars packed full of the

cavalrymen and their families. Children cluttered the aisle and joyously consumed ice cream. When they finally arrived in New Orleans, the romantic city offered “a marvelous site to our prairie-trained eyes.” Colors and fragrances dripped from public spaces, the banquettes garnished in green grass and lovely flowers. Finding Jackson Barracks unprepared to receive them, the officers and their families rented rooms in boardinghouses in the city that they made “homey.”

But the 7th regiment had been called to duty in the state and with the election upcoming the cavalrymen remained busy. “Unfortunately, we saw little of our men,” Gibson recalled, “[t]hey were called out all through the South to quell disturbances, leaving us pretty much alone.”<sup>38</sup> Much to Emory’s dismay, McDowell’s decision to send A and E Troops to Alabama left Emory with only four cavalry companies to patrol the entire state of Louisiana. The cavalrymen were only granted a few days to transition from the northern Plains and get acclimated to their new surroundings before the commanding general rushed two companies to reinforce one company of the 3d Infantry at Shreveport on 6 October.<sup>39</sup> It was not long before Republicans throughout most of the northern parishes began clamoring for their own cavalry detachments. On 14 October, for example, Republican leaders in St. Martin Parish telegraphed the governor’s office asking for a detachment of federal cavalry and warning that without them “we can have no fair registration” in which case “not a single Republican vote will be cast at this election.”<sup>40</sup> The absence of their men did little to dampen the spirits of the military wives as they drank in all New Orleans had to offer in the form of food and entertainment.

In order to get control over the situation in the Red River parishes, General Emory installed Merrill as the commanding officer of the newly created District of the Upper Red River to be headquartered in Shreveport. Contributing to Emory's decision was the difficulty his headquarters experienced in communicating with that portion of the state. The colonel needed a ranking officer on the scene to deal with circumstances as they arose. Major Merrill was a suitable officer to command, with perhaps more experience in confronting white supremacist terror groups than anyone else in the Army.<sup>41</sup> Upon learning of his new assignment, Merrill remained behind in the capital and "endeavored to learn ... what the facts were" pertaining to the White League in northern Louisiana. In addition to "various and long conversations" with Emory and several of his staff officers, Merrill read through telegrams, reports, and letters from posts in the region. Then he spoke with Governor Kellogg, U.S. Marshal Stephen Packard, and U.S. District Attorney Beckwith to see what information he could glean from the leading civil authorities in the state. Before the major departed New Orleans to assume his new command on 16 October, Emory called him into his office one last time and handed him a stack of letters sent over by the governor, each one detailing the names and offices of state officials forcibly and unlawfully unseated by the White League.<sup>42</sup>

With troops in place, Emory looked ahead to the upcoming election. At the end of September, the colonel anticipated a peaceful run up to the election because of an agreement reached between Republicans and Conservatives that he believed "may ease matters for a time" but feared ultimately feared its consequences as recognition of the legal rights of insurgent parties." In either case, he did not expect the arrangement to

last beyond the election. As he informed the adjutant general, Louisiana Democrats brimmed with confidence and expected “to carry enough of the legislature to be masters of the situation.” If that proved to be the case, Emory anticipated that “order may rule.” Should they fail, he expected “conflict and violence will be the inevitable consequences, unless suppressed by the presence of a strong military force.” In either case, the truce would be at an end. Emory failed to recognize that the truce had been rejected by the Conservative newspapers shaping public opinion in the northern parishes.<sup>43</sup>

After arriving in Shreveport, center of influence in the turbulent region, Merrill quickly surveyed the situation and recognized a scene similar to the one in Upcountry South Carolina in 1871. He ascertained that public opinion was controlled by a handful of reckless men who sought every opportunity to instigate conflict and set afloat the most absurd rumors that somehow gained traction in the heightened passions of the people. Chief among them was Albert Leonard, editor of the *Shreveport Times*, a “shrewd” character who controlled the rest of the leading element as “puppets in his hands.” If these men failed to carry the election they promised to cause such trouble that the Army would have to intervene. Beneath these “half-dozen reckless, passionate men, of broken fortune, who miss no chance to foment trouble,” existed the large majority of whites who were not “bad citizens, or generally disposed to do wrong” but were easily influenced by passions stirred up by the reckless class and failed to take the time to think about the consequences of their actions. Merrill concluded that the majority of White League supporters could be counted on in time of trouble simply because they followed the drift of public opinion in their community but they were not committed to

precipitating a violent collision. Under the circumstances, he believed that he must act quickly because conditions were “fast drifting into anarchy.” As a man obsessed with the rule of law and the maintenance of order, the major it “fearful to contemplate” the situation he found in Shreveport where “any crazy fool could precipitate” a violent disturbance upon the simplest pretext.<sup>44</sup>

Shreveport’s merchants provided Merrill with the means to remind the white community that the law still existed in North Louisiana. Towards this end, the major approached the U.S. commissioner, Judge A. B. Levissee about making an example of some of Shreveport’s principle citizens for violating the Enforcement Act of 1870 in using economic intimidation to influence voters. He believed that such an example would “recall the senses of the more prudent men.” Although Levissee agreed with the major, he advised him that no one would file charges for fear of “certain death” if they did. In the absence of any civil officers willing to perform their duty and with the police work being “done by a body of volunteers ... chiefly White Leaguers,” Merrill volunteered to file the affidavits.<sup>45</sup>

Upon filing the affidavits, Merrill noticed the White Leaguers “working like bees” in spreading false rumors to foment disorder. Unfortunately for the Conservatives, they “overreached themselves” in passing along stories that Merrill characterized as gross exaggerations. In fact, Merrill and Levissee proceeded cautiously, selecting “five of the more conspicuous men” and issued warrants against them. The next day, “an unobjectionable deputy marshal” served the warrants along with a note informing the recipients that the process “was not intended to subject them to any needless annoyance

or mortification” and called upon the men to go to the commissioner’s office at their convenience. All five presented themselves before the commissioner. The professionalism with which the act was carried out “baffled the purpose and efforts of the White League to make capital out of it” and Merrill proudly reported to department headquarters that the “excitement is rapidly allaying” and would soon die out. The major felt that this action would prove to the people that the Army intended to enforce the law but not subject them to abuses making “it impossible for the leaders of to carry out their purpose of bringing on a conflict, for want of material with which to work.” He remained confident that “quiet and good order” would result and “produce a similar effect throughout the district.”<sup>46</sup>

Upon hearing of Merrill’s filing of the affidavits, Colonel Emory immediately submitted the entire matter to the War Department for its consideration. The Gulf commander disapproved of the action “taken without orders” that he regarded as an unwelcome “innovation of the customs of service” that was likely to invite “future controversy.” Emory was mortified. He had spent most of his tenure as the Gulf’s commander trying to avoid controversy and now one of his subordinates had brought it upon him. Unfortunately for Emory, Merrill’s lack of a cipher prevented him from responding immediately. He proposed to send his reply by mail, which did not sit well with the colonel. An impatient Emory acceded to the major’s request to reply by mail, but added that in future “in any case where you design going outside of instructions, or departing from established usages of the Army, you shall first consult these headquarters.” When circumstances dictated a departure from established practice the

department commander demanded “that you immediately report.” Later that day, Emory sent another telegram to Washington, informing the adjutant general that the Shreveport arrests “are exciting much discussion” in New Orleans “and are mischievous in their effect.” Having only recently reestablished order in the state capital, Emory worried that the uproar in Shreveport might destabilize the entire state. Until he received Merrill’s report, he could only assume “that the circumstances which would justify him in departing from an established rule of service and appearing personally as a prosecutor must be peculiar.”<sup>47</sup>

On 26 October, Emory received the explanation he had been waiting for. Merrill responded that the rumors of mass military arrests were “based on falsehood” circulated by pro-White League newspapers to provoke conflict. Faced with a situation in which “the community was fast drifting into a state where any uncontrollable lunatic could set a match to the mine” the major acted quickly to “restore respect for the law” before a situation arose that demanded military intervention. Contrary to the rumors of hundreds of arrests, the major assured his superior that the only five men had been arrested and “neither myself nor any other officer or soldier was present at either the arrests or hearing” before the U.S. commissioner. He maintained that he had only appended his name to the affidavits because the entire community lived in fear and vigorously defended his decision, claiming “not only have I not done wrong or made any mistake, but I would have been grossly lacking in foresight, prudence, and ability to cope with difficult circumstances had I failed to act as I have.” Merrill assured Emory that he obeyed “every order and suggestion with alacrity,” but refused to be placed in a position

where he could not command his district as he saw fit. “This is a difficult position, and not of my own seeking; if my ability to conduct this command is doubted, I would be only too glad to be relieved of a great responsibility which I did not seek, but shall not shirk.” Merrill’s reports failed to sway the department commander whose views on the matter remained “unchanged” except to state that his opinion reflected “no distrust” of Merrill’s “ability or intention to remove him.”<sup>48</sup>

Recalling his months in Carolina, Merrill understood that his purpose as the commanding officer of the post of Shreveport was to “maintain ... by moral influence, and in the last extremity ... by physical force, the supremacy of the civil law.” His second report on the incident read like his dispatches from the Palmetto State in 1871. Recognizing that “every power of moral suasion, and every influence toward a peaceful settlement of the disturbances should be exhausted before ... even a show of physical force” should be made, the major took it upon himself, since civil authorities refused to take action, to file the affidavits and prove to Shreveport’s residents that the law functioned even when public opinion was inflamed and “rouse the better class of citizens to the exertion of their influence toward peace.” As his previous experience had shown him, nothing recalled “the habit of obedience to the law” better than court proceedings against a few prominent individuals. Merrill confidently informed department headquarters that he became “hourly more impressed with the belief” that the course he pursued “will be the means of tiding over the election peacefully and averting bloodshed.”

In the meantime, the major encouraged Emory to allow time for the sensation to die down. At the moment, White Leaguers were stirring up passions against the Army across the state and spreading “the most abusive stories,” accusing Merrill of placing all of Shreveport under arrest and concocting a scheme “designed to arrest certain women ... [and] send them to New Orleans in irons.” These rumors grew more far-fetched with every telling but they would soon die down. He reported that in Shreveport calmer men already had resumed their leadership roles and encouraged the masses to allow the legal process to proceed without any interference. In order to strengthen their hand and further defuse the situation, Commissioner Levisse agreed to postpone the proceedings until after the election to remove any taint of partisanship.

The president and attorney general reposed more faith in Merrill since he had successfully conducted the federal enforcement campaign against the Ku Klux Klan in South Carolina. In response to Emory’s initial requests for guidance in how to handle Merrill, Grant informed the colonel that he preferred to wait on Merrill’s explanation before making any hasty judgments. Merrill’s reports required several weeks to wind their way up the chain of command. Finally, on 7 December, the adjutant general informed the department commander that the War Department considered Merrill’s actions justified by the circumstances prevailing in Shreveport at the time he arrived.<sup>49</sup>

Although Merrill felt confident about conditions in Shreveport leading up to the election, he expressed great concern over the character of the arrests being made by federal marshals, escorted by 7th cavalrymen, in other parishes. He advised department headquarters of his concern, characterizing the arrests “and the inflammatory dispatches

in regard to them” as “very mischievous” in their effect on the population and harmful to the restoration of law and order within the Upper Red River district. Merrill had made every effort to defuse charges of partisanship in the five arrests made on affidavits he filed in Shreveport. In contrast, he had received several disturbing reports from junior officers commanding posse comitatus, including allegations that some marshals carried blank warrants signed by the commissioner in New Orleans and simply wrote in the names when needed. Increasingly, he became concerned that the Justice Department agents his soldiers escorted cared more for state politics than performing their duty to the federal government.<sup>50</sup> Merrill was especially concerned about his younger, inexperienced cavalry officers being thrust into “exceptionally difficult and delicate” situations that presented “possible complications so impossible to foresee and guard against by previous instruction and advice” that they might discredit the Army. Too many lacked the “sound judgment and good sense” necessary to persevere under these conditions.<sup>51</sup>

Under the best circumstances, Merrill informed department headquarters, when “every difficulty which is encountered is correctly and successfully dealt with, the officers concerned deserve high commendation.” Lieutenant Donald McIntosh furnished an example. On 15 October, McIntosh’s G Troop, consisting of 48 cavalrymen, received orders to serve as a posse comitatus to U.S. Deputy Marshal J. B. Stockton. They left the next day for Coushatta. G Troop remained in the field for approximately thirty days and assisted in making 25 arrests. In spite of this apparent success, McIntosh reported that more arrests could have been made if not for the

marshal's "want of energy," allowing the cavalry company to sit idle in camp for fourteen days while "several (at least five) important arrests which could have been made were not even attempted" including two perpetrators of the Coushatta killings. The posse had lost the initiative and wasted time that could not be regained. As had been the case in South Carolina, white supremacists fled the state or simply hid out in the woods and swamps to avoid arrest. Also inhibiting the arrests was the fact that the deputy marshal and his posse "found it impossible to employ any one, white or black, to act as a guide." This caused the cavalymen to abandon the effort to make arrests in many instances.<sup>52</sup>

While McIntosh's command remained in camp outside of the town of Natchitoches, the lieutenant confronted several of the unforeseeable complications that worried Merrill. The first arose on 25 October, when local Republicans, emboldened by the close proximity of the cavalry camp, organized a mass meeting and political rally designed to demonstrate their resolve to resist White League intimidation and encourage the confidence of black voters to show up on election day. The meeting drew hundreds of Republicans, including perhaps 800 African Americans. As the evening progressed and the whiskey was liberally dispensed, two or three hundred white Conservatives, many carrying weapons and noticeably intoxicated, assembled opposite the Republicans. Natchitoches' chief of police, fearing a mass outbreak of violence, called upon McIntosh to prevent a riot. Before ordering troops into the city, the lieutenant surveyed the situation for himself and confirmed "that a bloody and general collision was imminent." He dispatched Lieutenant George Wallace and 24 cavalymen with orders to take up

positions and prevent a collision between the whites and blacks. McIntosh remained behind in camp, holding 20 troopers in readiness.

Wallace, the son of South Carolina's Republican congressman Alexander Wallace and a Yorkville native who joined the 7th in his home state upon his graduation from the U.S. Military Academy in 1872, accorded himself well. His detachment created a potent image as it formed ranks and quick stepped into town. At well over six feet tall, Wallace presented an imposing figure, especially on horseback. He met with the police chief and the leaders of the opposing parties to assure everyone that he had come not "to protect or advance the interested of any political party, but to prevent bloodshed." After receiving their promises of cooperation, the lieutenant addressed the mobs assembled on the streets and suggested that the time had come to go home for "if there was to be a row they could rely on his taking a hand in it." The cavalrymen then rode slowly down the street, clearing it without the use of force. In his report on the incident, McIntosh commended Wallace for handling "this affair in a discreet and soldier-like manner and with the suavity of a diplomat." The lieutenant revealed the uncertainty that many young officers suffered under in serving in Louisiana, however, when he asked for his superiors' approval of his course of action. Merrill did approve, and in his endorsement of McIntosh's report wrote that both lieutenants "acted with great discretion and prudence, and by their decided but temperate and calm bearing and judicious counsels prevented a bloody riot."<sup>53</sup>

In addition to managing the request for military assistance emanating from state and parish officials, Lieutenant McIntosh was also forced to rein in Deputy Marshal

Stockton from time to time, for he possessed an inflated notion of his authority as a Justice agent and his ability to command his cavalry escort. The week before the election, the lieutenant received an urgent note from Natchitoches mayor J. F. De Vargas seeking clarification on the extent of the Army's authority over the municipal government. His request arose in response to the deputy marshal's threat to assume control over the city's police force, remove parish and city officials, and appoint replacements. If the mayor resisted, Stockton promised to have him arrested by the troops "at his disposal." The mayor rightly found Stockton's claims of authority preposterous and demanded McIntosh inform him whether "this assumption of authority is warranted by any military orders or instructions" that he was not aware of. The lieutenant's reply eased Vargas's mind and confirmed that G Troop would only support the marshal "in the performance of his legitimate duties, and aid him in serving legal process." Any attempt at overthrowing the mayor or controlling the police, in McIntosh's view, did not fall under Stockton's legitimate duties. The lieutenant wasted little time in informing his superiors of Stockton's "exaggerated idea as to the extent of his authority as a United States marshal." If he had consented and allowed Stockton to use his command in this manner, as a more novice officer might, McIntosh figured he would have been lynched "or be a prisoner in one of the parish jails of Northern Louisiana."<sup>54</sup>

The 7th cavalrymen in southern Louisiana faced similar challenges. Lieutenant Charles De Rudio and a detachment of four cavalrymen from Breaux Bridge escorted a deputy marshal when he arrested Percy Duval in St. Martin's Parish on 23 October. As

the posse rode back to camp, they learned from several blacks along the road that a large group of whites had gathered on the bridge to block their passage into town and some had threatened to forcibly set Duval free. De Rudio took control of the situation and rode ahead to confirm the information. From a distance he saw that a mob had indeed gathered on the bridge and “seemed indisposed to move.” When the rest of the posse caught up to him, De Rudio “caracoled” his horse to create a passage for the troops to take the prisoner through. Despite their threats, the white residents made no effort to set the prisoner free. On another occasion, while bringing a prisoner back to the cavalry camp, White Leaguers attempted to call the lieutenant’s detachment to a halt. When this failed, the Leaguers blocked the road and demanded they stop. In response, De Rudio presented his revolver and asked: “What do you mean, sir?” The posse returned to camp unscathed. Not surprisingly, Conservative accounts of the encounter portrayed the cavalymen as the aggressors. They claimed that when De Rudio happened to encounter mounted white citizens on the public highway he informed them that “if the like occurred again he would have to give them such a chastising as would render a few funerals necessary.”<sup>55</sup>

The timing of the arrests, in the weeks leading up to the state election contributed to the Conservatives’ belief that the Army intended to swing the vote in favor of the Republican party.<sup>56</sup> According to the Natchitoches *People’s Vindicator*, the “object of the arrests is apparent to every candid mind.” The newspaper exhorted: “Let no man fly from the threatened arrest. ... The rottenness of the party in power in this State cannot always be supported by armies.”<sup>57</sup> The *Caucasian*, which had initiated the call for the

formation of a white man's party that had led to the violent eruptions at Coushatta, New Orleans, and elsewhere, characterized north Louisianans as "entirely passive" the cavalymen's efforts as aggressive "intimidation in the interest of radicalism, in the interest of political robbery, and designed to vindicate the infamous action of President Grant in setting up the Kellogg usurpation."<sup>58</sup> In reference to the president's use of the military to reseate Kellogg's officeholders, the Shreveport Times declared that if Grant intended to keep them there "*he must station troops in every parish in the State, and it will require an army of 20,000 men to hold in its place the rotten and contemptible usurpation.*" Although the White League and its sympathizers "cannot fight the Federal Government," the *Times* promised that the white people of Louisiana would wait out the occupation and overturn the Republican government when circumstances proved favorable.<sup>59</sup>

The behavior of the federal marshals contributed greatly to the negative opinion of Conservative whites emerging against the Army in northern Louisiana. Part of the problem was that the marshals demonstrated poor preparedness in carrying out the arrests and extremely poor judgment in executing their offices. On the day after G Troop arrived in Natchitoches with Deputy Marshal Stockton, the troop split into two squads and spent the entire day riding about town inspecting residences and ultimately only took one man into custody, James Cosgrove. In assessing the cavalry's conduct, Natchitoches Conservative David Pierson claimed that based on "the maneuvers of the military, the declarations of the military, the display of the troops, and the parade, that the object was to intimidate the people, to spread as far as possible consternation among

them.”<sup>60</sup> To Conservatives, such a prominent display of military activity smacked of intimidation, rather than the poorly planned effort to serve warrants that it probably was. Furthermore, the intemperate marshal spent a part of one day inspecting the voter registration books when he was in Natchitoches to serve federal court processes, on another he addressed a meeting of local Republicans on the salient political issues of the day, and he frequently stated to whites that he held warrants against 200 parish residents and intended to make most of the arrests on the day of the election. As Pierson later related to a congressional investigating committee, “there was considerable uproar inspired by the threats to arrest so many people – the riding of troops throughout the country and the arresting of people who were known to be innocent.”<sup>61</sup> The innocence of these prominent Conservatives and White Leaguers was debatable. The fact that the federal marshal had placed his cavalry escort in an awkward position, however, is beyond doubt.

After reading several newspaper accounts charging the cavalrymen with numerous abuses of power and “undue rigor” in their handling of the prisoners, McIntosh responded to the allegations in his official report to department headquarters. In regards to the charges of abuse, the lieutenant wrote that they had “no foundation in fact” and “are entirely false.” All of the prisoners arrested by the posse “were treated with consideration and leniency,” in his opinion, more respect than men accused of murder deserved. If anything, McIntosh reported, the White Leaguers the marshal had arrested deserved condemnation for their behavior. In relating the details of Cosgrove’s arrest, the lieutenant commended Deputy Marshal Stockton for the impressive restraint

he demonstrated when the drunken newspaper editor threw a wad of chewing tobacco in his face and cursed him abusively. The defiant Cosgrove also abused his military guard. He threatened McIntosh's life "and in a violent and defiant manner used indecent and insulting language in the full hearing of the guard and enlisted men." The incident caused the lieutenant to take away some privileges, namely "the use of all malt and spirituous liquors."<sup>62</sup> Cosgrove's arrest was not extraordinary. On several other occasions, when 7th cavalrymen made arrests, white citizens "used rough and threatening language ... calling the men Yankee sons of bitches, cowards, &c."<sup>63</sup> Despite the threats, the cavalrymen performed their duty with great forbearance enduring the outbursts without responding in kind.<sup>64</sup>

In commenting on the lieutenant's objections to the slanders he and his men endured from pro-Democratic newspapers, Merrill noted that "they suffer in common with all other officers whose duty brings them in collision with people whose political and personal purpose and prejudice are disturbed and interfered with by the fact that the Army is used to enforce laws which these people prefer to violate." During Reconstruction, the officers were given the thankless task of performing duties that usually affected local politics and tended to benefit one party at the expense of the other. As a result, partisan newspapers subjected the Army to lies and slanders. As Merrill had learned during his time in South Carolina, no remedy existed for the officer but to wait patiently for orders to "some frontier post, where the savages, whose feelings he must hurt, have no newspapers through which to assail him."<sup>65</sup>

In undoing several months of White League intimidation, protecting life and property, reseating Republican officeholders, and providing the African American population in the rural parishes a sense of security, the Army's performance of its duties ultimately helped state Republicans win the election. Although four of the thirteen parishes where the Army had stationed detachments went Democratic, the results likely would have been much worse for the Republican party had the troops not been present. The Army's overall impact on black voters was minimal because the White League kept up the pressure on farm laborers, threatening them with unemployment and homelessness if they voted the Republican ticket. The League also hinted at violence. Lieutenant De Rudio, a French speaker, heard whites telling blacks over and over again in St. Martin's Parish "Oh! you need not mind the military. They will be away in a few days. They only came here to get you to vote; and a few days after you have voted they will go away, and then we will fix you." When questioned by a congressional investigating committee about the impact of the White League's intimidation on black voters, most of the officers interviewed explained that, from what they saw and heard around their posts, the majority of blacks refused to vote.<sup>66</sup>

On 2 November, election day, soldiers in Louisiana had strict orders to stay away from the polls. Lieutenant William Gerlach of the 3d Infantry left the post of Shreveport with a detachment of soldiers to escort the deputy marshal in making arrests at Campo Bello, near the site of the Coushatta massacre. Rather than follow the marshal into town the lieutenant encamped his men 500 yards from the polling place and instructed the justice agent to send for him if necessary. Gerlach later testified before congressional

investigators: “I had strict orders from [Brevet] Colonel Merrill to avoid everything as could be construed as interference with the election.”<sup>67</sup> Similar orders existed in South Louisiana. At Breaux Bridge in St. Martin’s Parish, the 7th’s Lieutenant Charles De Rudio was called upon by the deputy marshal to escort his prisoners to the polls so that they could vote. The lieutenant declined to cooperate because he possessed “particular instructions” from his commanding officer “that under no circumstances should I show myself or any of my men within sight of the poll, unless called upon” by the election commissioner.<sup>68</sup> At Monroe, Captain George Head ordered the soldiers at his post “to remain in their barracks all day.”<sup>69</sup> By most accounts, the election was one of the quietest and most peaceful in Louisiana’s history.

In another instance, Natchitoches’ Republican leaders tried to embroil McIntosh’s cavalry company in the state election on 2 November. In order to avoid giving any impression of military interference with the vote and having received “no orders with regard to the election” the lieutenant planned to keep his soldiers confined to the camp. Before the polls opened, however, U.S. Commissioner E. L. Pierson arrived at the cavalry camp and requested a detachment of soldiers to install Edward Ezemack as the parish’s new election commissioner. Pierson had asked for military assistance because the incumbent, a Republican appointee of Governor Kellogg, refused to surrender his office. Seeing no reason for the Army to become involved in purely state matter, the lieutenant declined the request and the election proceeded without violence.<sup>70</sup>

In spite of the soldiers’ conscientious efforts to avoid giving any cause to support accusations of military interference in the election, it quickly emerged in the pro-

Democratic newspapers as an explanatory factor in the Conservatives' defeat. In a statement made to the Democratic members of the congressional committee established to investigate the election, Louisiana Conservatives asked them to make an investigation into the Army's influence on the vote "an essential point in this investigation."<sup>71</sup> The 7th Cavalry, in particular, had earned the ire of Conservatives for their part in supporting the federal marshals in making arrests. Judge Trimble testified that in Lincoln Parish "the infantry, the people spoke very favorably of; the cavalry, that went charging through the country, there was a great deal of [negative] feeling in regard to them"<sup>72</sup> Specifically, they accused the cavalry of making "irruptions" and "visiting the polls on election day, and stating in loud tones, accompanied by threats, that they had warrants for numbers of the people."<sup>73</sup> They also accused the Army of establishing camps at the polls to "intimidate the people" and deter them from voting. Congressional investigators did make a special enquiry into the Army's role in Louisiana affairs, calling eight officers from three different regiments to testify. In every instance, those who possessed knowledge of the Army's activities on the day of the election stated that, by design, the troops remained as far from the polls as possible.<sup>74</sup>

Under orders from district headquarters, Lieutenant Benjamin Hodgson and a detachment of fourteen cavalrymen from B Troop rode to assist U.S. Deputy Marshal Edgar Selye in serving federal warrants. At sunrise on 25 October, the deputy marshal and his posse arrested J. G. Huey in the town of Homer, Claiborne Parish. Lieutenant Hodgson required that the prisoner be searched and a pocket knife was found on his person. At that point, the soldiers relieved him of the weapon and the lieutenant

threatened to shoot him. When Huey asked to get his horse, Hodgson refused and ordered him to walk ahead of a mounted cavalryman with orders to shoot him should he attempt to escape. An investigation into Hodgson's conduct in making this arrest found that the lieutenant misunderstood when he assumed that he, and not the marshal, was "wholly responsible" for the prisoner. "The arrest of Huey was made in a very rude manner, and with a harshness which ... was totally uncalled for." The manner in which the arrests were conducted may account for the fact that residents surrounded the wagon and threatened the cavalrymen in "rough and threatening language." The marshal and his posse made three more arrests in Homer before taking their prisoners to Vienna, Lincoln Parish.<sup>75</sup>

In Vienna, the prisoners were placed in an upper room of the parish courthouse under military guard. When they asked for the marshal to read the charges against them, Hodgson entered the room presented his pistol and instructed the guard to level their carbines at them. The lieutenant reportedly stated to them: "'This' – meaning his revolver – 'and these' – pointing to the leveled guns – 'are my authority.'" In assuming this position, an Army investigator determined that Hodgson "assumed the entire responsibility for the arrest and detention" of the prisoners and "was guilty of conduct prejudicial to the standing of an officer of the Army and the service at large."<sup>76</sup>

As he prepared to leave Vienna with his prisoners, the deputy marshal heard rumors that the White League planned to overtake the posse and rescue the prisoners. Further agitating Selye, a large crowd of whites gathered in the streets and watched menacingly as the posse loaded the prisoners into a wagon and prepared to leave. The

marshal began to fear the worst. About one mile outside of Vienna, Selye halted the posse and instructed Lieutenant Hodgson to sever the telegraph lines leading to the town. This way, if the White League had planned an attack, the townspeople would not be able to communicate the time and route of the posse's departure to the men waiting to intercept them. Hodgson obeyed without question. He sent two men up the pole to cut out a twelve-foot section of the telegraph line and instructed several cavalymen on the ground to tangle the severed ends around tree stumps making it difficult to reestablish the connection. The marshal and his posse carried the prisoners back to Monroe without incident.<sup>77</sup>

After the marshal and his posse left Vienna, several Conservative citizens lodged formal complaints with Louisiana's 11th District Judge, J. E. Trimble, a Republican, accusing the federal officers of making arbitrary arrests and treating the prisoners unjustly. In order to gain some perspective on the validity of the accusations, the judge issued a writ of habeas corpus directing the prisoners to be brought to his courtroom and the charges against them heard. Although Selye and Hodgson were not named in the writ, state law required that any official who was served the process must make a response. After being served by the Lincoln Parish deputy sheriff, not understanding state law and doubting the legality of the document neither man made an official return on the writ. Making matters worse, however, Hodgson took it upon himself to send the judge a "very indecent and unofficer-like message." The lieutenant's ignorance of Louisiana law may be justified, but the poor judgment he showed in destroying the telegraph line and in making a rude and intemperate response to a state judge deserved

condemnation. The Army officer appointed to investigate the incident charged found evidence indicating that Hodgson “had been drinking [that day] to an extent that greatly exaggerated his mind and unduly irritated his temper.”<sup>78</sup>

Upon receiving Hodgson’s message, Trimble charged him and the deputy marshal with contempt of court. The sheriff returned to Monroe to make the arrests with an official posse of twenty men and was accompanied by an unofficial group of one-hundred-and-fifty well-armed volunteers he followed along to see that the soldiers at the post did not try to resist the arrest of one of their own. The lieutenant surrendered peaceably but the posse had to search to find Selye hiding in a garret. Once they had the two federal officers, the posse hustled them out of town. Captain George Head, the post commander, hastily assembled a dozen cavalrymen from Hodgson’s troop and sent them after the posse to ensure that the prisoners were not harmed. When Merrill learned of the arrest, he telegraphed Head and instructed him to take every available man to Vienna “at once” to protect the prisoners “against any illegal violence.” He explicitly warned the captain not to interfere “with the execution of any lawful process issued by competent authority and in proper hands.” After dispatching a cavalry troop to Vienna, the major contacted Hodgson asking what specific charges had been filed against him. Finally, Merrill apprised department headquarters in New Orleans of the situation and all that he had done, including his decision to stay at Shreveport so as to avoid giving the impression that he intended to secure Hodgson’s “forcible release.” Merrill made a wise decision in remaining behind. His presence likely would have inflamed the situation further.<sup>79</sup>

In his stead, Merrill entrusted Head to protect the prisoners and the government's interests in the case. Having reposed this faith in the captain, Merrill was disappointed by his initial response. In reply to the major's orders, Head informed the district commander that he had already sent every available man in pursuit of the sheriff's posse. The post's infantrymen returned from a eighteen-mile march that afternoon and would not be able to set out for Vienna for two days and even then he only promised "six men, probably." He felt justified in the delay because he anticipated no danger to Hodgson or Selye. Greatly displeased with his subordinate's attitude, Merrill ordered Head to proceed to Vienna "with all the men you can take" regardless of their condition. Merrill wanted to know the facts in the case against Hodgson and he certainly did not trust parish officials to protect him against a mob.<sup>80</sup>

Acting on instructions from Emory, the department adjutant approved Merrill's actions and advised him to be careful not to interfere with the legal process. "Use all expedition possible and all the force at your command to prevent violence ... but instruct all your officers to be very guarded in aiding to enforce one law not to violate another." Furthermore, he advised the major, if possible, to have Hodgson's case transferred from state to federal court. At this point, Merrill's focus shifted from ensuring the lieutenant's safety to providing a test case to preserve the Army's ability to function as posse comitatus in Louisiana and guarantee that Hodgson's arrest did not set a precedent and become "an incentive and temptation" to civil authorities to make similar arrests whenever his cavalymen escorted justice officials in performing their duties. The major had reason to be concerned. Louisiana Conservatives recognized the potential precedent

Hodgson's arrest presented. In the future, Army officers could be arrested by local authorities simple for performing their duties as posse comitati. In reference to the arrests of Hodgson and Selye, Monroe's leading pro-Democratic newspaper characterized them as "likely to become historical."<sup>81</sup>

Upon receiving the adjutant's telegram, Merrill communicated with Frank Morey in Monroe and asked him to find a competent attorney to defend Hodgson and send him immediately to Vienna. The Army's goal was to have the case transferred to federal court, the major advised, and he recommended the attorney take volume two of *Brightley's Digest of United States Law* along with copies of the 3 March 1863 and 11 May 1866 acts passed by Congress. Next, the major telegraphed Hodgson to inform him of the government's legal strategy in his case. Merrill advised the lieutenant to file the transfer immediately to prevent state authorities from proceeding with his case. After a busy day on 6 November burning up the telegraph wires with messages being passed between Shreveport, Monroe, Vienna, and New Orleans, Merrill felt confident that his orders were being followed to the letter. Late in the afternoon of the following day, however, the major learned from one of the 7th's sergeants in Vienna that Hodgson and Selye had been prosecuted and each received ten days confinement and \$100 fines for contempt of court. Merrill must have been dumbstruck. His reply: "Find Lieutenant Hodgson's attorney, and bring him to the telegraph office at once."<sup>82</sup>

Once again, in another Southern state, local authorities had outwitted Merrill. The whole affair appeared to him part of a "vindictive determination to punish" an Army officer for performing his duty. Later in the day, Head advised the major that the

governor had issued a pardon for Hodgson and the sheriff agreed to let him loose. Finally, on Sunday, 8 November, Merrill communicated directly with Hodgson's attorney. An increasingly frustrated Merrill asked Hardy five times whether the transfer had been filed, all to no avail. In the lawyer's opinion, since there were no longer any cases pending against the lieutenant there was no purpose in filing for the transfer to federal court. When Hardy informed Merrill later that afternoon that Hodgson intended to have his case separated from Selye's, the major replied in no uncertain terms that cases remain together since "both are United States officers, arrested for alleged acts done while in their official capacity." He reminded Hardy that he was the U.S. government's attorney, not Hodgson's. The major gave vent to his frustration in a telegraph to department headquarters, asserting "that the whole thing from beginning to end is full of the most extraordinary irregularities." Merrill likely regretted his decision to stay away from Vienna. The department adjutant brought Merrill some relief when he advised him that Lieutenant Colonel Henry Morrow, whom the major regarded as an "accomplished lawyer," had been sent to Vienna to take charge of matters.<sup>83</sup>

On 9 November, three days after Hodgson's arrest, Judge Trimble suddenly and unexpectedly reversed course. He nullified Hodgson's sentence, rescinded the fine, and discharged the lieutenant from state custody. It appeared that the state's prosecution of Hodgson had ended. But the following day, a Lincoln Parish grand jury issued an indictment against the lieutenant for cutting the Western Union telegraph wire. Merrill received three telegrams from Vienna in rapid succession, from Head, Hardy, and Lieutenant Bell regarding the new charges against Hodgson. All three advised Merrill

that local authorities proposed to delay making the arrest and, in an encrypted message, Bell asked the major for orders to return to Shreveport so that they could get Hodgson “out of the way.” In stunned disbelief, Merrill responded “the answer is no.”<sup>84</sup>

By this time, Merrill was exasperated with everyone on the scene. His frustration showed in a telegram to Hodgson’s attorney. “If your obstinancy will permit you to obey plain instructions, there will be no ‘fight’ to make [in state court]. You utterly failed before to do as you were told. This time there must be no failure .... The course to be taken is so plain and simple that a student would understand it.” Hardy had no immediate reply. Fortunately, Morrow arrived that day to assume control over the whole affair. Like his predecessors, the colonel failed to deliver Merrill the test case he so desperately desired. When Morrow recommended the major place Hodgson under military arrest to stand court martial for cutting the telegraph wires, the major made no immediate objection. Instead, he ordered Head to take Hodgson into custody. Privately, he urged Morrow to have Hodgson’s and Selye’s cases transferred to federal court, for “[i]f the present status of these cases becomes a precedent it will be impossible to serve a process or send out a posse.” The colonel simply reiterated Hardy’s statements regarding the transfer. With no case pending against Hodgson, there was nothing to transfer. Morrow added: “Your lawyer here is all right.”<sup>85</sup>

At this late stage, Morrow’s objective diverged from Merrill’s. The colonel’s purpose was to expedite the process of adjudicating Hodgson for his crimes without sacrificing any principles and “strip this business of all embarrassments.” He intimated that this was Emory’s wish. By 12 November, the major relented and began ordering his

detachments to return from Vienna. He informed the department adjutant that he had several requisitions for soldiers to serve as posses but determined that “under present complications think it very desirous that compliance with such requisitions shall be delayed.” Later that afternoon, Merrill received notice from Vienna that the transfer of Selye’s case to federal court had been denied. After giving bail and being released from custody he was arrested by the U.S. marshal for embezzlement. The entire episode proved a failure and an embarrassment for Merrill. He had worked diligently to seize the opportunity to present a test case that would sustain the Army in its role as posse comitatus in Louisiana, but was thwarted every step of the way by Hodgson, his attorney, Head, Morrow, and Emory. The major’s influence at department headquarters was clearly ebbing. When he tried to get Morrow to meet with him at Shreveport before returning to New Orleans his request was denied by the department commander. Hodgson’s attorney finally responded to Merrill on 13 November, informing him that a “wide difference existed between a gentleman and a blackguard; you furnish an illustration.”<sup>86</sup>

The Hodgson case afforded Louisiana’s pro-Democratic newspapers another juicy opportunity to criticize the Army, its officers, and accuse them of interference in the state. The Shreveport *Times* especially relished this opportunity, accusing Hodgson of being a “reckless and lawless subaltern.” The *Times* delighted in the fact that Merrill made “an ass ... of himself in keeping up all this military display and excitement.”<sup>87</sup> Conservatives had seized upon the opportunity to deal the Army a blow in retaliation for its role in the election. The entire incident fizzled once they had achieved their objective.

A military court found Hodgson guilty of conduct unbecoming an officer and a gentleman during the arrest of the Claiborne Parish prisoners and in destroying a telegraph wire belonging to Western Union. As punishment, the lieutenant received an unofficial reprimand that cited the “very novel circumstances under which Lieutenant Hodgson was suddenly placed” as an explanation for his actions and justification for his light penalty. Hodgson was restored to duty.<sup>88</sup> Deputy Marshal Selye escaped a state conviction but was indicted by federal authorities for embezzlement. Morrow and Merrill approved of the judgment, believing Hodgson to be a victim due to his youth and inexperience. According to Morrow, the lieutenant “does not seem to have had a clear and correct idea of his rights and duties while acting as a posse to the marshal” and rather than rely on his own discretion as a more experienced officer would “considered himself bound to obey” Selye’s orders as a federal officer.<sup>89</sup>

The Hodgson incident ended disastrously for the Army in Louisiana. Merrill failed to achieve the transfer of the lieutenant’s case to federal court or the favorable court ruling he felt essential to protecting his cavalrymen when they served as posse comitati. The disposition of Hodgson’s case left every other soldier serving as posses open to arrest by local authorities on the slightest pretext. It also represented a second instance in which local Conservatives, this time in Louisiana, foiled Merrill’s efforts to undermine their opposition to Reconstruction. It also revealed that to a certain extent the major was out of touch with the dominant attitude held by Army officers in Louisiana toward Reconstruction. Lieutenant Hodgson had no interest in providing a test case for Merrill. Colonel Morrow felt similarly and worked to produce a resolution quickly that

saved Hodgson and the Army from any further disgrace. It pursuing this course, Morrow opted for expediency over the opportunity to bolster the Army's authority in supporting Justice Department agents in the performance of their duties. Due to personal preference, Hodgson and Morrow both opted to sacrifice Reconstruction at the risk of setting a dangerous precedent that threatened to undermine the military's ability to perform a civil function. Throughout the whole affair, Merrill appeared completely out of touch with events unfolding in Vienna. He had been thwarted in his effort to have the Hodgson's case transferred to U.S. court by Judge Trimble's rapid disposition of the case. The major never accepted that he had been outmaneuvered. The entire incident revealed the weakness of the Army's position in serving as posse comitatus in Louisiana and anywhere else that local citizens wanted to challenge their authority by charging them with petty crimes.

In the weeks following the Hodgson incident, the Republicans' hold on Louisiana's northern parishes continued to deteriorate. According to the Upper Red River commander, local Republicans who attempted to exercise their official duties had to reside in the Army camp or face severe consequences. "The State government has no power outside of the United States Army, which is here to sustain it – no power at all."<sup>90</sup> The Army's presence failed to alleviate the concerns of the black community which remained "absolutely terror-struck" and lived in constant fear of the White League. Lieutenant Gerlach considered the presence of soldiers "decidedly necessary" since they appeared "to be the only law ... that is effective."<sup>91</sup>

In response to the continued discharge of black workers on the slightest pretense, the murder of local black political leaders, and the complete and utter failure of state civil authorities to provide any legal redress of these grievances, Merrill attempted to call Emory's attention to the deplorable conditions that persisted on the upper Red River. "It moves me deeply to hear their sad stories of wrong, outrage, and lawless violence," Merrill wrote, "but I am powerless to help them." He exhausted his powers by referring them to the U.S. commissioner whom he characterized as "worthless and ignorant of his duty." The major feared that if the White League program of driving Republicans from the region by intimidation or murder continued, race war would be the final result. Merrill made special reference in his report to the brutal murder of local black leader John Alston who was arrested, his property plundered, and brutally murdered when he tried to escape his captors. Lieutenant James Bell characterized the killing as "one of the most barbarous and unwarranted murders" he had ever seen, and he was a veteran of the Indian Wars. Alston was struck in the head with an axe, fatally shot from behind in the head and neck, and rolled over and "shot full of balls." The coroner's inquest determined that Alston's murderers acted in self defense, a version of the story that the *Shreveport Times* happily broadcast much to Merrill's disgust.<sup>92</sup>

In response to Merrill's request for more soldiers to augment his sizeable force of three cavalry troops and five infantry companies, Emory dispatched Colonel Morrow to investigate the situation and report back on the necessity of sending more troops to northern Louisiana. He advised General Townsend of his decision and explained that he had received numerous reports from Red River residents, "some of them claiming to be

Republicans,” that conflicted with Merrill’s statement. Emory entrusted Morrow with wide authority, asking him to give his opinion on the need for more troops, the necessity of providing so many posse comitatus, the condition of the troops in winter, and “report upon the action of each and every officer ... as to the part they may have played in aiding the civil authorities in keeping the peace and in enforcing the law.” It is instructive that Emory sent Morrow, whose regard for African Americans was significantly lower than Merrill’s.<sup>93</sup>

Morrow’s report contrasted sharply with Merrill’s view of the situation in northern Louisiana. In his first conclusion, the colonel stated that soldiers no longer needed to supply posses to federal marshals. He based this judgment on assurances he had received from Conservatives who convinced him that a “marshal discharging his duties in a gentlemanly manner” did not require military protection. With the Army relieved of “a most unpleasant and onerous duty, and a great cause of local irritation,” which had consumed most of its manpower, Morrow decided that the Red River region required no more soldiers. Now if violence broke out, the district commander would have enough troops to meet any contingency. In his final report, he reiterated his opinion that the Upper Red River district did not need to be reinforced and even recommended consolidating posts, eliminating the garrisons at Alexandria, Colfax, and Natchitoches. He also requested that strict orders be issued restricting the use of soldiers as posses to only occasions where efforts to serve federal court processes had been resisted. With Hodgson’s case clearly in mind, Morrow advised that an officer who

commanded a cavalry escort “be made to understand that he, and not the marshal, is the judge of the amount of assistance necessary to enable him to perform his duty.”

In conclusion, Morrow wrote that the state government “cannot maintain itself a single hour without the protection of Federal troops” and even then will not be able to function effectively in northern Louisiana. If Congress failed to resolve the dispute between the state government and the majority of white Louisianans, he believed “a standing military force in almost every parish will be necessary to give protection” to officeholders. Even then, there were limits to the Army’s ability to coerce loyalty to the state government. The colonel advised that “a military force cannot compel people to pay taxes and do a thousand things necessary to good government.” The situation had become insoluble and only Washington could command a resolution. As for the Army’s role in Louisiana, Morrow clearly desired to remove it from an embarrassing and futile situation, in much the same way he had resolved the Hodgson case.<sup>94</sup>

Morrow’s report garnered enthusiastic support from Emory and Sherman. In his endorsement, the former wrote: “The mission of the Army to keep peace without the power of removing the cause which disturb it has, I think, been carried as far as practicable . . . if it can be done the powers of the military commander be greatly increased, or that some other measure be resorted to obtain the desired end.” Sherman who affectionately recalled his brief residence in Louisiana read Morrow’s views with satisfaction. In forwarding the report to the War Department, he offered that Morrow’s “opinions are entitled to great consideration.”<sup>95</sup>

After the election, the focus for potential outbreaks of violence shifted back to New Orleans where the Returning Board was tabulating the vote. On 9 December, Governor Kellogg warned the president of threats being made by the White League to attack the state house and disrupt the board. In reply, Grant advised the governor that “[i]t is exceedingly unpalatable to use troops in anticipation of danger.” The state authorities must proceed and only after being interfered with apply for federal military aid. In anticipation of disorder, Emory had placed the soldiers at Jackson Barracks on alert and warned the opposing parties in New Orleans that he intended to keep the peace. Apparently, the president’s reply to Kellogg caused him some confusion. The department commander asked Generals McDowell and Townsend for advice on how to proceed in the event of an attack on the state government. Should he defend the governor, or wait for the executive to make a formal application for assistance? Through the adjutant general, a seemingly exasperated Grant instructed Emory to suppress violence and make it known that he intended to do so. The knowledge that the administration intended to continue its support of Kellogg’s government with military force quieted the firebrands and attention shifted to the Returning Board. On 22 and 24 December, the board announced the results of the election, finding that the Republicans and Democrats each secured 53 seats in Louisiana’s lower legislature. The Board refused to make a determination on the five remaining seats, leaving that fateful decision to the house. Once again, the assembling of the new legislature would be attended by the threat of disorder.<sup>96</sup>

After the Returning Board announced the results, it became evident that Grant had lost faith in Emory's ability to manage the situation in New Orleans. The president wanted an officer he trusted to evaluate conditions and assume control of the situation if necessary. On Christmas Eve, the secretary of war informed Major General Philip Sheridan, commanding the Military Division of the Missouri from his headquarters in Chicago, that Grant wanted him to visit Louisiana and Mississippi and any other Deep South state he desired "to ascertain the true condition of affairs" and provide suggestions on the proper course to take. One option made available to Sheridan was to assume command of the Division of the South or any department therein. Grant hoped to avoid controversy and asked the general to give his tour the appearance of a personal vacation. The choice of Sheridan to make an inspection and the authority granted him to assume command of the situation revealed the president's determination to quash any potential rebellion.<sup>97</sup>

With the state legislature preparing to convene on 4 January, Emory made preparations to respond to a crisis. The Republican and Democratic members of the house also made preparations for the upcoming session. In separate caucuses held the night before the day of assembly, the leaders planned a strategy to gain a majority by determining the five undecided seats in their favor. The Democrats succeeded in outflanking their adversaries. As the clerk called the assembly to order, a party member nominated Louis Wiltz to be speaker. Over the clerk's feeble protest, the Democratic nominee strode to the podium, seized the gavel, took the oath of office from a justice of the peace brought there for the purpose, and began filling key positions. The new

speaker completed the Democratic coup by appointing a dozen Conservatives in the gallery as sergeants-at-arms. Surrounded by his White League guard, Wiltz proceeded to fill the five contested house seats with Democrats from the audience. When the Republicans got up from their chairs and headed for the doors to prevent a quorum, Democrats attempted to bar the way. Many managed to escape to the lobby and, of all things Wiltz called upon the Army to impose order. At the speaker's request, Colonel Regis de Tobriand, accompanied by two aides, cleared the building of all but elected members of the house.<sup>98</sup>

After hearing of the chaotic proceedings, the governor requested that the Army remove everyone from the legislative hall who had not been officially identified by the Returning Board as an elected representative. Colonel de Tobriand returned to the assembly house with a squad of soldiers and marched Wiltz's five appointees out of the chamber. In protest, the Democrats retired leaving the legislature in Republican hands. They proceeded to select Michael Hahn speaker and appoint Republicans to the five contested seats. At nine o'clock that evening, Sheridan annexed the Department of the Gulf to his division. The following afternoon, Sheridan offered the president a solution to the Louisiana conundrum. Rather than roll back the clock on Reconstruction by declaring martial law or imposing a military government, a course of action that the president and the majority of Northern voters found unacceptable, the general proposed that either Grant or Congress declare the White Leaguers "banditti" and he would take care of the rest, alleviating the need for "any special legislation for the preservation of peace and equality." Sheridan's proposal was greeted with bitter denunciations in the

national press and several state legislatures filed formal protests with Congress. Most Americans felt that the time has passed for a heavy hand and extensive military involvement in Southern affairs. A slow retreat from Reconstruction was already underway.<sup>99</sup>

In defense of his “banditti” telegram, Sheridan informed the secretary of war that as many as 3,500 murders had been committed in Louisiana since 1866. Many of these occurred in the Red River parishes and his estimate relied on an investigation performed by Merrill at the general’s request. In addition to the murders, Merrill reported that the rampant discharge and driving off of black laborers continued unabated, even by men “who pecuniarily deal fairly” with the workers. The major concluded that conditions had indeed worsened when “even self-interest will not control the blind passion and intolerance of these people.” He further estimated that as many as 2,000 blacks who had voted Republican in the last election were now wandering the countryside with their families, homeless and completely destitute. Afraid that revenge served a potent motive to spark a race war, he advocated prosecutions against the leading white Conservatives who rule with a “rod of iron.”<sup>100</sup> But by early 1875, Merrill and Sheridan were both out of step with the national will to carry on with Reconstruction. Republican Congressman George Hoar, recounted a conversation he had with Sheridan before returning to Washington. Amused by the “simplicity and *naivete*” the general brought to the Louisiana situation, Sheridan asked the congressman to suspend the writ of habeas corpus, which Hoar regarded as a laughable proposition.<sup>101</sup>

Many of the 7th cavalrymen had also lost their resolve to continue performing Reconstruction duty. As Lieutenant Frank Gibson explained to his wife, “this duty is worse than Indian fighting.” Several weeks of reinstating officeholders, escorting deputy marshals, being on hand for any emergency, and incurring the wrath of the majority of whites had taken its toll on the troops. When the lieutenant’s company received orders to reinforce Alabama, Gibson’s wife took the news hard. “This was more than I could bear ... [and] I just bawled,” she remembered, “I was very young, very much in love, and had not been born in the army.” For a new Army wife, Louisiana Republicans unrelenting calls for military support imposed an undue burden on soldiers’ families. Although she found Louisiana’s climate “divine,” Gibson was relieved when her husband’s troop received orders back to the West in 1876.<sup>102</sup>

In his annual report for 1875, Major Merrill revealed a negative attitude toward the work of Reconstruction in Louisiana and the burdens it imposed on his cavalrymen. Within his district, he had already begun consolidating posts. The troopers’ primary purpose had become “holding themselves in readiness” for emergencies. Merrill believed that the soldiers’ presence discouraged most acts of violence as evidenced by the fact that “only in one or two instances has any demand been made by the local civil authorities for assistance.” The soldiers under his command had performed a difficult task well. Acting as posse comitatus was “to the last degree delicate, onerous, and distasteful,” Merrill concluded, “and constantly subject those concerned to bitter and unjust partisan attack from which no case and rectitude of conduct can shield them.” Racial and political violence had been stopped, but intimidation remained common. He

anticipated a renewal of hostilities as the fall 1876 election approached. As his report indicated, even a committed officer like Merrill had grown weary of Reconstruction.<sup>103</sup>

Half of the six troop detachment sent to the South in September received orders to return to the frontier in May. A and E Troops, which had been diverted to Alabama by General McDowell, departed by mid-month and H Troop left New Orleans on 5 May. By that summer, the three companies were back on the frontier scouting after hostile Indians and searching for lost miners in the Black Hills and Reconstruction quickly faded to an unhappy memory. B, G, and K Troops remained in the Gulf Department performing routine duties until they received their release from Reconstruction in April 1876. The Colfax garrison, for example, provided its last posses in November and since had been performing camp duties, participating in drill, and tending to the post's garden. By the late spring of 1875, times had become so dull that the post returns make special mention of the fact that the men had built arbors to shade their tents and had been permitted to wear straw hats. What excitement was to be had came from the recovery of a stolen horse in August. Major Merrill had departed the month before, having been appointed to the U.S. International Exposition taking place that year in Philadelphia. He ignored Custer's request that he return to duty with the 7th Regiment as it prepared for a campaign against the Sioux.<sup>104</sup>

The 7th Cavalry Regiment's withdrawal from Louisiana in the spring of 1876 represented an ignoble end to its faithful performance of Reconstruction duty. Major Merrill's experiences in the state revealed the extent to which the nation's retreat from Reconstruction limited an Army officer's ability to influence local affairs by upholding

the law and protecting Reconstruction reforms. The determined resistance he faced in Louisiana caused him to abandon the Republican program as well. The end of Reconstruction was close at hand, symbolized by the removal of the only mounted troops from Louisiana before the presidential election that fall.

## ENDNOTES

---

<sup>1</sup> Annual Report of Colonel William Emory, Department of the Gulf, 4 October 1872, reprinted in *Annual Report of the Secretary of War* (hereafter *SW Report*), 42d Cong., 3d sess., H. Ex. Doc.1, 1872, serial 1558, 92-93; Joseph G. Dawson III, *Army Generals and Reconstruction: Louisiana, 1862-1877* (Baton Rouge: Louisiana State University Press, 1982), 113-14.

<sup>2</sup> Assistant Adjutant General Robert Scott, Military Division of the South, telegram to Emory, 2 January 1872, reprinted in, "Condition of Affairs in Louisiana," 42d Congress, 2d sess., H. Misc. Doc. 211, serial 1527, 93.

<sup>3</sup> James E. Sefton, *The United States Army and Reconstruction 1865-1877* (Baton Rouge: Louisiana State University Press, 1967), 217; Dawson, *Army Generals*, 115-16.

According to Sefton, local commanders sought guidance from higher authorities who consistently believed "the man on the spot was clearly best informed on local conditions and therefore the best judge of circumstances." He characterizes the situation as "insoluble, and throughout the seventies many of the exchanges between Washington and Southern command posts were variations on the theme, 'What shall I do?' 'Use your own judgment'." Dawson writes: "Such nebulous orders hurt Emory more than any other southern commander because Louisiana was consistently the most troublesome southern state to the national administration in Washington."

<sup>4</sup> Dawson, *Army Generals*, 133.

<sup>5</sup> Monroe (LA) *Ouachita Telegraph*, 9 November 1872.

<sup>6</sup> Assistant Adjutant General William Whipple telegram to Emory, 4 January 1873, reprinted in, "Condition of Affairs in Louisiana," 42d Congress, 3d sess., H. Ex. Doc. 91, serial 1565, 31.

<sup>7</sup> Emory telegram to Whipple, 11 January 1873, reprinted in, *ibid.*, 33.

<sup>8</sup> Dawson, *Army Generals*, 144-47; Joe Gray Taylor, *Louisiana Reconstructed, 1863-1877* (Baton Rouge: Louisiana State University Press, 1974), 269-71. For treatments of the Colfax massacre and their impact on Reconstruction see, LeAnna Keith, *The Colfax Massacre: The Untold Story of Black Power, White Terror, and the Death of Reconstruction* (New York: Oxford University Press, 2008), and Charles Lane, *The Day Freedom Died: The Colfax Massacre, the Supreme Court, and the Betrayal of Reconstruction* (New York: Henry Holt and Co., 2008).

<sup>9</sup> New Orleans (LA) *Times*, 16 April 1873.

<sup>10</sup> Emory, quoted in Dawson, *Army Generals*, 146-47.

<sup>11</sup> *Ibid.*, 150.

<sup>12</sup> Taylor, *Louisiana Reconstructed*, 272-73.

<sup>13</sup> Alexandria (LA) *Caucasian*, 28 March, 4 April 1874; Taylor, *Louisiana Reconstructed*, 281; H. Oscar Lestage, Jr., "The White League in Louisiana and Its Participation in Reconstruction Riots," *Louisiana Historical Quarterly* 18 (July 1935): 637.

<sup>14</sup> Lestage, "White League," 643. For a sampling of White League resolutions and published sentiments see, "Condition of the South," 43d Congress, 2d sess., H. Rpt. 261, serial 1660, 752-75.

<sup>15</sup> *Shreveport (LA) Times*, 29 July, 5 August 1874, reprinted in "Condition of the South," 43d Congress, 2d sess., H. Rpt. 261, serial 1660, 765. Italics in original.

<sup>16</sup> *Alexandria Louisiana Democrat*, 15 July 1874, reprinted in "Condition of the South," 43d Congress, 2d sess., H. Rpt. 261, serial 1660, 770. Italics in original.

<sup>17</sup> *Natchitoches (LA) People's Vindicator*, 18, 25 July 1874.

<sup>18</sup> *Shreveport (LA) Times*, 20 May 1874, reprinted in, *ibid.*, 772.

<sup>19</sup> Emory believed that transferring his command to Holly Springs, Mississippi, during the summer of 1873 had saved many of his soldiers' lives during a severe Yellow Fever outbreak. He was determined to follow the same course again in 1874 to protect his men. Dawson, *Army Generals*, 152.

<sup>20</sup> Dawson, *Army Generals*, 156-58.

<sup>21</sup> *Alexandria Louisiana Democrat*, 25 July 1874, quoted in Lestage, "White League," 655.

<sup>22</sup> *New Orleans Bulletin*, 9 August 1874; Taylor, *Louisiana Reconstructed*, 286.

<sup>23</sup> Dawson, *Army Generals*, 161.

<sup>24</sup> Ted Tunnel, *Crucible of Reconstruction: War, Radicalism, and Race in Louisiana, 1862-1877* (Baton Rouge: Louisiana State University Press, 1984), 198-201. Of the incident Tunnel writes: "The massacre shattered Republican morale throughout the state." Taylor writes that the Coushatta massacre proved a dubious victory since it "damaged the Conservative cause in Congress and in the nation" in much the same way that the Ku Klux Klan had undermined its supporters in Washington in 1871. Taylor, *Louisiana Reconstructed*, 291. The best recounting of this incident and its impact on Reconstruction in Louisiana appears in Ted Tunnel, *Edge of the Sword: The Ordeal of Marshall H. Twitchell in the Civil War and Reconstruction* (Baton Rouge: Louisiana State University Press, 2001), 184-210.

<sup>25</sup> President Grant to Secretary of War Belknap, 2 September 1874, reprinted in John Y. Simon, ed., *The Papers of Ulysses S. Grant*, 30 vol. (Carbondale: Southern Illinois University Press, 1967- ), 25: 187-88. Grant made pointed reference to the "recent atrocities" committed in Louisiana, Alabama, and South Carolina that "show a disregard for law, civil rights and personal protection that ought not to be tolerated in any civilized government." Belknap, Williams, and Secretary of the Treasury Benjamin Bristow asked and received permission to publish this letter to publicly state the administration's positions on the recent violence in the South.

<sup>26</sup> *New York Times*, 4 September 1874.

<sup>27</sup> *New Orleans Bulletin*, 5 September 1874.

<sup>28</sup> *Shreveport (LA) Times*, 8 September 1874.

<sup>29</sup> *Ibid.*, 5 September 1874. Italics in the original.

<sup>30</sup> *Natchitoches (LA) People's Vindicator*, 12 September 1874. Italics in the original.

<sup>31</sup> Lestage, "White League in Louisiana," 638-39; Taylor, *Louisiana Reconstructed*, 284-85.

- 
- <sup>32</sup> Taylor, *Louisiana Reconstructed*, 292-95.
- <sup>33</sup> Shreveport (LA) *Times*, 22 September 1874.
- <sup>34</sup> "Louisiana Affairs," 43d Congress, 2d sess., S. Ex. Doc. 13, serial 1629, 1-8.
- <sup>35</sup> Taylor, *Louisiana Reconstructed*, 296.
- <sup>36</sup> Dawson, *Army Generals*, 179-80.
- <sup>37</sup> *Ibid.*, 180.
- <sup>38</sup> Katherine Gibson Fougera, *With Custer's Cavalry: From the Memoirs of the late Katherine Gibson, Widow of Captain Francis M. Gibson of the Seventh Cavalry, U.S.A. (Retired)* (Caldwell, ID: Caxton Printers, Ltd., 1940. Reprint, Lincoln: University of Nebraska Press, 1986), 200-3
- <sup>39</sup> September and October 1874 regimental returns, Returns from Regular Army Cavalry Regiments (hereafter RRACR), 1833-1916 (Microcopy M-744, reel 72), Record Group (hereafter RG) 391, National Archives and Records Administration (hereafter NARA), Washington, DC.
- <sup>40</sup> New Orleans *Times*, 15 October 1874.
- <sup>41</sup> Colonel Emory's testimony before the Select Committee on the Condition of the South on 31 December 1874 appears in "Condition of the South," 43d Congress, 2d sess., H. Rpt. 101, serial 1657, 62.
- <sup>42</sup> The post at Shreveport had been established on 19 September by a company of the 3d Infantry, camped at Greenwood until 29 September when it moved into city; "Condition of the South," 43d Congress, 2d sess., H. Rpt. 261, serial 1660, 174, 183-84.
- <sup>43</sup> Emory to Army Adjutant General Townsend, 24, 30 September, 1 October 1874, reprinted in "Affairs in Louisiana," 43d Congress, 2d sess., S. Ex. Doc. No. 17, serial 1629, 60-61.
- <sup>44</sup> Merrill to Assistant Adjutant General E. R. Platt, Department of the Gulf, 25 October 1874, reprinted in 43d Congress, 2d sess., H. Rpt. 101, serial 1657, 66.
- <sup>45</sup> Merrill to Assistant Adjutant General, Department of the Gulf, 25 October 1874, reprinted in "Condition of the South," 43d Congress, 2d sess., S. Ex. Doc. 17, serial 1629, 4-6.
- <sup>46</sup> *Ibid.*
- <sup>47</sup> Emory to Adjutant General Edward Townsend, 26 October 1874, reprinted in *ibid.*, 2.
- <sup>48</sup> Emory to Townsend, 27 October 1874, reprinted in *ibid.*, 3.
- <sup>49</sup> Merrill to Assistant Adjutant General, Department of the Gulf, 27 October 1874, reprinted in *ibid.*, 7-11; Townsend to Merrill, 7 December 1874, reprinted in *ibid.*, 12.
- <sup>50</sup> Merrill to Assistant Adjutant General, Department of the Gulf, 27 October 1874, in *ibid.*, 7-11.
- <sup>51</sup> Merrill to Assistant Adjutant General, Department of the Gulf, 18 November 1874, reprinted in, *ibid.*, 18.
- <sup>52</sup> Lieutenant Donald McIntosh to Assistant Adjutant General, Department of the Gulf, 14 November 1874, reprinted in, *ibid.*, 13; See also, McIntosh testimony, "Condition of the South," 43d Congress, 2d sess., H. Rpt. 261, serial 1660, 164-65.
- <sup>53</sup> Lieutenant Donald McIntosh to Assistant Adjutant General, Department of the Gulf, 14 November 1874, Merrill to Assistant Adjutant General, Department of the Gulf, 18

---

November 1874, both reprinted in “Condition of the South,” 43d Congress, 2d sess., S. Ex. Doc. 17, serial 1629, 13-14, 18.

<sup>54</sup> Mayor J. F. De Vargas to Lieutenant McIntosh, 27 October 1874, McIntosh to Assistant Adjutant General, Department of the Gulf, 14 November 1874, reprinted in *ibid.*, 15-16.

<sup>55</sup> De Rudio’s account and the Conservative’s account of the incident both appear in, “Condition of the South,” 43d Congress, 2d sess., H. Rpt. 261, serial 1660, 165-66, 774.

<sup>56</sup> Lestage, “White League in Louisiana,” 687.

<sup>57</sup> Natchitoches (LA) *People’s Vindicator*, no date, reprinted in “Condition of the South,” 43d Congress, 2d sess., H Rpt. 261, serial 1660, 922-23.

<sup>58</sup> Alexandria (LA) *Caucasian*, 31 October 1874.

<sup>59</sup> *Shreveport (LA) Times*, no date, reprinted in “Condition of the South,” 43d Congress, 2d sess., H. Rpt. 261, serial 1660, 754. Italics in original.

<sup>60</sup> David Pierson testimony, in *ibid.*, 544-45.

<sup>61</sup> *Ibid.*; see also Letter to the Editor, Natchitoches (LA) *People’s Vindicator*, reprinted in *ibid.*, 928.

<sup>62</sup> McIntosh to Assistant Adjutant General, Department of the Gulf, 14 November 1874, reprinted in “Affairs in Louisiana,” 43d Congress, 2d sess., S. Ex. Doc. 17, serial 1629, 14.

<sup>63</sup> Colonel Henry Morrow to Assistant Adjutant General, Department of the Gulf, 20 November 1874, reprinted in “Condition of the South,” 43d Congress, 2d sess., H. Rpt. 261, serial 1660, 200.

<sup>64</sup> Emory testimony, “Condition of the South,” 43d Congress, 2d sess., H. Rpt. 101, serial 1657, 60.

<sup>65</sup> McIntosh to Assistant Adjutant General, Department of the Gulf, 14 November 1874, and Merrill to Assistant Adjutant General, Department of the Gulf, 18 November 1874, both reprinted in “Affairs in Louisiana,” 43 Congress, 2d sess., S. Ex. Doc. 17, serial 1629, 14, 18.

<sup>66</sup> “Condition of the South,” 43d Congress, 2d sess., H. Rpt. 261, serial 1660, 148-49, 168, 175.

<sup>67</sup> *Ibid.*, 148.

<sup>68</sup> *Ibid.*, 166.

<sup>69</sup> *Ibid.*, 274.

<sup>70</sup> McIntosh to Assistant Adjutant General, Department of the Gulf, in, *ibid.*, 14; McIntosh testimony, “Condition of the South,” 43d Congress, 2d sess., H. Rpt. 261, serial 1660, 165.

<sup>71</sup> “Condition of the South,” 43d Congress, 2d sess., H. Rpt. 261, serial 1660, 4.

<sup>72</sup> *Ibid.*, 589.

<sup>73</sup> *Ibid.*, 4.

<sup>74</sup> The Republicans called six officers to testify on the White League’s use of intimidation and violence: Captain Arthur Allyn, 16th Infantry; Lieutenant Charles De Rudio, 7th Cavalry; Captain J. H. Gageby, 3d Infantry; Lieutenant William Gerlach, 3d Infantry; Lieutenant Donald McIntosh, 7th Cavalry; and Major Merrill. As rebuttal

witnesses, the Conservatives called Colonel Henry Morrow and Captain George Head of the 3d Infantry. See testimony in, "Condition of the South," 43d Congress, 2d sess., H. Rpt. 261, serial 1660.

<sup>75</sup> Morrow to Assistant Adjutant General, Department of the Gulf, 20 November 1874, reprinted in "Condition of the South," 43d Congress, 2d sess., H. Rpt. 261, serial 1660, 199-200.

<sup>76</sup> *Ibid.*, 200.

<sup>77</sup> *Ibid.*

<sup>78</sup> *Ibid.*, 200, 206, 589.

<sup>79</sup> *Ibid.*, 275; "Affairs in Louisiana," 43d Congress, 2d sess., S. Ex. Doc. 17, serial 1629, 39; Dawson, *Army Generals*, 191. Dawson characterizes Merrill's decision to confront Conservatives in court as a wise one.

<sup>80</sup> "Affairs in Louisiana," 43d Congress, 2d sess., S. Ex. Doc. 17, serial 1629, 32-33.

<sup>81</sup> Merrill to Assistant Adjutant General, Department of the Gulf, 22 November 1874, reprinted in, "Affairs in Louisiana," 43d Congress, 2d sess., S. Ex. Doc. 17, serial 1629, 25, 33-34; Monroe *Ouachita (LA) Telegraph*, 13 November 1874.

<sup>82</sup> *Ibid.*, 35-36.

<sup>83</sup> *Ibid.*, 38-39.

<sup>84</sup> *Ibid.*, 44-45.

<sup>85</sup> *Ibid.*, 47

<sup>86</sup> *Ibid.*, 47-50.

<sup>87</sup> *Shreveport (LA) Times*, 8 November 1874.

<sup>88</sup> "Condition of the South," 43d Congress, 2d sess., H. Rpt. 261, serial 1660, 950-952.

<sup>89</sup> Morrow to Assistant Adjutant General, Department of the Gulf, 20 November 1874, reprinted in, *ibid.*, 200-1; Merrill to Assistant Adjutant General, Department of the Gulf, 22 November 1874, reprinted in "Louisiana Affairs," 43d Congress, 2d sess., S. Ex. Doc. 17, serial 1629, 26.

<sup>90</sup> "Condition of the South," 43d Congress, 2d sess., H. Rpt. 261, serial 1660, 179.

<sup>91</sup> *Ibid.*, 150.

<sup>92</sup> Merrill to Assistant Adjutant General, Department of the Gulf, 26 November 1874 and 11 January 1875; Lieutenant James Bell to Merrill, 3 December 1874, all reprinted in "Affairs in Louisiana," S. Ex. Doc. 17, serial 1629, 51-60.

<sup>93</sup> Emory to Adjutant General Townsend and Assistant Adjutant General E. R. Platt to Morrow, 28 November 1874, reprinted in *ibid.*, 50-51.

<sup>94</sup> Morrow to Assistant Adjutant General, Department of the Gulf, 3, 11, 24 December 1874, all reprinted in *ibid.*, 67-74.

<sup>95</sup> Emory to Assistant Adjutant General, Military Division of the South, 27 December 1874 and General William Sherman to Secretary of War Belknap, 4 January 1875, both reprinted in *ibid.*, 74-75.

<sup>96</sup> "Affairs in Louisiana," 43d Congress, 2d sess., S. Ex. Doc. 13, serial 1629, 7, 16; Dawson, *Army Generals*, 196-97.

---

<sup>97</sup> Belknap to Sheridan and Townsend to Sheridan, 24 December 1874, both reprinted in "Affairs in Louisiana," 43d Congress, 2d sess., S. Ex. Doc. 13, serial 1629, 19-20; Dawson, *Army Generals*, 201.

<sup>98</sup> Louis Wiltz telegram to Grant, 4 January 1875, Sheridan to Belknap, 8 January 1875, both reprinted in "Affairs in Louisiana," 43d Congress, 2d sess., S. Ex. Doc. 13, 21, 27-29; *Memorial of the Conservative Members of the Legislature of Louisiana*, 43d Congress, 2d sess., S. Misc. Doc. 45, serial 1630; *Communication of Hon. Michael Hahn*, 43d Congress, 2d sess., S. Misc. Doc. 46, serial 1630; Dawson, *Army Generals*, 203-6.

<sup>99</sup> "Affairs in Louisiana," 43d Congress, 2d sess., S. Ex. Doc. 13, serial 1629, 22-23, 29-31; Dawson, *Army Generals*, 207-8. Georgia, Kansas, Missouri, Ohio, Pennsylvania, and West Virginia filed protests.

<sup>100</sup> Sheridan to Belknap, 10 January 1875, reprinted in "Affairs in Louisiana," S. Ex. Doc. 13, serial 1629, 29-31. Sheridan revised his estimate down to 2,141 a month later. Sheridan to Massachusetts Congressman George Hoar, 8 February 1875, reprinted in 44th Congress, 2d sess., H. Ex. Doc. 30, serial 1755, 298. Merrill to Assistant Adjutant General, Department of the Gulf, 11 January 1875, reprinted in, "Affairs in Louisiana," 43d Congress, 2d sess., S. Ex. Doc. 17, serial 1629, 57-60. See also Merrill's testimony in "Condition of the South," 43d Congress, 2d sess., H. Rpt. 261, serial 1660, 180.

<sup>101</sup> George F. Hoar, *Autobiography of Seventy Years*, 2 vols. (New York: Charles Scribner's Sons, 1903), 1: 208.

<sup>102</sup> Fougera, *With Custer's Cavalry*, 203-11. Francis B. Heitman, *Historical Register and Dictionary of the United States Army from its Organization, September 29, 1789, to March 2, 1903* 2 vols. (Washington, DC: Government Printing Office, 1903), 1: 453. Lieutenant Francis Gibson joined the 7th Cavalry when it formed in 1867 and was posted to Elizabethtown, Kentucky during the regiment's first Southern deployment. Louisiana offered him his first introduction to the difficult task of keeping the peace.

<sup>103</sup> Merrill to Adjutant General, Department of the Gulf, 24 August 1875, Letters Received Army Adjutant General's Office (hereafter AGO) file 5637 of 1875 (Microcopy M-666, reel 243), Record Group (hereafter RG) 94, National Archives and Records Administration (hereafter NARA).

<sup>104</sup> Regimental returns May 1875-April 1876, RRACR, 1833-1916 (Microcopy M-744, reel 72), RG 391, NARA, Washington, DC.

## CHAPTER VIII

## CONCLUSION: A BITTER END

In February 1876, Major Lewis Merrill received welcome news relieving him of his command of the District of the Upper Red River in Louisiana. The adjutant general had appointed him a member of the military commission to the Centennial International Exhibition of 1876 in Philadelphia, Pennsylvania. For Merrill, this represented a furlough home. The major played an active role in securing this posting by utilizing his family and political connections. When the Centennial Commission's president, Joseph Hawley, wrote Secretary of War William Belknap on February 18 asking for a distinguished military officer to greet foreign dignitaries and provide for their safety when they visited the Exhibition, he already had a specific person in mind. "Major Lewis Merrill of the Cavalry, Brevet Brigadier General," Hawley informed Belknap, "would be very glad to assist in these matters." Hawley desired Merrill because he was a "Pennsylvanian, a graduate of the [Military] Academy, and much interested in the Exhibition." The secretary of war approved this request and Merrill joined the Exposition staff in March.

A sequence of personal and political rivalries ensued related to the 7th Cavalry and Reconstruction. Lieutenant Colonel George Custer had remained on the frontier with the majority of the 7th Cavalry Regiment while Merrill pursued the White League in Louisiana. Although several years removed from his own flirtation with politics, Custer watched the Democratic party's resurgence with keen interest. Custer reveled in

the Democrats' midterm congressional victories in 1874 that allowed the party to claim majority status in the U.S. House of Representatives. In a letter to Andrew Johnson, Custer heartily congratulated the former president upon his election to the Senate from Tennessee and exclaimed his great relief "that the constitution, the Union" would once again be protected. He remarked on the "poetic justice" of Johnson's entering office when the terms of "many of those who were foremost in opposing your former official policy will expire."<sup>1</sup> The Democrats had made significant gains in national politics by making allegations of corruption in President Ulysses Grant's administration a central feature of the campaign. As a result of the Democrats' dogged pursuit of scandals, Republican Reconstruction had been unraveling, ending the president's hopes of running for a third term. House Democrats thoroughly investigated executive departments. When a scandal broke within the War Department involving Secretary of War Belknap, House Democrats brought Custer to Washington, D.C., to testify and in the spring of 1876 he once again became an active participant in Reconstruction politics.<sup>2</sup>

Even before he delivered his testimony against Belknap, Custer managed to provoke his superior officers and members of Grant's administration, including the president himself. The first instance occurred when he unflatteringly commented on the government's Indian policy and the leadership ability of certain superior officers in a series of articles written for *Galaxy* magazine while he was assigned in Kentucky. These were collected and published in book form in 1874 under the title: *My Life on the Plains*. Custer's self-serving observations regarding the Army's campaigns against hostile Native American tribes, his criticism of official policy toward the Indians, and his

musings on frontier conditions brought him a national following and acclaim that lent him status in the public eye and made his future statements appear more authoritative. During the summer of 1874, Custer led an Army expedition into the Black Hills of Dakota with the stated purpose of locating a site for a new fort and an unstated objective of quietly seeking evidence to confirm or deny the widespread rumors of gold deposits in the area. In privately publicizing that the expedition had found gold, Custer placed the Grant administration in a dilemma. The government was obligated by formal treaty to protect Indian lands in the Black Hills, but it could not keep white miners and settlers out of the region, especially if gold fever took hold. As a result of Custer's unprofessional actions, Lieutenant General Philip Sheridan passed him over and selected another officer to command the follow-up expedition of 1875.<sup>3</sup> Deprived of the opportunity to command the expedition, Custer occupied his time by assisting the pro-Democratic *New York Herald's* correspondent secretly investigate official corruption at Army posts along the upper Missouri River.<sup>4</sup>

On 15 March 1876, Custer received a summons from the chair of the House Committee on Expenditures in the War Department, Pennsylvania Democrat Heister Clymer, to appear in Washington to testify about Secretary of War Belknap's sale of post traderships. The House committee's investigation ultimately revealed that Belknap had cheated the government and extorted Indians by appointing men as post traders who turned around and sold the traderships to the established sutlers in return for an annual payment. This payment was then divided between the trader and the secretary of war, or his wife. Belknap had hastily resigned on 2 March to avoid the embarrassment of

impeachment, but this did not stop the House committee from pursuing its investigation against the former secretary to embarrass the president.<sup>5</sup>

Custer testified on 29 March, once again placing his notable reputation in the service of the Democracy. According to the *New York Times* correspondent in attendance, “no one who witnessed the earnest manner with which he [Custer] gave testimony, doubts the sincerity of his convictions.”<sup>6</sup> Unfortunately for the committee’s Democratic members, Custer offered little more than hearsay evidence and a strong personal belief that the federal government had been charged twice for 8,000 bushels of corn he had been compelled to accept at Fort Abraham Lincoln. He was recalled on 4 April to explain why he, and other Army officers, had kept silent about the corruption. In response, he offered a 15 March 1873 War Department order as justification. Custer explained that the order prohibited Army officers from lobbying Congress, required that all communications with legislators be passed through the War Department, and demanded officers who arrived in Washington while Congress was in session to register with the adjutant general’s office. Violating this order, Custer testified, could lead to severe penalties, including loss of rank and discharge.<sup>7</sup>

Although his testimony offered little of substance, Custer came under attack almost immediately by Republicans, including some high-ranking Army officers, who supported Belknap. In claiming that his testimony had been “spurred by a grievance,” they hoped to cast doubt on his statements and undermine his credibility. These accusations gathered weight when Congressman Clymer asked the War Department for copies of Custer’s reports regarding the double-billed corn. After a thorough search of

the War Department records and those of the Department of the Dakota, Secretary of War Alfonso Taft replied that no evidence existed that Custer had submitted any report regarding government corn purchases. Custer's commanding officer, Brigadier General Alfred Terry, eventually confirmed that Custer had submitted a report claiming that the government had been billed twice for the corn, but a subsequent investigation "showed that the corn was all right, and he [Terry] ordered it to be received." Custer's testimony, while of dubious value, caused the managers of the Belknap impeachment to retain him at the capital in case he was needed as a witness once the trial began in the Senate. Forced to remain in the capital, Custer furthered his estrangement from Grant by socializing prominently with leading Democrats, to the point of frequently joining Clymer on strolls around the capital.<sup>8</sup>

Seemingly with nothing better to do, Custer renewed his feud with Merrill. Shortly after his first appearance before the Clymer committee, Custer met with George Armes, a former Army captain dismissed in 1870 after being found guilty of conduct unbecoming an officer and ungentlemanly behavior by a court martial on which Merrill had served as judge advocate. They plotted to have the charges against Merrill for accepting money from the South Carolina state legislature reexamined by House Democrats. According to Armes, Custer was "very anxious to have [brevet] Colonel Merrill brought to trial."<sup>9</sup> Merrill was forced to leave the Centennial Exposition to defend himself.<sup>10</sup> He appeared before Democratic Congressman Henry Banning's House Military Affairs Committee on 3 April and acquitted himself well when questioned about his acceptance of \$20,000 from South Carolina for prosecuting

Klansmen. Later that month, Custer appeared before Banning's committee to testify against Merrill. Once again, he "knew absolutely nothing of his own knowledge" and offered only hearsay testimony. The committee concluded that the charges leveled against Merrill did not warrant a congressional investigation, much the same conclusion that the Army's judge advocate general reached three years earlier. Custer's use of congressional committees to exercise personal grudges contributed to his own loss of prestige, especially in the president's eyes. Once again, Custer's dabbling in politics damaged his military reputation. "If this sort of thing goes too far," the *New York Times* opined, "the Democrats, if they should have control of the next Administration, may not, after all, make him a Brigadier General."<sup>11</sup> Merrill, on the other hand, successfully employed his political connections to be reinstated to the Centennial Exposition, causing Custer to remark bitterly in a letter to his wife that "all the carpetbaggers are seeking to induce the President to do this."<sup>12</sup>

In spite of Merrill's redemption before the congressional committee, he remained dissatisfied. Once again, he had been deprived of the public hearing he desperately wanted in order to clear his name. On 24 April, he addressed a letter to the editor of the *New York Times* in his own defense. As a result of his service in the South, Merrill remarked, he had been made "the subject of very bitter newspaper attack, prompted in large measure by partisan feeling and prejudice." Regarding the accusations that Merrill had accepted money from South Carolina in payment for their performance of his official duties that first emerged in 1873, he asserted that the charges were "fully answered" and the "truthfulness of the answering reports has never been questioned."

Never achieving a public hearing, Merrill concluded that in calling for an inquiry into the charges, Democrats had accomplished their purpose “in the imputation of wrongdoing.” Clearly, Merrill believed he had made a major personal sacrifice in performing his duties under Reconstruction.<sup>13</sup>

Meanwhile, Custer grew increasingly concerned that his forced detention in Washington might jeopardize his command of the upcoming campaign on the northern Plains against the Sioux. Although reluctant, he remained in the capital in the service of the Democratic party. While dining with Banning, for example, he helped the Ohio congressman prepare a speech he planned to deliver in the House demanding the transfer of the Indian Bureau to the War Department. The congressman’s arguments in favor of the transfer relied in large part on the accusations of malfeasance made in Custer’s book. In addition to his partisan employments, Custer helped to prepare his regiment for the coming campaign as best he could. In a letter to his wife, he claimed: “I have been instrumental in getting four companies up from the South. They are to proceed at once to Fort Lincoln.”<sup>14</sup> Finally, on 20 April, the managers of the Belknap impeachment allowed Custer to return to the West since none of the charges against the former secretary drew on Custer’s testimony.<sup>15</sup>

Rather than proceed directly to Fort Lincoln, Custer traveled to Philadelphia to see the Centennial Exposition and then on to New York to meet with his publisher. While in New York, Custer again cavorted with leading Democrats, including some of the Grant administration’s harshest critics. In retaliation for his testimony against Belknap, Washington Republicans summoned Custer back to the capital on 24 April.

For the second time in his career, Custer found himself excoriated for his partisanship in Republican newspapers. They unleashed a vitriolic diatribe against him accusing him of perjury in an attempt to disparage a fellow officer, namely Merrill. Major General William Sherman attempted to intercede on Custer's behalf by asking Secretary of War Alfonso Taft to order him back to the Plains to lead a column in the Sioux campaign, but the president quashed this notion and instructed the secretary to designate another officer to command. An anxious Custer finally decided to leave Washington on his own authority after the president refused to grant him an audience. On 4 May, one of General Sheridan's aides intercepted Custer on the train bound for Saint Paul, Minnesota, where the headquarters of the Department of the Dakota was located, and handed him a telegram from Sherman to Sheridan informing the latter that Custer's decision to rejoin his regiment "was not justified." The long arm of the commander in chief threatened to pull Custer back to the capital to prevent him from leading his regiment into the field. Finally, with several senior officers intervening on Custer's behalf, the president relented and on 8 May allowed him to rejoin his regiment. On 25 June, under General Terry's overall command, Custer led his regiment headlong into the valley of the Little Bighorn River, his carelessness potentially resulting from his desire to redeem his image after being embarrassed by the president.<sup>16</sup>

In addition to pursuing the Republican administration, Democratic congressmen also worked to restrict the Army's ability to influence Southern politics. During the last session of the 44th Congress, House Democrats attached a rider to the Army Appropriation bill of 1877 that stipulated that government funds could not be used to

sustain Republican governments in Louisiana and South Carolina. Senate Republicans managed to defeat the bill, but at the great cost of leaving the Army with no appropriation for most of the year. The 1876 elections increased the number of Democrats in both houses of Congress and eventually brought a new Republican president, Rutherford Hayes, into the White House. During the first session of the 45th Congress House Democrats renewed their efforts to restrict the Army's influence in civil affairs. Kentucky Representative J. Proctor Knott introduced a resolution on 27 May 1878 that eventually became the Posse Comitatus Act. The act prohibited the use of the Army "as a posse comitatus, or otherwise, for the purpose of executing the laws" except as authorized by the Constitution or by Congress. The Posse Comitatus Act placed no restrictions on the president's ability to employ the military to keep the peace but it did prevent lesser officials, including military commanders, from acting on their own discretion. On 7 July, the War Department issued a circular drawing attention to the new law which effectively restored the Army's function in civil affairs to the status quo ante bellum.<sup>17</sup>

Several months after the debacle at the Little Bighorn, Merrill returned to the frontier and participated in the Nez Perce campaign of 1877. The major commanded a battalion of the 7th Cavalry Regiment, comprised of F, I, and L troops. The 7th cavalrymen pursued Chief Joseph's tribe for three months before finally confronting the Indian warriors at Canyon Creek. The Indians thwarted every attempt the 7th cavalrymen made to bottle them up in the canyon and ultimately escaped. During the campaign, Merrill had performed his duty competently, but with little distinction.

Throughout the 1880s, Merrill's health and personal finances began to decline. The major suffered from nephritis, or Bright's Disease, a chronic kidney inflammation that caused him extreme back pain and induced bouts of vomiting. This affliction made it difficult for Merrill to remain on horseback for long periods, a significant debilitation for a cavalry officer. On top of this, a bullet wound suffered during the Little Rock campaign in 1863 plagued him throughout his life and appeared to have contributed to the formation of an abdominal tumor that baffled Army surgeons and caused the major to apply for a medical leave in 1882. He remained in Philadelphia from November 1882 until February 1883 and briefly returned to service for three months before returning to medical leave for another three years.

By 1885, Merrill's military career had reached a crossroads. An Army retiring board placed him on a list of retired officers. As was common at the time, Merrill waited for promotion before beginning his retirement. A lieutenant colonelcy opened in his former regiment, the 2d Cavalry, early in 1886 and President Grover Cleveland placed Merrill on the Retired List, as anticipated, indicating he would be promoted to lieutenant colonel.

But Merrill had made some powerful political enemies within the Democratic party and his efforts on behalf of Reconstruction came back to haunt him. In particular, he had offended Congressman Newton Blanchard of Louisiana, who had been a young lawyer in Shreveport when Merrill made it the headquarters for the District of the Upper Red River in 1874. Before the president submitted Merrill's name to the Senate for confirmation, Blanchard intervened and convinced Cleveland to withdraw Merrill's

nomination and announce a new policy preventing incapacitated Army officers from receiving promotion to a higher rank before entering retirement. Ultimately, to the taxpayers' benefit, the Democratic administration had stripped the Army officer corps of one of its customary privileges.<sup>18</sup>

Merrill brought his own political capital to bear on his problem. Wall Street lawyer and former governor of South Carolina, Daniel Chamberlain, wrote a letter to President Cleveland on Merrill's behalf on 26 February 1886, "in order to discharge an obligation to one who deserves it of me." Chamberlain argued that Merrill's Reconstruction commands "incurred the hostility of some Southern Senators and Representatives," but the former carpetbagger assured the president that Merrill was no political partisan, "he only meant to do his duty at the South." Chamberlain concluded his request by urging Cleveland to examine Merrill's case personally to ensure "that no injustice has been done."<sup>19</sup>

The president did examine the major's case, but found no justification to promote the disabled officer before placing him on the Retired List. In a private letter to Merrill on 16 July, Cleveland explained the administration's new policy in regards to incapacitated officers being promoted prior to retirement and assured the major "I cannot see in all this anything irregular; and considering all the facts of the case I cannot see that any injustice has been done to you." He appealed to Merrill's respect for the law when he asserted: "If I should send your name to the Senate for this promotion, it would be in the teeth of the statute prohibiting such promotions from the retired list." The law

had to be followed and Cleveland concluded that he simply could not recommend Merrill, a physically unfit officer, for promotion to lieutenant colonel.<sup>20</sup>

Merrill's defeat at the hands of Democratic politicians was only temporary. Republican candidate Benjamin Harrison defeated Cleveland in the 1888 presidential election and the major renewed his request for promotion with a Republican back in the White House. In promoting his cause, Merrill enlisted the aid of the former president of the Centennial Exhibition commission, Senator Hawley, who introduced a bill on 20 January 1890 to promote the retired cavalryman to the permanent rank of lieutenant colonel. Exactly twelve months later, the Senate confirmed his promotion to lieutenant colonel on the Retired List.<sup>21</sup> Having finally received his long-anticipated promotion, Merrill quietly lived the remainder of his life in Philadelphia. He died unexpectedly on 27 February 1896, at the age of sixty-two, and was buried at the National Cemetery in Arlington, Virginia.

Fellow former 7th cavalryman, Charles Braden, had served under Merrill as a second lieutenant in the District of Northern South Carolina, leading many of the posse comitatus the major dispatched to pursue Klansmen, and wrote his obituary. Not surprisingly, Merrill's efforts at defeating the Ku Klux Klan figured prominently in Braden's memorial. In return for his services in South Carolina, the former lieutenant wrote, Merrill received thanks from the Department of the South's commander, General Terry, and the War Department "for great work and ability in mastering and breaking up the Kuklux conspiracy." Braden recognized his former commander most for his actions

in suppressing the Klan, which “incurred the lasting wrath” of Democrats. He concluded his obituary with the remark: “An interesting article could be written on this service.”<sup>22</sup>

Major Merrill and the 7th Cavalry Regiment played a crucial role during the latter stages of Reconstruction. Their greatest impact came against the Ku Klux Klan in South Carolina. Operating under the Enforcement Acts, Merrill thoroughly investigated the Klan organization and its criminal activities, exposing its purposes and intentions to higher military and government authorities to resume its terroristic activities once the Army occupation ceased. His efforts helped convince President Grant to suspend of the writ of habeas corpus in northern South Carolina in October 1871. As commander of the District of Northern South Carolina, Merrill orchestrated a successful campaign that resulted in the arrest of hundreds of Klansmen. The federal prosecutions that followed only punished a handful of members of the order for the crimes they had committed, but the decisive military operation proved sufficient to discourage the South Carolina Klan from regrouping and unleashing another round of terror. The Klan ceased to exist as an effective opponent of Reconstruction as a result of Merrill’s actions and the effective performance of their duties by his cavalrymen.

By the time Merrill and the regiment returned to the South in 1874, circumstances had changed. Northern public opinion no longer supported the aggressive employment of military force in civil affairs. Two years earlier, Congress had refused to renew the suspension of habeas corpus provision contained in the 3d Enforcement Act, depriving the cavalrymen of the decisive advantage required to eliminate violent opposition to Republican government in Louisiana. Merrill succeeded in protecting

Republican voters in the northern parishes during the November 1874 election, thereby sustaining the party as a force in state politics, but at a price. Democrats recorded sizeable victories in the national election and assumed majority status in the U.S. House of Representatives. As their numbers increased, they launched an assault against the Grant administration, the Army, and ultimately Merrill himself.

Later in life, Merrill faced challenges that other officers avoided simply because they had performed their duties under Reconstruction less vigorously than him. If nothing else, the bitter animosities Merrill engendered among Southern Democrats, several years after Reconstruction had ended, indicated the level of his accomplishments as a Reconstruction officer. In South Carolina, he had helped crush the Ku Klux Klan as an active opponent of Reconstruction, and the Invisible Empire, which had spread rapidly across the South in 1868, disappeared from the landscape as quickly as it had come. Circumstances differed in Louisiana, however, and Merrill's impact as district commander, along with the four troops of 7th cavalymen under his command, paled in comparison to the decisive results he had achieved in the Palmetto State. The regiment's mediocre success during its second tour of duty in the Reconstruction South resulted from several factors that reveal the limits of military power in civil affairs, and perhaps the limits of what was possible during Reconstruction.

First, the 7th Cavalry enjoyed more popular and political support in its campaign against the South Carolina Klan in 1871 and 1872 than it did a few years later in Louisiana. The Klan terror that descended upon South Carolina's Upcountry counties and other parts of the South following the 1870 elections presented a significant

challenge to the Southern Republican party, Republican officeholders in the South, and the federal government; a challenge that the president and lawmakers simply could not afford to ignore. In Washington, Republican politicians considered two potential courses of action, neither of which enjoyed overwhelming support within the party. On the one hand, lawmakers could take no action and simply rely on local and state government, as well as federal agents working in the affected areas, to address the challenges posed by the Klan and other white supremacist groups under existing laws, the likely outcome of which appeared to be Redemption of government in the affected states by Democrats. On the other hand, direct federal engagement in Southern civil affairs promised stability, the rule of law, and the maintenance of a viable party organization in the South. At the president's behest, congressional Republicans drafted and passed into law a new, more stringent Enforcement Act in the spring of 1871, one that directly outlawed specific Klan activities and tactics and authorized the president to suspend the writ of habeas corpus, if he deemed it necessary, and apply military force against the conspirators.

The 3d Enforcement Act, or "Ku-Klux" Act as it was popularly known, became law on 20 April 1871 and provided the president with the legal leverage he needed to uproot the Invisible Empire. In addition to making specific Klan actions illegal under federal law, the act empowered the president to suspend the writ of habeas corpus, by proclamation, in a designated area. The terrific scope of the powers conferred upon the president by this law made it highly controversial and Congress's hesitation in extending these powers to the chief executive is evident in the provision requiring the right to

suspend habeas corpus be renewed annually by legislators. Grant's decision to suspend habeas corpus in nine Upcountry South Carolina counties proved essential to unraveling the secret, oath-bound organization because it enabled Justice Department agents and soldiers to make arrests without formal charge and develop a body of evidence against the accused while they remained in federal custody. By removing criminal conspirators from the scene, victims and witnesses felt safe in coming forward to offer their testimony as evidence. It also unraveled the Klan network by delivering a shocking blow to the feelings of invincibility that had emboldened its members to commit brutal crimes by eliminating the anonymity provided by the organization's cloak of secrecy. With Klansmen locked up indefinitely, no one could be certain what information might leak out. Widespread federal arrests brought hundreds of Klansmen in voluntarily. They confessed their membership, offered evidence against their neighbors, and threw themselves on the mercy of federal agents, thereby destroying organizational loyalty and the Klan's base of community support. The suspension of habeas corpus, despite its limitations, made the eradication of this secret organization bound on terror possible. In spite of this, Congress elected not to renew the habeas corpus provision in the spring of 1872, depriving the cavalry of its most effective tool in combating white supremacist violence.

The president's decision to suspend habeas corpus in October 1871 resulted from the second most important condition making military enforcement effective against the Klan, active support for military intervention, if necessary, all the way up the military and civilian chains of command. The U.S. government, completely by chance, had the

right officers in place, civil and military, to successfully prosecute its campaign to eradicate Kukuluxism. As the part of the first 7th Cavalry contingent dispatched to South Carolina in March 1871, Major Merrill occupied the billet of post commander in Yorkville, seat of some of the worst violence perpetrated in the Upcountry. His thorough investigation revealed the full extent of Klan terror and brutality in York County and the major worked tirelessly to inform his superiors of the situation. In several official reports issued in the spring, summer and autumn of 1871, Merrill supplied conclusive evidence to convince Department of the South commander Brigadier General Alfred Terry, U.S. Senator and chairman of the congressional committee established to investigate Klan crimes John Scott, U.S. district attorney for South Carolina David Corbin, U.S. Attorney General Amos Akerman, and ultimately President Grant, of the necessity of taking the unprecedented step of suspending habeas corpus in nine Upcountry South Carolina counties. That an Army officer played such an integral role in bringing about this action is both a testament to the military's vital role in the Reconstruction South and a credit to the officer himself for his perseverance and determination to uphold the law. But Merrill's skill and determination would have meant little in South Carolina, as it did in Louisiana, without the support he received from his superiors.

Although Merrill and his cavalrymen performed a significant task in South Carolina in making hundreds of arrests and guarding the prisoners for weeks or sometimes months, collecting evidence to convict alleged Klansmen in U.S. court, and taking confessions, Justice Department agents and local civil authorities played the

leading role. As the regiment's experiences in South Carolina demonstrated, civil officers dedicated to performing their duty responsibly avoided the taint of partisanship and made the Army's task that much easier and more effective. The Justice Department officials in South Carolina, especially District Attorney Corbin and all the federal marshals and deputy marshals that accompanied the cavalry posses in making arrests, worked extremely well with the soldiers and there were no instances of improper action or accusations of political partisanship reported by the soldiers in 1871 or 1872. Furthermore, state authorities, including Governor Robert Scott, aided the cause by remaining aloof from the proceedings in the Upcountry.

All of these factors that made federal enforcement and military intervention so effective in eliminating Klan terror in South Carolina were turned upside down in Louisiana. By the time the 7th Cavalry received orders to return to the former Confederate states in the early autumn of 1874, the national political landscape had shifted significantly. Congress had opted not to renew the president's authority to suspend habeas corpus in April 1872, depriving Grant of one of the most important tools for confronting secret societies bent on violence and taking the teeth out of the 3d Enforcement Act. Of course, there is no evidence to suggest that the president would have suspended the writ in Louisiana if he had had the option. The majority of white voters in the South had long opposed any federal intervention in the affairs of that section, and many in the North and West began arriving at a similar conclusion, regarding the race problems as an intractable quagmire best left to white Southerners to sort out for themselves. Americans living outside of the South were ready to move

forward and ignore older issues that appeared increasingly anachronistic at a time when the nation stood on the precipice of its emergence as a world industrial power. The issues that had energized the Republican party since its inception and polarized politics for more than a decade had lost their favor with the majority of voters and, for Republicans, “waving the bloody shirt” no longer promised electoral victory. As a result, Republican politicians increasingly disapproved of federal involvement in Southern affairs and, in particular, abhorred military intervention.

When Major Merrill reached northern Louisiana he occupied a similar position to the one he had held in Upcountry South Carolina, that of district commander. The challenges he faced stemmed less from his new opponent, Louisiana’s White League, than the support he received from his superiors and the assistance provided by civil authorities. The Department of the Gulf commander, Colonel William Emory, did not provide the major with the same level of support he enjoyed under General Terry. When Merrill took action against White Leaguers in Shreveport shortly after assuming command, he was questioned by his superior who did not appear to repose the same faith in him that he had earned in South Carolina. With habeas corpus still in effect, state and parish courts functioned and some civil authorities resented the military intervention in civil affairs when the troopers escorted deputy marshals in making arrests. Furthermore, the Justice agents in Louisiana proved deeply partisan, more loyal to Governor William Pitt Kellogg’s administration in the state capital of New Orleans than the national government they served. Their actions sometimes placed the cavalrymen composing their posse comitati in difficult situations and young officers, such as Lieutenant

Benjamin Hodgson, proved especially vulnerable to exploitation at the hands of state Conservatives.

Finally, the White League enjoyed greater support in northern Louisiana in 1874 and 1875 than the Klan possessed in South Carolina by 1871. A relatively new group, the White League had not existed long enough to prove itself more of a liability than an asset. The Klan, however, had existed in South Carolina since 1868 and had operated during several state and national elections. The political results that Klan terror could achieve were well known by the time Grant suspended habeas corpus and local whites seemed more willing to let the Klan go than was later the case in Louisiana.

Reconstruction ended with a whimper, leading future scholars to question the significance of the achievements made in the extension of civil rights to African Americans and universal manhood suffrage. The questions are valid, but historian Eric Foner has provided one of the most well-reasoned perspectives on the era's legacy, asserting that "the remarkable thing about Reconstruction was not that it failed, but that it was attempted at all and survived as long as it did."<sup>23</sup> That the reforms instituted as long as they did is partly a testament to the Army's loyal service in the former Confederate states. But Foner's view was more than a century in coming. At the end of the 19th Century, many within the Army wanted to forget their dalliances in civil affairs and focus on the future, a settled frontier and overseas ventures. Little wonder, especially in light of Merrill's experiences, that soldiers did not look back on the Reconstruction episode for lessons learned or doctrinal evolutions. Unfortunately for the Army as an institution, its Reconstruction experiences were relegated to the same

obscure trash heap as the Indian Wars, difficult experiences that further developed the nation but also so extraordinary as to be forgettable. It may be argued, however, that Reconstruction was the U.S. Army's first tentative engagement in nation-building, a mission that has become increasingly prevalent in the early 21st Century. While Reconstruction remains a unique episode in American history, America's military involvement in civil wars has not been, making the 7th Cavalry's experiences more relevant than ever.

## ENDNOTES

<sup>1</sup> George Custer to Andrew Johnson, reprinted in Paul Bergeron, ed., *The Papers of Andrew Johnson* 16 vols. (Knoxville: University of Tennessee Press, 1967- ), 16: 695.

<sup>2</sup> William Hesseltine, *Ulysses S. Grant: Politician* (New York: Dodd, Mead & Co., 1933), 393-94; William S. McFeely, *Grant: A Biography* (New York: W. W. Norton & Co., 1981), 429.

<sup>3</sup> Jay Monaghan, *Custer: The Life of General George Armstrong Custer* (Boston: Little, Brown & Co., 1959), 361. Monaghan writes that Custer “became a Democrat again” during the summer of 1875, but Custer had participated in Democratic rallies in Kentucky in 1871.

<sup>4</sup> Robert M. Utley, *Cavalier in Buckskin: George Armstrong Custer and the Western Military Frontier* (Norman: University of Oklahoma Press, 1988), 150-53.

<sup>5</sup> Custer to Libbie, 1 April 1876, reprinted in Marguerite Merington, ed., *The Custer Story: The Life and Intimate Letters of General George A. Custer and His Wife Elizabeth* (New York: Devin-Adair Co., 1950), 282; Monaghan, *Custer*, 365. According to Monaghan, Custer also dined frequently with Thomas Bayard, the Democratic senator from Delaware who had introduced the resolution in 1873 demanding an inquiry into the claims that Army officers had accepted payment from the South Carolina state legislature for their efforts against the Ku Klux Klan. McFeely, *Grant*, 435.

<sup>6</sup> *New York Times*, 6 April 1876.

<sup>7</sup> Custer’s testimony appears in “Management of the War Department,” 44th Congress, 1st sess., H. Rpt. 799, serial 1715, 152-64.

<sup>8</sup> *New York Times*, 7, 19 April, 5 May 1876. Louise Barnett, *Touched By Fire: The Life, Death, and Mythic Afterlife of George Armstrong Custer* (New York: Henry Holt and Co., 1996), 258. Barnett characterizes Custer’s testimony against Belknap as a “complete and utter failure to understand the political implications of his testimony.”

<sup>9</sup> Armes quoted in Barry C. Johnson, “Custer, Reno, Merrill and the Lauffer Case: Some Warfare in ‘The Fighting Seventh,’” *English Westerners; Society Brand Book* 13 (October 1870): 11.

<sup>10</sup> Custer to Libbie, 1 April 1876, reprinted in Merington, *Custer Story*, 281.

<sup>11</sup> *New York Times*, 19 April 1876.

<sup>12</sup> Custer to Libbie, 8 April 1876, reprinted in Merington, *Custer Story*, 283.

<sup>13</sup> Merrill to the Editor of the *New York Times*, 24 April 1876, reprinted in *New York Times*, 28 April 1876.

<sup>14</sup> Custer to Libbie, 10 April 1876, reprinted in Merington, *Custer Story*, 285.

<sup>15</sup> Utley, *Cavalier in Buckskin*, 159.

<sup>16</sup> Monaghan, *Custer*, 367; Utley, *Cavalier in Buckskin*, 160-64. Utley suggests that Custer’s experiences in Washington damaged his public persona and threatened his career ambitions and ultimately may have led him to seek redemption by securing a decisive victory at the Little Bighorn, hoping to achieve the same result he had at the Washita in 1868.

---

<sup>17</sup> Robert W. Coakley, *The Role of Federal Military Forces in Domestic Disorders, 1789-1878* (Washington, DC: U.S. Government Printing Office, 1988), 343-45.

<sup>18</sup> *New York Times*, 18 February, 12 May 1886.

<sup>19</sup> Daniel Chamberlain to President Grover Cleveland, 26 February 1886, Letters Received by the Commission Branch of the Adjutant General's Office, 1863-1870 (hereafter CB), (Microcopy M-1064, reel 38), Record Group (hereafter RG) 94, National Archives and Record Administration (hereafter NARA), Washington, DC.

<sup>20</sup> Cleveland to Merrill, 12 July 1886, CB, (Microcopy M-1094, reel 38), RG 94, NARA.

<sup>21</sup> *Congressional Record*, 15 January 1891, 1539.

<sup>22</sup> Lewis Merrill's obituary appears in *Twenty-seventh Annual Reunion of the Association of the Graduates of the United States Military Academy, at West Point, New York, June 11th, 1896* (Saginaw, MI: Seemann & Peters, Printers and Binders, 1896), 136-37. For a contrasting view see Merrill's obituary in the *Yorkville (SC) Enquirer*, 4 March 1896.

<sup>23</sup> Eric Foner, *Reconstruction: America's Unfinished Revolution* (New York: Harper & Row, Pub., 1988), 603.

## BIBLIOGRAPHY

## UNPUBLISHED PRIMARY SOURCES

*Huntington Library, American Women's Diaries Collection, San Marino, CA*  
Vodges, Ada Adelaide Adams, Journal

*Library of Congress, Manuscript Division, Washington, DC*  
Fish, Hamilton, Diary  
Godfrey, Edward Settle, Papers  
Harvey, Winfield S., Diary

*National Archives, Washington, DC*  
Record Group 60: Records of the Department of Justice  
Letters Received by the Office of the Attorney General (Microcopy 947).  
Record Group 94: Records of the United States Army Adjutant General's Office  
Annual Reports of the Military Divisions and Departments (Microcopy M-619 and M-666).  
Returns from U.S. Military Posts, 1800-1916 (Microcopy M-617).  
Letters Received, Adjutant General's Office (Main Series), 1871-1880 (Microcopy M-666).  
Letters Received by the Commission Branch of the Adjutant General's Office, 1863-1870 (Microcopy M-1064).  
Record Group 391: Records of the United States Regular Army Mobile Units, 1821-1942  
Returns from Regular Army Cavalry Regiments, 1833-1916 (Microcopy M-744).

*South Carolina Department of Archives and History, Columbia*  
Scott, Robert K., Papers

*University of South Carolina, South Caroliniana Library, Columbia*  
Brown, Mary Davis, Diary

*University of Virginia, Alderman Library, Charlottesville*  
Akerman, Amos Tappan, Letterbooks

U.S. Census Bureau. *1850 Manuscript Census*.

U.S. Congress. *Annual Report of the Attorney General for 1871*. 42d Cong., 2d sess., H. Doc. 55, Serial 1510.

\_\_\_\_\_. *Annual Report of the Attorney General for 1873*. 43d Cong., 1st sess., H. Doc. 6, Serial 1606.

- \_\_\_\_\_. *Annual Report of the Attorney General for 1874*. 43d Cong., 2d sess., H. Doc. 7, Serial 1638.
- \_\_\_\_\_. *Annual Report of the Attorney General for 1875*. 44th Cong., 1st sess., H. Doc. 14, Serial 1686.
- \_\_\_\_\_. *Annual Report of the Attorney General for 1876*. 44th Cong., 2d sess., H. Doc. 20, Serial 1751.
- \_\_\_\_\_. *Annual Report of the Attorney General for 1877*. 45th Cong., 2d sess., H. Doc. 7, Serial 1802.
- \_\_\_\_\_. *Annual Report of the Secretary of War for 1866*. 39th Cong., 2d sess., H. Doc. 1, Serial 1285.
- \_\_\_\_\_. *Annual Report of the Secretary of War for 1867*. 40th Cong., 2d sess., H. Doc. 1, Serial 1324.
- \_\_\_\_\_. *Annual Report of the Secretary of War for 1868*. 40th Cong., 3d sess., H. Doc. 1, Serial 1367.
- \_\_\_\_\_. *Annual Report of the Secretary of War for 1869*. 41st Cong., 2d sess., H. Doc. 1, Serial 1412.
- \_\_\_\_\_. *Annual Report of the Secretary of War for 1870*. 41st Cong., 3d sess., H. Doc. 1, Serial 1446.
- \_\_\_\_\_. *Annual Report of the Secretary of War for 1871*. 42d Cong., 2d sess., H. Doc. 1, Serial 1503.
- \_\_\_\_\_. *Annual Report of the Attorney General for 1872*. 42d Cong., 3d sess., S. Doc. 32, Serial 1545.
- \_\_\_\_\_. *Annual Report of the Secretary of War for 1872*. 42d Cong., 3d sess., H. Doc. 1, Serial 1558.
- \_\_\_\_\_. *Annual Report of the Secretary of War for 1873*. 43d Cong., 1st sess., H. Doc. 1, Serial 1597.
- \_\_\_\_\_. *Annual Report of the Secretary of War for 1874*. 43d Cong., 2d sess., H. Doc. 1, Serial 1635.
- \_\_\_\_\_. *Annual Report of the Secretary of War for 1875*. 44th Cong., 1st sess., H. Doc. 1, Serial 1674.

- \_\_\_\_\_. *Annual Report of the Secretary of War for 1876*. 44th Cong., 2d sess., H. Doc. 1, Serial 1742.
- \_\_\_\_\_. *Annual Report of the Secretary of War for 1877*. 45th Cong., 2d sess., H. Doc. 1, Serial 1794.
- \_\_\_\_\_. *Communication of Hon. Michael Hahn*. 43d Congress, 2d sess., S. Misc. Doc. 46, serial 1630.
- \_\_\_\_\_. *Condition of Affairs in Louisiana*. 42d Congress, 3d sess., H. Ex. Doc. 91, serial 1565.
- \_\_\_\_\_. *Condition of Affairs in the South*. 42d Congress, 2d sess., H. Misc. Doc. 211, serial 1527.
- \_\_\_\_\_. *Condition of the South*. 43d Congress, 2d sess., H. Rpt. 101, serial 1657.
- \_\_\_\_\_. *Condition of the South*. 43d Congress, 2d sess., H. Rpt. 261, serial 1660.
- \_\_\_\_\_. *Condition of the South*. 43d Congress, 2d sess., S. Ex. Doc. 17, serial 1629.
- \_\_\_\_\_. *Joint Resolution of the Legislature of South Carolina, Asking that the Federal Troops Be Not Removed from that State*. 42d Cong., 2d sess., H. Doc. 160, Serial 1526.
- \_\_\_\_\_. *Letter of the Secretary of War, Communicating a Copy of a Letter of the Governor of South Carolina Relative to Outrages Committed upon Citizens of the United States Resident in that State*. 41st Cong., 3d sess., S. Doc. 28, Serial 1440.
- \_\_\_\_\_. *Letter of the Secretary of War, Communicating Information in Regard to Alleged Outrages Committed by Lawless Bands in the State of Tennessee*. 41st Congress, 3d sess., S. Ex. Doc. 22, serial 1440.
- \_\_\_\_\_. *Louisiana Affairs*. 43d Congress, 2d sess., S Ex. Doc. 13, serial 1629.
- \_\_\_\_\_. *Memorial of a Committee Appointed at a Town Meeting of Colored Citizens of Frankfort, Ky., and Vicinity, Praying for the Enactment of Laws for the Better Protection of Life*. 42d Congress, 1st sess., S. Misc. Doc. 49, Serial 1467.
- \_\_\_\_\_. *Memorial of the Conservative Members of the Legislature of Louisiana*. 43d Congress, 2d sess., S. Misc. Doc. 45, serial 1630.

- \_\_\_\_\_. *Message from the President of the United States, communicating, in compliance with a resolution of the Senate of the 27th of February last, a communication from the Secretary of War, together with the reports of the assistant commissioners of the Freedmen's Bureau made since December 1, 1865. March 6, 1866.* 39th Congress, 1st sess., S. Ex. Doc. 27, serial 1238.
- \_\_\_\_\_. *Message from the President of the United States in Answer to a Resolution of 25 January Last Relative to the Lawlessness in Insurrectionary States.* 42d Cong., 2d sess., H. Doc. 268, Serial 1515.
- \_\_\_\_\_. *Message of the President of the United States Relative to the Condition of Affairs in the South.* 42d Cong., 1st sess., H. Doc. 14, Serial 1471.
- \_\_\_\_\_. *Message from the President Transmitting Statements on the Use of the Army in Certain of the Southern States, in Response to a Resolution of the House of Representatives.* 44th Cong., 2d sess., H. Doc 30, Serial 1755.
- \_\_\_\_\_. *The Public Statutes at Large of the United States of America, 1789-1983.* 107 vols. Boston: Charles Co. Little and James Brown, 1845-1993.
- \_\_\_\_\_. *Report of the Joint Committee on Reconstruction.* 39th Congress, 1st sess., H. Rpt. 30, serial 1273.
- \_\_\_\_\_. *Resolution for the Appointment of a Joint Committee to Inquire Into the Condition of the Late Insurrectionary States.* 42d Congress, 1st sess., S. Misc. Doc. 29, serial 1467.
- \_\_\_\_\_. *Resolution of the Legislature of South Carolina Remonstrating against the Withdrawal of the United States Troops from that State.* 42d Cong., 3d sess., S. Doc. 81, Serial 1546.
- \_\_\_\_\_. *Testimony Taken by the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States.* 42d Congress, 2d sess., S. Rpt. 41, serial 1486-88.
- U.S. War Department. *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies.* 70 vols. Washington, D.C.: Government Printing Office, 1880-1901.

## PERIODICALS

Alexandria (LA) *Caucasian*  
*Army and Navy Journal*

Baltimore (MD) *Sun*  
 Charleston (SC) *Courier*  
 Cincinnati (OH) *Daily Gazette*  
 Cleveland (OH) *Leader*  
 Cleveland (OH) *Plain Dealer*  
 Columbia (SC) *Daily Phoenix*  
 Columbia (SC) *Daily Union*  
*Congressional Globe*  
*Congressional Record*  
 Elizabethtown (KY) *News*  
*Harper's Weekly*  
 Louisville (KY) *Courier Journal*  
 Memphis (TN) *Avalanche*  
 Memphis (TN) *Daily Appeal*  
 Monroe (LA) *Ouchita Telegraph*  
 Natchitoches (LA) *People's Vindicator*  
*New Orleans Bulletin*  
*New Orleans Daily Picayune*  
*New Orleans Democrat*  
*New Orleans Republican*  
*New Orleans Times*  
*New York Herald*  
*New York Times*  
*New York Tribune*  
*New York World*  
 Newton (MA) *Circuit*  
*Philadelphia Public Ledger*  
*Shreveport (LA) Times*  
 Spartanburg (SC) *Herald*  
 Sumter (SC) *News*  
*The Nation*  
 Yorkville (SC) *Enquirer*

#### PUBLISHED PRIMARY SOURCES

- Ames, Blanche Butler, ed. *Chronicles from the Nineteenth Century: Family Letters of Blanche Butler and Adelbert Ames, Married July 21<sup>st</sup>, 1870*. 2 vols. Clinton, MA: Colonial Press, Inc., 1957.
- Baird, Samuel E. *With Merrill's Cavalry: The Civil War Experiences of Samuel E. Baird, 2d Missouri Cavalry, U.S.A.* With an introduction by Charles Annegan. San Marcos, CA: Book Habit, 1981.

- Basler, Roy P., ed. *The Collected Works of Abraham Lincoln*. 9 vols. New Brunswick, NJ: Rutgers University Press, 1953-55.
- Bergeron, Paul H., ed. *The Papers of Andrew Johnson*. 16 vols. Knoxville: University of Tennessee Press, 1967-2000.
- Blaine, James G. *Twenty Years of Congress: From Lincoln to Garfield, with a Review of the Events which Led to the Political Revolution of 1860*. 2 vols. Norwich, CT: Henry Bill Pub. Co., 1884-86.
- Botkin, B. A., ed. *Lay My Burden Down: A Folk History of Slavery*. Chicago, IL: University of Chicago Press, 1945.
- Boutwell, George S. *Reminiscences of Sixty Years in Public Affairs*. 2 vols. N.p.: McClure, Phillips & Co., 1902.
- Butler, Benjamin F. *Butler's Book: A Review of His Legal, Political, and Military Career*. Boston: A. M. Thayer & Co., 1892.
- Cogley, Thomas S. *History of the Seventh Indiana Cavalry Volunteers*. Laporte, IN: Herald Co., 1876. Reprint, Dayton, OH: Morningside House, 1991.
- Corbin, David T. *Speech of the Hon. D. T. Corbin, U.S. District Attorney for So. Ca. Delivered Before a Republican Mass Meeting at Greenville, S. C., on the Fourth Day of July, A.D. 1872*. N.p., 1872.
- Custer, Elizabeth B. *Boots and Saddles: Or Life in Dakota with General Custer*. New York: Harper & Bros., 1885.
- \_\_\_\_\_. *Tenting on the Plains, Or General Custer in Kansas and Texas*. New York: C. L. Webster & Co., 1893. Reprint, 3 vols. Western Frontier Library. With an introduction by Jane R. Stewart. Norman: University of Oklahoma Press, 1971.
- Eaton, John. *Grant, Lincoln and the Freedmen: Reminiscences of the Civil War*. New York: Longmans, Green & Co., 1907.
- Fleming, Walter L., ed. *Documentary History of Reconstruction*. 2 vols. Cleveland, OH: The R. H. Clark Co., 1906-07.
- Fougera, Katherine Gibson. *With Custer's Cavalry: From the Memoirs of the Late Katherine Gibson, Widow of Captain Francis M. Gibson of the Seventh Cavalry, U.S.A. (Retired)*. Caldwell, ID: Caxton Printers Ltd., 1940. Reprint, Lincoln: University of Nebraska Press, 1986.

- Hinsdale, Mary L., ed. *Garfield-Hinsdale Letters: Correspondence Between James Abram Garfield and Burke Aaron Hinsdale*. Ann Arbor: University of Michigan Press, 1949.
- Hoar, George F. *Autobiography of Seventy Years*. 2 vols. New York: Scribner's Sons, 1903.
- Hunt, Frazier and Robert, ed. *I Fought with Custer: The Story of Sergeant Windolph, Last Survivor of the Battle of the Little Big Horn*. New York: Charles Scribner's Sons, 1947.
- Lothrop, Charles H. *History of the First Iowa Cavalry*. Lyons, IA: Beers & Eaton, 1890.
- Marchione, William P., Jr. "Go South, Young Man! Reconstruction Letters of a Massachusetts Yankee." *South Carolina Historical Magazine* 80 (1979): 18-35.
- Merington, Marguerite, ed. *The Custer Story: The Life and Intimate Letters of General George A. Custer and His Wife Elizabeth*. New York: Devin-Adair Co., 1950.
- Moore, John Hammond. *The Juhl Letters to the Charleston Courier: A View of the South, 1865-1871*. Athens: University of Georgia Press, 1974.
- Pennsylvania Constitutional Convention. *Proceedings and Debates of the Convention of the Commonwealth of Pennsylvania, to Propose Amendments to the Constitution, Commenced at Harrisburg, on the Second Day of May 1837*. 14 vols. Harrisburg, PA: Packer, Barrett and Parke, 1837-39.
- Post, Louis F. "A Carpetbagger in South Carolina." *Journal of Negro History* 10 (January 1925): 10-79.
- Reynolds, Arlene, ed. *Civil War Memories of Elizabeth Bacon Custer*. Austin: University of Texas Press, 1994.
- Richardson, James D., ed. *A Compilation of the Messages and Papers of the Presidents*. 19 vols. Washington, D.C.: Bureau of National Literature, 1897-1922.
- Sears, Stephen W., ed. *The Civil War Papers of George B. McClellan: Selected Correspondence, 1860-1865*. New York: Ticknor & Fields, 1989.
- Simon, John Y., ed. *The Papers of Ulysses S. Grant*. 24 vols. Carbondale and Edwardsville: Southern Illinois University Press, 1967-2000.

- Simpson, Brooks D., ed. *Sherman's Civil War: Selected Correspondence of William T. Sherman, 1860-1865*. Chapel Hill: University of North Carolina Press, 1999.
- Twitchell, Marshall Harvey. *Carpetbagger from Vermont: The Autobiography of Marshall Harvey Twitchell*. Edited with an introduction by Ted Tunnel. Baton Rouge: Louisiana State University Press, 1989.
- Wagner, Glendolin D. *Old Neutriment*. New York: Sol Lewis, 1973.
- Wells, Carol, ed. *War, Reconstruction, and Redemption on Red River: The Memoirs of Dosa Williams Moore*. Ruston: McGinty Publications, Louisiana Tech University, 1990.
- West, Emmet C. *History and Reminiscences of the Second Wisconsin Cavalry Regiment*. Portage, WI: State Register Print, 1904.

## SECONDARY SOURCES

- Anderson, Eric and Alfred A. Moss, Jr. *The Facts of Reconstruction: Essays in Honor of John Hope Franklin*. Baton Rouge: Louisiana State University Press, 1991.
- Ash, Stephen V. *When the Yankees Came: Conflict and Chaos in the Occupied South, 1861-1865*. Civil War America, ed. Gary W. Gallagher. Chapel Hill: University of North Carolina Press, 1995.
- Baker, Jean Harvey, David Donald and Michael Holt. *Civil War and Reconstruction*. New York: W. W. Norton & Co., 2001.
- Barnett, Louise. *Touched By Fire: The Life, Death, and Mythic Afterlife of George Armstrong Custer*. New York: Henry Holt and Co., 1996.
- Benedict, Michael Les. *The Fruits of Victory: Alternatives in Restoring the Union, 1865-1877*. America's Alternatives Series, ed. Harold M. Hyman. Philadelphia, PA: J. B. Lippincott Co., 1975.
- Birtle, Andrew J. *U.S. Army Counterinsurgency and Contingency Operations Doctrine, 1860-1941*. Washington, D.C.: Government Printing Office, 1998.
- Bleser, Carol K. and Lesley J. Gordon, ed. *Intimate Strategies of the Civil War: Military Commanders and Their Wives*. New York: Oxford University Press, 2001.

- Boritt, Gabor S., ed. *Why the Civil War Came*. New York: Oxford University Press, 1996.
- \_\_\_\_\_. *Why the Confederacy Lost*. New York: Oxford University Press, 1992.
- Brown, Thomas J., ed. *Reconstructions: New Perspectives on the Postbellum United States*. New York: Oxford University Press, 2006.
- Calhoun, Frederick S. *The Lawmen: United States Marshals and their Deputies, 1789-1989*. Washington and London: Smithsonian Institution Press, 1989.
- Carroll, John M. *Custer in Texas: An Interrupted Narrative*. New York: Sol Lewis, 1975.
- \_\_\_\_\_, ed. *They Rode with Custer: A Biographical Dictionary of the Men that Rode with General George A. Custer*. Mattituck, NY: J.M. Carroll & Co., 1993.
- Carter, Dan T. *When the War Was Over: The Failure of Self-Reconstruction in the South, 1865-1867*. Baton Rouge: Louisiana State University Press, 1985.
- Clever, Velma. "Colorful Custer Once Lived Here." *In Kentucky* 7 (Winter 1943): 16, 45-46.
- Coakley, Robert W. *The Role of Federal Military Forces in Domestic Disorders, 1789-1878*. Washington, DC: U.S. Government Printing Office, 1988.
- Coffman, Edward M. *The Old Army: A Portrait of the American Army in Peacetime, 1784-1898*. New York: Oxford University Press, 1986.
- Coulter, Ellis Merton. *The Civil War and Readjustment in Kentucky*. Chapel Hill: University of North Carolina Press, 1926.
- Crackel, Theodore J. "Custer's Kentucky: General George Armstrong Custer and Elizabethtown, Kentucky, 1871-1873." *Filson Club Historical Quarterly* 48 (April 1974): 144-155.
- Crane, J. Michael. "'The Rebels Are Bold, Defiant, and Unscrupulous in Their Dementions of All Men': Social Violence in Daviess County, Kentucky, 1861-1868." *Ohio Valley History* 2 (Spring 2002): 17-29.
- Cullum, George W. *Biographical Register of the Officers and Graduates of the U. S. Military Academy at West Point, N. Y., from its Establishment. March 16, 1802 to the Army Re-Organization of 1866-67*. 2 vols. New York: D. Van Nostrand, 1868.

- Current, Richard Nelson. *Those Terrible Carpetbaggers*. New York and Oxford: Oxford University Press, 1988.
- Curry, Richard O., ed. *Radicalism, Racism, and Party Realignment: The Border States during Reconstruction*. Baltimore, MD: Johns Hopkins University Press, 1969.
- “Custer Was a Popular Figure Among Elizabethtown Folk.” *In Kentucky* 20 (Spring 1957): 38-39.
- Cyclopedia of Eminent and Representative Men of the Carolinas of the Nineteenth Century*. Vol. 1, *South Carolina*. Madison, WI: Brant and Fuller, 1892. Reprint, Spartanburg, SC: Reprint Company, 1972.
- Dawson, Joseph G., III. *Army Generals and Reconstruction: Louisiana, 1862-1877*. Baton Rouge and London: Louisiana State University Press, 1982.
- Donald, David H. *Charles Sumner and the Rights of Man*. New York: Alfred A. Knopf, 1970.
- Dunning, William A. *Reconstruction: Political and Economic, 1865-1877*. American Nation, ed. Albert Bushnell Hart. New York: Harper & Bros. Pub., 1907.
- Everitt, David. “1871 War on Terror.” *American History* 38 (June 2003): 26-33.
- Fellman, Michael. *Inside War: The Guerilla Conflict in Missouri During the American Civil War*. New York and Oxford: Oxford University Press, 1989.
- Fitzgerald, Michael W. *The Union League Movement in the Deep South: Politics and Agricultural Change During Reconstruction*. Baton Rouge and London: Louisiana State University Press, 1989.
- Fleming, Walter L., ed. *Documentary History of Reconstruction*. 2 vols. Cleveland, OH: Arthur H. Clark, 1906-1907.
- Foner, Eric. *Reconstruction: America’s Unfinished Revolution 1863-1877*. The New American Nation Series, eds. Henry Steele Commager and Richard B. Morris. New York: Harper & Row, Publishers, 1988.
- \_\_\_\_\_. *A Short History of Reconstruction, 1863-1877*. New York: Harper & Row, Pub., 1990.
- Foulke, William Dudley. *Life of Oliver P. Morton*. 2 vols. Indianapolis, IN: Bowen-Merrill Co., 1899.

- Franklin, John Hope. "Enforcement of the Civil Rights Act of 1875." *Prologue: Journal of the National Archives* 6 (Winter 1974): 225-235.
- Frantz, Laurent B. "Congressional Power to Enforce the Fourteenth Amendment Against Private Acts." *Yale Law Journal* 73 (July 1964): 1353-81.
- Garraty, John A., et. al. eds., *American National Biography*. 24 vols. New York: Oxford University Press, 1999.
- Gates, John M. "Indians and Insurrectos: The U.S. Army's Experience with Insurgency." *Parameters* 13 (March 1983): 59-68.
- Gerteis, Louis S. *Civil War St. Louis*. Modern War Studies, ed. Theodore A. Wilson. Lawrence: University Press of Kansas, 2001.
- \_\_\_\_\_. *From Contraband to Freedman: Federal Policy Toward Southern Blacks, 1861-1865*. Contributions in American History, no. 29. Westport, CT: Greenwood Press, Inc., 1973.
- Gillette, William. *Retreat from Reconstruction: 1869-1879*. Baton Rouge: Louisiana State University Press, 1979.
- Gompert, David C. and Richard L. Kugler. "Custer in Cyberspace." *Defense Horizons* 51 (February 2006): 1-11.
- \_\_\_\_\_. "Custer and Cognition." *Joint Forces Quarterly* 41 (2d Quarter 2006): 87-93.
- Greene, Jerome A. *Nez Perce Summer, 1877: The U.S. Army and the Nee-Me-Poo Crisis*. Helena: Montana Historical Society Press, 2000.
- Grimsley, Mark. *The Hard Hand of War: Union Military Policy Toward Southern Civilians, 1861-1865*. Cambridge, England: Cambridge University Press, 1995.
- Hackney, Sheldon. "Southern Violence." *American Historical Review* 74 (1969): 906-925.
- Hall, Kermit L. "The Civil War Era as a Crucible for Nationalizing the Lower Federal Courts." *Prologue: Journal of the National Archives* 7 (Fall 1975).
- \_\_\_\_\_. "Political Power and Constitutional Legitimacy: The South Carolina Ku Klux Klan Trials, 1871-1872." *Emory Law Journal* 33 (Fall 1984): 921-951.

- Hall, Kermit and Lou Faulkner Williams. "Constitutional Tradition and Social Change: Hugh Lennox Bond and the Ku Klux Klan in South Carolina." *Maryland Historian* 16 (1985): 43-58.
- Harcourt, Edward John. "Who Were the Pale Faces? New Perspectives on the Tennessee Ku Klux." *Civil War History* 51 (March 2005): 23-66.
- Harris, William C. *The Day of the Carpetbagger: Republican Reconstruction in Mississippi*. Baton Rouge: Louisiana State University Press, 1979.
- Harrison, Lowell H. *The Civil War in Kentucky*. Lexington: University Press of Kentucky, 1975.
- \_\_\_\_\_, ed. *Kentucky's Governors*. Lexington: University Press of Kentucky, 1994.
- Hattaway, Herman and Archer Jones. *How the North Won*. Urbana: University of Illinois Press, 1983.
- Heitman, Francis B. *Historical Register and Dictionary of the United States Army, From its Organization, September 29, 1789, to March 2, 1903*. 2 vols. Washington, D.C.: Government Printing Office, 1903. Reprint, Gaithersburg, Maryland: Olde Soldiers Books, Inc., 1988.
- Hesseltine, William B. *Ulysses S. Grant: Politician*. New York: Dodd, Mead and Co., Inc., 1935. Reprint, New York: Frederick Ungar Pub. Co., 1957.
- Hogue, James K. *Uncivil War: Five New Orleans Street Battles and the Rise and Fall of Radical Reconstruction*. Baton Rouge: Louisiana State University Press, 2006.
- Hutton, Paul Andrew. *Phil Sheridan and His Army*. With a forward by Robert M. Utley. Norman: University of Oklahoma Press, 1999.
- Johnson, Barry Cornish. *Custer, Reno, Merrill and the Lauffer Case: Some Warfare in "The Fighting Seventh"*. London: English Westerner's Society, 1970.
- Kaczorowski, Robert J. *The Politics of Judicial Interpretation: The Federal Courts, Department of Justice and Civil Rights, 1866-1876*. New York: Fordham University Press, 2005.
- \_\_\_\_\_. "To Begin the Nation Anew: Congress, Citizenship, and Civil Rights after the Civil War." *American Historical Review* 92 (February 1987): 45-68.

- Keith, LeAnna. *The Colfax Massacre: The Untold Story of Black Power, White Terror, and the Death of Reconstruction*. New York: Oxford University Press, 2008.
- Kinnison, William A. *Hon. Samuel Shellabarger (1817-1896): Lawyer, Jurist, Legislator*. Yellow Springs, OH: Antioch Press, 1966.
- Kohn, Richard H., ed. *The United States Military Under the Constitution of the United States, 1789-1989*. New York: New York University Press, 1991.
- Landon, Fred. "The Kidnapping of Dr. Rufus Bratton." *The Journal of Negro History* 10 (July 1925): 330-33.
- Lane, Charles. *The Day Freedom Died: The Colfax Massacre, the Supreme Court, and the Betrayal of Reconstruction*. New York: Henry Holt & Co., 2008.
- Leckie, Shirley A. *Elizabeth Bacon Custer and the Making of a Myth*. Norman: University of Oklahoma Press, 1993.
- Lestage, Henry Oscar. "The White League in Louisiana and Its Participation in Reconstruction Riots." *Louisiana Historical Quarterly* 18 (July 1935): 617-95.
- Litwack, Leon F. *Been in the Storm So Long: The Aftermath of Slavery*. New York: Alfred A. Knopf, 1979.
- Lonn, Ella. *Reconstruction in Louisiana after 1868*. New York: Russell & Russell, 1967.
- Mackey, Robert R. *The Uncivil War: Irregular Warfare in the Upper South, 1861-1865*. Campaigns and Commanders, ed. Gregory J. W. Urwin. Norman: University of Oklahoma Press, 2004.
- Mackintosh, John D. "Facing Down the Klan: The 7th Cavalry in York County, South Carolina." *Research Review: The Journal of the Little Big Horn Associates* 20 (Winter 2006): 8-31.
- Maltz, Earl. "Reconstruction without Revolution: Republican Civil Rights Theory in the Era of the Fourteenth Amendment." *Houston Law Review* 24 (March 1987): 221-279.
- Marszalek, John F. *Sherman: A Soldier's Passion for Order*. New York: Free Press, 1993.
- \_\_\_\_\_. *Commander of All Lincoln's Armies: A Life of General Henry W. Halleck*. Cambridge, MA: Belknap Press of Harvard University Press, 2004.

- Martinez, James Michael. *Carpetbaggers, Cavalry, and the Ku Klux Klan: Exposing the Invisible Empire During Reconstruction*. The American Crisis Series: Books on the Civil War Era, ed. Steven E. Woodworth. Lanham, MD: Rowman & Littlefield Pub., Inc., 2007.
- McFeely, William S. *Grant: A Biography*. New York and London: W. W. Norton & Co., 1982.
- \_\_\_\_\_. "Amos T. Akerman: The Lawyer and Racial Justice." In *Region, Race, and Reconstruction: Essays in Honor of C. Vann Woodward*, eds. J. Morgan Kousser and James M. McPherson, 395-415. New York and Oxford: Oxford University Press, 1982.
- McGrath, John J. *Boots on the Ground: Troop Density in Contingency Operations*. Global War on Terrorism Occasional Paper 16. Ft. Leavenworth, KS: Combat Studies Institute Press, 2006.
- McKittrick, Eric L. *Andrew Johnson and Reconstruction*. Chicago, IL: University of Chicago Press, 1960.
- McMurtry, R. Gerald. "The Two-Year Residence of General George A. Custer in Elizabethtown." *Kentucky Progress Magazine* 5 (Summer 1933): 32-33, 50.
- McPherson, James M. *Abraham Lincoln and the Second American Revolution*. New York: Oxford University Press, 1991.
- \_\_\_\_\_. "Redemption or Counterrevolution? The South in the 1870s." *Reviews in American History* 13 (December 1985): 545-550.
- \_\_\_\_\_. *Battle Cry of Freedom: The Civil War Era*. New York: Oxford University Press, 1988.
- \_\_\_\_\_. *For Cause and Comrades: Why Men Fought in the Civil War*. New York: Oxford University Press, 1997.
- \_\_\_\_\_. *Ordeal by Fire: The Civil War and Reconstruction*. 3d ed. New York: McGraw-Hill, 2001.
- Millett, Alan R. and Peter Maslowski. *For the Common Defense: A Military History of the United States of America*. 2d rev. ed. New York: Free Press, 1994.
- Mill, Charles K. *Harvest of Barren Regrets: The Army Career of Frederick William Benteen, 1834-1898*. Glendale, CA: Arthur H. Clark Co., 1985.

- Monaghan, Jay. *Civil War on the Western Border 1854-1865*. Boston and Toronto: Little, Brown & Co., 1955.
- \_\_\_\_\_. *Custer: The Life of General George Armstrong Custer*. Boston, MA: Little, Brown & Co., 1959.
- Nelson, Scott Reynolds. *Iron Confederacies: Southern Railways, Klan Violence, and Reconstruction*. Chapel Hill and London: The University of North Carolina Press, 1999.
- Nevins, Allan. *Fremont: Pathmarker of the West*. New York: Longmans, Green & Co., 1955.
- \_\_\_\_\_. *Hamilton Fish: The Inner Workings of the Grant Administration*. 2 vols. American Classics. With an introduction by John Bassett Moore. New York: Frederick Ungar Pub. Co., 1957.
- Nichols, Bruce. *Guerrilla Warfare in Civil War Missouri, 1862*. Jefferson, North Carolina and London: McFarland and Company, Inc., Publishers, 2004.
- Olsen, Otto H., ed. *Reconstruction and Redemption in the South*. Baton Rouge and London: Louisiana State University Press, 1980.
- Palludin, Philip Shaw. *A People's Contest: The Union and Civil War, 1861-1865*. 2d ed. Modern War Studies, ed. Theodore A. Wilson. Lawrence: University Press of Kansas, 1996.
- Parsons, Elaine Frantz, "Midnight Rangers: Costume and Performance in the Reconstruction-Era Ku Klux Klan." *Journal of American History* 92 (December 2005): 811-36.
- Perman, Michael. *Reunion without Compromise: The South and Reconstruction, 1865-1868*. New York and Cambridge: Cambridge University Press, 1973.
- \_\_\_\_\_. *The Road to Redemption: Southern Politics, 1869-1879*. Chapel Hill and London: The University of North Carolina Press, 1984.
- \_\_\_\_\_. "Counter Reconstruction: The Role of Violence in Southern Redemption." In *The Facts of Reconstruction: Essays in Honor of John Hope Franklin*, ed. Eric Anderson and Alfred A. Moss, Jr. Baton Rouge and London: Louisiana State University Press, 1991.

- Petty, Julian J. *The Growth and Distribution of Population in South Carolina*. Columbia, SC: State Council for Defense Industrial Development Committee, 1943. Reprint, Spartanburg, SC: The Reprint Co., Pub., 1975.
- Rable, George. "Republican Albatross: The Louisiana Question, National Politics, and the Failure of Reconstruction." *Louisiana History* 23 (1982): 109-130.
- \_\_\_\_\_. *But There Was No Peace: The Role of Violence in the Politics of Reconstruction*. Athens: The University of Georgia Press, 1984.
- Rafuse, Ethan S. *McClellan's War: The Failure of Moderation in the Struggle for the Union*. Bloomington: Indiana University Press, 2005.
- \_\_\_\_\_. "Still a Mystery? General Grant and the Historians, 1981-2006." *Journal of Military History* 71 (July 2007): 849-74.
- Reedstrom, Ernest Lisle. *Bugles, Banners and War Bonnets*. Caldwell, ID: Caxton Printers, Ltd., 1977.
- \_\_\_\_\_. *Custer's 7<sup>th</sup> Cavalry: From Fort Riley to the Little Big Horn*. New York: Sterling Publishing Co., 1992.
- Reynolds, John S. *Reconstruction in South Carolina, 1865-1877*. Columbia, South Carolina: The State Company, Publishers, 1905.
- Rhyne, J. Michael. "'We Are Mobbed & Beat': Regulator Violence Against Free Black Households in Kentucky's Bluegrass Region, 1865-1867." *Ohio Valley History* 2 (Spring 2002): 30-42.
- Richardson, Heather Cox. *The Death of Reconstruction: Race, Labor, and Politics in the Post-Civil War North, 1865-1901*. Cambridge, Massachusetts and London: Harvard University Press, 2001.
- \_\_\_\_\_. *West from Appomattox: The Reconstruction of American after the Civil War*. New Haven, CT: Yale University Press, 2007.
- Richter, William L. "'A Better Time is in Store for Us': An Analysis of the Reconstruction Attitudes of General George Armstrong Custer." *Military History of Texas and the Southwest* 11 (1973): 31-50.
- Ripley, C. Peter. *Slaves and Freedmen in Civil War Louisiana*. Baton Rouge: Louisiana State University Press, 1976.

- Rolle, Andrew. *John Charles Fremont: Character as Destiny*. Norman: University of Oklahoma Press, 1991.
- Sefton, James E. *The United States Army and Reconstruction 1865-1877*. Baton Rouge: Louisiana State University Press, 1967.
- Shapiro, Herbert. "The Ku Klux Klan During Reconstruction: The South Carolina Episode." *Journal of Negro History* 49 (January 1964): 34-55.
- \_\_\_\_\_. "Afro-American Responses to Race Violence during Reconstruction." *Science and Society* 36 (Summer 1972): 158-170.
- Shook, Robert. "Custer's Texas Command." *Military History of Texas and the Southwest* 11 (1973): 31-50.
- Siddali, Silvana R. *From Property to Person: Slavery and the Confiscation Acts, 1861-1862*. *Conflicting Worlds: New Dimensions in the American Civil War*, T. Michael Parrish, ed. Baton Rouge: Louisiana State University Press, 2005.
- Silber, Nina. *The Romance of Reunion: Northerners and the South, 1865-1900*. Chapel Hill: University of North Carolina Press, 1993.
- Simkins, Francis B. "The Ku Klux Klan in South Carolina, 1868-1871." *The Journal of Negro History* 12 (October 1927): 606-647.
- Simkins, Francis Butler and Robert Hilliard Woody. *South Carolina During Reconstruction*. Chapel Hill: The University of North Carolina Press, 1932.
- Simpson, Brooks D. *"Let Us Have Peace:" Ulysses S. Grant and the Politics of War and Reconstruction*. Chapel Hill: University of North Carolina Press, 1991.
- \_\_\_\_\_. *Reconstruction Presidents*. Lawrence: University Press of Kansas, 1998.
- Singletary, Otis A. "The Negro Militia during Radical Reconstruction." *Military Affairs* 19 (Winter 1955): 177-186.
- \_\_\_\_\_. *Negro Militia and Reconstruction*. Austin: University of Texas Press, 1957.
- Slap, Andrew L. *The Doom of Reconstruction: The Liberal Republicans in the Civil War Era*. *Reconstructing America*, ed. Paul A. Cimbala. New York: Fordham University Press, 2006.

- Smith, Eric Ledell. "The End of Black Voting Rights in Pennsylvania: African Americans and the Pennsylvania Constitutional Convention of 1837-1838." *Pennsylvania History* 65 (Summer 1998): 279-99.
- Smith, Jean Edward. *Grant*. New York: Simon & Schuster, 2001.
- Snyder, Charles McCool. *The Jacksonian Heritage: Pennsylvania Politics, 1833-1848*. Harrisburg: Pennsylvania Historical and Museum Commission, 1958.
- Sommers, H. A. *History of Elizabethtown, Kentucky, 1869-1921*. Owensboro, KY: n.p., 1981.
- Stagg, J. C. A. "The Problem of Klan Violence: The South Carolina Up-Country, 1868-1871." *Journal of American Studies* 8 (December 1974): 303-318.
- Summers, Mark W. *Railroads, Reconstruction, and the Gospel of Prosperity: Aid Under the Radical Republicans, 1865-1877*. Princeton, New Jersey: Princeton University Press, 1984.
- Swinney, Everette. "Enforcing the Fifteenth Amendment, 1870-1877." *The Journal of Southern History* 28 (May 1962): 202-18.
- Syrett, John. *The Civil War Confiscation Acts: Failing to Reconstruct the South*. Reconstructing America Series, Paul A. Cimbala, ed. New York: Fordham University Press, 2005.
- Tapp, Hambleton and James C. Klotter. *Kentucky: Decades of Discord 1865-1900*. Frankfort: Kentucky Historical Society, 1977.
- Tate, Michael L. "The Multi-Purpose Army on the Frontier: A Call for Further Research." In *The American West: Essays in Honor of W. Eugene Hollon*, ed. Ronald Lora, 171-208. Toledo, Ohio: The University of Toledo Press, 1980.
- \_\_\_\_\_. *The Frontier Army in the Settlement of the West*. Norman: University of Oklahoma Press, 1999.
- \_\_\_\_\_. *The American Army in Transition, 1865-1898*. Daily Life Through History, ed. David S. and Jeanne T. Heidler. Westport, CT: Greenwood Press, 2007.
- Taylor, Alruthus Ambush. *The Negro in South Carolina during Reconstruction*. New York: Russell & Russell, 1969.
- Taylor, Joe Gray. *Louisiana Reconstructed 1863-1877*. Baton Rouge: Louisiana State University Press, 1974.

- Thoms, Susan. "Spartanburg's Civil War." *Carologue* (Spring 2003): 7-16.
- Trelease, Allen W. *White Terror: The Ku Klux Klan Conspiracy and Southern Reconstruction*. New York, Evanston, and London: Harper & Row, Pub., 1971.
- Tunnel, Ted. *Crucible of Reconstruction: War, Radicalism and Race in Louisiana 1862-1877*. Baton Rouge and London: Louisiana State University Press, 1984.
- \_\_\_\_\_. *Edge of the Sword: The Ordeal of Carpetbagger Marshall H. Twitchell in the Civil War and Reconstruction*. Baton Rouge: Louisiana State University Press, 2001.
- Twenty-seventh Annual Reunion of the Association of the Graduates of the United States Military Academy, at West Point, New York, June 11th, 1896*. Saginaw, MI: Seemann & Peters, Printers and Binders, 1896.
- Urwin, Gregory J. W. *Custer Victorious: The Civil War Battles of General George Armstrong Custer*. Rutherford, NJ: Fairleigh Dickinson University Press, 1983.
- Utley, Robert M. *Cavalier in Buckskin: George Armstrong Custer and the Western Military Frontier*. The Oklahoma Western Biographies, ed. Richard W. Etulain. Norman: University of Oklahoma Press, 1988.
- \_\_\_\_\_. *Custer and the Great Controversy: The Origin and Development of a Legend*. Pasadena, CA: Westernlore Press, 1962. Reprint, Lincoln: University of Nebraska Press, 1998.
- \_\_\_\_\_. *Frontier Regulars: The United States Army and the Indian, 1866-1891*. The Macmillan Wars of the United States, ed. Louis Morton. New York: Macmillan Publishing Company, Inc., 1973.
- Vandal, Gilles. "'Bloody Caddo': White Violence against Blacks in a Louisiana Parish, 1865-1875." *Journal of Social History* 25 (1991): 373-388.
- \_\_\_\_\_. "Albert H. Leonard's Road from the White League to the Republican Party: A Political Enigma." *Louisiana History* 36 (1995): 55-76.
- Wagner, Glendolin Damon. *Old Neutriment*. New York: Sol Lewis, 1973.
- Weigley, Russell F. *History of the United States Army*. New York: Macmillan, 1967.
- \_\_\_\_\_. *A Great Civil War: A Military and Political History, 1861-1865*. Bloomington: Indiana University Press, 2000.

- Weisberger, Bernard A. "The Dark and Bloody Ground of Reconstruction Historiography." *Journal of Southern History* 25 (November 1959): 427-47.
- Wert, Jeffrey D. *Custer: The Controversial Life of George Armstrong Custer*. New York: Simon & Schuster, Inc., 1996.
- West, Jerry L. *The Reconstruction Ku Klux Klan in York County, South Carolina, 1865-1877*. Jefferson, North Carolina: McFarland & Company, Inc., Publishers, 2002.
- Wetta, Frank J. "'Bulldozing the Scalawags': Some Examples of the Persecution of Southern White Republicans in Louisiana during Reconstruction." *Louisiana History* 21 (1980): 43-58.
- Whittaker, Frederick. *A Complete Life of Gen. George Armstrong Custer Major-General of Volunteers; Brevet Major-General, U.S. Army; and Lieutenant-Colonel, 7th U.S. Cavalry*. New York: Sheldon, 1876.
- Williams, Lou Faulkner. "The South Carolina Ku Klux Klan Trials and Enforcement of Federal Rights, 1871-1872." *Civil War History* 39 (1993): 47-66.
- \_\_\_\_\_. *The Great South Carolina Ku Klux Klan Trials, 1871-1872*. Studies in the Legal History of the South, eds. Paul Finkelman and Kermit L. Hall. Athens: University of Georgia Press, 1996.
- Williamson, Joel. *After Slavery: The Negro in South Carolina During Reconstruction, 1861-1877*. Chapel Hill: The University of North Carolina Press, 1965.
- Winters, Richard and Cole C. Kingseed. *Beyond Band of Brothers*. New York: Berkley Pub. Group, 2006.
- Woody, Robert Hilliard. "The South Carolina Election of 1870." *The North Carolina Historical Review* 8 (April 1931): 168-186.
- Wright, George C. *Racial Violence in Kentucky 1865-1940: Lynchings, Mob Violence, and "Legal Lynchings."* Baton Rouge: Louisiana State University Press, 1970.
- Zuczek, Richard. "The Federal Government's Attack on the Ku Klux Klan: A Reassessment." *South Carolina Historical Magazine* 97 (1996): 47-64.
- \_\_\_\_\_. "The Last Campaign of the Civil War: South Carolina and the Revolution of 1876." *Civil War History* 42 (1996): 18-31.
- \_\_\_\_\_. *State of Rebellion: Reconstruction in South Carolina*. Columbia: University of South Carolina Press, 1996.

## VITA

Name: Thomas Glenn Nester

Address: P.O. Box 11130, College Station, TX 77843

Email Address: thomas.nester@qatar.tamu.edu

Education: B.A., History, Susquehanna University, 1995  
M.A., History, Temple University, 2002  
Ph.D., History, Texas A&M University, 2010