

THE CHALLENGE OF VICTORY: ULYSSES S. GRANT, PRISONERS OF WAR,
AND THE EVOLUTION OF UNION STRATEGY

A Dissertation

by

AARON DAVID DILDAY

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Chair of Committee,	Lorien L. Foote
Committee Members,	Adam R. Seipp
	Jason C. Parker
	Joshua R. Shiffrinson
Head of Department,	Carlos K. Blanton

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ABSTRACT

General Ulysses S. Grant accepted the surrender of three major Confederate armies across the American Civil War at Fort Donelson, Vicksburg, and Appomattox Court House. Grant's victories presented new challenges from the burdens of having to guard, feed, house, and transport tens of thousands of prisoners of war. Moreover, Grant often found that his decisions made as a field commander in the aftermath of battle contained larger ramifications for strategy and national policy. So, how did Grant manage the chaos of victory? Should he parole the prisoners or send them to Union prisons? How did the development of POW policy affect his strategic planning? This study explores how Grant managed the prisoners he captured and the implications this had for the development of POW policy and military strategy. From analyzing Grant's major campaigns throughout the war, it is clear that he incorporated POW policy into his strategic calculations and vice versa. Grant's approach to the development of policy and strategy was pragmatic, expedient, and subject to the context of the moment. Though, due to a notable lack of guidance on POW policy throughout the war, Grant often relied on custom and precedence to help guide him. Overall, this study demonstrates the importance of POWs to the development of military strategy.

DEDICATION

To Ky and Gabe, for their love, support, and sacrifice.

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Contributors

This work was supervised by a dissertation committee consisting of Dr. Lorien Foote (advisor), Dr. Adam Seipp, and Dr. Jason Parker of the Department of History at Texas A&M University and Dr. Joshua Shifrinson of the Frederick S. Pardee School of Global Studies at Boston University.

All other work conducted for the dissertation was completed by the student independently.

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NOMENCLATURE

ALPLM	Abraham Lincoln Presidential Library and Museum, Springfield, Illinois
LOC	Library of Congress, Washington, DC
NA	National Archives and Records Administration, Washington, DC
<i>OR</i>	<i>The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies</i>
POW	prisoner of war
<i>PUSG</i>	<i>The Papers of Ulysses S. Grant</i>
RG	Record Group
USG	Ulysses S. Grant

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CHAPTER I

INTRODUCTION

After a dogged siege, white flags finally rose above the parapets. The enemy surrendered and the battle was won. Of course, this brought new challenges to the victor. Resources and time had to be allocated to handle the challenges of victory, namely securing the area and dealing with the thousands of prisoners now under the commander's responsibility. Strategies had to be adjusted to accommodate bringing order to the chaos of post-battle operations.

General Ulysses S. Grant experienced this moment twice during the Civil War and a very similar one when he took a third major victory over a Confederate army in the field. At the very least, victory entailed the burdens of having to guard, feed, house, and transport tens of thousands of prisoners of war. Moreover, Grant often found that the decisions made as a field commander in the aftermath of battle contained larger ramifications for strategy and national policy. So, how did Grant manage the chaos of victory? Should he parole the prisoners or send them to Union prisons? How did the development of POW policy affect his strategic planning? These decisions carried direct consequences for future operations. This study investigates these issues from a new perspective, instead emphasizing the role command decisions play in the formulation of military strategy and national policy.

This study argues several points. First of all, POW policy is crucial to the successful prosecution of a war and is a fundamental, albeit often overlooked,

component of strategy. General Ulysses S. Grant utilized POW policy in a variety of manners in order to support his military strategy. Furthermore, Grant's approach to the development of policy and strategy was pragmatic, expedient, and subject to the context of the moment. Grant saw the bigger picture and understood that decisions on policy were meant to serve the greater ends of strategy and, thus, was often forward-thinking in their creation. However, there was also a notable lack of guidance on POW policy throughout the war and, therefore, custom and precedence often sufficed for inexperience and dearth of official policy.

In order to gain clearer perspective on how Grant's POW policy intersected with military strategy, the focus remains on Confederate prisoners of war while almost completely excluding discussion of civilian or political prisoners. Grant's major interactions with prisoners were often enemy combatants—this was surely the case in the tens of thousands of prisoners taken in battle. The primary focus of where strategy and policy meet for Grant is with Confederate soldiers as prisoners of war. Including a discussion of all prisoners exceeds the limit of this study. While there is surely a story to be told regarding the relationship of civilian and political prisoners to strategy, that must be left for another time. The same can also be said for paroled Union POWs returning North. While this was a major issue for Grant, it falls outside the scope of this study.

It is also imperative to take a moment and discuss the concept of strategy. This term has been utilized in a variety of contexts, but here it will be focused on military strategy at the operational and theater levels and, in some cases, migrate to the realm of grand or national strategy. This study remains limited in its scope in that it will not

engage in comparative analysis of the different levels of strategy, nor will it discuss the lowest level of strategy—tactics. Again, that is another story for another time.

Narrowing the scope of inquiry aligns with how Nineteenth Century military officers would have perceived strategy. They typically thought of strategy in terms of operations. Being trained at West Point, Grant would have been familiar with the strategic concepts taught there which focused on Antoine-Henri de Jomini. Jomini argued that “Strategy is the art of making war upon the map, and comprehends the whole theater of operations.”¹ Therefore, strategy is spatial and consequential. Like moves in a game of chess, one must look at the whole board to find the best strategy to win. The primary question driving strategy is: what are the objectives and the means to accomplish them? Strategy is the method of achieving an objective and, more specifically here, how force and policies achieve war aims. Good strategy like good chess understands that ultimate victory is attained through a series of calculated moves. This is how Grant would have perceived of strategy.

The available literature on Ulysses S. Grant is immense, and it seems as though every author is obligated to make at least some small remark regarding Grant’s capacity as a military commander.² Scholars agree on much of the broad conclusions regarding

¹ Le Baron de Jomini, *The Art of War*, trans. G. H. Mendell and W. P. Craighill (Philadelphia: J. B. Lippincott & Co., 1862), 69.

² Most of the literature focuses on either Grant as general or Grant as president—though some ambitious works combine the two. In his essay “Ulysses S. Grant” from the second volume of *A Companion to the U.S. Civil War* (2014), James J. Broomall noted that the Ulysses S. Grant Association created an annotated list of books and articles written on Grant that reached 290 pages. Furthermore, he commented that the majority of works on Grant focus on his role during the Civil War and, overall, seem to present a positive portrayal of him. Some recent works like H. W. Brands’ *The Man Who Saved the Union: Ulysses Grant in*

Grant's strategy such as the fact that it was largely a reflection of his humble character, it demonstrated his understanding of the importance of maneuver and logistics, and also contained a penchant for the offensive. Grant's modest Midwestern attitude directly impacted how he formulated his strategic decisions. He approached command in a very straightforward manner. As historian J. F. C. Fuller noted:

His outlook on war was a purely common sense one. ... Conditions and not rules governed his actions. He did not resist circumstances, neither did he seek a justification for failure, nor did he blindly repeat methods which had led to success. In place he analysed [*sic*] circumstances and acted accordingly. He learned something of importance from each operation he undertook. From these lessons—and every engagement was a lesson, and not merely a victory or a defeat—he built up his art of war.³

Grant's strategic thinking was driven by pragmatism, experience, and a unique ability to understand how actions fit together sequentially in order to achieve long-range objectives. Grant also found success in his ability to adapt his strategy to the situation at hand.

Grant's strategy throughout the war has been well documented in many regards, but even the most renowned works leave out any significant discussion of prisoners of war and how POW policy intersects with strategy. Aside from a couple of cursory discussions, the literature on Grant and on prisoners of war largely overlooked the effect that POWs would have on battlefield commanders and their development of strategy.

For instance, Franklin B. Cooling's *Forts Henry and Donelson: The Key to the*

War and Peace (2012) have continued to portray Grant with a positive spin for popular audiences. Marie Ellen Kelsey's 2005 work *Ulysses S. Grant: A Bibliography* listed 4,242 bibliographic entries on Grant.
³ J. F. C. Fuller, *Grant & Lee: A Study in Personality and Generalship* (Bloomington: Indiana University Press, 1957), 82.

Confederate Heartland (1987) set aside a few pages to discuss what actually happened with the prisoners after the fall of Fort Donelson. Cooling noted how Grant had to stop focusing on operations to handle the prisoners and how his decisions regarding the POWs traveled up the chain of command all the way to Washington. While this is only a few pages worth of narrative, it is far more than any other work surveyed has bothered to take on the issue.

Other topical areas proved equally as negligent. Pivotal studies on strategy like J. F. C. Fuller's *The Generalship of Ulysses S. Grant* (1929) and Donald Stoker's *The Grand Design: Strategy and the U.S. Civil War* (2010) left out any discussion of the impact of POWs on strategy. Campaign histories and battle narratives were also silent on the topic of prisoners of war except to offer little vignettes or discuss casualty numbers.⁴ For instance, Timothy Smith's *Grant Invades Tennessee: The 1862 Battles for Forts Henry and Donelson* (2016) provided an excellent account of the campaign, but failed to address POW policy. In several hundred pages POWs were almost never mentioned and, as is typical with many of the works surveyed, no mention of prisoners appeared in the index. Biographies like Jean Smith's *Grant* (2001) and Brooks D. Simpson's *Ulysses S. Grant: Triumph over Adversity, 1822-1865* (2000) tended to concentrate on developing a

⁴ For example, see: Michael B. Ballard, *Vicksburg: The Campaign that Opened the Mississippi* (Chapel Hill: The University of North Carolina Press, 2004); Edwin Cole Bearss, *The Campaign for Vicksburg*, 3 vols. (Dayton, OH: Morningside, 1985); Kendall D. Gott, *Where the South Lost the War: An Analysis of the Fort Henry—Fort Donelson Campaign, February 1862* (Mechanicsburg, PA: Stackpole Books, 2003); Gordon C. Rhea, *To the North Anna River: Grant and Lee, May 13-25, 1864* (Baton Rouge: Louisiana State University Press, 2000); Richard J. Sommers, *Richmond Redeemed: The Siege at Petersburg* (Garden City, NY: Doubleday & Company, Inc., 1981); and Noah Andre Trudeau, *The Last Citadel: Petersburg, Virginia June 1864-April 1865* (Boston: Little, Brown and Company, 1991).

larger comprehensive framework for understanding Grant's character and only sporadically provide an offhanded comment on POW policy.⁵

The topic of prisoners of war is often overlooked in Civil War scholarship. Few works delve into any substantial analysis regarding how POW policy was constructed. Of the works that mention POW policy, almost none discuss its intersection with military strategy. The fact that Civil War scholars have neglected such an important topic for so long is quite surprising as POW policy played a crucial role in the construction and implementation of Union strategy throughout the war. The Civil War POW literature primarily situated its debates on topics related to prisoner experiences

⁵ Grant's image underwent a transformation across the Twentieth Century moving away from late Nineteenth Century works which painted him as a "butcher" for the high casualty rates suffered during the Overland Campaign in 1864. The "butcher thesis" grew out of the Lost Cause mythology spread after the war, when Confederate apologists tried to reclaim victory through rewriting the historical record. They claimed that Grant was a butcher and terrible general—that anyone could have won victory through the slaughter tactics and the superior numbers of the North. This image evolved and gained some credibility with the Dunning School of the 1920s. However, in the middle of the Twentieth Century, a new wave of thinking arose to challenge this traditional interpretation. Some of the most classic works on Grant and the Civil War were written by Bruce Catton in the 1950s and 1960s. Catton gained notoriety through operational history with his three-volume study on the Army of the Potomac. The final work, *A Stillness at Appomattox* (1953), won the Pulitzer Prize. In 1954, Catton took on his first attempt with a study of Grant through his very concise biography entitled *U.S. Grant and the American Military Tradition* (1954). Following this, Catton was asked to complete a three-volume history of Grant's military career begun by another historian, Lloyd Lewis. Part One was Lewis' *Captain Sam Grant* (1950), but he passed away before he could complete the trilogy and his notes were given to Catton who conducted additional research and finished the series. Catton wrote the final two books of the series, *Grant Moves South* (1960) and *Grant Takes Command* (1968), which remain two of the most pivotal and important works on Grant. Bruce Catton's well-researched, engaging, and detailed narratives took on the Dunning School and revived the image of Ulysses S. Grant, representing some of the best works of revisionist history of the 1950s and 1960s scholarship by American historians. This represented the first major-turning point in bringing a positive portrayal to Grant. However, William S. McFeely's Pulitzer Prize winning *Grant: A Biography* (1981) was written with the dark edge of a post-Vietnam America and he presented a harsh indictment of Grant's entire career, both military and political. McFeely created an image of Grant as very cold and calculating, returning to the "butcher debate." McFeely's analysis may have leaned too heavily on a jaded post-Vietnam lens focusing on body counts and drawing too close of a connection between America's quest for attrition in Vietnam and Grant's forced quest for attrition in Virginia. This work provided a step back towards the negative interpretation of Grant, especially as a military commander. Yet, this proved to be short lived with works by Brooks D. Simpson and Jean Edward Smith resurrecting the positive portrayal of Grant at the end of the Twentieth Century.

and on the prisons themselves.⁶ Nevertheless, the burgeoning field of Civil War POW studies demonstrated some promise.

While the body of literature on Civil War POWs is a much smaller field of study, some relatively recent work has been published on POW policy. Charles Sanders's *While in the Hands of the Enemy: Military Prisons of the Civil War* (2005) investigated national POW policy across the war, but he focused on policy formation as a top-down process. Sanders's narrative analyzed President Abraham Lincoln and his cabinet investigating the creation of policy and its relationship with the treatment of POWs by Union and Confederate governments, but this monograph rarely wandered into the military arena. Roger Pickenpaugh's body of scholarship has done much to advance the field, weaving analyses of prisoners, POW policy, and the prisons themselves into his narratives. In *Captives in Gray: The Civil War Prisons of the Union* (2009), Pickenpaugh touched on the larger strategic implications of policy, but this was sporadic and cursory as the Confederate prisoners and Union prisons were the focus of the work. Great studies by James M. Gillispie, Paul Springer, and Glenn Robins provided excellent discussions of Union POW policy, but each covered the topic in a single cursory chapter.⁷

⁶ For example, see: Benjamin G. Cloyd, *Haunted by Atrocity: Civil War Prisons in American Memory* (Baton Rouge: Louisiana State University Press, 2010); Michael P. Gray, *The Business of Captivity: Elmira and its Civil War Prison* (Kent, OH: Kent State University Press, 2001); William B. Hesseltine, *Civil War Prisons: A Study in War Psychology* (Columbus: Ohio State University Press, 1930); William Marvel, *Andersonville: The Last Depot* (Chapel Hill, NC: The University of North Carolina Press, 1994); and Lonnie R. Speer, *Portals to Hell: Military Prisons of the Civil War* (Mechanicsburg, PA: Stackpole Books, 1997).

⁷ Roger Pickenpaugh, *Camp Chase and the Evolution of Union Prison Policy* (Tuscaloosa: University of Alabama Press, 2007); Roger Pickenpaugh, *Captives in Gray: The Civil War Prisons of the Union*

Analysis of how Grant developed strategy and policy regarding POWs offers potential for detailing not only how strategy is created, but it also opens the possibility to draw conclusions on how this issue affects commanders and leaders in other wars. The handling of prisoners of war continues to be an issue to the present day as evidenced by recent controversies over Abu Ghraib and the prisoners held at Guantanamo Bay. Yet, there is little work done on POWs in any major conflict that explores the connections between them and the conduct of war. An analysis of how commanders in the field handle this issue is needed because these officers are able to, in effect, create ad hoc national policy and strategy that inherently contain larger ramifications for national security and foreign policy beyond their command position. The literature on prisoners of war is a growing field, but it is devoid of any significant discussion on the issue of how POWs affect operations and strategy.

This study proposes to fill the gap in the literature addressing how Ulysses S. Grant developed military strategy and POW policy in tandem. Fortunately, a plethora of primary source material exists to help guide this investigation. Repositories at the National Archives and Library of Congress in Washington, DC contain many of the important documents for this work. The National Archives contains military records including Grant's official military correspondence and orders while the Library of

(Tuscaloosa: The University of Alabama Press, 2009); James M. Gillispie, *Andersonvilles of the North: The Myths and Realities of Northern Treatment of Civil War Confederate Prisoners* (Denton: University of North Texas Press, 2008); Paul J. Springer, *America's Captives: Treatment of POWs from the Revolutionary War to the War on Terror* (Lawrence, KS: University Press of Kansas, 2010); and Paul J. Springer and Glenn Robins, *Transforming Civil War Prisons: Lincoln, Lieber, and the Politics of Captivity* (New York: Routledge, 2015).

Congress offers a mix of official and personal records of many of the key individuals in Grant's life. However, as important as these places are, much of the vital content has been published in primary document collections easily accessible online and at most libraries. The two main collections are *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* and *The Papers of Ulysses S. Grant*. Overall, this study takes a fresh look at well-trod documents and illustrates how they can be interpreted in novel ways.

Through new interpretations of old documents, this study seeks to understand strategy and policy development from the perspective of a battlefield commander. Ulysses S. Grant offers a unique vantage point to study this question of post-victory command decisions and their effect on strategy. Grant was trained at the United States Military Academy and commissioned into the U. S. Army. As a career army officer, he was part of the small professionalized cadre that made up the regular army officer corps. He personally met or knew a great many individuals who would become important in the Civil War. He also had the benefit of military experience from his service in the Mexican-American War and being stationed along the west coast of the United States—he understood both the peace and wartime armies.

Though Grant took a break from army life, he reentered it on the eve of the Civil War and his experiences provide a unique perspective of analysis. Grant rose through the ranks of command going from colonel of the 21st Illinois Volunteer Infantry Regiment to general-in-chief of all Union forces in three short years. He served in both the western and eastern theaters of the Civil War. Grant accepted the surrender of three Confederate

field armies and thus handled significant numbers of POWs at integral stages in the development of Union POW policy. Also, as general-in-chief, he had the ability to take the issue of prisoners of war beyond the battlefield directly to the realm of national strategy and policy. Grant's Civil War career offers a unique perspective to investigate the issue of how prisoners of war affected command, strategy, and national policy.

With Grant's military background, he did not enter the foray of POW policy blindly. The United States had already established precedent in how it handled prisoners of war. In the American Revolution, the initial question over POW policy focused on the British classification of captured Americans as traitors facing execution. This denied sovereignty to the American cause and rights as prisoners of war to those captured. However, George Washington intervened threatening retaliation in order to regulate the behavior and norms of enemy POW policy. As for how American forces handled their captives, they typically placed prisoners in rural camps as far away from enemy lines as possible and accorded them the due rights for prisoners of war. With the numbers of prisoners growing ever larger along with the costs and burdens of keeping them and the desire to return their own soldiers, a system of limited paroles and exchanges was begun. This early system left the decisions mainly in the hands of field commanders to issue paroles and negotiate exchanges. Paroling prisoners allowed them to remain outside of prison, but only after taking an oath that they would not reenter military service until a mutually-agreed-upon exchange occurred. In an effort to deny the American rebels legitimacy or de facto recognition of national sovereignty, the British refused to negotiate for a comprehensive system of exchange. Though, they did establish a

common system of equivalencies which assigned captives a certain exchange value based upon their rank.⁸

The American Revolution set the precedent for the next conflict with Britain, the War of 1812. Retaliations were used to check the treatment of either combatants' prisoners and the Americans took to housing prisoners in camps far from the front. However, the substantial difference in this conflict was the successful negotiation of a general exchange system along with revised equivalencies for exchange. In order to manage the cartel system through a centralized process, the United States also created the Office of the Commissary General of Prisoners, granting it authority over all matters pertaining to prisoners of war.⁹

Going into the Mexican War, the United States now had firm experience with establishing systems for managing prisoners of war. However, this conflict proved unique in that it was the first fought outside of the United States. As such, it meant that POWs would have to be managed while campaigning in enemy territory, or they could be sent back the considerably long distance to be housed in prisons in the United States. Lacking the resources and desire to guard or transport the thousands of POWs taken in the string of American victories in Mexico, commanders most often opted to parole them on site. Because of the incredible distance and lack of communication, the United States chose not to establish an Officer of Commissary General of Prisoners nor did they

⁸ Springer and Robins, 4 and Charles W. Sanders, Jr., *While in the Hands of the Enemy: Military Prisons of the Civil War* (Baton Rouge, LA: Louisiana State University Press, 2005), 10-13.

⁹ Springer and Robins, 5 and Sanders, 16.

develop any sort of general exchange accords. Instead, much of the decisions regarding POW policy was left in the hands of field commanders who almost always opted for parole.¹⁰

By the beginning of the Civil War, the United States had achieved a great deal of experience with managing prisoners of war. However, historian Charles Sanders declared that “The lessons learned from short-term confinements and the operation of parole and exchange cartels during the Revolution, the War of 1812, and the Mexican War were often ignored; even when followed, they were insufficient to guide Civil War planners, who were compelled to establish a sprawling network of prisons that swiftly filled with thousands of captives.”¹¹ As such, while precedent existed, much of the early policies and exchanges of the Civil War were localized and ad hoc in nature as General Ulysses S. Grant soon discovered.

In the first year of war, Grant faced the conundrum of denying national sovereignty to the Confederacy while navigating the prisoner of war policy with little guidance from his superiors. Grant deftly handled the situation through established norms and customs, while doing his best to keep up with burgeoning policies. On the fringes of the Western Theater, Grant found opportunity to practice creating strategy and policy.

February of 1862 dramatically changed the war for Grant when he achieved victory in the Fort Henry and Fort Donelson campaign. Here, he also discovered the

¹⁰ Springer and Robins, 7 and Sanders, 20-21.

¹¹ Sanders, 2.

great challenge of victory, in this instance being the 15,000 POWs that were now his responsibility. In the aftermath of Fort Donelson, Grant learned clear lessons regarding the relationship of military strategy and POW policy and that parole offered benefits to a commander who desired to retain the initiative.

Following his success in Tennessee, Grant spent approximately the next year embroiled in a military occupation of Southern territory. This changed his primary focus to engaging in a hard war and trying to learn how to deal with the mounting guerrilla threat facing his command. The nascent general exchange agreement provided little guidance in this matter and Grant often utilized threats of retaliation to achieve some semblance of order.

Beginning in the fall of 1862, Grant commenced upon his quest for the great Confederate fortress on the Mississippi River—Vicksburg. However, Grant found that POWs and POW policy constrained his operational effectiveness. Furthermore, a game of retaliation played out across the campaign over the issue of utilizing African American soldiers in combat. These POW issues hampered Grant's efforts to take the citadel.

However, Grant overcame the obstacles when Confederate forces at Vicksburg surrendered on July 4, 1863. Now Grant had to face the challenge of negotiating the terms of surrender—should he parole the garrison or imprison it? Ultimately, the question of parole at Vicksburg contained far-reaching implications for both national POW policy and strategy.

In the early months of 1864, Grant was promoted to general-in-chief. With this came the task of organizing Union strategy across the war. Grant personally followed the Army of the Potomac in its quest to wage a war of attrition against Robert E. Lee's forces in Virginia. With his task in hand, combat strength guided much of Grant's thinking on strategy and policy, ultimately resulting in the termination of prisoner exchanges.

With Lee's army besieged in Richmond and Petersburg from the summer of 1864 to spring of 1865, Grant knew that the end of the war was near and, therefore, he began thinking about strategy and policy in terms of the anticipated peace. By 1865, public outcry over Union soldiers languishing in Confederate prisons reached a fevered pitch and Grant resumed the general exchange. However, he always made sure the exchanges served Union strategy and in no way hampered his quest for the end of the war.

At war's end, Grant's new strategy contained the goal of securing a magnanimous peace. He approached POW policy in the spirit of President Abraham Lincoln's desire for leniency and reconciliation. Though, Grant often had to contend with Andrew Johnson over this vision once Johnson took over in the wake of Lincoln's death.

Ultimately, Grant's experience through the Civil War with strategy and policy evolved with the context of the war and with his own wisdom gained. The common theme of Grant's war was the lack of coherent guidance on the national level regarding POW policy. Grant navigated policy and strategy pragmatically, utilizing experience, precedent, norms, and instinct to guide him. Strategic theorist Bernard Brodie quipped

that “Strategy is a field where truth is sought in the pursuit of viable solutions.”¹² Grant aptly pursued such truths in his quest to bring peace to the nation.

¹² Bernard Brodie, *War and Politics* (New York: Macmillan, 1973), 452-453.

CHAPTER II

FINDING HIS WAY: GRANT'S FIRST FORAYS INTO POLICY AND STRATEGY

In the midst of the chaos and confusion with the outbreak of the rebellion, Ulysses S. Grant received his first major command while in Missouri as a colonel of the Illinois 21st Regiment. In early August 1861, Grant's political benefactor, Illinois Congressman Elihu Washburn, successfully lobbied President Abraham Lincoln to secure a coveted promotion for his constituent to the rank of Brigadier General of Volunteers. Grant, who claimed to have no part in the promotion, learned of the good news when handed a copy of the *Daily Missouri Democrat*. Grant reportedly shrugged the matter off and casually walked away. The nature of how Grant discovered his promotion and his ensuing reaction to it provided an apt glimpse as to the state of the Union army at the beginning of the war. Disorganization and lack of coherent guidance from his superiors often left Grant shrugging and finding his own way.¹³

Several issues confronted the Union government when Grant adopted the star on his shoulder. Namely, questions surrounded how to prosecute its strategy to put down the rebellion, how to address the status of the "so-called Confederacy" and its combatants, and how to deal with the influx of prisoners of war. Grant encountered a further problem of inconsistency and disorganization from his superiors. For the next six months, Grant had to navigate the minefield of policy and strategy without much

¹³ Bruce Catton, *Grant Moves South* (Boston: Little, Brown and Company, 1960), 16-17.

guidance from Washington. He ultimately found his way through the morass by adhering to policy when he could, utilizing established norms and precedents to fill-in policy gaps, and observing the professionalism of the officer corps he learned at West Point and during his career as an Army officer.

In prosecuting the war, certain aspects of Union strategy and policy filtered down to Grant's command. Key to Union strategy was denying both Confederate control of border states and the legitimacy of the Confederate government. The border states contained crucial geographic points for prosecuting the war effort such as St. Louis in Missouri and controlling the Tennessee and Cumberland Rivers in Kentucky and Tennessee.¹⁴ Additionally, Lincoln declared that the Confederates were in fact leading an insurrection and not an independence movement. The distinction of labeling this as a rebellion carried important consequences internationally. Under international law, Lincoln's description denied the Confederate government the status of nationhood and all of the rights that go along with it such as securing loans, weapons contracts, and intervention from other nations. The Confederate government actively sought legitimacy hoping that the powers of Europe would step in and in some way offer support or maybe even broker a negotiated settlement which allowed for independence. Unfortunately for Lincoln, on May 13, the British government declared its neutrality in the conflict, thus conferring some legitimacy to the Confederate cause. Other European nations soon

¹⁴ Donald Stoker, *The Grand Design: Strategy and the U. S. Civil War* (Oxford: Oxford University Press, 2010), 44-45.

followed suit, further legitimizing the Confederate government as more than an insurrection without formally recognizing it.¹⁵

Early on, the debate over Confederate nationhood quickly crossed over to the question of how to treat rebel prisoners. Following the Union debacle at Bull Run in July, famed lawyer and expert on international law Francis Lieber wrote opinions in the *New York Times* arguing that prisoner exchanges did not by themselves constitute recognition of the Confederacy's independence. As such, he pressed for the Lincoln Administration to formally organize exchanges contending that they would not deter Union strategy.¹⁶ However, Lincoln remained steadfast in declining to recognize the Confederacy and prisoner exchanges became a casualty of this battle. Since the conflict was deemed an internal rebellion, article III, section III of the United States Constitution clearly identified the actions of Confederates as treason and should have meant that the prisoners were not due the rights associated with properly recognized combatants according to precedence and international law.¹⁷ Yet, Lincoln was not willing to press the treason aspect since it could lead to retaliation against Union soldiers in captivity, and significant to this was the fact that the South held a much greater number of prisoners due to early victories like Bull Run.

¹⁵ James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (Oxford: Oxford University Press, 1988), 387-389.

¹⁶ John Fabian Witt, *Lincoln's Code: The Laws of War in American History* (New York: The Free Press, 2012), 181.

¹⁷ James M. Gillispie, *Andersonvilles of the North: The Myths and Realities of Northern Treatment of Civil War Confederate Prisoners* (Denton, TX: University of North Texas Press, 2008), 83.

However, the Union government pushed the issue of classification of rebel prisoners to its limit during a trial involving Confederate privateers. When Lincoln refused to exchange the sailors as prisoners of war and instead allowed them to be charged with piracy, Confederate President Jefferson Davis selected Union prisoners as hostages for retaliation. Fortunately for Davis, one of the hostages was quite famous and elicited a public outcry in the North. Eventually, the privateers were exchanged and the Union agreed to treat them as prisoners of war instead of criminals.¹⁸ This dilemma established that the Confederacy was a belligerent due certain rights such as those governing prisoners of war. Though, this incident did not change Lincoln's official stance of denying legitimacy to the Confederate government.

Further confounding the POW issue was the fact that no established system existed for housing the prisoners of war and no precedent could have prepared civil-military leadership to deal with the problem of housing, feeding, guarding, transporting, paroling, and exchanging of the multitudes of rebel soldiers captured by the North. As such, the system developed incrementally in an ad hoc fashion which Grant witnessed firsthand from his perspective as a field commander. The lack of coordinated planning initially left the responsibility for managing prisoners in the hands of the Union quartermaster general. This changed for the Union on October 23, 1861 when the War Department appointed Colonel William Hoffman as the new Commissary General of

¹⁸ Charles W. Sanders, Jr., *While in the Hands of the Enemy: Military Prisons of the Civil War* (Baton Rouge, LA: Louisiana State University Press, 2005), 33-38 and Eugene Marvin Thomas, III, "Prisoner of War Exchange During the American Civil War" (PhD diss., Auburn University, 1976), 41-46.

Prisoners reporting to Quartermaster General Montgomery C. Meigs and established some coherence to the development of a proper prison system.¹⁹

Also adding to the confusion were additional changes at the top with Lincoln's search for capable leadership. Mismanagement to the point of fraud in the War Department prompted a Congressional investigation resulting in President Abraham Lincoln replacing Secretary of War Simon Cameron with Edwin M. Stanton.²⁰ Changes occurred in Grant's area of operations as well. Originally created on July 1, 1861, Lincoln appointed Major General John C. Fremont to command the new Department of the West. However, Fremont's tenure was brief. He was relieved of command in November and temporarily replaced with Major General David Hunter because Fremont exceeded the bounds of his duties in attempting to create policy which contradicted that set by Lincoln.²¹ Adding more confusion to the West came with the reorganization of the entire theater into two departments in November. Grant's command landed in the new Department of the West now commanded by Major General Henry Wager Halleck. The other new department was the Department of the Ohio commanded by Brigadier General Don Carlos Buell. Lincoln directed that the operational focus for Halleck's department be sorting out the mess in Missouri.²² This task fell to Grant who spent much of his time securing strategic locations and dealing with marauding partisans, all while trying to sort out how to handle a non-existent national POW policy. Due to the systemic disorder and

¹⁹ Sanders, 65 and 69.

²⁰ McPherson, 323-325.

²¹ Stoker, 46-48.

²² Ibid, 66.

lack of clear administrative guidance, General Grant often found himself forced to address many of the questions concerning policy and strategy for the Union on his own at the opening of the conflict.

Though the Lincoln Administration shied away from a centralized POW policy, field commanders still conducted prisoner exchanges. In the first year of the war, these typically fell into one of three types. The first type were basic exchanges conducted between field commanders following the rank-for-rank system established in the War of 1812. The second type was a special exchange which traded specific prisoners, typically people of some sort of significance or importance. The third type utilized paroling prisoners, who then returned across the lines to personally lobby their government to release an enemy prisoner in order to complete their exchange. Parolees had a limited amount of time to make the arrangements and, if not completed by the expiration of their parole, the parolees were expected to return to prison.²³ Since these exchanges weren't coordinated at the national level, they largely remained informal and localized affairs. Grant's experience demonstrated another important aspect of POW policy that, especially early on in the war, the informal nature of these exchanges relied upon the mutual trust and honor of the personal relationships between the two opposing field commanders for it to work.

Entering the foray in the fall of 1861, Grant got his first taste of battlefield command experience. The initial battles and focus of the war largely remained in the

²³ Sanders, 82.

Eastern Theater where the major armies and capitals of both combatants were located. As a minor field commander operating on the fringes of the Western Theater in Missouri, General Grant initially had a large degree of freedom from the lack of guidance and he often made strategic decisions on his own. Such an opportunity quickly arose in early September. On August 28, Fremont placed Grant in command of the District of Southeast Missouri based in Cairo, Illinois and tasked him with clearing out Confederate forces in the vicinity and attempting the occupation of Columbus.²⁴ Grant, instead, opted to grasp the strategic initiative and move his forces to capture the vital point of Paducah, Kentucky. Grant read the map like a chessboard and he was prepared to maneuver his pieces across the western theater in order to pin the Confederacy into checkmate. Paducah represented the first of a series of moves designed to take strategic positions along the rivers and railways of Kentucky and then into Tennessee, thus establishing a momentum for the Union to achieve victory in the West. However, the fear remained that if Union forces moved into a neutral state of Kentucky too early, they could push public sentiment in the state to support the Confederacy.

Fortunately for Grant, Confederate generals were no better than their Union counterparts in adhering to policy decisions from civilian leadership. Confederate President Jefferson Davis wished to honor the neutrality of Kentucky, but an overzealous Brigadier General Gideon J. Pillow tried to grasp the initiative by moving on Columbus. His commanding officer, Leonidas K. Polk, supported this move and ordered

²⁴ Nathaniel Cheairs Hughes, Jr., *The Battle of Belmont: Grant Strikes South* (Chapel Hill, NC: The University of North Carolina Press, 1991), 3.

Confederate forces to occupy Columbus thus violating Kentucky's neutrality. The legislature and governor of Kentucky responded with an order to remove all Confederate forces from the state.²⁵

Grant saw opportunity in this misstep and he immediately moved his forces to occupy Paducah. Grant's move on Paducah was strategically brilliant in securing a vital waterway point and halting the Confederate advance while also turning the favor of Kentucky to the Union. With the occupation of Kentucky, the Confederacy had "put the military cart before the political horse." As a result of the debacle, the Confederates opted instead to reinforce their position at Bowling Green in order to not leave Tennessee vulnerable to invasion.²⁶

On September 1, 1861, Colonel M. Jeff Thompson, commander of a Confederate guerrilla unit, sent word to General Grant proposing an exchange of prisoners. Grant, without hesitation, declined to respond to any inquiries from Thompson.²⁷ At this early junction, the Union did not recognize the legitimacy of the Confederate States of America as a government, nor the military actions taken in support of the rebellion. The fact that Thompson commanded irregular units only confounded that factor further. These partisans were in a state of rebellion against their country—what would it say if Grant acknowledged them as due the rights of a recognized national military? Grant

²⁵ Stoker, 49-51.

²⁶ Ibid, 50-51.

²⁷ Thomas, 27.

chose to tread carefully in these questions as they contained larger political and diplomatic outcomes far exceeding his authority.

Even though established policy allowed for Grant to make man-for-man field exchanges of regular forces, his declination to speak with Thompson communicated that he did not recognize the legitimacy of Thompson's command. If he had chosen otherwise, Grant would have had the potential to create the perception that the Union recognized the Confederacy as a legitimate entity while validating the authority of Thompson's guerrilla band. This decision also reflected Grant's understanding of the current policy in his department. In response to the "bands of murderers and marauders, who infest nearly every county of the State," Fremont had declared martial law. His proclamation directed that "All persons who shall be taken with arms in their hands within these lines shall be tried by court-martial, and if found guilty will be shot." Fremont utilized unambiguous terms in an effort to suppress the frustrating guerrilla activities led by Thompson throughout Missouri. Fremont went further to discourage any such actions that would support the partisans and various acts designed to inhibit Union operations.²⁸ Grant would have been aware of this policy and any parlay with Thompson could have been perceived as a violation of it.²⁹

Grant also faced other considerations in his decision to not engage with Thompson. Many Confederate commanders typically paroled the Union soldiers they

²⁸ Proclamation, 30 August 1861, *OR*, Ser. 1, Vol. 3, 466-467.

²⁹ Historian James McPherson described Colonel Thompson as a "rebel guerrilla chieftain." McPherson, 353n19.

captured at this point, so, as in the case of Thompson's communication, Grant didn't believe that any formal exchange would even be necessary. Furthermore, it had become common practice in the Western Department, which Grant operated in, to discharge any volunteer troops released on parole, thus again limiting the benefits of any sort of exchange.³⁰ Hence, there was nothing to be gained from setting the precedent of policy, local or national, through an agreement with a partisan rebel commander.

Some semblance of order for POW policy finally arrived albeit in the form of a prisoner exchange agreement between two field commanders. On August 28, Confederate General Gideon Pillow proposed an exchange to the Union commander operating in his area of Missouri, Colonel W. H. L. Wallace. Wallace stipulated that any exchange would be conducted man-for-man according to rank equivalencies. Wallace declined to exchange civilians or expand the scope of the exchanges to include prisoners transferred in from Richmond. Fremont, Wallace's commanding officer, approved of the arrangement on September 2. Wallace clarified that this was not a general agreement between governments nor was it to be regarded as precedent. However, the Pillow-Wallace agreement became the standard policy for exchanges and paroles early in the war. This allowed the Union to participate in these deals without making it official government policy which could in turn confer recognition of legitimacy upon the Confederate government.³¹

³⁰ Thomas, 28.

³¹ Ibid, 25-27.

With little experience having his star for only a couple of months, General Grant demonstrated confidence and poise by mid-October when conducting prisoner of war policy. On October 14, Major General Leonidas Polk, the Confederate commander operating near Grant's headquarters in Cairo, Illinois, sent a letter to Grant proposing to conduct a prisoner exchange utilizing the Pillow-Wallace exchange agreement as a guide.³² Remaining steadfast in his policy to decline exchanges as to not confer legitimacy, Grant responded that: "In regard to the exchange of prisoners proposed I can of my own accord make none. I recognize no Southern Confederacy myself but will communicate with higher authority for their views." Grant made it clear that he did not believe it was within his authority to make such a decision, especially when that decision carried the weight of recognition of the Confederacy as a nation-state. Regular soldiers or not, Grant recognized that this decision exceeded the bounds of his rank and referred the question to his superiors.

A week later, with a lack of guidance on the matter, Grant cautiously took the initiative in releasing some prisoners. He sought approval first, but, when failing to receive contrary orders, Grant proceeded to act within his own discretion.³³ He instructed Brigadier General John A. McClernand to unconditionally discharge three Confederate prisoners for sixteen Union soldiers held in captivity by Colonel Thompson. At this point, there was no discussion of rank, paroles, terms, or any other advanced discussion of details in the negotiations—Grant simply sent the prisoners without any

³² L. Polk to Commander Officer at Cairo and Bird's Point, 14 October 1861, *OR*, Ser. 2, Vol. 1, 511.

³³ USG to C. McKeever, 21 October 1861, *PUSG*, Vol. 3, 66.

stipulations, but with the gentlemanly understanding that the Confederates would reciprocate.³⁴ In this very casual way of gifting the prisoners, Grant avoided any legalities of this being a formally sanctioned exchange.

Also important to this first exchange was how General Polk, who took over in Thompson's absence aboard the flag-of-truce boat, interpreted this event. Polk understood Grant's position and that he was trying to avoid recognition of the Confederacy as a nation. As such, Polk made it a point to declare that "although your mode of accomplishing it waives the recognition of our claims as belligerents I am not disposed to insist on an unimportant technicality when the interests of humanity are at stake."³⁵ For the rest of October, flag-of-truce steamers would meet just north of Columbus to conduct these informal and unsanctioned prisoner exchanges.

On October 30, the next iteration of POW policy again came in the form of an exchange agreement negotiated by field commanders. General Fremont established a new policy standard in his deal with Major General Sterling Price which was based upon the Pillow-Wallace Agreement that Fremont previously approved. The arrangement was a rank-for-rank exchange whereby each commander selected the prisoners for release. These men were furnished with a certificate indicating their parole or outright release and allowed to leave the lines with their personal property. The most significant aspect of the Price-Fremont agreement was that it established a permanent exchange commission to arrange exchanges of future paroled prisoners. Though this showed

³⁴ J. A. McClelland to N. B. Buford, 23 October 1861, *OR*, Ser. 2, Vol. 1, 512.

³⁵ L. Polk to J. A. McClelland, 23 October 1861, *OR*, Ser. 2, Vol. 1, 513.

promise to settle the issue of a more permanent POW policy, Lincoln relieved Fremont of command shortly thereafter and Fremont's replacement, Major General David Hunter, refused to recognize the deal.³⁶

In early November Grant faced his first true test as a Civil War commander at the Battle of Belmont. Grant saw an opportunity to grasp the strategic initiative during the confusion in the Western Department resulting from Fremont's removal from command. Sitting across the river from the Confederate position at Columbus, Belmont offered a unique chance for a small-scale battle to earn Grant and the Union a victory which could lead to greater strategic consequences.³⁷

On November 7th, Grant took approximately twenty-seven hundred inexperienced Union soldiers into battle against an equivalent-sized Confederate army. The Iowa and Illinois soldiers quickly routed the rebels and began rejoicing at their supposed victory. However, Grant knew better than his untested soldiers. The Confederates regrouped and tried to cut off Union forces from their river boat transportation and only means of escape. Bruce Catton described the Yankee sentiment at the turn of events observing that "Senseless elation immediately gave way to equally senseless panic."³⁸ Eventually, the Union Army fought its way back to the boats, though, with great loss. Grant only barely escaped with his life. What could have been a great victory for Grant ended in a frenzied retreat.

³⁶ Thomas, 33-34.

³⁷ John Y. Simon, "Grant at Belmont," *Military Affairs* 45, no. 4 (December 1981): 165-166.

³⁸ Catton, 77.

While this was by all means a Confederate victory, Grant also believed this that was not a total loss. His soldiers gained necessary battlefield experience and he believed the prisoner reports that this battle diverted a large Confederate force to the area thus impacting Confederate strategy.³⁹ The battle also provided Grant with an opportunity to see the importance of amphibious operations and coordination with naval commanders.⁴⁰ Historian Nathaniel Hughes further claimed that this provided a strategic diversion for Grant's future Fort Donelson campaign.⁴¹ Of immediate significance, this battle served as the first opportunity for Grant to assume negotiations for prisoners of war after a battle in which he commanded.

After the battle was settled, Grant returned downriver under a flag-of-truce to negotiate with General Polk and his staff over the issue of wounded and captured soldiers. Grant met with some of the officers serving in Polk's command and they arranged for the burial of Union dead at Belmont. They also took the opportunity to begin discussions over prisoner exchanges.⁴² Grant offered to unconditionally release all of the sick and wounded Confederate prisoners, numbering sixty-four, taken during the battle without asking for anything in return, just as he had done previously.⁴³ While Polk

³⁹ USG to C. McKeever, 8 November 1861, *PUSG*, Vol. 3, 133. William Feis noted that while POWs and deserters could offer insights into such things as the Confederate order of battle, which helped track movements and force strength, this information was often unreliable and needed to be closely evaluated. William B. Feis, *Grant's Secret Service: The Intelligence War from Belmont to Appomattox* (Lincoln, NE: University of Nebraska Press, 2002), 15.

⁴⁰ Hughes, 206-207.

⁴¹ *Ibid.*, 208.

⁴² John F. Marszalek, David S. Nolen, and Louie P. Gallo, eds., *The Personal Memoirs of Ulysses S. Grant: The Complete Annotated Edition* (Cambridge, MA: The Belknap Press of Harvard University Press, 2017), 197.

⁴³ USG to Commanding Officer at Columbus, KY, 8 November 1861, *OR*, Ser. 2, Vol. 1, 515.

seemed willing to reciprocate Grant's offer, he claimed that his hands were tied in the matter as Confederate prisoner exchanges must now be approved by no less than the Secretary of War. Polk also took the opportunity to hint at the fact that he was tiring of Grant's "affectation of declining to recognize these [Confederate] states as belligerents."⁴⁴

In spite of the larger considerations at stake, subordinate officers conducting the negotiations on behalf of Grant and Polk took it upon themselves to exchange a number of sick and wounded prisoners without waiting for confirmation—all in the interests of "humanity" of course.⁴⁵ After settling the prisoner exchange issue, Grant and Polk struck up a polite conversation agreeing to certain conventions of how to properly conduct the war, specifically that they both discouraged any pillaging or plundering. They respected the fact that this would be a war fought with rules between properly organized armies—an interesting development considering Grant's position on the legitimacy of the rebels.⁴⁶

This instance was typical of Grant's early experiences with exchange negotiations which were often very cordial affairs. Throughout these negotiations and others early on, opposing officers remained quite civil often appealing to the "interests

⁴⁴ L. Polk to USG, 8 November 1861, *OR*, Ser. 2, Vol. 1, 515-516.

⁴⁵ J. D. Webster to USG, 9 November 1861, *OR*, Ser. 2, Vol. 1, 516-517. The meeting between subordinates took place on November 8 and Grant met with Polk to conduct the larger exchange on November 13. Marszalek, 197n22. For more details on the exchange, also see: Thomas, 30-31.

⁴⁶ Brooks D. Simpson, *Ulysses S. Grant: Triumph over Adversity, 1822-1865* (Boston: Houghton Mifflin Company, 2000), 105.

of humanity” in their treatment of wounded and captured soldiers.⁴⁷ In the end, Grant freed all of the prisoners who claimed to have been Union men pressed into service of the Confederate Army and eventually exchanged all of the rest captured at Belmont.⁴⁸ The battle provided Grant with a newfound sense of confidence as a commander, but he knew to not let any of this get in the way of maintaining the proper policy regarding prisoner exchanges.

On November 12, General Polk “received from the Secretary of War discretionary power as to the disposition of our prisoners” and offered to exchange all of the wounded Union prisoners in his possession.⁴⁹ Grant, without needing to consult with his superiors, responded with an offer to deliver all of the prisoners in his possession to the Confederate general the following day.⁵⁰ The agreement was an unconditional man-for-man exchange.⁵¹ A few days later, a question arose as to the actual number of soldiers sent by Polk. Polk defended himself and his honor by contending that he made a fair exchange, but would be willing to send more prisoners in order to make things right

⁴⁷ For instance, see: J. A. McClernand to Commanding Officer at Columbus, KY, 22 October 1861, *OR*, Ser. 2, Vol. 1, 512; J. A. McClernand to N. B. Buford, 23 October 1861, *OR*, Ser. 2, Vol. 1, 512; L. Polk to J. A. McClernand, 23 October 1861, *OR*, Ser. 2, Vol. 1, 513; USG to Commanding Officer at Columbus, KY, 8 November 1861, *OR*, Ser. 2, Vol. 1, 515; L. Polk to USG, 8 November 1861, *OR*, Ser. 2, Vol. 1, 515-516; J. D. Webster to USG, 9 November 1861, *OR*, Ser. 2, Vol. 1, 516-517; G. J. Pillow to C. F. Smith, 24 November 1861, *OR*, Ser. 2, Vol. 1, 522-523; and C. F. Smith to G. J. Pillow, 26 November 1861, *OR*, Ser. 2, Vol. 1, 523.

⁴⁸ USG to Unknown Addressee, 26 November 1861, *PUSG*, Vol. 32, 26.

⁴⁹ L. Polk to USG, 12 November 1861, *OR*, Ser. 2, Vol. 1, 518. Interestingly, Confederate Secretary of War Judah P. Benjamin directed Polk to get the best terms he could for the exchange, unconditional being preferable. However, he also instructed Polk that he at least had to send away “all that are seriously wounded after taking a strict parole.” The Confederate government wanted to make sure that they secured the best deal possible, but in the end, they didn’t want the burden and responsibility of holding onto Union prisoners. J. P. Benjamin to L. Polk, 11 November 1861, *PUSG*, Vol. 3, 160n1.

⁵⁰ USG to L. Polk, 12 November 1861, *PUSG*, Vol. 3, 159.

⁵¹ J. A. Rawlins to J. A. McClernand, 13 November 1861, *PUSG*, Vol. 3, 160n and L. Polk to USG, 19 December 1861, *PUSG*, Vol. 3, 160n.

with Grant. Grant responded that he trusted the integrity of Polk's offer and that if any improprieties existed they extended from a "higher authority."⁵² This instance reiterated the personal level of interaction in prisoner exchanges for field commanders and the great deal of trust between them.

Exchange negotiations early in the war took place on the word and honor of the two commanding officers overseeing the negotiation. This reflected the predominant military culture throughout the war. The Old Army officers in the Civil War—mostly Regulars and West Pointers from the Antebellum U. S. army—maintained a monopoly over the war's leadership throughout the conflict and conducted the war according to a standard code of ethics. The professionalization that occurred in the army in years prior to the war carried over into the conflict. These military leaders wanted to keep the conflict fought by conventional rules of war on the battlefield. They expected soldiers in uniform who were subject to military discipline. These officers also conducted their relations according to the ritualized codes of conduct characterized by restraint, regulations, honor, and order. Oaths took on particular significance in nineteenth century military culture as well. For the Old Army, irregular warfare and destruction of private property operated outside the bounds of disciplined and respected forms of warfare. The bonds of professionalism and culture guided the interactions between army officers in their exchange negotiations early on in the Civil War.⁵³

⁵² USG to N. B. Buford, 16 November 1861, *PUSG*, Vol. 3, 178-179 and L. Polk to USG, 16 November 1861, *PUSG*, Vol. 3, 179n3.

⁵³ Wayne Wei-siang Hsieh, *West Pointers and the Civil War: The Old Army in War and Peace* (Chapel Hill, NC: The University of North Carolina Press, 2009), 3-4, 94, 111, and 112. See also: William B. Skelton, *An American Profession of Arms: The Army Officer Corps, 1784-1861* (Lawrence, KS:

Another matter also consistently arose to further complicate policy regarding prisoners of war—that of grieving family members. After the conclusions of negotiations from the Battle of Belmont, Grant re-opened talks stating that “It grieves me to have to trouble you again with a flag of truce but Mrs. Colonel Dougherty whose husband is a prisoner with you is very anxious to join him under such restrictions as you may impose, and I understand that some of your officers expressed the opinion that no objections would be interposed. I will be most happy to reciprocate in a similar manner at any time you may request it.”⁵⁴ General Polk responded that “It gives me great pleasure to grant her the opportunity of rendering such grateful service.” He further closed the letter with an overly gentlemanly clause of “Reciprocating your expressions of a readiness to interchange kind offices.”⁵⁵ In spite of the rebellion and bloodshed, negotiations over prisoners of war remained incredibly respectful and personal on the level of local field commanders in the first phase of the war.

By the end of November, Grant found difficulty in navigating the ill-defined Union prisoner of war policy and was reprimanded for a seemingly benign decision in this matter. The very curious situation at hand was created by Confederate Captain James George when he arrived at Grant’s Headquarters on November 23. Captain George acquired, in Grant’s words, a “remarkable document” granting him permission to pass through the Confederate lines to go to St. Louis as a paroled prisoner in order to

University Press of Kansas, 1992) and Edward M. Coffman, *The Old Army: A Portrait of the American Army in Peacetime, 1784-1898* (Oxford: Oxford University Press, 1986).

⁵⁴ USG to L. Polk, 10 November 1861, *OR*, Ser. 2, Vol. 1, 517.

⁵⁵ L. Polk to USG, 10 November 1861, *OR*, Ser. 2, Vol. 1, 517.

appeal his case to the Union commander there. He claimed this right under the Price-Fremont Agreement and the document was signed by Confederate Brigadier-General Pillow.⁵⁶ The day prior to this General H. W. Halleck, now in command of the department, issued General Orders No. 4 which allowed Confederate prisoners properly paroled by the terms of the Price-Fremont Agreement with certificates of exchange issued in St. Louis to pass through Union lines.⁵⁷ In the systemic chaos of the first year of war, the “remarkable document” and argument provided by Captain George along with current POW policy appeared convincing enough to Grant to issue a pass for the captain to travel to St. Louis to make his case there. Unfortunately for Grant, he was overruled by General Halleck and scolded for this decision.⁵⁸ A few days later Halleck issued General Orders No. 10 which essentially countermanded his previous order and now forbade prisoners exchanged under the Price-Fremont Agreement from passing freely through Union lines.⁵⁹ Though Grant tried to defend his decision regarding Captain George, this instance highlighted the confusion over paroles and prisoner exchanges early in the war.⁶⁰ Grant tried to follow policy, precedence, and best judgment, but still found this to be perilous.

Grant learned from the Captain George incident and the nature of his approach to prisoner of war policy changed by the end of the month. The independence and unilateral decision-making had been replaced with seeking permission for nearly every

⁵⁶ USG to W. McMichael, 23 November 1861, *OR*, Ser. 2, Vol. 1, 116.

⁵⁷ General Orders No. 4, 22 November 1861, *OR*, Ser. 2, Vol. 1, 562.

⁵⁸ J. C. Kelton to USG, 26 November 1861, *OR*, Ser. 2, Vol. 1, 117-118.

⁵⁹ General Orders No. 10, 26 November 1861, *OR*, Ser. 2, Vol. 1, 562.

⁶⁰ USG to J. C. Kelton, 28 November 1861, *OR*, Ser. 2, Vol. 1, 119.

action. For instance, Grant made sure to request permission from Captain John C. Kelton, the Assistant Adjutant General of the Department of the Missouri under General Halleck, to collect prisoners as they trickled in and discharge them in larger groups as opposed to letting them all pass along individually, which Grant determined to be a security risk.⁶¹ In the denial of passes to citizens passing through the lines, Grant noted that “On the old principle that it is better that ninety-nine guilty persons should escape than that one innocent [*sic*] person should suffer, we may be deceived some times.”⁶²

Grant also attempted to maintain his cordial relationship with General Polk when Polk made a personal appeal to Grant for a prisoner exchange. Polk reminded Grant of the courtesy that Polk previously extended to him, relying on their personal connection for this favor.⁶³ Grant, having been recently reminded of the chain-of-command, forwarded Polk’s request, but added a personal touch of his own: “In view of the fact that Gen. Polk permitted the families of two of the officers wounded at Belmont to visit them I would respectfully recommend that the exchange asked for be made, if practicable.”⁶⁴ Emblematic of the coordination occurring with regards to Union prisoner of war policy by the end of November, this request was referred to Washington.⁶⁵

The general-in-chief ultimately gave his approval to the exchange, but not without some discussion over the matter occurring above Grant’s rank. The discussion

⁶¹ USG to W. McMichael, 25 November 1861, *OR*, Ser. 2, Vol. 1, 117; USG to J. C. Kelton, 26 November 1861, *OR*, Ser. 2, Vol. 1, 118; and W. McMichael to USG, 29 November 1861, *OR*, Ser. 2, Vol. 1, 119.

⁶² USG to J. Cook, 23 December 1861, *PUSG*, Vol. 3, 334-335.

⁶³ L. Polk to USG, 29 November 1861, *OR*, Ser. 2, Vol. 1, 524.

⁶⁴ USG to J. C. Kelton, 29 November 1861, *OR*, Ser. 2, Vol. 1, 524.

⁶⁵ J. H. Hammond to USG, 3 December 1861, *OR*, Ser. 2, Vol. 1, 527.

between Halleck and the newly appointed General-in-Chief George B. McClellan touched on larger issues of POW policy, namely the fact that prisons were filling up and something needed to be done to clear the way for exchanges. Halleck, an expert on international law, argued that “A prisoner exchanged under the laws of war is not thereby exempted from trial and punishment as a traitor. Treason is a state or civil offense punishable by the civil courts; the exchange of prisoners of war is only a part of the ordinary *commercial belli*.” In Halleck’s mind, exchanges were simply a necessary part of everyday operations and did not remove the individuals from the possibility of any future prosecutions for treason. This minor detail actually translated into a large distinction because it meant that formal arrangements to exchange prisoners would not confer legitimacy on the actions of the rebels, nor their government, thus dissociating the question of legitimacy from the issue of prisoner exchange.⁶⁶ This ordeal demonstrated how much things had changed from the earlier steamboat discussions of two field-grade commanders.

It should also be noted that Grant was not above pressing the personal connections in his discourse with Polk. Though, interestingly, Grant accomplished this while simultaneously questioning Polk’s honor. Grant accused Polk of only sending sick and wounded men when Grant returned healthy prisoners. A letter from Colonel N. B. Buford of the Twenty-Seventh Regiment Illinois Volunteers to General Polk demonstrated the personal nature of this matter. Buford argued that Grant acted

⁶⁶ H. W. Halleck to G. B. McClellan, 3 December 1861, *OR*, Ser. 2, Vol. 1, 526-527.

honorably “In relieving you of the wounded he did you a service and leaves an obligation due from you.”⁶⁷ Unsurprisingly, Polk dismissed Grant’s claims and told Grant that he would make up the difference in the number of prisoners he owed and that future exchanges could proceed “only with a distinct regard to the numbers and grades of the prisoners exchanged.”⁶⁸ No longer would there be any discussion of the conditions of returned soldiers.

By December 6, Grant and Polk were becoming less cordial with each other and their communications took on a more formal tone. While Grant preferred the informal “gifting” of soldiers to sidestep the issue of legitimatizing the Confederacy, Polk now pressed for a more official and structured exchange process.⁶⁹ This was the direction that exchanges were heading in across the war as prisoners began collecting behind the lines. The degradation of the personal relationship between Grant and Polk only exacerbated this trend in their little corner of the war.

The decline of the personal exchanges continued with a misunderstanding between Grant and Polk in mid-December. With firm orders from Halleck, Grant had to inform Polk that he would no longer adhere to the provision of the Price-Fremont agreement obliging the Union to transport Confederate prisoner property to parolees beyond Union lines. Going forward the only thing that Grant would be allowed to cover

⁶⁷ N. B. Buford to L. Polk, 29 November 1861, *OR*, Ser. 2, Vol. 1, 526.

⁶⁸ L. Polk to USG, 6 December 1861, *OR*, Ser. 2, Vol. 1, 529.

⁶⁹ L. Polk to USG, 6 December 1861, *OR*, Ser. 2, Vol. 1, 529 and Roger Pickenpaugh, *Captives in Gray: The Civil War Prisons of the Union* (Tuscaloosa, AL: The University of Alabama Press, 2009), 44. See also: L. Polk to USG, 19 December 1861, *OR*, Ser. 2, Vol. 1, 530.

the cost of transportation for would be the paroled prisoners themselves, not any of their belongings.⁷⁰

In the midst of the national confusion over prisoner exchange policy, the U. S. Congress finally decided to take action. On December 11, Congress passed a joint resolution in which legislators noted that, though the government had never officially sanctioned prisoner exchanges, the exchanges had been occurring anyways typically along the lines of the Grant-Polk exchanges as informal processes. Congress believed that these exchanges positively impacted both combat strength and morale while attenuating to the “the highest interests of humanity.” Commanders accomplished all of this without requiring the recognition of the Confederate States as a legitimate government. Congress now called on the president to formalize these indirect exchanges into a national policy.⁷¹

While the debate over national policy raged in Washington, Grant found himself embroiled in another kind of battle. On December 17, the increasingly tense relationship between Grant and Halleck grew ever more so over an innocent mistake stemming from an illegible signature. That day, eight prisoners arrived at Grant’s headquarters in Cairo, Illinois with seemingly regular certificates of exchange. However, Grant had received what appeared to be an official telegraph from Halleck’s office stating that the arriving

⁷⁰ USG to L. Polk, 13 December 1861, *OR*, Ser. 2, Vol. 1, 120.

⁷¹ Joint Resolution of Congress, 11 December 1861, *OR*, Ser. 2, Vol. 3, 157.

prisoners were imposters. Grant replied that he was returning the prisoners, as regular protocol dictated in such a matter.⁷²

On December 19, Halleck telegraphed Grant pointedly asking “By what authority did you send back exchanged prisoners? They are not under assumed names. All were identified here before exchange.”⁷³ Grant responded that he received an earlier message from a Colonel W. H. Buel in St. Louis, whom Grant was not familiar with, which had ordered the return of the prisoners. Halleck fired back an angry response that “No such man as W. H. Buel, colonel, known at these headquarters. It is most extraordinary that you should have obeyed a telegram sent by an unknown person and not even purporting to have been given by authority. The prisoners will be immediately returned to Cairo.”⁷⁴

This mix-up was terribly embarrassing for Grant and was one of those mistakes that could stick with him through his career if Halleck cared to remember it. As such, the next day Grant defended himself and called Halleck’s own office into question with an eloquent assessment of the situation:

In justice to myself I must reply to this telegram. In the first place I never thought of doubting the authority of a telegram received from Saint Louis, supposing that in military matters the telegraph was under such surveillance that no military order could be passed over the wires that was not by authority; second, the signature to the telegram was made with so many nourishes that I could not make it out at all and to send a copy to your headquarters was obliged to send to the office here for a duplicate; third, before this telegram was received Captain Livingston who came in charge of these prisoners reported to me that several who were to come had proven to be impostors and that he had reason to believe that two of those still with him were under assumed names; fourth, directions

⁷² USG to J. C. Kelton, 17 December 1861, *OR*, Ser. 2, Vol. 1, 120 and W. H. Buel to USG, 15 December 1861, *OR*, Ser. 2, Vol. 1, 121. See also: John Y. Simon, ed., *PUSG*, Vol. 3, 317n.

⁷³ H. W. Halleck to USG, 19 December 1861, *OR*, Ser. 2, Vol. 1, 121.

⁷⁴ H. W. Halleck to USG, 19 December 1861, *OR*, Ser. 2, Vol. 1, 121.

sufficient to detain prisoners (Camp Jackson exchanged prisoners) might come from the provost-marshal's office, from General Curtis or from headquarters, and I do not know, the employes of the former nor the staff of the latter. The fact is I never dreamed of so serious a telegraphic hoax emanating through a large and responsible office like that in Saint Louis.⁷⁵

Grant mounted a defense in spectacular fashion, but, even in admitting the error was from St. Louis, Halleck still managed to scold Grant for the entire affair. He informed Grant that they found the person who sent the message and arrested him as he had “no authority whatever.” Halleck further warned that “You will hereafter be more careful about obeying telegrams from private persons countermanding orders from these headquarters.”⁷⁶

After all of this, Grant still had to worry about offending General Polk since Polk had been waiting on these prisoners in question to be delivered. This whole affair jeopardized Grant’s honor as an officer. He had to defend it against Halleck and he also had to explain the situation to Polk in order to save face. Grant sent a message to Polk explicating that “It turned out, however, that the dispatch was a wicked hoax perpetrated by an individual in Saint Louis who has been arrested and will be properly punished. No one regrets the occurrence more than I do.”⁷⁷ This instance demonstrated the continued confusion of the exchange system, along with Grant’s tenuous relationship with his superior officer, General Halleck. While the field commander exchanges brought

⁷⁵ USG to H. W. Halleck, 20 December 1861, *OR*, Ser. 2, Vol. 1, 121.

⁷⁶ H. W. Halleck to USG, 20 December 1861, *OR*, Ser. 2, Vol. 1, 122.

⁷⁷ USG to L. Polk, 22 December 1861, *OR*, Ser. 2, Vol. 1, 122.

expediency, the nature of personal relationships and whims of the theater commander made it very tenuous indeed.

Exchanges continued through December, but, after Halleck took control over the exchanges, they became much more limited in scope usually only occurring under a specific arrangement for small exchanges. This resulted in a flood of the number of prisoners accumulating behind Union lines which the War Department was not prepared to handle. Halleck's office managed the logistics of prisoners captured in his department and quickly became overwhelmed.⁷⁸ Halleck received complaints from his subordinates, but had little advice to offer as no established policy existed to help in this matter. Further confounding the issue, many prisoners pledged their loyalty and yearned to take the oath of allegiance, but most Union commanders shied away from this practice out of a belief that the oaths would not be honored.⁷⁹ The numbers of POWs were building as were the problems facing the administrators responsible for them. Historian Charles Sanders contended that "The costs of transporting and maintaining thousands of enemy captives were spiraling out of control, and the staggering administrative and logistical burden of providing guards, rations, supplies, and other necessary equipment threatened to collapse the nascent system entirely." Furthermore, it seemed that as soon as they

⁷⁸ Sanders, 63-64.

⁷⁹ Thomas, 36-37. Here is the oath of allegiance typically administered to Confederates captured in Missouri: "I solemnly swear that I will bear true allegiance to the United States and support and sustain the Constitution and laws thereof; that I will maintain the national sovereignty paramount to that of all State, county or confederate powers; that I will discourage discountenance and forever oppose secession, rebellion, and disintegration of the Federal Union; that I disclaim and denounce all faith and fellowship with the so-called Confederate States and Confederate armies and pledge my homes, my property and my life to the sacred performance of this my solemn oath of allegiance to the Government of the United States of America." Thomas, 38n29.

were able to find facilities to house the prisoners, these locations would be filled beyond capacity with captured Confederate soldiers. The Union prison system simply could not keep pace with the numbers of prisoners of war coming in.

By the end of 1861, many citizens and government officials believed that the only way to end the chaos and suffering in the overcrowded system was to institute a proper exchange system.⁸⁰ As such, the Lincoln Administration finally acceded to Congress and public outcry and endorsed the indirect exchanges that had been taking place as official government policy.⁸¹ This meant that exchanges remained a very localized affair and, for Grant, largely controlled by his superior and limited to only those prisoners under his direct control.

In the aftermath of public outcry regarding the debate over Confederate privateers and perceived deprivations of Union soldiers in captivity, the Union government was forced to take steps towards alleviating the situation of its soldiers being held in Southern prisons. Secretary of War Edwin M. Stanton sought a compromise solution through taking steps to improve the prison conditions for Union soldiers while sidestepping the issue of arranging a general exchange. On January 20, he appointed Reverend Bishop Edward R. Ames of the Methodist Episcopal Church and Congressman Hamilton Fish of New York as commissioners to proceed to Richmond to organize for the wellbeing of Union soldiers in captivity. Stanton further ordered the Quartermaster General, the Surgeon General, and General John E. Wool, the Union

⁸⁰ Sanders, 73-74.

⁸¹ Ibid, 83-84.

commander at Fort Monroe in Virginia, to establish a collection point for supplies to send to the prisoners per the commissioners' request. The mission was to assemble a list of captives in order to begin the process of securing their release. As a sign of good faith, Stanton ordered Wool to unconditionally return any prisoners he held to the Confederates. Though Stanton stopped short of negotiating a general exchange agreement, he did pave the way for the return of Union soldiers through special exchanges and this effort was enough to appease the public.⁸²

Unbeknownst to Stanton, the Confederate government leveraged this opportunity to their advantage to try and open up talks for a general exchange. The rebels allowed the commission to proceed, but sent a cartel vessel containing exchange commissioners to pick up Ames and Fisher from Fort Monroe. Prior to departure, the Confederate commissioners received instructions to negotiate a general agreement. Upon discovering the ruse, Stanton cancelled the mission and ordered the commissioners to return.⁸³ However, following this incident, Stanton designated Wool as the lead negotiator for exchanges and talks between Wool and his Confederate counterpart, Major General Benjamin Huger, would begin in mid-February.⁸⁴

Upon entering the war's second year, Union government policy left the question of how to handle exchanges up to commanders. Out of the fear that a formal policy or agreement with the Confederacy might denote recognition of the Confederate

⁸² Thomas, 64-66. At this point General Wool served as the unofficial Union agent of exchange.

⁸³ Ibid, 69-70.

⁸⁴ Ibid, 71-72.

government as the head of a sovereign nation, the Lincoln administration continued to avoid the issue leading to confusion, overcrowded prisons, and confinement of thousands of Union soldiers.⁸⁵ Therefore, Grant had to navigate this minefield utilizing Halleck's departmental policies.

On January 17, 1862, Colonel Leonard F. Ross asked Grant whether or not he should release a group of prisoners upon their taking the oath of allegiance as had priorly been the typical practice. Ross then proceeded to write a rather lengthy justification as to why the prisoner of war policy should allow him the latitude to offer paroles. He argued that the United States government should reflect its moral character through accepting pledges men give on their own word of honor. Grant responded on January 19 stating that paroles were to cease immediately and all prisoners were to be sent to St. Louis for Halleck to review. Grant forwarded Ross's pronouncement to Halleck, but also included his own opinion that he disapproved of paroling prisoners as Ross had suggested.⁸⁶

Forwarding the request to the department commander should have satisfied Ross, but he appealed yet again to Grant arguing that the prisoners were very anxious to return home and to their regular lives. Furthermore, they were tired of opposing the Union and desired to take the oath of allegiance to prove it.⁸⁷ On January 29, Ross received an unambiguous explanation of the current prisoner of war policy from Grant. First and foremost, field commanders were no longer to issue paroles to regular military units, but

⁸⁵ Sanders, 76.

⁸⁶ L. F. Ross Battle Report, 19 January 1862, *OR*, Ser. 2, Vol. 1, 532-533; USG to L. F. Ross, 19 January 1862, *OR*, Ser. 2, Vol. 1, 533; and USG Endorsement, 23 January 1862, *OR*, Ser. 2, Vol. 1, 533.

⁸⁷ L. F. Ross to USG, 25 January 1862, *OR*, Ser. 2, Vol. 1, 534.

instead forward all prisoners of war to Saint Louis or Alton, Illinois. Also, Grant alluded to the fact that there were bigger issues at play. The exchange system was now seen as part of a larger strategy and, therefore, needed to be more centrally coordinated. Grant stated that “Arrangements will soon be effected for the exchange of prisoners and as we have many in the South it is important to retain all we have or may get to release ours with.”⁸⁸ POWs were now bargaining chips on a larger scale beyond Ross’s particular situation. Halleck provided clear direction on the policy to Grant, who grew tired of Ross’s questioning the directive. While it might have been expedient for Ross to quickly dispatch the prisoners, Grant explained to Ross the need to see the bigger picture.

On the final day in January, a surprising turn of events occurred. A new policy directive from Halleck returned power to field commanders as the lead for negotiating prisoner exchanges. Grant was able to operate within very broad, though clearly delineated parameters in dealing with exchanges. Halleck granted permission to conduct exchanges with Polk for any prisoners Grant had currently and going forward. This was to be an equal transfer, rank-for-rank, with the prisoners sent under flag-of-truce to the opposing combatant's lines. The new policy established an equivalency system whereby two of the next rank below equaled the rank above. For instance, one colonel could be exchanged for two lieutenant colonels or four majors would equal eight captains. Halleck adopted this policy based upon the Price-Fremont Agreement. The process became somewhat centralized in that Halleck wanted to coordinate all exchanges

⁸⁸ USG to Commanding Officer at Cape Girardeau, MO, 22 January 1862, *OR*, Ser. 2, Vol. 1, 535.

through his office. Grant was to send detailed rolls of all prisoners exchanged. Halleck even offered to send Grant additional prisoners if Grant needed more to swap. The new policy encouraged exchanges, but still left a lot of negotiation in the hands of field commanders. However, this also demonstrated the transition to a more coherent system operating at the department level.⁸⁹

Under the new policy, Grant commenced negotiations for a new cartel with General Polk. However, the tone of the communications had perceptibly changed from before—it had become much colder, curt, and professional as opposed to the warm and friendly letters a few months prior. Grant very bluntly proposed the terms of exchange, as instructed by Halleck, to Polk as a take-it-or-leave-it scenario. Discussions lasted a couple of days, but in the end both commanders agreed on the terms and Grant’s superiors signed off on the new agreement.⁹⁰

Grant’s experience with POW policy evolved chaotically throughout the first year of the war. In this way, his experience mirrored that of the Union’s larger narrative of directing the prisoner issue. Grant gained valuable lessons regarding policy and how it fit with larger national issues and strategy. Also, Grant discovered Halleck’s command style and how to navigate such an overbearing superior. This aptly prepared Grant for the future in that he better understood the political arm of command—both in relation to

⁸⁹ H. W. Halleck to USG, 31 January 1862, Letters and Telegrams Received and a Few Letters Sent, Aug. 1861-Oct. 1862, RG 393, Pt. 2, Entry 2731, NA.

⁹⁰ USG to L. Polk, 1 February 1862, *OR*, Ser. 2, Vol. 1, 537; L. Polk to USG, 2 February 1862, *OR*, Ser. 2, Vol. 1, 537; USG to L. Polk, 2 February 1862, *OR*, Ser. 2, Vol. 1, 538; L. Polk to USG, 4 February 1862, *OR*, Ser. 2, Vol. 1, 538; and N. H. McLean to USG, 6 February 1862, *OR*, Ser. 2, Vol. 1, 538-539.

strategy and policy considerations along with how to deal with the chain of command. This proved quite different from his early military career.

One of the Union government's main concerns with their strategic approach to the Confederacy in the opening stage of the conflict was to deny the legitimacy of secession and the ensuing rebellion. As such, the Lincoln Administration chose not to formally direct a national POW policy out of concerns that by acknowledging the right of exchange to regular Confederate soldiers conferred nationhood status to the Confederacy as a whole. Thus, due to these strategic considerations, the Union government opted not to form a national POW policy and instead left these decisions up to the field commanders themselves. Throughout the first year a system for exchange and parole organically evolved across a number of agreements and, eventually, was consolidated into a central policy by the department commanders. In the midst of this chaos and confusion, many captives languished in Southern prisons eliciting an outcry from the northern public for the Union government to intervene. By the early months of 1862, this finally culminated in a coordinated effort by the Lincoln Administration to address the issue. General Ulysses S. Grant navigated this foray by adhering to policy when he could, utilizing precedent where no policy existed, and adhered to professional codes of conduct to guide him when no sure path existed.

CHAPTER III

TAMING THE ELEPHANT: THE PRICE OF VICTORY AT FORT DONELSON

“I fear they will prove an elephant.”¹ Those words echoed in the mind of General Ulysses S. Grant in the aftermath of his stunning victory at Fort Donelson. In this campaign, Grant captured nearly 15,000 Confederate prisoners. Earning him the nickname “Unconditional Surrender” Grant, this triumph propelled him to national fame and delivered the Union a much-needed win. However, in what should have been an exuberant moment, Grant became despondent over the “elephant,” namely, those 15,000 POWs. It was here that Grant came to the realization that thousands of POWs represented a logistical nightmare that would negate any strategic initiative gained in victory. This experience convinced Grant that in order to solve this dilemma, Union policy should require immediately paroling captured armies in the field as opposed to the more cumbersome method of sending them behind the lines for processing. Ultimately, this campaign represented a microcosm of the Union troubles with POW policy in that the Union’s refusal to streamline paroles and exchanges resulted in an unwieldy and ineffectual system which hindered operational progress.

Interestingly, scholars have largely overlooked this pivotal moment in Grant’s understanding of how POW policy related to strategy. For example, Jean Edward Smith’s prominent biography dealt with the matter in a couple of brief sentences stating

¹ U. S. Grant to G. W. Cullum, 17 February 1862, Letters Received, 1861-1867, Box 2, RG 393, Pt. 2, Entry 2593, NA.

rather simply that “Grant told Cullum that in the future he would suggest paroling all prisoners rather than keeping them in custody. Most would honor their paroles, he thought, and it required too much effort for an army in the field to handle them.”²

William C. Davis offered a brief and contrasting analysis as well. He argued that for Grant, issuing paroles “meant 12,000 or more rebels would go to Johnston in Bowling Green, and in a few weeks he could be fighting them again. If he sent them north to prison war camps being hastily erected, then even if eventually exchanged, they would be out of the war and his way much longer.”³ Charles Sanders briefly mentioned the ordeal as largely an issue of Union prison system logistics in General Henry Halleck’s effort to find places to hold the prisoners.⁴ Roger Pickenpaugh succinctly addressed the issue, but focused on the impact that the prisoners from Fort Donelson placed on the Union prison system.⁵ Pickenpaugh even utilized the crucial passages from Grant’s communications for a dramatic opening for one of his chapters, but again failed to provide any analysis regarding the larger questions Grant’s ominous words presented.⁶ Timothy Smith provided an excellent narrative on the battle and its aftermath. However, he surprisingly offered no analysis of the POW policy or the connection of the surrender

² Jean Edward Smith, *Grant* (New York: Simon & Schuster, 2001), 165.

³ William C. Davis, *Crucible of Command: Ulysses S. Grant and Robert E. Lee—The War They Fought, the Peace They Forged* (Boston: Da Capo Press, 2014), 194.

⁴ Charles W. Sanders, *While in the Hands of the Enemy: Military Prisons of the Civil War* (Baton Rouge, LA: Louisiana State University, 2005), 89-90.

⁵ Roger Pickenpaugh, *Camp Chase and the Evolution of Union Prison Policy* (Tuscaloosa, AL: The University of Alabama Press, 2007), 2 and 24.

⁶ Roger Pickenpaugh, *Captives in Gray: The Civil War Prison of the Union* (Tuscaloosa, AL: The University of Alabama Press, 2009), 19. The title of Chapter Two in Pickenpaugh’s monograph is “‘I Fear They Will Prove an Elephant’: The First Wave of Prisoners, 1862.” Surprisingly, no substantial mention of Grant is made after the first page of the chapter.

to any larger issues, nor did he delve into how this campaign shaped Grant's perspective on POW policy. For example, with all of the research and quotations, Smith made no mention of the "elephant" in his account.⁷ The lack of discussion of how prisoners after the battle impacted Grant was apparent across the scholarship.⁸

However, a couple of scholars offered extended discussion of Grant's dealings with POWs following the battle. Jack Hurst and Benjamin Cooling addressed the magnitude of the post-battle task facing Grant as well as his penchant for continuing the offensive drive into Tennessee following the battle. Yet, these works failed to draw any connection between Grant's experience with POWs following Fort Donelson, the pursuit of future strategy, and how this connected to questions of Union policy. These studies addressed this issue as simply the outcome of the battle and providing a more detailed narrative while still missing the larger significance of prisoners of war. Interestingly, this mirrored Grant's initial thoughts on the subject as he himself initially overlooked the importance of these issues as well.⁹

⁷ Timothy B. Smith, *Grant Invades Tennessee: The 1862 Battles for Forts Henry and Donelson* (Lawrence, KS: University Press of Kansas, 2016), 369-375 and 399-401.

⁸ Here are some examples of prominent and important works which completely disregard any discussion of Grant's POW policy or impact of the prisoner situation in the aftermath of Fort Donelson: Ron Chernow, *Grant* (New York: Penguin Press, 2017); James M. Gillispie, *Andersonvilles of the North: The Myths and Realities of Northern Treatment of Civil War Confederate Prisoners* (Denton, TX: University of North Texas Press, 2008); William S. McFeely, *Grant: A Biography* (New York: W. W. Norton & Company, 1981); Brooks D. Simpson, *Ulysses S. Grant: Triumph over Adversity, 1822-1865* (Boston: Houghton Mifflin Company, 2000); and Ronald C. White, *American Ulysses: A Life of Ulysses S. Grant* (New York: Random House, 2016). For a brief narrative on Grant's post-battle mop-up operations with no larger connections, analysis, or discussion, see: Bruce Catton, *Grant Moves South* (Boston: Little, Brown & Company, 1960), 181-183.

⁹ Benjamin Franklin Cooling, *Forts Henry and Donelson: The Key to the Confederate Heartland* (Knoxville, TN: The University of Tennessee Press, 1987) and Jack Hurst, *Men of Fire: Grant, Forrest, and the Campaign that Decided the Civil War* (New York: Basic Books, 2007).

From the outset of 1862, Grant set his sights on attacking Forts Henry and Donelson just south of the Kentucky-Tennessee border. Grant looked at the map and understood the strategic significance of these points.¹⁰ Taking the Cumberland and Tennessee Rivers would open up the Mississippi for an advance towards Memphis while simultaneously outflanking the Confederate position at Columbus. Furthermore, the dominos would continue to fall after taking Forts Henry and Donelson with Nashville then becoming a vulnerable objective. This campaign would be the first great step in rolling back the Confederate forces out of Kentucky and middle Tennessee and then southward to an eventual victory over the western theater. Understanding the importance of this, Grant lobbied Halleck throughout January to lead an operation against the fortifications.

The timing for Grant's proposal proved quite fortuitous as President Abraham Lincoln also called for an operation to secure eastern Tennessee. Lincoln wanted General Don Carlos Buell, commander of the Department of the Ohio, to move in from the east and coordinate his movements with General Halleck's department from the west. Grant's plan fit nicely with Lincoln's new directive and overall Union policy. Though Grant was unaware of it, Halleck was making similar plans for the spring offensive and concurred with Grant's assessment of the strategic setting. Ultimately, Halleck would have preferred a different commander to lead the operation, but lacking

¹⁰ Regarding who first conceived of the notion of attacking Forts Henry and Donelson, Benjamin Cooling noted that most commentators have alleged "that the whole thing was patently obvious to anyone looking at a map in 1861." In the end, Cooling concluded that utilizing the rivers to penetrate the Confederate line was "common knowledge in the West at the end of 1861." Cooling, 65-66.

an alternative he approved of Grant to command Union forces against the Confederate strongholds guarding those rivers in northern Tennessee. Unfortunately, the operation struggled to get out of the gate as Generals Halleck and Buell squabbled over whose jurisdiction the campaign fell under.¹¹

Due to Halleck's personal dislike of Grant, he only grudgingly sent Grant to oversee the campaign for Forts Henry and Donelson once operations finally got underway. The weather proved no better for Grant as the early days of February offered only cold, wet, muddy, and icy conditions. Grant also battled delayed schedules and reduced naval resources from difficulty getting vessels manned and operational in time. Fortunately, Grant finally caught a break in his approach to the two opposing Confederate-held fortifications on the Cumberland River—Forts Heiman and Henry. Owing to poor design, flooding, and an expertly conducted naval bombardment by Andrew Hull Foote, the Confederate strongholds became compromised resulting in early withdrawals and minimal resistance. As a result, Confederate commanders opted to make their stand at Fort Donelson.¹²

On February 6, Grant sent a brief message to Halleck stating simply that “Fort Henry is ours.” Grant had correctly speculated that the garrison began its retreat the previous night. He closed the message confidently declaring that “I shall take and

¹¹ Simpson, 109-110 and Donald Stoker, *The Grand Design: Strategy and the U. S. Civil War* (Oxford: Oxford University Press, 2010), 75-76.

¹² For an excellent book-length narrative of the campaign, see Timothy Smith's *Grant Invades Tennessee*.

destroy Fort Donelson on the 8th and return to Fort Henry.”¹³ However, Fort Henry proved to be quite a bit more to mop up than he anticipated.

Immediately following the brief battle at Fort Henry, Grant found that he had to juggle both the transition to the next battle while also dealing with the more mundane details of caring for prisoners of war. He arranged for a group of prisoners to be guarded by Brigadier General John A. McClernand's command—no doubt also beneficial as busy-work since McClernand was an ambitiously politically-minded officer. Grant sent out instructions for the division commissary to issue two days of rations for the prisoners.¹⁴ Grant followed Halleck’s departmental policy and directed that the prisoners could “have no accommodations better than soldiers, and must live upon soldiers' rations, cooked by themselves. Officers will receive the same unless paid for by themselves.”¹⁵ Grant even ordered McClernand to provide from the captured property cooking utensils for the captives and clothing for six prisoners found in “destitute condition.”¹⁶ Of course, Grant also had to consider transporting the prisoners and sent one of McClernand’s companies to escort them.¹⁷ Clearly, Grant took the responsibility of providing for those under his care quite seriously. The logistics and time involved

¹³ USG to H. W. Halleck, 6 February 1862, Letters Sent, Aug. 1861-Oct. 1862, RG 393, Pt. 2, Entry 2730, NA.

¹⁴ USG to W. H. Heath, 7 February 1862, Letters Sent, Aug. 1861-Oct. 1862, RG 393, Pt. 2, Entry 2730, NA.

¹⁵ USG to E. A. Paine, 6 February 1862, Letters Sent, Aug. 1861-Oct. 1862, RG 393, Pt. 2, Entry 2730, NA.

¹⁶ J. A. Rawlins to J. A. McClernand, 7 February 1862, Box 12, Feb. 6-7, 1862, John A. McClernand Collection, ALPLM; Field Order No. 36, 7 February 1862, Box 12, Feb. 6-7, 1862, John A. McClernand Collection, ALPLM; and USG to J. A. McClernand, 7 February 1862, Letters Sent, Aug. 1861-Oct. 1862, RG 393, Pt. 2, Entry 2730, NA.

¹⁷ Special Field Order No. 2, 7 February 1862, Box 12, Feb. 6-7, 1862, John A. McClernand Collection, ALPLM.

stole his attention away from the major campaign he had been advocating for weeks to undertake. Fort Henry did not have very many POWs and, yet, one can already see how much effort went into the care of prisoners under Grant's authority.

On February 7, Grant realized that wrapping up Fort Henry would take longer than expected. Union forces captured more property and prisoners than initially anticipated. That same day Grant also had to begin making arrangements for transporting the captured rebels to Paducah, Kentucky.¹⁸ He informed Colonel David Stuart, the commanding officer at Paducah, that prisoners would arrive with a detailed roll of those captured. He also sent clear instructions specifically denying the parole of captured Confederate officers. Instead, Grant ordered that the rebel officers be confined to housing confiscated from "any notoriously disloyal person." Furthermore, they were not allowed to write letters or talk to anyone. Grant, as before, saw the security risks that prisoners of war posed—especially in the midst of an ongoing campaign.¹⁹

General Grant also took part in a small discussion over the policy regarding liberties extended to captured rebel officers. Grant passed on a request to Halleck that the policy denying officers parole be rescinded and they be allowed parole within the confines of Paducah. Surprisingly, Grant added a personal remark that he "would suggest the privilege be given them."²⁰ On February 8, Halleck approved the request that

¹⁸ USG to H. W. Halleck, 7 February 1862, Telegrams Received, Nov. 1861-May 1865, RG 393, Pt. 1, Entry 2602, NA.

¹⁹ USG to D. Stuart, 7 February 1862, Letters Received, 1861-1867, Box 2, RG 393, Pt. 2, Entry 2593, NA.

²⁰ USG to H. W. Halleck, 8 February 1862, Telegrams Received, Nov. 1861-May 1865, RG 393, Pt. 1, Entry 2602, NA.

the officers could be released as Grant had proposed.²¹ However, Grant changed his mind a couple of days later after hearing about the misconduct of the paroled officers and recommended a reversal of the policy in a letter to Captain John C. Kelton, Assistant Adjutant General for the Department of the Missouri, noting that “it was not prudent to leave them within our lines so near the enemy. Paducah being the home of General Tilghman makes it particularly objectionable, and I therefore gave orders before the receipt of Major-General Halleck’s reply for the removal of all these prisoners to Saint Louis or such other place as the department commander might direct.”²² Grant ordered Stuart to instead send all Confederate officers to Saint Louis.²³ Grant’s perception of the problem preceded that of Secretary of War Edwin Stanton who, a week later, changed the Union’s POW policy and ended the practice of paroling Confederate officers just as Grant had suggested.²⁴

In addition to monitoring the actions of some untrustworthy officers, Grant had to coordinate the transportation and accurate recording of all Confederate prisoners of war under his authority. For instance, Special Field Order No. 8 demonstrated the tedious nature of this work:

The prisoners of War now held here will be sent to-day on board Steamer ‘Chancellor,’ for transmittal to St. Louis, or such other point as the Maj. Gen. Comd.g the Department may designate. An escort of one commissioned officer and ten private [*sic*] will accompany them. The party going from here will turn the prisoners over to the commanding officer at Paducah, together with such

²¹ H. W. Halleck to D. Stuart, 8 February 1862, *OR*, Ser. 2, Vol. 3, 247.

²² USG to J. C. Kelton, 10 February 1862, Letters Received, 1861-1867, Box 2, RG 393, Pt. 2, Entry 2593, NA.

²³ USG to D. Stuart, 10 February 1862, Letters Sent, August 1861-October 1862, RG 393, Pt. 2, Entry 2730, NA.

²⁴ H. W. Halleck to USG, 18 February 1862, *OR*, Ser. 2, Vol. 3, 276.

packages and instructions as he may be furnished with, and return to Fort Henry by the first steamer coming up.²⁵

Maintaining accurate records of prisoners was essential to the system and a cumbersome activity.

By February 14, Grant had positioned his forces for a siege of Fort Donelson.²⁶ The Confederate commanders finally realized that this refuge would soon prove to be their undoing. Thus, the Confederate forces attempted a breakout. They initially caught Grant and his commanders by surprise with the attack and were able to successfully roll up the right side of the Union line opening a clear path for escape. With triumph nearly in the hands of the rebels, the confused Confederate command structure issued conflicting orders resulting in chaos along the Confederate lines. In the midst of Union demoralization from the Confederate breakthrough, Grant rallied his forces and organized the counterattack that drove the rebel soldiers back to their trenches, giving up any gains they originally made in the breakout attempt.²⁷ Grant's command at Fort Donelson demonstrated his "predilection for taking the offensive."²⁸ According to historian William C. Davis, "Grant's genius lay in his reaction to the unexpected" and this battle aptly exemplified such a characterization.²⁹

²⁵ Special Field Orders No. 8, 10 February 1862, *PUSG*, Vol. 4, 187n. For an alternate example, see: Special Field Orders No. 5, 10 February 1862, Letters Sent, August 1861-October 1862, RG 393, Pt. 2, Entry 2730, NA.

²⁶ USG to H. W. Halleck, 14 February 1862, *OR*, Ser. 1, Vol. 7, 613.

²⁷ For a brief rendition of the battle, see Chapter 8 in Bruce Catton's *Grant Moves South*.

²⁸ Chernow, 181.

²⁹ Davis, 194.

At this point, after the failed breakout attempt and finding themselves trapped again in their fortifications, Confederate commanders arrived at the conclusion that surrender offered the best option. However, General John B. Floyd, the ranking officer, feared prosecution by the Union for treason and opted for escape over surrender. So, he passed command to General Gideon Pillow, who shared Floyd's desire for escape and left the responsibility of surrender to his subordinate, General Simon B. Buckner. Both Floyd and Pillow fled the citadel while Buckner opted to share the fate of his men.³⁰

On February 16, Buckner wrote to Grant requesting they meet in order to discuss the "terms of capitulation."³¹ To this Grant concisely responded with one of the most famous messages of the war: "Yours of this date proposing Armistice, and appointment of commissioners, to settle terms of capitulation is just received. No terms except an unconditional and immediate surrender can be accepted. I propose to move immediately upon your works."³² Grant did not offer any opportunity for negotiations and was fully prepared to continue the battle. This simple statement later earned him the nickname of "Unconditional Surrender" Grant, which of course played on his initials "U. S."

Buckner inevitably recognized checkmate when he saw it. He understood that, by not accepting the terms Grant offered, many of the soldiers under his command would suffer. He very grudgingly accepted Grant's "ungenerous and unchivalrous" terms noting that there were mitigating circumstances leading to Buckner's surrender including

³⁰ Smith, *Grant Invades Tennessee*, 356-357.

³¹ S. B. Buckner to USG, 16 February 1862, Letters Sent, August 1861-October 1862, RG 393, Pt. 2, Entry 2730, NA.

³² USG to S. B. Buckner, 16 February 1862, Letters Sent, August 1861-October 1862, RG 393, Pt. 2, Entry 2730, NA.

“an unexpected change of commanders, and the overwhelming force under your command” which compelled Buckner’s decision. Buckner, however, made it clear that this surrender did not detract from “the brilliant success of the Confederate armies yesterday” in their nearly successful breakout attempt.³³ Buckner found Grant’s terms personally insulting and the sting was palpable in his response. Buckner made it very clear that he had no other choice left to him and was put in this situation by failure of his superiors, not his soldiers.

Even with this being Grant’s first acceptance of a surrender on the field of battle, he understood how to proceed. Historian Joan Waugh noted that “U. S. Grant had no need to consult a textbook to learn how to conduct his first surrender. The rules were based on a mixture of law, custom, chivalry, and logistical and practical circumstances.”³⁴ Grant’s approach reflected this in his own particular manner. He extended dignity and respect to the captured Confederate soldiers in their defeat. Immediately after the battle concluded, Grant called for stretcher bearers to care for the wounded. He became dismayed when he saw them pass by a wounded Confederate to only assist the Union soldiers. Grant stopped them and said “Take this Confederate too ... Take them both together; the war is over between them.”³⁵ It was customary for a formal ceremony to take place when one combatant surrendered to another. This ceremony typically included the passing of a ceremonial sword to the victorious

³³ S. B. Buckner to USG, 16 February 1862, Letters Sent, August 1861-October 1862, RG 393, Pt. 2, Entry 2730, NA.

³⁴ Joan Waugh, “‘I Only Knew What Was in My Mind’: Ulysses S. Grant and the Meaning of Appomattox,” *The Journal of the Civil War Era* 2, no. 3 (September 2012): 309.

³⁵ Quoted in White, 199.

commanders, the stacking of soldiers' arms, or marching the defeated soldiers out in formation. Though tradition called for some, if not all of this to occur, Grant quickly dispensed with the idea stating that "There will be nothing of the kind. The surrender is now a fact; we have the fort, the men, the guns. Why should we go through vain forms, and mortify and injure the spirit of brave men, who, after all are our own countrymen and brothers."³⁶ Grant further condemned any mocking of the prisoners or excessive victory demonstrations.³⁷ Grant saw these men not just as defeated foes or prisoners of war, but men to be respected, and, all the more important, soldiers who should one day return as his fellow citizens. For Grant, this remained a rebellion, not a war amongst nations.

The West Point connection returned with General Buckner. Friendships in the Old Army didn't disappear with the war. Grant offered Buckner access to his personal funds, repaying a debt of gratitude for when Buckner helped Grant out with a financial situation when they were younger. Grant displayed his very straightforward, modest nature here, but also his benevolence towards prisoners and defeated enemy combatants. He conducted himself as a professional officer was expected to. Grant saw Buckner off on the steamer transport and Buckner decided to use the opportunity to demonstrate his appreciation for how Grant handled the capitulation. Buckner proudly presented his soldiers to Grant and in so doing, curious soldiers crowded around. Buckner took the opportunity to announce to his men that "General Grant had behaved with kindness and

³⁶ Quoted in White, 199.

³⁷ Simpson, 118.

magnanimity, and bade them remember this, if ever the fortune of war allowed them to show him, or any of his solders, the same treatment which they now received.”³⁸

Unbeknownst to Grant at the time of his limited negotiations with General Buckner at Fort Donelson, another very important negotiation regarding prisoners of war was taking place hundreds of miles away. On February 11, Secretary of War Edwin M. Stanton sent an emissary to discuss the opening of a formal exchange cartel between the two governments. Stanton sent Major General John E. Wool, the commander of Fort Monroe, as his representative. Confederate Major General Benjamin C. Huger, commander at Norfolk, appointed Brigadier General Howell Cobb to serve as the Confederate negotiator. It appeared as though the negotiations were proceeding well and coming close to an agreement. The discussion focused on requiring that any excess numbers of prisoners be released to the opposing side on parole. At the time, the Confederacy held more prisoners than the Union, so any arrangement for exchange would have been advantageous to the North. While these paroled soldiers could not reenter frontline service, they could be sent out west to garrison forts or serve other duties allowed by the terms of parole that would free up other soldiers to then enter the lines against the Confederate armies. Furthermore, historian Paul Springer noted that “neither side wished to bear the costs of feeding and maintaining enemy prisoners,

³⁸ Adam Badeau, *Military History of Ulysses S. Grant, From April, 1861 to April, 1865*, vol. 1 (New York: D. Appleton and Company, 1885), 51.

whose presence tied down guard troops and who contributed no labor to the war effort.”³⁹

However, shortly before the finalization of the agreement, the strategic environment changed. On February 9, Union General Ambrose E. Burnside captured 2,500 Confederates in the eastern theater. That coupled with Grant’s 15,000 prisoners at Fort Donelson on February 16 tipped the scales in terms of which side would have the positive balance that would then be obligated for parole. The Union now, for the first time in the war, having the greater balance would be required to deliver the excess prisoners through their lines to the Confederate forces. This would be a very expensive endeavor that would tie up a lot of soldiers and logistic resources at the beginning of the spring campaign season. As such, Stanton had a change of heart and informed his representative in the negotiations on February 26 that he would “make no arrangement except for actual exchanges,” meaning that the current ad hoc system of individual man-for-man exchange agreements based on precedents from the War of 1812 could continue, but the Union would not bear the additional expense of supplying their enemy with additional paroled soldiers.⁴⁰

Once all was settled at Fort Donelson, Grant celebrated his victory in a boastful letter to his wife, Julia, stating that “I am most happy to write you from this very strongly fortified place, now in my possession, after the greatest victory of the season.

³⁹ Paul J. Springer, *America’s Captives: Treatment of POWs from the Revolutionary War to the War on Terror* (Lawrence, KS: University Press of Kansas, 2010), 85-86.

⁴⁰ Eugene Marvin Thomas, III, “Prisoner of War Exchange During the American Civil War” (PhD diss., Auburn University, 1976), 74-75 and Springer, 85-86.

Some 12 or 15 thousand prisoners have fallen into our possession to say nothing of 5 to 7 thousand that escaped in the darkness of the night last night. This is the largest capture I believe ever made on the continent.”⁴¹ Grant had every right to be proud of this achievement as he was the first American general since George Washington at Yorktown to accept the surrender of an entire enemy army on the battlefield.⁴² Though, Grant’s enthusiasm and spotty intelligence reports inflated the numbers of escapees. A better estimate of those that escaped during the night would probably be closer to 3,000.⁴³ Nevertheless, his estimate for the number of prisoners was closer to the mark. Grant noted that rations for 14,623 prisoners were issued at Cairo for those on their way to POW camps from Fort Donelson and utilized that for the official number. However, historian John Y. Simon scoured the archival records and observed that 16,500-17,500 prisoners actually passed through Cairo, but it was unclear if they all came from the Battle of Fort Donelson. Additionally, Grant exchanged about 250 Confederate prisoners for an equal number of Union prisoners. While the exact number is unknown, it would be fair to estimate the number at nearly 15,000 prisoners and this is the number most scholars have settled on.⁴⁴

In the letter to his wife, Grant’s excitement also influenced his opinion of how the war would progress. He speculated that there would be “one hard battle more to fight

⁴¹ USG to J. D. Grant, 16 February 1862, *PUSG*, Vol. 4, 229-230. Grant repeated this estimate on the number of prisoners in his official correspondence as well: USG to G. W. Cullum, 16 February, Letters Sent, August 1861-October 1862, RG 393, Pt. 2, Entry 2730, NA and USG to H. W. Halleck, 16 February 1862, Telegrams Received, Nov. 1861-May 1865, RG 393, Pt. 1, Entry 2602, NA.

⁴² Smith, *Grant*, 164.

⁴³ John Y. Simon, ed., *PUSG*, Vol. 4, 230n1.

⁴⁴ *Ibid*, 226n1.

and will find easy sailing after that. No telling though. This was one of the most desperate affairs fought during this war.”⁴⁵ Grant’s optimism in his appraisal of the battle carried over into General Orders No. 2, issued to the soldiers under his command. In this, he formally congratulated the men again optimistically speculating that “The victory achieved is not only great in the effect it will have in breaking down rebellion, but has secured the greatest number of prisoners of war ever taken in any battle on this continent.” Grant argued that this victory was so great that “Fort Donelson will hereafter be marked in Capitals on the maps of our United country, and the men who fought the battle will live in the memory of a grateful people.”⁴⁶ Fort Donelson represented the first big step in Grant’s grand strategy for ending the war in the West. He expected this to quickly transition into maneuvering Confederate armies into retreat followed by one or two more major battles to secure the Western Theater.

With those expectations, Grant didn’t waste any time in getting to work dealing with one of the great challenges of victory—handling the prisoners of war. The task of organizing the prisoners proved so vast that Grant needed the assistance of the Confederate officers and, ultimately, General Buckner to keep order amongst the prisoners. In order to expedite the process, Grant issued General Field Orders No. 14 giving General Buckner the authority to write passes in order to assist with the collecting

⁴⁵ USG to J. D. Grant, 16 February 1862, *PUSG*, Vol. 4, 229-230.

⁴⁶ General Orders No. 2, 17 February 1862, Letters Received, 1861-1867, Box 2, RG 393, Pt. 2, Entry 2593, NA.

and supplying of the prisoners.⁴⁷ He additionally issued Special Field Orders No. 10, directing the prisoners from the surrender of the fort to be quickly collected at the nearby village of Dover. Grant estimated that it would take two days to collect the prisoners before they could disembark for Cairo and ordered enough rations to be distributed to the prisoners. Grant also allowed the prisoners to take with them any private property that they could carry on their person and officers were able to keep their sidearms.⁴⁸ Grant ordered Colonel Thomas W. Sweeny of the 52nd Illinois Volunteers to guard the prisoners during their transfer and to take enough rations for two days for the prisoners and four days for the guards. During transport, the officers' arms were to be stored separately, but were to be returned to them upon arrival at Cairo.⁴⁹ According to Halleck's orders, Grant prioritized care for the sick and wounded for such soldiers of both armies to be treated "precisely alike."⁵⁰ He commented that "Generally the prisoners have been treated with great kindness and I believe they appreciate it."⁵¹ Grant offered great care for and respect to the captured soldiers, and this resulted in a lot of tedious work for Grant.

Unfortunately for Grant, he became mired in the mundane details of prisoner transfers after a major complaint was lodged against one of his officers by General

⁴⁷ General Field Orders No. 17, 16 February 1862, Box 13, Feb. 15-16, 1862, John A. McClernand Collection, ALPLM. Reprinted as two different orders: General Field Orders No. 17, 16 February 1862, *PUSG*, Vol. 4, 220-221 and General Field Orders No. 14, 16 February 1862, *OR*, Ser. 2, Vol. 3, 268.

⁴⁸ Special Field Orders No. 10, 16 February 1862, *OR*, Ser. 2, Vol. 3, 267.

⁴⁹ USG to T. W. Sweeny, 17 February 1862, Letters Sent, Aug. 1861-Oct. 1862, RG 393, Pt. 2, Entry 2730, NA.

⁵⁰ H. W. Halleck to USG, 17 February 1862, *OR*, Ser. 2, Vol. 3, 270.

⁵¹ USG to G. W. Cullum, 19 February 1862, Letters Received, 1861-1867, Box 2, RG 393, Pt. 2, Entry 2593, NA.

Buckner. Buckner alerted Grant to the “cruel situation” alleging that “Thousands of these men have been standing nearly all day in the mud without food and without fire. Whenever my officers attempt to collect their men they are arrested at almost every corner of the street by some of your guards. ... There seems to be no concert of action between the different departments of your army in reference to these prisoners.” Buckner suggested that “As a means of remedying this and the other existing evils” Grant instruct his interior guards to respect his authority or at least assign a permanent staffer with authority to assist him. Evidently the chaos of sorting out the almost 15,000 prisoners led to confusion amongst Union soldiers and became another mounting issue for Grant to deal with. Buckner raised additional concerns with and pressed the issue of private property hoping Grant would allow officers to keep their horses lest they should fall into the hands of the Union army.⁵² Buckner attempted to utilize his relationship with Grant to his advantage whenever possible.

Further bedeviling Grant’s best efforts to manage the POWs was the issue of theft. He wrote, “In the midst of confusion there has been a great deal of plundering notwithstanding all the precautions taken to prevent it. I ordered guards over all captured property before marching the troops into the works of the enemy but it seemed to do no good.”⁵³ Even worse still, Grant found that the issue of property theft had to be managed from both sides, as many of the Confederate prisoners were in possession of Federal

⁵² S. B. Buckner to USG, 16 February 1862, *OR*, Ser. 2, Vol. 3, 267-268.

⁵³ USG to G. W. Cullum, 17 February 1862, Letters Received, 1861-1867, Box 2, RG 393, Pt. 2, Entry 2593, NA.

property. In the pandemonium of battle and surrender, many Confederates acquired Union blankets. Grant now had to track down and collect all of them.⁵⁴ In order to address the issue and at the very least try to contain it, Grant ordered all of the transport boats to be searched for contraband and placed guards to prevent anyone from bringing stolen items aboard.⁵⁵ Grant issued General Field Orders No. 16 to follow-up on this problem instructing the guards on the prisoner transport ships to “seize all guns, horses, and other captured property” which were not authorized.⁵⁶ Overnight, though, matters dealing with the prisoners got even worse when some of them escaped. Grant dispatched General McClelland to handle the ordeal along with reiterating orders regarding the protection of Confederate property and to arrest anyone in possession of stolen goods.⁵⁷

On the day following Buckner’s surrender, Grant already found the great victory of Fort Donelson to be undesirable. The logistics regarding the POWs and, most likely, the stress and strain of battle began to wear upon him. In a letter to Brigadier General George W. Cullum, the chief of staff for the Department of the Missouri, Grant expressed his emotions stating that “I am now forwarding prisoners of war to your care and I shall be truly glad to get clear of them. It is a much less job to take than to keep them.” Grant followed this with another message later that day in which he aptly summarized his state of mind regarding the prisoner of war issue when he said that

⁵⁴ Ibid.

⁵⁵ USG to G. W. Cullum, 17 February 1862, Letters Received, 1861-1867, Box 2, RG 393, Pt. 2, Entry 2593, NA and Special Orders No. 1, 17 February 1862, *PUSG*, Vol. 4, 234n3.

⁵⁶ General Field Orders No. 16, 16 February 1862, *PUSG*, Vol. 4, 234n2.

⁵⁷ USG to J. A. McClelland, 17 February 1862, Letters Received, 1861-1867, Box 2, RG 393, Pt. 2, Entry 2593, NA.

“Seeing the trouble I have had myself I began to pity you the moment the first cargo started.”⁵⁸ Grant had evidently reached a point where managing 15,000 prisoners of war proved to be too much of a burden to bear.⁵⁹

By the end of the day, management of the logistics and petty issues of theft pushed Grant to send another exasperated message to General Cullum wherein he recommended to entirely change the policy regarding prisoners of war. Grant displayed his frustration when he commented that “I am getting off the prisoners captured as rapidly as possible. Think the last will be off to-morrow. I fear they will prove an elephant.” Handling all of the minutia associated with the prisoners of war finally brought Grant to his breaking point and he began to investigate alternative means of relieving himself of the “elephant” other than transporting the prisoners to Cairo for distribution into the Union prison system.⁶⁰

In light of the difficulty of the “elephant,” Grant recommended to entirely change the policy regarding prisoners of war. He suggested to Cullum that instead of shipping the prisoners back behind the lines to collection points, they should instead parole all of the prisoners on site “taking a receipt for them from the commanding officer, so that exchanges may all be made on paper.”⁶¹ In order to alleviate the burden, Grant even went so far as to attempt to organize a “rank for rank” prisoner exchange with

⁵⁸ U. S. Grant to G. W. Cullum, 17 February 1862, Letters Received, 1861-1867, Box 2, RG 393, Pt. 2, Entry 2593, NA.

⁵⁹ Ibid.

⁶⁰ U. S. Grant to G. W. Cullum, 17 February 1862, Letters Received, 1861-1867, Box 2, RG 393, Pt. 2, Entry 2593, NA.

⁶¹ Ibid.

Buckner.⁶² This was a radical shift after having already coordinated the logistics for the majority of the “elephant” captured during the Forts Henry and Donelson campaign. Apparently, having the largest capture ever on the continent was not quite as glorious as Grant originally thought it to be.

Grant’s desperate plea for a way out of the logistical mess originated from strategic necessity. There was a shortage of available transportation. Grant had to coordinate the prisoner transports, and it is apparent that they struggled to find enough river steamers to accommodate the numbers of captured soldiers at Fort Donelson. This came at a time when Grant pushed to continue the offensive. By his nature and the strategic timing of events, he desired to keep moving south. Grant requested and received permission to monopolize river transports for his offensive operations, but all of this was jeopardized by the slow pace of transferring the prisoners to Cairo. The situation impacted Grant’s strategy to the point that he delayed plans to take Clarksville down river by a few days as he wasn’t yet ready to proceed.⁶³

Historian William C. Davis constructed a peculiar interpretation of Grant’s new policy prescription. Davis speculated that “Grant may have had more than just a halt to the immediate fighting in mind when he dismissed making terms or conditions.” Davis drew a connection between Grant’s negotiations with Polk in October 1861 and the predicament of surrender at Fort Donelson. He argued that Buckner expected similar

⁶² U. S. Grant to S. B. Buckner, 17 February 1862, *OR*, Ser. 2, Vol. 3, 272-273 and S. B. Buckner to U. S. Grant, 17 February 1862, *OR*, Ser. 2, Vol. 3, 273.

⁶³ USG to G. W. Cullum, 17 February 1862, Letters Received, 1861-1867, Box 2, RG 393, Pt. 2, Entry 2593, NA.

terms of exchange to be presented by Grant believing the result of the parlay to be parole of the garrison. However, according to Davis, Grant understood that the strategic context dictated that paroling the rebels would simply mean there would be 12,000 more soldiers to fight again in a few weeks, but sending the rebels to northern prisons would keep them out of the war for a much longer period of time even if they were exchanged down the road. Davis saw this as Grant's first major opportunity to think about prisoner exchanges on a grander strategic scale, observing how decisions made in this campaign would carry over to and affect the next. So, while Buckner believed Grant's terms as "ungenerous and unchivalrous," Grant saw them as a piece in the greater strategy of the war.⁶⁴

Davis presented an interesting interpretation of the event. However, this may be a backwards reading of the history. While Grant comprehended the connection between POW policy and strategy in the aftermath of the Battle of Fort Donelson, he actually argued *for* parole contending that this was the better strategic option. Going in the opposing direction, Davis argued that Grant viewed parole detrimentally. Grant's own words refute this interpretation. Davis's description of the post-battle policy decision aligned much better with how Grant evaluated the strategic context of parole in the aftermath of his victory at Vicksburg in July of 1863. Davis's analysis preceded his narrative by about a year and a half.

⁶⁴ Davis, 194.

The day after Grant declared parole as the best method for dealing with POWs, Union leadership also decided to offer their opinion on the subject. Halleck telegraphed Grant stating clearly and concisely that “By order of the Secretary of War no paroles will be given to Confederate officers prisoners of war. They will all be sent here under strong guards. All orders to the contrary revoked.”⁶⁵ This direct and unambiguous order contrasted with Grant’s thoughts on the matter, but was in line with his previous experience concerning rebel officers on parole in Paducah. The timing of this order coinciding with the victory at Fort Donelson made it appear as though the two incidents were related. However, correlation does not equal causation. This order most likely concerned the incident involving Confederate officers in Paducah a couple of weeks prior and not any major shift in Union POW policy as a result of Grant’s victory in Tennessee.

On February 19, Grant’s mood finally improved. He wrote to Cullum boasting about the large amount of supplies that they captured believing that it would be “sufficient probably for twenty days for all my army.” He even quipped that “Of rice I don’t know that we will want any more during the war.” But Grant was also finally ready to wrap-up his end of managing the prisoners from Fort Donelson stating that “I think I will send you the tail of the elephant to-night, or in the morning at furthest.”⁶⁶ The tail of the elephant represented the final 6,000 prisoners that he would have ready

⁶⁵ H. W. Halleck to USG, 18 February 1862, Telegrams Sent, Nov. 1861-July 1865, RG 393, Pt. 1, Entry 2587, NA.

⁶⁶ USG to G. W. Cullum, 19 February 1862, Letters Received, 1861-1867, Box 2, RG 393, Pt. 2, Entry 2593, NA.

for transport.⁶⁷ Amazingly, even by conservative estimates, that number still only accounted for, at best, about half of the prisoners.

The next day, Grant received some words of encouragement from Cullum. He observed that the fort was “so galliantly [*sic*] captured under your brilliant leadership.” Cullum reiterated Grant’s original portrayal of the significance of the battle stating that “I, in common with the whole country, warmly congratulate you upon this remarkable achievement which has broken the enemy's centre, [*sic*] dispersed the rebels, and given a death blow to secession.” Cullum also updated Grant on the status of the prisoner exodus on its way to Cairo noting that thousands had arrived and would be shipped out the next day to their destinations. Additionally, Cullum was prepared to ship 5,000 blankets and 1,000 overcoats to Grant, as requested. He also made arrangements for the sick and wounded. Cullum tried to further alleviate Grant’s concerns with his assurance that everything was being taken care of and Grant did not have to worry. If that wasn’t enough to lift Grant’s spirits, then hopefully news that 2,000 Tennesseans were reported to have come in and laid down their arms would.⁶⁸

In the midst of handling the minutia of prisoner transports, larger issues regarding strategy needed to be addressed. Upon receiving news of Grant’s victory, President Abraham Lincoln became very concerned about reinforcing Grant's position so that he could not be overwhelmed by a counter strike at Fort Donelson. In a telegraph to

⁶⁷ J. A. Rawlins to S. B. Buckner, 19 February 1862, *OR*, Ser. 2, Vol. 3, 283.

⁶⁸ G. W. Cullum to USG, 20 February 1862, Letters and Telegrams Received and a Few Letters Sent, Aug. 1861-Oct. 1862, RG 393, Pt. 2, Entry 2731, NA.

General Halleck, Lincoln dramatically stated that “Our success or failure at Fort Donelson is vastly important and I beg you to put your soul in the effort.”⁶⁹ Lincoln realized that this was a key position vital to the successful prosecution of the war in the western theater. Though Grant gave Lincoln hope, the President remained very skeptical about the abilities of his senior commanders, which, according to historian Donald Stoker, was a valid concern. Halleck still had difficulty seeing the progression of moves on the chessboard that Grant and now Lincoln saw. Halleck failed to grasp the importance of moving on Nashville immediately believing that holding Bowling Green would be enough. Stoker remarked that “The idea was absurd. Nashville was the South’s second-largest industrial center and the primary crossroads of the rail and river networks between the Appalachians and the Mississippi.” General-in-Chief George B. McClellan overruled Halleck’s assessment instructing him on the importance of Nashville.⁷⁰ Halleck simply did not see the strategic map as Grant and others did. This lack of vision delayed Grant’s initial move on Forts Henry and Donelson and would further delay his advance southward after having seized the initiative.

With the triumphant incursion into northern Tennessee, Grant felt the need to push forward immediately with offensive operations. He knew that his victories could lead him south into the heart of the Confederacy as southern cities fell like dominos. With the opportunity at hand, Grant proceeded as he had previously done at Paducah and

⁶⁹ A. Lincoln to H. W. Halleck, 16 February 1862, The Papers of H. W. Halleck, Correspondence Mar. 1861-Feb. 1862, Letters Received February 1862, Manuscripts Division, LOC.

⁷⁰ Stoker, 113.

Belmont. He informed Halleck that he would move on Clarksville and Nashville unless he received contrary orders, assuming this would be the obvious wishes of Halleck.⁷¹ As Grant's army moved south, he found Clarkesville abandoned and ready for the taking. Furthermore, he believed that the strategically important point of Nashville would be "an easy conquest" if moved upon immediately.⁷² However, Grant would soon find out that his offensive finally reached its limit and the boundaries of its supply lines.

Due to the influx of prisoners and the rapid advance, Grant's resources finally reached the breaking point. In a March 1 letter to Captain John C. Kelton, Assistant Adjutant General for the Department of the Missouri, Grant described his continued woes with the lack of requisite transportation and the negative effects thereof. His supply train was in shambles to the point that dysentery had broken out amongst some of the men. Grant admitted that due to the problems stemming from missing transportation he ultimately must adapt his strategy especially considering that his forces were not all battle ready. To make matters worse, Grant noted that two of the regiments that he sent to guard the prisoners had not been returned to him.⁷³

In another letter that same day to his wife, Grant further developed his thoughts on the matter. He lauded his accomplishment in the Fort Donelson campaign only to then be "so much crippled in my resources that I very much fear that I shall not be able

⁷¹ USG to G. W. Cullum, 25 February 1862, *OR*, Ser. 1, Vol. 7, 666 and Michael B. Ballard, *U. S. Grant: The Making of a General, 1861-1863* (Lanham, MD: Rowman & Littlefield Publishers, Inc., 2005), 40-41.

⁷² USG to G. W. Cullum, 19 February 1862, Letters Received, 1861-1867, Box 2, RG 393, Pt. 2, Entry 2593, NA and USG to G. W. Cullum, 21 February 1862, Letters Received, 1861-1867, Box 2, RG 393, Pt. 2, Entry 2593, NA.

⁷³ USG to J. C. Kelton, 1 March 1862, Letters Received, 1861-1867, Box 2, RG 393, Pt. 2, Entry 2593, NA.

to advance so rapidly as I would like.” Grant observed that the transportation issues began prior to the battles stating that “When I left Cairo steam transportation was so scarce [*sic*] that it took two trips to bring up my force leaving behind nearly all my wagons and leaving the cavalry to march. Since that I have been unable to get up these teams.” Further exacerbating his difficulties with the lack of transportation was the fact that his army seemed to be disintegrating. Grant noted that General Buell had taken some of Grant’s soldiers who were sent to Clarkesville. He estimated that “the loss in battle and from fatigue and exposure takes of a number of thousands.” He also noted that, if he continued his offensive drive south, he would have to leave soldiers to garrison Clarkesville and Fort Henry further depleting his forces. Grant concluded that the cumulative effect of these issues “will weaken me so much that great results cannot be expected.”⁷⁴ The mounting effect stemming from the transport and care of 15,000 POWs behind the lines echoed down to the difficulties facing Grant. Grant continued to be burdened by the effects of the logistical tie-up from prisoners of war impeding his offensive drive.

Overall, Grant staunchly believed that if provided the appropriate resources he could press forward with his strategy for the west and possibly end the war in 1862. Confederate strongholds would fall like dominoes across the south, discouraging the nascent Confederacy from growing determined in the fight. Grant biographer William S. McFeely noted that “Hindsight argues that Grant was right. ... His sense of urgency

⁷⁴ USG to J. D. Grant, 1 March 1862, *PUSG*, Vol. 4, 305-306.

reflected a judgment that if the Confederacy was not subdued in the first months of 1862, it would be far more difficult to defeat later.”⁷⁵ Grant saw the larger strategic picture and the steps necessary to achieve the larger political object of the war. The campaign for Fort Donelson was but one move in this game. Unfortunately for Grant, logistical shortcomings from flawed POW policy in the aftermath of the campaign and the incompetence of his commanding officer ultimately hampered these ambitions.

The experience of Fort Donelson altered Grant’s perception of POW policy. There, from his position as a field commander, he quickly learned that prisoners were nothing but a hindrance and nuisance, the problem only exacerbated by the large numbers acquired in a glorious victory. Limited resources and the logistical nightmare of feeding, housing, guarding, and transporting an estimated 15,000 prisoners put a halt to Grant’s offensive operations. Grant was driven by his offensive spirit and longed to continue the march into the South. However, the “elephant” brought all of his ambitions to a standstill. This dilemma led Grant to conclude that paroling prisoners on the spot was the quickest way to deal with the problem. From his position as a field commander at the start of a war he believed would be over relatively soon, parole sounded like the preferable option for the “elephant.” Thus, Fort Donelson remains the underlying foundation for Grant’s perceptions of how POW policy affected strategy and it provided the formative point for his positive interpretation of parole.

⁷⁵ McFeely, 110.

CHAPTER IV
GUERRILLAS IN THEIR MIDST: THE PERILS OF OCCUPATION AND
IRREGULAR WARFARE

Following success at Fort Donelson, General Ulysses S. Grant received a promotion to Major General of Volunteers assigned to command of the District of West Tennessee. Grant again served under General Henry Halleck's Department of the Mississippi. Due to their professional military education, Grant and Halleck shared a similar strategic perspective and believed in Jominian principles of maneuver and geography. Simply put, force the enemy into a checkmate-position compelling them to acknowledge the inevitable need for surrender while grasping for territorial conquest. However, the Battle of Shiloh and Siege of Corinth in the spring of 1862 changed Grant's perspective on the conduct of the war; he no longer believed that this simple calculus would bring about Union victory. The nature of the war also changed for Grant following these engagements as he transitioned into the role of occupier as opposed to that with which he was more comfortable, that of conqueror. The ensuing occupation duty following Union victories in the West resulted in the expansion of guerrilla warfare in Grant's area of operations. Leading the counterinsurgency expanded Grant's notion of strategy which extended the battlefield to include civilians and private property.

This period also altered how Grant approached POW policy. In the midst of Grant's trials with guerrillas during occupation of Confederate territory, some semblance of order arrived with a negotiated general exchange cartel in July of 1862. However,

occupation during the time following the cartel exposed many issues of POW policy unresolved by the new accord. The cartel failed to provide direction on how to classify and handle captured irregular fighters. So, Grant continued to conduct the war according to personal relationships and professional notions of honor which guided his pragmatic strategy and POW policy. Grant ultimately developed a pragmatic approach to navigating the uncharted waters of POW policy and counterinsurgent strategy. Grant's retaliatory actions escalated throughout the war, but Grant managed to conduct restraint when moving beyond the traditional bounds of conventional warfare. However, in this restraint Grant's counterinsurgent strategy demonstrated the first major failures of the Dix-Hill Cartel.

Grant experienced an evolution in strategic thought in the aftermath of the Shiloh-Corinth campaign which brought friction with his superior. Halleck, "America's leading disciple of Jomini," believed in utilizing maneuver to take strategic points and that a successful campaign was one which achieved victory without fighting. Post-Shiloh Grant no longer believed that this would prove effective in defeating the Confederacy. While Grant was able to adapt his strategic thinking, Halleck remained stuck in his methodological approach. It would take until 1864 before Grant could confidently state that the Confederate armies, not territory, was the chief objective. Until then, he had to play according to Halleck's rules.¹

¹ Jean Edward Smith, *Grant* (New York: Simon & Schuster, 2001), 207.

Shiloh proved to be a definitive point in Grant's life and one much discussed by historians. Jean Edward Smith argued that this victory was the great turning point in the Civil War stating that "Grant's victory at Shiloh, bloody and bitter though it was, doomed the Confederate cause in the Mississippi valley."² William McFeely observed that Shiloh taught Grant an important lesson and molded his overall perception of the war contending that "Grant knew after Shiloh that only when he had exhausted the people of that land by annihilating its armies would he break the rebellion." McFeely further argued that after Shiloh Grant realized that "Now a whole society had to be defeated."³ Whereas Grant previously hoped for a culminating Napoleonic battle of annihilation to victoriously crush the rebellion, he now realized that only the bloodletting of attrition would bring about the end.⁴ This popular reading of events encapsulated the narrative retold by many respected historians.⁵ Slightly differing from this, Ron Chernow argued that it was actually "the bloodless fall of Corinth" instead of Shiloh which changed Grant's perspective on the object of battle being Confederate armies, not towns.⁶ Though, the narrative otherwise largely remained the same.

The explanation these historians presented echoed Grant's own memories of the event. In his memoirs, Grant recalled that the Battle of Shiloh altered his perception of the conflict, convincing him that no decisive victory over Confederate armies would lead

² Smith, 204.

³ William S. McFeely, *Grant: A Biography* (New York: W. W. Norton & Company, 1981), 115 and 121.

⁴ Ron Chernow, *Grant* (New York: Penguin Books, 2017), 207.

⁵ For instance, see: Michael B. Ballard, *U. S. Grant: The Making of a General, 1861-1863* (Lanham, MD: Rowman & Littlefield Publishers, Inc., 2005), 57; James McPherson, *Battle Cry of Freedom: The Civil War Era* (Oxford: Oxford University Press, 1988), 414; and Smith, 203.

⁶ Chernow, 216-217.

to victory. Hence, victory could only be achieved through “complete conquest.”⁷ This line in his memoirs, written decades later, provided the foundation for many historians’ analyses. However, as Mark Grimsley aptly noted, Grant’s memoirs often failed to represent his actual thoughts at the time of the event he was describing, and, instead, were often colored by his later interpretation of events.⁸

The primary factor that influenced Grant’s changing opinion of the conduct of the war in 1862 was the problem of guerrilla warfare experienced during Union occupation. In what has become the more commonly accepted interpretation amongst specialists, historian Brooks D. Simpson argued that “It was the restive populace and the guerrillas, not Shiloh, that toughened Grant to the notion of hard war.”⁹ As Simpson aptly noted, it would take until the throughs of occupation duty for Grant to finally adopt the hard war mentality.

Several historians further developed the hard war argument. Clay Mountcastle modified the perspective arguing instead that Grant’s experiences with guerrillas in Missouri in the early months of 1862 was the point when he “first expressed [his] doubts about conciliation and the need to get tough with the Southern people.”¹⁰ Mark Grimsley

⁷ John F. Marszalek, David S. Nolen, and Louie P. Gallo, eds., *The Personal Memoirs of Ulysses S. Grant: The Complete Annotated Edition* (Cambridge, MA: The Belknap Press of Harvard University Press, 2017), 250-251.

⁸ Mark Grimsley, *The Hard Hand of War: Union Military Policy Toward Southern Civilians, 1861-1865* (Cambridge: Cambridge University Press, 1995), 93-94.

⁹ Brooks D. Simpson, *Let Us Have Peace: Ulysses S. Grant and the Politics of War and Reconstruction, 1861-1868* (Chapel Hill, NC: The University of North Carolina Press, 1991), 25. See also: Benjamin Franklin Cooling, *Fort Donelson’s Legacy: War and Society in Kentucky and Tennessee, 1862-1863* (Knoxville, TN: The University of Tennessee Press, 1997), 60-61; Grimsley, 93-94; and Clay Mountcastle, *Punitive War: Confederate Guerrillas and Union Reprisals* (Lawrence, KS: University Press of Kansas, 2009), 60-61.

¹⁰ Mountcastle, 32.

claimed that through the summer of 1862, the period of conciliation ended and Grant adopted Halleck's pragmatic policy towards southerners which sought to "mainly keep civilians on the sidelines." The war was to be won on the battlefield and any interventions outside of the military arena would be met with severe reprisals. No longer would commanders appease civilians in an attempt to undermine the Confederacy and peacefully persuade them to the Union cause.¹¹ Michael Ballard aptly encapsulated the notion of hard war stating that "Hard war is more of an attitude of taking the means of making war from the enemy, and if that involves destroying businesses, taking food from hungry families or burning farm buildings, or retaliating harshly against neighborhoods used as bases by guerrillas, then so be it."¹² The time for a soft approach was now passed, largely as a consequence of occupation and the ensuing guerrilla warfare.

The disconnect in the debate regarding Grant's primary decisive point in 1862 stems from the differing strategic perspectives of the two camps. The first group argued for Shiloh-Corinth as the decisive point focusing on Grant's postwar recollections. This group also narrowed their perspective to the more traditional military strategy. They contended that Grant's thinking evolved to understand that armies and the society that support them were the true strategic objective as opposed to the Jominian concept of controlling cities and territory. This meant attrition, erosion, exhaustion, and raids

¹¹ Grimsley, 51-52.

¹² Michael B. Ballard, *Vicksburg: The Campaign That Opened the Mississippi* (Chapel Hill, NC: The University of North Carolina Press, 2004), xii.

instead of annihilation and maneuver were the new keys to victory. McFeely acknowledged that the war would be fought against society, but he construed that in the sense of defeating the logistical support for regular armies in the field. He utilized the society-military connection in a very traditional sense of regular warfare. While this perspective would support Grant's conduct later in the war, it failed to account for the irregular warfare aspect that Grant faced during his summer of occupation in 1862.

Fighting the guerrillas and their civilian support network became the focus of the second camp of historians. They noted the relationship between guerrillas and the community which led Grant to adopt a hard war policy going forward. The hard war interpretation focused on fighting the war against irregular fighters and noncombatants as opposed to the other camp which focused on defeating regular armies. Regardless of whether or not it was Shiloh-Corinth which immediately changed Grant's notion of strategy, he would eventually adopt such thoughts by 1864. However, Grant's hard war policies became apparent in the summer of 1862 and escalated over the next year having a dramatic effect on his POW policy.

The difficulty with analyzing strategy and POW policy during occupation stems from the ill-defined nature of the events and participants. Quelling guerrillas and civilians blurred the lines of warfare, especially in the nineteenth century. In describing this, historian Robert Mackey argued that the aspects of unconventional warfare adopted by the Confederacy "were not intended to instigate an insurgent movement behind enemy lines." This accurately portrays the war as West Pointers on both sides of the conflict would have liked to conduct the war. However, Grant's guerrilla war included

dimensions operating beyond the bounds that the Old Army officers prescribed. It became difficult to determine the combatants from non-combatants and Grant utilized nineteenth century concepts of retaliation against guerrillas and civilians in order to conduct a pragmatic strategy of suppressing the insurgency facing him. Mackey further noted that counterinsurgency operations “focused on reducing the causes of irregular warfare in a region.”¹³ This was effectively Grant’s primary focus during occupation.

With Grant taking over as a district commander in the spring of 1862, the responsibility of collecting prisoners of war in his region of operations and effecting their exchanges now landed on his desk. Grant remained consistent with departmental policy established by Halleck regarding prisoner exchanges, primarily consolidated in General Orders No. 50. It stipulated that prisoners were to be forwarded to a collection point—Cairo, Illinois continued to serve as this hub for Grant’s district. Halleck’s policy established guidelines for the care and treatment of prisoners noting that they should receive medical attention, clothing, and food rations equal to those of Union soldiers. Other duties regarding POWs included separating officers from enlisted men, making detailed rolls, and issuing monthly reports to Halleck’s office on the status of prisoners citing exchanges, paroles, deaths, etc. Halleck left it up to the department commanders to determine the question of paroling officers on a case-by-case basis.¹⁴

¹³ Robert R. Mackey, *The Uncivil War: Irregular Warfare in the Upper South, 1861-1865* (Norman, OK: University of Oklahoma Press, 2004), 5 and 14.

¹⁴ General Orders No. 50, 28 February 1862, *OR*, Ser. 2, Vol. 1, 169-170.

Another major policy question remained concerning the role of the oath of allegiance for prisoners. Should taking the oath of allegiance suffice for prisoners to then enlist in the Union army or, at the least, permit them to be discharged on parole?¹⁵ According to Bernard Farrar, the Provost Marshall for the Department of the Missouri, the oath could be used in certain instances to discharge prisoners. The current policy stipulated that regular soldiers not being held for violating any rules of war were to be released upon taking the oath and providing bond.¹⁶ Later reiterating this policy, Farrar clarified that anyone imprisoned for “irregular or illegal warfare” should be held for “trial before a military commission.”¹⁷ General Halleck further ordered that taking the oath qualified these prisoners to enlist in the Union army. However, even though he approved of the measure, Halleck still remained cautious noting that such a regiment of prisoners should be sent to Arkansas as Halleck did not think it advisable to send those men to Tennessee or Mississippi where they could run into their “old associates.”¹⁸ A few days later, General-in-Chief George B. McClellan overruled Halleck’s policy and entirely scrapped the concept of enlisting prisoners.¹⁹ The Union revisited this concept in 1864 when it was Grant's turn to decide the matter. But, for the time being, the Union army would not enlist prisoners in 1862.

¹⁵ O. P. Morton to H. W. Halleck, 4 March 1862, *OR*, Ser. 2, Vol. 1, 172 and H. W. Halleck to J. A. Mulligan, 4 March 1862, *OR*, Ser. 2, Vol. 1, 172.

¹⁶ B. G. Farrar to Hunt, 8 March 1862, *OR*, Ser. 2, Vol. 1, 173-174.

¹⁷ B. G. Farrar to H. H. Heath, 28 March 1862, *OR*, Ser. 2, Vol. 1, 176.

¹⁸ H. W. Halleck to J. A. Mulligan, 10 March 1862, *OR*, Ser. 2, Vol. 1, 174.

¹⁹ H. W. Halleck to J. A. Mulligan, 15 March 1862, *OR*, Ser. 2, Vol. 1, 174.

Halleck's support for allowing prisoners to take the oath of allegiance reflected the importance of honor to Nineteenth Century Americans. Historian Stephen Ash argued that "Oaths were deeply revered in nineteenth-century America, not least in the South, where the cult of honor made a virtual fetish of them. During the great crisis of American nationalism from 1861 to 1865, oaths assumed especially profound public and personal meaning."²⁰ The importance of giving one's word of honor explained why Halleck placed so much emphasis on it in his construction of POW policy. Due to his high regard for oaths, Halleck also ordered that anyone found in violation of their "parole of honor" by further aiding the enemy after taking the oath of allegiance would be executed, and that he would not consider any pardons for those who broke their parole.²¹

Utilizing Halleck's guidance on POW policy, Grant routinely approved of subordinate commanders' requests to conduct man-for-man field exchanges according to the precedent set for rank equivalencies. In February, McClellan ordered that exchanges should follow the equivalencies established in the British-American Cartel of 1813. Grant included a copy of the most current prisoner exchange ratios in his explanation of the policy to Brigadier General Frederick Steele, commanding the District of Southeast Missouri. Also, if the field commanders fell short of prisoners for a full exchange, Grant

²⁰ Stephen V. Ash, *When the Yankees Came: Conflict and Chaos in the Occupied South, 1861-1865* (Chapel Hill, NC: The University of North Carolina Press, 1995), 44-45.

²¹ H. W. Halleck to W. M. McPherson, 3 April 1862, *OR*, Ser. 2, Vol. 1, 177-178.

directed them to contact his office so he could send additional prisoners.²² When policy questions arose, Grant referred his subordinates to General Orders No. 50.²³

In the aftermath of Fort Donelson, operations continued to push forward in the West. Grant wanted to launch an offensive aimed at the Confederate rail center of Corinth, Mississippi. While awaiting reinforcements at Shiloh, Confederate General Albert Sidney Johnston seized the opportunity to attack Grant's forces on the morning of April 6. Grant's army survived the first day and, after reinforcements from General Don Carlos Buell finally arrived, Grant's forces recovered and repulsed the Confederate attack. Though Grant typically maintained a penchant for offensive pursuit to eliminate his foe, here he found pause. Between his and Buell's armies, they lost over 13,000 men.²⁴ When the casualty lists of Shiloh appeared in Washington and the newspapers, many, including some in Lincoln's government, called for Grant's removal to which Lincoln replied, "I can't spare this man; he fights."²⁵

After the bloody days of Shiloh, Halleck personally directed operations for the rest of the Corinth campaign. Halleck opted not to pursue the Confederate army retreating from Shiloh and instead paused to reorganize the forces under his command. On April 28, he assigned Grant's Army of the Tennessee to the right wing, Buell's Army

²² W. S. Hillyer to W. W. Lowe, 14 March 1862, Letters Sent, August 1861-October 1862, RG 393, Pt. 2, Entry 2730, NA; N. H. McLean to F. Steele, 18 March 1862, Letters Sent, October 1861-January 1869, RG 393, Pt. 1, Entry 2571, NA; A. McClellan to H. W. Halleck, 17 February 1863, *OR*, Ser. 2, Vol. 1, 166-167; and General Orders No. 51, 3 March 1862, *OR*, Ser. 2, Vol. 1, 171-172.

²³ Assistant Adjutant General (Unsigned) to W. W. Lowe, 29 March 1862, Letters Sent, August 1861-October 1862, RG 393, Pt. 2, Entry 2730, NA.

²⁴ Bruce Catton, *Grant Moves South* (Boston: Little, Brown and Company, 1960), 214, 217, and 247.

²⁵ Quoted in Smith, 205.

of the Ohio to the center, and John Pope's Army of the Mississippi to the left wing of the offensive operation.²⁶ A few days later, however, Halleck made a shift to the command structure by placing General George H. Thomas as commander of the forces assigned to right wing.²⁷ While Thomas technically operated under Grant's direction, this effectively took Grant out of field command. Grant retained general control over the District of West Tennessee, but in reality, he simply functioned as Halleck's second-in-command resigned to administrative duties.²⁸ Historian Bruce Catton described this as a titular position for Grant which "meant nothing, and carried no more real responsibilities than the ones normally borne by a Vice-President of the United States."²⁹ Grant bitterly described the assignment in his memoirs remembering that "I was ignored as much as if I had been at the most distant point of territory within my jurisdiction."³⁰ By the end of May after Halleck's terribly slow approach to Corinth, the thankless and purposeless position had Grant ready to resign—he even packed his bags.³¹

However, things changed on May 30 when Pope's forces marched into an abandoned Corinth. The Confederates withdrew the previous night burning much of what they could not bring leaving the town for Union conquest. After taking Corinth, Halleck stated that there were fewer prisoners than expected, most likely due to the Confederate retreat. However, of the prisoners he did capture during the campaign, he

²⁶ Special Field Orders No. 31, 28 April 1862, *OR*, Ser. 1, Vol. 10, Pt. 2, 138-139.

²⁷ Special Field Orders No. 35, 30 April 1862, *OR*, Ser. 1, Vol. 10, Pt. 2, 144-145. See also: H. W. Halleck to USG, 12 May 1862, *OR*, Ser. 1, Vol. 10, Pt. 2, 182-183.

²⁸ T. A. Scott to E. M. Stanton, 1 May 1862, *OR*, Ser. 1, Vol. 10, Pt. 2, 154.

²⁹ Catton, 266-268.

³⁰ Marszalek, 252.

³¹ Catton, 274.

decided that most of those from Tennessee and Kentucky would be paroled and allowed to return home.³²

Grant hoped Corinth would prove to be the transition point in his Civil War career—that this would be his chance for an important command in order to escape from the administrative prison to which he was confined and, if not, he would apply to be sent home. He explained that, as second in command of the department, he expected Corinth to lead to his own separate command.³³ Fortunately for Grant, Halleck decided that it was time to abandon the three-wing organizational scheme and restored Grant to his old command on June 10.³⁴ Grant left Corinth on June 21 to establish his headquarters at Memphis, Tennessee. This location was selected in anticipation of the new strategic objective looming over the Western theater—that of the citadel at Vicksburg on the Mississippi River. Unfortunately, Grant's ambition failed to stimulate Union strategy in the West as Halleck again paused to regroup, thus delaying the offensive drive and sacrificing the initiative. Union strategy in the West turned to consolidating territorial gains which effectively meant occupation duty. Meanwhile, Grant arrived in Memphis on June 23 and took to administering order to a city that teemed with secessionists.³⁵

One of the primary issues confronting General Grant in Memphis was how to deal with troublesome Confederate officers on parole under his jurisdiction. One such case occurred with Major Polk, a Confederate officer who claimed to have parole and

³² H. W. Halleck to Ketchum, 6 June 1862, *OR*, Ser. 2, Vol. 3, 656.

³³ USG to J. D. Grant, 31 May 1862, *PUSG*, Vol. 5, 134-135.

³⁴ Special Field Orders No. 90, 10 June 1862, *OR*, Ser. 1, Vol. 10, Pt. 2, 288.

³⁵ Chernow, 217-218.

was “permitted to have the liberty” throughout the city. However, Grant had not approved of such a measure and issued Special Orders No. 118 to have the Memphis Provost-Marshal track down this officer and arrest him. The orders further declared that Grant wanted to know by whose authority Major Polk was “permitted to roam at large in the city.”³⁶ Major John A. Rawlins also wrote directly to the Provost-Marshal inquiring about the matter.³⁷ Grant commented that “Affairs in this city seem to be in rather bad order, secessionists governing much in their own way.” Though Grant expected that in a few days he would “have everything in good order.”³⁸ Grant’s occupation duties commenced in Memphis, an important transportation hub which provided Grant with a first taste of what would consume his attention for much of the summer.

While in Memphis, Grant received direction on a major aspect of POW policy. On July 2, after receiving thirty prisoners from Colonel Graham N. Fitch’s White River Expedition in Arkansas, Grant telegraphed General Halleck inquiring as to where to send them.³⁹ The next day Halleck responded that he should “Deliver to enemy's line all your prisoners (not officers), except those guilty of barbarously treating our men, on parole not to serve till exchanged.”⁴⁰ This new policy pushed to clear the Union prison system of POWs by immediately paroling and delivering them to Confederate lines. Halleck may have had inside knowledge of larger objectives from the Lincoln Administration in making such an order as this new policy portended events to come.

³⁶ Special Orders No. 118, 24 June 1862, *OR*, Ser. 2, Vol. 4, 59.

³⁷ J. A. Rawlins to Provost Marshall (Memphis, TN), 24 June 1862, *PUSG*, Vol. 5, 150n2.

³⁸ USG to H. W. Halleck, 24 June 1862, *PUSG*, Vol. 5, 149-150.

³⁹ USG to H. W. Halleck, 2 July 1862, *PUSG*, Vol. 5, 186 and John Y. Simon, ed., *PUSG*, Vol. 5, 186n1.

⁴⁰ H. W. Halleck to USG, 3 July 1862, *PUSG*, Vol. 5, 186n.

July proved to indeed be a pivotal transition period beyond the temporary settlement of prisoner of war policy. Unbeknownst to Grant, Halleck had been appointed as General-in-Chief and had to hand over command of the Western Theater to his successor. On July 16, Halleck issued Special Field Orders No. 161 placing Grant in command over the Districts of West Tennessee, Cairo, and Mississippi. Grant now wielded authority over everything between the Mississippi and Tennessee Rivers. The following day, Grant found himself in command over a massive territory and answerable only to Washington.⁴¹

Unfortunately for Grant, Halleck still chose the strategy guiding Grant's area of operations. This meant inactivity while Grant played a supporting role to Buell's operations and those of commanders in the Eastern Theater. Much of this problem stemmed from the fact that Grant's force strength dwindled significantly from supplying Buell and utilizing troops for garrison duty over the large area of Union occupation. Halleck, and Grant early on as well, gambled on a strategy of geography which exacerbated the problems of delay and occupation. Union occupation offered a plethora of targets for guerrilla activity and cavalry raids. The situation now required Grant to focus his limited resources on consolidating control over the conquered territory and, consequently, remain on the strategic defensive for the rest of the summer.⁴²

On July 15, Brigadier General Lorenzo Thomas, Adjutant General of the Army, informed General Halleck of a pending change to prisoner policy. In an effort to gain an

⁴¹ Catton, 286-287.

⁴² Ibid, 304.

edge with a pending deal in the works, Secretary Stanton instituted a new policy whereby “arms and ammunition be sent with the prisoners to be put in the hands of those returned to us from the rebels, that they may be at once put on duty.”⁴³ The goal was to refit returning Union soldiers for combat as quickly as possible so that they could reenter the lines. However, this would only be of great consequence in the event of a general exchange. Thus, Thomas’s message hinted that changes may be on the horizon for POW policy.

Throughout the summer of 1862, political pressure to conduct general exchanges mounted and finally forced President Lincoln’s hand to action even though he preferred otherwise. A previous attempt between Union General John E. Wool and Confederate Brigadier General Howell Cobb during the Fort Donelson Campaign failed to come to an agreement, largely due to the influx of prisoners in the wake of Grant’s victory. However, on July 12, Lincoln succumbed to the political pressure and directed Secretary of War Edwin Stanton to reopen serious discussions for a general exchange. General John A. Dix, the commander of the Department of Virginia, represented the Union in the talks. Confederate Secretary of War George W. Randolph appointed General Daniel H. Hill as the Confederate commissioner in the negotiations. The two met on July 18 and it took them only a single day to complete their task of drafting a cartel for general exchanges. Amazingly, the terms of the cartel mirrored those proposed five months earlier by Wool and Cobbs. The cartel established a system of man-for-man exchanges

⁴³ L. Thomas to Department of the Mississippi AGO, 15 July 1862, Letters Received, 1861-1867, Box 4, RG 393, Pt. 1, Entry 2593, NA.

with any excess prisoners being released on parole. Exchanges and paroles were to be conducted within ten days. It was the duty of governments holding prisoners to transport them to mutually agreed upon exchange points—Vicksburg being designated as the point in the west. Of additional importance, historian Paul J. Springer argued that the Dix-Hill Cartel “constituted a de facto recognition of the Confederate government as a sovereign power, something the Union had resisted for a year.” By this point, Lincoln could no longer avoid the issue and had to institute a general exchange agreement even if it could be construed as conferring some level of recognition on the Confederate government. Both governments approved the new cartel on July 22.⁴⁴

Now, instead of dragging their feet, both governments proceeded to establish a system to exchange soldiers as swiftly as possible. The Confederates appointed Colonel Robert Ould as their agent of exchange and Major N. B. Watts to serve as their subordinate agent at Vicksburg. Since two men acting independently so far away was bound to create confusion, Ould became the lead coordinator on the exchanges and Watts simply executed his directives at Vicksburg. Captains Henry M. Lazelle and Henry W. Freedley were appointed by Colonel William Hoffman to oversee the delivery of prisoners to Vicksburg for the Union side of the exchanges but had no authority beyond that. Hoffman coordinated the transfer of prisoners to Cairo, Illinois by rail and

⁴⁴ Eugene Marvin Thomas, III, “Prisoner of War Exchange During the American Civil War” (PhD diss., Auburn University, 1976), 71-75 and 79-80; J. P. Benjamin to J. Davis, 17 March 1862, *OR*, Ser. 2, Vol. 3, 820-824; Paul J. Springer, *America’s Captives: Treatment of POWs from the Revolutionary War to the War on Terror* (Lawrence, KS: University Press of Kansas, 2010), 86; and Charles W. Sanders, Jr., *While in the Hands of the Enemy: Military Prisons of the Civil War* (Baton Rouge, LA: Louisiana State University Press, 2005), 115-116.

from there transferred them to steamboats for the trip down the Mississippi River to Vicksburg for exchange.⁴⁵

The cartel offered expediency and order to the exchange process. However, it also exposed a new problem. The cartel failed to mention any policy for guerrillas. The agreement explicitly declared that privateers were classified as prisoners of war and also discussed how militia were classified, but in leaving out that entire class of irregular fighters, the agreement implicitly agreed to the notion that they would not be granted rights under the laws of war. Both sides desired to keep this war one of civilized nations and the Confederates incorporated partisan units into their regular army in an attempt to keep it as such. The system established by the exchange cartel concurs with this perspective that there are two kinds of soldiers: regular and irregular. The former was entitled to protections under the agreed upon rules of war while the latter was not. The distinction became particularly significant for General Grant in the summer of 1862.⁴⁶

In July, Grant confronted another issue that was becoming so great a nuisance that it could no longer be avoided. Guerrillas plagued Grant's operations since his first days of command in Missouri. However, occupation duty brought the issue to the forefront compelling Grant to reinterpret the nature of the conflict. Grant observed the consequences that the conquest of Mississippi inflicted on the people and commented that the armies left the area "poor and desolated." He was unsure how the people were to survive for the next year but that "there must be a vast amount of suffering." Grant

⁴⁵ Sanders, 118-120.

⁴⁶ Dix-Hill Cartel, 22 July 1863, *OR*, Ser. 2, Vol. 4, 266-268.

further elaborated stating “I pity them and regret their folly which has brought about this unnatural war and their suffering.”⁴⁷ Regarding the people of Corinth, Grant commented that “Soldiers who fight battles do not experience half their horrors.” He alleged that the women and children “are wors [*sic*] rebels than the soldiers who fight against us.” He acknowledged the deprivations faced by civilians and also their dogged determination to support their cause.⁴⁸

After Shiloh and Corinth, Grant understood the connection between the home front and the strategy to end the war. Grant later recalled that “The most anxious period of the war, to me, was during the time the Army of the Tennessee was guarding the territory acquired by the fall of Corinth and Memphis and before I was sufficiently reinforced to take the offensive.”⁴⁹ Even in the despair of the situation facing the civilian population, Grant remained steadfast in assigning them the blame for their own predicament thus steeling his perspective in such a way allowed his transition to a punitive strategy against guerrillas. The problem of guerrillas in the West frustrated Grant to such an extent that it eventually forced him to adapt prisoner of war policy to accommodate them.

Defining the participants who conducted irregular operations against the Union presented challenges due to the various methods of categorization. The term *guerrilla* was typically utilized by Union soldiers as an umbrella term to include all such fighters.

⁴⁷ USG to J. D. Grant, 31 May 1862, *PUSG*, Vol. 5, 134-135.

⁴⁸ USG to J. D. Grant, 3 June 1862, *PUSG*, Vol. 5, 137-138.

⁴⁹ Marszalek, 269.

During the first year of the war, *guerrilla* was also interchangeable with *partisan*. However, after April 1862, the Confederate government officially designated units conducting irregular warfare on behalf of the government as “partisans” and “partisan rangers.” Further confounding this, however, was the fact that Confederate cavalry units operating as part of the regular army also conducted raids into Union territory undertaking actions that could be construed as irregular. To differentiate between officially designated guerrilla activity and those functioning independent of the Confederate government, the term *bushwhacker* was often utilized to describe the latter. Overall, the actions of these actors shared similarities in that they conducted small-scale attacks with limited objectives, typically of disrupting Union supply and communication lines. Railroads, bridges, and tunnels were particularly attractive targets.⁵⁰ As such, many Union soldiers blurred the lines of distinction, tending to lump all irregular fighters together.⁵¹

Combating guerrillas, specifically those who fought independently of the Confederate military, went hand-in-hand with pacifying the occupied peoples of the South. Guerrillas survived only because of direct support of the local population, or, at a minimum, because the people tolerated and allowed the guerrillas to operate. Furthermore, the guerrillas themselves weren’t regular soldiers, but citizens, often from

⁵⁰ Daniel E. Sutherland, *A Savage Conflict: The Decisive Roles of Guerrillas in the American Civil War* (Chapel Hill, NC: The University of North Carolina Press, 2009), xi-xii and 146. Mark Grimsley neatly separated guerrillas into four categories: regularly organized Confederate cavalry; partisan rangers; covertly active politicized citizens; and simple outlaws. Grimsley, 112. See also: General Orders No. 30 (Confederate), 28 April 1862, *OR*, Ser. 4, Vol. 1, Sec. 2, 1094-1100.

⁵¹ Mountcastle, 3-4; Cooling, 69; and Mackey, 6-9.

the same communities they conducted operations in. Their martial identity was not with the Confederate army, but that of defenders of their community. The early goals of occupation in the border states had been to win over the local population through conciliatory policies. However, as guerrilla activity spread through Kentucky and Tennessee, these hopes were quickly dashed when the public chose loyalty to the guerrillas over their Yankee occupiers. Guerrillas represented the communal nature of Southern resistance under occupation.⁵² Grant commented on this in the aftermath of Corinth when he described non-combatants as “wors [*sic*] rebels than the soldiers who fight against us.”⁵³ By the early summer of 1862, Grant began practicing selective and proportional retribution against the communities that harbored the guerrillas.⁵⁴

Adding to the guerrilla dilemma was the fact that the Confederate government acknowledged and encouraged activities that Union soldiers understood to fall under the umbrella of irregular warfare. Dissatisfied with the progress of the West Pointers’ war, the Confederate government passed the Partisan Ranger Act on April 21, 1862 which sanctioned the formation of guerrilla units. These partisan units would be answerable to the chain of command, but conduct disruptive activities behind Union lines typical of guerrilla fighters.⁵⁵ In May 1862, Confederate Secretary of War James Seddon even further called upon his commanders to incite local populations to take up arms unofficially throughout the Mississippi Valley. Thus, the rebel government encouraged

⁵² Sutherland, 80 and Ash, 48-49 and 64-65.

⁵³ USG to J. D. Grant, 3 June 1862, *PUSG*, Vol. 5, 137-138.

⁵⁴ Grimsley, 113.

⁵⁵ Mountcastle, 41 and 57; Cooling, 64-70; and General Orders No. 30 (Confederate), 28 April 1862, *OR*, Ser. 4, Vol. 1, Sec. 2, 1094-1100.

both classes of irregular fighters; those that would commonly be understood to receive protections under the laws of war and those that would not.⁵⁶ The Confederate embrace of irregular warfare presented new questions regarding strategy and POW policy. Were guerrillas to be recognized as part of the regular army and, therefore, afforded privileges of prisoners of war? Should civilians suffer for the actions of the guerrillas operating on behalf of that community?

With the Lincoln Administration leaving the issue up to the military, the War Department initially took a firm stance against guerrillas. The early problems in Missouri prompted Assistant Secretary of War Peter H. Watson to proffer the notion that “If guerrillas were shot without challenge as enemies of mankind their bands would soon disperse, and the assassination of sentinels and teamsters and other barbarities practiced in irregular warfare would soon cease.”⁵⁷ Watson’s harsh words expressed a sentiment shared by many in Union blue, but even though executions of captured guerrilla fighters were fairly common, they were not the standard method for handling these prisoners.⁵⁸

Grant ultimately agreed with the fact that captured guerrillas deserved different treatment than regular soldiers, and spelled out his fundamental philosophy regarding irregular warfare in his July 3 issuance of General Orders No. 60. Grant directed his reprisals at the communities supporting guerrilla activity:

The system of guerrilla warfare now being prosecuted by some troops organized under authority of the so-called Southern Confederacy, and others without such

⁵⁶ Mountcastle, 57.

⁵⁷ P. H. Watson to G. W. Morgan, 11 May 1862, *OR*, Ser. 1, Vol. 10, Pt. 2, 182.

⁵⁸ The practice of executing captured guerrillas escalated throughout 1863 in Missouri, but was not officially sanctioned by Grant nor adopted as official Union policy. See: Mountcastle, 39-40.

authority, being so pernicious to the welfare of the community where it is carried on, and it being within the power of communities to suppress this system, it is ordered that wherever loss is sustained by the Government collections shall be made by seizure of a sufficient amount of personal property from persons in the immediate neighborhood sympathizing with the rebellion to remunerate the Government for all loss and expense of collection.

Grant's policy was a restrained and calculated attack upon the guerrilla's logistical support. He clarified that retribution came only when it was "within the power of communities to suppress" the guerrilla activities. This order also communicated to the people supporting such actions that they would be held accountable for guerrilla's operating in their area. A tertiary benefit of the policy was that it also compensated the Union army for losses sustained from the irregular warfare. This concept paved the way for hard war policies later in the war, presaging the retaliatory mechanisms employed most famously by General William T. Sherman's 1864 raid through Georgia.⁵⁹

Through General Orders No. 60, Grant made another pivotal decision. He ordered that any guerrillas operating under the authority of the Confederate Government "without organization, and without uniform to distinguish them from private citizens, are not entitled to the treatment of prisoners of War, when caught, and will not receive such treatment." This was a significant declaration in defining the rules of war. Through this, Grant firmly pronounced that guerrillas were not to be recognized as proper soldiers and, as such, were not entitled to any rights under commonly established rules of war. Interestingly, this in turn also asserted the negative that those who did operate as proper

⁵⁹ General Orders No. 60, 3 July 1862, *PUSG*, Vol. 5, 190.

soldiers were afforded certain rights reserved for nation-states, which the “so called Southern Confederacy” also achieved to some extent through the Dix-Hill cartel.⁶⁰

Not everyone agreed with Grant’s new philosophy for the war. George R. Merritt of Senatobia, Mississippi penned an interesting and inflammatory response to Grant’s “infamous and fiendish proclamation” which was “characteristic of your infernal policy.” Merritt encapsulated the standard Confederate belief that the war should “be conducted upon principles recognized by civilized nations.” However, he alleged that Grant saw “fit to ignore all the rules of civilized warfare, and resort to means which ought to, and would, make halfcivilized [*sic*] nations blush.” Merritt threatened that if Grant carried out his proclamation against private property, he would make Grant “rue the day you issued your dastardly proclamation” and would “visit summary vengeance upon your men.”

Merritt also addressed Grant’s classification of guerrillas as irregular fighters. He sternly disagreed and alleged that Grant further knew this to be “false” since they were recognized combatants by the Confederate government. Merritt promised swift reprisals for any Union actions against Confederate citizens arguing that the targeting of civilians was not proper conduct under the rules of war. He declared that they would “force” Grant to obey the proper protocols of war and, that if Grant desired to make this a “war of extermination,” they were more than willing to reciprocate by raising the “black flag.” Merritt claimed to have 2,000 partisans ready to retaliate against Grant and, if he didn’t

⁶⁰ Ibid.

retract General Orders No. 60, he could “expect to have scenes of the most bloody character.” Merritt cited the execution of a Mr. Owens of Missouri by Union soldiers as proof that the Union already crossed the line of moral conduct. The colorful letter closed with a warning that “Henceforth our motto shall be, Blood for blood, and blood for property. We intend, by the help of God, to hang on the outskirts of your rabble, like lightning around the edge of a cloud. We don't intend this as a threat, but simply as a warning of what we intend to do, in case you pursue your disgraceful and nefarious policy toward our citizens, as marked out in your threat of recent date.”⁶¹ Merritt demonstrated how the occupation, guerrillas, civilians, and prisoners of war all intersected with Grant’s new pragmatic occupation policy which, though it could be harsh, still fell short of the hard war measures adopted later in the conflict.

The situation with guerrillas and prisoner policy continued to evolve as this frustration reached higher levels of command. Shortly after his promotion to General-in-Chief, Halleck solicited the advice of renowned legal expert Francis Lieber on the laws of war regarding captured guerrillas. Lieber’s response noted the ambiguities surrounding irregular warfare, but he firmly believed that guerrillas constituted illegal combatants under international norms. Ultimately, Lieber left Halleck to interpret the legalities and their consequences for policy on his own. Throughout the rest of the year

⁶¹ G. R. Merritt to USG, 16 July 1862, *PUSG*, Vol. 5, 190-191n.

Halleck sought to escalate the war and pressed for greater retaliatory actions against guerrillas and those who aided them.⁶²

On July 10, Grant sought Halleck's approval to further escalate his pragmatic war policy against noncombatants. As a measure to quell the guerilla threat, Grant desired to oust the troublesome family members of Confederate officers whose actions he described as "very violent." Grant recommended sending them south of Union lines.⁶³ Halleck approved so long as Grant "deem[ed] it expedient."⁶⁴ A couple of weeks later, Grant's patience ran out and he wanted to expand the expulsion to "all discontented citizens within our lines." He justified his decision observing that many citizens continued to join and support the guerrillas, and this was not exclusive to the hardened family members of the Confederate elite.⁶⁵

Halleck shared Grant's sentiments and, on August 2, he notified Grant that the time had come to begin implementing hard war. Halleck clearly dictated the new policy:

It is very desirable that you should clean out West Tennessee and North Mississippi of all organized enemies. If necessary, take up all active sympathizers and either hold them as prisoners or put them beyond our lines. Handle that class without gloves and take their property for public use. As soon as the corn gets fit for forage, you get all the supplies you can from the rebels in Miss. It is time they should begin to feel the pressure of war on our side.⁶⁶

Halleck provided Grant new direction on guerrilla prisoner of war policy through expanding the definition of guerrillas to include "active sympathizers" and well as

⁶² Mountcastle, 42 and Paul J. Springer and Glenn Robins, *Transforming Civil War Prisons: Lincoln, Lieber, and the Politics of Captivity* (New York: Routledge, 2015), 17.

⁶³ USG to H. W. Halleck, 10 July 1862, *OR*, Ser. 1, Vol. 17, Pt. 2, 88.

⁶⁴ H. W. Halleck to USG, 10 July 1862, *OR*, Ser. 1, Vol. 17, Pt. 2, 88.

⁶⁵ USG to H. W. Halleck, 28 July 1862, *PUSG*, Vol. 5, 243.

⁶⁶ H. W. Halleck to USG, 2 August 1862, *PUSG*, Vol. 5, 244n.

directing Grant to hold these people as prisoners of war or relocate them away from Union operations. He also authorized Grant to have a freer hand in dealing with this class of enemy, but, as occupation strategy and POW policy developed, the line between noncombatants and guerrilla fighters continued to blur. A week later, Grant wrote that, even after driving organized guerrilla units south, “There is abundant evidence that many citizens who appear to be quiet non-combatants in the presence of our forces, are regularly enrolled and avail themselves of every safe opportunity of depredating upon Union men and annoying our troops in small bodies.”⁶⁷

By the end of August, guerrilla forces continued to bring Grant grief. On August 22, Grant informed Halleck that guerrillas had taken control of Clarksville after Colonel Rodney Mason surrendered. The Union soldiers were paroled, and Grant ordered them to Benton Barracks for inquiry into the incident. He then reinforced Forts Henry and Donelson with six infantry companies. Later that day Halleck responded that “You will take all possible measures to put down the Guerrilla operations on the Tenn [*sic*] and Cumberland rivers. Act wherever you can without regard to District lines. Clarksville should be retaken and occupied as soon as possible. It is believed that most of the enemy's forces have left your front.” Clarksville was a strategically important point, something Grant knew when he conquered it months earlier. The ordeal of Colonel

⁶⁷ USG to H. W. Halleck, 9 August 1862, *OR*, Ser. 1, Vol. 17, Pt. 2, 160.

Mason's surrender was so significant that it led to Mason's dismissal "for repeated acts of cowardice in the face of the enemy."⁶⁸

Following Mason's defeat, Colonel William Lowe retook Clarksville and the citizens of the town seemed to have suffered for what transpired. The citizens wrote to Grant pleading for Colonel Lowe to be restrained in his actions against civilians. Lowe took to the spirit of Grant and Halleck's hard war policy through retaliations against the civilian population for supporting the guerilla insurgency. He may have also added a little extra intensity due to the embarrassment suffered by Mason along with the ardent civilian support of the guerrilla fighters.⁶⁹

A few weeks later a proposal concerning a captain of the 1st Tennessee Cavalry challenged Grant's policy regarding guerrilla prisoners of war. On October 17, Colonel James J. Dollins of the 81st Illinois at Humbolt, Tennessee telegraphed Rawlins to report that they had captured ten Confederate guerrillas. Dollins wanted to use the prisoners to exchange for Captain S. O. Silence of the 1st Tennessee Cavalry as "he is needed badly in his co."⁷⁰ On October 29, Confederate Major General Earl Van Dorn sent Union Brigadier General Charles S. Hamilton a flag of truce to discuss the terms for Captain

⁶⁸ R. Mason to USG, 20 August 1862, *PUSG*, Vol. 5, 322n1; USG to H. W. Halleck, 22 August 1862, *PUSG*, Vol. 5, 321; H. W. Halleck to USG, 22 August 1862, *PUSG*, Vol. 5, 322n; and AGO General Orders No. 115, 22 August 1862, *PUSG*, Vol. 5, 322n1. According to historian Benjamin Cooling, Mason was duped into surrendering the town without firing a shot. However, whether or not Mason was at fault is disputable. Mason had repeatedly requested reinforcements to hold the town declaring that he was undermanned, but received no further aid. Twelve officers of the 71st Ohio wrote a letter in support of this. Mason's subordinate officers also unanimously advised him to surrender. Yet, Cooling also noted that this unit was stationed in Clarksville for light rear echelon duties after a poor showing at Shiloh and "labored under a cloud." So, the testimony of his officers may not be the most reliable source. See: Cooling, 94-98 and John Y. Simon, ed., *PUSG*, Vol. 5, 322-323n1.

⁶⁹ Cooling, 94-98 and John Y. Simon, ed., *PUSG*, Vol. 5, 323-324n2.

⁷⁰ J. J. Dollins to J. A. Rawlins, 17 October 1862, *PUSG*, Vol. 6, 240n1.

Silence's exchange. Hamilton alerted Grant that Van Dorn desired to exchange his aide for Captain Silence and inquired as to how he should proceed.⁷¹ Grant replied a few days later noting that Captain Silence was with him "on Parole and anxious to be released." Grant approved of the exchange for the unconditional release of Van Dorn's aide, Lieutenant C. Sullivan.⁷² In this instance, Grant perceived it more important to exchange the captured guerrillas as legitimate combatants as opposed to implementing harsh policy measures. Grant took a pragmatic approach to the situation demonstrating the fluidity of circumstances in occupied territory.

The month of October tested Grant's POW policy in another instance of guerrilla POWs. A significant debate began on October 23 when Grant notified Halleck that they had captured about forty of Captain Robert W. Haywood's Cavalry and they would be forwarded to the prison at Alton, Illinois.⁷³ The next day Rawlins unequivocally stated that "They are not regarded as regular Cavalry."⁷⁴ Grant drew a firm line on guerrillas and utilized a broader interpretation to classify these men as such. However, on November 17, General Van Dorn informed Grant that Haywood had "received full and proper authority to raise a battalion of cavalry and that they belong regularly to the Confederate service and are entitled to all the rights of Confederate troops." Van Dorn argued the Haywood's Cavalry were simply partisan rangers operating in an official capacity and, thus, entitled to be treated as prisoners of war. Of course, this conflicted

⁷¹ C. S. Hamilton to USG, 29 October 1862, *OR*, Ser. 2, Vol. 4, 663.

⁷² USG to C. S. Hamilton, 1 November 1862, *PUSG*, Vol. 6, 239.

⁷³ USG to H. W. Halleck, 23 October 1862, *PUSG*, Vol. 6, 181 and John Y. Simon, ed., *PUSG*, Vol. 6, 181n2.

⁷⁴ Endorsement of J. A. Rawlins, 24 October 1862, *PUSG*, Vol. 6, 336n2.

with Grant's initial assessment.⁷⁵ After deliberating on Van Dorn's message, Grant replied a couple of days later that Haywood's cavalry would be released on parole, thus reversing his earlier decision.⁷⁶ On November 20, Grant ordered the men to be granted rights of prisoners of war and transferred to Cairo, Illinois to then be shipped to Vicksburg for exchange.⁷⁷

Grant was a man of honor and followed the rules of war when he could and, in this instance, felt the need to take Van Dorn at his word that these men operated under the auspices of the Confederate government. With this series of exchanges, Van Dorn was working to protect guerrillas from Union reprisals and Grant proceeded cautiously with the pragmatic war mentality. However, these incidents also reiterated that, even with the Dix-Hill cartel in effect, POW exchanges and policies concerning guerrillas were largely left up to military commanders. With the lack of clear guidance, field commanders like Grant often conducted negotiations concerning guerrillas on a personal nature with their Confederate counterparts mirroring the unregulated exchanges conducted earlier in the war.

Grant's adjustments to prisoner policies created some confusion and trouble for those who managed the Union prisoner system. On November 19, Colonel Jesse Hildebrand, who oversaw the Union prison at Alton, Illinois, wrote to Colonel William Hoffman, the Commissary-General of Prisoners, regarding a curious circumstance.

⁷⁵ E. Van Dorn to Commanding Officer U. S. Forces near La Grange, 17 November 1862, *OR*, Ser. 2, Vol. 4, 946-947. The message was forwarded to Grant two days later: L. F. Ross to USG, 19 November 1862, *PUSG*, Vol. 6, 335-336n1.

⁷⁶ USG to E. Van Dorn, 19 November 1862, *OR*, Ser. 2, Vol. 4, 729.

⁷⁷ USG to J. Hildebrand, 20 November 1862, *PUSG*, Vol. 6, 337.

Apparently, Captain H. W. Freedley, Assistant to Commissary-General of Prisoners, informed Hildebrand that he “should not release any prisoner by order of General U. S. Grant nor any provost-marshal-general, but make all releases upon [Hoffman’s] standing or special order.”⁷⁸ Freedley communicated the matter to Hoffman and complained of Grant’s redirection of prisoners stating that Grant “released and paroled prisoners here without your authority or knowledge and in opposition to your regulations and oft-repeated instructions.”⁷⁹ Grant’s unilateral decision-making outside of the purview of official channels caught the ire of Colonel Hoffman who then appealed directly to Secretary of War Edwin Stanton regarding this dispute. Hoffman noted that Grant did not have the authority to order the release of the eighty-six prisoners at Alton as the prison was not in Grant’s command and that the action was “in violation of the rules which have been established by your authority.”⁸⁰ Stanton simply endorsed this communication as “Approved.”⁸¹

On November 19, Confederate General John C. Pemberton intervened in the debate over Grant’s classification of certain Confederate partisan units. In this instance, Pemberton was specifically agitated over Captain W. W. Faulkner and sixteen of his men of the Kentucky Battalion of Partisan Rangers who were sent to the military prison at Alton. Pemberton noted that Grant “refused to recognize them as entitled to the benefit of the late cartel for exchange of prisoners.” Pemberton complained that “These

⁷⁸ J. Hildebrand to W. Hoffman, 19 November 1862, *OR*, Ser. 2, Vol. 4, 732.

⁷⁹ H. W. Freedley to W. Hoffman, 19 November 1862, *OR*, Ser. 2, Vol. 4, 734-735.

⁸⁰ W. Hoffman to E. M. Stanton, 27 November 1862, *OR*, Ser. 2, Vol. 4, 761.

⁸¹ Endorsement of E. M. Stanton, 27 November 1862, *OR*, Ser. 2, Vol. 4, 761.

cases of partisan corps are constantly arising” and that he “shall demand their release on parole as other prisoners, but am of the opinion that this matter should be brought to the attention of United States Government.” Pemberton declared that he would hold all Union prisoners in close confinement as retaliation until he received word that the partisans had been released.⁸²

Pemberton’s choice to retaliate demonstrated the Confederacy’s overall success with the tactic as well as its common acceptance under the nineteenth century rules of war. Retaliation became a common tactic in Civil War negotiations, especially in response to the Union army’s transition to hard war policies targeting civilians and the Union’s classification of guerrillas as illegitimate combatants. Retaliation was not simply retribution or revenge, but a measured and orderly process meant to enforce norms of civilized warfare. Pemberton’s use of it in this instance demonstrated its central role at the intersection of POW policy, guerrillas, and the Union’s use of hard war.⁸³

On December 13, Pemberton’s patience regarding the guerrilla prisoners ran out and he took his complaint over Captain Faulkner’s unit directly to Grant. Pemberton declared that “These officers and men are as much a part of the C. S. Army as are any other composing it, and as much entitled to the benefits of the cartel as any of your prisoners whom I now hold.”⁸⁴ Pemberton demanded a response and informed Grant that

⁸² J. C. Pemberton to S. Cooper, 19 November 1862, *OR*, Ser. 2, Vol. 4, 948.

⁸³ Lorien Foote, “‘The Sternest Feature of War’: Prisoners of War and the Practice of Retaliation,” in *Crossing the Deadlines: Civil War Prisons Reconsidered*, ed. Michael P. Gray (Kent, OH: The Kent State University Press, 2018), 82-84 and 86-87.

⁸⁴ J. C. Pemberton to USG, 13 December 1862, *OR*, Ser. 2, Vol. 5, 77.

he would retaliate by holding an equal number of Union prisoners in close confinement if Faulkner's unit remained at Alton.

A couple of days later, Grant's patience with Pemberton's brash messages wore out, and he fired off a very stern message stating as much. Grant pronounced that these "moving bands" were actually more of a "pest to the communities through which they passed" and were not of much consequence to the Union army. Grant firmly declared that "They have not observed the rules of civilized warfare, and I did not suppose were authorized or under any control except such as they agreed upon among themselves." This observation clearly delineated why Grant didn't classify them as partisans, but instead sent them to prison as guerrillas. In the end, Grant acknowledged that "most of their belligerency is directed against sympathizers and abettors of this rebellion" and, as such, Grant opted to concede to Pemberton's demand and reclassify the prisoners thus entitling them to exchange or parole.

However, Grant chose not to end the message there. Pemberton caught the ire of a typically restrained General Grant, and Grant let him know it. Grant noted that this was the third communication Pemberton had sent that had been "threatening in tone." Grant was further perturbed that "One of your communications also implied a doubt of my veracity in the statement made by me as to prisoners taken as well as casting reflections upon the character of those prisoners." Grant proceeded to justify his classification and treatment of Confederate prisoners explaining that many were "tired of the war and have been permitted to take the oath of allegiance and return to their homes." Grant closed with a rebuke to Pemberton reminding him about the proper conduct of war amongst

civilized nations. Grant stated that “All communications heretofore received from officers of the Southern Army have been courteous and kind in spirit and have been replied to in the same tone. I regret the necessity for any other class of correspondence. On my part I shall carry on this war humanely, and do what I conceive to be my duty regardless of threats and most certainly without making any.”⁸⁵

This letter demonstrated Grant’s desire to conduct the war in a certain way. Upholding one’s honor was immensely important and explained why Grant would be so willing to take the word of Confederate officers vouching for the classification of guerrillas as sanctioned partisans. Many officers in the Civil War shared Grant’s perspective that the war ought to be conducted according to “civilized” norms. Part of those norms include recognition of states and their combatants to certain rights under commonly construed rules of warfare. The Confederacy struggled to achieve this status throughout the beginning of the war and became mildly successful at securing recognition at least through the Dix-Hill Cartel. However, the issue of partisan ranger units threatened to call such legitimacy into question.

In the end, Grant was a man of his word and granted Faulkner and the rest of the Kentucky partisans the rights of prisoners of war. He ordered that they be shipped out of Alton and, per regulations of the cartel, be sent to Cairo before being forwarded to Vicksburg for exchange.⁸⁶ Ironically, on December 19, Colonel Hildebrand notified

⁸⁵ USG to J. C. Pemberton, 15 December 1862, *OR*, Ser. 2, Vol. 5, 83-84.

⁸⁶ USG to J. Hildebrand, 15 December 1862, *PUSG*, Vol. 7, 42-43.

Grant that during a prisoner transfer about a month prior “Colonel Faulkner made his escape and has not been heard from since.”⁸⁷

The New Year brought new escalations for Grant's prosecution of his counterinsurgency campaign. Growing tired of guerrillas operating behind his lines, especially now that his focus was also on operations towards Vicksburg, Grant created harsher retaliatory policies to protect his railroads and supply lines. He pronounced that “if necessary to secure the railroad every family and every vestige of property except land itself, between the Hatchie and the Coldwater will be removed out of these limits or confiscated.” Civilians were held responsible for guerrilla activity in their community and, if they weren't going to suppress it, Grant would hold them accountable. Grant further clarified that “I will also move south every family in Memphis of doubtful loyalty, whether they have taken the oath of allegiance or not, if it is necessary for our security, and you can so notify them. For every raid or attempted raid by guerrillas upon the road I want ten families of the most noted secessionists sent south.” By now, Grant's frustration at the lack of cooperation from the Southern citizens in certain areas necessitated the threat of retaliation and, in this instance, that mean physical relocation.⁸⁸

Grant accepted that he could not win two wars against Confederate armies and civilians behind his lines simultaneously and took to harsher policies to try and combat the latter. He issued orders to “Arrest and parole all citizens between eighteen and fifty

⁸⁷ J. Hildebrand to USG, 19 December 1862, *OR*, Ser. 2, Vol. 5, 99.

⁸⁸ USG to I. F. Quinby, 3 January 1863, *OR*, Ser. 1, Vol. 17, Pt. 2, 524 and USG to S. A. Hurlbut, 3 January 1863, *OR*, Ser. 1, Vol. 17, Pt. 2, 525.

years of age. Collect forage as far as practicable from south side of the road.” Though Grant escalated his hard war measures into 1863, he did so with a restrained hand. “If the enemy, with his regularly-organized forces, attack us I do not propose to punish non-combatant citizens for it; but these guerrillas receive support and countenance from this class of citizens, and by their acts will bring punishment upon them.” Grant distinguished between classes of irregular fighters—he acknowledged the difference between bushwhackers and Confederate cavalry raids. As such, he vowed retaliation only when the community was clearly supporting the class of fighter outside the bounds of civilized warfare.⁸⁹

At the end of January, Grant drew a firm line on his policy regarding captured guerrillas. General Orders No. 10 declared that “Guerrillas or Southern soldiers caught in the uniforms of Federal soldiers will not be treated as organized bodies of the enemy but will be closely confined and held for the action of the War Department. Those caught within the lines of the Federal Army in such uniforms or in citizen's dress will be treated as spies.” This represented an important distinction since regular soldiers expected to receive proper treatment, but spies could face execution. Whereas Grant had previously kept a measured approach, he now made official policy to recognize execution as an appropriate retaliatory response for guerrilla POWs.⁹⁰

Nearly a month later, Grant found himself embroiled in a dispute between Admiral Porter and Confederates regarding the rules of war and retaliation. On February

⁸⁹ Ibid.

⁹⁰ General Orders No. 10, 26 January 1863, *OR*, Ser. 2, Vol. 5, 216.

24, Admiral David D. Porter, Acting Rear-Admiral, Commanding Mississippi Squadron, issued a notice to Confederate commanders in his area of operations in response to firing on unarmed Union vessels from the riverbanks. He declared that anyone caught doing this would “be treated as highwaymen and assassins and no quarter will be shown them.” Anyone merely suspected of this would be kept in close confinement as prisoners of war. Porter ominously announced that “If this savage and barbarous Confederate custom cannot be put a stop to we will try what virtue there is in hanging.”⁹¹

That same day Confederate Major General C. L. Stevenson wrote to Grant inquiring as to the authenticity of Porter’s notice and if any of Grant’s forces would also conduct themselves in accordance with the notice or instead with the principles of “civilized warfare.” Stevenson then defended the right of Confederates to repel invaders but asserted that he only supported actions “in accordance with the usages of war, of humanity and of civilization.” Stevenson followed this with the threat of retaliating against Union prisoners if Admiral Porter followed through with any of the threats in his notice.⁹²

On March 2, Admiral Porter wrote to Grant regarding his retaliation policy, and managed to simultaneously mock Pemberton stating that he didn’t think Pemberton would “gain any great consolation from it” and that it might “enlighten him on the subject of civilized warfare.”⁹³ Porter also wrote an excessively long retort to

⁹¹ Enclosure in C. L. Stevenson to USG, 24 February 1863, *OR*, Ser. 2, Vol. 5, 293-294.

⁹² C. L. Stevenson to USG, 24 February 1863, *OR*, Ser. 2, Vol. 5, 293-294.

⁹³ D. D. Porter to USG, 2 March 1863, *OR*, Ser. 2, Vol. 5, 309-310.

Stevenson's initial inquiry and threat of retaliation. In it, Porter corrected Stevenson as to the chain of command stating that "I might very properly object to notice it, as all communications relating to the Mississippi Squadron should be addressed to me as commander-in-chief of the naval department on the Mississippi River. I decline, however, to stand on a point of etiquette." Following the initial barb, Porter went on to discuss his thoughts on the matter:

No one is more desirous than myself that operations within the limits of my command should be conducted in accordance with the usages of war, of humanity and of civilization, which sentiment I am pleased to see is expressed by yourself. I can see no easier way to arrive at the desired end than by putting a stop to the inhuman practice of firing on unarmed vessels and peaceful citizens. I am quite satisfied that it is not civilized for parties who are overseer civilians one day (trading with our people) and soldiers the next to be traveling around the country firing upon hospital vessels and river steamers.

Porter delivered a clear point that civilians marauding as irregular soldiers were criminals acting outside of the proper conduct of civilized warfare.

Porter further explained the distinctions through an example of a hospital boat which he personally witnessed taking fire from guerrillas on the river banks. Porter decried the men who "lurk in the woods without a flag or distinguishing mark and fire at any human being they may see on the deck of a steamer without caring or knowing whether it is friend or foe they are about to murder, and this we are called upon to recognize as civilized warfare." Porter further maintained that he treated "all prisoners captured in honorable warfare" with "courtesy and kindness" and that his policy of dealing with the "highwaymen" was "strictly in accordance with the usages of civilized warfare." Porter made a bold assertion that "If General Pemberton is desirous that the

war should be conducted on the principle of humanity and civilization all he has to do is to issue an order to stop guerrilla warfare.”⁹⁴

Grant followed Porter’s lead lecturing Pemberton on proper decorum with an uncharacteristically lengthy letter. In it, Grant supported Porter’s authority for the policy noting that “Admiral Porter’s command over the Mississippi squadron is as complete as mine over the army in this department and that he alone is responsible for any orders he may issue.” However, Grant also confidently guaranteed that “Admiral Porter has never departed from the rules of civilized warfare and never will until driven to do so in retaliation for offenses committed by persons who by their acts cease to be entitled to the treatment due soldiers captured in legitimate warfare.” Grant also finally found a chance to voice his frustrations over Confederate guerrilla activities and took the opportunity to lend support to Porter’s stern policy. Grant lectured Pemberton and detailed his thoughts on guerrillas and the conduct of war:

There has been much done by the citizens of the Southern States that is not in accordance with any known rules of civilized warfare and for which they individually are responsible and can call for protection in their acts upon no people or Government. These are persons who are always in the guise of citizens, and on the approach of an armed force remain at their homes professing to be in no way connected with the army but entitled to all the indulgences allowed non-combatants in a country visited by an opposing army. These same persons, many of them, are ever ready to fire upon unarmed vessels and to capture and sometimes murder small parties of Federal soldiers who may be passing. I do not here instance an isolated case but a rule that seems to have been adopted, particularly in Mississippi and Arkansas. In the absence of any standard authority on this subject I believe all persons engaged in war must have about them some insignia by which they may be known at all times as an enemy to entitle them to the treatment of prisoners of war. Then their hostilities must be carried on in accordance with the rules of civilized warfare. In the absence of these two

⁹⁴ D. D. Porter to C. L. Stevenson, 2 March 1863, *OR*, Ser. 2, Vol. 5, 309-310.

conditions being fulfilled they who violate them become responsible for their own acts. I have never threatened retaliation upon those recognized as engaged in warfare against the Government for these illegal acts, and until the Southern authorities formally recognize them as their own do not propose to do so. It is not my intention nor do I believe it to be the intention of Admiral Porter to hold the innocent responsible for the acts of the guilty.

Grant closed by reiterating his support for Porter's independence of command and policy decisions, and seemingly gave his approval thereof to Porter's actions.⁹⁵

In this statement, Grant reiterated nineteenth century perceptions of how to conduct a civilized conventional war. Combatants must wear uniforms and could not hide amongst the civilian population. Furthermore, their actions must comport to the commonly held rules constraining conventional warfare. Without adhering to these conditions, they were not allowed the rights due prisoners of war. Additionally, Grant gave his tacit support to the adaptation of Union strategy to combat the irregular warfare conducted in his department. In the end, Grant reminded Pemberton that he was responsible for the conduct of Confederate forces in his jurisdiction and their illicit acts called his own honor into question.

Grant took a pragmatic approach to strategy and policy while conducting his occupation of southern territory. He was forced to confront irregular warfare with little official guidance from his superiors. Making his task more difficult was the fact that the lines between noncombatants, guerrillas, and officially sanctioned partisans often blurred. With the frustrations inherent to combating an insurgency, many in Union blue desired harsh retaliatory measures. When it came to establishing prisoner policy, at least

⁹⁵ USG to J. C. Pemberton, 2 March 1863, *OR*, Ser. 2, Vol. 5, 308-309.

one officer operating under Grant's command believed that more ruthless measures were required stating that "Any band of rebels or single person caught interfering with the railroad or telegraph, in any way, who are not regularly in the Confederate service, shoot on the spot. I don't want any prisoners of that kind."⁹⁶ Grant opted to mediate such an approach, but by the early months of 1863 he was not afraid to utilize harsh retaliatory responses when necessary and sought to escalate his hard war measures accordingly. Combating guerrillas forced Grant to merge his POW policy and strategy to work in tandem to address the challenge of victory for an occupying force.

⁹⁶ G. M. Dodge to A. Mersey, 20 July 1863, *OR*, Ser. 1, Vol. 24, Pt. 3, 538.

CHAPTER V
BLUE ON BLACK: BREAKDOWN OF THE CARTEL AND GRANT'S QUEST FOR
VICKSBURG

From the fall of 1862 to the end of June 1863, the Union struggled to achieve two objectives. First, the Union struggled to implement the new Dix-Hill Cartel after the initial surge of exchanges due to new complications arising from the Union's enlistment of African American regiments. In response to putting blue uniforms on black soldiers, the Confederate government began a tit-for-tat series of retaliations with the Union government resulting in the initial phases of the collapse of the general exchange.

Intermingled with the breakdown of the cartel was General Ulysses S. Grant's campaign for Vicksburg. Throughout his offensive operations Grant found POW policies confounding his operational strategy. The retaliation game confused Grant and his subordinate commanders as to how to implement POW policy in the field. The cartel's shortsighted selection of Vicksburg as a prisoner exchange point further complicated ongoing operations towards that very location. Moreover, the breakdown of the cartel along with Grant's decision to terminate delivery of Confederate prisoners to Vicksburg wreaked havoc on the Union's system of supply and river transportation in the western theater. This period illustrated the interplay of POW policy and operational strategy along with the use of POW policy itself as part of a larger national strategy. Grant navigated these treacherous waters always maintaining the reduction of Vicksburg as the strategic priority.

Surprisingly, with the large amount of great scholarship discussing General Grant, POWs, and the Vicksburg Campaign, no one has yet adequately addressed the strategic ramifications of POW policy. Scholars tended to construct separate narratives for the campaign and national POW policy without analyzing how the two intersected, nor did they take a closer look at how POW policy played out at the operational level. For instance, Edwin Bearss's three-volume compendium on the Vicksburg Campaign, often viewed as the standard operational history, failed to even list "prisoners of war" in the index as is the case with other prominent single-volume studies.¹ Renowned biographies followed similar approaches with compelling narratives on Grant, but contained no depth of analysis or integration of POW issues throughout the Vicksburg Campaign.²

Conversely, studies on prisoners of war achieved more of a robust discussion of POW policy and strategy. Paul J. Springer, Glenn Robins, Roger Pickenpaugh, and Charles Sanders offered compelling investigations of POW policy, especially focusing on the enlistment of African Americans in Union blue and resulting retaliations. However, these scholars approached the topic from the national level and failed to dive

¹ Here are some examples of respected operational histories of the Vicksburg Campaign: Edwin C. Bearss, *The Campaign for Vicksburg*, 3 vols. (Dayton, OH: Morningside House, Inc., 1985); Michael B. Ballard, *Grant at Vicksburg: The General and the Siege* (Carbondale, IL: Southern Illinois University Press, 2013); Michael B. Ballard, *Vicksburg: The Campaign That Opened the Mississippi* (Chapel Hill, NC: The University of North Carolina Press, 2004); Timothy B. Smith, *The Decision Was Always My Own: Ulysses S. Grant and the Vicksburg Campaign* (Carbondale, IL: Southern Illinois University Press, 2018); and William L. Shea and Terrence J. Winschel, *Vicksburg is the Key: The Struggle for the Mississippi River* (Lincoln, NE: University of Nebraska Press, 2003).

² For some examples of prominent biographies neglecting discussion of POWs, see: Ron Chernow, *Grant* (New York: Penguin Books, 2017); William S. McFeely, *Grant: A Biography* (New York: W. W. Norton & Company, 1981); and Jean Edward Smith, *Grant* (New York: Simon & Schuster, 2001).

into how such issues played out in the western theater. Most prisoner of war monographs only pulled Grant into the discussion of the breakdown of the exchange and national strategy after the fall of Vicksburg or when he becomes General-in-Chief in 1864. The major debate consuming these scholars regarded the question of culpability in the breakdown of the exchange system, usually focusing on whether or not to blame Secretary of War Edwin Stanton.³ Yet, this overlooked the fundamental component to the historiographical question—that of the notion of retaliation itself.

Lorien Foote placed the actions surrounding POWs and African American enlistment in the larger context of retaliatory principles. Once the Union made slavery a war aim and began to organize black regiments for combat duty, the Confederates responded with retaliatory measures reflective of conventional nineteenth century thought regarding the conduct of civilized warfare. Foote argued that Confederates found the usage of retaliation against Union POWs effective in coercing changes to Union policies early in the war. However, in this instance, retaliation failed to achieve the desired results. Instead of opening negotiations regarding the enlistment of slaves, these actions led to the breakdown of the entire general exchange system.⁴

³ For instance, see: Paul J. Springer and Glenn Robins, *Transforming Civil War Prisons: Lincoln, Lieber, and the Politics of Captivity* (New York: Routledge, 2015), 13-16; Paul J. Springer, *America's Captives: Treatment of POWs from the Revolutionary War to the War on Terror* (Lawrence, KS: University Press of Kansas, 2010), 87-90; Charles W. Sanders, Jr., *While in the Hands of the Enemy: Military Prisons of the Civil War* (Baton Rouge, LA: Louisiana State University Press, 2005), 145-153; and Roger Pickenpaugh, *Captives in Gray: The Civil War Prison of the Union* (Tuscaloosa, AL: The University of Alabama Press, 2009), 62-67.

⁴ Lorien Foote, "'The Sternest Feature of War': Prisoners of War and the Practice of Retaliation," in *Crossing the Deadlines: Civil War Prisons Reconsidered*, ed. Michael P. Gray (Kent, Ohio: The Kent State University Press, 2018), 92-93.

Linda Barnickel argued that the capture of black soldiers and white officers at the relatively minor Battle of Milliken's Bend brought about the end of the exchange cartel. Barnickel drew a connection between the rumors of mistreatment of the prisoners at the hands of Confederates and the Union's decision to halt exchanges. While the rumors themselves were important to shaping Union perceptions, the direct connection between Milliken's Bend and the end of the exchange cartel overstates the importance of the event. Grant ultimately accepted the rumors as exaggeration, though incidents like this surely made him aware of the Confederacy's harsh retaliatory policies. So, it wasn't really the Battle of Milliken's Bend so much as the accumulation of retaliatory policies against black soldiers and white officers which influenced Union reactions, though not in the way the Confederates had intended.⁵

James M. Gillispie conducted an in-depth analysis of the breakdown of the cartel reaching a different conclusion. Gillispie discounted the notion that Grant elected to end the exchange cartel in the spring of 1863 due to some cold-hearted calculus. He instead pointed to the Confederacy's retaliation policies focused on deterring Union enlistment of African American soldiers. Gillispie took aim at the prominent work by Charles Sanders who had alleged that Grant was part of a conspiracy to defraud the public by using the retaliation game as a smoke screen for a more nefarious attrition arithmetic. Gillispie questioned this on four major points. First, the single source for Sanders's conclusion was a vindictive General Benjamin Butler whose rendition of events was

⁵ Linda Barnickel, *Milliken's Bend: A Civil War Battle in History and Memory* (Baton Rouge, LA: Louisiana State University Press, 2013), 139.

highly suspect. Second, Grant's personal code of ethics and honorable treatment of prisoners fails to align with the mentality portrayed by Sanders. Third, blaming Grant for the national retaliation policy in 1863 gives him too much credit as he had no such power at the time to make this kind of far-reaching policy decision. The commander of the Department of the Tennessee did not wield authority over Union-wide policy formulation in Washington. Finally, if Grant was in favor of halting exchanges to let Confederate soldiers languish in Union prisons, then why would he parole over 30,000 a couple of months later after the Confederate surrender at Vicksburg?⁶ Thus, while Grant was a central component to the narrative of the breakdown of POW policy, his involvement played out in ways other than those presented in the prevailing literature. At this stage, Grant managed the politics of the exchange cartel from the field and only wielded authority over his dominion, but not beyond. In this capacity he abided by Union POW policy, but was not yet the person writing it.

As General-in-Chief, General Henry W. Halleck halted the Union offensive drive in the West in the summer of 1862 while Grant set his sights on the next major objective—Vicksburg. This Confederate stronghold overlooking a bend in the Mississippi River represented one of the last holdouts preventing Union control of the river. Obtaining free access to the waters of the Mississippi was a vital strategic objective. It allowed the Union to transport soldiers and supplies while also allowing farmers in the Midwest, whose political support was crucial to the Lincoln

⁶ James M. Gillispie, *Andersonvilles of the North: The Myths and Realities of Northern Treatment of Civil War Confederate Prisoners* (Denton, TX: University of North Texas Press, 2008), 84-89.

Administration, to utilize the riverine highways to transport goods. Furthermore, taking the river would cut the Confederacy in half and cordon off the deep south.

In the early fall of 1862, the Iuka-Corinth Campaign freed Grant to resume offensive operations. Throughout the summer, Halleck ordered Grant to consolidate territorial gains and protect the newly acquired network of railroads connecting key points, like Memphis and Corinth, throughout his theater of operations. In the lull of offensive activity, Grant awaited the next move. By mid-September, Grant sensed that the Confederates were preparing to attack the railroad hub at Corinth. Confederate General Earl Van Dorn led his forces out of Vicksburg to link up with those of Major General Sterling Price for the assault.⁷

Grant struck Price at Iuka on September 19 before the rebels were able to unite their forces. This surprise attack won the day and compelled Price to retreat. Price's army linked up with Van Dorn near Tupelo and they rallied to attack the railroad hub of Corinth. Grant again anticipated this move and prepared the fortifications around the town. The Confederate assault on the outer earthworks commenced on October 3. The Union counterattack the following day repulsed the rebels who suffered "horrendous losses." The Iuka-Corinth Campaign represented the final true offensive operation conducted by Confederate commanders standing in Grant's way of Vicksburg. Now, it was Grant's turn.⁸

⁷ Shea and Winschel, 33-34.

⁸ Ibid, 34-35.

However, prior to commencing upon new initiatives, Grant made strides towards clarifying the POW policy in his department in the aftermath of the recent victories. On October 6, Grant telegraphed both Major General Stephen A. Hurlbut and Major General William S. Rosecrans to simply “Retain all prisoners: Parole none.”⁹ He wanted to hold on to the prisoners until he better understood Union policy in the matter and appealed to Halleck for guidance as to what he should do with the prisoners captured in the Iuka-Corinth Campaign.¹⁰ The following day, Grant received the same question from General Hurlbut.¹¹

Halleck responded on October 8 directing that “Prisoners of war will be paroled and delivered to the enemy at some point within his lines. A receipted list must be taken in duplicate, and one copy sent to the Adjutant-General in order to effect an exchange.”¹² Grant forwarded Halleck’s message the following day to Hurlbut and followed it with a clarifying order to “Take all side arms from Prisoners before sending them south.”¹³ Evidently there was some miscommunication occurring between Halleck and his subordinates as to what exactly to do with the prisoners, so Grant forwarded the policy directive to Generals Grenville M. Dodge and William T. Sherman as well.¹⁴

⁹ USG to S. A. Hurlbut, 6 October 1862, *PUSG*, Vol. 6, 127n and USG to W. S. Rosecrans, 6 October 1862, *PUSG*, Vol. 6, 128n.

¹⁰ USG to H. W. Halleck, 7 October 1862, *OR*, Ser. 2, Vol. 4, 605.

¹¹ S. A. Hurlbut to USG, 8 October 1862, *PUSG*, Vol. 6, 140n.

¹² H. W. Halleck to USG, 8 October 1862, Telegrams Received, 1862-64, Box 2, RG 393, Pt. 1, Entry 4721, NA.

¹³ USG to S. A. Hurlbut, 9 October 1862, *PUSG*, Vol. 6, 140 and USG to S. A. Hurlbut, 9 October 1862, *PUSG*, Vol. 6, 140n.

¹⁴ J. A. Rawlins to G. M. Dodge, 9 October 1862, *PUSG*, Vol. 6, 141n and USG to G. M. Dodge, 9 October 1862, *PUSG*, Vol. 6, 141n.

Halleck's orders demonstrated that Union policy for handling prisoners of war shifted to what Grant essentially outlined in the aftermath of Fort Donelson. Principally, prisoners were to be paroled and delivered to the enemy's lines with the paperwork sent to a central bureaucrat to sort out who then was exchanged. This alleviated the Union from logistical burdens of transport, guarding, and care of prisoners (excepting those too wounded to travel) while also unburdening the field commander of the onerous task of overseeing this mess. Additionally significant was that this also conformed to the terms of the Dix-Hill Cartel further signifying how Grant's concepts in February presaged official policy by approximately five months.

Yet, even with the clarity of action from Halleck's instructions, Sherman observed that the cartel presented great difficulties in a war of space and movement. Sherman stated that "The Enemys [*sic*] Lines are very indefinite at this time. Holly Springs is the nearest place where I could expect to find an Officer." Sherman observed the difficulty of locating a suitable point with a receiving officer to deliver the prisoners as required in the Dix-Hill Cartel. He further complained that it would require an entire regiment to guard the prisoners during transport and, even with that many guards, numerous prisoners would still escape. Five alone escaped while transporting a group of prisoners from Columbus, Kentucky to Memphis. Also, providing guards diverted soldiers from garrisons and other ongoing operations where they were needed. Furthermore, even ignoring the drain on resources and potential for escapes, with the

fluctuating military situation it was incredibly difficult to find a suitable place to conduct the flag-of-truce for delivery.¹⁵

Sherman also observed that the cartel stipulated Vicksburg as the primary terminus for prisoners. He suggested that Grant assemble all of the POWs at Columbus prior to arranging for the transport in order to more efficiently utilize Union shipping and it was in their “interest to keep these prisoners away from Holly Springs for a while.” Sherman commented that trying to march the prisoners to Memphis for transport created security concerns which could be avoided by simply collecting them at Columbus. He feared that it could stir up public sentiment and that guerrillas wouldn’t respect the flag-of-truce.¹⁶

Grant also explained the POW policies to Major General William S. Rosecrans. On October 11, he sent Rosecrans a copy of the same directive he previously sent to Generals Hurlbut, Grenville, and Sherman.¹⁷ Grant also sent a second message clarifying and reiterating the first that “Prisoners will be paroled and sent south of our lines” and that they were rerouting prisoners to Memphis as the destination point instead of Benton Barracks.¹⁸ Rosecrans acknowledged the new directive and said he would change the destination for prisoners south to Confederate lines as Grant requested.¹⁹

A couple of days later, Rosecrans alerted Grant to a rumor he heard on “good authority” that paroled Confederate prisoners were being sent to guard and garrison duty.

¹⁵ W. T. Sherman to J. A. Rawlins, 12 October 1862, *PUSG*, Vol. 6, 141-142n.

¹⁶ *Ibid.*

¹⁷ USG to W. S. Rosecrans, 11 October 1862, *PUSG*, Vol. 6, 146n.

¹⁸ USG to W. S. Rosecrans, 11 October 1862, *PUSG*, Vol. 6, 146.

¹⁹ W. S. Rosecrans to USG, 11 October 1862, *PUSG*, Vol. 6, 146n.

If this proved true, it would be a major violation of the terms of the Dix-Hill Cartel. Rosecrans recommended sending a flag-of-truce to Oxford to investigate the matter.²⁰ The next day, Rosecrans reported “Another cause for remonstrance with the Confederate authorities” regarding a potential violation of the cartel. He received allegations that the Confederates withheld food from Union prisoners “for a day or two after they are first taken and then a very inadequate and inferior allowance.”²¹ Mistreatment like this violated notions regarding the proper conduct of civilized warfare. Later that day Rawlins instructed Rosecrans to proceed with his inquiry.²²

The shock experienced by officers in the field such as Rawlins and Rosecrans at these developments illustrated the fact that they must have been unaware of what was happening behind Union lines with their own parolees. Early in the war the Union typically discharged many of their parolees, but with the influx of parolees stemming from the Dix-Hill Cartel, the Union concluded that this would muster out too many veteran units needed in the lines. Most parolees ended up in parole camps while they awaited exchange. While in the camps, they were often assigned to busy work to keep them out of trouble and occupy their time since they were prohibited from military duties. This often included controversial aspects such as guard and police duty, which arguably violated the terms of parole. Secretary of War Edwin Stanton even attempted to organize parolees into regiments to fight in the conflict against Native Americans in

²⁰ W. S. Rosecrans to USG, 13 October 1862, *PUSG*, Vol. 6, 146-147n.

²¹ W. S. Rosecrans to USG, 14 October 1862, *OR*, Ser. 2, Vol. 4, 620.

²² J. A. Rawlins to W. S. Rosecrans, 14 October 1862, *PUSG*, Vol. 6, 147n.

Minnesota. So, it shouldn't have come to a shock to Union officers that the Confederate government took liberties with their own parolees.²³ While the issues regarding parolees mostly resolved themselves through the middle years of the war, the allegation of mistreatment of Union soldiers in captivity was a major issue that lasted the duration of the conflict and would play a major role in the coming breakdown of the exchange cartel.

Grant encountered his own concerns regarding exchanged Confederate prisoners. On October 23, it came to Grant's attention that Confederates operating under Pemberton's command were integrating exchanged Confederate soldiers into his ranks at Holly Springs.²⁴ A few days later, Grant informed Halleck that the Confederate forces were on the move and "have been reinforced with the exchanged prisoners."²⁵ The Confederates did not experience the same problems as the Union with their parolees. Confederate prisoners were quickly exchanged and then rushed back into service. The Confederacy even established camps near the front lines at Jackson, Mississippi and Chattanooga, Tennessee on November 5 to expedite the process of reforming regiments for service.²⁶ For Grant, this presented a manpower disparity as the rebels could rapidly replenish their ranks whereas the Union's system failed to meet such efficiency.

²³ Eugene Marvin Thomas, III, "Prisoner of War Exchange During the American Civil War" (PhD diss., Auburn University, 1976), 102-123 and Roger Pickenpaugh, *Camp Chase and the Evolution of Union Prison Policy* (Tuscaloosa, AL: The University of Alabama Press, 2007), 51-52.

²⁴ USG to H. W. Halleck, 23 October 1862, *PUSG*, Vol. 6, 178-179. The officer in charge of preparing exchanged Confederates for service was Brigadier General Lloyd Tilghman who had been captured at Fort Henry and subsequently exchanged. John Y. Simon, ed., *PUSG*, Vol. 6, 180n2.

²⁵ USG to H. W. Halleck, 26 October 1862, *PUSG*, Vol. 6, 197.

²⁶ Thomas, 123-124.

Furthermore, Grant began to see that the POW policy of immediate parole and delivery of the prisoners to Confederate lines meant replenishing armies he was trying to eliminate—not a terribly effective strategy.

Additional concerns lingered concerning the management of POWs in the wake of the Iuka-Corinth Campaign. Union Brigadier General Charles S. Hamilton decried the use of Iuka as a hospital for Confederate prisoners because it was too near the front and in danger of being captured. Worse yet, the prisoners, once able to walk, would often leave at will. Allowing Confederates to wander the countryside, even though on parole, presented security risks. Hamilton declared that “I wish you would suggest some plan by which the whole thing can be shifted off our hands.” He further proposed to ship them by rail overnight through Corinth to the embarkation point of Columbus for transport to Vicksburg.²⁷ Grant agreed and ordered the wounded prisoners from Iuka to be sent to Corinth under a flag-of-truce “to be disposed of.”²⁸

On October 16, Halleck again reorganized the command structure in the West and Grant was the major beneficiary. Halleck created the new Department of the Tennessee, elevating the status of Grant’s command giving him dominion over Cairo, Forts Henry and Donelson, western Kentucky and Tennessee, and anything he could grab in Mississippi. Grant now had the authority and support of Washington in taking the offensive in the West with the ultimate objective being the fortress of Vicksburg. Taking the citadel would force a Confederate withdrawal from other positions along the

²⁷ C. S. Hamilton to USG, 29 October 1862, *OR*, Ser. 2, Vol. 4, 663.

²⁸ USG to C. S. Hamilton, 1 November 1862, *PUSG*, Vol. 6, 239.

Mississippi River, thus ensuring Union control of the waterway and cutting off the western Confederacy. This campaign sought to make good on Union objectives to cordon off the heart of the Confederacy dating back to the early days of the war.²⁹

Grant's initial plan of attack for Vicksburg attempted a rather straightforward objective of cutting off railroads to Vicksburg and pinning Confederate forces outside of the citadel. The plan called for Grant to lead an advance south overland from Corinth, taking the railroad hub at Jackson which would cut off Vicksburg's main supply line and compel the Confederates to abandon their position. If they chose not to evacuate, Grant would then move on the citadel. Success hinged on Grant's gamble to rely on a single railroad line as his sole source of supply while traversing deep into enemy territory. Grant's operation commenced in the early days of November, not long after Lieutenant General John C. Pemberton was placed in command of the Department of Mississippi and East Louisiana which included the fortress at Vicksburg.³⁰

As Grant's forces marched further and further into Mississippi, it grew ever more difficult to carry out the logistics of prisoner exchanges at Vicksburg. In light of this, Grant made an attempt to renegotiate the exchange cartel's terms of delivery. On December 5, Grant notified General Pemberton that he had "several hundred Confederate prisoners who by the Dix-Hill cartel will have to be sent to Vicksburg for exchange unless by agreement they will be received elsewhere." Grant proposed that he

²⁹ Bruce Catton, *Grant Moves South* (Boston: Little, Brown and Company, 1960), 321, 328, and 331.

³⁰ Donald Stoker, *The Grand Design: Strategy and the U. S. Civil War* (Oxford: Oxford University Press, 2010), 222 and Shea and Winschel, 35-36.

should instead “deliver them at such point on the Mississippi Central road as you may suggest and where an officer of your command may be to receive and receipt for them. Or I will parole and release them here, sending rolls certified to an officer of your army to receipt if you prefer it.”³¹ Both Grant and Pemberton knew that the terms of the cartel required Grant to deliver the prisoners to Vicksburg. However, this proved quite cumbersome of a duty. It required prisoners to be transported all the way back to either Memphis or Columbus to then be ferried to Cairo for collection and then sent to Vicksburg. With Grant’s army advancing into Mississippi with a tenuous link back to safe zones of operation relying on the single rail line to Corinth, this became even more precarious.

Pemberton responded the following day in an unsurprising way. He declared that the prisoners Grant was referring to must be sick or stragglers and that, if they were sick, Pemberton preferred that they “should be kept in hospital until they can be sent for and proper receipts given.” As for the stragglers, Pemberton stated that “as the roads are in bad condition and railroad bridges destroyed I would ask to be sent to Vicksburg, Miss., as is required by terms of the cartel.”³² The Confederates burned many of the bridges to slow the Union advance, but this point did not absolve Grant of his requirement to deliver prisoners to Vicksburg even if that happened to be more convenient for Pemberton.

³¹ USG to J. C. Pemberton, 5 December 1862, *OR*, Ser. 2, Vol. 5, 27.

³² J. C. Pemberton to USG, 6 December 1862, *OR*, Ser. 2, Vol. 5, 32.

The cartel provided the opportunity to renegotiate the terms regarding designated exchange points. Article Seven stipulated that if “vicissitudes of war shall change the military relations of the places designated” prisoners may be delivered as close to the original point as conveniently possible if *both* parties agreed.³³ Pemberton knew Grant was trying to find an easy way out and, having the upper hand in negotiations, called on Grant to honor the terms of the original agreement. The fact that Grant would even make such a request demonstrated how precarious the logistic situation must have become for him during the advance south. It also illustrated an oversight in the brief negotiations for the exchange cartel in that the Union agreed to a fixed collection point without contemplating the future difficulty this would have. The fact that there would be a future offensive operation with the objective of capturing Vicksburg would have come as no surprise at the time of the cartel’s negotiation, yet fixing this point was clearly an oversight with larger consequences.

Unfortunately for Grant, he twice gambled and lost in Mississippi in December 1862. The first loss was his attempt to renegotiate the terms of delivery with Pemberton. The other was his gamble on a single lifeline for his incursion into Mississippi. Confederate raids by Brigadier General Nathan Bedford Forrest's cavalry tore up the rail line supplying Grant's army during last two weeks of December. To make matters worse, on December 20 Major General Earl Van Dorn led a successful attack on Grant's main forward supply depot at Holly Springs. The cumulative effect of these raids forced Grant

³³ Dix-Hill Cartel, 22 July 1863, *OR*, Ser. 2, Vol. 4, 266-268.

to retreat back north and develop a new plan for Vicksburg. Grant lost on both bets and it ended up costing him the entire operation.³⁴

With the intensity of the war escalating throughout 1862, the Lincoln Administration had to come to terms with larger political and strategic objectives—namely the primary cause of the war. Lincoln walked a fine line with his handling of slavery, but the time had come to confront it. In September Lincoln issued his Preliminary Emancipation Proclamation warning the southern states that the Union would take a hard line on the issue of slavery. On January 1, 1863, Lincoln signed the Emancipation Proclamation making the destruction of the institution of slavery a central war aim. This targeted both the primary cause of the war and a growing manpower need for the Union. The North had been utilizing African Americans in the war effort in primarily noncombat duties since the beginning of the war. In the latter months of 1862, the Union commenced with a concerted effort for black recruitment and began forming enlisted African Americans into regiments in the first half of 1863. This came at a time when the Union needed a manpower boost.³⁵

The Confederate response to these efforts was predictable. Confederates perceived Union incorporation of African American military units as a design to incite slaves to revolt across the South. Of course, empowering African Americans as soldiers and affording them equal treatment to whites would also have been construed as

³⁴ Stoker, 223-224.

³⁵ Allan R. Millett, Peter Maslowski, and William B. Feis, *For the Common Defense: A Military History of the United States from 1607 to 2012*, 3rd ed. (New York: Free Press, 2013), 176, 181-183, and 184.

antithetical to the foundations of the Confederacy and the norms of southern society. As such, the Confederate government took a harsh stance in opposition. On August 21, 1862, they issued General Orders No. 60 threatening that “any other commissioned officer employed in drilling, organizing or instructing slaves with a view to their armed service in this war, he shall not be regarded as a prisoner of war but held in close confinement for execution as a felon at such time and place as the President shall order.”³⁶ This meant that white officers in command of any black troops would no longer be entitled to the rights of a prisoner of war, but instead be subject to execution as would a felon inciting a slave uprising.

Confederate President Jefferson Davis further escalated the retaliatory measures in a proclamation on December 24, 1862. Davis charged Union General Benjamin Butler with the murder of a Confederate citizen during the Union occupation of New Orleans. Davis’s retaliatory order targeted POW policy and declared that “no commissioned officer of the United States taken captive shall be released on parole before exchange until the said Butler shall have met with due punishment for his crimes.” Davis utilized the Butler incident to build a case for retaliation in response to the enlistment of African Americans. Davis further called for “all negro slaves captured in arms be at once delivered over to the executive authorities of the respective States to which they belong to be dealt with according to the laws of said States.” Davis’s policy changes meant that

³⁶ General Orders No. 60 (Confederate), 21 August 1862, *OR*, Ser. 2, Vol. 4, 857.

white officers of black units would not be exchanged and black soldiers would be returned to states to face punishment and, potentially, enslavement or execution.³⁷

The Union implemented a major change in their POW policy in response to Davis's declaration. On Christmas Day, Brigadier General Grenville M. Dodge at Holly Springs asked Grant a very typical question as to whether he could send prisoners through the lines. Grant offered the standard reply ordering him to "Parole the prisoners you have and turn them loose. Send a complete roll of them to the Adjutant-General of the Army and retain a copy."³⁸ However, this was quickly countermanded on December 30 when Grant received new orders from General Halleck stating that "No officers, prisoners of war, will be released on parole till further orders."³⁹ Grant later forwarded these orders to Major General Stephen A. Hurlbut at Memphis, Tennessee and included directions to immediately forward this directive to the commanding officer at Vicksburg as well.⁴⁰ On January 3, Grant reiterated that prisoners were still to be sent to Cairo for holding until they could be transferred to Vicksburg.⁴¹ Grant took the matter so seriously as to even issue orders for cartel transfer ships stating that "If boat has started bring them back."⁴²

³⁷ General Orders No. 111 (Confederate), 24 December 1862, *OR*, Ser. 2, Vol. 5, 795-797.

³⁸ G. M. Dodge to USG, *OR*, Ser. 1, Vol 17, Pt. 2, 482-483 and USG to G. M. Dodge, 25 December 1862, *OR*, Ser. 1, Vol. 17, Pt. 2, 482.

³⁹ H. W. Halleck to USG, 31 December 1862, Telegrams Received, 1862-64, Box 2, RG 393, Pt. 1, Entry 4721, NA.

⁴⁰ Grant received the new orders on January 2. USG to S. A. Hurlbut, 5 January 1863, *PUSG*, Vol. 7, 181-182.

⁴¹ USG to J. C. Sullivan, 3 January 1863, *PUSG*, Vol. 7, 182n.

⁴² J. A. Rawlins to S. A. Hurlbut, 5 January 1863, *PUSG*, Vol. 7, 182n. Similar messages also distributed to Brigadier General Mason Brayman and Brigadier General Grenville M. Dodge, and Brigadier General Jeremiah C. Sullivan.

With the start of the new year, the Union terminated the paroling and exchanging of Confederate officers. In a message to Major General Samuel R. Curtis, Halleck explained the policy shift as simply retaliation in response to the Confederacy's refusal to parole and exchange Union officers. He firmly declared that the Union would not release any more Confederate officers "till this question is settled." Halleck closed the message by redirecting attention back to the larger strategic objectives stating that "The most important move now is to open the Mississippi and you will give all possible aid to that object."⁴³ In his communication with Curtis, Grant also surmised that the halting of officer exchanges occurred "in retaliation for the course pursued by Southern authorities toward our prisoners."⁴⁴ In the midst of the campaign for Vicksburg, this was the first major signpost signaling the downfall of the exchange cartel.

Even though the Union halted officer exchanges, they still conducted exchanges for enlisted men and an intriguing incident occurred whereby the Confederates actually refused to take back some of their own soldiers. On January 4, Major General Stephen A. Hurlbut informed Grant that the Confederates refused to accept 1,000 prisoners on a steamer at Vicksburg on account that seven of them had small pox. Hurlbut quarantined the sick and scrubbed the ship to stem the spread of disease. However, he did not want the remainder of the prisoners returned to him for fear of infection and the fact that the Union was running short on hospital space and guards.⁴⁵ The following day, Grant

⁴³ H. W. Halleck to S. R. Curtis, 4 January 1863, *OR*, Ser. 2, Vol. 5, 150.

⁴⁴ USG to S. R. Curtis, 10 January 1863, *OR*, Ser. 2, Vol. 5, 180.

⁴⁵ S. A. Hurlbut to USG, 4 January 1863, Telegrams Received, 1862-64, Box 1, RG 393, Pt. 1, Entry 4721, NA.

directed Hurlbut to parole the prisoners. After making a list of the prisoners, Hurlbut was to provide them with rations for three days and drop them off at a convenient point below the city. The small pox patients were to be sent “where you deem best into Arkansas, or down the river.” A couple months prior, it was Pemberton who demanded prisoners be returned directly to Vicksburg. In this instance, Grant was the one who wanted to deliver them as close as possible to the exchange point. Though, with attacks commencing upon the fortress at Vicksburg, Pemberton probably didn’t want to introduce small pox into the closed environment which could easily spread and singlehandedly reduce the garrison there.⁴⁶

Throughout these developing events, Grant also faced challenges regarding his Vicksburg campaign. With the Mississippi River closed to Union shipping, farmers in the Midwest clamored for action. In mid-1862, Lincoln approved a separate offensive against Vicksburg in order to appease a political general and war Democrat, John A. McClernand. Being from Illinois, the shrewd politician-soldier offered to raise regiments from the Midwest and lead the expedition himself. This special operation existed outside the normal chain of command and caught the ire of both Grant and Halleck. However, Halleck’s cleverly constructed phrasing of orders and later reorganization of Grant’s department ended up providing Grant oversight of McClernand’s operation.

Once Halleck provided Grant with authority over the expedition, Grant rushed to get the operation off without McClernand’s knowledge. He ordered General William T.

⁴⁶ USG to S. A. Hurlbut, 5 January 1863, *PUSG*, Vol. 7, 181.

Sherman to command the expeditionary force raised by McClernand and to launch an amphibious raid against Vicksburg. Sherman was to sail down the Mississippi to the Yazoo River and land his forces at Haynes' Bluff, about fifteen miles north of Vicksburg. From there he would march inland to link up with Grant's forces to cut the railroad between Jackson and Vicksburg. Sherman's flotilla left Memphis on December 20. Unfortunately, Grant could not inform him about the failure of his overland portion of the two-pronged offensive. Thus, Pemberton's army was in place to repel Sherman's assault, which compelled Sherman's withdrawal on December 31.⁴⁷

McClernand learned of Sherman's expedition when he arrived in Memphis on December 30 and promptly set out to take charge of "his" army. He met up with the expedition near Milliken's Bend on January 4, 1863 and assumed command. He promptly ordered an assault against the nearby Confederate position at Arkansas Post. Union forces took the fort there on January 11. McClernand wanted to continue his conquest of the Trans-Mississippi, but low water levels in the Arkansas River prevented this. He settled for sending a raiding force up the White River into eastern Arkansas. When Grant learned of McClernand's "wild goose chase," he informed Washington and received permission to relieve McClernand from command. Grant then left for Arkansas to assume command of the expeditionary force in person.⁴⁸

The ongoing operations in Grant's department created additional confusion over how to proceed with prisoner exchanges. On January 10, while traveling down the river

⁴⁷ Shea and Winschel, 39, 41-43, 45-46, and 54.

⁴⁸ Ibid, 55-59.

to join the wayward expedition, Grant encountered some transports loaded with prisoners under orders from Sherman to return north to St. Louis. Grant was puzzled that the Confederate commander at Vicksburg refused to accept these prisoners. He speculated that this was “in consequence of the attack having commenced before their arrival.” Grant also noted that he was “opposed to sending any more prisoners to Vicksburg just at this time, however, if I knew they would be received because they would go at once to re-enforce the very point we wish to reduce.”⁴⁹ In the midst of the chaos in his department, Grant was beginning to see how POW policy under the Dix-Hill Cartel directly impacted his operational strategy. Sherman’s attack on Vicksburg meant that they needed to reroute prisoner transports. It also meant that utilizing Vicksburg as an exchange point resulted in the Union sending reinforcements to the citadel while they were working towards the exact opposite goal of reducing the garrison there.

In a dispatch written on January 14, McClelland echoed Grant’s concerns over POW policy. He observed that “it would seem to me criminal to send the prisoners to Vicksburg if they may be properly sent elsewhere. To send them there would be to re-enforce a place with several thousand prisoners at the moment we are trying to reduce it.” In lieu of clear direction on the matter, he concluded that St. Louis, where the headquarters of the commissioner for the exchange of prisoners was located, seemed like a reasonable solution.⁵⁰ Grant clarified the policy changes for McClelland responding that he was to cease all paroles of officers. Furthermore, since the Confederates refused

⁴⁹ USG to S. R. Curtis, 10 January 1863, *OR*, Ser. 2, Vol. 5, 180.

⁵⁰ J. A. McClelland to USG, 14 January 1863, *OR*, Ser. 2, Vol. 5, 176.

to receive a prior shipment of prisoners at Vicksburg, no more would be sent. Instead, he directed McClernand to release them on parole in Arkansas or send them to Memphis for “disposal.”⁵¹

Coordinating the assault on Vicksburg, like at Fort Donelson, consumed the logistic capabilities of Grant’s department. With the retaliation in effect, more and more prisoners entered the Union prison system which needed transportation, guards, and facilities to manage them. Furthermore, with complications regarding the exchange point, more river traffic was tied up in shifting prisoners. On January 23, Major General Stephen R. Curtis notified Grant that he was having trouble figuring out what to do with all of the prisoners arriving in St. Louis. Curtis elaborated on the difficulties stating that “I have them on Arsenal Island without shelter. I am obliged to put them where a small guard will do, for I have sent everything down to help you in the down river matters.”⁵² Curtis also sought help from Colonel William Hoffman, Commissary-General of Prisoners, who instructed Curtis to send the prisoners to Camps Morton and Butler.⁵³ Brigadier General James M. Tuttle at Cairo also sent Grant several inquiries across the first two weeks of January asking where to send thousands of prisoners since they were no longer to go to Vicksburg. Grant instructed Tuttle to send them to Benton Barracks at

⁵¹ USG to J. A. McClernand, 14 January 1863, *PUSG*, Vol. 7, 223-224. See also: J. Hildebrand to W. Hoffman, 15 January 1863, *OR*, Ser. 2, Vol. 5, 179-180.

⁵² S. R. Curtis to USG, 23 January 1863, *PUSG*, Vol. 7, 229n.

⁵³ S. R. Curtis to W. Hoffman, 23 January 1863, *OR*, Ser. 2, Vol. 5, 203 and W. Hoffman to S. R. Curtis, 23 January 1863, *OR*, Ser. 2, Vol. 5, 203-204.

St. Louis.⁵⁴ Offensive operations towards Vicksburg, retaliation policies, and complications from the exchange system caused chaos in rear echelon prisoner logistics.

The question of what to do with prisoners in the West eventually involved the Quartermaster-General. It was clear that sending prisoners to Vicksburg was untenable. As such, Quartermaster-General M. C. Meigs and Hoffman needed to figure out what to do with them. They decided to send only the one transport of enlisted soldiers from Saint Louis across the country to the eastern delivery point of Richmond, Virginia.

Transporting them across the country entailed a steamer ship up the Ohio River to transfer for a train to Baltimore and then another ship to sail to City Point. However, this resulted in great expense. With the exchange point at Vicksburg shut down due to ongoing operations, Meigs wanted to find a way to keep the prisoners in the west or find an alternate western exchange point. He even questioned whether or not they could be “delivered on any day under flag of truce when battle is not actually formed.” Hoffman concurred that without finding a new agreement for delivery, the prisoners would be very costly and put great constraints on the prison and transportation systems.⁵⁵

Throughout February and the debate over what to do with prisoner in the west, Grant tried various schemes to land his forces south of the Confederate Gibraltar. Well placed batteries on the bluffs made this the ideal strategic position to control the river

⁵⁴ J. M. Tuttle to USG, 7 January 1862, *PUSG*, Vol. 7, 229n1; USG to J. M. Tuttle, 7 January 1862, *PUSG*, Vol. 7, 229n1; J. M. Tuttle to USG, 12 January 1862, *PUSG*, Vol. 7, 229n1; J. M. Tuttle to USG, 15 January 1862, *PUSG*, Vol. 7, 229n1; and J. A. Rawlins to J. M. Tuttle, 17 January 1862, *PUSG*, Vol. 7, 229-230n1.

⁵⁵ M. C. Meigs to R. Allen, 4 February 1863, *OR*, Ser. 2, Vol. 5, 238; M. C. Meigs to W. Hoffman, 4 February 1863, *OR*, Ser. 2, Vol. 5, 238-239; and W. Hoffman to M. C. Meigs, 6 February 1863, *OR*, Ser. 2, Vol. 5, 248-249.

and meant that any river traffic attempting to pass below would be an easy target. Thus, Grant couldn't risk running the batteries with river transports, but instead needed to find a location south of the citadel to land his forces. He attempted to utilize engineers to create operational possibilities with canals, levees, and diverting waterways, but these efforts ultimately all failed to deliver. Grant's thoughts then turned to an alternate idea of marching his army overland along the western banks of the Mississippi River and then crossing below the citadel at a convenient point. However, this would have to wait as the very wet winter made such a movement through rain-soaked Louisiana impossible.⁵⁶

On the last day of February, Halleck issued new guidelines for paroles in General Orders No. 49, which were widely circulated to Union and Confederate commanders.⁵⁷ The new policy detailed the conditions of parole, who was authorized to sign for them, and how they were legitimated by the respective governments. One very important detail stood out in the new directive. Halleck decided to put an end to battlefield paroles and even went on to explain that "No paroling of entire bodies of troops after a battle and no dismissal of large numbers of prisoners with a general declaration that they are paroled is permitted or of any value." This is interesting in that it conflicted with Grant's notion that had been developing since Fort Donelson of how to successfully manage major victories. After his experience in Tennessee, Grant came to believe that issuing paroles in the field, especially considering the logistics of tens of thousands of prisoners after a

⁵⁶ Stoker, 245 and Shea and Winschel, 61-62.

⁵⁷ A month later, Grant also distributed a number of copies to Confederate Commanders so that they would circulate the policy and be aware of it. USG to Commanding Officer Confederate Forces, 28 March 1863, *OR*, Ser. 2, Vol. 5, 400.

major victory, could prove of immense value to commanders.⁵⁸ This also dashed the hopes of Quartermaster-General Meigs who liked the idea of battlefield paroles and their money-saving potential. Furthermore, Halleck's order went against the terms of the cartel which specifically allowed for such actions. However, while battlefield paroles may be seen as beneficial by field commanders, they are difficult to manage from higher administrators and central bureaucrats. With all of the paperwork, prisoners, and parolees to manage and shifting policies regarding retaliation and exchange, discontinuing battlefield paroles could potentially bring some order to the chaos.

In early April, as Grant searched for a way to attack Vicksburg, Major N. G. Watts, the Confederate Agent for the Exchange of Prisoners at Vicksburg, tried to reopen the general exchange in the west. Watts complained about having to deliver Union prisoners to New Orleans "on account of General Grant's refusal to receive them."⁵⁹ General Sherman agreed that "It must be inconvenient to our prisoners to go to New Orleans, where they can only reach us by a sea voyage."⁶⁰ Grant clarified his policy of exchange to Watts stating that he had "no objections to a free exchange of prisoners, at this place, but unless required to do so I will not receive 'paroled prisoners' to be exchanged hereafter unless the officers are allowed to accompany them."⁶¹ Grant parried the blame lobbed at him by Watts and instead argued that the exchanges stopped due to Confederate policies regarding retaliation against Union officers. Sherman later

⁵⁸ General Orders No. 49, 28 February 1863, *OR*, Ser. 2, Vol. 5, 306-307.

⁵⁹ W. T. Sherman to USG, 4 April 1863, *OR*, Ser. 2, Vol. 5, 431-432 and N. G. Watts to W. T. Sherman, 4 April 1863, *OR*, Ser. 2, Vol. 5, 432.

⁶⁰ Endorsement of W. T. Sherman, 4 April 1863, *OR*, Ser. 2, Vol. 5, 432.

⁶¹ USG to W. T. Sherman, 4 April 1863, *PUSG*, Vol. 8, 23.

explained Grant's reasoning to Watts more fully stating that Grant was "perfectly willing to exchange prisoners of war according to the Dix-Hill cartel" but refused on account that he believed Pemberton would send enlisted men without their officers. Sherman specified that Grant "thought this unfair to our officers who were at one time threatened with punishment as criminals under state laws. If you have any prisoners of war for exchange I undertake they will be received if not coupled with any condition other than that contained in the cartel."⁶² Sherman later explained that, as he saw it, the terms of the cartel required that officers be exchanged with their soldiers and failure to do so constituted a major violation by the Confederacy. He pledged that Grant would abide by the terms of the cartel, but not by any Confederate stipulations.⁶³ This laid the blame for the breakdown of exchanges not at Grant's feet over the exchange location debate, but passed responsibility on to the Confederate government for violating the Dix-Hill Cartel. Of course, this battle was part of the larger war over the enlistment of black soldiers and Confederate retaliation.

By the middle of April, the time had finally come for Washington to sort out the chaos of prisoner exchanges. On April 12, Sherman informed Grant that Adjutant-General of the Army Lorenzo Thomas would send orders regarding whether "it be proper to receive prisoners of war under the old cartel." Rumors circulated in Northern newspapers that there would be a renewal of the general exchange, leading Sherman to conclude that "there must be some truth in it." However, he remained skeptical because

⁶² W. T. Sherman to N. G. Watts, 4 April 1863, *OR*, Ser. 2, Vol. 5, 432-433.

⁶³ W. T. Sherman to J. A. Rawlins, 8 April 1863, *OR*, Ser. 2, Vol. 5, 448-449.

“Major Watts told me distinctly he had orders not to exchange officers and sent me word to-day that he had nothing new on this subject.”⁶⁴ The next day, Grant notified Watts that the Adjutant-General gave his approval to receive POWs for exchange even if they did not have their officers accompanying them. Yet, Grant felt the need to further explain his position arguing that Confederate policy of withholding officers was a clear violation of the Dix-Hill cartel, which stipulated that captured prisoners be sent to an agreed upon place of exchange within 10 days. Grant believed this negated his obligations to reciprocate the terms of the agreement. However, General Thomas concluded that since exchanges of soldiers without officers continued in the East, this would be followed at some point with exchanges including the officers. So, Grant reinstated limited exchanges.⁶⁵ The new directive forced Grant to reverse the policy he just established for exchanges.

With spring upon him, Grant continued his quest for Vicksburg. He searched a number of waterways and bayous for a suitable landing area near the fortress, but eventually concluded that he would have to move his force along the western side of the Mississippi River and utilize a crossing point south of the citadel in the Vicksburg-Port Hudson corridor. He settled on a landing site a few miles north of a Confederate garrison at Grand Gulf. Grant directed subsidiary operations to run feints at Vicksburg and cavalry raids into Mississippi to distract Confederate forces from his attempt to land his army across the mighty river. Unfortunately, the batteries at Grand Gulf on April 29

⁶⁴ W. T. Sherman to USG, 12 April 1863, *OR*, Ser. 2, Vol. 5, 471.

⁶⁵ USG to N. G. Watts, 13 April 1863, *OR*, Ser. 2, Vol. 5, 476.

proved too much for Union naval forces. This forced Grant to adapt his plan and he located an alternate landing at Bruinsburg, ten miles south of Grand Gulf. Once a beachhead was secured, Grant attacked the Confederate position at Port Gibson.⁶⁶

These initial battles demonstrated the reliance Grant had upon the navy to supply his army which was now landed deep in enemy territory without an overland supply route. On May 1, following his victory at the Battle of Port Gibson, Grant appealed to Acting Rear Admiral David D. Porter to take charge of several hundred prisoners and issue them rations until they could be sent north. Grant pleaded that “I am compelled to request this owing to the lack of provisions with my command in the field.” He even admitted that he couldn’t spare the personnel to make proper rolls of the prisoners and requested that Admiral Porter do this as well. Grant ominously closed his message stating that “we expect to take more prisoners to morrow [*sic*].”⁶⁷ Grant planned to continue the advance into the heart of Mississippi.

Grant found other challenges as his armies approached Vicksburg. In one instance on May 9, Grant had to reprimand a subordinate, Brigadier General Michael K. Lawler, for issuing unauthorized paroles for two prisoners. Grant scolded the General that paroling the prisoners without sending them to a designated place of exchange was a clear violation of General Orders No. 49 and the Dix-Hill Cartel which rendered the parole void. Furthermore, allowing the prisoners to be “running loose throug[h] our

⁶⁶ Stoker, 262-265.

⁶⁷ USG to D. D. Porter, 1 May 1863, *PUSG*, Vol. 8, 139.

camp is giving the enemy an advantage which they pay men for risking their lives to obtain. I want no more liscenced [*sic*] spies within our lines.”⁶⁸

That same day, Grant also had to continue revising the logistics of managing prisoner transports due to the chaos caused by the campaign for Vicksburg in the region. Thinking strategically, Grant ordered that Milliken’s Bend be set as a temporary collection point for all prisoners. Grant wanted to avoid sending them north because they would then have to enter the long logistics train to be transferred to the eastern exchange point at great cost. Grant concluded that he “prefer[red] keeping them where they are until the fate of Vicksburg is settled and then paroling them at the nearest southern Military Post to us. To releive [*sic*] them now they might be able to give information of value to the enemy.”⁶⁹ Grant determined to bend POW policy to operational strategy. He would release the prisoners at a time and place convenient to his ongoing campaign.

Victory at Port Gibson forced the Confederates to abandon Grand Gulf and retreat north to join the main body of Pemberton’s army. Grant established the preferred port at Grand Gulf as his base of operations for the remainder of the campaign. Due to the constraints of geography, a direct approach from Grand Gulf to Vicksburg would be a battle of attrition which could bleed Grant’s army to death. Instead, he took an indirect approach moving northeast towards Jackson utilizing the Big Black River to shield his army from Pemberton’s. His objective was to cutoff the main railroad line supplying Vicksburg. Once accomplished, he would turn west towards the citadel. From May 1 to

⁶⁸ USG to M. K. Lawler, 9 May 1863, *PUSG*, Vol. 8, 184-185.

⁶⁹ USG to J. C. Sullivan, 9 May 1863, *PUSG*, Vol. 8, 185n.

May 17, Grant's Army of the Tennessee fought five battles and marched over two hundred miles. The string of victories at Port Gibson, Raymond, Jackson, Champion Hill, and the Big Black River Bridge drove Pemberton's army back behind Vicksburg's earthworks. However, even in victory, Grant had to continuously worry about attack from another Confederate army operating in the area led by General Joseph E. Johnston. President Jefferson Davis ordered Johnston to assist Pemberton in defeating Grant's invasion force in the midst of the string of battles. However, the two Confederate generals failed to coordinate their movements or unite their forces and Grant won the field while Pemberton retreated to Vicksburg.⁷⁰

With his forces marching rapidly through Mississippi in the tense campaign to outwit Johnston and Pemberton, his string of victories exacerbated the problem of managing numerous Confederate prisoners. On May 17, Grant decided to parole all of the wounded prisoners and leave them behind while moving the rest of the prisoners forward with the army towards Vicksburg.⁷¹ The next day, he ordered the officer commanding at Edwards Station to "march your command with all prisoners in your charge, on the Vicksburg road as far as Mt Albans and there await further orders."⁷² That same day Brigadier General George F. McGinnis, tasked with overseeing a large group of prisoners, informed Grant that it would be "impossible" for him to move his command at present. The Confederate doctor needed at least another day as they had

⁷⁰ Shea and Winschel, 116-120 and Ballard, *Grant at Vicksburg*, 1 and 9-12.

⁷¹ USG to G. F. McGinnis, 17 May 1863, *PUSG*, Vol. 8, 233-234.

⁷² USG to Officer Commanding (Edwards Station, MS.), 18 May 1863, *PUSG*, Vol. 8, 234n.

“about 5 or 6 hundred rebel wounded (most of them badly) to parole and have to copy each one with a pen as we have no printed blanks.” Worse yet, rations were running low with Grant’s extended supply lines and foraging proved difficult. McGinnis complained that “We succeeded in getting but one days rations for our men and about enough for one meal for the prisoners last night and no prospect of getting more today.”⁷³

On May 19, Grant felt the surge of victory and made the ill-fated decision to make a hasty assault on Vicksburg. Anticipating success, Grant felt confident enough to order all of the prisoners forward to his location at the front near the citadel. He declared that “if we are not in possession of the city when they arrive,” the prisoners could be transferred to Youngs Point, Louisiana since the Union now controlled the Mississippi River above Vicksburg. John A. Rawlins declared that moving the prisoners in conjunction with securing the area in the Union rear around the Big Black River was of the “highest importance.”⁷⁴ Unfortunately for Grant, his attack on Vicksburg completely fell apart and failed to achieve any sort of victory that day.⁷⁵

In the wake of the failed assault, Grant paused for two days to strengthen his position and give his forces time to prepare. In the lull of activity, Grant received word that the Secretary of War Edwin Stanton issued a new policy that “no Confederate prisoners of war will be released on condition of taking the oath of allegiance” without

⁷³ G. F. McGinnis to J. A. Rawlins, 18 May 1863, *PUSG*, Vol. 8, 234n.

⁷⁴ J. A. Rawlins to A. P. Hovey, 19 May 1863, *PUSG*, Vol. 8, 241n; USG to G. F. McGinnis, 19 May 1863, *PUSG*, Vol. 8, 242-243; and USG to Officer in Charge of Prisoners (Edwards Station, MS.), 19 May 1863, *PUSG*, Vol. 8, 243n.

⁷⁵ Ballard, *Grant at Vicksburg*, 12-13.

special authorization.⁷⁶ Thus, the policy of offering paroles for the oath was ended. This was another step towards the end of the exchange cartel.

Two days later, Grant ordered another assault on Vicksburg. This attack too failed to breach the fortifications and resulted in high casualties. Grant's casualties totaled 3,199 killed, wounded, and missing. Confederate numbers have been estimated at around 500.⁷⁷ Grant later reported on the situation noting that "Vicksburg is now completely invested. ... The nature of the ground about Vicksburg is such that it can only be taken by a siege. It is entirely safe to us in time, I would say one week, if the enemy do not send a large army upon my rear. With the railroad destroyed to beyond Pearl River, I do not see the hope that the enemy can entertain of such relief." After the losses, Grant knew that only a siege would bring victory at Vicksburg. Though, Johnston's marauding army still loomed in the background of his thoughts. While Grant proved correct that Johnston's army would not be much help to Pemberton, he terribly underestimated the amount of time the siege would take. At the end of the report Grant closed with a straightforward question illustrating the confusion that the Vicksburg Campaign caused: "What shall I do with the prisoners I have?"⁷⁸

With the siege underway, Grant returned his attention to transporting prisoners. On May 24, Rawlins issued Special Orders No. 139 dispatching Colonel Clark B. Lagow to ferry all of the prisoners "captured in recent battles and now at or in the vicinity of

⁷⁶ W. Hoffman to USG, 20 May 1863, Letters Received, 1863-67, Box 2, RG 393, Pt. 1, Entry 4720, NA.

⁷⁷ Ballard, *Grant at Vicksburg*, 21.

⁷⁸ USG to H. W. Halleck, 22 May 1863, *OR*, Ser. 1, Vol. 24, Pt. 1, 37.

Young's Point, La.” to Memphis awaiting further instructions as to the final disposition of the prisoners from Halleck.⁷⁹ The following day, Halleck sent out a directive to all major department commanders that “No Confederate officers will be paroled or exchanged till further orders. They will be kept in close confinement and be strongly guarded. Those already paroled will be confined.”⁸⁰ The next day, Halleck gave Grant more specific instructions to “send captured officers to Sandusky and soldiers up the river for Camp Douglas or Fort Delaware. I will tell you which place tomorrow. Officers and men should be immediately separated.”⁸¹ On the 29th of May, Hurlbut sought further guidance from Halleck illustrating the constraints that operations towards Vicksburg put upon the logistics of the Union prisoner system: “Forty-five hundred prisoners from Vicksburg have arrived this morning. Where shall I send them? General Grant has called for all spare infantry from this corps and I can scarcely furnish more than transportation guard by river and obey his late order.”⁸² Later that day Halleck simply instructed that officers were to be sent to Sandusky and split the soldiers evenly between Indianapolis and Fort Delaware. Halleck did not offer any advice as to the lack of available resources for conducting the transfer.⁸³

One of the major debates not only facing Grant’s Department of the Tennessee, but also the entire general prisoner exchange, began with an alleged incident at

⁷⁹ Special Orders No. 139, 24 May 1863, *OR*, Ser. 2, Vol. 5, 695-696.

⁸⁰ H. W. Halleck to S. A. Hurlbut, 25 May 1863, Telegrams Received, 1862-64, Box 2, RG 393, Pt. 1, Entry 4721, NA.

⁸¹ H. W. Halleck to S. A. Hurlbut, 26 May 1863, Telegrams Received, 1862-64, Box 2, RG 393, Pt. 1, Entry 4721, NA.

⁸² S. A. Hurlbut to H. W. Halleck, 29 May 1863, *OR*, Ser. 2, Vol. 5, 717.

⁸³ H. W. Halleck to S. A. Hurlbut, 29 May 1863, *OR*, Ser. 2, Vol. 5, 717.

Milliken's Bend, Louisiana. On May 1, the Confederate Congress finally authorized President Jefferson Davis's policy announced four months prior of re-enslaving or executing captured black soldiers and their white officers, though with the caveat that it would be the Confederate government's responsibility to deal with the prisoners and not be left to the states. In response, the Union War Department suspended exchanges and held Confederate prisoners as hostages for retaliation. It did not take long for rebels to put the new policy into action.⁸⁴

In early June, Confederate forces in the Trans-Mississippi organized a diversionary attack against Grant's subsidiary staging positions on the west side of the Mississippi River. Brigadier General Richard Taylor ordered assaults at a string of Union camps at Milliken's Bend, Young's Point, and Lack Providence. Earlier in the campaign these locations were bustling staging areas, but now they served functions less crucial to the success of the operations primarily training new black regiments. Taylor ordered Major General John G. Walker's Texas division to attack Milliken's Bend on June 7. Walker's troops raised the "black flag" indicating there would be no quarter for African American soldiers in blue. Rebels found some success in the engagement at Milliken's Bend as Union soldiers eventually fled in retreat to the support from Union gunboats. However, the naval fire power also forced Walker to withdraw. After the battle, a number of black Union soldiers were missing, captured by the rebels as runaway slaves. In the end, the rebels failed to dislodge Union forces from any of the

⁸⁴ James McPherson, *Battle Cry of Freedom: The Civil War Era* (Oxford: Oxford University Press, 1988), 792.

three camps and these engagements remained relatively minor incidents in the larger ongoing siege.⁸⁵

However, on June 10, Charles A. Dana, the Secretary of War's representative at Grant's headquarters, reported a rumor regarding the possibility to Washington "that the rebels murdered their negro prisoners." Dana informed Washington that, according to Admiral Porter, five or six Union prisoners captured during the recent engagement at Milliken's Bend "were hanged at Delhi in the presence of General Taylor and his forces, drawn up in hollow square for the purpose." The executed soldiers were both black and white. Dana also reported that a white sergeant taken at Perkins' plantation was hanged as well.⁸⁶ Though the Confederacy threatened such retaliatory actions, if true, this news would still have been shocking.

Grant was aware of the rumor that "a white captain and some negroes" captured at Milliken's Bend "were hanged soon after at Richmond" along with the white sergeant from Perkins' plantation. Grant alerted Taylor to the fact that his forces respected the Confederates they captured at Milliken's Bend as prisoners of war even though "they were caught fighting under the 'black flag of no quarter.'" However, Grant assured Taylor that he held no ill will and vowed not to retaliate for the irresponsible actions of a few wayward rebels. Even still, Grant pressed Taylor to account for whether or not it was official Confederate policy "of any troops to show 'no quarter,' or to punish with

⁸⁵ Shea and Winschel, 162-165 and Ballard, *Grant at Vicksburg*, 64-69

⁸⁶ C. A. Dana to E. M. Stanton, 10 June 1863, *OR*, Ser. 1, Vol. 24, Pt. 1, 95-96 and C. A. Dana to E. M. Stanton, 21 June 1863, *OR*, Ser. 1, Vol. 24, Pt. 1, 105.

death prisoners taken in battle” and noted that he would “accept the issue” if that were the case.

Grant also warned that he would not tolerate any differentiation of treatment to black soldiers and their white officers from the policies regarding white soldiers. He contended that “these colored troops are regularly mustered into the service of the United States” and that “The Government and all officers serving under the Government are bound to give the same protection to these troops that they do to any other troops.” Regardless of skin color all Union soldiers wore the same blue uniform entitling them to equal treatment according to the usages of civilized warfare.⁸⁷

A week later, Grant received his response. General Taylor described the alleged offenses as “disgraceful alike to humanity and to the reputation of soldiers.” Taylor assured Grant that, having just been at Richmond, he would have been aware had anything like this incident occurred, but he could confidently assert that it had not nor was there a hanging of a white sergeant. However, Taylor pledged to investigate the claims and, if wrongdoing was found, punish the perpetrators accordingly. Taylor closed his message informing Grant that the standard Confederate policy at the time regarding African American soldiers “captured in arms” required Confederate officers “to turn over all such to the civil authorities, to be dealt with according to the laws of the State wherein they were captured.” Taylor presented the policy as adhering to civilized warfare through condemning the acts under the “black flag” and then rather benignly

⁸⁷ USG to R. Taylor, 22 June 1863, Letters Sent, Oct. 1862-Oct. 1863 and Mar. 1864-June 1866, RG 393, Pt. 1, Entry 4709, NA.

stated that it would be up to the civilian governments to decide the fate of captured black soldiers, not the military. Thus, if they were executed or enslaved, it was not a retaliatory measure taken by military officers but a civil issue.⁸⁸

Grant's subordinate officers sent with the flag-of-truce to Taylor's lines confirmed much of this from their discussions with Taylor's subordinate officers who "denied positively" that any Union soldiers were executed. As to the fate of those captured, they reported that "The white men, however, are held as hostage in some way, and the negroes have been handed over to the State authorities, by whom they will probably be sold." The officers also observed that "all parties with whom they conversed, citizens and soldiers, manifest great dismay at the idea of our arming negroes, which they suppose must be followed by insurrection with all its horrors."⁸⁹

In the midst of the siege at Vicksburg, Grant only finally was able to follow-up on this matter on July 4. Grant said that he was relieved to hear the steadfast denial of the convincing rumors he had heard and that he had refrained from undertaking any sort of retaliation. However, Grant added that "In the matter of treatment of negro soldiers taken prisoners, I do not feel authorized to say what the Government may demand in regard to them, but having taken the responsibility of declaring them free, and having authorized the arming of them [*sic*] and another for the white soldiers. This, however, is a subject I am not aware of any action having been taken upon."⁹⁰ Halleck agreed with

⁸⁸ R. Taylor to USG, 29 June 1863, *OR*, Ser. 1, Vol. 24, Pt. 3, 443-444.

⁸⁹ C. A. Dana to E. M. Stanton, 26 June 1863, *OR*, Ser. 1, Vol. 24, Pt. 1, 109-110.

⁹⁰ USG to R. Taylor, 4 July 1863, *OR*, Ser. 1, Vol. 24, Pt. 3, 469.

Grant's assessment and asserted that "It is the duty of the United States to afford protection to all persons duly received into the military service, and if the enemy should violate the cartel and laws of war in the treatment of prisoners our Government will be reluctantly compelled to resort to retaliation." Halleck's lengthy diatribe continued and ventured into a broad discussion of the unfair treatment of Union prisoners held by the Confederates, specifically citing "General Bragg's conduct as admitted by himself." Halleck claimed that "The enemy, on the contrary, has frequently treated our troops with great inhumanity and sent them back in a condition utterly disgraceful to the captors."⁹¹ Interestingly, Halleck expanded the rationale for halting the exchange from merely mistreatment of African American soldiers to the mistreatment of all Union soldiers.

The entire ordeal with Milliken's Bend, whether the rumors were true or not, demonstrated the Union perception of Southern intentions. Grant, Halleck, Dana, and Stanton all believed that Confederates implemented retaliation and were capable of murder against African American soldiers and their white officers. Grant followed Union policy in condemning unequal treatment for black soldiers and would most likely remember instances like this when his time came the following year to decide the merits of the Union's exchange policy. For Halleck, these types of incidents simply became an extension of the overall abuse of Union soldiers held in Confederate captivity. Events like those rumored in the wake of Milliken's Bend reinforced Union desire to halt

⁹¹ H. W. Halleck to W. H. Ludlow, 2 July 1863, *OR*, Ser. 2, Vol. 6, 73.

exchanges and served as the basis for the eventual demise of the exchange cartel altogether.

With the proper siege of Vicksburg underway, the Union knew that soon Grant would achieve victory. Colonel Hoffman speculated as to the interesting predicament that Grant's potential success at Vicksburg put his office in. He noted that "if General Grant is as successful as we hope he will be," it would be necessary to find the means to shift prisoners around in the Union prison system. Victory would only exacerbate the logistical problems already faced by the Union's transportation and prison infrastructure.⁹²

In the waning days of June, Stanton's confidant at Grant's headquarters also looked to the eventual end of the siege. Charles A. Dana gathered intelligence from prisoners at Vicksburg and reported to Stanton that "...The prisoners [*sic*] statements agree without other accounts, in representing the siege at about an end. From the best intelligence we can gain the supply of food cannot be stretched to last more than a week longer, wheaten [*sic*] and rice flour are now issued for bread. ..."⁹³ Several other reports from deserters confirmed Dana's intelligence and Grant would have been well aware that the end of the siege was imminent.⁹⁴

⁹² W. Hoffman to O. B. Wilcox, 11 June 1863, *OR*, Ser. 2, Vol. 6, 3.

⁹³ C. A. Dana to E. M. Stanton, 25 June 1863, The Papers of Charles A. Dana, May-June 1863, Manuscript Division, LOC. Dana sent additional reports over the next several days reiterating intelligence from deserters of the harsh conditions and imminent demise of the fortress. C. A. Dana to E. M. Stanton, 29 June 1863, *OR*, Ser. 1, Vol. 24, Pt. 1, 112 and C. A. Dana to E. M. Stanton, 2 July 1863, *OR*, Ser. 1, Vol. 24, Pt. 1, 113-114.

⁹⁴ F. J. Herron to USG, 28 June 1863, *PUSG*, Vol. 8, 440n and D. D. Porter to USG, 28 June 1863, *PUSG*, Vol. 8, 440n.

Vicksburg was the key to the west. It was the last major point on the Mississippi River as Confederates even admitted Port Hudson could not be held if Vicksburg fell. This became the sole objective of Grant's department which led the offensive in the western theater. However, Grant found that POWs and POW policy constrained his operational effectiveness. The exchange point at Vicksburg went from a nuisance to entirely untenable. The lengthy transport routes for prisoners required extensive resources, money, and time. Furthermore, sending additional Confederate soldiers to the very place he was trying to defeat only served to reinforce the enemy. Added to the chaos of the campaign and the debate over the Vicksburg exchange came great confusion over what to do with the prisoners stemming from the retaliation game playing out over the enlistment of African American soldiers. Grant narrowly navigated all of these contending issues to finally besiege Pemberton's army in the citadel. Like Pemberton's army the general exchange appeared on the verge of collapse. However, for the moment in the first days of July, Grant's juggling of policy and strategy appeared to be on the verge of paying off with a major victory.

CHAPTER VI
THE FINAL NAIL IN THE COFFIN: VICKSBURG AND THE QUESTION OF
PAROLE

General Ulysses S. Grant's challenge of victory at Vicksburg was the question of what to do with the 30,000 Confederate soldiers surrendered by General John C. Pemberton. The Union was simultaneously struggling with that same question on a larger scale due to the stalemate from the retaliation game begun over the Union's enlistment of African American soldiers the previous summer. With those actions the Confederacy initiated the breakdown of the cartel and Grant further complicated the issue when he decided that paroling the Vicksburg garrison was the best strategic option. However, while Grant's actions held long term effects for Union POW policy, it was the decision by the Confederate government to unilaterally declare the Vicksburg parolees exchanged, without Union consent, which directly precipitated the end of the Dix-Hill Cartel. Thus, Grant's decision held major ramifications only because of failed Confederate ploys with retaliation and unilaterally declaring parolees as exchanged. Interestingly, while the exchange declaration provided frustration to Grant and Union authorities for months to come, it would ultimately be the Confederacy that suffered for the breakdown of the general exchange in 1864. In the end, if the exchange cartel's coffin was built by the South's refusal to recognize the rights of African American Union soldiers, then the fallout over the paroles of the summer of 1863 provided the nails.

In the midst of a long siege after months of campaigning for the prize on the Mississippi River, Grant made a decision that haunted him for the rest of the war. The major scholarly debate over this issue has focused on two things. First, why did Grant ultimately choose to parole the soldiers at Vicksburg? Second, was this decision the reason for the demise of the exchange system? Both of these answers can be found in a close analysis of the events from the fall of Vicksburg through the early months of 1864.

On July 1, 1863, General John C. Pemberton commanding the citadel at Vicksburg decided that the time had come to make a difficult decision. At this point he gave up hope for outside relief from General Joseph E. Johnston's marauding army and queried his four division commanders as to their thoughts about how to proceed. The overall assessment signaled that surrender was probably the best option.¹ Pemberton wrote to Grant two days later proposing an armistice to discuss the terms of surrender.² The siege finally took its toll on the Confederates barricaded inside the fortress at Vicksburg and, with no relief coming, Pemberton decided it was time to seek a negotiated settlement. Grant's initial response echoed his famous terms at Fort Donelson which earned him the nickname "Unconditional Surrender Grant." He wrote to Pemberton declaring that this "useless effusion of blood you propose stopping by this course can be ended at any time you may choose, by an unconditional surrender of the

¹ Bradley R. Clampitt, *Occupied Vicksburg* (Baton Rouge, LA: Louisiana State University, 2016), 12-13. Grant also speculated that they knew an assault was coming on July 4 and that they feared defeat would prove to be much more humiliating than surrender, especially at the great losses expected in battle. John F. Marszalek, David S. Nolen, and Louie P. Gallo, eds., *The Personal Memoirs of Ulysses S. Grant: The Complete Annotated Edition* (Cambridge, MA: The Belknap Press of Harvard University Press, 2017), 389.

² J. C. Pemberton to USG, 3 July 1863, *PUSG*, Vol. 8, 455n.

city and garrison.” He further assured Pemberton that he would show the Confederates all the respect due prisoners of war. However, Grant also declared that he had no interest in parlaying for terms because he offered none other than unconditional surrender.³

Pemberton held out some hope that he could negotiate with the seemingly intractable Grant. Historian William McFeely noted that Pemberton believed “that prewar friendship would count for something” and got Major General John Bowen out of his sickbed where he was dying of dysentery to meet with Grant and possibly achieve favorable terms.⁴ After initially rejecting any conferences, Grant finally agreed to meet with Pemberton at the insistence of Bowen.⁵ Anticipating that they would agree to terms during their discussion on July 3, Grant ordered his men to stop firing all along the lines and that any further deserters coming out of Vicksburg would be taken as prisoners of war, not deserters.⁶ Grant further instructed his soldiers at the front that they should pass word to Confederate soldiers that terms were being sought and Grant intended to offer parole allowing the Confederate soldiers to return home.⁷ After a lengthy siege and near

³ USG to J. C. Pemberton, 3 July 1863, *PUSG*, Vol. 8, 455.

⁴ William S. McFeely, *Grant: A Biography* (New York: W. W. Norton & Company, 1981), 136-137.

⁵ John Y. Simon, ed. *PUSG*, Vol. 8, 455n. Also see: “Memoir of the Campaign and Siege of Vicksburg,” pp. 110-111, Unpublished Manuscript, The Papers of James Harrison Wilson, Box 51, Manuscripts Division, LOC. Bowen had originally tried to meet with Grant himself, since, as Grant stated, the two had been neighbors in Missouri and Grant “knew him well and favorably before the war; but his request was refused.” Marszalek, 384.

⁶ USG to All Corps Commanders and F. J. Herron, 3 July 1863, Letters Sent, Oct. 1862-Oct. 1863 and Mar. 1864-June 1866, RG 393, Pt. 1, Entry 4709, NA.

⁷ J. A. Rawlins to F. J. Herron, 3 July 1863, Letters Sent, Oct. 1862-Oct. 1863 and Mar. 1864-June 1866, RG 393, Pt. 1, Entry 4709, NA. Same orders issued to Ord and McPherson: J. A. Rawlins to E. O. C. Ord and J. B. McPherson, 3 July 1863, Letters Sent, Oct. 1862-Oct. 1863 and Mar. 1864-June 1866, RG 393, Pt. 1, Entry 4709, NA and J. A. Rawlins to J. B. McPherson, 3 July 1863, *PUSG*, Vol. 8, 457n. See also: Special Orders No. 179, 3 July 1863, *PUSG*, Vol. 8, 459n1. Grant further communicated the cease fire to the Admiral Porter’s naval forces: USG to D. D. Porter, 3 July 1863, Letters Sent, Oct. 1862-Oct. 1863 and Mar. 1864-June 1866, RG 393, Pt. 1, Entry 4709, NA.

starvation, this must have seemed like a worthwhile proposition to many of the soldiers boxed up in the citadel.⁸

Grant received numerous intelligence reports which all corroborated the notion that the surrender of Vicksburg was imminent. For instance, on June 25, prisoners from Vicksburg estimated that the garrison could hold out for only another week.⁹ A few days later two separate parties of deserters agreed that rations were running dangerously low and a general dissatisfaction existed amongst the garrison. They speculated that the fortress could only hold out until July 4, if even that long.¹⁰ Grant held a war council on June 30 to discuss whether or not to try and take the fortress with another assault or let exhaustion take its course. Grant was inclined to let time take its toll and the council agreed.¹¹ So, going into his meeting with Pemberton, Grant was well aware that he had the upper hand.¹² The citadel was going to be his and it was only a matter of when and how much more suffering was required.

Prior to the meeting with Pemberton Grant evidently maintained some feeling that the end was nigh as indicated from a July 3 communication with General William T. Sherman who was commanding forces guarding Grant's rear on the Big Black River front. Grant alluded to the fact that strategy and operational planning must commence

⁸ Bradley Clampitt argued that Grant's assertion that the Confederate soldiers would prefer parole to imprisonment was "more than reasonable." Clampitt, 18.

⁹ C. A. Dana to E. M. Stanton, 25 June 1863, *OR*, Ser. 1, Vol. 24, Pt. 1, 108.

¹⁰ C. A. Dana to E. M. Stanton, 29 June 1863, *OR*, Ser. 1, Vol. 24, Pt. 1, 112.

¹¹ C. A. Dana to E. M. Stanton, 30 June 1863, *OR*, Ser. 1, Vol. 24, Pt. 1, 112.

¹² Reports from deserters asserting the imminent demise of Vicksburg continued to come in up until the moment of surrender. For instance, see C. A. Dana to E. M. Stanton, 2 July 1863, *OR*, Ser. 1, Vol. 24, Pt. 1, 114.

with the assumption that surrender would occur. Grant asserted that “I judge, Johnston is not coming to Vicksburg, he must be watched though.” Grant further provided clear operational direction for how to mop up the grand Vicksburg campaign and complete the conquest of the Mississippi. He stated that “When we go in, I want you to drive Johnston from the Mississippi Central Rail Road,—destroy bridges as far as Grenada with your Cavalry, and do the enemy all the harm possible—You can make your own arrangements and have all the Troops of my Command, except one Corps—McPhersons—say.—I must have some Troops to send to Banks to use against Port Hudson.”¹³ This communication clearly made the assumption that the surrender of Vicksburg would undoubtedly occur.

Grant later recounted the negotiations with Pemberton in his memoirs. He recalled that Bowen was very insistent that the two commanders meet to negotiate terms and, since they had served in the Mexican War together, Grant agreed and “greeted him as an old acquaintance.”¹⁴ However, things turned sour between Grant and Pemberton when the Confederate general demanded that parole be offered and Grant declared that he was not going to budge on his terms. In the midst of the standoff, Bowen proposed for their staff officers present at the conference to negotiate the terms. Though no specific terms were agreed to by the time the meeting closed, Grant assured Pemberton that he would send his final terms by 10:00 PM that evening.¹⁵

¹³ USG to W. T. Sherman, 3 July 1863, Letters Sent, Oct. 1862-Oct. 1863 and Mar. 1864-June 1866, RG 393, Pt. 1, Entry 4709, NA.

¹⁴ Marszalek, 385.

¹⁵ Ibid, 384-386. Also recounted in C. A. Dana to E. M. Stanton, 4 July 1863, The Papers of Charles A. Dana, July-Aug. 1863, Manuscript Division, LOC.

Grant left the meeting with Pemberton and was not very happy about how negotiations had gone. He again wrote to Sherman updating him on events noting that Pemberton desired parole and that “The conditions wanted are such as I cannot give.” However, Grant, ever the strategist, continued tweaking his plans accordingly. He “directed Steele and Ord to be in readiness to move ... the moment Vicksburg is surrendered.” Furthermore, he declared that he wanted “Johnston broken up as effectually as possible, and roads destroyed.” He left it up to Sherman to decide where best to strike between Canton and Jackson as to effectively execute the consolidation of Mississippi.¹⁶

Back at his headquarters, Grant again assembled his war council. He listened to the advice of his corps and division commanders while maintaining that he “would hold the power of deciding entirely in my own hands.”¹⁷ Historian Brooks Simpson observed that during Grant’s war council it became apparent that rejecting Bowen’s proposal for parole came with consequences. First, shipping some 30,000 prisoners North was most likely more than the Union navy could accommodate. Furthermore, Pemberton knew this to be the case from intercepting communications between Grant and Porter. Also, Grant reasoned that the cost of assaulting the citadel would most likely be higher than it was worth, especially considering the post-operation cleanup to follow. Thus, the only viable solution was to parole the entire lot. Grant argued that many of the paroled soldiers were

¹⁶ USG to W. T. Sherman, 3 July 1863, Letters Sent, Oct. 1862-Oct. 1863 and Mar. 1864-June 1866, RG 393, Pt. 1, Entry 4709, NA.

¹⁷ Marszalek, 386.

ready to go home, having had enough of the war, and would spread this disaffection amongst others.¹⁸

Historians have analyzed Grant's decision to parole at Vicksburg and arrived at a number of convincing explanations. Many scholars credit the decision to parole with saving the Union the great expenses associated with transporting, caring, and guarding the prisoners, thus freeing up those resources to continue the offensive efforts in Mississippi.¹⁹ The other sentiment many held was that seeing so many emaciated prisoners returning home across the southern states would serve to demoralize others in the Confederacy as well.²⁰ Roger Pickenpaugh took a different tact and argued that Grant simply did not want to deal with tens of thousands of "sick and starving prisoners" so he paroled them.²¹ Bradley Clampitt aptly summarized Grant's decision process noting that "A pragmatic and relentless drive to secure complete military victory superseded all other factors... . Grant the general and soldier sought foremost the defeat of the Confederate war effort."²² These four arguments aptly summarize what Grant was

¹⁸ Brooks D. Simpson, *Ulysses S. Grant: Triumph over Adversity, 1822-1865* (Boston: Houghton Mifflin Company, 2000), 213-214.

¹⁹ For instance, see: Michael B. Ballard, *U. S. Grant: The Making of a General, 1861-1863* (Lanham, MD: Rowman & Littlefield Publishers, Inc., 2005), 146-147 and Williamson Murray and Wayne Wei-siang Hsieh, *A Savage War: A Military History of the Civil War* (Princeton, NJ: Princeton University Press, 2016), 325. Several also include the rendition of the war council as having persuaded Grant to agree to the parole decision. See: Clampitt, 54; Ron Chernow, *Grant* (New York: Penguin Press, 2017), 287-288; Simpson, 213-214; Jean Edward Smith, *Grant* (New York: Simon & Schuster, 2001), 255; and Ronald C. White, *American Ulysses: A Life of Ulysses S. Grant* (New York: Random House, 2016), 286.

Interestingly, some works skip the war council debate entirely. For example, see Michael B. Ballard, *Vicksburg: The Campaign That Opened the Mississippi* (Chapel Hill, NC: The University of North Carolina Press, 2004), 298. Grant also outlined how transporting the soldiers would create a very expensive and difficult logistical burden in his memoirs. Marszalek, 387.

²⁰ J. F. C. Fuller, *The Generalship of Ulysses S. Grant* (New York: Dodd, Mead and Company, 1929), 155.

²¹ Roger Pickenpaugh, *Captives in Gray: The Civil War Prisons of the Union* (Tuscaloosa, AL: The University of Alabama Press, 2009), 59.

²² Clampitt, 73.

most likely thinking at the time, and all of them probably played a factor in Grant's decision.

Michael Ballard pondered the question of parole from a different perspective wondering whether or not "the pre-Shiloh Grant would have been so quick to let an enemy army go in peace." He concluded that this was unlikely and that the parole decision resulted from the fact that "Grant simply had not emerged from his Shiloh funk to the point of being the aggressive general he had been and would be again."²³ However, the Iuka-Corinth and Vicksburg Campaigns both demonstrated daring, aggressive, offensive action by Grant. He took risks and strove for the initiative, just as pre-Shiloh Grant had done.

Fort Donelson represents a similar experience to Vicksburg in many ways and makes for a much better comparison than the aftermath of Shiloh. At Fort Donelson Grant also captured a massive Confederate army after a siege and negotiated the terms of surrender. Dealing with those prisoners proved to be an "elephant" and Grant recommended altering Union POW policy in light of it. Grant actually *preferred* field paroles after dealing with the "elephant." His experience with the breakdown of the exchange cartel and the logistics of transporting prisoners behind the lines during the Vicksburg Campaign could have only further encouraged such thinking. The challenge of the Fort Donelson victory left a deep impression on Grant and it is more likely that this, and not the "Shiloh funk," impacted his thoughts during negotiations.

²³ Ballard, *U. S. Grant: The Making of a General, 1861-1863*, 78.

J. F. C. Fuller included an additional perspective in his assessment arguing that the symbolic nature of such a monumental victory on July 4th most likely also weighed on Grant's mind. Fuller stated that "the moral effect on the North of a surrender on July 4 could not fail to be of enormous political importance." Fuller further contextualized the parole in terms of greater strategy arguing that "Grant never lost sight of the fact that battles are but means towards political ends, and not ends in themselves; and in this case he was willing to forgo the personal applause which greeted him on the unconditional surrender of Fort Donelson, because he saw that it was to the national advantage that he should do so."²⁴ In Fuller's mind, Grant bent on the demand for unconditional surrender seeing the larger strategic necessity of compromise and allowed his glory to suffer somewhat for it. After months of planning and fighting, Grant was well aware of the strategic and political importance of taking the fortress. These political aspects probably added to the preponderance of the argument for securing a Union victory even if that meant paroling the prisoners. Yet, this probably wouldn't have been enough of an argument on its own to compel Grant to make the parole decision.

James H. Wilson, a member of Grant's staff present at the war council, recounted the conference in his own memoirs. He claimed that the Confederates demanded the right of parole as part of the capitulation settlement. Wilson described that in Grant's council of war, all of his commanders advocated for parole except for General Frederick Steele who recommended unconditional surrender. In the end, Grant adopted the

²⁴ Fuller, 155.

alternative plan spearheaded by General James B. McPherson calling for the parole of the garrison arguing that unconditional surrender would “at once demoralize Grant's whole army for offensive operations” and guarding and transporting the prisoners would take away too many resources absorbing all available steam transportation. On the other hand, paroling would free up the steamers to move Grant’s forces and also save quite a large amount of money. Wilson noted that “After long consideration General Grant reluctantly gave way to these reasons.”²⁵ Grant declared that he gave the Confederates the “privilege of being paroled” even though he “regarded the terms more favorably than an unconditional surrender.”²⁶

During the deliberations Grant also had to consider imminent strategic issues. For instance, in his memoirs he noted that Pemberton was holding out as long as he could in hopes that Johnston would campaign in the rear of Grant’s forces and possibly end the siege.²⁷ Surely, Grant would be aware of this at the time. In fact, Sherman noted as much in a message to Grant. Writing Grant at sundown on July 3, Sherman announced that “If Vicksburg is ours it is the most valuable conquest of the War, and the more valuable for the stout resistance it has made, if complete we should follow up rapidly but should leave nothing to chance. Of course we should instantly assume the offensive as against Johnson [*sic*].”²⁸ Grant was of like mind and Grant already had

²⁵ “Memoir of the Campaign and Siege of Vicksburg,” pp. 110-111, Unpublished Manuscript, The Papers of James Harrison Wilson, Box 51, Manuscripts Division, LOC and C. A. Dana to E. M. Stanton, 4 July 1863, The Papers of Charles A. Dana, July-Aug. 1863, Manuscript Division, LOC.

²⁶ USG to N. P. Banks, 4 July 1863, Letters Sent, Oct. 1862-Oct. 1863 and Mar. 1864-June 1866, RG 393, Pt. 1, Entry 4709, NA.

²⁷ Marszalek, 390.

²⁸ W. T. Sherman to J. A. Rawlins, 3 July 1863, *PUSG*, Vol. 8, 462n.

orders sent to both General Edward Ord and Steele prior to sending out the final terms to Pemberton that they were to “move the moment Vicksburg falls.”²⁹ Grant speculated further that if Pemberton failed to accept the final proposition he just sent, Pemberton’s own men would compel him within two days to surrender.³⁰ So, Grant operated under the assumption that his parole offer would be accepted and planned his operations accordingly.³¹

After sending Pemberton his final terms, Grant took the time to inform Admiral David Porter of the situation. When speaking on the notion of paroles, Grant’s reticence surfaced. He asserted that “My own feelings are against this but all my officers think the advantage gained by having our forces and transports for immediate purposes more than counterbalance the effect of sending them north.”³² However, Porter understood the importance of taking Vicksburg and responded encouragingly congratulating Grant on taking the fortress “on any honorable terms.” He then reassured Grant of the decision noting that Grant would “find it a troublesome job to transport so many men and I think that you will be left so free to act it will counterbalance any little concession you may

²⁹ USG to W. T. Sherman, 4 July 1863, Letters Sent, Oct. 1862-Oct. 1863 and Mar. 1864-June 1866, RG 393, Pt. 1, Entry 4709, NA.

³⁰ USG to W. T. Sherman, 4 July 1863, Letters Sent, Oct. 1862-Oct. 1863 and Mar. 1864-June 1866, RG 393, Pt. 1, Entry 4709, NA.

³¹ Sherman agreed that Johnston’s army operating in the rear was the main threat going forward, victory at Vicksburg or otherwise. He asserted that this army was the only thing keeping the forces at Port Hudson, the last bastion of Confederate strength on the river after Vicksburg, from giving up. With Johnston gone, Union forces could assemble at Port Hudson and secure victory on the Mississippi River. Sherman stated that “I think the fall of Vicksburg when known will paralyze the confederates West of the Mississippi, for Port Hudson was only used in connection with Vicksburg, with to make the intervening space a 'Mare Clausum' to which these Forts gave the enemy absolute title.” W. T. Sherman to J. A. Rawlins, 3 July 1863, *PUSG*, Vol. 8, 462n.

³² USG to D. D. Porter, 3 July 1863, *PUSG*, Vol. 8, 459n.

seem to make to the garrison.”³³ Porter supported the parole and helped assuage Grant’s nerves over the situation. However, it is also important to note that both men recognized the strategic importance of the decision. This freed Grant from coordinating the transports of over 30,000 prisoners to Union prisons. This meant more administrative time for other endeavors along with added resources of steam transports and fighting forces to continue his quest for Mississippi.

Once he decided to parole the garrison, Grant set the terms of surrender. The following morning he intended to march a division of Union soldiers into Vicksburg to take control of the city. Pemberton’s army would be allowed to leave the city as soon as they could complete the rolls and sign off on paroles. The officers were allowed to keep their clothing and side arms and one horse was allowed for each field, staff, and cavalry officer. Enlisted soldiers would only be allowed to keep their clothing. The departing paroled army could also take any rations with them from their stores at Vicksburg along with necessary cooking utensils and thirty wagons to help them carry it all. The same conditions would be extended to sick and wounded soldiers once they were able to travel. On the whole, the terms were quite generous.³⁴ However, Pemberton wished to amend them with the inclusion that Grant would respect private property rights, most likely with the implication that this included any slaves.³⁵ Grant responded that he would not be further encumbered with any stipulations beyond those he already established.³⁶

³³ D. D. Porter to USG, 4 July 1863, *PUSG*, Vol. 8, 459n.

³⁴ USG to J. C. Pemberton, 3 July 1863, *PUSG*, Vol. 8, 457-458.

³⁵ J. C. Pemberton to USG, 3 July 1863, *PUSG*, Vol. 8, 458n.

³⁶ USG to J. C. Pemberton, 4 July 1863, *OR*, Ser. 1, Vol. 24, Pt. 1, 61.

The decision to parole not only saved the Union from the trouble of managing the affairs of the Confederate army, but worked twice as well in now costing the Confederacy the burden of managing the paroled soldiers. The high desertion rate of the Vicksburg Confederates even forced Pemberton to furlough the entire army. While exact numbers are unknown, historian Bradley Clampitt argued that “a substantial portion of the men captured at Vicksburg never again fought for the Confederacy.”³⁷

Grant argued for another, and very interesting, strategic benefit to the conquest of Vicksburg. He claimed that they seized around 60,000 muskets along with a large amount of ammunition and that the “small-arms of the enemy were far superior to the bulk of ours.” Apparently, Union soldiers in the Western Theater up to that time were still being issued outdated flintlock muskets which had been modified to take percussion caps. Grant claimed that these weapons were “almost as dangerous to the person firing it as to the one aimed at.” Furthermore, a mix of different small arms were in use and many were of different caliber making it difficult to supply ammunition consistently. However, the weapons captured at Vicksburg were generally new—they had been procured through blockade runners and were of the same caliber. After taking the fortress Grant authorized his staff to swap Union weapons for those seized from the Confederates.³⁸

Immediately following the surrender, Grant began facing the problems of mopping up after another large victory. In this instance, he had to balance security

³⁷ Clampitt, 69.

³⁸ Marszalek, 395.

concerns of the prisoners at Vicksburg with the need to continue offensive operations elsewhere. While he was spared a manpower shortage overall from the parole decision, he still needed a lot of guards in the short term. General Edward Ord notified Grant on July 4 that rebels were escaping the city.³⁹ Grant then passed this information along to Major General James B. McPherson noting that Ord's forces needed to move out and could not manage guard duty as well. Grant inquired as to whether or not General Smith was moving in to take the place of Ord's soldiers.⁴⁰ McPherson then took steps to solve this problem through ordering General John A. Logan to dispatch forces to guard against the escape of prisoners from Vicksburg.⁴¹

Three things occupied Grant's immediate attention once Vicksburg surrendered: Johnston's army, Port Hudson, and notification to Washington.⁴² By the time Pemberton accepted the terms on July 4, Grant's strategy for wrapping up operations in Mississippi was already underway. He sent Sherman on an expedition to attack Johnston to keep those forces away from Port Hudson.⁴³ Grant's orders to Sherman were clear: "I want you to drive Johnston out in your own way, and inflict on the enemy all the punishment you can. I will support you to the last man that can be spared."⁴⁴ Adam Badeau later asserted that without the parole decision, all the steamers on the Mississippi would have

³⁹ E. O. C. Ord to USG, 4 July 1863, *PUSG*, Vol. 8, 473-474n.

⁴⁰ USG to J. B. McPherson, 4 July 1863, *PUSG*, Vol. 8, 474n.

⁴¹ J. B. McPherson to J. A. Logan, 4 July 1863, *OR*, Ser. 1, Vol. 24, Pt. 3, 476.

⁴² Marszalek, 397.

⁴³ USG to N. P. Banks, 4 July 1863, Letters Sent, Oct. 1862-Oct. 1863 and Mar. 1864-June 1866, RG 393, Pt. 1, Entry 4709, NA.

⁴⁴ USG to W. T. Sherman, 4 July 1863, *PUSG*, Vol. 8, 479.

been stuck ferrying prisoners for weeks and Grant would not have been able to make this move against Johnston so quickly.⁴⁵

With his forces on the move, Grant needed to focus on prepping the city for occupation and wrapping up the parole process. He issued Special Orders No. 180 on July 4 to help sort out the immediacies of taking control of the city. Major General Herron was ordered to take one brigade into the city and place guards to prevent anyone from entering or leaving. General Logan was given temporary command over the city and instructed to march his division into the enemy's entrenchments, placing guards to again keep prisoners from escaping. They were also to assign five companies to assist chief quartermaster Lieutenant Colonel J. D. Bingham in collecting and guarding all of the property captured. Grant also took steps to move all of his artillery into the citadel's defensive works in order to be prepared to defend his new prize if the situation arose, thus demonstrating how much Johnston's marauding army weighed on his thoughts.⁴⁶ Grant followed this up the next day with Special Orders No. 181, which placed Major General James B. McPherson in charge of the city and the prisoners there. Since McPherson was the one who voiced the parole option in the war council, one wonders if there is a sense of irony in the fact that he was now in charge of overseeing the parole of all 30,000 prisoners.⁴⁷

⁴⁵ Adam Badeau, *Military History of Ulysses S. Grant, From April, 1861 to April, 1865*, vol. 1 (New York: D. Appleton and Company, 1885), 391-392.

⁴⁶ Special Orders No. 180, 4 July 1863, *OR*, Ser. 1, Vol. 24, Pt. 3, 477-478. See also William C. Davis, *Crucible of Command: Ulysses S. Grant and Robert E. Lee—The War They Fought, The Peace They Forged* (Boston: Da Capo Press, 2014), 344-345.

⁴⁷ Special Orders No. 181, 5 July 1863, *OR*, Ser. 1, Vol. 24, Pt. 3, 478.

On July 8, Grant gave McPherson guidance on the process for handling paroles due to “some misunderstanding” between Grant’s staff and Pemberton as to how the process was to be conducted. Problems arose when 1,500 prisoners, mainly from Louisiana and Alabama, refused to sign their paroles.⁴⁸ For Grant, it mattered not whether the men went to a Confederate parole camp or a Union prison just so long as they were not fighting. In an effort to dissuade such intransigence, Grant sequestered any who declined parole on steamers until they made their final decision as to parole or imprisonment. Once confinement aboard the river steamers provided the men time to think about their course of action, more than half of them changed their minds and accepted parole. As such, 709 Confederates were shipped north to enter the Union prison system.⁴⁹

Grant also made it clear that no one was authorized to leave Union lines until all of the paperwork was completed and the paroles were processed, excepting those 709 rebels who declined to sign their paroles. Once all able-bodied soldiers were processed with the rolls approved by Pemberton, the entirety of the Confederate forces would be required to leave Union lines together. Union guards would forcibly encourage any stragglers to vacate the city. Grant further directed that according to the terms that Pemberton agreed to, the Confederate Government was bound to abide by the paroles

⁴⁸ L. Kent to J. A. Rawlins, 7 July 1863, *OR*, Ser. 1. Vol. 24, Pt. 3, 484.

⁴⁹ USG to J. B. McPherson, 8 July 1863, Letters Sent, Oct. 1862-Oct. 1863 and Mar. 1864-June 1866, RG 393, Pt. 1, Entry 4709, NA and Clampitt, 63.

and could, therefore, not utilize any of the soldiers from the July 4 surrender until they were properly exchanged.⁵⁰

Later that same day, Grant again wrote McPherson regarding the parole process, but this time it was because of the Confederate exchange commissioner, Major N. G. Watts. Watts asserted that his presence at Vicksburg required that he personally receive all rolls in order to make the paroles binding. Grant did not leave room for discussion of this matter stating that Pemberton accepted the terms which bound all of the Confederates to being prisoners of war and no further receipt than Pemberton's letter accepting the terms of surrender was necessary. Grant declared that Watts was a prisoner of war and his presence was not needed to certify any of the rolls.⁵¹

In the midst of organizing the paroles, Grant began to tire of the minutia of claiming his victory. Grant wrote to his father, Jesse Root Grant, describing the parole process as "tedious," noting that "many who are desirous of getting to their homes will escape before the paroling officers get around to them."⁵² On July 8, he notified McPherson that the time had come to begin marching paroled Confederates out of the city and to require the departure of all units as soon as they received their paroles.⁵³ This was a reversal of his previous orders from a few days prior that the entire Confederate army was to march out together once all of the paroles were processed. Apparently,

⁵⁰ USG to J. B. McPherson, 8 July 1863, Letters Sent, Oct. 1862-Oct. 1863 and Mar. 1864-June 1866, RG 393, Pt. 1, Entry 4709, NA.

⁵¹ USG to J. B. McPherson, 8 July 1863, Letters Sent, Oct. 1862-Oct. 1863 and Mar. 1864-June 1866, RG 393, Pt. 1, Entry 4709, NA.

⁵² USG to J. R. Grant, 6 July 1863, *PUSG*, Vol. 8, 524-525.

⁵³ USG to J. B. McPherson, 8 July 1863, Letters Sent, Oct. 1862-Oct. 1863 and Mar. 1864-June 1866, RG 393, Pt. 1, Entry 4709, NA.

similarly to the aftermath of Fort Donelson, Grant's patience for the challenges of victory quickly wore out.⁵⁴ Most of the parolees finally left Vicksburg on July 11, with the last major group leaving the following day.⁵⁵

In mopping up the surrender at Vicksburg, Grant faced a new challenge—that of deciding how far he should go in dealing with deserting Confederate soldiers. As a man of honor, he felt some need to intervene, but overall, this played into his plan for executing the parole in the first place. He had hoped that large numbers of disaffected Confederates would opt to desert and return home, both denying the Confederacy valuable soldiers while spreading discontent throughout the land. However, Pemberton took particular offense to the perceived imperviousness of Grant and his staff to the issue. As far as Grant was concerned, he only needed to keep the prisoners around until they cleared the parole process. Once that was completed, they became Pemberton's problem.

On July 8, Pemberton complained to Grant that soldiers were escaping across the Mississippi River in skiffs. Pemberton protested “against this violation of the terms of the capitulation entered into between you and myself.”⁵⁶ He also wrote a similar complaint to McPherson as well requesting that McPherson intervene to stop his soldiers from deserting.⁵⁷ McPherson notified John A. Rawlins about the river crossing issue

⁵⁴ Bradley Clampitt argued that Grant simply “wanted to rid himself of the Confederates in order to save provisions and move on to matters more pressing than caring for an army that he had already defeated.” Clampitt, 66.

⁵⁵ Ibid, 69.

⁵⁶ J. C. Pemberton to USG, 8 July 1863, *OR*, Ser. 1, Vol. 24, Pt. 3, 488.

⁵⁷ J. C. Pemberton to J. B. McPherson, 8 July 1863, *OR*, Ser. 1, Vol. 24, Pt. 3, 488.

claiming that he would immediately work to stop it.⁵⁸ On July 12, Confederate Major General Smith notified Grant's command of the points at which prisoners were deserting and trying to cross the Mississippi River. Smith requested that Grant issue orders to arrest and return any of these escaped soldiers.⁵⁹ On July 24, Grant finally got around to replying to Smith's inquiry only offering a lukewarm response that he authorized the furloughing of all paroled prisoners returned to Union lines, but that it would be up to them to decide whether or not they instead wanted to be sent North as prisoners of war. Furthermore, Grant could not supply any additional resources to police the river beyond what was already in use.⁶⁰ Grant later asserted that the desertions were "precisely what I expected and hoped that they would do."⁶¹

Evidence of the quick turn around on post-battle cleanup operations quickly became apparent. On July 9, Grant informed Major General F. J. Herron that his forces would move out to Port Hudson as soon as the Vicksburg prisoners left Union lines. He expected Port Hudson's surrender within a few days.⁶² Grant followed up on his preparations informing Admiral Porter that he had a division prepared to board the transports "the moment the prisoners are discharged." Grant anticipated that this would occur the following morning. The plan was to send these soldiers to reinforce General

⁵⁸ J. B. McPherson to J. A. Rawlins, 8 July 1863, *OR*, Ser. 1, Vol. 24, Pt. 3, 489.

⁵⁹ M. L. Smith to USG, 12 July 1863, Letters Received, 1863-67, Box 2, RG 393, Pt. 1, Entry 4720, NA.

⁶⁰ USG to M. L. Smith, 24 July 1863, Letters Sent, Oct. 1862-Oct. 1863 and Mar. 1864-June 1866, RG 393, Pt. 1, Entry 4709, NA.

⁶¹ Marszalek, 392-393.

⁶² USG to F. J. Herron, 9 July 1863, Letters Sent, Oct. 1862-Oct. 1863 and Mar. 1864-June 1866, RG 393, Pt. 1, Entry 4709, NA.

Banks at Port Hudson, assuming victory was yet to be secured.⁶³ However, unbeknownst to Grant, Port Hudson had already fallen.

On July 8, Major General Nathaniel P. Banks notified Grant that the Confederate forces at Port Hudson surrendered. While the surrender was “in effect unconditional,” Banks also noted that he “declined to stipulate for the parole of officers or men, but necessity will compel me to parole at once a considerable portion of the prisoners, selecting those representing states mainly in our control, as Louisiana, Arkansas, Etc.”⁶⁴ Banks understood the reality the same as Grant—that parole was the more effective choice in terms of how to strategically manage thousands of Confederate prisoners. Banks further comprehended the strategic nature of the situation in that he stipulated that he would selectively parole the prisoners, assuming those in states under Union control would prove to be less of a threat and most likely wouldn’t return to Confederate ranks.

Grant’s official report to Halleck on Vicksburg discussed the final arrangements for executing the parole. He argued that, once paroled, the Confederate army leaving Vicksburg was “virtually discharged the service.” Latest accounts numbered only about 4,000 of Pemberton’s army remaining with him after leaving Union lines, of which Grant surmised a large number also wished to desert. Grant asserted that thousands of the paroled prisoners swore not to return to service and thousands fled west and north. He also noted that though many wished to enlist in the Union army, this was something

⁶³ USG to D. D. Porter, 10 July 1863, *PUSG*, Vol. 9, 17.

⁶⁴ N. P. Banks to USG, 8 July 1863, *PUSG*, Vol. 9, 32n.

he would not allow. Grant mentioned that he was planning to send prisoners too sick for land transport by steamer downriver to Mobile to then transfer them to Alexandria.⁶⁵

The large number of sick and wounded forced Grant to devote time and resources for their care. This was a big issue that Grant took seriously enough to assign someone in the quartermaster's office to permanently oversee supplying for the care of Confederate sick and wounded.⁶⁶ On July 14, Grant wrote to the Medical Director in charge of their overall care, Surgeon J. Moore, regarding a complaint about the conditions. Grant directed Moore to "have everything necessary for the health and comfort of those confined in hospital supplied" and wanted Moore to follow up with the details of how he planned to rectify the situation as soon as he could.⁶⁷ However, Grant soon tired of the issue as he expressed to General Banks two days later stating that the wounded Confederates proved to be quite "troublesome." He was ready to ship them out and arranged for any unable to travel by land to be sent on steamers to Monroe, Louisiana and Mobile, Alabama.⁶⁸ On July 18, Rawlins ordered McPherson to proceed with shipping out the Confederate sick and wounded.⁶⁹ In order to complete the operation, Grant had to call on Admiral Porter for assistance with transport ships because his resources were already stretched thin. He requested ships for the sick and wounded, for

⁶⁵ USG to H. W. Halleck, 24 July 1863, Letters to H. W. Halleck, 1862-65, Folder 5, SC 587, ALPLM.

⁶⁶ J. A. Rawlins to J. D. Bingham, 8 July 1863, Letters Sent, Oct. 1862-Oct. 1863 and Mar. 1864-June 1866, RG 393, Pt. 1, Entry 4709, NA.

⁶⁷ USG to J. Moore, 14 July 1863, *PUSG*, Vol. 9, 49-50.

⁶⁸ USG to N. P. Banks, 16 July 1863, Letters Sent, Oct. 1862-Oct. 1863 and Mar. 1864-June 1866, RG 393, Pt. 1, Entry 4709, NA.

⁶⁹ J. A. Rawlins to J. B. McPherson, 18 July 1863, Letters Sent, Oct. 1862-Oct. 1863 and Mar. 1864-June 1866, RG 393, Pt. 1, Entry 4709, NA.

those who refused to take their paroles, and to move Union forces to two separate theaters. Grant sounded desperate stating that he simply didn't have the resources to ship all of these people at the same time in four different directions.⁷⁰ Grant was so worked up over the steamer shortage that he mentioned it numerous times and went so far as to complain about the government procedures for procuring private vessels for military purposes. He also noted his frustrations over the lack of response from Admiral Porter regarding his inquiry.⁷¹

While Grant was grappling with the challenges of victory, the War Department was left scrambling from his victory as well. Grant's parole of the Confederates at Vicksburg, which his war council and historians have lauded as an apt decision, came at a difficult time concerning national POW policy. When the Union was scaling back general exchanges and a coordinated system, Grant's decision threatened to put all of it into jeopardy. The War Department issued their final adjustments regarding parole procedures the day before Pemberton surrendered. General Orders No. 207 published on July 3 clearly articulated that all prisoners had to be delivered to designated places for exchange or parole. The only exception to this policy was when both of the opposing commanders agreed to the release of prisoners at a different mutually agreed upon location.⁷²

⁷⁰ USG to D. D. Porter, 21 July 1863, *PUSG*, Vol. 32, 52-53.

⁷¹ J. B. Bingham to W. Myers, 4 August 1863, *PUSG*, Vol. 9, 152-153n and USG to W. Myers, 5 August 1863, *PUSG*, Vol. 9, 152.

⁷² General Orders No. 207, 3 July 1863, *OR*, Ser. 2, Vol. 6, 78-79.

The combination of 30,000 prisoners at Vicksburg, 9,000 at Port Hudson, and nearly 12,000 following Gettysburg sent Halleck into a panic. Grant originally notified Halleck of the surrender and parole arrangement on the morning of July 4. He supported his decision noting that it saved them several days of work at Vicksburg and freed up resources for immediate use, like hunting down Johnston and reinforcing Banks.⁷³ However, Halleck's response demonstrated his concern over whether or not the paroles were legal under the cartel. The point Halleck focused on was that Grant failed to deliver the prisoners directly to a proper agent. In violating the terms, Halleck feared that the parole "may be construed into an absolute release, and that these men will be immediately placed in the ranks of the enemy." Halleck noted that this had been the situation elsewhere and, as a precaution, Halleck ordered Grant to keep the prisoners at Vicksburg until the matter could be sorted out.⁷⁴ However, by the time Grant received the message, it was too late. This being the case, Halleck tried to make the best out of the situation and wrote to Grant assuring him that everything was legitimate under the cartel as Grant was authorized to make the arrangement of terms with Pemberton for the parole.⁷⁵ Historian Roger Pickenpaugh further noted that, while Halleck grumbled about the decision and its legitimacy, in the end "It was not Halleck who had just won one of the most important victories of the war, however, and Grant's decision stood."⁷⁶ These events ultimately led directly to a change in Union POW policy.

⁷³ USG to H. W. Halleck, 4 July 1863, *OR*, Ser. 1, Vol. 24, Pt. 1, 44.

⁷⁴ H. W. Halleck to USG, 8 July 1863, Telegrams Received, 1862-64, Box 2, RG 393, Pt. 1, Entry 4721, NA.

⁷⁵ H. W. Halleck to USG, 10 July 1863, *OR*, Ser. 1, Vol. 24, Pt. 1, 62.

⁷⁶ Pickenpaugh, *Captives in Gray*, 59.

The prisoner exchange system began to break down in the middle of July. On July 13, Robert Ould, Confederate Agent of Exchange, notified Lieutenant Colonel William H. Ludlow, Union Agent of Exchange at Fort Monroe, that he declared as exchanged the paroled officers from Vicksburg, including Lieutenant General John C. Pemberton and Major General Meredith L. Smith. He of course noted that Ludlow could take the equivalent number of exchanges if he so desired.⁷⁷ Ludlow began direct inquiries regarding the Vicksburg parole on July 13. He asked Colonel John Kelton, Grant's Assistant-Adjutant General, to verify whether or not Grant offered paroles and, if so, what the numbers were.⁷⁸ Kelton replied that the parole happened, but the final numbers weren't in yet.⁷⁹ The following day Ludlow responded to Ould that he declined to recognize the officers as exchanged. Furthermore, he alleged that Ould's actions constituted a violation of the Dix-Hill cartel. Ludlow declared a pause on all exchanges until the two could meet to discuss the details.⁸⁰ Ould responded on July 17 arguing that he was only following the precedence set by Ludlow himself. He noted that time and again the Union operated under this same methodology, and he would not be bound to wait until the two could meet.⁸¹

In the fallout of large victories with massive numbers of prisoners and paroles, change came in the late summer of 1863. On July 25, Secretary Stanton replaced Ludlow with Brigadier General Sullivan A. Meredith. This signaled a move by Stanton towards

⁷⁷ R. Ould to W. H. Ludlow, 13 July 1863, *OR*, Ser. 2, Vol. 6, 113.

⁷⁸ W. H. Ludlow to J. C. Kelton, 13 July 1863, *OR*, Ser. 2, Vol. 6, 111.

⁷⁹ J. C. Kelton to W. H. Ludlow, 13 July 1863, *OR*, Ser. 2, Vol. 6, 111.

⁸⁰ W. H. Ludlow to R. Ould, 14 July 1863, *OR*, Ser. 2, Vol. 6, 116.

⁸¹ R. Ould to W. H. Ludlow, 17 July 1863, *OR*, Ser. 2, Vol. 6, 125.

ending the exchange cartel. In a larger strategic sense, such a policy shift appeared effective at denying the Confederacy bodies to fill the ranks. The South was suffering from a manpower shortage and desperately needed to exchange the paroled Vicksburg garrison as quickly as possible. The problem was only compounded with the high rates of desertion among those paroled. In reaction to this dilemma, the Confederate War Department issued General Orders No. 123 on September 16. This order declared the majority of the Vicksburg paroles and all prisoners delivered to City Point prior to July 25 as exchanged. Hoffman calculated this to effect exchanges equivalent to 29,433 men, which, when counted against Union equivalents, left the Union with a balance of 10,024 men owed to them. The Union reacted by immediately declaring all paroles through September 1 exchanged, though this still shorted the Union. Meredith was instructed to pursue the release of more prisoners from the South to compensate.⁸²

Unfortunately for Meredith, on October 20 Ould claimed that during negotiations Meredith had verbally agreed to Ould's request to exchange all of the prisoners according to the provisions of the cartel. When Meredith cried foul and argued that Ould still owed him prisoners to balance the scales, the Confederate government decided to keep pressure on the negotiations by holding onto their Union prisoners. In response to this measure and Ould's declaration of Vicksburg parolees as exchanged, General Ethan Allen Hitchcock, the U. S. commissioner for exchanges, convinced Stanton to terminate the Dix-Hill cartel and cease all shipments of Confederate soldiers to City Point.

⁸² Charles W. Sanders, Jr., *While in the Hands of the Enemy: Military Prisons of the Civil War* (Baton Rouge, LA: Louisiana State University Press, 2005), 155-156.

Historian Paul Springer argued that while both sides violated the spirit and letter of the cartel, “In the end, the Union could afford a breakdown in the system much more easily, given the superior manpower reserves of the North. The decision to halt exchanges, from Stanton’s perspective, was a simple one, given that released Confederate prisoners were typically healthy enough to return to duty, while exchanged federal prisoners tended to be incapable of rendering service for months after returning from confinement.”⁸³

Grant had heard about the issues surrounding the exchange of officers paroled at Vicksburg in Southern newspapers, but Halleck made sure to keep Grant informed.⁸⁴ During an inquiry about the parole of a cavalry officer, Halleck notified Grant that the Union government maintained the position that none of the Confederates included in the Vicksburg parole had been recognized as exchanged yet. He instructed Grant to place any such men who were recaptured “in close confinement until their cases can be determined on.”⁸⁵ On September 17, Halleck informed Grant of the major dispute caused by the parole, that the Confederate government in violation of the cartel declared the paroled soldiers from Vicksburg and Port Hudson exchanged. Furthermore, these soldiers were to be sent to swell the ranks fighting against General Rosecrans in

⁸³ Paul J. Springer, *America’s Captives: Treatment of POWs from the Revolutionary War to the War on Terror* (Lawrence, KS: University of Kansas Press, 2010), 89-90. General Meredith sent a strongly worded letter to Robert Ould, Confederate Agent for Exchange, which supported Halleck’s opinion that the South violated the terms of the cartel when it declared the Vicksburg and Port Hudson parolees exchanged without Union approval, and also failed to supply the balance of Union POWs to even out the exchange. In Meredith’s rendition, the entirety of the blame for the breakdown of the cartel stemmed from the Confederate failure to abide by the word and spirit of the cartel agreement. S. A. Meredith to R. Ould, 29 October 1863, *OR*, Ser. 2, Vol. 6, 441-442.

⁸⁴ He wrote Sherman twice on the same day regarding the matter. USG to W. T. Sherman, 28 August 1863, Letters Sent, Oct. 1862-Oct. 1863 and Mar. 1864-June 1866, RG 393, Pt. 1, Entry 4709, NA.

⁸⁵ H. W. Halleck to USG, 9 September 1863, *OR*, Ser. 1, Vol. 30, Pt. 3, 474.

Tennessee. Halleck stated that Grant should expect that going forward, the Confederate government would continue to unilaterally declare exchanges and that Grant should adjust his actions accordingly. Halleck characterized the exchanges as violating “the plainest laws of war and principles of humanity.”⁸⁶ Halleck later described the Confederate decision to exchange the parolees as “a most shameless violation of the cartel and the general laws of war.”⁸⁷

Fortunately for Grant, his career did not suffer as a casualty from this policy battle. Yet, with the fall of Port Hudson, Grant’s army was largely dismantled for garrison duty and sent to support other operations, particularly those in Tennessee, Arkansas, and Louisiana. Grant advocated to start a new campaign for Mobile, Alabama, though Halleck dismissed this endeavor. In the meantime, Grant was left waiting for his next assignment and ended up going three months without exercising a major command.⁸⁸

In mid-October, Grant was finally assigned to help the faltering campaign in Tennessee. He was placed in charge of the new Military Division of the Mississippi, which consolidated the existing Departments of the Ohio, Cumberland, and Tennessee into a single command. This placed Grant in charge of everything from the Alleghenies to the Mississippi, with the exception of Louisiana. Once assigned, Grant immediately

⁸⁶ H. W. Halleck to USG, 17 September 1863, *OR*, Ser. 1, Vol. 30, Pt. 3, 694. Halleck again confirmed that the soldiers were illegitimately exchanged in a message two days later. H. W. Halleck to USG, 19 September 1863, *OR*, Ser. 2, Vol. 6, 303.

⁸⁷ H. W. Halleck to N. P. Banks, 26 October 1863, *OR*, Ser. 2, Vol. 6, 419.

⁸⁸ Ballard, *U. S. Grant: The Making of a General, 1861-1863*, 148 and Stoker, 307-308.

went to Tennessee to take charge of operations there and set things right.⁸⁹ However, he wasn't in Chattanooga long before he began to see the long-term consequences of paroling the garrison at Vicksburg. He was "outraged" when the men in his new command recaptured some of the same rebel soldiers he had paroled at Vicksburg only a few short months prior.⁹⁰ Furthermore, on October 8, Charles A. Dana, Stanton's assistant assigned to Grant's staff, reported that a deserter came into Union lines who claimed that not only was he a Vicksburg parolee, but that the Confederate government was returning all of the Vicksburg prisoners back into service.⁹¹

Halleck confirmed this a couple of weeks later that the majority of the Vicksburg and Port Hudson parolees were "illegally & improperly declared exchanged & forced into the ranks to swell the rebel numbers at Chickamauga." However, Halleck found solace in the notion that Grant's "armies will be abundantly able to defeat him." Furthermore, Grant's "difficulty will not be in the want of men, but in the means of supplying them, at this season of the year." Halleck again complained about how this act violated the laws of war and "all sense of honor," but in the end the damage had been done.⁹² What looked like a short-term fix to the problem of handling 30,000 POWs turned out to be a massive issue down the road. Of course, at the time Grant assumed that his agreement with Pemberton was proper and that the Confederate government

⁸⁹ Bruce Catton, *Grant Takes Command* (Boston: Little, Brown and Company, 1986), 33-34.

⁹⁰ James McPherson, *Battle Cry of Freedom: The Civil War Era* (Oxford: Oxford University Press, 1988), 792.

⁹¹ C. A. Dana to E. M. Stanton, 8 October 1863, The Papers of Charles A. Dana, October 1863, Manuscript Division, LOC.

⁹² H. W. Halleck to USG, 20 October 1863, *PUSG*, Vol. 9, 299-300n.

would act in accordance with the spirit, if not the letter, of the cartel. At this juncture it appeared as though Grant, the great conqueror of Vicksburg, made an error in his strategic calculations.

The last of the wounded Vicksburg parolees eventually left the citadel in mid-November. Even though Grant found the Confederates' use of the other parolees in battle frustrating, he nevertheless maintained his honor in the affair instructing McPherson to adhere to the agreement originally struck and continue with shipping the parolees out of Union lines. Grant asserted that "We will not violate good faith, if the rebels do."⁹³

Grant did not initially believe that the negotiations with Pemberton were successful. And who could blame him? Grant's previous experience with capturing a complete garrison at Fort Donelson resulted in an unconditional surrender that would propel him to fame. It only made sense from a command perspective that this would be repeated at Vicksburg. Intelligence pointed to the fact that the soldiers were running out of food and the fortress would capitulate any day. When Pemberton approached Grant to discuss terms of surrender, Grant knew he had the upper hand in the negotiations and believed that Pemberton would see checkmate just as surely as General Simon Buckner did in Tennessee. Unfortunately for Grant, Pemberton believed that Johnston would

⁹³ J. B. McPherson to USG, 26 October 1863, *OR*, Ser. 1, Vol. 31, Pt. 1, 748-749 and USG to J. B. McPherson, 13 November 1863, *OR*, Ser. 2, Vol. 6, 511. Grant had given verbal orders to not send out any more Vicksburg prisoners presumably after the perceived Confederate violation of the cartel and halting of exchange system. However, McPherson indicated that when he asked for written verification of how to handle the wounded Vicksburg prisoners, Grant informed him that they would honor their agreement. See: J. B. McPherson to W. Hoffman, 4 December 1863, *OR*, Ser. 2, Vol. 6, 646.

come to his relief and that he could force some sort of negotiated settlement. So, Grant's quick reaction was to fume at Pemberton's audacity and return to the siege, which was clearly reaching its intended effect. In Grant's mind, at some point in the near future either Pemberton would think of the humanity of the situation and decide to spare his men any further deprivation, or his men would tire of the situation and choose to end it themselves.

In the end, Grant's discussions with his subordinates helped remind him of several factors concerning a continued siege. First and foremost was the concern with General Joseph Johnston's marauding army in the rear of Grant's forces; a concern that was still apparent even after taking the fortress. Second, Grant simply did not have the logistic capability to transport 30,000 prisoners behind the lines to Cairo which would overwhelm the Union prison system. Third, choosing parole freed up Grant to assist with Port Hudson and track down Johnston in order to meet his immediate strategic objectives of controlling the Mississippi River and consolidating Union control over the state of Mississippi. Finally, Grant further had to take into account the political arm of strategy by acknowledging the significance of such a monumental victory coming on the Fourth of July at a time when the Union was in desperate need of a win to bolster public morale.

Being fairly level-headed, the arguments in favor of parole quickly won Grant over. He probably arrived to these conclusions on his own, but found reassurance in the decision through discussing it with his war council. Furthermore, Grant would have likely paroled at least a major portion of the garrison in any event. The major reason for his quick denial probably resulted from Pemberton's audacity and intransigence along

with the fact that Grant knew he secured a win and expected an unconditional surrender. Either way, a parole would have been necessary, though, with an unconditional surrender, Grant would then be able to fully dictate all of the terms and even have power over which prisoners to parole.

With the fallout from Vicksburg, Union high command kept Grant fixated on occupying and maintaining the Union line in Tennessee. Grant took command of the failing situation arriving at Chattanooga “wet, dirty and well” on the night of October 23.⁹⁴ Grant redirected logistics and got the campaign back on track, culminating in the victory at the Battle of Chattanooga on November 25. Two days later Grant informed Halleck that “The rout of the Enemy is most complete.”⁹⁵ Grant pursued the beaten Confederate army into northwestern Georgia for 20 miles observing that “Every mudhole for that distance showed evidence of the utter route and demoralization of the enemy.”⁹⁶

The Union captured 6,142 prisoners during the successful campaign which concerned Quartermaster General M. C. Meigs, who was assessing the situation in Chattanooga.⁹⁷ He told Halleck that “To send them North will be expensive in transportation, warm clothing, and food and shelter.” Meigs suggested instead putting the prisoners to work around Chattanooga “building bridges, repairing railroads which they have destroyed, and in handling stores, forage, and subsistence and transferring

⁹⁴ C. A. Dana to E. M. Stanton, 24 October 1863, The Papers of Charles A. Dana, October 1863, Manuscript Division, LOC.

⁹⁵ USG to H. W. Halleck, 27 November 1863, *PUSG*, Vol. 9, 454.

⁹⁶ USG to J. D. Grant, 30 November 1863, *PUSG*, Vol. 9, 478.

⁹⁷ Pickenpaugh, *Captives in Gray*, 74.

them to steamers.”⁹⁸ Halleck simply replied that “it is not deemed expedient to employ prisoners of war on public works or as laborers.”⁹⁹

Instead, 5,000 of the Chattanooga prisoners were transferred to Rock Island, Illinois where a new prison was in the midst of being constructed and not nearly prepared for the influx of prisoners. The prison was without clothing, blankets, water, and even paper. Colonel Richard Rush commanded the prison and begged for more guards as the prisoners began arriving. As the experience at Rock Island demonstrated, it didn’t take long for the effects of the cartel’s termination to be felt by the Union. The Chattanooga victory propelled Grant even further into fame, but, with exchanges at a standstill, it added pressure to an already overburdened prison system.¹⁰⁰

Grant’s objectives for the rest of the winter of 1863-1864 were to continue to try to remove the Confederate presence and threat from the eastern part of Tennessee. Grant spent the better part of the winter planning strategic operations and preparing for the possibility of greater things to come. This is where Grant stayed until things took a dramatic turn with President Lincoln’s nomination of Grant for promotion to the rank of lieutenant general on February 29, 1864.¹⁰¹

The surrender of Vicksburg and the fallout from the parole of its garrison radically changed Grant’s perspectives and Union POW policy. The unilateral declaration of exchange by the Confederacy of the Vicksburg parolees, coupled with

⁹⁸ M. C. Meigs to H. W. Halleck, 28 November 1863, *OR*, Ser. 2, Vol. 6, 589.

⁹⁹ H. W. Halleck to M. C. Meigs, 2 December 1863, *OR*, Ser. 2, Vol. 6, 632.

¹⁰⁰ Pickenpough, *Captives in Gray*, 74-76 and W. Hoffman to C. Thomas, 1 December 1863, *OR*, Ser. 2, Vol. 6, 626.

¹⁰¹ Stoker, 344-349.

their aforementioned policy of refusing to treat African American Union soldiers equally, directly led to the end of the Dix-Hill Cartel. This experience stuck with Grant for the rest of the war and, even though it ended with a bruised ego, Grant made the correct choice in paroling the garrison. He analyzed the strategic situation and realized that the victory was worth the parole, especially considering that the logistics required to imprison the garrison would be detrimental to Union operations. The Union needed the victory more than prisoners. Furthermore, Grant truly believed that the South would honor their agreement to keep the soldiers out of combat until duly exchanged. So, the parole made sense in that it achieved removing rebels from the battlefield while transferring the burden of their care to the Confederate government. Unfortunately for Grant, out of desperation the South tried one more gambit to gain advantage of the exchange system destroying it in the process.

CHAPTER VII

“THE GRIT OF A BULLDOG”: ATTRITION AND GRANT’S POLICY OF EXCHANGE

President Abraham Lincoln reportedly characterized General Ulysses S. Grant as embodying “perfect coolness and persistency of purpose.” “He has the grit of a bulldog!” Lincoln declared. “Once let him get his ‘teeth’ in, and nothing can shake him off.”¹ These illustrative words aptly described the dogged strategy that was to be the focal point of the hard fight defining Grant’s command during the campaign through Virginia in 1864.

In February of 1864, Grant became general-in-chief of all Union forces. This was the first time a coordinated strategy could truly be implemented. With full control of the board, Grant opted to move all of his pieces at once and, with the determination of a bulldog grip, release an unrelenting assault against the Confederacy. Grant set the two major Confederate armies still operating as his primary objectives. However, as time dragged on and with so many operations occurring simultaneously, Grant began to see the success of his strategy boil down to comparative force strength between Union and Confederate militaries. Hence, throughout the final campaigns of the war, Grant focused to a large degree on combat strength as a determinant of POW policy in order to support

¹ Quoted in Gordon C. Rhea, *The Battles for Spotsylvania Court House and the Road to Yellow Tavern, May 7-12, 1864* (Baton Rouge, LA: Louisiana State University Press, 1997), 312.

his steadfast strategy in the summer of 1864. Grant's tenacity to pursue his objectives resulted in a strategy of attrition buttressed by the support of ending prisoner exchanges.

In the resurrected rank of lieutenant general and now general-in-chief of all Union forces, Grant took to planning his sweeping cross-theater campaign for the spring of 1864. Grant wanted to consolidate gains, further boxing Confederate forces into smaller zones of operations. His ultimate objective was to destroy the Confederate ability to make war which translated to the dual objectives of eliminating armies operating in the field, namely General Robert E. Lee's army operating in Virginia and Joseph Johnston's army operating outside of Atlanta, as well as the resource base of the Confederacy through the hard hand of war approach. Overall, the goal was to obliterate the enemy's ability to prosecute the war.²

Grant's plan called for simultaneous offensives to hit Confederate forces at multiple points. He wanted to ensure that no Confederate army was free to utilize interior lines to reinforce any defense. This multi-pronged offensive called for attacks on Mobile, Richmond, the Shenandoah Valley, and the Confederate heartland by way of Atlanta. Significant in these plans was that the objectives now included not just places,

² Donald Stoker, *The Grand Design: Strategy and the U.S. Civil War* (Oxford: Oxford University Press, 2010), 352. For more on this, see Mark Grimsley, *The Hard Hand of War: Union Military Policy Toward Southern Civilians, 1861-1865* (Cambridge: Cambridge University Press, 1995). Other scholars noted that Grant's efforts and subsidiary operations were all intended to cut off supplies and eventually destroy the Army of Northern Virginia. For instance, see Gordon C. Rhea, *On to Petersburg: Grant and Lee, June 4-15, 1864* (Baton Rouge, LA: Louisiana State University Press, 2017), 5 and 321. Herman Hattaway and Archer Jones focused on how Grant's 1864 plan amounted to exhaustion of the Confederacy through attacking the logistical support of its armies and conducting expert raids while pinning down the primary forces. Hermann Hattaway and Archer Jones, *How the North Won: A Military History of the Civil War* (Urbana, IL: University of Illinois Press, 1991), 489.

but armies. The Army of the Potomac was to hound General Robert E. Lee's forces to the end while General William T. Sherman was to do the same to General Joseph Johnston's army in Georgia.³ Grant sought "to employ all the force of all the armies continually and concurrently, so that there should be no recuperation on the part of the rebels, no rest from attack, no opportunity to reinforce first one and then another point with the same troops, at different seasons."⁴ The plan built on successful principles of simultaneous pressure coordinated across several points calculated to pin down Confederate armies for attack.⁵ Historian Wayne Wei-siang Hsieh aptly noted that the explanatory thread tying together Grant's strategy was his penchant for the strategic initiative.⁶

In his official report, Grant wrote that his plan called "to use the greatest number of troops practicable against the armed force of the enemy, preventing him from using the same force at different seasons against first one and then another of our armies, and the possibility of repose for refitting and producing necessary supplies for carrying on resistance." Grant additionally believed that in order to achieve victory, his armies had "to hammer continuously against the armed force of the enemy and his resources, until

³ Stoker, 352-353.

⁴ Adam Badeau, *Military History of Ulysses S. Grant: From April, 1861, to April 1865*, vol. 2 (New York: D. Appleton and Company, 1885), 9-10.

⁵ Stoker, 354. Grant's decision to make the Army of Northern Virginia his direct objective and target of the Army of the Potomac was further spurred from Henry Halleck's warning that Lee's previous incursions into the North provoked panic and that it was politically vital to keep Lee on the defensive. Mark Grimsley, *And Keep Moving On: The Virginia Campaign, May-June 1864* (Lincoln, NE: University of Nebraska Press, 2002), 6.

⁶ Wayne Wei-siang Hsieh, *West Pointers and the Civil War: The Old Army in War and Peace* (Chapel Hill, NC: The University of North Carolina Press, 2009), 177-180.

by mere attrition, if in no other way, there should be nothing left to him but an equal submission with the loyal section of our common country to the constitution and laws of the land.”⁷

Later in his *Memoirs*, Grant addressed some of the criticism he received for his strategic choices arguing against the notion that by directly providing river transports to take Richmond staggering loss of life could have been avoided. River transports would have provided Lee the opportunity to simply fall back to Richmond and reinforce the defenses there; his army was more vulnerable outside of the city. Additionally, “Richmond was fortified and intrenched so perfectly that one man inside to defend was more than equal to five outside besieging or assaulting.” He continued that once Lee’s army was defeated, Richmond “would necessarily follow.” Thus, Grant concluded that Lee’s army must be met in the field directly.⁸

One major issue regarding preparations for taking on Lee’s Army of Northern Virginia was getting soldiers into combat-related positions. Approximately half of Union soldiers were employed in rear echelon positions of supply, guard duty, and garrison. To correct this, Grant ordered all new recruits forwarded to the front immediately and to reduce the numbers required in non-combat related jobs as much as possible. Grant also supported the organization of additional black regiments to take over much of the rear echelon duties and free up veteran units for frontline roles. In time, these African

⁷ USG Report, 22 July 1865, *OR*, Vol. 36, Pt. 1, 12-13.

⁸ John F. Marszalek, David S. Nolen, and Louie P. Gallo, eds., *The Personal Memoirs of Ulysses S. Grant: The Complete Annotated Edition* (Cambridge, MA: The Belknap Press of Harvard University Press, 2017), 487.

American units could also move into combat positions.⁹ By the summer campaign, Grant successfully reduced the garrison-to-combat ratio in half, thus providing more men for the front lines.¹⁰ Over time, the depletion of the ranks through the high toll of casualties resulting from the Overland Campaign and the fast-approaching expiration of the terms of enlistment for over thirty veteran regiments threatened to deplete the Army of the Potomac of experienced combat forces and meant that the issue of maintaining force strength would continue for Grant throughout 1864.¹¹

Grant's strategy for the Overland Campaign rested on the principle of movement. He intended to maneuver Lee's forces into a favorable position so that he could outflank Lee or, at the very least, contain Lee in the vicinity of the Confederate capital at Richmond so that he couldn't break out to threaten Washington.¹² With Grant's great superiority in numbers, moving into open space would have allowed for his strategy to succeed. Gordon Rhea remarked that after the Battle of the Wilderness early in the Overland Campaign, "Grant's hammering was working. If attrition continued at the same rate, Grant had to win. Mathematics dictated that Confederate numbers would soon become so small that inevitably Lee's veterans were going to be overwhelmed."¹³ This methodology served Grant well in the west, but the constrained geography in Virginia

⁹ Brooks D. Simpson, *Let Us Have Peace: Ulysses S. Grant and the Politics of War and Reconstruction, 1861-1868* (Chapel Hill, NC: The University of North Carolina Press, 1991), 57.

¹⁰ Jean Edward Smith, *Grant* (New York: Simon & Schuster, 2001), 296-297.

¹¹ Rhea, *On to Petersburg*, 17.

¹² *Ibid*, 21 and Gordon C. Rhea, *To the North Anna River: Grant and Lee, May 13-25, 1864* (Baton Rouge, LA: Louisiana State University Press, 2000), 368-369.

¹³ Gordon C. Rhea, *The Battle of the Wilderness, May 5-6, 1864* (Baton Rouge, LA: Louisiana State University Press, 1994), 441.

along with Lee's adept ability at defense soon blunted Grant's intentions. To make matters worse, subsidiary operations were in place to wreck Lee's supply lines and keep additional forces from reinforcing Lee, but they largely failed in their objectives and Lee was able to replace his losses by the end of the Overland Campaign.

Brooks Simpson best summarized the challenges facing Grant in 1864 arguing that the plan "was shaped primarily by concerns of manpower and politics." The plan could only work if Grant could "increase his margin of manpower over Lee." Ending the system of prisoner exchanges became a key component to achieving this. Additionally, Grant had to manage manpower through encouraging enlistments and the draft, monitoring when terms of service expired, and the recruitment of black troops.¹⁴

As operations commenced in the spring of 1864, Grant chose to stay with the Army of the Potomac and located his headquarters in the field. While preparing for his campaign through Virginia, Grant became embroiled in debates regarding the future of Union POW policy. After the collapse of the Dix-Hill cartel the previous year, the Union needed to revisit the issue of how to handle the thousands upon thousands of prisoners taken in battle. The difference this time was that Grant held significant and unprecedented influence over both policy and strategy. His singular vision for prosecuting the war made it possible for him to merge policy and strategy into a unified direction. Of course, playing at this level meant that Grant also needed to take political matters into consideration that he may otherwise previously have had the luxury of

¹⁴ Simpson, 56-57.

ignoring. Such considerations included a vociferous public upset with the deplorable conditions facing Union captives along with President Lincoln's impending 1864 reelection campaign.

Succumbing to public pressure regarding the suffering of Union prisoners in Confederate captivity, Secretary of War Edwin M. Stanton appointed General Benjamin Butler as "special agent for exchange of prisoners at City Point" on December 17, 1863 to oversee any future exchanges.¹⁵ General Butler represented an intriguing choice for the position as his actions as commander during the occupation of New Orleans provided the excuse for the Confederate government to begin its retaliation game in 1862. Confederate President Jefferson Davis had declared Butler an "outlaw and common enemy of mankind" and ordered that, if caught, Butler would be "immediately executed by hanging."¹⁶ This assignment may have signaled the Union's intentions to politicize the exchange process. However, the Confederate government was in dire need of reopening the exchange and, thus, was willing to repudiate their previous condemnation of Butler.¹⁷ Thus, if the assignment of Butler was intended as an insult to sabotage negotiation efforts, the plan ultimately backfired as Butler and the South were both eager to broker a deal.

Secretary of War Edwin M. Stanton grudgingly authorized Butler on February 22 to open dialogue with Confederate officials to begin man-for-man exchanges. On March

¹⁵ E. A. Hitchcock to B. F. Butler, 17 December 1863, *OR*, Ser. 2, Vol. 6, 711-712 and E. A. Hitchcock to B. F. Butler, 17 December 1863, *OR*, Ser. 2, Vol. 6, 712.

¹⁶ General Orders No. 111 (Confederate), 24 December 1862, *OR*, Ser. 2, Vol. 5, 795-797.

¹⁷ Aaron Sheehan-Dean, *The Calculus of Violence: How Americans Fought the Civil War* (Cambridge, Harvard University Press, 2018), 264.

31, Butler met with the Confederate exchange commissioner, Robert Ould, to discuss a new arrangement to consistently exchange prisoners in the wake of the failed Dix-Hill cartel. However, the major sticking point on the classification of black Union soldiers remained. When the subject arose, Ould provided a novel and surprising concession by including any free blacks in the exchanges on equal status to the white soldiers, but affirmed that in no way would the South consider the return of those understood to be fugitive slaves captured in uniform. The Confederacy maintained the position that they were property to be returned to their owners.¹⁸

Butler remained optimistic that he could broker a deal with the Confederates, but his superior, General Ethan Hitchcock, the Union Commissioner for Exchange of Prisoners, disagreed. Stanton resolved to make General Ulysses S. Grant, now general-in-chief, the judge to render this decision.¹⁹ On April 14, Grant ordered all negotiations to be halted so that he could review the case.²⁰ The following day Grant received word from Secretary Stanton regarding the massacre of black Union soldiers at Fort Pillow and, in a letter to General William T. Sherman, announced that retaliation must be promptly enforced if any soldiers had been murdered after their capture.²¹ This gruesome affair must have impacted Grant's thoughts while he deliberated over POW policy. Hitchcock additionally sent Grant a report detailing the narrative of the breakdown of the

¹⁸ Charles W. Sanders, Jr., *While in the Hands of the Enemy: Military Prisons of the Civil War* (Baton Rouge, LA: Louisiana State University Press, 2005), 214-215.

¹⁹ E. M. Stanton to USG, 14 April 1864, *OR*, Ser. 2, Vol. 7, Sec. 1, 46.

²⁰ USG to B. F. Butler, 14 April 1864, *OR*, Ser. 2, Vol. 7, Sec. 1, 50.

²¹ E. M. Stanton to USG, 15 April 1864, *PUSG*, Vol. 10, 285n; W. T. Sherman to USG, 15 April 1864, *PUSG*, Vol. 10, 285n; and USG to W. T. Sherman, 15 April 1864, *PUSG*, Vol. 10, 284-285.

exchange cartel beginning in July 1863. Hitchcock outlined how Confederate Agent for Exchange Robert Ould unilaterally declared Vicksburg and Port Hudson parolees exchanged without Union consent and reminded Grant that the disparity in exchange had yet to be made up by the Confederacy.²² After contemplating the case for a few days, Grant concluded that all exchanges should be halted until the Confederates fulfilled their balance of prisoners owed to the Union for exchange from those captured at Vicksburg and Port Hudson. He further stipulated that black Union soldiers captured were entitled to the same treatment as white Union soldiers. Grant declared that failure to comply with these terms signaled a refusal on the part of the Confederacy to agree to any resumption of prisoner exchanges.²³ In setting this policy, Grant well understood that there would be political repercussions as there was already vociferous public outcry against the ill treatment of Union prisoners in captivity and, without major battlefield victories in the upcoming campaign, this policy may well have proven too much for the political arm of war to bear.²⁴

Grant's terms appeared reasonable, but scholars have debated the intentions behind the policy decision. Charles Sanders argued for a more nefarious purpose alleging that Grant based his decision to end exchanges solely to "maintain the

²² E. A. Hitchcock to USG, 15 April 1864, Letters Received by the Headquarters of the Army 1827-1903, Microfilm Publication M1635, Roll 80, NA.

²³ USG to B. F. Butler, 17 April 1864, *OR*, Ser. 2, Vol. 7, Sec. 1, 62-63. On June 9, Butler informed Stanton that Confederate exchange agents cut off communications with him. Apparently, according to Butler, the Confederates grew tired of discussing the situation regarding black Union soldiers in captivity as well as Union policy of solely exchanging sick and wounded soldiers. See: B. F. Butler to E. M. Stanton, 9 June 1864, *OR*, Ser. 2, Vol. 7, Ser. 1, 215.

²⁴ Simpson, 58-59.

numerical superiority of Union regiments in the field.” Sanders portrayed Butler having an astute political mind and steering Grant away from announcing this because Butler understood that the public would never accept it nor would President Lincoln in an election year. Butler suggested that the narrative of events relayed to the public should follow the course that it was the Confederates who halted the exchanges due to their stance on black Union soldiers and that, in the meantime, Grant should reinstitute limited exchanges for sick and wounded prisoners.²⁵

Sanders’s argument for the rationale behind Grant’s policy decision rests on shaky ground given that he cited a single source—General Benjamin Butler. Butler later wrote of this encounter with Grant and is the sole source as to the existence of the content of the meeting. Conveniently for Butler, he became the hero and focal point of this rendition whereby Butler guided Grant on the policy decision. Butler’s version of events is somewhat dubious because of the renowned acrimony between Butler and Grant, along with Butler’s penchant for stretching the truth.²⁶ James Gillispie equally

²⁵ Sanders, 217-218. Sanders further alleged that a conspiracy emerged among “a group of powerful and equally determined allies” to orchestrate the mistreatment of Confederate POWs. Sanders included the Secretary of War, Commissary-General of Prisoners, and the Congressional Joint Committee on the Conduct of the War in the plot. Sanders argued that at the end of April Union POW policy took a “decidedly darker turn” with new “orders signaled nothing less than the advent of a new and far more determined effort to develop and implement a policy of successive rounds of retaliation, deliberately designed to lower conditions in the camps and increase immeasurably the suffering of prisoners.” The retaliation was supposedly justified by reports from Hoffman to Stanton detailing the that Union prisoners had been kept “under unspeakable conditions.” Sanders, 237 and 243.

²⁶ For instance, Sanders himself pointed this out when Butler consistently disregarded his superiors and their wishes when negotiating with Confederate exchange agents. Sanders recounted at least one such episode whereby Butler disobeyed orders from Grant and kept Grant in the dark regarding his scheming. Sanders, 256-257. In July of 1864, Grant wanted to fire Butler for incompetence of command. However, Butler was spared by Lincoln who most likely couldn't risk the political repercussion. In the aftermath of Butler’s failure at Fort Fisher later that year, Grant finally found the opportunity to fire him. Having won reelection, Lincoln no longer feared political reprisals from Butler and approved. Butler did not take this lightly, publishing a scathing rebuke of Grant and rushing off to a Congressional committee to register his

found fault with assessing Grant in the “one-dimensional way” regarding his cold calculus in determining POW policy by simple arithmetic. Gillispie argued that Grant’s perspective on POW policy in 1864 was multi-faceted and went beyond the simple quote oft-repeated by his detractors of how releasing prisoners made the conflict a “war of extermination.” According to Gillispie, Grant strongly believed that any exchange agreement had to be equitable to both sides, but in early 1864 the Confederacy would have benefited much more from reinstating anything like the terms of the Dix-Hill cartel. Due to the deterioration of the Confederate prison system, Union soldiers were returning in ill health and unfit for the field. Re-opening exchanges would not have netted an equal or positive balance of field strength for Union armies, but instead overwhelmingly benefitted Confederate forces. Gillispie concluded that the key issue leading to the end of the exchange was the Confederate policy regarding black Union soldiers. Thus, Gillispie made a strong case for the original intent of Grant’s POW policy being more than cruel strategy by the numbers.²⁷

Several other scholars have weighed in on this debate. James McPherson would have agreed with Gillispie, and attributed the stalled exchange negotiations in 1864 to the South’s refusal to treat black Union soldiers equally.²⁸ Ron Chernow echoed this opinion citing Grant’s concern for black Union soldiers.²⁹ Though Grant is often

complaint. Chernow noted that “Well into his postwar career, Butler spewed venom at Grant.” Ron Chernow, *Grant* (New York: Penguin Books, 2017), 422-424 and 461-462.

²⁷ James M. Gillispie, *Andersonvilles of the North: The Myths and Realities of Northern Treatment of Civil War Confederate Prisoners* (Denton, TX: University of North Texas Press, 2008), 87-90.

²⁸ James McPherson, *Battle Cry of Freedom: The Civil War Era* (Oxford: Oxford University Press, 1988), 792.

²⁹ Chernow, 373.

scapegoated for the decision to suspend the prisoner exchange in 1864, Lonnie Speer argued that the Union had maintained a concerted effort to undermine the exchange system throughout the war spearheaded by Secretary of War Edwin Stanton, and Grant essentially became the face of the policy that was not even his own.³⁰

Paul J. Springer and Glenn Robins returned to the numerical superiority argument noting that “Fighting on the tactical offensive tended to produce more casualties, thus every Confederate exchanged might cost multiple Union troops in the future, while providing the return of only a disabled soldier at the time of exchange.” As such, Grant opted to end the exchange system because the system lacked equity and, in the end, it would actually save lives. Springer and Robins also conceded that “when Grant urged a halt to the exchange system, he did so for reason of military efficiency, but in the larger picture, it also included a certain degree of humanitarian concerns.” Furthermore, even if the end of the general exchanges proved temporary, Grant believed that they would not be reopened prior to the start of his 1864 campaign through Virginia.³¹

However, William McFeely took an expectedly morose interpretation of Grant’s POW policy characterizing Grant as “disingenuous.” While Grant made it appear as though he was concerned that exchanges led to greater suffering overall, in reality he “knew now that he could win as long as policies were pursued that resulted in using up

³⁰ Lonnie R. Speer, *War of Vengeance: Acts of Retaliation Against Civil War POWs* (Mechanicsburg, PA: Stackpole Books, 2002), 136-137.

³¹ Paul J. Springer and Glenn Robins, *Transforming Civil War Prisons: Lincoln, Lieber, and the Politics of Captivity* (New York: Routledge, 2015), 13, 14-15.

the South's men." For McFeely, the cold calculus returned, but mostly because his glum interpretation of Grant's overall biography colored his analysis.³²

While this point of Grant's career has been thoroughly analyzed by prominent scholars, a significant oversight remains. No study has yet to analyze this decision based upon Grant's entire experience with POWs and strategy throughout the war. While many scholars arrived at apt conclusions discounting the termination of the exchange as part of some cold-hearted bloodthirsty scheme, they fall short of a deep analysis of this decision beyond the context of the moment.

One of the key aspects missing from this discussion was the notion of honor in civilized warfare. Grant had captured two large armies and seen firsthand how POW policy played out and affected strategy. After Fort Donelson he believed battlefield paroles offered the best option. He ultimately came to a similar conclusion in the wake of Vicksburg. However, the great dishonor regarding Confederate violation of paroles apparent at Chattanooga stung Grant terribly and this recent event must have been at the forefront of his thoughts. Furthermore, Grant had taken the firm position that Union blue meant more than black or white. Thus, the atrocities rumored to have been committed by Confederates at Milliken's Bend along with the actual slaughter of black prisoners at Fort Pillow further encouraged Grant to take the honorable approach and uphold the halt on exchanges. Grant was merely reacting to Confederate retaliations with his own. Also, Grant believed that the exchanges could only proceed if the Union received equitable

³² William S. McFeely, *Grant: A Biography* (New York: W. W. Norton & Company, 1981), 177.

benefits. Many of the soldiers returned to Union lines were unfit for duty further convincing Grant that the system was dishonorable and worked against Union efforts. Grant stated that exchanges could resume once the Confederate government regained their place of trust through correcting the balance of exchange prisoners, treating all Union soldiers in captivity equally, and conducting exchanges properly with healthy prisoners. In the end, while Grant's decision to terminate exchanges happened to include the added bonus of supporting his 1864 strategy through depleting Confederate combat strength in Virginia, focusing on the numbers game oversimplifies and misrepresents the issue as Grant was prepared to reopen the exchange if the South abided by the honorable terms set forth.

In the aftermath of Grant's decision to halt all formal exchanges, Butler kept scheming. Butler stated that he assumed Grant would continue to exchange sick and wounded prisoners. Grant advised that Butler should send no more prisoners, but was free to receive any and all the Confederates would send.³³ Yet, Butler would not let the matter rest and revisited it a couple of days later with Grant. Butler stated that he already made an agreement with Ould to exchange this class of prisoners and that failure to follow through would be dishonorable. Butler pledged not to send any well prisoners, but also asserted that he previously had the right to conduct special exchanges on an individual basis and that if Grant intended to end this practice it would cause consternation amongst "influential friends." Veiled threats like this reflected the political

³³ B. F. Butler to USG, 20 April 1864, *OR*, Ser. 2, Vol. 7, Sec. 1, 76 and USG to B. F. Butler, 20 April 1864, *OR*, Ser. 2, Vol. 7, Sec. 1, 76.

influence Butler wielded at the time and the caustic relationship between him and Grant.³⁴ Grant simply responded that he did not want to place Butler in a difficult position regarding the pledge he made to Ould, but Grant warned that “before sending another man who by any possibility can do duty in the next three months, I would have an explanation on what grounds they have placed men on duty released by you on parole.”³⁵ By this time, Grant’s communications established that he had become somewhat politically adept himself and could craft carefully worded messages right back to Butler.

Beyond Butler’s challenges to authority, the negotiations between the two combatants broke down when the Confederates realized that the Union would not budge on their new policy position. On April 20, sensing the impending impasse, Ould declared that all Confederate prisoners who had been delivered up to that point to be exchanged. Butler notified Stanton of this predicament recommending that the Union respond in kind. He acknowledged that the Confederacy would not change their position regarding black Union prisoners, nor would Grant.³⁶ On May 7 Stanton declared exchanged all Union soldiers who had already arrived into Union lines.³⁷ Going into the beginning of Grant’s major campaign for 1864, it would appear as though the POW policy debate had been resolved, if even momentarily.

³⁴ B. F. Butler to USG, 22 April 1864, *PUSG*, Vol. 10, 329-330n.

³⁵ USG to B. F. Butler, 23 April 1864, *OR*, Ser. 1, Vol. 33, 957.

³⁶ B. F. Butler to E. M. Stanton, 3 May 1864, *OR*, Ser. 2, Vol. 7, Sec. 1, 108.

³⁷ General Orders No. 191, 7 May 1864, *OR*, Ser. 2, Vol. 7, Sec. 1, 126.

The Overland Campaign ended in early June after nearly a month of dogged pursuit of Lee's army in a race of maneuvering and angling like chasing pieces on a chess board. From May 4 to June 3, Grant and Lee engaged a near-continuous series of battles at the Wilderness, Spotsylvania Court House, the North Anna River, and Cold Harbor. In this campaign of movement, the losses for both sides were staggering. Since battle continued seemingly without end, casualties added up quickly. Grant's casualties amounted to approximately 55,000 and Lee lost about 30,000 in the span of forty-two days.³⁸

Grant did not plan on wholesale slaughter and winning through body counts. While he was concerned about doing everything he could to limit the chances of the Confederacy to refill their lines, he did so in an effort to shorten the war with the result being less bloodshed overall. Yet, by the end of the campaign historians tended to drop usage of terms like maneuver instead finding attrition to better describe Grant's resulting way of war. Grant firmly believed that an important component of victory was Confederate combat strength. Horace Porter characterized the situation at the conclusion of fighting at Cold Harbor stating that "Lee has collected every able bodied man in the South, except those in Johnson's army, & has a very large force throwing up breastworks in front of us, any time we force them to change their position. We are gradually narrowing down their chances."³⁹ Historian Charles Sanders agreed that "Grant's

³⁸ Rhea, *On to Petersburg*, 332. Gordon Rhea argued that June 15 was the end date for Cold Harbor and the beginning of the Petersburg Campaign as that is the date the campaign of maneuver was terminated. Rhea, *On to Petersburg*, x.

³⁹ H. Porter to Wife (S. K. M. Porter), 4 June 1864, The Papers of Horace Porter, Box 1, Manuscript Division, LOC.

termination of the Butler exchanges was indeed depleting the strength of Confederate regiments.” The resulting influx of prisoners from the campaign eventually forced Hoffman to open up a new prison at the draft rendezvous camp at Elmira, New York.⁴⁰

Grant’s aggressive actions coupled with the flanking failure resulted in a debate over whether or not Grant originally intended the strategy governing his fight through Virginia to be one of attrition. Many scholars have argued that labeling Grant’s original strategy as one of attrition is a mischaracterization of Grant’s intentions and instead represents a backwards reading of history.⁴¹ Donald Stoker noted that after the failure of maneuver, Grant was left with “little choice but to grind away at the enemy’s capacity to continue to fight.” Grant settled into a strategy of attrition out of necessity, not preference. Furthermore, labeling Grant’s efforts as a strategy of annihilation would be a misnomer as Grant did not seek a “single, climactic battle.” Instead, the campaign through Virginia would only be won through “desperate fighting.” Additionally, attrition contained a large degree of risk since it took time to become effective and resulted in high casualties, something difficult for the political leadership and the public to

⁴⁰ Sanders, 246 and Roger Pickenpaugh, *Captives in Gray: The Civil War Prisons of the Union* (Tuscaloosa, AL: The University of Alabama Press, 2009), 76-77.

⁴¹ For instance, see: Rhea, *On to Petersburg*, 321 and Grimsley, *And Keep Moving On*, 234. Williamson Murray and Wayne Wei-siang Hsieh argued that “The problem was not that Grant knew only how to bludgeon an opponent into submission, but rather the instrument at his disposal, the Army of the Potomac, was incapable of fighting in any other fashion—a reality that showed up almost immediately.” Williamson Murray and Wayne Wei-siang Hsieh, *A Savage War: A Military History of the Civil War* (Princeton: Princeton University Press, 2016), 368. Of course, Grant only added to the confusion in his after-action report in which he declared, in an effort to save his reputation, that attrition had been his intent from the start. See: USG Report, 22 July 1865, *OR*, Vol. 36, Pt. 1, 12-13.

tolerate.⁴² James McPherson further observed that “It did turn out to be a campaign of attrition, but that was more by Lee’s choice than by Grant’s.”⁴³

J. F. C. Fuller asserted that Grant was well aware of what Lee most feared—a “heavy casualty list.” The Confederate strategy by 1864 became one of prolonging the struggle to wear out the will of the Northern public to continue. Fuller noted that this created a scenario whereby “Grant’s grand tactics were based, therefore, on the attrition of Lee, an attrition which was to lead to such an attenuation of his strength that he would be compelled to use his entire force on the defensive; this would deny him freedom of movement, and would consequently fix him.” Fuller further explained that the continuous hammering was intended to keep Lee’s army from recovering, and subsidiary operations from sending Lee reinforcements. An integral part of the success of this was to keep the prisoner exchange system from unduly favoring the relative combat strength of the Confederate forces over those of the Union.⁴⁴ In essence, the objective was to defeat Lee’s army by not allowing it to ever recover from continuous campaigning and depleting his combat strength to a point where he would be utterly overwhelmed by Union forces. This could well be described as attrition, but Fuller believed Grant originally would have preferred a quicker conclusion through a grand Jominian movement to force Lee to surrender or, would have sufficed for a culminating Napoleonic battle of annihilation.⁴⁵

⁴² Stoker, 368.

⁴³ James McPherson, “The Unheroic Hero,” *The New York Review of Books* (February 4, 1999).

⁴⁴ J. F. C. Fuller, *The Generalship of Ulysses S. Grant* (New York: Dodd, Mead and Company, 1929), 222-223.

⁴⁵ *Ibid*, 363 and Stoker, 373.

Interestingly, Herman Hattaway and Archer Jones argued that Grant's strategy wasn't even attrition at all, but instead part of a larger grand strategy of exhaustion.⁴⁶ Yet, explaining 1864 as a strategy of exhaustion only encapsulated a portion of the overall picture. Hattaway and Jones placed too much emphasis on General William T. Sherman's march through Georgia and other subsidiary operations. It failed to accurately describe the Virginia theater where Grant was most involved operationally. They constructed an interesting analysis that is more compelling on the grand strategic level, but it fell short by trying to utilize one narrow perspective to explain all of the events and, thus, presents an inaccurate picture of the operational strategy in Virginia. Also, this overlooks Grant's own declaration that the objectives for 1864 were the armies which he vigorously pursued in the field. Sherman was able to conduct his raid only after defeating Joseph Johnston's army, now commanded by John Bell Hood, at Atlanta. Wayne Wei-siang Hsieh even argued that their interpretation "overstates the level of intellectual abstraction at which actual policymakers operated" which may not accurately represent Grant's ideas at the time.⁴⁷

In Russell Weigley's analysis, Grant's strategy was but a small part of a larger picture of an American way of war. Weigley contended that "Grant accepted a Napoleonic strategy of annihilation as the prescription for victory in a war of popular nationalism" and that "Grant became the prophet of a strategy of annihilation in a new dimension, seeking the literal destruction of the enemy's armies as the means to

⁴⁶ Hattaway and Jones, 489 and 496.

⁴⁷ Hsieh, 177.

victory.”⁴⁸ However, Brian M. Linn wrote a rebuttal to Weigley’s work observing that Weigley utilized flawed definitions for his terms attrition and annihilation.⁴⁹ Linn also observed that Weigley’s thesis oversimplified and, possibly, even misconstrued Grant’s 1864 strategy positing that attrition would have been the better descriptor, a point which Weigley later conceded.⁵⁰ Weigley acknowledged that Grant better exemplified maneuver warfare, particularly with his campaign against the Army of Northern Virginia. Due to Lee’s skill, Grant was forced to resort to attrition, but not annihilation.⁵¹

Due to a misconception of Grant’s strategic intentions, the ensuing high casualties from the Overland Campaign, and the fact that the campaign failed to defeat Lee’s army, a popular perception developed regarding Grant’s strategy as merely one of bloodlust. Contemporaries began questioning Grant’s methodology and, in the decades following the war, Grant’s detractors and Confederate sympathizers painted Grant as a butcher. Scholars have tried to debunk this theory for generations, though, even recently scholars admit that this characterization has become so deeply imbedded in popular mythology as to necessitate its refutation in new scholarship.⁵² J. F. C. Fuller, writing in the 1920s, discounted the Butcher Thesis aptly noting that “as the popular mind is

⁴⁸ Russell F. Weigley, *The American Way of War: A History of United States Military Strategy and Policy* (New York: Macmillan Publishing Co., Inc., 1973), 141 and 145.

⁴⁹ Brian M. Linn, “The American Way of War Revisited,” *Journal of Military History* 66, no. 2 (April 2002): 503-505.

⁵⁰ Ibid, 511 and Russell F. Weigley, “Response to Brian McAllister Linn,” *Journal of Military History* 66, no. 2 (April 2002): 531.

⁵¹ Weigley, “Response to Brian McAllister Linn,” 532.

⁵² Prominent scholars still feel the need to address this myth. For instance, see: Rhea, *Spotsylvania Court House*, 5-6 and Gordon C. Rhea, *Cold Harbor: Grant and Lee, May 26-June 3, 1864* (Baton Rouge, LA: Louisiana State University Press, 2002), 390.

always governed by emotions and spectacles, there is some excuse why popular imagination was stamped by Grant's casualties; but there is absolutely no excuse why students of war should accept popular opinion as historical truth, for popular opinion is nearly always wrong."⁵³ More recently, Gordon C. Rhea conceded that the "ghost of 'Grant the butcher' haunts Civil War lore."⁵⁴ The points raised by Fuller's and Rhea's analysis could help explain why Grant's biographers still take the misguided approach of incorporating the sensationalized attrition argument into their narratives.⁵⁵

The vast amount of scholarship and debate resulted in some misconceptions regarding Grant's 1864 strategy. He planned for a war of maneuver against the Confederacy's two main armies in the field with subsidiary operations disrupting their supply and ability to reinforce. Grant hoped to corner the armies into submission according to the standards of nineteenth century warfare as he had done previously. Grant would probably have welcomed a battle of annihilation as well, but did not seek it. His strategy of exhaustion only came into play in a supporting role for his operations against Lee's and Johnston's armies. Unfortunately for Grant, however, Lee's adept defensive tactics and the difficult Virginia terrain resulted in a campaign of attrition. This notion became ensconced in popular memory, but the allegation that Grant sought a strategy of attrition is a gross misperception.

⁵³ Fuller, 373.

⁵⁴ Gordon C. Rhea, "'Butcher' Grant and the Overland Campaign," *North & South* 4, no. 1 (November 2000), 46.

⁵⁵ McFeely, 157 and 165 and Chernow, 355.

The question of attrition and combat strength was exactly where Grant's strategy intersected with POW policy. From the beginning of his time in Washington planning for the summer of 1864, Grant focused on the notion of defeating Lee's army, and combat strength remained a central component of this. The idea focused on reducing the ability of both Lee's and Johnston's armies to fight through reducing the numbers of soldiers to an inevitable end. Historian Gordon C. Rhea cited losses for Grant at 45% of his army by the conclusion of the Overland Campaign while Lee's losses were a little over 50%. With Grant's ability to replenish and Lee's limited pool of recruits, Rhea concluded that "Grant was coming out ahead."⁵⁶

With the focus on combat strength, Grant knew he had to keep his numbers up while wearing Lee's down. POW policy played an important part of this plan, though not originally by design. Mark Grimsley may have put it best when he described Grant's POW policy as making the best of the situation. While Grant may not have plotted to end the exchange cartel, he certainly utilized its collapse to buttress his overall strategy. Unable to come to an accommodation regarding the treatment of African American Union soldiers in captivity, the prisoner exchange system shut down and would not reopen prior to the start of the Virginia campaign. This played into Grant's near obsession with combat strength.⁵⁷

⁵⁶ Rhea, "'Butcher' Grant and the Overland Campaign," 55.

⁵⁷ Mark Grimsley aptly noted that the Confederacy failed to budge on their intransigence regarding the one point of disagreement blocking the re-opening of exchanges—their refusal to treat all black soldiers the same as their white comrades. So, the blame could not fall entirely at Grant's feet. Grimsley, *And Keep Moving On*, 173.

During the Overland Campaign, the matters of combat strength and POW policy for Grant crossed paths over management of backend logistics. With his rise to the top, Grant took over the role that Halleck previously played of directing the logistics regarding prisoners sent behind Union lines. Prior to 1864, much of Grant's concerns regarding POWs ended with sending the prisoners to a central waypoint for collection, for instance, Cairo during the Vicksburg Campaign. However, as general-in-chief he now had to supervise the issue on a grander scale. This included balancing logistics and guard duty with a need for good soldiers at the front. Of course, the strained Union prison system would be put to the test now that exchanges were halted and Grant had a major campaign underway that would take in thousands of new prisoners.

On May 12, Grant first signaled to Halleck that the time had come to prepare the Union prison system for the influx of captured Confederates. Grant directed that he was sending all of the prisoners captured up to that point by the Army of the Potomac to Belle Plain and that Halleck should notify the commanding officer of the coming surge.⁵⁸ Later that same day, just to make the situation clear, Brigadier General John A. Rawlins directly messaged the commanding officer at Belle Plain instructing him to “take charge of and closely guard all prisoners of war sent from here to Belle Plain until you receive directions as to what disposition to make of them from the authorities at Washington.” Furthermore, the commanding officer was ordered to “Send troops forward to the front as fast as they arrive at Belle Plain, retaining there no greater force

⁵⁸ USG to H. W. Halleck, 12 May 1864, *PUSG*, Vol. 10, 429n.

than is absolutely required to garrison the place and guard the prisoners.”⁵⁹ The following day, Halleck followed up with Grant stating that he ordered all dismounted cavalry and invalids to act as guards for the prisoners arriving at Belle Plain.⁶⁰ Rawlins also directed Major General Ambrose E. Burnside as to where to send the prisoners he captured and later that day Grant provided specific instructions to “Let the regiment whose time is up go as Escort to your prisoners.”⁶¹ To Grant it seemed prudent to send soldiers back as guards whose enlistments were about to expire as they would no longer be useful in prosecution of the campaign against Lee. Grant wanted all of the available troops sent to the front lines to press Lee’s army in Virginia and administrators were scrambling to find ways to guard the prisoners without reducing Grant’s potential combat strength.

That same day, Secretary Stanton wrote to Grant regarding this issue demonstrating that this was on the minds of those at the highest level. Stanton assured Grant that they were working to get reinforcements to Grant “and to relieve you from the burthen of the wounded and prisoners that are now on your hands.” They took the issue so seriously as to send Commissary General of Prisoners Colonel William Hoffman to Belle Plain, and even to Grant’s headquarters in the field if necessary, to oversee logistics there.⁶²

⁵⁹ J. A. Rawlins to Commanding Officer at Belle Plain, 12 May 1864, *PUSG*, Vol. 10, 429n.

⁶⁰ H. W. Halleck to USG, 13 May 1864, *PUSG*, Vol. 10, 429n.

⁶¹ J. A. Rawlins to A. E. Burnside, 12 May 1864, *PUSG*, Vol. 10, 432n and USG to A. E. Burnside, 12 May 1864, *PUSG*, Vol. 10, 432-433n.

⁶² E. M. Stanton to USG, 12 May 1864, *PUSG*, Vol. 10, 434-435n.

Grant communicated to Hoffman that he wanted officials in Washington to manage the backend logistics as much as possible. Grant also noted that he would send prisoners twice daily at noon and 6:00 PM along the road to Fredericksburg so long as it remained open. He did request that, since Hoffman was present, to secure the road which also acted to supply the army. Grant reiterated that he wanted “the very smallest number of men possible retained at Belle Plain for duty. Stragglers and slightly wounded men going to the rear, I think will form sufficient guard for prisoners and stores.”⁶³ Hoffman further suggested that “The prisoners require reliable guards whether in camp or on transports, for which service the Veteran Reserves will answer very well. They are too feeble to perform the labor required at this post at this time.”⁶⁴ In the end, Hoffman took charge of the situation and organized the backend logistics for transporting the prisoners beyond the collection point at Belle Plain relieving Grant of the burden of doing so all with an eye towards manpower at the front.⁶⁵

Yet, the trouble with guarding prisoners persisted throughout the year. On July 17 Halleck wrote to Grant about how he had to shuffle units around: “Moreover, the regiments of the Reserve or Invalid corps called from the west to the defence of these places must soon be returned to replace the hundred days men now guarding depots & camps of prisoners of war.”⁶⁶ On August 11, Halleck notified Grant that he ordered five regiments to guard prisoners at Johnson's Island, Chicago, Indianapolis, and Rock Island

⁶³ USG to W. Hoffman, 13 May 1864, *PUSG*, Vol. 10, 437-438.

⁶⁴ W. Hoffman to USG, 14 May 1864, *PUSG*, Vol. 10, 439n.

⁶⁵ W. Hoffman to USG, 14 May 1864, Letters Received by the Headquarters of the Army 1827-1903, Microfilm Publication M1635, Roll 80, NA.

⁶⁶ H. W. Halleck to USG, 17 July 1864, *PUSG*, Vol. 11, 261n.

in order to replace the hundred days soldiers about to be discharged. Juggling soldiers of different classes, especially those with expiring enlistments, proved a challenge for Halleck in managing the logistics of guarding POWs. The problem with maintaining force strength persisted across the board as Halleck warned that they would not be able to replace 11 regiments in West Virginia and most of the militia in Baltimore who were set to be discharged in a matter of days.⁶⁷ This problem included over 40 regiments in Ohio who would be discharged by the end of the month and the terms of service for a number of other regiments from Indiana and other states expiring the following month. Halleck warned that “To meet this loss of troops there is scarcely nothing coming in under the President's call, & I fear you will be obliged to send troops from the field to guard certain places, as West Va., the prison camps, &c., which cannot be left without garrisons.”⁶⁸ In the midst of this manpower crisis, Grant called on Lincoln to draft an additional “300,000 men to be put in the field in the shortest possible time.” Grant argued that not only would this allow for the Army of the Potomac to outmaneuver Lee's forces and the entrenchments of Richmond, but further contended that “The enemy now have their last man in the field. Every depletion of their Army is an irreparable loss. Desertions from it are now rapid. With the prospect of large additions to our force these desertions would increase. The greater number of men we have the shorter and less sanguinary will be the war.”⁶⁹

⁶⁷ H. W. Halleck to USG, 11 August 1864, *PUSG*, Vol. 11, 401n.

⁶⁸ H. W. Halleck to USG, 11 August 1864, *PUSG*, Vol. 11, 424-425n.

⁶⁹ USG to A. Lincoln, 19 July 1865, *PUSG*, Vol. 11, 280.

Once Grant effectively passed the responsibility for managing the prisoner logistics-chain to Washington, another major issue regarding POW policy required his attention. Grant voiced his displeasure at recruiting any Confederate prisoners into military service in order to maintain Union force strength. Grant firmly believed that POWs were not to be trusted as soldiers, that they were looking to get out of prison, take their bounty, and desert at the first chance back to Confederate lines.⁷⁰ Stanton responded that the War Department did not sanction the actions of individual states taking part in recruiting prisoners to fill their quotas and that President Lincoln exclusively authorized General Butler to recruit POWs.⁷¹ Grant then inquired with Butler directly as to whether or not he was recruiting POWs at Point Lookout, noting his disapproval of the policy, to which Butler responded that he had since stopped the practice.⁷²

Grant so thoroughly distrusted units composed of deserters and Confederate prisoners that he took to assigning them for duty in the Department of the Northwest, far away from the action of the Civil War.⁷³ Grant's stated rationale for the transfer was out of fear for the safety of those soldiers because, if captured by Confederate forces, they

⁷⁰ USG to E. M. Stanton, 20 July 1864, Letters Sent by General Grant, March 1864-December 1865, RG 108, Entry 100, NA.

⁷¹ E. M. Stanton to USG, 20 July 1864, *PUSG*, Vol. 11, 284-285n.

⁷² USG to B. F. Butler, 20 July 1864, Letters Sent by General Grant, March 1864-December 1865, RG 108, Entry 100, NA and B. F. Butler to USG, 20 July 1864, *PUSG*, Vol. 11, 285n1.

⁷³ During the Civil War, the United States government also found themselves embroiled in conflicts with Native Americans out west. The Department of the Northwest spent a lot of its time battling with Sioux and other tribes. For example, see chapters 11-13 in Peter Cozzens, *General Pope: A Life for the Nation* (Urbana, IL: University of Illinois Press, 2000).

would be classified as deserters.⁷⁴ Grant arranged to transfer out the regiments of deserters and POWs to General John Pope to then have Pope rotate in more trusted units to send to General William T. Sherman.⁷⁵ However, his consistent opposition to the policy of enlisting Confederate POWs leads one to believe that he simply did not trust this class of recruit to service in the line.⁷⁶

On September 25, Stanton telegraphed Grant to explain the situation regarding recruitment of Confederate prisoners. Apparently, President Lincoln “sometime ago” had authorized a regiment to be raised from among the prisoners held at Rock Island. Stanton claimed to have no knowledge of the affair, but, since the President insisted upon following through with this, Stanton requested Grant's input as to how the recruits should be utilized.⁷⁷ Grant advised that the POWs should all be collected into a single regiment and ordered to General John Pope's command or sent to New Mexico.⁷⁸ Interestingly, a couple of days later Grant's fears regarding recruitment of POWs was confirmed when Halleck sent him the following message: “The conduct of the regiment of rebel deserters enlisted by Genl Butler & sent to the northwest has been such, that no more of that class should be received. Genl Sibley reports that they are entirely

⁷⁴ USG to H. W. Halleck, 9 August 1864, *PUSG*, Vol. 11, 385.

⁷⁵ USG to H. W. Halleck, 13 August 1864, *PUSG*, Vol. 11, 408.

⁷⁶ For instance, see A. P. Hovey to USG, 13 October 1864, *PUSG*, Vol. 11, 386n and USG Endorsement, 13 October 1864, *PUSG*, Vol. 11, 386n.

⁷⁷ E. M. Stanton to USG, 25 September 1864, *OR*, Ser. 3, Vol. 4, Sec. 2, 744. While Stanton was unaware of when Lincoln organized this plan, on September 1 Lincoln arranged for the paying of bounties to Confederate POWs who were unwilling to return south and instead wished to take the oath of allegiance and enter military service for the Union. A. Lincoln to H. S. Huidekoper, 1 September 1864, Abraham Lincoln Papers, Series 1, Manuscript Division, LOC, <https://www.loc.gov/item/mal3577900/>.

⁷⁸ USG to E. M. Stanton, 25 September 1864, *OR*, Ser. 3, Vol. 4, Sec. 2, 744.

untrustworthy and even dangerous.”⁷⁹ In a letter to Grant, Lincoln absolved Stanton of any wrongdoing and insisted that he would seek out Grant's opinion if they entertained the notion of recruiting prisoners in the future. Lincoln claimed to have been unaware of Grant's opposition to the practice previously.⁸⁰

Grant's focus regarding POW policy remained on keeping Confederate combat strength low while keeping the Union's as high as possible with reliable soldiers. Grant consistently ensured that the only prisoners allowed for exchange were those most likely unfit for service. With regards to his own soldiers, he directed untested or unfit soldiers to garrison duty and guarding prisoners. He sent former Confederates to distant commands. He swapped upcoming enlistment expirations with those having longer terms. Managing soldiers for both militaries became a top priority for Grant and one that played into strategic necessity.

With the grudge match through Virginia over due to stalemate and adept Confederate entrenchments at Cold Harbor coupled with the high death toll, Grant expanded his strategic perspective through cutting off Lee's supplies and reinforcements. This entailed a race to Petersburg approximately 20 miles south of Richmond. Richmond was too heavily fortified by this point and Grant wanted to avoid a direct assault. However, Petersburg served as a railroad hub and direct route of supply for both Lee's army and the Confederate capital of Richmond. Attacking here could disrupt supply and

⁷⁹ H. W. Halleck to USG, 15 October 1864, *PUSG*, Vol. 11, 386n.

⁸⁰ A. Lincoln to USG, 22 September 1864, Abraham Lincoln Papers, Series 1, Manuscript Division, LOC, <https://www.loc.gov/item/mal3653500/>.

drag Lee out of his earthworks at Cold Harbor. Yet, success in this plan arose from securing the city prior to Lee's arrival in order to avoid a prolonged siege. However, after accomplishing a logistical feat of crossing the James River with the longest pontoon bridge ever assembled, Grant's subordinates failed to capture the city when the opportunity was easily there and the Army of Northern Virginia won the objective. As such, Grant settled in for yet another siege.⁸¹

By the end of summer, pessimism pervaded the North due to the failure of Union commanders to take Petersburg and Atlanta. However, Grant's persistence prevailed upon his commander-in-chief. Though needing the political end of war to succeed in order to get reelected, Lincoln showed faith in his top general stating in a message to Grant on August 17 that "I have seen your dispatch expressing your unwillingness to break your hold where you are. Neither am I willing. Hold on with a bulldog grip, and chew and choke as much as possible."⁸² Such statements demonstrated to Grant that he had the necessary time to make his strategy of wearing out the Confederacy and the Army of Northern Virginia work.

With the siege of Petersburg underway, new issues arose impacting Grant's strategy. One such reoccurring issue was constant rumors of Confederate attacks into

⁸¹ Rhea, *On to Petersburg*, 22 and Rhea, *The Battle of the Wilderness*, 49. To advance upon Richmond after Cold Harbor would have been difficult. Lee's army stood in the way as did numerous swamps. Lee also destroyed bridges and would have made the effort as difficult as possible in order to protect the Confederate capital. Marszalek, 582-584. Grant claimed that, from the Battle of the Wilderness to the crossing of the James River in mid-June, "All circumstances considered we did not have any advantage in numbers." Grant further argued "that Petersburg could have been easily captured at that time." Marszalek, 591 and 593.

⁸² Quoted in Smith, 382.

Union areas to liberate POWs. Though seemingly just gossip, Grant had cause to worry as Jubal Early raided Maryland and swung his forces towards Washington on June 28. Early's raid actually reached Washington, but was repelled and he then retreated to operations in the Shenandoah Valley.⁸³ On July 14, Grant reported to Halleck a rumor that enemy forces were on the move to Point Lookout to rescue prisoners kept there. While Grant dismissed this as unlikely, he still recommended reinforcing Union positions there and even alerting the navy to the possibility of Confederates crossing the Potomac just in case it turned out to be true.⁸⁴ Whether or not the Confederate cavalry was making an actual attempt to break out prisoners or if this was simply a feint, it was effective in worrying Grant enough to divert resources to reinforce his position at Point Lookout.

Grant's paranoia again surfaced in mid-August due to receiving "constant reports of an intention on the part of the rebels to land arms at Point Lookout to arm the prisoners confined there to aid their escape." Again, Grant dismissed the idea as "not very feasible," but still recommended that the prisoners be relocated further north to a more secure location.⁸⁵ Hoffman reassured Grant that the prisoners were "well guarded by infantry, artillery with field-works, and four gun-boats, and are believed to be safe," but could be transferred to the prison camp at Elmira if so desired.⁸⁶ With this assurance,

⁸³ McPherson, *Battle Cry of Freedom*, 756-757.

⁸⁴ USG to H. W. Halleck, 14 July 1864, *PUSG*, Vol. 11, 241.

⁸⁵ USG to H. W. Halleck, 12 August 1864, *PUSG*, Vol. 11, 405.

⁸⁶ W. Hoffman to USG, 14 August 1864, *OR*, Ser. 2, Vol. 7, Sec. 1, 594.

Grant stated that the transfer was unnecessary so long as the prisoners were safe at Point Lookout.⁸⁷

Yet, it wasn't just Confederate attempts to attack behind Union lines that concerned Grant during the Petersburg Campaign. Grant continued to focus on Confederate recruitment attempts which would prolong the war and could potentially impact the pending fall presidential election. Grant wrote his thoughts at length to his old patron, Elihu Washburne:

The rebels have now in their ranks their last man. The little boys and old men are guarding prisoners, guarding rail-road bridges and forming a good part of their garrisons for intrenched positions. A man lost by them can not be replaced. They have robbed the cradle and the grave equally to get their present force. Besides what they lose in frequent skirmishes and battles they are now loosing from desertions and other causes at least one regiment per day. With this drain upon them the end is visible if we will but be true to ourselves. Their only hope now is in a divided North, This might give them reinforcements from Tenn, Ky, Maryland and Mo, whilst it would weaken us. With the draft quietly enforced the enemy would become dispondent and would make but little resistance, I have no doubt but the enemy are exceedingly anxious to hold out until after the Presidential election. They have many hopes from its effects. They hope a counter revolution. They hope the election of the peace candidate.⁸⁸

Believing that the South had truly depleted all of its available manpower pool and was trying to delay the inevitable, Grant made an interesting decision regarding POW policy when he directed General Sherman that "All Male Citizens under fifty can fairly be held as prisoners of war and not as citizen prisoners. If not already soldiers they will be made so the moment the rebel army gets hold of them."⁸⁹ Even in August, Grant knew the end

⁸⁷ USG to W. Hoffman, 15 August 1864, *OR*, Ser. 2, Vol. 7, Sec. 1, 594.

⁸⁸ USG to E. B. Washburne, 16 August 1864, Letters to E. B. Washburne, 1861-65, Folder 3, SC 587, ALPLM.

⁸⁹ USG to W. T. Sherman, 16 August 1864, *PUSG*, Vol. 12, 15-16.

of the Confederacy was near. He kept the focus on reducing their capability to make war with POW policy focused on combat strength.

Another issue plaguing Grant in the late summer was that of Union deserters. Grant discounted the notion that many of the Union deserters crossed over to enemy lines. Furthermore, of those who deserted from the Union ranks, he believed that it was rarely ever veterans but almost always raw recruits who never intended to stick around. He also acknowledged that a class known as “bounty jumpers” existed and that these men were often substitutes who repeated the cycle of collecting a bounty, deserting, and reenlisting until they became afraid enough of getting caught to actually join their regiments and desert to the enemy at the first chance. Grant believed that “Of this class of recruits we do not get one, for every eight bounties paid, to do good service.” However, on the other hand, deserters poured into Union lines daily from the enemy and these soldiers were typically veterans with three years’ experience. A few days prior, Grant sent an entire regiment of 1,000 soldiers of this class along with prisoners of war who took the oath of allegiance to serve under General John Pope.⁹⁰

Grant also cautioned that many Confederate prisoners simply enlisted as substitutes to get their bounty and had no intention of honoring their oaths of allegiance. They then fled to Confederate lines where they were heralded as Union deserters who desired to take up the Southern cause. Furthermore, the Union’s lenient policy only encouraged such action. Grant tied this problem to grander concepts arguing that “We

⁹⁰ USG to W. H. Seward, 19 August 1864, *OR*, Ser. 2, Vol. 7, Sec. 1, 614-615.

ought not to make a single exchange nor release a prisoner on any pretext whatever until the war closes. We have got to fight until the military power of the South is exhausted, and if we release or exchange prisoners captured it simply becomes a war of extermination.”⁹¹ Grant made his position clear to Stanton stating that he did not want the draft postponed in order to try to fill the ranks through recruitment as the men who are signed up for duty for the bounty “nearly all desert, and out of five reported North as having enlisted we do not get more than one.”⁹² Grant firmly believed that, due to the “ease with which our men of late fall into the hands of the enemy,” this clearly demonstrated that they were “rather willing prisoners.”⁹³ Grant sought and received permission to transfer any Confederate deserters now in Union ranks as he saw fit.⁹⁴

However, Halleck disagreed with Grant and argued that desertions of the enemy were to be encouraged. Halleck believed that it violated the rules of war to force an enemy deserter to return to Confederate ranks. Additionally, this mode of thinking was counter to Lincoln's policies regarding such men. A vital component to Halleck's argument was the fact that “Most of the prisoners who have expressed an unwillingness to be exchanged are from Missouri, Kentucky, Tennessee, Arkansas, and Louisiana, States now in or about to return to the Union.” Halleck concluded that “on a full consideration of this matter General Grant would be disposed to change his

⁹¹ Ibid.

⁹² USG to E. M. Stanton, 10 September 1864, *OR*, Ser. 3, Vol. 4, Sec. 2, 706.

⁹³ USG to G. G. Meade, 20 September 1864, *PUSG*, Vol. 12, 175.

⁹⁴ Grant stated that he didn't want these men to confront their old units in battle and Halleck followed up with a notice that over 2,000 enlisted Confederates remained at Rock Island who were “of no use.” USG to H. W. Halleck, 7 December 1864, *PUSG*, Vol. 13, 79 and H. W. Halleck to USG, 8 December 1864, *PUSG*, Vol. 13, 79n.

recommendation. It is much cheaper to feed an enemy in prison than to fight him in the field.”⁹⁵ The Union shouldn’t force those back into Confederate service who didn’t want to go. If they vehemently declined their chance for parole, they could languish in Northern prisons until the war ended.

What Grant also needed to focus on were the machinations of General Butler. Butler, always scheming, tried to go behind Grant’s back and re-open negotiations with Robert Ould. Butler’s objectives were to meet Ould in order to discuss special exchanges, the treatment of Union POWs, and alleged retaliations against them.⁹⁶ On August 18, Grant discovered the mission and halted Butler’s steamer in port while he settled the matter. Grant reiterated his opposition to exchanges altogether “until the whole matter is put on a footing giving equal advantages to us with those given to the enemy.” For the time being, he strictly forbade any exchange agreements without his express permission. As such, Grant also put a halt to Butler's secret mission to open some sort of negotiations with the Confederacy, going so far as to dock the ship Butler traveled on until he received “a report of the full object of her mission and the load she now has on board.”⁹⁷ Butler defended his actions declaring that he never made any exchanges providing the enemy with an advantage and only acted in accordance with Grant's previous orders to exchange wounded soldiers, surgeons, noncombatants, and a few instances of special exchanges.⁹⁸ Later that day, in a move to further distance

⁹⁵ H. W. Halleck to E. M. Stanton, 17 February 1865, *OR*, Ser. 2, Vol. 8, 239-240.

⁹⁶ USG to B. F. Butler, 18 August 1864, *PUSG*, Vol. 12, 26n1 and B. F. Butler to USG, 18 August 1864, *PUSG*, Vol. 12, 26n1.

⁹⁷ USG to B. F. Butler, 18 August 1864, *PUSG*, Vol. 12, 25-26.

⁹⁸ B. F. Butler to USG, 18 August 1864, *PUSG*, Vol. 12, 26n.

himself from the conspiracy, Butler submitted requests to Grant for special exchanges in an effort to prove that he was following orders. However, Butler was also sure to include that both Hitchcock and Stanton had approved to some degree of his trip. Thus, Butler admitted to keeping Grant out of the loop while also demonstrating to Grant the level of support he already obtained for the mission.⁹⁹

After his review, Grant ultimately sanctioned Butler's trip with regards to negotiating an end to the rumored retaliations committed against Union soldiers in captivity. Yet, Grant reiterated that Butler was not to discuss exchanges. He justified this course of action contending that re-opening the exchanges was tantamount to bloodlust and threatened Union strategy:

It is hard on our men held in Southern prisons not to exchange them but it is humanity to those left in the ranks to fight our battles. Every man released, on parole or otherwise, becomes an active soldier against us at once either directly or indirectly. If we commence a system of exchanges which liberates all prisoners taken we will have to fight on until the whole South is exterminated. If we hold those caught they amount to no more than dead men.

For Grant, exchanges only prolonged the misery and, with the path to victory in sight, Butler's efforts could only serve to jeopardize that.¹⁰⁰

Through the end of August Grant held firm on his position that all exchanges should be stopped. He denied a request from General Foster for exchanges stating that "Exchanges simply re enforce the enemy at once, whilst we do not get the benefit of

⁹⁹ B. F. Butler to USG, 18 August 1864, *PUSG*, Vol. 12, 26n.

¹⁰⁰ USG to B. F. Butler, 18 August 1864, *PUSG*, Vol. 12, 27. Interestingly, Charles Sanders disagreed that this idea originated solely with Grant instead asserting that Stanton was deeply involved in the decision and both were in complete agreement on the policy. Sanders, 257-258.

those received for two or three months and lose the majority entirely.”¹⁰¹ A few days later Grant informed Halleck that he read in the Richmond papers that General Edward R. S. Canby was arranging for an exchange of prisoners captured at Fort Gaines and ordered a halt to this effort immediately. Grant again argued that “It is giving the enemy reinforcements at a time when they are of immense importance to him.”¹⁰² Halleck responded that he, and apparently other Union field commanders, were under the impression that the portion of the exchange cartel allowing for field commanders to conduct man-for-man exchanges was still in effect. Halleck countered Grant noting that “it can give no advantage to either party, and saves our men from barbarous treatment by the rebels. To exchange their healthy men for ours, who are on the brink of the grave from their hellish treatment, of course gives them all the advantage. Nevertheless it seems very cruel to leave our men to be slowly but deliberately tortured to death. But I suppose there is no remedy at present.”¹⁰³ Grant replied that he had no objections to field commanders making these man-for-man exchanges after battles to include solely those soldiers captured in said battle. However, Grant noted that he did not believe this to be the case for either Foster or Canby and that they had exchanged “men that will go immediately into the ranks to fight against us whilst we get nothing of the sort in return. Such exchanges are very much against us.”¹⁰⁴

¹⁰¹ USG to E. M. Stanton, 21 August 1864, *OR*, Ser. 2, Vol. 7, Sec. 1, 662.

¹⁰² USG to H. W. Halleck, 25 August 1864, *PUSG*, Vol. 12, 83.

¹⁰³ H. W. Halleck to USG, 27 August 1864, *OR*, Ser. 2, Vol. 7, Sec. 2, 685.

¹⁰⁴ USG to H. W. Halleck, 29 August 1864, *PUSG*, Vol. 12, 102-103.

In late summer 1864, Lincoln's re-election was looming and the prisoner issue clouded his campaign. Soldiers suffering in southern prisons created a public outcry against the administration and put his chances at winning the election in jeopardy. Grant's POW policy caused some of Lincoln's supporters much consternation. Horace Greeley, an ardent abolitionist and outspoken editor of the *New York Tribune*, implored the administration to draft a statement explaining why there was no general exchange of prisoners. Supporters of the Democratic nominee, the "peace candidate" George B. McClellan, used public outcry to make this into a major campaign issue and Greeley thought that Lincoln should find a way to put an end to it. To drive home his point, Greeley closed his letter noting that if the election were the following day, he believed McClellan would carry New York by 40,000 votes, but held out hope that this could be surmounted by negating certain campaign issues like that of POWs and the general exchange.¹⁰⁵

Unbeknownst to Grant, Lincoln, or Stanton, Secretary of the Navy Gideon Welles had for some time been secretly orchestrating an exchange exclusively of navy prisoners which finally began to bear fruit in mid-September when he reached a deal to exchange naval and marine prisoners.¹⁰⁶ President Lincoln approved of the arrangement in early October and forwarded it to Grant imploring him to sanction it as well since so much effort had already gone into the agreement and it was for a limited number and

¹⁰⁵ H. Greeley to J. G. Nicolay, 19 September 1864, Abraham Lincoln Papers, Series 2, Manuscript Division, LOC, <https://www.loc.gov/item/mal4307700/>.

¹⁰⁶ G. Welles to S. R. Mallory, 9 September 1864, *OR*, Ser. 2, Vol. 7, Sec. 2, 790.

class of prisoner. However, Lincoln added that Grant could put a halt to the entire ordeal if he believed that “the public good requires it.”¹⁰⁷ Ultimately, Grant approved of the exchange noting that it should be conducted man-for-man and “yielding no point before insisted on,” and turned the matter over to Butler to carry out.¹⁰⁸ The final details of the exchange were agreed to on October 15.¹⁰⁹ Since this exchange focused solely on sailors, not soldiers, it both appeased the public outcry at a critical time leading up to the election while maintaining the goals of the original policy to deplete Lee’s forces.

At the beginning of October, Confederate General Robert E. Lee reached out to Grant in hopes of reinstating some sort of exchange. Lee appealed to “alleviating the sufferings of our soldiers” and proposed a man-for-man exchange between the armies operating in Virginia or re-opening the general exchange based up the terms of the cartel.¹¹⁰ At this point, while Lee must have had some interest in the humanity of it all, he more than likely needed to restart prisoner exchanges in order to refill the ranks and have a chance at a counterstrike or breakout attempt from Petersburg. Grant replied that he would only consider exchanging prisoners captured within the last three days who had yet to be delivered to the Union prisoner system collection points, sticking to the policy of battlefield exchanges. However, while he was open to continuing negotiations

¹⁰⁷ A. Lincoln to USG, 5 October 1864, *OR*, Ser. 2, Vol. 7, Sec. 2, 924.

¹⁰⁸ USG to B. F. Butler, 11 October 1864, *OR*, Ser. 2, Vol. 7, Sec. 2, 965.

¹⁰⁹ B. F. Butler to USG, 15 October 1864, *OR*, Ser. 2, Vol. 7, Sec. 2, 989. With negotiations ongoing, Grant grew impatient with the progress of the exchange and inquired as to its status in mid-October only to be told that the deal was yet to be finalized, but that the representatives were meeting at that time. USG to B. F. Butler, 14 October 1864, *OR*, Ser. 2, Vol. 7, Sec. 2, 983 and B. F. Butler to USG, 14 October 1864, *OR*, Ser. 2, Vol. 7, Sec. 2, 983.

¹¹⁰ R. E. Lee to USG, 1 October 1864, *PUSG*, Vol. 12, 258n.

on the subject, Grant would only do so if Lee clarified his position on the fate of black Union soldiers recently captured in operations against Richmond.¹¹¹ Lee held firm to Confederate policy to include all prisoners in the exchange with the exception of “deserters from our service and negroes belonging to our citizens.” Lee’s response illustrated the intransigence of Confederate policy in that even while on the brink of collapse they still would not budge on the issue of recognizing all black Union captives as equal to white soldiers.¹¹² Of course, Grant also stood firm on his policy to continue the cessation of exchanges until all Union soldiers received fair treatment by their Confederate captors.¹¹³ At this point, with his numerical superiority, Grant could afford to hold back on the exchanges more than Lee. Furthermore, as Brooks Simpson noted, “By expressly restricting the exchange to prisoners captured during the recent offensive, he [Grant] shifted the focus of attention to the problem of black soldiers. Lee’s response reminded everyone that the Confederacy was created to defend slavery, something Northern voters might keep in mind.”¹¹⁴

In contradiction to what the public or even historians like Charles Sanders may have thought of Grant’s POW policies, in the end Grant did care about the well-being of the Union soldiers in captivity. The most glaring example of this is in all of the effort he put forth to make the cotton-for-supplies deal with the Confederate government work. The plan called for the Union government to provide blankets and clothes for their own

¹¹¹ USG to R. E. Lee, 2 October 1864, *PUSG*, Vol. 12, 258.

¹¹² R. E. Lee to USG, 3 October 1864, *OR*, Ser. 2, Vol. 7, Sec. 2, 914.

¹¹³ USG to R. E. Lee, 3 October 1864, *OR*, Ser. 2, Vol. 7, Sec. 2, 914.

¹¹⁴ Simpson, 65-66.

soldiers in captivity and the Confederate government would do the same for theirs through sending shipments of cotton north to be sold by the War Department in order to procure funds.¹¹⁵ Throughout the end of 1864, Grant supervised the arrangement, but, unfortunately, what sounds simple is not always so.¹¹⁶ Problems arose when first trying to negotiate for who would be appointed as agents to conduct the transactions and continued through the shipping of cotton out of Mobile.¹¹⁷ In the end, the shipments took until 1865 to arrive in New York for sale. By the time that the Confederates finally

¹¹⁵ For the discourse arranging the cotton exchange deal, see: M. M. Broadwell to W. Hoffman, 12 September 1864, *OR*, Ser. 2, Vol. 7, Sec. 2, 814-815; R. Ould to J. E. Mulford, 6 October 1864, *OR*, Ser. 2, Vol. 7, Sec. 2, 926; E. M. Stanton to USG, 15 October 1864, *OR*, Ser. 2, Vol. 7, Sec. 2, 988-989; USG to R. E. Lee, 18 October 1864, *PUSG*, Vol. 12, 319-320; R. E. Lee to USG, 19 October 1864, *PUSG*, Vol. 12, 320-321n; USG to R. E. Lee, 20 October 1864, *OR*, Ser. 2, Vol. 7, Sec. 2, 1018; R. Ould to USG, 30 October 1864, *OR*, Ser. 2, Vol. 7, Sec. 2, 1063; USG to R. Ould, 6 November 1864, *OR*, Ser. 2, Vol. 7, Sec. 2, 1101; R. Ould to USG, 11 November 1864, *OR*, Ser. 2, Vol. 7, Sec. 2, 1117-1118; USG to R. Ould, 13 November 1864, *OR*, Ser. 2, Vol. 7, Sec. 2, 1122; USG to H. W. Halleck, 12 November 1864, *OR*, Ser. 2, Vol. 7, Sec. 2, 1121-1122; and General Orders No. 299, 7 December 1864, *OR*, Ser. 2, Vol. 7, Sec. 2, 1198.

¹¹⁶ USG to R. Ould, 24 December 1864, *PUSG*, Vol. 13, 158; R. Ould to USG, 27 December 1864, *OR*, Ser. 2, Vol. 7, Sec. 2, 1281; and USG to R. Ould, 28 December 1864, *OR*, Ser. 2, Vol. 7, Sec. 2, 1289-1290. See also Special Orders No. 159, 28 December 1864, *OR*, Ser. 2, Vol. 7, Sec. 2, 1291 and J. A. Rawlins to B. F. Butler, 28 December 1864, *OR*, Ser. 2, Vol. 7, Sec. 2, 1291. Halleck later grew concerned about how Grant was procuring supplies for Union prisoners. H. W. Halleck to USG, 3 January 1865, *OR*, Ser. 2, Vol. 8, 13.

¹¹⁷ Delays in orchestrating the shipments stemmed from deciding who would be paroled to carry out the functions for the Confederate government. For debate over assignment of procurement agents, see: E. M. Stanton to USG, 16 November 1864, *PUSG*, Vol. 12, 409n; I. R. Trimble to USG, 27 November 1864, *OR*, Ser. 2, Vol. 7, Sec. 2, 1164; I. R. Trimble to USG, 5 December 1864, *OR*, Ser. 2, Vol. 7, Sec. 2, 1191-1192; H. W. Halleck to USG, 3 January 1865, *OR*, Ser. 2, Vol. 8, 13-14; USG to R. Ould, 3 January 1865, *PUSG*, Vol. 13, 213; R. Ould to USG, 8 January 1865, *PUSG*, Vol. 13, 214n; USG to E. M. Stanton, 10 January 1865, *PUSG*, Vol. 13, 214n; H. W. Halleck to USG, 12 January 1865, *PUSG*, Vol. 13, 214n; USG to R. Ould, 12 January 1865, *PUSG*, Vol. 13, 214n; R. Ould to USG, 17 January 1865, *PUSG*, Vol. 13, 268n; and USG to H. W. Halleck, 15 January 1865, *OR*, Ser. 2, Vol. 8, 73-74.

For the delay of the cotton shipment see: R. Ould to USG, 27 December 1864, *OR*, Ser. 2, Vol. 7, Sec. 2, 1280; USG to E. M. Stanton, 28 December 1864, *OR*, Ser. 2, Vol. 7, Sec. 2, 1286; USG to R. Ould, 28 December 1864, *OR*, Ser. 2, Vol. 7, Sec. 2, 1290; E. M. Stanton to USG, 29 December 1864, *OR*, Ser. 2, Vol. 7, Sec. 2, 1292; USG to R. Ould, 12 January 1865, *OR*, Ser. 2, Vol. 8, 57; R. Ould to USG, 14 January 1865, *PUSG*, Vol. 13, 263n; USG to H. W. Halleck, 15 January 1865, *OR*, Ser. 2, Vol. 8, 74; H. W. Halleck to USG, 16 January 1865, *PUSG*, Vol. 13, 263n; and R. Ould to USG, 10 February 1865, *OR*, Ser. 2, Vol. 8, 202-203.

procured supplies in 1865, Grant had resumed exchanges and Halleck raised concerns over supplying Confederates with new uniforms and blankets who would be sent right back into the Confederate lines. Once made aware of the situation Stanton intervened to put an end to the entire arrangement.¹¹⁸ However, Grant proposed that exchanges could prioritize those who did not have new clothing or blankets thus limiting the effectiveness of Confederate designs to quickly refill the lines. Furthermore, the Union could require that prisoners turn their blankets over to others in captivity upon release. Grant, with Stanton's support, directed Halleck to send these orders to Hoffman in order to implement the new policy.¹¹⁹ This ordeal proved taxing on Grant's time, but he believed the cause to be well worth it.

Reductionist interpretations of Grant's strategy failed to encapsulate the compassion that he actually felt for the men serving under him, and citing his cessation of exchanges as coldhearted does Grant great disservice. It overlooks additional efforts by Grant. For instance, Grant's concern for the Union soldiers in captivity is further exemplified by his approval of the U. S. Christian Commission to travel south to inspect and report on the conditions of the Confederate prisons.¹²⁰ Another example occurred in the waning months of the war when Grant felt the need to further alleviate the suffering of Union soldiers in captivity and he recommended to change the policy to allow

¹¹⁸ H. W. Halleck to USG, 15 February 1865, *OR*, Ser. 2, Vol. 8, 227 and H. W. Halleck to USG, 17 February 1865, *OR*, Ser. 2, Vol. 8, 241-242.

¹¹⁹ USG to H. W. Halleck, 18 February 1865, *OR*, Ser. 2, Vol. 8, 257.

¹²⁰ See Grant's discourse regarding this matter: USG to E. D. Townsend, *OR*, Ser. 2, Vol. 7, Sec. 2, 1300-1301; USG to R. Ould, 19 January 1865, *OR*, Ser. 2, Vol. 8, 89; and R. Ould to USG, 24 January 1865, *OR*, Ser. 2, Vol. 8, 122-123.

prisoners held by the Union to purchase food and clothing if they had access to funds to pay for them, assuming of course that the South would reciprocate and make a similar allowance for Union soldiers in captivity.¹²¹ Furthermore, by the winter months, Grant was far more concerned with the approaching end of the war and he was overruled by his superiors who favored the harsher policies. Grant sought to mediate the situation with a humane compromise reflecting more of his true character.

Grant's 1864 offensive represented the culmination of all that Grant learned as a strategist and commander throughout the war. His multi-pronged strategy called for a combination of maneuver, an unrelenting pursuit, and raiding. Grant planned to continuously hammer Lee's army while trying to maneuver him into submission, or, at least, push Lee's army back towards Richmond. With his bulldog grit, Grant intended to pursue the remaining Confederate armies to the end. In this direct approach Grant sought not a strategy of annihilation through climactic battle, but the more nuanced maneuver of positional warfare. A secondary facet of Grant's strategy was exhaustion pursued through subsidiary operations aimed at Lee's supply lines as well as the overall ability of the Confederacy to produce supplies. This took on greater form in operations through Georgia, the Shenandoah Valley, and, later, in North Carolina and southern Virginia. The strategy of exhaustion came into play once General William T. Sherman defeated Hood in Atlanta and Grant laid siege to Lee's army in Petersburg. However, as many

¹²¹ USG to E. M. Stanton, 25 January 1865, *PUSG*, Vol. 13, 323-324; R. Ould to J. E. Mulford, 6 February 1865, *OR*, Ser. 2, Vol. 8, 187-188; and Circular No. 2, Office Commissary-General of Prisoners, 13 February 1865, *OR*, Ser. 2, Vol. 8, 215.

scholars have pointed out, Grant's primary strategy at this point in the war took on more the appearance of attrition. This perspective is all the more convincing when analyzed in conjunction with Grant's decisions regarding POW policy.

While it appears as though Grant molded Union POW policy to serve the ensuing strategy of attrition, this was not entirely the case. Going into his role as lieutenant general, the Dix-Hill cartel was clearly dead on arrival. Due to the intransigence of the Confederacy's treatment of black Union prisoners, Grant could not re-open the exchange. Hence, when combined with the terribly high casualties of the Overland Campaign and reinterpretation of the strategy as attrition, it appeared as though Grant deliberately held up exchanges to support his strategic bloodlust. Yet, this fails to take into account several issues. First, the body count interpretation was mostly pushed by narratives sympathetic to the Confederacy and most recently reinvigorated in biographies like William McFeely's post-Vietnam era work. Second, Grant offered several times to re-open exchanges if the Confederacy would equally count *all* Union soldiers in captivity. Third, Grant consistently focused on the relative equity of exchange and would have most likely expanded exchanges if he felt it was a fair deal. Fourth, Grant emphatically took every opportunity available to him to alleviate the suffering of prisoners on both sides. Finally, looking forward to 1865 with the end of the war was in sight, Grant would re-open general exchanges before the end of winter and prod them to occur as fast as logistically possible. Overall, a deeper analysis demonstrates that simplifying Grant's strategy and POW policy to fit the Butcher Thesis fails to account for several opposing arguments. Grant's strategy became one of attrition out of necessity

and failure of maneuver and he halted the exchanges to keep parity with the Confederates who could have re-opened it at any time.¹²² Grant may have been a bulldog, but he was no butcher.

¹²² Mark Grimsley noted that “Eventually the grim POW situation mingled with the attrition of the Overland campaign to produce a potent piece of Civil War mythology.” Grimsley, *And Keep Moving On*, 173.

CHAPTER VIII

“PEACE BEING MY GREAT DESIRE”: CONDUCTING EXCHANGE AND SURRENDER AT WAR’S END

By the beginning of 1865, General Ulysses S. Grant knew that it was only a matter of time before he defeated the Army of Northern Virginia and, therefore, the heart of the Confederate war effort. January opened with Grant’s Army of the Potomac besieging Robert E. Lee’s forces at Petersburg and Richmond while William T. Sherman led a successful raid through the state of Georgia. Also in that month, a Confederate delegation met with Grant and President Abraham Lincoln inquiring about terms of peace. So confident was President Abraham Lincoln of the coming victory that he commissioned paintings to be made of Union military heroes along with a portrait of the general-in-chief.¹ With the end of the war finally in sight, Grant developed his 1865 military strategy and POW policy to support Lincoln’s burgeoning attitudes towards amnesty and reconciliation.

Grant’s strategic concepts for 1865 remained grounded in his determination to defeat the Confederacy and maintain a sound POW policy in support of this effort. Grant knew the end was near and he set his primary strategic objective as, simply, peace. This meant that larger political objectives, like public opinion and reconciliation between the North and South, had to be considered as well. With his position as general-in-chief,

¹ Joan Waugh, *U.S. Grant: American Hero, American Myth* (Chapel Hill, NC: The University of North Carolina Press, 2009), 96-97.

Grant's impact on such things had to originate in the military arena. This meant a military strategy focused on reducing Confederate military capacities specifically aimed at their major armies in the field. Driven by public outcry and political necessities, it also meant a resumption of the general exchange. However, Grant would not allow the exchange to compromise any Union strategic advantage and he clung to his position that any exchange must be equitable or in favor of the North. The exchange could not in any way diminish Union combat strength. POW policy remained a subset of Grant's strategy to end the war and also to win the public debate.

With the eventual capitulation of Confederate armies in April and May, Grant's task took on a larger scale in setting the terms of surrender. Utilizing Lincoln's postwar policy prescriptions as a guide, Grant set magnanimous terms hoping that in doing so this would be the shortest way to achieving his ultimate goal of peace. Ultimately, Grant's military strategy contained far-reaching consequences as it moved beyond the battlefield to encapsulate larger political dimensions. As historian Brooks D. Simpson argued, already in November 1864 Grant was "thinking about ending the war and was willing to explore alternatives other than pitched battles to achieve that end."² Thus, the final drive to end the war became much more political, now, with an eye towards peace.

Lee's army continued its collapse through the early months of 1865 with desertions amounting to approximately an entire regiment per day.³ In spite of this,

² Brooks D. Simpson, *Let Us Have Peace: Ulysses S. Grant and the Politics of War and Reconstruction, 1861-1868* (Chapel Hill, NC: The University of North Carolina Press, 1991), 72.

³ Ron Chernow, *Grant* (New York: Penguin Books, 2017), 469 and John F. Marszalek, David S. Nolen, and Louie P. Gallo, eds., *The Personal Memoirs of Ulysses S. Grant: The Complete Annotated Edition* (Cambridge, MA: The Belknap Press of Harvard University Press, 2017), 683.

Grant knew that Lee would make one last breakout attempt before time and the siege could squeeze the Army of Northern Virginia into complete collapse. Grant characterized this waiting game in the final weeks of the siege of Petersburg as “One of the most anxious periods of my experience during the rebellion.”⁴ Additionally, with Sherman’s success marching through the South and Sheridan’s conquest of the Shenandoah Valley, it became apparent that the war was nearing its zenith. Grant’s strategy of attrition finally wound its way to its natural conclusion, and he understood that he no longer needed to hold such a firm line on POW policy.

In mid-January Grant resurrected a four-month-old proposition from Confederate Agent of Exchange Robert Ould that all prisoners of war in close confinement or irons be exchanged. With the Confederate Congress modifying its retaliation order from May 1863 to allow for free blacks to be included in prisoner exchanges, Grant sanctioned this man-for-man exchange deal deeming it “just and equally fair and beneficial to both sides.”⁵ The equity of terms was always the key factor in Grant’s decisions on exchange policies and, believing it achieved, he proceeded to reopen a general exchange. On January 21, Grant notified Stanton that he authorized Colonel John E. Mulford to reopen negotiations for a general exchange with Ould and that they had already conducted their first meeting. Grant supported a radical shift in policy to allow for the “exchange of all prisoners now held by either party.”⁶ Since the Confederate government needed the

⁴ Marszalek, 682.

⁵ USG to J. E. Mulford, 13 January 1865, *OR*, Ser. 2, Vol. 8, 63 and USG to H. W. Halleck, 15 January 1865, *OR*, Ser. 2, Vol. 8, 74.

⁶ USG to E. M. Stanton, 21 January 1865, *PUSG*, Vol. 13, 290-291.

exchanges more than the Union did, Grant held the keys to largely dictate how the process would proceed.

Historians have debated Grant's rationale for his decision to re-open the exchanges. Roger Pickenpaugh suggested that attempts to re-open exchanges in September of 1864 were influenced by the looming presidential election and that fact subsequently set the stage for Grant's 1865 decision to resume the general exchange. Yet, Pickenpaugh's analysis failed to take into account how events actually played out. While the election may have been the impetus, or at least the excuse, for the commencement of exchange discussions between Benjamin Butler and Robert Ould in September 1864, it didn't result in any major developments towards the resumption of a general exchange. They agreed exclusively to limited and special exchanges in the fall of 1864. It would only be months later when Grant finally decided to re-open the general exchange. By that time, the presidential election was long gone as was the meddlesome Benjamin Butler, so neither of these could not have had any direct and significant impact on the overall decision. However, Pickenpaugh later suggested that the "last days of the Confederacy were clearly on the horizon, allowing the general in chief to moderate his strident position." This proved a key factor in how Grant came to his decision.⁷

Another historian, Charles Sanders, characterized the resumption of exchanges as the result of public outcry. His interpretation rested on the notion that "press reports describing the deplorable state of returnees served only to heighten demands for a

⁷ Roger Pickenpaugh, *Captives in Gray: The Civil War Prisons of the Union* (Tuscaloosa, AL: The University of Alabama Press, 2009), 226 and 228.

general exchange.”⁸ Sanders concluded that Grant authorized the resumption of exchanges in order to “ease the unrelenting public pressure on the Lincoln administration to secure the release of Union captives,” which had built into such an uproar that it spread to the halls of Congress.⁹

Sanders further argued that Congress’s burgeoning investigation into Secretary of War Edwin M. Stanton’s involvement in the decision to halt exchanges in 1864 also influenced the re-opening of the general exchange. On December 21, the House of Representatives passed a resolution demanding that Stanton turn over all unpublished documents pertaining to exchange communications going back to 1862. Stanton proved his shrewdness as a politician by redirecting public and congressional scrutiny on the matter to General Grant. On January 21, Stanton declared that Grant had “full authority to take any steps he might deem proper to effect the release and exchange of our soldiers and of loyal persons held as prisoners by the rebel authorities.” Stanton announced that Grant had, in fact, been in charge of exchanges since October 15, 1864. Charles Sanders noted that while Grant technically oversaw exchange negotiations since October, Stanton reserved the right to overrule any decisions Grant made—and he exercised this right quite often.¹⁰

Charles Sanders further explained Grant’s decision to re-open exchanges stating that “But although Grant did come to support the resumption of large-scale exchanges,

⁸ Charles W. Sanders, Jr., *While in the Hands of the Enemy: Military Prisons of the Civil War* (Baton Rouge, LA: Louisiana State University Press, 2005), 273.

⁹ *Ibid.*, 274.

¹⁰ *Ibid.*, 273. Stanton’s quote from: E. M. Stanton to S. Colfax, 21 January 1865, *OR*, Ser. 2, Vol. 8, 97-98.

he never altered either his motive in doing so or his insistence that exchanges be structured so that the balance of forces on the battlefield remained unchanged.”¹¹ For Grant, POW policy remained subservient to military strategy. As such, it had to achieve a very clear objective—exchange could not upset combat strength ratios and any exchange must, therefore, be equitable if not advantageous for the Union.

In the end, Grant concluded that if the Union was going to open the floodgates of the general exchange, it would be best to get the rebel prisoners off of their hands as soon as possible. Grant set the first goal in early February at exchanging 3,000 prisoners per week. He acknowledged that this was probably as fast as they could transfer the prisoners and that it would most likely outpace what the Confederates would be able to accomplish. However, Grant also stipulated that he wanted two specific classes of soldiers exchanged first: those who were disabled and those who were from the states of Missouri, Kentucky, Arkansas, Tennessee, and Louisiana. With those states firmly under Union control they were the least likely to return to fight in Confederate ranks and most likely to simply return home. Grant also believed that this would be more equitable since the prisoners returned to the Union were unlikely to be in any condition to reenter the lines.¹² Even with the end of the war looming Grant stuck to his previous policy

¹¹ Sanders, 274.

¹² USG to E. M. Stanton, 2 February 1865, *OR*, Ser. 2, Vol. 8, 170. Grant also specifically requested that Mulford prioritize “prisoners confined in cells or in irons” who he already sent to Fort Monroe for the initial transfer and wanted the Confederates to reciprocate. USG to Mulford, 2 February 1865, *OR*, Ser. 2, Vol. 8, 170. Hoffman notified Grant that collecting his prioritized prisoners could cause delay and Grant replied to forward as many from those classes as possible to Point Lookout, but to substitute any gaps in exchange goals with “prisoners convenient to reach.” W. Hoffman to USG, 3 February 1865, *OR*, Ser. 2, Vol. 8, 173 and USG to W. Hoffman, 3 February 1865, *OR*, Ser. 2, Vol. 8, 173.

positions of equitable exchanges and returning first those least likely to reenter Confederate lines. For Grant, POW policy remained an extension of military strategy. On February 5, Grant reported that “Arrangements for exchange of all prisoners of war are now complete and exchanges will go on rapidly” according to the equivalencies established in the Dix-Hill Cartel.¹³

Of course, the deluge of prisoner exchanges inevitably led to other questions such as how to handle prisoners who wished to take the oath of allegiance and remain in the North. Grant ordered that such prisoners must be exchanged. Furthermore, these prisoners “should be among the first forwarded for exchange if they desire it, and be made acquainted with Special Orders, No. 3.”¹⁴ Special Orders No. 3, issued January 4, stipulated that deserters who pledged to not take up arms against the Union were entitled to subsistence and free transportation home or any other point in the Northern States. They were also able to apply for a civilian job with the Army and be exempted from military service. Confederate soldiers could even request that the Union government reimburse them for any arms, horses, mules, etc. brought with them across Union lines.¹⁵ When Grant heard rumors that prisoners heading south for exchange were particularly interested in hearing about the privileges extended to deserters in Special Orders No. 3, he ordered copies sent to all Union prison camps.¹⁶ Here, Grant offered a clever solution

¹³ USG to E. M. Stanton, 5 February 1865, *OR*, Ser. 2, Vol. 8, 182 and USG to J. G. Foster, 5 February 1865, *PUSG*, Vol. 13, 370-371.

¹⁴ J. A. Rawlins to E. O. C. Ord, 6 January 1865, *OR*, Ser. 2, Vol. 8, 187.

¹⁵ Special Orders No. 3, 4 January 1865, *OR*, Ser. 1, Vol. 46, Pt. 2, 828-829

¹⁶ USG to H. W. Halleck, 17 February 1865, *OR*, Ser. 2, Vol. 8, 242 and Special Orders No. 44, 4 March 1865, *OR*, Ser. 1, Vol. 46, Pt. 2, 828-829.

to the issue in that these prisoners could be forwarded for exchange as soon as possible and then, after being transported across enemy lines, they could desert back to Union lines and finally be free from service obligations. Grant offered generous terms to further entice Confederates to desert their ranks while maintaining the advantage in any potential exchanges in the process.

As February progressed with the Confederate government having capitulated on the dispute over black prisoners, Grant continued to press for quicker exchanges authorizing Mulford “to send through as fast as our men can be received in exchange” and to alert Ould to this development in order to further expedite the process.¹⁷ Grant additionally ordered that all exchanged prisoners were to be paroled prior to their exchange.¹⁸ On February 15, Grant approved Mulford's request to expand the exchanges to include the “Merchant Service Men,” a “class whose claims have for a long time been practically ignored” and, in Mulford's opinion, have “a legitimate demand upon our attention.”¹⁹ Grant also proposed an expansion of the exchanges to include “the release and exchange of all citizen prisoners now held by military authority, except those under

¹⁷ USG to J. E. Mulford, 13 February 1865, *OR*, Ser. 2, Vol. 8, 217. A few days later Grant reiterated his orders to “forward as soon as possible all rebel prisoners who are or have been in close confinement or in irons for special exchange for the same class of prisoners in the South.” USG to W. Hoffman, 17 February 1865, *OR*, Ser. 2, Vol. 8, 242.

¹⁸ W. Hoffman to USG, 6 February 1865, *OR*, Ser. 2, Vol. 8, 188 and USG to W. Hoffman, 6 February 1865, *OR*, Ser. 2, Vol. 8, 188.

¹⁹ J. E. Mulford to T. S. Bowers, 14 February 1865, *PUSG*, Vol. 13, 424 and T. S. Bowers to J. E. Mulford, 15 February 1865, *PUSG*, Vol. 13, 424.

charges of being spies or under conviction for offenses under the laws of war on both sides.”²⁰ Evidently, Grant was intent upon clearing out Union prisons.

To further accelerate the process, Grant authorized the Confederate government to deliver Union prisoners to more convenient delivery points than those previously stipulated by the Dix-Hill Exchange Cartel. Instead of exclusively delivering prisoners held west of the Mississippi River to Vicksburg, they could now be delivered at any point on the Mississippi River, while any held in the southwest were to be delivered to Mobile, and those in North Carolina delivered to Wilmington or Richmond. The Union would deliver all equivalents to an exchange point on the James River.²¹

By mid-February, Grant found himself the target of the ongoing Congressional investigation into matters concerning Union soldiers in captivity. True-to-form, the Congressional committee only began its inquiry with General Grant regarding the 1864 termination of the general exchange over a month after he resumed exchanges in early 1865. In Congressional testimony delivered on February 11, Grant declared that he had re-authorized the general exchange according to the equivalencies of the Dix-Hill cartel to continue until one side exhausted all of their prisoners. He asserted that he wanted to conduct the exchanges as quickly as possible—with the Union goal set at 3,000 per week—but would be hampered by the slower rate of delivery on the part of the Confederacy.

²⁰ USG to R. E. Lee, 16 February 1865, *OR*, Ser. 2, Vol. 8, 236. Lee replied that this was already underway and that the Confederacy would release citizen prisoners as a class following the exchange of military prisoners. R. E. Lee to USG, 21 February 1865, *PUSG*, Vol. 13, 430-431.

²¹ USG to H. W. Halleck, 16 February 1865, *OR*, Ser. 2, Vol. 8, 235.

The committee then turned to questions regarding Grant's decision to terminate the cartel the previous year. When asked if the general exchange was suspended because Union soldiers returned sick, starved, and generally unfit for duty while the Confederates received men in good health, Grant asserted this not to be the case. In fact, Grant declared that claim to be "a reason for making exchanges" as opposed to suspending them. Grant indulged the committee with some thoughts on the hypothetical implications of POW policy as it related to strategy:

I will confess that if our men who are prisoners in the south were really well taken care of, suffering nothing except a little privation of liberty, then, in a military point of view, it would not be good policy for us to exchange, because every man they get back is forced right into the army at once, while that is not the case with our prisoners when we receive them. In fact, the half of our returned prisoners will never go into the army again, and none of them will until after they have had a furlough of thirty or sixty days. Still, the fact of their suffering as they do is a reason for making this exchange as rapidly as possible.

Grant returned to his argument that even a man-for-man exchange failed to be truly equitable because of how each side handled their returned prisoners. Grant testified that he elected to continue the policy of suspending the exchange in 1864 because, starting down the spring campaign this would have provided 30,000-40,000 reinforcements to Confederate armies, forcing his men to fight more battles without receiving any corresponding benefits from the exchange.²²

At the hearing, Grant summarized his overall interaction with POW policy since taking command approximately one year prior. He demonstrated the firm link between

²² U. S. Congress, "Miscellaneous: Exchange of Prisoners, Testimony of Lieutenant General U. S. Grant," *Report of the Joint Committee on the Conduct of the War*, 38th Cong., 2nd sess., 1865, vol. 3 (Washington, DC: Government Printing Office, 1865), 76-77.

POW policy and Union strategy along with its connection to the politics of public perception. In this, Grant justified the difficult decisions that he felt he had to make to design a strategy to bring about as hasty an end as possible to the great conflict before him. However, Grant added that it wasn't all a cold calculus as "The suffering said to exist among our prisoners south was a powerful argument against the course pursued, and I so felt it."²³ This suffering in response to public outcry additionally contributed to his decision to re-open the exchanges in January 1865.

Following his interrogation on Capitol Hill, Grant resumed his efforts to establish clear directives for a strategic exchange. On February 16, he acted on rumors that commanders in the west had allowed Confederate prisoners to choose to stay in Union prisons as opposed to being sent back South. He quickly ordered an end to this practice declaring that "Those who do not wish to go back are the ones whom it is most desirable to exchange. If they do not wish to serve in the rebel army they can return to us after exchange and avoid it."²⁴ Grant previously settled this issue noting that these soldiers would be welcomed back across Union lines as deserters *after* they were exchanged. He stuck to the policy and determined that his subordinates follow through with it.

In mid-February Stanton supported an old idea from Major General Joseph Hooker to enlist Confederate prisoners. He argued that if enlisted prior to parole rolls being made, they could probably raise two regiments in ten days just from the prisoners at Camp Douglas. Just as he did in July 1864, Grant again vehemently opposed enlisting

²³ Ibid.

²⁴ USG to E. A. Hitchcock, 16 February 1865, *OR*, Ser. 2, Vol. 8, 234.

POWs with offers of a bounty. He reasoned that “The most determined men against us would be the first to enlist for the sake of the money and would return with it to their friends.”²⁵ Grant didn’t trust Confederates who enlisted for a bounty and believed that they would take the money and return to the enemy ranks. Grant countered Stanton’s proposal with another idea. He suggested raising a regiment or two, but doing so without any incentive of a bounty.

However, Grant also provided additional counterarguments to Stanton’s idea alternatively advocating for his existing policy position regarding POW exchanges. Grant reiterated his well-trod point that “The men who want to enlist are those whom really it is most desirable to exchange first.” Grant further argued that these men didn’t have to be pulled directly from Union prisons, but instead should be sent back to the Confederates first and desert to Union lines if they wanted to serve. Accomplishing this demonstrated their desire to “enter our service in good faith ... and become loyal citizens and help fight on the side of peace.”²⁶ Grant held firm to his position that the Union could benefit from exchanging the soldiers then take further advantage if they deserted Confederate lines.

Grant’s position on returning prisoners to the Confederacy who desired to remain in the Union caused such a stir that Secretary of War Edwin Stanton reached out to the Union government’s guru on all-things related to international law, General Henry W. Halleck. Halleck opposed Grant’s notions of returning prisoners extolling that “It is

²⁵ USG to E. M. Stanton, 19 February 1865, *OR*, Ser. 3, Vol. 4, Sec. 2, 1185.

²⁶ *Ibid.*

contrary to the usages of war to force a prisoner of war to return to the enemy's ranks." Halleck then asserted that "If he declines to return, he is, in regard to his own Government, a deserter, and desertion from an enemy is always to be encouraged." Halleck essentially supported Grant's position of preferencing desertion by declaring that refusal to return equated desertion. Furthermore, it could be construed as immoral to send such men back as they would surely face reprisals for their positive feelings towards desertion. Halleck also noted that Grant's ideas were in contravention to the spirit of Lincoln's Proclamation of Amnesty and Reconstruction. Issued on December 8, 1863, this allowed any Confederates who were desirous of taking the oath of allegiance to remain in the North until the conclusion of the war.²⁷ In Halleck's opinion, the Union government could only encourage desertion but could not forcibly repatriate those Confederate prisoners who did not wish to return. Finally, Halleck believed that the majority of these cases included prisoners from states already reclaimed by the Union and it would be "unjust" to force these men to return to Confederate ranks.²⁸ Unfortunately for Grant, the sense of humanity outweighed strategic purpose and he was ultimately overruled. William Hoffman, Commissary-General of Prisoners, eventually clarified the policy with a directive ordering that no prisoners "be sent for exchange who do not wish to go."²⁹

²⁷ Sanders, 275-277.

²⁸ H. W. Halleck to E. M. Stanton, 17 February 1865, *OR*, Ser. 2, Vol. 8, 239-240.

²⁹ W. Hoffman to A. F. Shoepf, 24 February 1865, *OR*, Ser. 2, Vol. 8, 301.

On February 22, Grant expanded the classes of prisoners set for release. He ordered Hoffman to forward all naval prisoners for exchange.³⁰ Hoffman confirmed this had been done and that all prisoners in irons or close confinement had been forwarded for exchange as well. He then inquired as to whether or not he should begin sending citizens for exchange.³¹ Grant replied that “You may send forward all citizen prisoners whose homes are within the rebel lines and who are not awaiting trial on grave charges, or who are not undergoing sentence.”³² Grant additionally ordered that “all guerrillas and such other prisoners as it will be objectionable” should be held to exchange until last.³³ Grant moved to empty Union prisons, but remained the final arbiter of special cases.

With the Union emptying its prisons, it was only a matter of time before Grant had to slow down the fast pace of exchange. Grant knew that the Union held more prisoners than the Confederacy and he wanted to make sure that they maintained a relative parity.³⁴ Upon reevaluation of the numbers of prisoners delivered south, on February 28 Grant momentarily halted any further exchanges until the Confederacy

³⁰ USG to W. Hoffman, 22 February 1865, *OR*, Ser. 2, Vol. 8, 289. Confederate Agent of Exchange Robert Ould proposed that they “release mutually all persons captured on the high seas and inland waters without regard to numbers or upon the same basis of equivalents agreed upon for Government transport service men, seamen rating as privates, and the officers a grade or two above.” This would include releasing all blockade-runners, which Union Agent for Exchange John Mulford found no objection to arguing that exchange of this class had precedent. J. E. Mulford to USG, 23 February 1865, *OR*, Ser. 2, Vol. 8, 294-295.

³¹ W. Hoffman to USG, 23 February 1865, *OR*, Ser. 2, Vol. 8, 294.

³² USG to W. Hoffman, 23 February 1865, *OR*, Ser. 2, Vol. 8, 294.

³³ USG to W. Hoffman, 28 February 1865, *OR*, Ser. 2, Vol. 8, 317.

³⁴ USG to W. Hoffman, 26 February 1865, *OR*, Ser. 2, Vol. 8, 309 and USG to J. E. Mulford, 26 February 1865, *PUSG*, Vol. 14, 59.

supplied its balance of prisoners. He feared that the Union was getting too far “ahead in the delivery.”³⁵

With exchanges resumed, on March 7 Grant also observed that Union soldiers were being returned from Southern captivity in a deplorable state, definitely unfit for duty. In response to this, Grant ordered that no fit prisoners were to be sent across the lines to the Confederacy so long as the Union maintained any invalid prisoners. Grant’s old penchant for equity of exchange vehemently returned in the waning months of the war.³⁶

With the siege of Petersburg and Richmond still underway, Grant revisited the issue of Confederate prisoners taking the oath of allegiance. He expressed his great displeasure over the policy of allowing Confederate prisoners who have taken the oath to go free. Grant declared that he believed it to be “wrong” and that “No one should be liberated on taking the oath of allegiance who has been captured while bearing arms against us, except where persons of known loyalty vouch for them.” Furthermore, he noted that these men who desired to take the oath were exactly the ones that should be sent back across the lines. Grant offered that they would always be welcome to return to Union lines if they chose not to fight for the Confederacy. This would double the return on each of these individuals as the Union would receive credit for the exchange and then get the men back, or at least not see them in Confederate grey after they deserted.³⁷ Even

³⁵ USG to W. Hoffman, 28 February 1865, *OR*, Ser. 2, Vol. 8, 317.

³⁶ USG to W. Hoffman, 7 March 1865, *PUSG*, Vol. 14, 108.

³⁷ USG to E. M. Stanton, 8 March 1865, *OR*, Ser. 1, Vol. 46, Pt. 2, 887.

though he had been previously overruled by Stanton and Halleck in this matter, Grant was not yet willing to give up the battle over POW policy.

As Grant wouldn't let the matter rest, it eventually expanded to include the President. President Lincoln informed Grant that there was "no general rule, or action, allowing prisoners to be discharged merely on taking the oath." The policy was purely ad hoc, undertaken when Members of Congress or other distinguished persons like the Governor of Tennessee specifically requested the release of certain prisoners who had taken the oath and whose character could be reliably established. Lincoln admitted that this system of releasing prisoners had gotten rather out of hand, discharging approximately fifty a day. However, many of the requests came from border states and Lincoln clearly believed it to be politically expedient to conduct the discharges.³⁸ Grant later explained his position to President Lincoln that, with some concern, he heard reports of "great numbers" being discharged in this manner at Union prisons. However, Grant acquiesced that, upon receiving Lincoln's message, he was satisfied that discharges were reserved for "special permission."³⁹ Even with exchanges well underway and the end of the war fast approaching, Grant remained determined as ever to closely monitor POW policy so as to make it subservient to his larger strategic objectives.

³⁸ A. Lincoln to USG, 9 March 1865, *OR*, Ser. 1, Vol. 46, Pt. 2, 900.

³⁹ USG to A. Lincoln, 9 March 1865, Abraham Lincoln Papers, Series 1, Manuscript Division, LOC, <https://www.loc.gov/item/mal4117700/>.

By the end of March, Grant knew that the Confederacy must have been growing close to running out of prisoners to trade.⁴⁰ On March 21, with Confederate Agent of Exchange Robert Ould cut off from communications with his government, Union Agent of Exchange John Mulford recommended reducing the number of prisoners sent forward for exchange to no more than 2,000 or 3,000 per week until they could better ascertain how things were going.⁴¹ Grant approved and ordered deliveries reduced to 2,000 per week.⁴² Grant additionally ordered Mulford to review the 1865 general exchange system. In the chaos of rapid deliveries, Grant needed to know where he stood with respects to the numbers exchanged, the exact terms of the arrangement, and whether or not the Confederacy was able to continue making deliveries.⁴³

On March 27, Major General Ethan Allen Hitchcock reported that the Union extremely outpaced the Confederacy with deliveries having sent 24,200, but received only 16,700. Part of the problem seemed to be that a lot of Confederate deliveries failed to also send the proper paperwork. Without receiving accurate rolls, it was possible that more Union prisoners arrived across the lines, but they would be difficult to track. Inaccurate records also made it possible for the South to claim that they sent more prisoners than the number that actually arrived. Hitchcock recommended suspending the exchanges until the balance could be made up and asserting their right to directly inspect

⁴⁰ On March 9, Ould wrote to Grant claiming that he had “released and delivered to you every prisoner who has been so confined in the South including even deserters, and those charged with being spies.” R. Ould to USG, 9 March 1865, *PUSG*, Vol. 15, 37n.

⁴¹ J. E. Mulford to USG, 21 March 1865, *OR*, Ser. 2, Vol. 8, 418-419.

⁴² USG to W. Hoffman, 21 March 1865, *OR*, Ser. 2, Vol. 8, 418.

⁴³ J. A. Rawlins to J. E. Mulford, 21 March 1865, *OR*, Ser. 2, Vol. 8, 419.

the number of prisoners exchanged when no rolls were provided.⁴⁴ Grant added that many prisoners had most likely been exchanged at Wilmington and on the Mississippi River, but, with ongoing operations and geographic distance, word had simply not reached officials in Washington at that time. However, Grant understood that the current differential was too great and reduced Union prisoner shipments to a single steamer, discharging “all other vessels engaged in the business.”⁴⁵ Hoffman concurred with Grant noting that there was a discrepancy of at least 4,000 prisoners since November 25, 1864. As such, Hoffman recommended halting exchanges.⁴⁶ Grant chose not to stop them completely, but he slowed them to a mere trickle.

At the end of March, President Lincoln outlined his vision for peace. Historian Brooks D. Simpson described Lincoln’s meeting with Grant and William T. Sherman on the *River Queen* on March 28, stating that “Lincoln made it clear that he favored a lenient peace, that all he wanted was reunion and emancipation.”⁴⁷ Lincoln reportedly desired the surrender of Confederate forces and that they be granted liberal terms. He argued that once surrendered and returned home under generous terms, these men “won’t take up arms again.” Lincoln stated “Let them have their horses to plow with, and, if you like, their guns to shoot crows with. I want not one punished; treat them liberally all round.” Thinking of how the terms of surrender impacted future peace,

⁴⁴ E. A. Hitchcock to USG, 27 March 1865, *OR*, Ser. 2, Vol. 8, 435. See also: W. Hoffman to USG, 27 March 1865, *OR*, Ser. 2, Vol. 8, 435.

⁴⁵ USG to W. Hoffman, 27 March 1865, *OR*, Ser. 2, Vol. 8, 435-436.

⁴⁶ W. Hoffman to USG, 29 March 1865, *OR*, Ser. 2, Vol. 8, 444. See also: General Orders No. 298, 6 December 1864, *OR*, Ser. 2, Vol. 7, Sec. 2, 1194.

⁴⁷ Simpson, 78.

Lincoln said, “We want those people to return to their allegiance to the Union and submit to the laws. Again I say, give them the most liberal and honorable terms.”⁴⁸

Lincoln unambiguously described his vision for Grant, which should have come as no surprise given the closing line in Lincoln’s Second Inaugural Address delivered a few weeks prior. On the steps of the Capitol Building, Lincoln declared, “With malice toward none, with charity for all, ... let us strive on to finish the work we are in, ... to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.”⁴⁹ Lincoln more clearly expanded on these thoughts at the meeting on the *River Queen*. The meeting with Lincoln imparted on Grant the foundation for constructing any future agreements for the surrender of Confederate forces. Fortunately, Lincoln’s words of guidance arrived not long before Grant would need them.

On April 2, Robert E. Lee’s Army of Northern Virginia attempted its breakout from the Union siege. Lee’s forces struck out westward hoping to outrun Grant and join Joseph E. Johnston’s Confederate army which had been dueling with William T. Sherman in North Carolina. Grant anticipated this move and the chase was on. Grant directed his commanders to pursue Lee west along the Appomattox River, coordinating their efforts along the way in hopes of catching and trapping the fleeing rebels.

The day Lee’s army abandoned their fortifications, the prisoners already began streaming in. Brevet Major General Edward O. C. Ord reported that he had “several

⁴⁸ David D. Porter, *Incidents and Anecdotes of the Civil War* (New York: D. Appleton and Company, 1886), 314.

⁴⁹ Second Inaugural Address, 4 March 1865, Abraham Lincoln Papers, Series 3, Manuscript Division, LOC, <https://www.loc.gov/item/mal4361300/>.

hundred prisoners in & more coming.” He requested that guards immediately be sent to escort the prisoners to City Point.⁵⁰ Brevet Colonel Theodore Bowers offered to send more marines to escort the prisoners.⁵¹ That evening, Bowers notified Grant of Ord’s predicament and that he had to reach out to Admiral David D. Porter for help. Porter sent 500 marines who returned with over 3,000 prisoners, and Bowers hinted that they might need to request more marines for guard duty.⁵²

In the midst of the chaos with Lee’s breakout and the flood of new prisoners, Grant ordered that John E. Mulford, now Brevet Brigadier General, “make no more deliveries of rebel prisoners whilst the battle is going on.”⁵³ That same evening Mulford pleaded with Bowers to send transportation for 2,000 prisoners delivered to Union lines claiming that he had “no guard to take care of them.”⁵⁴ Bowers replied that the boats were on their way.⁵⁵ The stalemate of the siege had lulled Union forces into a slumber from which they now struggled to awake. The immense numbers of prisoners created havoc for Union logistics and organization. The army leaned heavily upon the navy for assistance in regaining their footing in the matter.

In short time, Union forces took Richmond and Grant entered the city.

Commemorating the occasion, he penned a letter to his wife from inside the former

⁵⁰ E. O. C. Ord to T. S. Bowers, 2 April 1865, *PUSG*, Vol. 14, 319n.

⁵¹ T. S. Bowers to E. O. C. Ord, 2 April 1865, *PUSG*, Vol. 14, 319n.

⁵² T. S. Bowers to USG, 2 April 1865, *PUSG*, Vol. 14, 319-320n.

⁵³ USG to T. S. Bowers, 2 April 1865, *PUSG*, Vol. 14, 328 and T. S. Bowers to J. E. Mulford, 3 April 1865, *PUSG*, Vol. 14, 329n1.

⁵⁴ J. E. Mulford to T. S. Bowers, 2 April 1865, *PUSG*, Vol. 14, 329n1.

⁵⁵ T. S. Bowers to J. E. Mulford, 2 April 1865, *PUSG*, Vol. 14, 329n1 and T. S. Bowers to USG, 2 April 1865, *PUSG*, Vol. 14, 329n1.

Confederate fortifications. Grant boasted that his forces captured 12,000 prisoners. Grant also believed that “this has been one of the greatest victories of the war. Greatest because it is over what the rebels have always regarded as their most invincible [*sic*] Army and the one used for the defence [*sic*] of their capitol.”⁵⁶ As large as this number was, it still fell short of the 15,000 he captured at his first major victory at Fort Donelson three years prior. Though, Grant savored the moment just as much.

On April 7, Grant directed Major General George G. Meade to confirm that the prisoners were being sent to City Point “at once under strong escort.”⁵⁷ Anticipating the end of the Army of Northern Virginia, Grant ordered a full division to be sent to the front to escort future prisoners.⁵⁸ Bowers reported that 6,000 prisoners were being sent from City Point behind the lines and arranged for additional guards to escort them.⁵⁹ Secretary Stanton instructed Hoffman to establish a large depot for collecting POWs near Fort Monroe for an estimated 10-20,000 prisoners. Hoffman recommended that Newport News was the best place and that it would require two entire regiments to guard the prisoners there, and Grant approved.⁶⁰ The chaos and deluge of prisoners ultimately forced Hoffman to open two new prison facilities in early April—one at Hart’s Island in addition to the one at Newport News.⁶¹

⁵⁶ USG to J. D. Grant, 2 April 1865, *PUSG*, Vol. 14, 330.

⁵⁷ USG to G. G. Meade, 7 April 1865, *PUSG*, Vol. 14, 363.

⁵⁸ USG to J. G. Parke, 8 April 1865, *PUSG*, Vol. 14, 368.

⁵⁹ T. S. Bowers to J. G. Parke, 8 April 1865, *PUSG*, Vol. 14, 368n.

⁶⁰ W. Hoffman to USG, 8 April 1865, *OR*, Ser. 2, Vol. 8, 477 and USG to W. Hoffman, 9 April 1865, *OR*, Ser. 2, Vol. 8, 480.

⁶¹ Pickenpaugh, 232.

While coordinating the prisoner logistics, Grant grew confident that he had finally trapped Lee and commenced negotiations for Lee's surrender. Grant implored Lee that "The result of the last week must convince you of the hopelessness of further resistance on the part of the Army of Northern Va, in this struggle." He further declared that he "regard[ed] it as my duty to shift from myself, the responsibility of any further effusion of blood by asking of you the surrender of that portion of the C. S. Army known as the Army of Northern Va."⁶² Lee responded that he disagreed with Grant's characterization of "the hopelessness of further resistance on the part of the Army of N. Va." However, Lee concurred that it would be best to "avoid useless effusion of blood." As such, he requested that Grant send his terms of surrender for Lee to consider before making any agreements.⁶³ Nevertheless, Lee wasn't really prepared to give up the fight and he put his army on the move. Also lingering in the back of Lee's mind was the fear of "Unconditional Surrender" Grant. Grant's reputation concerned Lee who hoped that in pushing the fight a bit longer he could hold out for a negotiated peace.⁶⁴

Historian Elizabeth Varon offered intriguing insights into Grant's phrasing of "effusion of blood." She observed that it "was part of the American military lexicon" extending back to George Washington's correspondence with General Cornwallis at Yorktown in 1781. It had been invoked across the Civil War as well, appearing in "exchanges over the surrenders of Fort Sumter, Fort Pulaski, Vicksburg, and Atlanta,

⁶² USG to R. E. Lee, 7 April 1865, *PUSG*, Vol. 14, 361.

⁶³ R. E. Lee to USG, 7 April 1865, *PUSG*, Vol. 14, 361n.

⁶⁴ Elizabeth R. Varon, *Appomattox: Victory, Defeat, and Freedom at the End of the Civil War* (Oxford: Oxford University Press, 2014), 23-25.

among other Civil War battle sites.”⁶⁵ Varon further argued that Grant’s choice of words grew from his “deeply personal reasons” of overcoming the butcher moniker assigned to him during the Overland campaign of the previous year. Through the Appomattox campaign, Lee sustained a high casualty rate of 18-20%, much outpacing Grant’s 10.2%. Grant hoped that his humanity and invocation of history would rescue his image.⁶⁶ However, Grant also realized that with the numerical differential and his armies in pursuit, it was only a matter of time and more blood before the inevitable capture of Lee’s army occurred. Grant saw the next few moves on the board leading to checkmate and simply wanted to avoid any unnecessary bloodshed.

Failing to receive a positive response from Lee, Grant persisted in negotiations. Grant responded the next day asserting that “*peace* being my great desire there is but one condition I insist upon, namely: that the men and officers surrendered shall be disqualified for taking up arms again, against the Government of the United States, until properly exchanged.” He then offered to meet with Lee or his designated officers to discuss the final terms of surrender.⁶⁷ Surprisingly, Lee declared that he did not intend to surrender; the message was simply an inquiry as to what terms Grant proposed. Lee boasted that “To be frank, I do not think the emergency has arisen to call for the Surrender of this Army.”⁶⁸

⁶⁵ Ibid, 21.

⁶⁶ Ibid, 21-22.

⁶⁷ USG to R. E. Lee, 8 April 1865, *PUSG*, Vol. 14, 367.

⁶⁸ R. E. Lee to USG, 8 April 1865, *PUSG*, Vol. 14, 367n.

Grant knew it was only a matter of time until he captured or annihilated Lee's army. On April 8, Grant wrote to Secretary of War Edwin M. Stanton announcing that he felt "very confident [*sic*] of receiving the surrender of Lee and what remains of his Army by to-morrow."⁶⁹ That same day Grant also wrote to Major General Philip H. Sheridan declaring that "I think Lee will surrender to-day." Though, Grant also noted that "We will push him until terms are agreed upon."⁷⁰ Sheridan confirmed Grant's suspicions of checkmate for the Army of Northern Virginia later that day stating that he would move his forces to Appomattox Court House. Sheridan vowed that "Should we not intercept the Enemy, and he be forced into Lynchburg, his surrender then is beyond question."⁷¹

That evening, Sheridan updated Grant reporting that his troops beat the rebels to Appomattox Station where they seized the railroad cars and supplies that Lee was racing towards and desperately needed. Sheridan's advance forces then rounded back towards Appomattox Court House to block the advance of the Army of Northern Virginia. Sheridan speculated that "we will perhaps finish the job in the morning." For now, he could boast that they captured over 1,000 prisoners as well. Sheridan closed his report advising that "I do not think Lee means to Surrender until compelled to do so."⁷²

Whether or not Lee was ready to admit it, his cat-and-mouse game with Grant was about to come to an end. Union forces cut off the Army of Northern Virginia before

⁶⁹ USG to E. M. Stanton, 8 April 1865, *PUSG*, Vol. 14, 367n.

⁷⁰ USG to P. H. Sheridan, 8 April 1865, *PUSG*, Vol. 14, 369.

⁷¹ P. H. Sheridan to USG, 8 April 1865, *PUSG*, Vol. 14, 369n.

⁷² P. H. Sheridan to USG, 8 April 1865, *PUSG*, Vol. 14, 369n.

it could reach its destination of Appomattox Station where Lee believed a bounty of supplies to be waiting. Now, they had what was left of the rebel army surrounded in the vicinity of Appomattox Courthouse and Grant pushed for surrender negotiations. Grant implored Lee that “By the South laying down their Arms they will hasten that most desirable event, save thousands of human lives and hundreds of Millions of property not yet destroyed.”⁷³ Lee finally acquiesced and this time it was he who requested the interview with Grant to discuss Grant’s proposed terms.⁷⁴ Lee also requested “a suspension of hostilities” until the two could meet.⁷⁵ Grant accepted Lee's proposal for a meeting.⁷⁶ That afternoon, Ord confirmed that Lee's army was almost completely surrounded. Ord further stated that “I am about to write to [Lee] a joint note with Genl Sheridan that unless he surrenders on the terms you offered we must renew the fight.”⁷⁷

Grant finally met with Lee on the afternoon of April 9 at the McLean House in Appomattox Court House. There, they quickly came to agreement on rather straightforward terms of surrender: rolls were to be completed; officers pledged not take up arms until properly exchanged; and arms were to be turned over to the Union Army. However, Grant allowed officers the dignity of keeping their side arms, horses, and private property. Finally, “each officer and man will be allowed to return to their homes not to be disturbed by United States Authority so long as they observe their parole and

⁷³ USG to R. E. Lee, 9 April 1865, *PUSG*, Vol. 14, 371.

⁷⁴ R. E. Lee to USG, 9 April 1865, *PUSG*, Vol. 14, 371n.

⁷⁵ R. E. Lee to USG, 9 April 1865, *PUSG*, Vol. 14, 373n.

⁷⁶ USG to R. E. Lee, 9 April 1865, *PUSG*, Vol. 14, 372-373.

⁷⁷ E. O. C. Ord to USG, 9 April 1865, *PUSG*, Vol. 14, 372n.

the laws in force where they may reside.”⁷⁸ Lee accepted these terms of surrender for the Army of Northern Virginia.⁷⁹ Grant verified the surrender in a telegraph to Secretary Stanton later that afternoon stating simply that “Gen. Lee surrendered the Army of Northern Va this afternoon on terms proposed by myself. The accompanying additional correspondence will show the conditions fully.”⁸⁰ William T. Sherman wrote Grant declaring the terms to be “Magnanimous and liberal” and pledged to extend the same terms “Should Johnston follow Lee’s Example.”⁸¹

The Appomattox terms have been the subject of some debate by historians. Brooks D. Simpson observed that “Grant’s terms embodied Lincoln’s spirit of magnanimity, achieving what the president wanted—a solid foundation for reconciliation.”⁸² Simpson viewed the agreement as built upon a liberal framework looking forward not to more battles, but to Lincoln’s plan for peace. However, Caroline Janney set the terms in a much more calculating way stating that “it was not mere magnanimity that motivated Grant. Instead, it reflected his desire to bring a swift and clear end to Lee’s army and thus the war.”⁸³ Jean Edward Smith drew a connection across Grant’s experiences with surrender characterizing the Appomattox terms as a “far cry from the unconditional surrender Grant demanded at Donelson and Vicksburg.” This

⁷⁸ USG to R. E. Lee, 9 April 1865, *PUSG*, Vol. 14, 373-374.

⁷⁹ R. E. Lee to USG, 9 April 1865, *PUSG*, Vol. 14, 374n.

⁸⁰ USG to E. M. Stanton, 9 April 1865, *PUSG*, Vol. 14, 375n.

⁸¹ W. T. Sherman to USG, 12 April 1865, *PUSG*, Vol. 14, 375-376n.

⁸² Simpson, 89.

⁸³ Caroline E. Janney, “We Were Not Paroled: The Surrenders of Lee’s Men beyond Appomattox Court House,” in *Petersburg to Appomattox: The End of the War in Virginia*, ed. Caroline Janney (Chapel Hill, NC: The University of North Carolina Press, 2018), 194.

was a significant point to make because Appomattox was the first surrender of a Confederate army that Grant didn't expect to have to fight again. This was the first time that Grant wrote the terms of surrender for a future peace, not more war. In this spirit, Smith noted that "Now he was saying that once the Confederates laid down their arms they would be free to go, as Lincoln wished, back to their homes and farms with the war behind them. The terms were as generous as Grant could make them, and he went out of his way to spare Lee embarrassment."⁸⁴ The war was almost over and it was time to conduct strategy and policy as such.

However, another historian took an opposing stance on Grant's inspiration for the terms offered at Appomattox. Elizabeth Varon argued that the Vicksburg parole inspired Grant's decision for parole at Appomattox. She drew a direct connection between how he perceived the aim of such terms. At Vicksburg, Grant hoped his leniency would result in mass desertions with rebel soldiers returning home to civilian life. Varon believed that Grant utilized the "same logic" in his April 8 offer to General Lee. Since the men at Appomattox would never be exchanged with the end of the war at hand, Grant hoped they would give up their arms and return to civilian life.⁸⁵ While Varon was correct that Grant viewed the utility of parole similarly in that he hoped soldiers would return to their civilian lives, it may be too much to draw a clear connection between both events. Many Confederate soldiers did return home after

⁸⁴ Jean Edward Smith, *Grant* (New York: Simon & Schuster, 2001), 400.

⁸⁵ Varon, 30-31. Varon also argued that "Grant's magnanimity in this hour, and Lee's stoic resignation in defeat, inaugurated a process of national healing that would not only restore the shattered Union but would also prepare the way for America's emergence as a world power." Ibid, 1.

Vicksburg. However, many also returned to fight the Union even prior to being properly exchanged. The latter memory left an indelible impression on Grant that he was unlikely to forget, overshadowing the few soldiers who deserted the Confederate army. In the end, it was Lincoln's magnanimous peace that influenced him at Appomattox, not the memory of Vicksburg.

Grant and Lee's final campaign of the war lasted about a week. From the outset of the campaign, Lee's army disintegrated due to a combination of casualties and desertions. Historians estimated that Lee left Petersburg and Richmond on April 2 with approximately 60,000 men.⁸⁶ Confederate casualties during the campaign amounted to approximately 11,530 soldiers.⁸⁷ However, Grant's work was not yet finished. Other Confederate armies still operated in the field, guerrillas still plagued Union efforts, and thousands of Lee's men were yet to come forward to be counted for parole.

In the aftermath of the surrender, Grant proceeded to set in motion the peace that was to come. In order to ease the return of Confederate soldiers, Grant issued Special Orders No. 73: "All Officers and men of the Confederate service paroled at Appomattox Court House Va., who, to reach their homes are compelled to pass through the lines of the Union Armies, will be allowed to do so, and pass free on all Government Transports

⁸⁶ Janney, 193. This figure was mystified and warped in many Lost Cause narratives leading to a debate over the relative combat strengths of especially Lee's forces during the Appomattox Campaign. William Marvel estimated the number of soldiers Lee began the retreat with at between 51,200 and 57,200. William Marvel, *Lee's Last Retreat: The Flight to Appomattox* (Chapel Hill, NC: The University of North Carolina Press, 2002), 202. Elizabeth Varon placed Lee's strength at 60,000. Varon, 9. Historians tend to agree that Grant's forces totaled approximately 80,000. For instance, see: Marvel, 203 and Varon, 9.

⁸⁷ Janney, 193

and Military Railroads.”⁸⁸ Each paroled POW received a certificate indicating their parole and Major General John Gibbon, who supervised the surrender, suggested that an order be issued requiring all Union soldiers and officers to respect these as passes to travel South and that they “may remain undisturbed by the U. States authorities in accordance with the stipulations of the surrender.”⁸⁹ Grant also wrote a special pass for General Lee to cross all Union lines and freely travel to Richmond at any time.⁹⁰ The quicker the Confederate prisoners returned home, the less likely they would cause trouble behind Union lines and in Northern cities. Also, the decision to parole the rebels freed the Union from the burden of directly feeding, transporting, housing, guarding, and caring for the tens of thousands of Confederate prisoners. Grant further hoped that by allowing Lee to travel to Richmond, he could help provide an example to other Confederates for good conduct in defeat. From Richmond, Lee might choose to exert his influence to help facilitate a quicker end to the war.⁹¹

With Lee’s forces scattered at the time of his surrender, questions quickly arose to who exactly qualified for the parole offered to the Army of Northern Virginia.⁹² On April 10, Grant admitted that the original terms only included those soldiers present under Lee’s command at the time of surrender, but none others. However, he opted to establish good will through extending the terms to include all of the scattered remnants

⁸⁸ Special Orders No. 73, 10 April 1865, The Papers of Adam Badeau, Miscellany, Manuscript Division, LOC.

⁸⁹ J. Gibbon to T. S. Bowers, 11 April 1865, *PUSG*, Vol. 14, 383n.

⁹⁰ USG Pass for R. E. Lee, 10 April 1865, *PUSG*, Vol. 14, 380n.

⁹¹ Marvel, 186-187.

⁹² E. M. Stanton to USG, 10 April 1865, *PUSG*, Vol. 14, 381n.

of the Army of Northern Virginia as well as those in Joseph E. Johnston's army. On this day Grant was so feeling so generous and wishful for the war to end that he even expressed a desire to extend the gracious terms to the infamous guerrilla leader John S. Mosby.⁹³ Though, Grant's inclusion of Mosby may have been a politically-motivated calculation to hasten the end of the war through bringing in the fringe fighters and keeping the conflict from devolving into a guerrilla war.⁹⁴

Historian Caroline Janney commented on Grant's decision to extend the parole across the board. She argued that Grant's primary objective was "Ending the war as quickly as possible" and that offering the parole to all members of Lee's army, even those not present at surrender, hastened towards achieving that goal.⁹⁵ Janney further characterized Grant's decision to include Mosby as "extraordinarily generous and inclusive if it meant thoroughly ending the rebellion." For Janney, Grant's magnanimity always originated in a pragmatism for an expeditious end to the war. Whatever Grant's motivation may have been, his plan proved successful as his liberal terms resulted in thousands of Confederate soldiers in the surrounding area seeking out Union forces in order to gain the benefits of parole.⁹⁶

Unfortunately for Grant, not all of the paroled Confederates went directly south towards home as he had wished. Many wandered to or nearby Washington, causing great

⁹³ USG to E. M. Stanton, 10 April 1865, *PUSG*, Vol. 14, 380.

⁹⁴ On April 10, Major General Godfrey Weitzel telegraphed Grant stating that "The people here are anxious that Moseby should be included in Lee's surrender. They say he belongs to that army." G. Weitzel to USG, 10 April 1865, *PUSG*, Vol. 14, 381n. See also: Special Orders No. 74, 11 April 1865, *PUSG*, Vol. 14, 385n.

⁹⁵ Janney, 198.

⁹⁶ *Ibid.*, 199.

alarm that these rebels could be a security threat. This problem was only exacerbated by the assassination of President Abraham Lincoln on April 14. With the hysteria of the moment and the city on high alert, Secretary of War Edwin M. Stanton begged for Grant to give his attention “to the security of this City, and especially to the large number of rebel officers and privates prisoners of war, and rebel refugees and deserters that are among us, and ask you to see that adequate force and vigilance are employed.” Stanton charged Grant with the defense of the capitol against the scourge of rebel parolees that descended upon it.⁹⁷

Grant too was caught up in the hysteria of the moment. With the climax of the war occurring only days prior, and now news that his nation’s leader and trusted friend was assassinated, Grant acted rashly. He ordered the arrest of the mayor and councilmembers of the city of Richmond and to “Hold them guarded beyond the possibility of escape until further orders.” He also called for the arrest of any paroled officers or surgeons unwilling to take the oath of allegiance, then to be banished across Union lines. Grant cautioned that “Extreme rigor will have to be observed whilst assassination remains the order of the day with the rebels.”⁹⁸

In the wake of the Lincoln’s death, Grant allowed his emotions to overcome his normally sound judgment. Fortunately, he made it a habit throughout his Civil War career of surrounding himself with very capable and reliable subordinates who, in this case, stepped in to help Grant correct his course. That evening Ord acknowledged

⁹⁷ E. M. Stanton to USG, 15 April 1865, *PUSG*, Vol. 14, 390n.

⁹⁸ USG to E. O. C. Ord, 15 April 1865, *PUSG*, Vol. 14, 391.

Grant's new orders regarding arrests in Richmond, but advised against it as this could mean arresting General Robert E. Lee and his staff who happened to be in Richmond at the time. Ord speculated that arresting them would cause a revolt and would work against the greater strategy for ending the rebellion. He further pledged to "risk my life that the present paroles will be kept—and if you will allow me to do so, trust the people here who I believe are ignorant of the assassin[ation]s—done I think by some insane brutus but with but few accomplices."⁹⁹ Quickly following this message, Grant replied that he would "withdraw my dispatch of this date" and leave it up to Ord's discretion as to whom he should arrest.¹⁰⁰ Ord helped Grant return to his senses and see that revoking paroles could be construed as a gross violation of honor and undo the great work towards ending the war.

A couple of days later, numerous guerrillas inquired as to the prospects of receiving a parole.¹⁰¹ Grant ultimately deferred the decision to Secretary Stanton, though he offered his opinion in doing so. He suggested "that it will be better to have Mosby's and White's men in Maryland as paroled prisoners of War than at large as Guerrillas." Grant added stipulations that their paroles include a requirement to "register their names and residence with the nearest Provost Marshal to the place where they intend to live" and that the men sign for themselves instead of their commanding officers signing for them.¹⁰² With the war near an end and the great fear being that bands of Confederates

⁹⁹ E. O. C. Ord to USG, 15 April 1865, *PUSG*, Vol. 14, 391-392n.

¹⁰⁰ USG to E. O. C. Ord, 15 April 1865, *PUSG*, Vol. 14, 392.

¹⁰¹ J. L. Thompson to J. H. Taylor, 17 April 1865, *PUSG*, Vol. 14, 398n.

¹⁰² USG to E. M. Stanton, 17 April 1865, *PUSG*, Vol. 14, 397.

would take to the woods and wage a guerrilla war, Grant thought it better to take peace when the opportunity presented itself.¹⁰³ This instance demonstrated how Grant's perspective and strategy changed from early in the war. In 1863, Grant took to hard war measures and dealt harshly with guerrillas by denying them the rights of prisoners of war. Yet, here he chose to recommend leniency for one of the most infamous bands of guerrillas from the entire conflict. Offering paroles better fit the magnanimous strategy to end the war. However, Grant's generosity had its limits.

As the war drew ever closer to a close, Grant's patience with recalcitrant guerrillas waned. On April 19, guerrilla leader John S. Mosby requested a ten-day truce.¹⁰⁴ Grant replied harshly that "If Mosby does not avail himself of [t]he present truce end it and hunt him and his men down. Guerrillas, after beating the Armies of the enemy, will not be entitled to quarter."¹⁰⁵ The following day Major General Winfield S. Hancock reported that hundreds of Confederate officers and soldiers arrived daily seeking paroles across his command. He also met with Mosby at the conclusion of the designated truce. Hancock reported that Mosby "stated & I have no doubt it is true from the corroboration of paroled officers & citizens that his command has disbanded with the exception of a few officers & soldiers." Moreover, Hancock noted that "When Mosby found that no further truce or terms would be offered to him he was very much agitated. The Confederate officers & soldiers who have surrendered & the citizens are hostile to

¹⁰³ In the wake of Lincoln's assassination and with the fear of guerrilla war, the Union pressed for all Confederates to come in and be issued paroles. For more on this, see: Janney, 205 and 209-210.

¹⁰⁴ John Y. Simon, ed., *PUSG*, Vol. 14, 410n.

¹⁰⁵ USG to W. S. Hancock, 19 April 1865, *PUSG*, Vol. 14, 410n.

him. My impression is that any every thing in this country shows a state of pacification.” Even still, Hancock vowed that “If Mosby is in Loudon Valley I will hunt him out.”¹⁰⁶

Guerrillas weren't the only Confederates whittling away at Grant's patience. On April 18, Grant sought to clarify a common question of what happened to prisoners once paroled. He ordered that they “must get to their homes through the Country” and that any arriving at Fort Monroe must “be turned back.” He reminded General Ord that previous orders established parole certificates as safe passage through Union lines. However, this was never intended to “undertake to pay their passage nor to permit them to travel a roundabout way, through the loyal states for their convenience.” These parolees should also be refused forage and subsistence, which could induce them to stay.¹⁰⁷ Grant quipped that “I did not calculate that men from N. C. S. C. & Ga. would expect to go home by way of New York.”¹⁰⁸

Later that day, Grant sent an additional message leaving nothing to doubt when he ordered to “give no more passes to paroled prisoners to come to Washington or the loyal states. They must get to their homes in their own way.”¹⁰⁹ The terms of surrender were meant for the parolees to return directly home as soon as possible, not to wander about creating discontent. The original intent had been that they return to their farms and

¹⁰⁶ W. S. Hancock to J. A. Rawlins, 20 April 1865, *PUSG*, Vol. 14, 411n.

¹⁰⁷ USG to E. O. C. Ord, 18 April 1865, *PUSG*, Vol. 14, 406-407. Grant had to repeatedly send out nearly identical orders regarding the confusion over furnishing food and transportation to paroled Confederates. He denied such benefits excepting that when they could travel on government run transportation without paying a fare. In this, Grant largely maintained a consistent policy. For instance, see: USG to E. O. C. Ord, 19 April 1865, *PUSG*, Vol. 14, 411-412; USG to E. O. C. Ord, 20 April 1865, *PUSG*, Vol. 14, 415; and USG to L. Wallace, 20 April 1865, *PUSG*, Vol. 14, 421.

¹⁰⁸ USG to L. Wallace, 20 April 1865, *PUSG*, Vol. 14, 421.

¹⁰⁹ USG to E. O. C. Ord, 18 April 1865, *PUSG*, Vol. 14, 407n.

families, hopefully commencing with the process of reconstruction. By April 15, about 28,000 rebels had been paroled.¹¹⁰ General Ord notified Grant that parolees were arriving to his command destitute by the thousands, some without homes. Ord further warned that “If I am not authorized either to feed them or send them away by the most expeditious routes I cannot be responsible for the consequences.”¹¹¹ With thousands of Confederates continuing to surrender across the country, the problem carried much potential for chaos.¹¹²

The scourge of parolees created a panic. The large number descending upon Washington forced Grant to act. He ordered Major General Christopher C. Augur, commanding the Department of Washington, to “Increase the guards about public buildings and on the streets. Place pickets on all the roads leading out of the City where you have none now and strengthen those you already have.” Grant also instructed Augur to “Give such orders to all guards in the City, and on the roads leading from it, as will best secure safety and prevent the escape of perpetrators if mischief is done.” Grant further bemoaned that “By the agreement with Gen. Lee all paroled prisoners were to return to their homes. ... It was never contemplated that they should come North to reach homes in the Southern states nor that Govt, would undertake to furnish any of them transportation on private roads or vessels.” Grant’s patience at an end, he directed Augur to turn back or arrest anyone in violation of the terms of their paroles, excepting

¹¹⁰ Varon, 73.

¹¹¹ E. O. C. Ord to USG, 19 April 1865, *PUSG*, Vol. 14, 412n.

¹¹² For instance, General Ord reported 5,000 prisoners of Lee’s army paroled on April 17 at Lynchburg and 2 or 3,000 infirmed Confederate prisoners at Libby. E. O. C. Ord to USG, 17 April 1865, *PUSG*, Vol. 14, 408n.

those who “qualify themselves as Citizens of the United States by obtaining the Presidents Amnesty.”¹¹³

In the midst of these affairs, battles still raged between Union and Confederate forces—the war was not yet over. On April 18, General Joseph E. Johnston finally negotiated a surrender with William T. Sherman. Unfortunately, the terms proved wholly unacceptable. Sherman overstepped his authority in offering general peace terms as opposed to remaining within the bounds of a straightforward military surrender. The terms as Sherman agreed to them would have recognized the legitimacy of Confederate State governments, extended amnesty to all Confederates, and restored their property and political rights.¹¹⁴ The situation vexed Grant to such an extent that he recommended the President call a cabinet meeting to discuss the dilemma.

After meeting with higher authorities, Grant ordered Sherman to terminate the truce and resume hostilities as soon as possible while “acting in good faith.” Grant reminded Sherman that “The rebels know well the terms upon which they can have peace and just where negotiations [*sic*] can commence, namely: when they lay down their Arms and submit to the laws of the United States.”¹¹⁵ Sherman responded that he developed the terms of Johnston's surrender “under the influence of the liberal terms you extended to the Army of Genl Lee at Appomatox [*sic*] C H on the 9th.” Sherman defended his actions stating that he had no “desire to interfere in the Civil Policy of our

¹¹³ USG to C. C. Augur, 20 April 1865, *PUSG*, Vol. 14, 412-413.

¹¹⁴ Varon, 151.

¹¹⁵ USG to W. T. Sherman, 21 April 1865, *PUSG*, Vol. 14, 424-425.

Governmt [*sic*],” but only acted how he thought best in the absence of “immediate communication with the proper Authority.”¹¹⁶ With this correction, new terms mirroring those of Appomattox were written and Johnston officially surrendered to Sherman on April 26.¹¹⁷

The Appomattox agreement became the standard template for handling the surrender of Confederate forces for the remainder of the war. In a message to Major General George H. Thomas, Grant directed that “Every effort should now be made to induce all armed bands of men in Tenn. Alabama and everywhere in reach of your command, to come in and surrender their Arms on the terms made by Lee & Johnston, Send out under Flag of Truce a summons to all bands you know of and report here the course you pursue.”¹¹⁸ Grant invited all remaining Confederate soldiers to “lay down their arms” and in return be offered parole.¹¹⁹ However, any who rejected the offer and were captured in battle from this point forward would be denied such an opportunity.¹²⁰ Grant’s leniency was meant to expedite the end of the war and also to commence the process of reconstruction. For instance, in sending the men home in April and May Grant hoped that “By going now they may still raise something for their subsistence for the coming year and prevent suffering next winter.”¹²¹ A few days later, Grant reiterated

¹¹⁶ W. T. Sherman to USG, 25 April 1865, *PUSG*, Vol. 14, 425-426n.

¹¹⁷ Varon, 152.

¹¹⁸ USG to G. H. Thomas, 30 April 1865, *PUSG*, Vol. 14, 441.

¹¹⁹ USG to J. J. Reynolds, 30 April 1865, *PUSG*, Vol. 14, 440. See also: USG to E. M. Stanton, 18 May 1865, *PUSG*, Vol. 15, 47-48.

¹²⁰ USG to G. H. Thomas, 6 May 1865, *OR*, Ser. 2, Vol. 8, 536.

¹²¹ Endorsement of USG, 18 May 1865, *OR*, Ser. 2, Vol. 8, 556.

that private soldiers were permitted to retain their own horses.¹²² This point proved important not only for those raising crops, but to offer returning soldiers some measure of private property to take with them to what may very well be their destitute or destroyed homes. Grant wanted these men to return home and reenter their civilian lives while doing his best to ensure that they did not become wards of the Union government. By the end of the month, the final surrenders of major Confederate armies occurred, including the capture of fugitive Confederate President Jefferson Davis.¹²³ This concluded the war for almost all Confederate regular forces, but there remained the final issue of how to handle guerrilla fighters.

Grant recommended that “a cheap way to get clear of guerrillas” would be to set a deadline by which they could turn themselves in and receive parole, but if they failed to meet said deadline they would be treated as “outlaws.”¹²⁴ In General Orders No. 90, issued on May 11, Grant officially declared that all Confederate forces east of the Mississippi River had “been duly surrendered by their proper commanding officers to the Armies of the United States.” Therefore, Grant concluded that “no authorized troops” remained in the east. Assuming that all regular Confederate forces were “under agreements of parole and disbandment,” the orders then declared that “all persons found in arms against the United States” still operating east of the Mississippi River would “be regarded as guerrillas and punished with death.” The implementation of the orders was

¹²² USG to G. H. Thomas, 21 May 1865, *PUSG*, Vol. 15, 84n.

¹²³ Varon, 153.

¹²⁴ USG Endorsement, 5 May 1865, *OR*, Ser. 1, Vol. 49, Pt. 2, 419.

delayed until June 1 in order to provide any irregular soldiers an opportunity to turn themselves in.¹²⁵ Grant hoped that this would be the final terms of surrender, and last paroles issued, for the war.

Throughout the spring of 1865, Grant re-opened the general exchange and moved to successively expand it to include all classes of prisoners. Though, even with the expansion of exchanges, Grant was careful to maintain the original policy of limiting any disadvantages it could have on Union combat strength. While pressure from the public and Congress was present, Grant's POW policies were consistent with those of the previous year. He still believed that equity of exchange was paramount and that POW policy served the larger ends of strategy. Furthermore, he now knew the end of the war was at hand and conducted himself as such. By the final year of the war, Grant was not afraid to voice his opinion and if he believed that reopening the general exchange hindered Union strategy, he surely would have said as much. Therefore, while public outcry played a large role in prompting the re-opening of the exchange, focusing on this sole aspect overlooks the bigger picture of Grant's motives and historical context. However, of greater significance was Grant's ultimate goal of winning the war and his realization that this also meant winning the peace. Grant offered magnanimous terms of surrender to Confederate forces from Appomattox to the end of the war in order to ensure a gracious victory. Grant feared that humiliation and retribution would generate hostility and resentment. Grant wanted rebels to return to civilian life, not become

¹²⁵ General Orders No. 90, 11 May 1865, *OR*, Ser. 1, Vol. 46, Pt. 3, Sec. 2, 1134.

guerrilla fighters. In the end, the liberal terms won over Lee and most of the South hastening the war's conclusion. Grant himself noted that "The surrender of Lee's Army was followed by the surrender of all others of the enemy in rapid succession."¹²⁶ Grant's magnanimity always originated in a pragmatism for an expeditious end to the war.

¹²⁶ USG to E. M. Stanton, 20 June 1865, *PUSG*, Vol. 15, 205.

CHAPTER IX

CONCLUSION: THE FIGHT FOR A MAGNANIMOUS PEACE

After President Abraham Lincoln's assassination and martyrdom, the task fell to General Ulysses S. Grant to secure the peace that both men sacrificed for. However, their vision of a magnanimous peace was challenged by the machinations of Lincoln's successor, Andrew Johnson. Due to the vindictive policies of the Johnson Administration, Grant found a new war to fight for. He now had to take on political battles to ensure the peace.

The primary issue facing Grant following Appomattox was convincing Johnson to follow the spirit of the peace begun by Lincoln. This vision called for leniency, magnanimity, and reconciliation. Johnson's, on the other hand, was born of a vindictive nature seeking retribution. While Grant fought many battles on different fronts with Johnson over the spirit of reconstruction, the key battleground facing him in the immediate aftermath of the war was that of honoring the Appomattox paroles and paving the way towards a magnanimous peace. Fighting to uphold Lincoln's vision and honor the Appomattox paroles was Grant's final strategy for ending the war.

At war's end, Grant hoped that "early means may be devised for clearing our prisons as far as possible."¹²⁷ As such, he recommended that the Union release prisoners

¹²⁷ Endorsement of USG, 18 May 1865, *OR*, Ser. 2, Vol. 8, 556.

who took both the oath of allegiance and the amnesty oath.¹²⁸ Grant further consented to numerous personal requests for parole and release from prison.¹²⁹ On May 31, he reiterated his position that Union prisons “should be emptied as rapidly as may be consistent with a due regard to public safety.” In order to achieve this, he suggested a program of gradual release of Confederate soldiers, officers, and citizen prisoners “not charged with Capital offences” upon “their taking the oath of allegiance.”¹³⁰ William Hoffman recommended a slower pace for release of fifty prisoners per day “below the rank of General” arguing that this would “save much labor in your office, and this one also.” Hoffman estimated that at that rate it would take approximately sixty days to release all of the prisoners.¹³¹

¹²⁸ USG to J. J. Reynolds, 30 April 1865, *PUSG*, Vol. 14, 440. See also: General Orders No. 85, 8 May 1865, *OR*, Ser. 2, Vol. 8, 538.

¹²⁹ For example, see the following regarding Grant’s intervention on the behalf of prisoners at Fort Monroe: R. E. Lee to USG, 27 April 1865, *PUSG*, Vol. 14, 495; Alexander W. Vick, et al. to R. E. Lee, 23 April 1865, *PUSG*, Vol. 14, 495; USG Endorsement, 1 May 1865, *PUSG*, Vol. 14, 496; USG to Commanding Officer, Fort Monroe, 1 May 1865, *PUSG*, Vol. 14, 496; and USG to H. W. Halleck, 11 May 1865, *PUSG*, Vol. 15, 470. For other examples, see: Letter from H. Coffey, J. Humphrys, and Forty-Seven Others, 15 May 1865, *OR*, Ser. 2, Vol. 8, 556 and USG Endorsement, 18 May 1865, *PUSG*, Vol. 15, 50n. This practice was so common that the editors of Grant’s published papers commented on it: “Numerous applications for the release of C.S.A. prisoners were forwarded to Hoffman through USG’s hd. qrs. during spring and summer, 1865; routine applications have been omitted from this volume.” John Y. Simon, ed., *PUSG*, Vol. 15, 115n.

¹³⁰ USG Endorsement, 31 May 1865, *PUSG*, Vol. 15, 114-115.

¹³¹ W. Hoffman to USG, 31 May 1865, *PUSG*, Vol. 15, 115n. Historian Charles Sanders incorrectly attributed abandonment of Hoffman’s plan for 50 prisoners per day to Johnson’s announcement of immediate release. Sanders cited June 20 as the date of Johnson’s statement when it actually occurred on July 20. This incorrect information most likely came from the dissertation listed in the footnote covering this statement, as the dissertation also mixed up the dates. The dissertation cited a letter properly dated July 20—most likely the original copy of the one found in the *OR*—but then stated June 20 as its date in the text of the narrative. The dissertation footnote included multiple letters, though only one of which logically matched up with the statements made and the repositories listed—that one being for July 20. In his analysis, Sanders also argued that Grant approved of Hoffman’s prisoner release plan. However, the evidence shown in this study demonstrated otherwise. Grant consistently made arrangements for the prisons to be emptied as quickly as safely possible. See: Charles W. Sanders, Jr., *While in the Hands of the Enemy: Military Prisons of the Civil War* (Baton Rouge, LA: Louisiana State University Press, 2005), 289

In the midst of these discussions on sending prisoners home, President Johnson intervened with his own policy. On May 29, President Andrew Johnson issued his Amnesty Proclamation in order “to induce all persons to return to their loyalty and to restore the authority of the United States.” Johnson offered “amnesty and pardon” to “all persons who have, directly or indirectly, participated in the existing rebellion” upon taking the transcribed oath. However, Johnson also included a lengthy list of exclusions to “all persons.” The list featured fourteen separate classes of exclusion including such things as anyone who resigned a U. S. military commission to fight for the Confederacy, Confederate officers above the army rank of colonel and navy rank of lieutenant, any Members of Congress who gave up their seat to join the rebellion, and any Confederates with an estimated net worth of over \$20,000. Nevertheless, Johnson included the possibility for any of the excluded people to appeal to him directly for a presidential pardon.¹³² Following Johnson’s Amnesty Proclamation, prisoners would be released once they had taken the oath of allegiance as prescribed in the proclamation.¹³³

On June 6, Grant’s department issued General Orders No. 109, which consolidated the several new policies regarding the release and return of POWs into a single document. The process was fairly straightforward in that any enlisted man or officers not above the rank of captain for the army and lieutenant for the navy held in Union prisons qualified for discharge upon taking the oath of allegiance. An important

and 348n59 and Leslie Gene Hunter, “Warden for the Union: General William Hoffman (1807-1884)” (PhD diss. The University of Arizona, 1971), 220-221 and 221n10.

¹³² Presidential Proclamation, 29 May 1865, *OR*, Ser. 2, Vol. 8, 578-580.

¹³³ W. Hoffman to J. A. Rawlins, 30 May 1865, *PUSG*, Vol. 15, 115n and J. A. Rawlins Endorsement, 30 May 1865, *PUSG*, Vol. 15, 115n.

exception to this was, as Johnson stipulated, any officers who graduated from one of the U.S. military academies or resigned their commission to join the rebellion. These new orders dismissed Hoffman's recommended discharge pace in favor of releasing "each day as many of the prisoners hereby authorized to be discharged as proper rolls can be prepared for." This order also directed the Quartermaster's Department to furnish some transportation options via steamship or rail to the nearest practical point home.¹³⁴ On June 17, Grant extended the orders for release to include "all citizen prisoners in your custody who have no charges against them."¹³⁵ The new regulations were designed to discharge and send home as soon as possible as many remaining prisoners as Johnson would allow. A lasting peace could not be established with full jail cells and men fearing reprisals from a vengeful government.

One of the most important battles Grant fought regarding postwar POW policies was the question of amnesty for Robert E. Lee. In early May, Grant strongly endorsed the notion of offering Lee amnesty stating that "Although it would meet with opposition in the North to allow Lee the benefit of amnesty, I think it would have the best possible effect toward restoring good feeling and peace in the South to have him come in. All the people except a few political leaders in the South will accept whatever he does as right, and will be guided to a great extent by his example."¹³⁶ Grant saw the bigger strategy in offering Lee amnesty. It wasn't about sparing a single Confederate leader, but instead it

¹³⁴ General Orders No. 109, 6 June 1865, *OR*, Ser. 2, Vol. 8, 641. See also: General Orders No. 104, 2 June 1865, *OR*, Ser. 2, Vol. 8, 633.

¹³⁵ Circular, Office of the Commissary-General of Prisoners, 17 June 1865, *OR*, Ser. 2, Vol. 8, 656.

¹³⁶ USG to H. W. Halleck, 6 May 1865, *OR*, Ser. 2, Vol. 8, 535-536.

was about the example that leader set for the masses across the South. If Lee admitted defeat and sought such clemency, that would legitimize the Union government in the eyes of many former Confederates. Furthermore, it would demonstrate the magnanimity of the Union government. Bringing former Confederates back into the fold was vital to winning the peace.

However, Grant's sound strategy for peace was challenged by the blustering of a vengeful president. Johnson threatened not to honor paroles given at Appomattox, specifically including that of Robert E. Lee. On June 7, the situation progressed beyond just threats when U.S. District Judge John C. Underwood indicted Lee for treason. Underwood argued that the terms of the parole were "a mere military arrangement, and can have no influence upon civil rights or the status of the persons interested." The following day, it was publicized that Johnson wanted Lee's prosecution to continue.¹³⁷

Lee discovered that he "was to be indicted for treason by the Grand Jury at Norfolk" while at Richmond attempting to "ascertain what was proper or required of me" in response to Johnson's Amnesty Proclamation. Lee believed that the terms of his parole protected him from such prosecution. Hoping for an intervention, he voiced his concerns to Grant and asked Grant to deliver his request for amnesty.¹³⁸ Grant endorsed Lee's request "with the earnest recommendation that, this application of Gen. R. E. Lee for amnesty and pardon may be granted him."¹³⁹

¹³⁷ John Y. Simon, ed., *PUSG*, Vol. 15, 150n.

¹³⁸ R. E. Lee to USG, 13 June 1865, *PUSG*, Vol. 15, 150n. See also: R. E. Lee to A. Johnson, 13 June 1865, *PUSG*, Vol. 15, 150n.

¹³⁹ USG Endorsement, 16 June 1865, *PUSG*, Vol. 15, 150n.

The situation regarding Lee's prosecution incensed Grant. It called into question not only his honor, but the honor of the government that he was trying to protect in order to win the peace. Grant vehemently argued that none of the paroled officers or soldiers at Appomattox, including Lee, could be tried for treason so long as they honored the terms of their parole. Grant declared that "Good faith as well as true policy dictates that we should observe the conditions of that convention." Furthermore, subjecting any of these men to a trial for treason could be construed as a violation of the terms of parole by the government and, hence, a release of those men from said terms. In defense of the paroles, Grant went so far as to invoke the great martyr for the cause noting that the terms were "met with the hearty approval of the President at the time, and of the country generally." Grant noted that the indictment already had an "injurious effect," most likely alluding to the question of honor and goodwill of the Union government. He asked Secretary of War Edwin M. Stanton to "quash all indictments found against paroled prisoners of war, and to desist from further prosecution of them."¹⁴⁰ In making this request, Grant understood that Johnson ultimately held the final decision on such a matter, and eventually had to confront the new President about it.

In a meeting with President Johnson on June 16, Grant demanded that Johnson uphold the terms given at Appomattox by granting Lee's request for amnesty. However, Johnson wanted retribution and to see Lee tried for treason in a civil case. While debating with Johnson at the White House, Grant uncharacteristically lost his temper in

¹⁴⁰ USG to E. M. Stanton, 16 June 1865, *PUSG*, Vol. 15, 149. See also: USG to R. E. Lee, 20 June 1865, *PUSG*, Vol. 15, 210-211.

pushing for his terms and code of honor to be upheld. He argued that had Lee known that he could be arrested and subject to prosecution, Lee most likely would not have agreed to surrender at Appomattox. Grant declared that he would resign his commission before consenting to Lee's arrest. In response to this threat, Johnson capitulated. He knew that in the politically turbulent time he needed Grant as an ally or, at the very least, not as an enemy. The proceedings against Lee were dropped on June 20. According to historian Jean Edward Smith, "If Appomattox was Grant's finest hour, his determination to protect those who surrendered there ranks a close second."¹⁴¹

Grant made several key points in his case to protect Lee's parole and grant his request for amnesty. Grant argued that "No matter what Gen. Lee's offenses may have been against the offended dignity of the Nation, great consideration is due him for manly course and bearing shown by him in his surrender at Appomattox C. H." He firmly believed that Lee would never have surrendered had he known he would be tried for treason. Furthermore, without the Appomattox surrender "Gen. Lee would this day be at large and a great part of the late rebel Armies would be scattered over the South, with Arms in their hands, causing infinite trouble." Grant also contended that it was Lee's example which inspired Confederate soldiers to follow suit in complying with defeat and return home.¹⁴² Thus, the Appomattox parole was greater than Johnson's personal desire for retribution. Parole and amnesty for Lee was a conciliatory symbol of goodwill from

¹⁴¹ Jean Edward Smith, *Grant* (New York: Simon & Schuster, 2001), 417-418.

¹⁴² USG to E. M. Stanton, 20 June 1865, *PUSG*, Vol. 15, 204.

the victors. It was a carefully calculated strategy to win the peace. And for Grant, it was also a matter of personal honor.

Grant knew that for peace to come, former soldiers had to be freed from all military commitments in order to return to civilian life. This meant both discharging Confederates from prison and releasing them from their paroles. On June 27, Grant recommended that all paroled POWs be allowed to take the oath of allegiance and then be released from their obligations of parole.¹⁴³ Grant drafted orders for this to be enacted, and Stanton initially approved. However, Stanton quickly reversed course and rejected the idea. The drafted orders were never issued.¹⁴⁴

In spite of this, the Union made progress at least on emptying the prisons. On July 5, Hoffman reported that with the exception of a few sick prisoners who had been transferred to hospitals, all POWs had been released from the following prisons: Point Lookout, Newport News, Hart's Island, Elmira, Camp Chase, Camp Morton, Camp Douglas, Rock Island, and Alton. Only 150 officers remained in confinement at Johnson's Island.¹⁴⁵ On July 20, President Johnson directed Hoffman to discharge all military POWs, excepting "those captured with Jefferson Davis, and any others where special reasons are known to exist for holding them."¹⁴⁶ By October 31, only four

¹⁴³ USG Endorsement, 27 June 1865, *PUSG*, Vol. 15, 223n.

¹⁴⁴ USG Endorsement, 5 July 1865, *OR*, Ser. 2, Vol. 8, 682; E. M. Stanton Endorsement, 5 July 1865, *OR*, Ser. 2, Vol. 8, 683; E. D. Townsend Endorsement, 5 July 1865, *OR*, Ser. 2, Vol. 8, 683; and Draft of General Orders, 5 July 1865, *OR*, Ser. 2, Vol. 8, 683.

¹⁴⁵ W. Hoffman to USG, 5 July 1865, *OR*, Ser. 2, Vol. 8, 700-701.

¹⁴⁶ E. D. Townsend to W. Hoffman, 20 July 1865, *OR*, Ser. 2, Vol. 8, 709-710.

prisoners remained in Union prisons, all of whom were citizens held as political prisoners.¹⁴⁷

Even though Johnson dropped the charges against Lee and Union prisons were emptied, Grant's battles to protect the paroles and honor of Appomattox continued. Grant routinely defended Confederate generals, even including one of John S. Mosby's men, against Johnson's retribution.¹⁴⁸ On November 2, 1865, Grant wrote to Stanton again defending the rights of those paroled under the Appomattox terms. Grant stated that "In my opinion in receiving the paroles of the officers and soldiers of the rebel armies, the United States guaranteed them on condition of surrender and return to their homes freedom from molestation by the United States for all previous warlike acts of theirs not in violation of the laws of war, until exchanged." He recommended publication of such a statement in order to "relieve paroled prisoners from annoyance by local U. S. authorities."¹⁴⁹ Grant continued to defend the Appomattox terms well into 1866. Even then, he doggedly maintained his honor declaring that "I will be drawn and quartered before [the terms] shall be violated."¹⁵⁰ He further intervened on the behalf of Confederate Generals George E. Pickett and Bradley T. Johnson in March 1866 as he "deemed their acts, though harsh, to be within the bounds of legal warfare."¹⁵¹ The challenge of winning the peace proved immense for Grant, long outlasting the war itself.

¹⁴⁷ Monthly U.S. Military Prison Returns, November 1865, *OR*, Ser. 2, Vol. 8, 1004.

¹⁴⁸ Brooks D. Simpson, *Let Us Have Peace: Ulysses S. Grant and the Politics of War and Reconstruction, 1861-1868* (Chapel Hill, NC: The University of North Carolina Press, 1991), 112-113.

¹⁴⁹ USG Endorsement, 2 November 1865, *PUSG*, Vol. 15, 615.

¹⁵⁰ Simpson, 132.

¹⁵¹ Elizabeth R. Varon, *Appomattox: Victory, Defeat, and Freedom at the End of the Civil War* (Oxford: Oxford University Press, 2014), 229.

Throughout this study, much emphasis has been placed on surrenders and the terms of parole inherent to them. Surrenders represented a convergence of POW policy and military strategy, especially for General Ulysses S. Grant. Grant, having accepted the surrender of no less than three major Confederate armies, proved to be an excellent lens to analyze this intersection. However, this was not the first scholarly investigation of the topic.

Renowned historian Joan Waugh published an article in which she argued that in all three of Grant's major victories—Fort Donelson in 1862, Vicksburg in 1863, and Appomattox in 1865—Grant demonstrated magnanimity in his terms of surrender. She argued that “Ulysses S. Grant’s conviction that the Union was going to be preserved is what guided and sustained his military policy, including surrender, throughout the war.”¹⁵² She also contended that “Vitality concerned with seeking out and destroying an enemy, he was also keenly aware of what kind of conditions—military and political—would lay a solid foundation for reunion.”¹⁵³ Waugh presented an intriguing argument, however, her conclusions seemed to leave out much of the story.

Joan Waugh connected Grant's three major acceptances of surrender at Fort Donelson, Vicksburg, and Appomattox as sharing in Grant's “magnanimity,” but these were three separate events which occurred under far different contexts. In each instance Grant demonstrated his humanity and honor by not humiliating his conquered foes, but

¹⁵² Joan Waugh, “‘I Only Knew What Was in My Mind’: Ulysses S. Grant and the Meaning of Appomattox,” *The Journal of the Civil War Era* 2, no. 3 (September 2012): 306.

¹⁵³ *Ibid.*, 306-307.

ultimately arrived at the terms of surrender for very different reasons, driven by strategic, political, and pragmatic rationales. Waugh's analysis conducted a backwards reading of history beginning with the knowledge of Lincoln's magnanimous reconstruction policy, Grant's utilization of this for the terms at Appomattox, and the eventual victory of the Union, ascribing these thoughts to Grant even as early as 1862. While Grant did believe in the sanctity of the Union cause and that they would eventually find victory, he wasn't thinking in such terms when accepting the surrenders of General Simon Buckner in Tennessee and General John Pemberton in Mississippi. In 1862, Grant was a brigadier general at Fort Donelson and, while he astutely understood the political connection to war and the process of victory, Waugh overextended in arguing that he connected magnanimous terms with reconstruction policy this early on in the conflict. The very nature of his demand for unconditional surrender juxtaposed with his deference to Lee at Appomattox should demonstrate this fundamental contrast at the very least. At best, the relationship among the three surrenders could be described as an arc or a progression from unconditional surrender to parole with expectation of exchange to parole with no expectation of exchange.

A central component to Waugh's analysis was the notion of Grant's generosity in victory. Waugh stated that "The Vicksburg surrender and its aftermath, as with Donelson, offered instances of generosity between enemies, a recognition that these enemies may be countrymen again, a celebration of victory and the desolation of

defeat.”¹⁵⁴ The instances of generosity weren’t necessarily recognition of a pending reunification. Soldiers have often demonstrated kind or generous gestures with their enemy. This was not specific to the American Civil War. However, one aspect magnified by this war was that the professional officer corps honed personal relationships prior to 1860 that transcended battle.¹⁵⁵ This key fact, along with the professionalism and honor culture pervasive in the Nineteenth Century United States officer corps, more likely explains such “generous gestures with their enemy” than any sort of “recognition that these enemies may be countrymen again.”

Waugh argued that the terms of surrender were part of Grant’s larger strategy. She stated that “At both Fort Donelson and Vicksburg, Grant combined devastating military victories with sensible and even sensitive surrender policies, pointing toward reunion of the two warring countries, providing an important insight into Grant’s evolving strategy, explicitly uniting military goals and political aims.”¹⁵⁶ However, Grant’s strategy was focused on expediency and setting up his next move as in a game of chess. His associated POW policies focused on pragmatism and support for his offensive operations. At Fort Donelson, Grant originally thought that imprisoning Confederate soldiers was the best course of action. However, once he saw the destructive effect it had on his strategy by halting the initiative, he quickly redirected his thinking instead

¹⁵⁴ Ibid, 316.

¹⁵⁵ For instance, see extended analysis and discussion of the development of the American officer corps in: Edward M. Coffman, *The Old Army: A Portrait of the American Army in Peacetime, 1784-1898* (Oxford: Oxford University Press, 1986) and William B. Skelton, *An American Profession of Arms: The Army Officer Corps, 1784-1861* (Lawrence, KS: University Press of Kansas, 1992).

¹⁵⁶ Waugh, 317.

arguing that field paroles and exchanges to be the best way to manage surrenders as the least inhibiting option for an offensive-minded strategy. At Vicksburg, he went through the same process of analysis ultimately concluding, partially without any choice, that parole for later exchange was the best option. This provided him with the ability to pursue his offensive strategy. In neither experience were things like generosity or reconciliation part of the deliberation. However, Appomattox differed in this regard. As general-in-chief at the end of the war, Grant absolutely thought in terms of the peace to come and magnanimity was part of the thought process. Though, as historian Caroline Janney aptly noted, Grant's terms of surrender at Appomattox were still first and foremost driven by military strategy and necessity.¹⁵⁷

Waugh's article and larger body of work supplied a profound inspiration for the direction of this project. However, returning to her article on surrender in particular, years later, major flaws in her argument became apparent. That being said, her analysis of Grant's inspiration for the Appomattox terms was profound. She aptly noted that Grant's sentence in the Appomattox terms providing Confederates with parole free from disturbance by the United States proved "profoundly important in ending the war and shaping the peace to follow." Waugh also observed that it was Lincoln's inspiration from his Second Inaugural and meeting with Grant on the *River Queen* that guided

¹⁵⁷ Caroline E. Janney, "We Were Not Paroled: The Surrenders of Lee's Men beyond Appomattox Court House," in *Petersburg to Appomattox: The End of the War in Virginia*, ed. Caroline Janney (Chapel Hill, NC: The University of North Carolina Press, 2018), 194.

Grant's perspective on developing the Appomattox terms as well as his fight for the magnanimous peace that followed.¹⁵⁸

Joan Waugh situated Grant's terms of surrender in the greater theme of magnanimity. Yet, attributing them to a consistent desire for reconciliation and reunion is a backwards reading of the history. While this was true for Appomattox, other reasons explain his terms for the other surrenders. Grant's perceived generosity came from a number of factors including: his naturally kind-hearted character and life experiences; his great sense of honor and his standards of conduct governed by Nineteenth Century military professionalism; and the fact that Grant had personal relationships with most of the conquered foes. In each instance, these factors could easily explain why it would appear as though Grant was offering generous terms to defeated Confederates. However, if one were to ask Generals Simon Buckner or John Pemberton how they felt, they may disagree with the characterization of "lenient" or "generous." As such, the mere appearance of generosity does not necessarily equate to Grant being "keenly aware" of what "would lay a solid foundation for reunion."

Throughout the war, Grant thought strategically, and military necessity, not thoughts of reconstruction, guided his terms of surrender. While he spared his enemies undo humiliation, he was direct in demanding what he needed and conducting the surrenders in the most pragmatic way possible. In these moments Grant became a chess-master preparing the board for his next move. As a corollary to this, the POW policies

¹⁵⁸ Waugh, 325.

that Grant developed along the way always played a supporting role to his larger strategic objectives. His approach to surrender negotiations and their aftermath demonstrated the great challenge of victory—coordinating the intersection of military strategy and POW policy.

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