

THE SUCCESSES AND FAILURES OF MILITARY OCCUPATION
IN ATLANTA, GEORGIA 1865-1871

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Military History

by

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ABSTRACT

THE SUCCESSES AND FAILURES OF MILITARY OCCUPATION IN ATLANTA, GEORGIA 1865-1871, by Major Jason Wieczorek, 124 pages.

From its initial occupation following the conclusion of the Civil War in May 1865 to the cessation of military rule in early 1871, the U.S. Army operated within a complex environment as it restored the city of Atlanta, Georgia. The U.S. Army dealt with the changing policies in Washington as the executive and legislative branches competed over the direction of Reconstruction, a massive reduction in force, and mission creep, as it facilitated a volatile transition from a slave-based economy to a wage-based one. This paper examines reports from regiments operating within Atlanta during Reconstruction, newspaper editorials, and previous scholarship to conceptualize the environment the U.S. Army operated within as well as how it directly and indirectly contributed to the restoration of Atlanta.

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CHAPTER 1

INTRODUCTION

The United States (U.S.) Army today possesses a wealth of institutional knowledge and experience in the conduct of stability operations. The amorphous nature of stability operations requires incredible energy and resources. The Armed Forces of the United States in 2011 added legitimacy, perseverance, and restraint to the joint principles of war to help guide U.S. forces in the conduct of stability operations. Though these doctrinal additions came more than a century later, the U.S. Army recognized the importance of these things during Reconstruction. For more than a decade, the U.S. Army executed Reconstruction policy in the states of the former Confederacy. Though each city and state interacted with the U.S. Army differently, the city of Atlanta, Georgia, provides a compelling case study of the U.S. Army addressing the challenges of Reconstruction in a significant population center. Atlanta demonstrates how critical legitimacy, restraint, and perseverance can be in stability operations.

Current joint doctrine defines these principles in the following manner:

[L]egitimacy is the actual and perceived legality, morality, and rightness of the actions from the various perspectives of interested audiences; perseverance is the preparation for measured, protracted military operations in pursuit of the national strategic end state; and restraint is the limiting of collateral damage and preventing unnecessary use of force.¹

Though not specifically laid out in laws, executive directives, or general orders, one sees how the U.S. Army met both success and failure in Atlanta by assessing their ability to

¹ U.S. Joint Chiefs of Staff, Joint Publication 3-0, *Joint Operations* (Washington, DC: Government Printing Office, 2011), A-3-A-5.

apply these principles. From the beginning of the permanent occupation of the city on 5 May 1865, to the cessation of military authority in 1871, U.S. Army occupied Atlanta for six tumultuous and uncertain years. Within this seemingly narrow span of time, the city struggled to rebuild itself, saw a massive influx of refugees, endured martial law, and accommodated two differing models for admittance into the Union. Though each of these elements existed throughout the period covered in this study, Reconstruction divides into two distinct phases, presidential and congressional.²

The presidential phase of reconstruction formally began in 1863 with President Abraham Lincoln's attempt to reconstruct occupied states through his war powers and ended with the passage of the First Reconstruction Act in 1867. Following this act, the congressional phase carried on from 1867 to the Compromise of 1877 and election of President Rutherford B. Hayes.³ Within each phase, the U.S. Army had to interpret Reconstruction policies and laws from Washington, then enforce them despite a constant rotation of units and leaders, particularly in Atlanta. From 1865 to 1866 alone, Atlanta fell under the responsibility of eight different units of varying size that rotated nearly every month. This was contrary to the experiences of other cities of the South and was in part because Atlanta served as a major transit hub for units returning to their respective states.

In 1867, a significant development occurred in Washington as Congress seized control of Reconstruction from President Andrew Johnson with the passage of the First

² Eric Foner, *Reconstruction: America's Unfinished Revolution 1863-1877* (New York: Harper and Row, 1988), 11, E-Book.

³ *Ibid.*, 16.

Reconstruction Act in March. This law, passed over Johnson's veto because of the 1866 election giving the Republican Party two-thirds majorities in both houses of Congress, changed the terms of reentry into the Union and placed the U.S. Army in charge of administering Reconstruction. From 1868 to 1869, Congress passed additional laws that refined the Reconstruction process. For the U.S. Army, this period saw yearly turn over in the senior leaders responsible for overseeing Reconstruction in Georgia, with each laboring to satisfy the needs and desires of Washington and those of the divided local populace. As Georgia drew closer to readmission in 1870, it saw another setback. Reports from the field described elected officials forced from office due to race or affiliation with the Republican Party. This new development resulted in Congress placing Georgia back under military authority to investigate and resolve the problems.

Understanding the situation in Atlanta and the rest of Georgia requires an understanding of where the city came from to the point of its surrender in 1865. Atlanta led the Southeast in economic development and transportation infrastructure.⁴ Prior to the Civil War, the city became the terminus for the Western and Atlantic, Macon and Western, Georgia, and Atlanta and West Point Railroad lines.⁵ These lines coupled with the machine shops, foundries, planing mills, tanneries, and clothing factories made Atlanta an economic hub for both Georgia and the entire southeastern region of the U.S. During the Civil War, Atlanta militarized its industrial base, served as one of the

⁴ C. Mildred Thompson, *Reconstruction in Georgia: Economic, Social, Political 1865-1872* (New York: The Columbia University Press, 1915), 23.

⁵ Arthur R. Taylor, "From the Ashes: Atlanta During Reconstruction 1865-1876" (PhD diss., Emory University, 1973), 2.

Confederacy's quartermaster and commissary headquarters, and maintained one of the Confederacy's five inland military supply centers.⁶ Because of these factors, Atlanta also became a symbol of resistance and nationality.⁷

Recognizing the central role Atlanta played in the Confederacy's war machine, Major General William T. Sherman assumed command of the Division of the Mississippi in March 1864 and immediately planned for a campaign in Georgia with Atlanta as a principle objective. Lieutenant General Ulysses S. Grant, now General in Chief of the U.S. Army, ordered Sherman to move against General Joseph Johnston's army, to break it up and to get into the interior of the enemy's country as far as he could, inflicting all the damage he could against the Confederacy's resources.⁸

After making the necessary preparations, Sherman and the Division of the Mississippi began their campaign on 4 May 1865 with 100,000 men and 254 guns against Johnston's forces at Dalton.⁹ Within his division, Sherman had the Armies of the Tennessee, Cumberland, and Ohio commanded by Major General James McPherson, Major General George Thomas, and Major General John Schofield respectively.¹⁰

⁶ Thompson, 19-26.

⁷ James McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Oxford University Press, 1988), 751.

⁸ Ulysses S. Grant, *Personal Memoirs of U.S. Grant: Select Letters 1839-1865*, ed. Mary McFeely and William McFeely (New York: Literary Classics of the United States, 1990), 479.

⁹ Jacob Cox, *Campaigns of the Civil War: Atlanta* (New Jersey: Castle Books, 2002), 24, 29.

¹⁰ William Sherman, *Memoirs of General W. T. Sherman*, ed. Charles Royster (New York: Literary Classics of the United States, 1990), 487.

Sherman's army steadily pushed into Georgia, seizing Resaca, Cassville, Allatoona, and Dallas before the end of May.¹¹ Johnston drew the Division of the Mississippi deeper into Confederate territory, hoping that Sherman would overextend his lines of communication.¹² This might give Johnston the opportunity to attack with greater chance of success.¹³ Unfortunately for Johnston, Confederate President Jefferson Davis grew impatient over the lack progress and replaced him with Lieutenant General John Bell Hood in July 1864 after Johnston suggested abandoning Atlanta without a fight.¹⁴

Hood assured President Davis that he would go on the offensive and quickly defeat Sherman. He attempted to fulfill this promise at the hard-fought battles of Peachtree Creek and Atlanta in late July 1864. Not only was this attempt unsuccessful, Hood would lose approximately 8,800 men in the following Battles of Ezra Church and Jonesborough.¹⁵ Hood ultimately had no choice but to withdraw from Atlanta on 1 September 1864.¹⁶

¹¹ Ibid., 515.

¹² Cox, 27.

¹³ Ibid.

¹⁴ James McPherson, 753.

¹⁵ George Lankevich, ed., *Atlanta: A Chronological and Documentary History 1813-1976* (New York, Oceana Publications, 1978), 16.

¹⁶ Oliver O. Howard, "The Struggle for Atlanta," in *Hearts Touched by Fire: The Best of Battles and Leaders of the Civil War*, ed. Harold Holzer (New York: The Modern Library, 2011), 921.

With Atlanta abandoned, Sherman posted the Army of the Cumberland in the city, the Army of the Tennessee at East Point, and the Army of the Ohio at Decatur.¹⁷ Resolved to make Atlanta a pure military garrison, Sherman issued Special Field Order No. 67 which ordered the evacuation of the civilians from the city, beginning on 12 September 1864.¹⁸ Sherman expedited this order by committing his own resources, enabling the evacuation of 1,651 civilians and an estimated 8,842 pieces of baggage.¹⁹ Despite this, less than half the population obeyed the order without suffering any repercussions.²⁰ After occupying Atlanta, Sherman issued Special Field Order No. 120 on 9 November 1864, ordering the destruction anything of military value in Atlanta before beginning his March to the Sea.²¹

Though Sherman's order contributed to the devastation inflicted on Atlanta, Hood's army and the events prior to September 1864 played a significant role as well. From the beginning of the campaign, the Confederate army destroyed the railroads and bridges as it withdrew from Dalton to Atlanta ahead of the Division of the Mississippi.²² Prior to abandoning Atlanta, Hood ordered the destruction of all military property.²³

¹⁷ Sherman, 584.

¹⁸ United States, *Annual Report of the Secretary of War 1865* (Washington, DC: U.S. Government Printing Office, 1865), 1181.

¹⁹ Taylor, 35.

²⁰ *Ibid.*, 27.

²¹ United States, *Annual Report of the Secretary of War 1865*, 1181.

²² *Ibid.*, 968.

²³ Taylor, 8.

Additionally, Sherman's siege of Atlanta lasted over a month with artillery firing into the city on a daily basis.²⁴ Confederate officer W. P. Howard later reported that over 3,200 buildings were destroyed during the Atlanta Campaign.²⁵

The chief friction point at the close of the Civil War was the conditions and processes by which the seceded states could return to the Union. Despite attempts beginning in December 1863 with President Abraham Lincoln's "Ten Percent Plan" and Congressional Republicans' attempt to legislate the Wade-Davis Bill over a pocket-veto, Washington DC lacked a coherent and unified policy on Reconstruction.²⁶ Where Lincoln, and later President Andrew Johnson differed in policy with Congress centered on their respective priorities. Lincoln's Ten Percent Plan, the more lenient method laid out in December 1863, allowed a seceded state to return to the Union should 10 percent of the loyal citizens, based on the state's 1860 voter registration, take both the oath of allegiance and pledge to enforce emancipation.²⁷ The rationale for such a lenient model in 1863 was to undermine the Confederacy's cause by suggesting Southern whites could control the terms of reunion and set the foundation for Lincoln's vision for an expedited restoration and healing of the Union. Though failing to become law, the Wade-Davis Bill, authored by Radical Republicans Henry F. Davis and Benjamin F. Wade, proposed that a

²⁴ James McPherson, 755.

²⁵ Franklin M. Garrett, *Atlanta And Environs: A Chronicle of its People and Events, Volume I* (Athens: University of Georgia Press, 1969), 653-654.

²⁶ Mark L. Bradley, *The Army and Reconstruction 1865-1877* (Washington, DC: Center of Military History, 2015), 8-9.

²⁷ Foner, 48, E-Book.

state could only return to the Union if half of its white males took the Ironclad Oath, necessitating a commitment to enfranchise Freedmen.²⁸ Such action seemed necessary to the Radicals for anything less was a half measure that would only embolden the South to return to its antebellum activities.

Just as in the North, the white citizens of the South divided into ideological camps on how to react. Those against Reconstruction identified their opponents as carpetbaggers and scalawags. Carpetbaggers were men that came from the North seeking political opportunity while those from the South that chose to align with the Republican Party or support Reconstruction became known as scalawags.²⁹ Grief and disbelief over the surrender of General Robert E. Lee at Appomattox Courthouse was barely assuaged by Lincoln's 11 April speech calling for prompt reunion.³⁰ Mitigating this sentiment was the utter exhaustion felt by the Southern whites and a longing for peace. For this reason, many in the South felt that the assassination of Lincoln on 14 April 1865 was unacceptable as it emboldened the Radical Republicans.³¹ Seen initially as a potential ally to the Radical Republicans in Congress, War-Democrat Johnson indicated that he would execute a harsh Reconstruction model in the South that aligned with Congress as

²⁸ Gregory P. Downs, *After Appomattox: Military Occupation and the Ends of War* (Cambridge: Harvard University Press, 2015), 72.

²⁹ Foner, 11, E-Book.

³⁰ Elizabeth R. Varon, *Appomattox: Victory, Defeat, and Freedom at the end of the Civil War* (New York: Oxford University Press, 2014), 120.

³¹ *Ibid.*, 175.

he rejected Sherman's accepting terms of armistice with Johnston at Durham, North Carolina in April 1865.³²

Regardless of the strategy in Washington, the U.S. Army faced the challenge of implementing Reconstruction. No longer in combat, but not out of conflict, the U.S. Army began its struggle to exercise legitimacy, restraint, and perseverance as it reconstructed Atlanta and the state of Georgia.

Using these principles as an analytical framework, one sees that the U.S. Army's efforts in such southern cities as Atlanta, Georgia, illustrate the inherent difficulty in a stability mission. From its initial occupation following the conclusion of the Civil War in May 1865 to Georgia's re-admittance into the Union in early 1871, the city of Atlanta was a place where the U.S. Army applied these principles. During this period, the U.S. Army dealt with changing policies in Washington, a massive reduction in force, and an expansion in the scope of their mission as they oversaw the volatile transition from a slave-based labor system.

Previous scholarship on Atlanta in Reconstruction focuses more on the larger socioeconomic transition that occurred in the South during Reconstruction rather than how the U.S. Army acted as a change agent for the U.S. Government. The secondary sources used to research this work touched on the social, political, and economic factors influencing Reconstruction without offering detailed information on the U.S. Army's direct involvement in Atlanta. The work used to capture Atlanta and Georgia's narrative during the Civil War and Reconstruction was Franklin Garrett's *Atlanta and Environs: A*

³² Foner, 175, E-Book.

Chronicle of its People and Events, 1820s-1870s.³³ This work provided details on the effects of Reconstruction at the city and state level. Though it provided accounts of the interaction between public officials and the U.S. Army, the work did not encompass details on the relationship between the Atlanta police force and the occupation forces.

James Sefton's *The United States Army and Reconstruction 1865-1877*³⁴ and Gregory Downs's *After Appomattox: Military Occupation and the Ends of War*³⁵ provide the most comprehensive narrative on the U.S. Army's involvement Reconstruction. The former provided details on U.S. Army leaders that shaped and were shaped by Reconstruction. What Sefton's work lacked was depth on Atlanta as well as Georgia. Downs's work, like Sefton's, did not provide much detail in respect to the Freedmen's Bureau in Georgia and the problematic relationship it had with the U.S. Army in the state.

John Kirkland's *Federal Troops in the South Atlantic States During Reconstruction: 1865-1877* describes how the U.S. Army interacted with the civilian population in the South during Reconstruction.³⁶ Kirkland addresses the transition from constabulary operations to the task of political, economic, and social reform under congressional Reconstruction by citing reports and letters from military leaders at various

³³ Garrett.

³⁴ James E. Sefton, *The United States Army and Reconstruction 1865-1877* (Baton Rouge: Louisiana University Press, 1967).

³⁵ Downs.

³⁶ John R. Kirkland, "Federal Troops in the South Atlantic State during Reconstruction: 1865-1977" (PhD diss., University of North Carolina, 1968).

echelons of command. What this work lacked was specific details on Atlanta as far as daily operations of the units occupying the city.

William Link's *Atlanta, Cradle of the New South* captures the racial tensions between Freedmen and Southern whites throughout Reconstruction as well as how the Freedmen's Bureau attempted to bring about political, social, and economic reform.³⁷ Link highlights the attempts of such Bureau agents as Fred Mosebach to protect the rights of Freedmen amidst abuse from Atlanta police, Ku Klux Klan, and Soldier indiscipline. Link does not incorporate sufficient detail on the U.S. Army's role in Atlanta beyond examples of Soldier abuse against Freedmen.

Paul Cimbala's *Under the Guardianship of the Nation: The Freedmen's Bureau and the Reconstruction of Georgia, 1865-1870* provides a comprehensive overview of the Freedmen's Bureau in Georgia.³⁸ This work describes the Bureau's origins, organizational structure from the Commissioner down to the Bureau agents, and its challenges in bringing Freedmen from slavery to relative economic and political parity to Southern whites. This book did not provide sufficient information on Colonel Caleb Sibley and Lieutenant Colonel George Curkendall's leadership positions in regular units as they served as Bureau Sub-Assistant Commissioners. Furthermore, Cimbala only touches on the tension between the U.S. Army and the Bureau with respect to Major

³⁷ William A. Link, *Atlanta, Cradle of the New South: Race and Remembering in the Civil War's Aftermath* (Chapel Hill: University of North Carolina Press, 2013), 72, E-Book.

³⁸ Paul A. Cimbala, *Under the Guardianship of the Nation: The Freedmen's Bureau and the Reconstruction of Georgia 1865-1870* (Athens: University of Georgia Press, 1997).

General John Pope and Major General George Meade's imposed restrictions, without much attention to how agents performed operations with the U.S. Army in the enforcement of the Reconstruction Acts.

George Rable's *But There Was No Peace: The Role of Violence in the Politics of Reconstruction* provided details on the riots that broke out throughout the South during the presidential phase of Reconstruction, highlighting the racial tensions between Freedmen and Southern whites.³⁹ This work also demonstrates how Southern whites used violence against Freedmen in an effort to maintain their social, economic, and political subordination. As Atlanta did not suffer a riot during this period, Rable did not include extensive discussion on the city.

C. Mildred Thompson's *Reconstruction in Georgia: Economic, Social, Political 1865-1872* provides an overview of Georgia's Reconstruction experience.⁴⁰ Thompson offers a chronological narrative describing the state's reaction to military occupation and the conditions for reunion imposed by the federal government. This work's limitation stems from its racial bias and omission of details regarding the abusive treatment of Freedmen throughout Reconstruction. Thompson also omits specific details regarding how the U.S. Army provided law and order during presidential Reconstruction as well as what units occupied Atlanta.

Primary sources used for this work included monthly returns from the units that occupied Atlanta, newspapers such as Atlanta's *Daily Intelligencer*, and the annual

³⁹ George C. Rable, *But There Was No Peace: The Role of Violence in the Politics of Reconstruction* (Athens: University of Georgia Press, 2007).

⁴⁰ Thompson.

reports submitted to the Secretary of War during Reconstruction. These documents provide information on the composition of the units that occupied Atlanta, their leaders, and details regarding their actions in providing law and order as well as enforcing the Reconstruction Acts.

By looking at the U.S. Army and analyzing its efforts on the basis of legitimacy, restraint, and perseverance, one gains a better understanding of Reconstruction and its illustration of ending the problems associated with stability operations. With this knowledge, military planners can manage expectations and recommend realistic military end states as they advise military and civilian leaders.

CHAPTER 2

1865: VICTORY AND OCCUPATION

As the United States concluded the deadliest conflict in its history, 1865 saw momentous events unfold at the national, state, and city levels. Though the struggle between the executive and legislative branches to direct Reconstruction began in 1864, Lincoln's leadership style enabled collaboration between the branches of government up to the conclusion of the war despite their conflicting viewpoints. This abruptly changed on 14 April with Lincoln's assassination, leaving the new president, Andrew Johnson, to direct Reconstruction. Radical Republicans viewed this tragic event as a potential opportunity, believing Johnson was a supporter of enfranchising Freedmen and punishing Confederate leaders.⁴¹ A former U.S. Senator and Military Governor of Tennessee, Johnson fed these hopes when he repudiated the lenient terms of surrender Sherman arranged with Johnston at Durham Station and called for punishing Confederate leaders in April 1865.⁴² Thus, many were surprised and displeased when Johnson issued his Reconstruction policy for North Carolina on 29 May 1865 without formally consulting Congress.⁴³

In this proclamation, Johnson granted blanket amnesty to former Confederates save fourteen classes of people.⁴⁴ Those not to receive immediate amnesty included

⁴¹ Foner, 167, E-Book.

⁴² *Ibid.*, 175, E-Book.

⁴³ Bradley, 15.

⁴⁴ Foner, 180, E-Book.

senior Confederate officials, military or federal officers that served in the Confederacy, and those who violated the 1863 Oath of Amnesty.⁴⁵ For readmission, the proclamation directed each state to hold a constitutional convention consisting of delegates elected by eligible voters. These conventions were required only to overturn secession ordinances, repudiate any war debts, and adopt the Thirteenth Amendment.⁴⁶ Additionally, Johnson restored the post offices and other federal facilities, while ordering the U.S. Army to “abstain from in any way hindering, impeding, or discouraging the loyal people from the organization of a State government as herein authorized.”⁴⁷ Johnson’s unilateral move set an ominous tone for the future as Congress was looking to involve itself and ultimately control the direction of Reconstruction policy.

Georgia’s Reconstruction plan began to come together on 17 June 1865 with Johnson’s appointment of James Johnson, a former U.S. Congressman, as provisional governor.⁴⁸ Like many Confederate states, Georgia lay in ruins after the war. Following the near-leveling of Atlanta and Sherman’s March to the Sea, the value of the state’s taxable property plummeted from \$600,000,000 to \$200,000,000.⁴⁹ The state also suffered from hyperinflation due to the Confederacy’s inability to implement an effective

⁴⁵ Ibid.

⁴⁶ Bradley, 13. Johnson defined loyal citizens as white adult males that who took the loyalty oath.

⁴⁷ Bradley, 13-14.

⁴⁸ Elizabeth S. Nathan, *Losing the Peace: Georgia Republicans and Reconstruction, 1865-1871* (Baton Rouge: Louisiana State University Press, 1969), 7.

⁴⁹ Lucian L. Knight, *A Standard History of Georgia and Georgians* (Chicago: Lewis Publishing Co., 1917), 177.

revenue system or bypass the Union's coastal blockade.⁵⁰ Compounding this economic disaster was the abolition of slavery. Slavery accounted for approximately \$300,000,000 of value in Georgia in 1865.⁵¹ Emancipation meant more than freedom for African-Americans, it ended the labor system of the South with the largest liquidation of private property without compensation in the history of Western Civilization.⁵²

Military defeat and economic problems contributed to a dissolution of law and order in Georgia as displaced civilians in the tens of thousands flooded already saturated cities in hope of finding relief or opportunities to take advantage of their newly won freedom. With exhausted resources and the infrastructure unable to handle the influx of refugees, desperation led to vagrancy in such population centers as Savannah, Macon, Milledgeville, and Atlanta. Without a labor force on the plantations to revive the agrarian economy, Georgia could not revive its economy or feed its population.⁵³

As one of the emerging cities of Georgia and the entire South, Atlanta was not spared the problem of the post-conflict devastation. This was evident in the psychological state of the population, the physical destruction of the city's infrastructure, and racial tensions exacerbated by the mass movement of displaced civilians into Atlanta. Psychologically, Confederate elements in Atlanta had been convinced of the

⁵⁰ Mark Grimsley, "Surviving Military Revolution: The U.S. Civil War," in *The Dynamics of Military Revolution: 1300-2050*, ed. MacGregor Knox and Williamson Murray (New York: Cambridge University Press, 2009), 86-87.

⁵¹ Nathan, 3-4.

⁵² Foner, 25, E-Book.

⁵³ Kirkland, 51.

Confederacy's ultimate victory despite Sherman's operations.⁵⁴ Contributing to this resilience was the return of Confederate officials and officers to the city after Sherman's departure in November 1864.⁵⁵ These included Mayor James Calhoun, City Marshall Oliver H. Jones, and a small Confederate garrison commanded by Lieutenant Colonel L. J. Glenn.⁵⁶ Unable to manage or arrest the degradation of law and order, commerce, and public health, these leaders sought to divert the energy of the public against Union loyalists and collaborators who had stepped forward during the occupation of 1864.⁵⁷ The *Atlanta Intelligencer* aided in this effort by routinely calling for the capture and punishment of Unionists in its daily and weekly editions.⁵⁸ Confederate Atlanta was not prepared for Lee's and Johnston's surrenders in April 1865 or Davis's arrest the following month.

On 25 November 1864, Governor Joseph Brown had ordered General William P. Howard, commander of the Confederate Georgia state militia, to survey the physical state of Atlanta. Howard estimated 3200 buildings had been destroyed within the city limits

⁵⁴ Mark W. Johnson, *That Body of Brave Men: The U.S. Regular Infantry and the Civil War in the West* (Cambridge: Da Capo Press, 2003), 583.

⁵⁵ J. B. Hood, "The Invasion of Tennessee," in *Hearts Touched by Fire: The Best of Battles and Leaders of the Civil War*, ed. Harold Holzer (New York: The Modern Library, 2011), 952-953.

⁵⁶ Garrett, 660-661.

⁵⁷ Thomas G. Dyer, *Secret Yankee: The Union Circle in Confederate Atlanta* (Baltimore: Johns Hopkins University Press, 1999), 214.

⁵⁸ *Ibid.*

and over 4000 more in the city periphery during the course of Sherman's operations, leaving only 400 structures intact.⁵⁹

The actions of Sherman and Hood during the summer and fall of 1864 had left Atlanta in ruins. Equipment or infrastructure assessed as having military value was either removed or destroyed by Hood's forces in September 1864 or Sherman's in November 1864. Because Atlanta served as an industrial and logistical hub for the Confederacy to both commanders, military value equaled economic value. Without the tanneries, mills, and factories operating, the city could not generate or distribute wealth or support the Confederate war effort. The destruction of the town's military resources contributed to hyperinflation and the deterioration of law and order.

The mass migration of former slaves, Confederate Soldiers, ruined farmers, and other refugees into the city stressed an already broken system. Though displaced civilians filled cities across Georgia, Atlanta received the largest amount due to its being as a transportation hub and proximity to Sherman's destructive path.⁶⁰ With a shortage of dwellings, people resorted to constructing wooden shanties within and on the outskirts of the city.⁶¹ The Freedmen, having no desire to return to the plantation, settled wherever they could, either in huts or the open.⁶² As the population swelled, disease spread. In

⁵⁹ Garrett, 653-654.

⁶⁰ Paul A. Cimbala and Randall M. Miller, *The Great Task Remaining Before Us: Reconstruction as America's Continuing Civil War* (New York: Fordham University Press, 2010), 109.

⁶¹ Garrett, 675.

⁶² *Ibid.*, 689.

December 1865, a smallpox epidemic broke out killing 200 people, both white and black.⁶³ No municipal or state government could handle such a situation. The only institution that had the workforce and capacity to address the problem was the U.S. Army.

The factors described above created the chaotic environment that greeted the U.S. Army when it returned to Atlanta in May 1865. Anarchy, disease, and crime permeated Atlanta and no indigenous entity existed to end it. Though the U.S. Army had the potential ability to do this, it found itself struggling with imminent force reductions and restricted mobility as it transitioned to stability and constabulary responsibilities.

At its peak in 1865, the U.S. Army had over 1,000,000 troops, contributing to an unprecedented \$2,757,253,275.00 national debt.⁶⁴ This financial strain, coupled with the public's exhaustion with the war and termination of volunteer contracts, compelled the U.S. Government to transition quickly to its traditional peacetime size. Only days after Lee's surrender, Secretary of War Edwin Stanton issued the following orders to the U.S. Army:

1. Stop all drafting and recruiting in the loyal states.
2. Curtail purchases of arms, ammunition, and to otherwise reduce the expenses of the military establishment.
3. Reduce the number of general and staff officers to the actual needs of the service.

⁶³ James M. Russell, *Atlanta 1847-1890: City Building in the Old South and the New* (Baton Rouge: Louisiana State University Press, 1988), 173-174.

⁶⁴ Kirkland, 64.

4. Remove all military restrictions upon trade and commerce, so far as might be consistent with the public safety.⁶⁵

As directed, the U.S. Army began a rapid downsizing with hundreds of regiments demobilized every month, scaling down to a force of 202,277 by June 1865, and 87,550 by January 1866.⁶⁶ In Georgia, the Army stood at 17,165 (13,376 white and 3,789 colored) Soldiers with a minuscule cavalry force by September 1865.⁶⁷ The lack of a mounted force to perform constabulary duties degraded the U.S. Army's operational and tactical mobility. Though effective, dismounted infantry took more time to employ, inhibiting their ability to mass quickly against an organized insurgent force or riot. With a smaller force that lacked the means to move rapidly, the U.S. Army could only react to events in a sluggish manner rather than proactively shape them.

The next complication the U.S. Army faced in Atlanta was the lack of longevity any unit occupying the city maintained in 1865. With the composition of the force almost entirely volunteer regiments that were eager to demobilize, constabulary responsibilities exchanged hands five times in less than a year as units passed through Atlanta en route to their parent state.⁶⁸ In the aggregate, units assigned to Atlanta achieved some success through the restoration of law and order. This changeover, however, prevented the U.S. Army from making substantive changes to the social and political status of the Freedmen.

⁶⁵ Kirkland, 14.

⁶⁶ Sefton, 65.

⁶⁷ Kirkland, 63-66.

⁶⁸ Digital Library of Georgia, The Daily Intelligencer, April 1865-January 1866, accessed July 13, 2016, <http://atlnewspapers.galileo.usg.edu/atlnewspapers-j2k/browse/adi1865.html>.

Operating within this environment and under these conditions, the U.S. Army took a broad approach as it transitioned from armed conflict to stability operations. This approach involved changing the mission from combat to stabilization and disseminating it down to the lowest echelon, reorganizing the force to constabulary structure, preparing for the transition of power to local authorities, and enabling the transition of the Freedmen from slavery.

The organization of the U.S. Army transitioned slowly over the months following the Confederacy's surrender. Between April to June 1865, Major General James Wilson's Cavalry Corps of the Military Division of the Mississippi spread its forces out in small detachments, ranging from platoon to company size, to each population center in Georgia.⁶⁹ The first structural transition occurred on 27 June 1865 with General Orders No. 118, which created the Department of Georgia under the command of Major General James B. Steedman.⁷⁰ Atlanta, as one of the department's four sub-districts, was commanded by Major General John D. Stevenson.⁷¹ This structure would remain until the First Reconstruction Act of 1867.⁷²

Atlanta would see a rapid succession of units exerting authority over the city in 1865. These included the 1st Ohio Volunteer Cavalry commanded by Colonel B.B. Eggleston (from May 1865 to June 1865), the 4th Iowa Volunteer Cavalry commanded

⁶⁹ Thompson, 136.

⁷⁰ Garrett, 678.

⁷¹ Ibid.

⁷² Sefton, 256.

by Lieutenant Colonel L. H. Peters (from June 1865 to July 1865), the 68th New York Volunteer Infantry commanded by Brigadier General Felix Prince Salm-Salm (from July 1865 to October 1865), 138th Colored Troops commanded by Colonel Frederick W. Benteen (from October 1865 to December 1865), and the 150th Illinois Volunteer Infantry under Lieutenant Colonel C. F. Springer from (December 1865 to January 1866).⁷³

Upon notification of Lee's and Johnston's surrender, the U.S. Army rapidly transitioned from emphasis on destruction to emphasis on stabilization within the former Confederate states. From the War Department down to the generals in the field, the U.S. Army aimed at permanently delegitimizing Confederate military and government authority, reopening trade and commerce, and suppressing lawlessness.⁷⁴ In General Order No. 90, the War Department directed, "any and all persons found in arms against the United States, or who may commit acts of hostility against it . . . will be regarded as guerrillas, and punished with death."⁷⁵ This action aimed to change the conceptualization of a Confederate Soldier or official from an enemy combatant, with certain codified rights, to a criminal. Unlike the former, criminals are associated with dishonor as they are assumed to act solely out of self-interest. By making such a connection, the U.S. Army declared that after this point, acts of insurgency were criminal in nature and would lead to a death without honor.

⁷³ Digital Library of Georgia, The Daily Intelligencer, April 1865-January 1866.

⁷⁴ Kirkland, 136.

⁷⁵ Ibid., 36.

Though there was no open and immediate challenge to this directive, Georgia did challenge the restriction on Confederate officials assembling imposed by the U.S. Army. In an attempt to address a lack of governance and financial hardships in the state, Confederate Governor Joseph E. Brown openly called for a convening of the Georgia General Assembly on 22 May 1865.⁷⁶ Major General Quincy A. Gilmore, commander of the Department of the South, responded by ordering 2,500 Soldiers to arrest Brown at his residence, but did so quietly to prevent a riot.⁷⁷ Though Georgia lacked the military means to prevent this arrest, Gilmore's actions demonstrated an awareness of the tenuous hold the federal government had on its legitimacy in the South and the need to swiftly and decisively act. The quiet manner of the arrest prevented controversy while removing one of the critical players of the former Confederacy.

The War Department also issued orders on 17 April 1865 removing all restrictions on internal trade within Union lines in Virginia, North Carolina, South Carolina, Florida, and Alabama.⁷⁸ Citing this order and acting on under his own authority, Wilson wrote to the Confederate Inspector General of Georgia informing him that interstate mail, access to transportation, and commerce could resume.⁷⁹ Though removing restrictions enabled goods to flow again into the South, the commercial and industrial infrastructure of states such as Georgia required extensive repairs, particularly the railroads.

⁷⁶ Bradley, 13.

⁷⁷ Sefton, 12.

⁷⁸ Kirkland, 14.

⁷⁹ Ibid.

Resumption of railroad operations was key to both Atlanta and Georgia restoring economic life. Units operating within Georgia laid new track, repaired rail cars, and established timetables. In many instances, the U.S. Army sold or turned over railroad lines to civilian investors, as was the case with the Western and Atlantic Railroad, one of Atlanta's four major railroad lines.⁸⁰ Grant also directed the sale and leasing of railcars, materials and equipment, and locomotives to Southern companies who lost equipment during the war.⁸¹ This, however, was not without strings; all railroad operations remained under the supervision of the U.S. Army. Under its direction, the U.S. Army issued permits to businesses, and cleared railroad company employees for employment.⁸²

After the first reorganization of U.S. forces in June 1865 in the South, commanders attempted to provide guidance to subordinates as they endeavored to implement Johnson's Reconstruction policy. On 14 July 1865, Steedman provided it in General Order No. 4, Department of Georgia. Historian James Sefton provided the following summary of this order:

Upon request, the Army would furnish the provisional governor or his agents any military assistance necessary for the performance of their duties. Further, the Army was not to interfere in any way with official actions of the governor. No citizen will be arrested upon the complaint of another citizen unless the accusation, supported by the oath of the complaint would justify the issuing of a warrant in time of peace. Military aid was available to civil officers of federal government in performance of their duties and especially to agents of treasury department collecting confederate cotton. Aide to Freedmen's Bureau Agents, military support, arrests first go to military custody before civilians, able

⁸⁰ Joseph G. Dawson III, "The US Army in the South: Reconstruction as Nation Building," in *Armed Diplomacy: Two Centuries of American Campaigning*, ed. Combat Studies Institute (Fort Leavenworth: Combat Studies Institute Press, 2003), 42.

⁸¹ Kirkland, 83-84.

⁸² *Ibid.*, 41.

Freedmen were warned not to be idle/vagrant and plantation owners couldn't force old/helpless Freedmen to stay. Those under his command were to have strict discipline and refrain from committing depredations upon private property.⁸³

The tasks assigned by Steedman illustrate the focus of Presidential Reconstruction. The U.S. Army was to aid and support rather than administer state and local governments, revive the economy by regulating the actions of Freedmen and plantation owners alike, and maintain high standards of discipline. This approach was palatable to the populace. Providing support to officials and civilians laid the foundation for restoring confidence in and legitimizing the federal government. Soldier discipline was of paramount importance. Soldiers and Officers had to exercise restraint in all their actions as they could inadvertently renew hostilities. Further, if Soldiers caused disturbances through disorderly conduct, this might provide excuse for riots or revival of white resistance.

Within these constraints, the various commanders responsible for Atlanta set to implement Reconstruction. The first unit to conduct stability operations in Atlanta following the Confederate surrender was the 1st Ohio Cavalry, commanded by Colonel Beroth B. Eggleston.⁸⁴ Accepting the surrender of the Confederate garrison commanded by Lieutenant Colonel L. J. Glenn on 4 May 1865, Eggleston immediately set out to restore law, order, and commerce, and provide relief in conjunction with the Bureau of Refugees, Freedmen, and Abandoned Lands, better known as the Freedmen's Bureau. Unlike the other U.S. Army officers that would command in Atlanta during

⁸³ Sefton, 25.

⁸⁴ Garrett, 676.

Reconstruction, Eggleston lacked formal education prior to enlisting as a private in the 1st Ohio Regiment in June 1861.⁸⁵ Though he studied under a lawyer in Chillicothe, Ohio for three years, his professional career prior to the war included farming, lumber, and clerking for various stores. When the 1st Ohio Cavalry organized its command, the unit elected Eggleston to serve as a captain.⁸⁶ Eggleston and the 1st Ohio Cavalry principally served in the Western Theater of the Civil War, seeing combat at Corinth and Chickamauga. For the Atlanta Campaign, the unit served in the Cavalry Corps of Major General George H. Thomas's Army of the Cumberland. While assigned to this army, the 1st Ohio Cavalry participated in the battles of Kennesaw Mountain, Jonesboro, and Lovejoy's Station.⁸⁷ In April 1865, Eggleston and the 1st Ohio Cavalry were serving in Major General James Wilson's Cavalry Corps near Macon, Georgia when orders arrived to occupy Atlanta.⁸⁸

Though military authorities dismissed disloyal state level civil authorities, most city and county level officials were permitted to remain in their positions. As this was the case for Atlanta, Eggleston work existing municipal government to address the factors undermining law and order, namely the influx of refugees, Soldier indiscipline, and

⁸⁵ Chapman Brothers, *Portrait and Biographical Album of Sedgwick County, Kan.* (Chicago: Chapman Brothers, 1888), 470.

⁸⁶ *Ibid.*

⁸⁷ Sherman, 1031.

⁸⁸ Isaac W. Avery, *The History of the State of Georgia from 1850 to 1881* (New York: Brown and Derby, 1881), 337.

unemployment.⁸⁹ Addressing the first factor, Captain William G. Lawder, Eggleston's Provost Marshal, issued orders creating segregated camps and restricting the movement of both Freedmen and the civilian population.⁹⁰ These instituted a 10:00 p.m. curfew, a pass system, and restricted rations to children, women, and those unable to work, while denying entry into Atlanta to those refusing to seek employment.⁹¹ These actions had both positive and negative effects. They immediately reduced crime, racial tensions, and the spread of disease, enabling businesses to revive. Unfortunately, the restrictions set and enforced by Eggleston inadvertently set a precedent for controlling the Freedmen that paralleled what Southern states would later implement as the infamous "Black Codes."⁹²

To promote Soldier discipline, but also promote economic stability, Eggleston and Lawder prohibited the sale and distribution of alcohol.⁹³ As success and legitimacy depended on the conduct of the Soldiers interacting with the populace, removing alcohol reduced the chances of compromising events as sober Soldiers and civilians would hopefully exercise greater restraint on and off duty. Additionally, there was a shortage of wheat due to the destruction of war and the recent harsh winter.⁹⁴ Although more

⁸⁹ Albert B. Saye, *A Constitutional History of Georgia: 1732-1945* (Athens: University of Georgia Press, 1948), 251.

⁹⁰ Garrett, 676.

⁹¹ *Ibid.*, 676-677.

⁹² Kirkland, 58.

⁹³ Dyer, 224.

⁹⁴ *Ibid.*, 213.

profitable when used for alcohol production, wheat prevent was needed for grain to prevent starvation.

A sensitive and inherently complicated aspect of Eggleston's mission in Atlanta related to commerce and humanitarian relief. With emancipation came the undoing of the South's economic foundation as former slaves left the plantations to realize their freedom. As this migration left plantations without a labor force, Eggleston and his successors had to develop a means to encourage Freedmen to the plantations and receive compensation for their labor. The resolution to this problem came in the form of labor contracts. Though Eggleston was not the architect of this Reconstruction Era product, he enforced the obligations each party committed to. On the labor side, he did so by scaling the number of rations to the ability of the person to work.⁹⁵ This translated into the distribution of over 95,000 rations of bread stuff and meat as well as other necessities to 35,000 within Atlanta in 1865.⁹⁶ For owners, failure to compensate employees meant potential arrest or denial of future laborers.⁹⁷ With varying degrees of success, the U.S. Army would remain directly or indirectly involved in this critical and delicate component of Reconstruction.

The subsequent units to secure Atlanta through the summer and fall of 1865, the 4th Iowa Cavalry and the 68th New York Infantry, continued many of the initial orders established by Eggleston. Beyond these tasks, officers of the 4th Iowa Cavalry and 68th

⁹⁵ Ibid., 224.

⁹⁶ Taylor, 112.

⁹⁷ Downs, 152.

New York Infantry administered President Johnson's "Amnesty Oath" to the Southern Whites of Atlanta and prevented those that abstained from engaging in any business in the city.⁹⁸ Despite increasing the degree of restriction on the sale of alcohol, which was attempted through Salm-Salm's order to close saloons and liquor establishments and forbid the sale of firearms and ammunition in September 1865,⁹⁹ the newspapers of the city continued to provide favorable commentary on military rule.¹⁰⁰ This support remained even in the midst of acts of Soldier indiscipline. In an article published 25 July 1865, the *Daily Intelligencer* made the following report:

As we were making our way yesterday morning, through the dust and heat of a crowded street, to the office, an uproar suddenly sprung up in front of us, and looking up to discover the cause of it, we noticed a number of persons, principally soldiers, running in almost every direction, with fine, large watermelons in their arms. It appears that two large drays, loaded with delicious fruit were attempting to carry them from the cars to a store, when they were seized by the crowd, and in a few seconds the drays were discharged. This is an occurrence that is directly contrary to the orders of the military authorities; but if those orders are trampled with impunity, the protection thereby promised to the citizens, will prove to be a myth. We doubt not if this matter is brought to the attention of the proper officers that such steps will be taken as will prevent its recurrence.¹⁰¹

⁹⁸ Digital Library of Georgia, *Daily Intelligencer*, 22 July 1865, accessed 26 May 2017, <http://atlnewspapers.galileo.usg.edu/atlnewspapers-j2k/view?docId=bookreader/adi/adi1865/adi1865-0089.mets.xml#page/n0/mode/1up>.

⁹⁹ Digital Library of Georgia, *Daily Intelligencer*, 2 September 1865, accessed 26 May 2017, <http://atlnewspapers.galileo.usg.edu/atlnewspapers-j2k/view?docId=bookreader/adi/adi1865/adi1865-0217.mets.xml#page/n0/mode/1up>.

¹⁰⁰ Digital Library of Georgia, *Daily Intelligencer*, 23 July 1865, accessed 26 May 2017, <http://atlnewspapers.galileo.usg.edu/atlnewspapers-j2k/view?docId=bookreader/adi/adi1865/adi1865-0081.mets.xml#page/n0/mode/1up>.

¹⁰¹ Digital Library of Georgia, *Daily Intelligencer*, 25 July 1865, accessed 26 May 2017, <http://atlnewspapers.galileo.usg.edu/atlnewspapers-j2k/view?docId=bookreader/adi/adi1865/adi1865-0085.mets.xml#page/n0/mode/1up>.

Though this article challenged the assurances made by the U.S. Army to protect the citizens of Atlanta from crime, it displayed the Southern Whites' faith in the organization that the matter would find resolution. Indeed, the 68th New York Infantry made overt attempts to demonstrate its commitment to policing itself by publishing the convictions of soldiers in the provost courts in the *Daily Intelligencer*.¹⁰²

As units rotated through Atlanta in 1865 without arousing local objections to military rule, the 138th United States Colored Troop (U.S.C.T.), commanded by Colonel Benteen, disrupted this trend. Organized in Atlanta on 15 July 1865 to serve three years for the purposes of replacing those northern volunteer units mustering out and returning home, Atlanta received the 138th U.S.C.T. with resentment and disdain.¹⁰³ Benteen, a veteran of the 10th Missouri Cavalry, made the conscious choice to join the Union Army during the Civil War, despite pressures from his family to enlist in the Confederacy.¹⁰⁴ As the 10th Missouri mustered out of service in June 1865, Benteen accepted appointment to command the 138th U.S.C.T. in Atlanta with the mission to maintain law

¹⁰² Digital Library of Georgia, *Daily Intelligencer*, 13 August 1865, accessed 26 May 2017, <http://atlnewspapers.galileo.usg.edu/atlnewspapers-j2k/view?docId=bookreader/adi/adi1865/adi1865-0149.mets.xml#page/n0/mode/1up>.

¹⁰³ Ancestry.com, "U.S. American Civil War Regiments, 1861-1866," ancestry.com, Database, accessed 26 May 2017, <https://www.ancestry.com/inst/discoveries/PfRecord?collectionId=3866&recordId=6000&language=en-US&ahsht=2017-05-26T14:59:45&ahsh=2b0c7463d819dce189505903f845e119>, entry for Historical Data Systems, comp. "U.S., American Civil War Regiments, 1861-1866" [database on-line]. Provo, UT, USA: Ancestry.com Operations Inc, 1999. Original Data: Data compiled by Historical Data Systems of Kingston, MA from the following list of works. Copyright 1997-2000 Historical Data Systems, Inc.; Taylor, 316.

¹⁰⁴ Hargrett Rare Book and Manuscript Library, University of Georgia Libraries, "Frederick W. Benteen Papers," accessed 26 May 2017, <http://hmfa.libs.uga.edu/hmfa/view?docId=ead/ms770-ead.xml#series3>.

and order by arresting vagrants, prohibiting the sale of alcohol, and forbidding the carrying of firearms by civilians.¹⁰⁵

The people of Atlanta, so incensed by the presence of African-Americans in a position of authority, did what they could to undermine their legitimacy. In December 1865, the *Daily Intelligencer* reported that colored troops aided Freedmen in robbing people and vehicles moving in and out of the city.¹⁰⁶ Combating this accusation on 5 December 1865, the 138th U.S.C.T.'s leadership made the following statement:

It is a fact well know that there are in and around the city a large number of person, both black and white, (some in the disguise of United States soldiers,) who have no legitimate means of support, and that many of them are villains of the deepest dye, the nightly butcheries on the streets are ample evidence. . . . It is not, therefore, more reasonable to suppose that these outrages are committed by the class of individuals last mentioned, than by men who are abundantly clothed and fed, who from the duty required of them have but few idle moments, and over whom a close surveillance is constantly kept?¹⁰⁷

Statements such as these did not remove the mistrust and distaste Southern Whites held for the African-American troops securing Atlanta. Furthermore, white citizens refused to recognize the authority of the colored troops within the city. On 10 September 1865, City Marshal William Fuller's interference with a black Soldier's arrest of an Atlanta citizen brought Fuller before the Freedmen Bureau's Sub-Assistant Commissioner for Atlanta, Lieutenant Colonel George Curkendall. Over the course of the interview, the city official

¹⁰⁵ Digital Library of Georgia, *The Daily Intelligencer*, 8 October 1865, accessed 26 May 2017, <http://atlnewspapers.galileo.usg.edu/atlnewspapers-j2k/view?docId=bookreader/adi/adi1865/adi1865-0295.mets.xml#page/n0/mode/1up>.

¹⁰⁶ Taylor, 140.

¹⁰⁷ Digital Library of Georgia, *The Daily Intelligencer*, 5 December 1865, accessed 26 May 2017, <http://atlnewspapers.galileo.usg.edu/atlnewspapers-j2k/view?docId=bookreader/adi/adi1865/adi1865-0373.mets.xml#page/n0/mode/1up>.

declared, “I would rather white-men would take me down on the ground and do with me as they pleased than be arrested by a negro soldier.”¹⁰⁸ Ultimately, the 138th U.S.C.T. moved out to the outskirts of the city in October 1865 to the future location of McPherson Barracks in Decatur and mustered out of service on 6 January 1866.¹⁰⁹

Operating concurrently, but not cohesively with the U.S. Army in Georgia was the Bureau of Refugees, Freedmen, and Abandoned Lands or “Freedmen's Bureau.” The origin of this agency dated back to 1863 with the War Department’s American Freedmen’s Inquiry Commission, which addressed the future condition of emancipated slaves.¹¹⁰ For Georgia, the Freedmen’s Bureau had a turbulent beginning under the leadership of Brigadier General Rufus Saxton from May through September 1865.¹¹¹

Saxton graduated from West Point in 1849, commissioning into the artillery and fighting against the Seminoles in Florida during the Third Seminole War of 1855 to 1858.¹¹² During the Civil War, Saxton served as a quartermaster and became a brigadier general of volunteers in April 1862. Saxton also commanded the defenses at Harpers Ferry during Major General Thomas “Stonewall” Jackson’s Valley Campaign in June

¹⁰⁸ Taylor, 318.

¹⁰⁹ Digital Library of Georgia, The Daily Intelligencer, 6 October 1865, accessed 9 September 2016, <http://atlnewspapers.galileo.usg.edu/atlnewspapers-j2k/view?docId=bookreader/adi/adi1865/adi1865-0289.mets.xml#page/1/mode/1up>; Ancestry.com, “U.S. American Civil War Regiments, 1861-1866.”

¹¹⁰ Foner, 182.

¹¹¹ Cimbala, 26.

¹¹² Ibid., 2.

1862, earning the Medal of Honor for gallant service.¹¹³ In July 1862, Saxton assumed command of the abandoned plantations and their African-American occupants around Port Royal, South Carolina. This assignment was a formative experience for Saxton as it shaped his belief in political and economic rights for Freedmen. Saxton would later state that he was “charged with a mission of justice and atonement for wrongs and oppressions the race had suffered under the sanction of national law.” At Port Royal, Saxton employed a policy of distributing abandoned lands to the Freedmen for them to farm and spoke to them about free-labor and suffrage.¹¹⁴

With his appointment to lead the Freedmen’s Bureau in the states of Florida, Georgia, and South Carolina in May 1865, Saxton faced immediate challenges. Unlike his experiences in Port Royal, the distribution of abandoned lands to Freedmen was not within the power of the Freedmen’s Bureau. In its place, Saxton focused on system of free-labor based on written contracts between Freedmen and landowners.¹¹⁵ Due to the area of responsibility under Saxton, the need for quality agents to administer and enforce these contracts was paramount. Without the funding to hire personnel, the Freedmen’s Bureau relied on U.S. Army officers to volunteer for detached duty with the approval of their commanding general. Steedman, commander of the Department of Georgia, refused to help Saxton and the Freedmen’s Bureau in Georgia. Beyond the inability to provide from an already short supply of officers, Steedman and his staff believed Saxton to be a

¹¹³ James I. Robertson, Jr., *Stonewall Jackson: The Man, the Soldier, and the Legend* (New York: Macmillan Publishing, 1997), 416-17.

¹¹⁴ Cimbala, 2.

¹¹⁵ *Ibid.*, 2-3.

poor administrator and “disregarded his primary responsibilities in place of making speeches to Freedmen about suffrage and their political rights.”¹¹⁶ This argument stemmed from Saxton’s inability to extend the physical presence of the Freedmen’s Bureau beyond the coast into cities such as Atlanta.¹¹⁷ Steedman also closed the Freedmen’s court of claims in October 1865, arguing that the Freedmen’s Bureau in Georgia was going beyond the legal parameters set in its charter.¹¹⁸ Unfortunately for Saxton, this inability to work with Steedman, as well as his rhetoric, resulted in his relief by Commissioner O. O. Howard in September 1865.¹¹⁹

Somewhat more successful with the Freedmen’s Bureau in Georgia was Brigadier General Davis Tillson, Saxton’s successor. Though Tillson attended West Point, an accident resulting in a leg amputation forced his resignation from the school in September 1851.¹²⁰ Unable to pursue a career in the regular army, Tillson became a successful civil engineer and politician within the state of Maine, being elected to the state’s legislature in 1857.¹²¹ At the outbreak of the Civil War, Tillson used his political connections to receive a captain’s commission in the Maine First Mounted Artillery Regiment. Tillson rose through the ranks in the Army of Virginia, becoming the chief of

¹¹⁶ *Ibid.*, 25.

¹¹⁷ *Ibid.*, 24.

¹¹⁸ *Ibid.*, 27.

¹¹⁹ *Ibid.*, 5.

¹²⁰ *Ibid.*

¹²¹ *Ibid.*

artillery within Major General Edward O. C. Ord's 2nd Division, III Corps during the Second Manassas Campaign of August 1862.¹²² By the spring of 1863, Tillson was the chief of artillery for the Department of the Ohio as a brigadier general of volunteers. At the conclusion of the war in April 1865, Tillson was a division commander in the Army of the Cumberland conducting operations in eastern Tennessee.¹²³

Tillson's experiences with Freedmen as refugees migrating to Knoxville, Tennessee, in 1864 and 1865 created a different perspective on the Freedmen than that of his predecessor's in Port Royal and coastal Georgia. While in Knoxville, Tillson dealt with crime and humanitarian support issues more so than Saxton, creating a mindset that the Freedmen were a population requiring restrictions and order above all else. By viewing the matter of the Freedmen from this perspective, Tillson saw no issue with recruiting local citizens as agents or endorsing the policy of ration restriction to able-bodied Freedmen refusing to work as he continued to enforce the labor contract system.¹²⁴ Furthermore, Tillson forced recalcitrant Freedmen into labor contracts by representing them *in absentia* with landowners. Tillson did so in the following orders published 22 December 1865:

Freed people have the right to select their own employers; but if they continue to neglect or refuse to make contracts, then, on or after January 10th, 1866, officers and agents of the Bureau will have the right, and it shall be their duty, to make

¹²² *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, Series I-Volume II (Washington, DC: Government Printing Office 1880).

¹²³ *Ibid.*

¹²⁴ Cimbala, 30; Thompson, 50.

contracts for them. . . . Contracts so made shall be as binding on both parties as though made with the full consent of the freed people.¹²⁵

Though Tillson advocated land ownership for Freedmen, his control-centric method and preference to hire local citizens appealed to the Southern conservatives as it mirrored their socioeconomic dominance prior to the Civil War. This also enabled Southern conservatives in Georgia to shape Reconstruction as President Johnson preferred.

The limited objectives set by President Johnson in 1865 posed many challenges for the U.S. Army in Atlanta as it did not address the issues Congress saw in the South. Though begrudgingly, Southerners viewed the federal troops as a legitimate force as they supported civil authority in establishing law and order. Because of these limited objectives, however, the U.S. Government possibly missed an opportunity to aggressively change the social, political, and economic landscape of the South. At the demand of a war-weary public, troop numbers had already begun to plummet. Though a presence in the South would remain to facilitate Reconstruction, the numbers did not match the growing scope of the mission. The volunteer units, however, made great strides in restoring law and order and promoting public health. The Freedmen's Bureau also made contributions to restoring order as Tillson adopted a policy of control and restriction contrary to Saxton's regarding the Freedmen. As the only element able to bring Atlanta out of post-conflict anarchy with limited objectives, policing a populace desiring order came with relative ease.

¹²⁵ Milledgeville Federal Union, 9 January 1866, accessed 30 May 2017, <http://milledgeville.galileo.usg.edu/milledgeville/view?docId=bookreader/fuw/fuw1866/fuw1866-0005.mets.xml#page/1/mode/1up>.

CHAPTER 3

1866: TWILIGHT OF PRESIDENTIAL

RECONSTRUCTION

In several respects, 1866 served not only as the end of Presidential Reconstruction, but the point in time where unified government ceased in Washington and would not return until the end of Andrew Johnson's presidency in March 1868. At all levels, commanders struggled with conflicting direction from Washington and their higher commands. This struggle within U.S. Government resulted in the U.S. Army losing the initiative and did irreparable harm to Reconstruction.

The fight between the legislative and executive branches that began in the summer of 1865 became detrimental to the long-term authority of the U.S. Government in 1866. Unlike Lincoln who managed a workable relationship with Congress despite deep disagreements, Johnson propagated, through speech and action, an opposing policy for Reconstruction. As Congress responded to events in the South by passing a Freedmen's Bureau Bill, Civil Rights Act, and other legislation in 1866, Johnson vetoed them or issued contrary executive directives. This struggle for power in Washington forced leaders within the War Department and U.S. Army to choose from whom they should take orders.

Congressional opposition took form on 13 December 1865 with the convening of the 39th Congress and creation of the Joint Committee on Reconstruction.¹²⁶ Composed

¹²⁶ Edward McPherson, *The Political History of the United States of America during the Period of Reconstruction* (New York: Negro Universities Press, 1871), 84.

of nine House members and six Senators, the committee divided into four subcommittees aligned with the various regions of the former Confederacy.¹²⁷ With the objective of determining the state of affairs and the right of representation in Congress for the seceded states, this committee held hearings in which they interviewed 26 U.S. Army officers, Unionists who remained in the South after the war, former slaves, and government agents.¹²⁸ Of the officers that testified, the vast majority reported hostile attitudes toward the North and continued oppression of Freedmen, arguing for a continued military presence.¹²⁹ As these hearings continued through January, states such as Georgia elected representatives under the auspices of Johnson's Reconstruction policy to Congress, only to see Republicans refuse to seat them.¹³⁰

In addition to denying the southern states' representation, Congress responded to events in the South by passing a Freedmen's Bureau Bill in February 1866 and Civil Rights Bill in March 1866.¹³¹ The former sought extend the life of the Freedmen's Bureau with funding to hire more agents and provide economic relief, education, and protection to Freedmen. The latter bill defined citizenship and provided equal protection to all citizens by placing related violations under federal jurisdiction.¹³² Johnson vetoed

¹²⁷ *Ibid.*

¹²⁸ Sefton, 60.

¹²⁹ *Ibid.*

¹³⁰ Kirkland, 101.

¹³¹ Cimbala and Miller, 195.

¹³² Foner, 445, 439, E-Book.

both bills on 2 April 1866.¹³³ That same day, Johnson unilaterally declared the insurrection over apart from Texas.¹³⁴

Adding further fuel to the fire, a succession of violent outbreaks occurred in the South during the spring and summer of 1866. These demonstrated the failings of Johnson's Reconstruction policy and suggested Southerners were trying to overturn the results of the war. The most significant of these were the riots in Norfolk, Memphis, and New Orleans.¹³⁵ While the common root cause of these riots were racial and socioeconomic tensions, they varied in intensity.

The first and least destructive riot, Norfolk, began over a large demonstration of Freedmen celebrating the passage of the Civil Rights Bill over Johnson's veto on 9 April 1866.¹³⁶ As approximately 800 Freedmen, many former U.S.C.T. Soldiers, marched through Norfolk, an outbreak of violence on 16 April 1866 resulted in the death of an ex-Confederate Soldier, Robert Whitehurst.¹³⁷ Though the death was not racially motivated or a targeted act of mob violence, the white community saw this as a precursor to a long-feared uprising against the Southern establishment. Worse yet, the people of

¹³³ Ibid., 450, E-Book.

¹³⁴ Brooks D. Simpson, *Let Us Have Peace: Ulysses S. Grant and the Politics of War and Reconstruction, 1861-1868* (Chapel Hill: University of North Carolina Press, 1991), 133.

¹³⁵ Robert W. Coakley, *The Role of Federal Military Forces in Domestic Disorders 1789-1878* (Washington, DC: Center of Military History, U.S. Army, 2011), 273.

¹³⁶ Rable, 31.

¹³⁷ Ibid.

Norfolk viewed the U.S. Army's security detachment, commanded by Major F. W. Stanhope, as a willing participant to the murder. On the following day, 100 men armed and dressed in Confederate uniforms marched through the streets of Norfolk assaulting Freedmen, Union loyalists, and U.S. Government employees. Unable and unwilling to quell the violence, local civil authorities looked to the U.S. Army element to address the matter, which deployed and conducted patrols throughout the night to restore order. In the aftermath, three whites and two blacks died with an unknown number of injuries over the course of the night.¹³⁸

The more notorious Memphis riot was sparked by the assembling of Freedmen in accordance with the First Amendment. In May 1866, recently discharged U.S.C.T. volunteers from the 3rd Heavy Artillery Regiment came together in celebration.¹³⁹ When this group became disorderly because of intoxication, police broke up the festivities under the authority of County Sheriff P. M. Winters, arresting two Union veterans in the process. Incensed, the Union veterans assaulted the police force with rocks and intermittent pistol fire, forcing the release their compatriots.¹⁴⁰ White Southerners responded by launching a three-day attack against black men, women, and children.¹⁴¹ The mob moved through black communities of South Memphis entering homes, schools, and churches under the auspices of searching for weapons. It broke into buildings,

¹³⁸ *Ibid.*, 32.

¹³⁹ Coakley, 275.

¹⁴⁰ *Ibid.*, 276.

¹⁴¹ *Ibid.*

forcibly removed the occupants, killed them, and robbed them.¹⁴² Though Winters sought to restore peaceful order in the city, he lost control as City Recorder John C. Creighton incited white mobs to murderous violence and Mayor John Park refused to act.¹⁴³ The carnage left 49 killed, 80 injured, and 107 buildings burned.¹⁴⁴

The last and most violent, of the riots occurred in New Orleans on 30 July.¹⁴⁵ This event began as a consequence of Governor James Madison Wells' effort to assure his continued hold of Louisiana state politics by turning on the Conservative Unionists and Democrats that put him in office in 1865. Though endorsed by both in the recent state election, Wells' relationship with the Democrats in the state's legislature became untenable, forcing him to ally with the Radical Republicans.¹⁴⁶ To do so, Wells had to retract his previous rhetoric regarding extending suffrage to the Freedmen and Radical Republican efforts to change the state's constitution.¹⁴⁷ Taking advantage of a loop-hole in the 1864 state's constitutional convention where it disbanded without adjourning, Radical Republicans looked to reconvene and institute measures to enfranchise the Freedmen.¹⁴⁸

¹⁴² *Ibid.*

¹⁴³ Rable, 38.

¹⁴⁴ Coakley, 276.

¹⁴⁵ Sefton, 84.

¹⁴⁶ Rable, 44.

¹⁴⁷ *Ibid.*, 45.

¹⁴⁸ *Ibid.*, 46.

Though Wells endorsed the meeting, several key civil authorities, including the lieutenant governor, considered the event illegal and wanted the U.S. Army to arrest the assembly.¹⁴⁹ Viewing the meeting as legal under the First Amendment right to assemble, the Commanding General of the Department of Louisiana, Brevet Major General Absalom Baird, refused to do so, but decided to provide a force to maintain law and order.¹⁵⁰ Due to an oversight, the federal troops did not arrive in time as the convention participants clashed with the rioters. With a mix of uniformed and plain-clothed police, ex-Confederate Soldiers, and white civilians, the mob isolated the delegates and supporters of the assembly and opened fire.¹⁵¹ Despite pleas from the delegates, the mob continued to fire at the convention goers, reloading multiple times and hunting down those attempting to escape. In total, there were 156 casualties with 37 deaths.¹⁵² Violence continued until a much-delayed federal force arrived to restore order.¹⁵³

The violence in New Orleans and the earlier riots of 1866, combined with other signs of renewed Southern defiance, swayed the moderate Republicans in Congress that nothing short of military occupation was necessary to properly reconstruct the former Confederate states. In each of these events, military commanders on the ground declared martial law due to a demonstrated inability or unwillingness of civil authorities to protect

¹⁴⁹ *Ibid.*, 44.

¹⁵⁰ *Ibid.*, 84.

¹⁵¹ *Ibid.*

¹⁵² *Ibid.*, 85.

¹⁵³ *Ibid.*, 55.

the Freedmen. This complicity, and endorsement of violence against U.S. authorities, made it clear to many a need for a more rigorous pathway to readmission for these belligerent states.

Though issued before the riot in New Orleans, the Joint Committee's report on the former Confederate states provided clear indications of the actions moderate and Radical Republicans agreed to take following its summer recess. In viewing the seceded states, Johnson maintained a similar opinion to that of Lincoln's that differed greatly from that Congress. Johnson's approach assumed the states in question never lost their place in the Union because they lacked the legal ability to separate.¹⁵⁴ As a state rights Democrat, the President also personally objected to the expansion of federal authority that Radical Republicans sought.¹⁵⁵

The following excerpt from the Joint Committee on Reconstruction's majority report on 18 June 1866 describes the rationale for Congress's contrary view of the legal status of the Southern states:

Having voluntarily deprived themselves of representation in Congress, for the criminal purpose of destroying the Federal Union, and having reduced themselves, by the act of levying war, to the condition of public enemies, they have no right to complain of temporary exclusion from Congress; but on the contrary, having voluntarily renounced the right to representation, and disqualified themselves by crime from participating in the Government, the burden now rests upon them, before claiming to be reinstated in their former condition, to show that they are qualified to resume federal relations.¹⁵⁶

¹⁵⁴ Edward McPherson, 91.

¹⁵⁵ Foner, 167, E-Book.

¹⁵⁶ Edward McPherson, 92.

Moreover, Congress determined with good cause that because of what the former Confederate states did, reentry without qualified conditions assured they would not make the fundamental changes deemed necessary to their society. Without making these changes, Congress feared that the Southern states would attempt another military insurrection or take advantage of the increased representation that came from Freedmen now counting as a whole person rather than three-fifths. This action, in cooperation with Northern Democrats, would restore the Southern caucus as the dominant force of the legislative branch, returning to the situation of 1860 as if the four years of war had not happened.

Congress also opposed the unilateral manner with which Lincoln, but especially Johnson promulgated a Reconstruction policy, contending that the President acted outside the scope of his authority.¹⁵⁷ Congress also had a powerful case in the treatment of the Freedmen that the white South was violating the Constitution and its promise of republican forms of government. This position was evident in the Joint Committee report, the acts Congress passed in 1866.

As events unfolded across the South and in Washington, Georgia's leaders had seized on Johnson's lenient Reconstruction policy hoping they could direct and dictate the terms of Reconstruction. Following Johnson's instructions, Provisional Governor James Johnson scheduled an election for October 1865 to select delegates for a constitutional convention to meet in Milledgeville.¹⁵⁸ Beyond the standard qualifications

¹⁵⁷ *Ibid.*, 85.

¹⁵⁸ Saye, 252.

to become a delegate, Governor Johnson required that each delegate take the amnesty oath and commit to emancipation of slaves, but no more than that.¹⁵⁹ After the conclusion of the convention in November, Georgia held an election for a single candidate, Charles J. Jenkins.¹⁶⁰ Like many of the Southern governors elected during this period, Jenkins had played an active role in the Confederate Government, serving as an associate justice of the Supreme Court of Georgia and at one point being considered for a cabinet position in President Jefferson Davis' Administration.¹⁶¹ Following his election, but before taking office, Jenkins sought clarification from Provisional Governor James Johnson and the President regarding the transition of power.¹⁶² Initially, the Johnson administration determined that Governor Johnson should remain in office under the guise of continuing to support the establishment of a new state government.¹⁶³ What the president intended was to keep the provisional governor in place should an event requiring a resumption of federal authority occur. Jenkins, though, pled with the president for the immediate transition of authority and secured his approval, becoming the first elected governor of

¹⁵⁹ *Ibid.*, 253.

¹⁶⁰ Peter Wallenstein, *From Slave South to New South: Public Policy in Nineteenth Century Georgia* (Chapel Hill: University of North Carolina Press, 1987), 136.

¹⁶¹ Charles C. Jones Jr., *Ex-Governor Charles Jones Jenkins, A Memorial Address Delivered before the General Assemble of Georgia in the Hall of the House of Representatives, at the capitol, in Atlanta, on the 23d of Jul, 1883* (Atlanta, GA: Jas. P. Harrison and Co., 1884), 18.

¹⁶² Saye, 258.

¹⁶³ Jones, 20.

Georgia following the Civil War. With Jenkins taking office, civil authority again sought to exert control Georgia.¹⁶⁴

Jenkins's inaugural address highlighted the necessity for unity and recognition of supremacy of the federal government and its laws. His actions throughout 1866, however, cast doubt on the sincerity of his sentiments. First, Jenkins pushed Georgia to reject the Fourteenth Amendment to the U.S. Constitution proposed by Radical Republicans in response to Johnson's vetoes. Speaking before the Georgia General Assembly, Jenkins argued that the amendment was illegitimate because Georgia played no part in its construction and could not act under threat of reprisal from Congress.¹⁶⁵ Though his actions unified the executive and legislative branches of government in Georgia, Jenkins miscalculated the lengths Congress would go to assert its will in regards to Reconstruction.

Just as consequential as the outward challenges Georgia faced integrating back into the Union, were the economic challenges it faced. Not only had Georgia suffered extensive damage in the Civil War, it found itself without the resources or infrastructure to generate and spread revenue. The first effort to generate revenue occurred during the 1865 Constitutional Convention when delegates approved the issuance of \$500,000 in five-year bonds to finance basic government operations.¹⁶⁶ Though the state implemented

¹⁶⁴ Wallenstein, 136.

¹⁶⁵ Jones, 28.

¹⁶⁶ Wallenstein, 170.

poll and property taxes in 1866, new debt accrued to about \$6 million.¹⁶⁷ Hope for overcoming this debt rested on the profitability of a restored Western and Atlantic Railroad. Unfortunately, most of the revenue generated during the early years of Reconstruction went to repairs, new equipment, and construction.¹⁶⁸ In addition to laboring to resuscitate the state's economy, Jenkins spent much of his tenure endeavoring to solidify his political power to more effectively resist the growing influence of Congress over Reconstruction.

As the state government took shape in 1865 and 66, Atlanta itself experienced a transition in city leadership with the election of James Williams as mayor.¹⁶⁹ To set the tone for his administration, Williams made the following remarks in his inaugural address in January 1866:

We cannot recall the past. We cannot cease to mourn for those who have gone from among us forever. But we may still cherish the hope that there is in store for us a bright future. Though there is much to encourage, yet there are difficulties to be met which must challenge our wisest counsels, and our best efforts and energies. Our streets, wells and pumps, public buildings and grounds, cemetery, gas, fire department, the poor, all demand our immediate attention.¹⁷⁰

Williams' speech was as succinct as it was devoid of political controversy.

Acknowledging the incredible loss suffered during the Civil War, the mayor focused his efforts towards restoring the industry, infrastructure, and essential services once enjoyed by the city. This included resumption of operations for all four rail lines running through

¹⁶⁷ Ibid.

¹⁶⁸ Ibid., 171.

¹⁶⁹ Garrett, 702.

¹⁷⁰ Ibid.

Atlanta, gas light services, and return of some heavy industry by March 1866.¹⁷¹ Equally substantial was the economic stimulus hoped for from the commissioning of the Georgia National Bank by the U.S. Government, providing a U.S. Depository as well as a fiscal agent in Atlanta.¹⁷² The establishment of the U.S. Depository was viewed as a tangible acknowledgment of both the city's and state's return to the Union.

The relative successes enjoyed in Atlanta in 1866, when compared to the violence experienced in Norfolk, Memphis, and New Orleans, highlight several factors. Though each city absorbed an overwhelming surge of refugees, lacked a functioning government and economy, and felt the strain of federal occupation, Atlanta did not adopt black codes.¹⁷³ Instead, the city devoted its attention to rebuilding while federal forces focused solely on establishing law. It did so even though the 1865 state Constitutional Convention created a committee to explore the matter.¹⁷⁴ Regardless of the grounds for their decision not to pursue this legislation, this inaction likely prevented a clash between Freedmen and Southern whites in the city.

Because of the Atlanta Campaign and Sherman's order to burn anything of military value before his March to the Sea, the city lacked the ability to provide essential services to its population. Due to the damage, the city leadership and the populace could

¹⁷¹ Ibid., 710-712.

¹⁷² Ibid., 713-714.

¹⁷³ Foner, 128, E-Book. Black Codes were a series of state laws passed in the South that restricted the rights and mobility of Freedmen, bringing them back under near slave-like conditions.

¹⁷⁴ Charles L. Flynn Jr., *White Land, Black Labor: Caste and Class in Late Nineteenth-Century Georgia* (Baton Rouge: Louisiana State University Press, 1983), 36.

only endeavor to restore a minimum standard of living for the city. The priorities of federal forces during this stage of Reconstruction, generally aligned with the desires of Atlanta's citizens, particularly with providing law and order. The actions of the commanders that occupied Atlanta throughout presidential reconstruction were representative of this alignment as their orders removing vagrant Freedmen from the city and prohibiting public intoxication received positive feedback from Atlanta's citizens.¹⁷⁵ Thus, federal forces enjoyed some degree of popular support in Atlanta, which reduced tensions and the potential for outbreaks of violence.

The U.S. Army continued to operate within the scope of these limited objectives despite the growing turmoil in Washington, reduction in its size, the growing animosity of the Southern people. Moreover, as Johnson and Congress clashed over their understandings of their respective Constitutional powers, each sought to undermine the other through presidential directive or legislative action. This forced senior leaders in the War Department and the U.S. Army to choose which branch to follow as the U.S. Constitution lacked a legal means for the U.S. Army to follow in the event two branches held deep divisions over their use. To unburden his subordinate commanders, Grant issued General Orders 3 through 44 over the course of 1866 that clearly reflected his increasing alignment with Congress's views.¹⁷⁶ These General Orders varied in degrees of specificity, leaving subordinate commanders the task of sorting amongst potentially

¹⁷⁵ Garrett, 676-677.

¹⁷⁶ Harold M. Hyman, "Ulysses Grant I, Emperor of America?: Some Civil-Military Continuities and Strains of the Civil War and Reconstruction," in *The United States Military under the Constitution of the United States, 1789-1989*, ed. Richard H. Kohn (New York: New York University Press, 1991), 188.

three different superior authorities. As senior leaders disseminated orders through the U.S. Army, receiving muddled guidance at each echelon, commanders found themselves constantly seeking guidance or clarification as Johnson, Congress, and U.S. Army authorities struggled to exert control over Reconstruction. Following Johnson's 2 April 1866 proclamation concluding the insurrection and implying the termination of martial law, department commanders such as General Steedman asked Washington for clarification, due to concern over their authority to make arrests.¹⁷⁷ Steedman received the following from Assistant Adjutant General Edward D. Townsend in April 1866:

[T]he Secretary of War, with the approval of the President, directs me to inform you that the President's Proclamation does not remove martial law or operate in any way upon the Freedmen's Bureau in the exercise of its legitimate jurisdiction. It is not expedient, however, to resort to military tribunals in any case where justice can be attained through the medium of civil authority.¹⁷⁸

This issues within this message to Steedman resonated with other commanders of the U.S. Army in 1866. Though commanders were told martial law remained in effect and to proceed as previously ordered, the directive then advised the military to defer to the civil authority where it existed. The order presumed, however, that the existing civil authority conducted itself within the letter and spirit of the law. With orders from Johnson continuing to restrict U.S. Army operations to supporting the civil government, units across Georgia conducted operations with great restraint allowing for the continued oppression of Freedmen and restoration of Southern conservative power.

¹⁷⁷ Sefton, 78.

¹⁷⁸ Ibid.

Compounding the problem, the U.S. Army continued its downsizing in 1866. Between January and April, the total forces operating in the South dropped from 87,550 to 38,743.¹⁷⁹ Of this force, only 520 were in the Department of Georgia, which rose to only 850 by the end of the year.¹⁸⁰ The last volunteer unit to occupy Atlanta before the transition to the regular forces was the 13th Connecticut Infantry under the command of Colonel Homer B. Sprague. This unit mustered into federal service for three years on 18 February 1862 and participated in the siege of Port Hudson, Louisiana and Major General Philip Sheridan's operations in the Shenandoah Valley in August 1864.¹⁸¹ In the final year of the Civil War, the 13th Connecticut conducted constabulary operations in Augusta, Gainesville, and Athens, Georgia before arriving in Atlanta in January 1866.¹⁸² Though Atlanta newspapers did not record any publication of orders coming from the 13th Connecticut, their brief occupation of the city and lack of negative press implies they merely continued the policies enforced by the previous volunteer units. Sprague provided a glimpse into the activities of the 13th Connecticut during their occupation in the following:

Little of interest occurred here. The soldiers were most uncomfortable; and despite the judicious efforts of Drs. Clary and Clark, many of them became sick. . . . Atlanta had been made a wreck; a chaos of ashes, burnt walls, cinders, and the

¹⁷⁹ Ibid., 261.

¹⁸⁰ Ibid.

¹⁸¹ *The Union Army: A History of Military Affairs in the Loyal States 1861-65-Records of the Regiments in the Union Army-Cyclopedia of Battles-Memoirs of Commands and Soldiers*, vol. I *Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, Pennsylvania, and Delaware* (Madison: Federal Publishing Co., 1908), 258-259.

¹⁸² Ibid., 258.

‘abomination of desolation;’ but it was now rapidly reviving, and the sound of the hammer and the saw was heard on every side.¹⁸³

In conjunction with the conditions described by Sprague, Soldiers and Officers of the 13th Connecticut grew more incensed with each passing month following the end of the war.¹⁸⁴ This sentiment came from the belief that victory brought with it termination of their military obligation. As they remained in the service for an additional 11 months, Soldiers within the 13th Connecticut expressed their frustrations with desertion and indiscipline.¹⁸⁵ This release of frustration continued to find expression even as the unit received orders to report to Fort Pulaski, Georgia, to muster out in April 1866.¹⁸⁶ The *Daily Intelligencer* provided an account of the 13th Connecticut’s departure along with its impression of its operations on 18 April 1866:

The Connecticut soldiers, for some time past on garrison duty at this place, have been mustered out and departed for their homes yesterday afternoon. Other troops from below also passed through the city en route for their homes. Two companies of United States Regulars will remain here as a nominal garrison, though really to act in the interest of the Freedmen’s Bureau. We saw several squads parading the streets in a highly hilarious state. . . . Firearms were promiscuously discharged in different parts of the city, but as it was done ‘just for the fun of the thing,’ no damage resulted to any one. . . . It is due the Connecticut volunteers to say that they have as a general thing, conducted themselves in a very credible manner during their stay among us.¹⁸⁷

¹⁸³ Homer B. Sprague, *History of the 13th Infantry Regiment of Connecticut Volunteers, During the Great Rebellion* (Hartford: Case, Lockwood and Co., 1867), 258.

¹⁸⁴ *Ibid.*, 259.

¹⁸⁵ *Ibid.*

¹⁸⁶ *Ibid.*

¹⁸⁷ The Digital Library of Georgia, *The Daily Intelligencer*, 18 April 1866, accessed 30 May 2017, <http://atlnewspapers.galileo.usg.edu/atlnewspapers-j2k/view?docId=bookreader/adi/adi1866/adi1866-0345.mets.xml#page/n0/mode/1up>.

The 13th Connecticut's departure came with it the last direct mention or assessment of unit level activities in Atlanta during Reconstruction. Despite the mentions of Soldier indiscipline, the volunteer units, save the 138th U.S.C.T., received commendation for their occupation of Atlanta by its people. This can be attributed to the manner in which the U.S. Army controlled the movement of the Freedmen within the city and enabled the local civil authority to reconstitute itself. With the transition of the volunteer units to the regular, the policy of restricting the Freedmen and enabling self-Reconstruction continued for the rest of 1866.

With the occupation of a 104 Soldier detachment from the 16th U.S. Infantry Regiment, under the command of Captain William Mills on 13 April 1866, came the beginning of regular army units conducting traditional constabulary operations in the South.¹⁸⁸ Organized 7 July 1861 in Chicago, Illinois, the 16th U.S. Infantry participated in the battles of Shiloh and Chickamauga.¹⁸⁹ From May 1864 to the conclusion of the Civil War, the 16th U.S. Infantry fought as part of the Army of the Cumberland, with its final posting at Lookout Mountain, Georgia securing the line of communication between Atlanta and Nashville.¹⁹⁰ The 16th U.S. Infantry would remain at Lookout Mountain till

¹⁸⁸ Ancestry.com, "U.S. Returns from Regular Army Infantry Regiments, 1821-1916," Ancestry.com, Database, accessed 22 May 2016, https://www.ancestrylibrary.com/interactive/2229/31637_218411-00019?backurl=&ssrc=&backlabel=Return, entry for "Returns from Regular Army Infantry Regiments, June 1821–December 1916," NARA microfilm publication M665, rolls 1–244, 262–292, 297–300 of 300, Records of the Adjutant General's Office, 1780's–1917, Record Group 94, and Records of United States Regular Army Mobile Units, 1821–1942, Record Group 391, National Archives and Records Administration, Washington, DC.

¹⁸⁹ Ibid.

¹⁹⁰ Ibid.

August 1865 when it was ordered to Nashville, Tennessee, to conduct constabulary operations there. By December 1866, the 16th U.S. Infantry's 1st Battalion had received orders to Augusta, Georgia while its 2nd Battalion remained in Nashville. With the exception of the detachment ordered to Atlanta in April 1866, the disposition of the 16th U.S. Infantry remained the same until it consolidated in Atlanta in December 1866.¹⁹¹

The 16th U.S. Infantry not having been in existence until 1861 was not prepared for constabulary duties or the subsequent change in Reconstruction policy in 1867. For the duration of 1866 its men focused on law and order in accordance with Johnson's policies. The principal target of this unit's law and order support mission was the Freedmen. Due to the inability of Atlanta to absorb the thousands of Freedmen refugees into the local economy, vagrancy grew out of control.¹⁹² Camping within the city, destitute Freedmen were anathema to Southern whites attempting to rebuild the city. Under the scope of the unit's authority, the U.S. Army arrested vagrant Freedmen and continued the policy of placing Freedmen in contraband camps on the city's periphery.¹⁹³

Due to the limited scope of the U.S. Army's operations, the reduction of force from a regiment to a detachment did not degrade its influence in Atlanta. Under the current doctrinal framework for conducting an effective counterinsurgency, it is advised that the force ratio of troops to inhabitants should range between 20 to 25:1000.¹⁹⁴ The

¹⁹¹ Ibid.

¹⁹² Link, 72, E-Book.

¹⁹³ Ibid., 70. E-Book.

¹⁹⁴ U.S. Department of the Army, Field Manual 3-24, *Counterinsurgency* (Washington, DC: Government Printing Office, 2006), 1-13.

requirement for a significant number of Soldiers is pressing when considering the dynamics of such an urban environment as Atlanta in 1866. As there was not yet popular opposition to the U.S. Army in Atlanta, but rather pressure across the nation to bring the volunteers home, the progress made in restoring Atlanta only reinforced arguments for reducing the troop presence.

With ongoing efforts to distribute rations and enforce labor contracts, 1866 was a turbulent year for the Freedmen's Bureau. Buffeted by the near termination of its charter by Johnson early in the year, the Bureau struggled to receive support from the U.S. Army as it fought over resources, personnel, and jurisdiction with post and department commanders. In the summer of 1866, Bureau agents stationed in Atlanta complained that troops stationed in the city would not provide support when requested.¹⁹⁵ Following an investigation into the matter, the inspector general for the Freedmen's Bureau in Georgia discovered that the company of the 16th U.S. in Atlanta lacked officers.¹⁹⁶

This event highlighted not only the unwillingness of U.S. Army troops to recognize the authority of Bureau agents, but the personnel issues resulting from the force reduction. Because the Freedmen's Bureau lacked the ability to enforce its orders, Southern whites felt empowered to challenge its authority by refusing to comply with the orders of Bureau agents. Bureau agents did receive support from local civil authorities, however, when they criminalized vagrancy and used coercion to compel the Freedmen to

¹⁹⁵ Cimbala, 161.

¹⁹⁶ Ibid.

labor.¹⁹⁷ Because this mission enforced the status quo of subordination of Freedmen to Southern Whites, the Bureau received support in this one respect.

Credit for the lack of violence in Atlanta or the state of Georgia cannot go necessarily to the U.S. Army as its mission supported the restoration of civil authority while neglecting the enfranchisement of the Freedmen. Despite growing animosity between the Johnson administration and the U.S. Congress, Georgians focused more on getting their economy and infrastructure restored, leaving the U.S. Army to provide humanitarian relief and support civil authority in law enforcement. Remaining unresolved was the future of the Freedmen in Southern society. Believing that Johnson's policies would remain the policy of the U.S. Government, Southern Whites complied with occupation as it appeared supportive and terminal. This illusion continued throughout the balance of 1866 and into early 1867 when Congress finally wrested authority from Johnson in the direction of Reconstruction.

¹⁹⁷ Link, 72, E-Book.

CHAPTER 4

1867: CHANGE OF MISSION

The third year of Reconstruction was as a transition phase for the United States and the South. Compounding Johnson's failure to forge any alliances within the Republican Party, the elections of 1866 were an utter disaster for him and the Democratic Party. By keeping the focus on Reconstruction and mobilizing popular support in the north, the radical Republicans made the election a referendum on the Fourteenth Amendment and Johnson's policy of "self-Reconstruction."¹⁹⁸ The result of this effort earned the Republicans a majority well over the required two-thirds to overturn a presidential veto.¹⁹⁹ With Congress seizing control, the character of Reconstruction took a new form. In one respect, Congressional control meant redefining the concept of a republican form of government to include the enfranchisement of the Freedmen. The U.S. Army went from merely enabling local civil authority to directing it toward objectives defined by Congress. After actively repelling moderates in Congress, Johnson's control over Reconstruction dwindled to the assignment of general officers. This transition caused intense reaction at the state and local level as Southern whites faced the prospect of unprecedented socioeconomic change with the enfranchisement of the Freedmen and the political disenfranchisement of traitors. For the U.S. Army, this new orientation

¹⁹⁸ Foner, 240. The Fourteenth Amendment to the U.S. Constitution established African-Americans as citizens of the United States, provided them with equal protection under the law, and forbid those that supported the Confederacy from holding any civil or military office at the federal or state level. The final section provided the authority for the U.S. Congress to enforce this amendment.

¹⁹⁹ *Ibid.*

redefined its constabulary mission, creating new challenges to its legitimacy, perseverance, and restraint.

Congressional Reconstruction was defined by the framework established in three laws passed by Acts of Congress over Johnson's veto. The first Reconstruction Act, passed on 2 March 1867, dissolved Johnson's state governments and divided the South into five military districts, with each under the command of a regular army officer not below the rank of brigadier general. He would enforce federal law, oversee the election of delegates for a new constitutional convention, and push for ratification of the Fourteenth Amendment which was made a requirement for states to return to the Union.²⁰⁰ In conjunction with this legislation, Congress passed an Army Appropriations Act with a section that denied the President the ability to remove the U.S. Army's general-in-chief, a perceived ally of the Republicans, without the consent of the Senate. This Act, to prevent Johnson from creating mischief, also made any order not endorsed by the general-in-chief null and void.²⁰¹

Due to a lack of clarity in the first Act, the Second Reconstruction Act, passed 23 March 1867, provided greater details regarding the election process and those authorized to facilitate it.²⁰² This new Act required voters to take an "ironclad" oath declaring they never served in the Confederate government in any manner.²⁰³ This

²⁰⁰ Dawson, 44.

²⁰¹ Sefton, 111.

²⁰² Simpson, 179.

²⁰³ Ibid.

measure effectively disqualified huge segments of white Democratic leadership. Contrary to Johnson and Lincoln's leniency which centered on reunification over social and political revolution, the oath procedures under Congressional Reconstruction sought to remove former Confederates that would obstruct the changes Congress intended to make. The Act also changed the passage requirement for new state constitutions from a majority of all registered voters to a majority of votes cast which had the effect of empowering Freedmen. Lastly, this act clarified that the authority to administer the election of delegates to these state conventions rested solely with the commanding general of each military district.²⁰⁴

Congress further clarified its intent with the Third Reconstruction Act, passed 19 July 1867.²⁰⁵ Points of ambiguity in the First and Second Reconstruction Acts had resulted in requests for clarification from each of the district commanders to Washington as well as diverging approaches in the five military districts.²⁰⁶ In the midst of the confusion that emerged, Johnson attempted to reassert his approach to Reconstruction through Attorney General Henry Stanbery. In a legal opinion released on 12 June 1867, Stanbery asserted that the military presence in the South was solely to serve a policing function, as evidenced by the lack of definitive language to the contrary in either act.²⁰⁷

²⁰⁴ Ibid.

²⁰⁵ Sefton, 135.

²⁰⁶ Ibid., 130-131.

²⁰⁷ U.S. Attorney General, *Opinion of Attorney General Stanbery, Under Reconstruction Laws* (Washington, DC: Government Printing Office, 1867), 6, accessed 12 April 17, <http://hdl.handle.net/2027/loc.ark:/13960/t9k35xk1r>.

According to Stanbery, military commanders served in a strictly subordinate role to the existing provisional government and could not act on their own authority to make changes.²⁰⁸

As this guidance ran counter to Congress' intent, it passed the Third Reconstruction Act specifically granting district commanders' authority to make any changes they desired to the provisional governments, so long as they received approval from the General-In-Chief of the Army.²⁰⁹ Congress provided additional specificity by mandating:

That no district commander or member of the board of registration, or any of the officers or appointees acting under them, shall be bound in his action by any opinion of any civil officer of the United States . . . that all provisions of this act and of the acts to which this is supplementary shall be construed liberally, to the end that all the intents thereof may be fully and perfectly carried out.²¹⁰

The Third Reconstruction Act granted incredibly broad powers to the district commanders and limited oversight of their actions, effectively removing the President entirely from Reconstruction. The U.S. Army now possessed the authority necessary to shape the existing civil governments in the South as they saw fit. Congress explicitly acted to limit the president's involvement in Reconstruction. The creation of this imbalance through legislative action and its dubious constitutionality brought with it inconsistency in the implementation of Reconstruction. Further, it placed the U.S. Army in the middle of a struggle for power between the Commander-In-Chief and Congress.

²⁰⁸ Ibid.

²⁰⁹ Kirkland, 138.

²¹⁰ William MacDonald, ed., *Select Statutes and Other Documents Illustrative of the History of the United States 1861-1898* (New York: Macmillan, 1909), 181-182.

These three Acts of Congress changed the nature and character of Reconstruction. During the Presidential Phase, Johnson had directed the U.S. Army to empower and support Southern whites. During the Congressional Phase, the U.S. Army was to support an effort to redefine what a republican form of government for each state meant. With this change, the U.S. Army broke from the traditional model of constabulary duties of maintaining law and order and embarked on a new form of post-conflict operations with the objective of reshaping the social, political, and economic norms in the South.

This shift in policy provoked a bitter reaction from the civil government and white people in Atlanta. Upon passage of the First Reconstruction Act, prominent white citizens of Atlanta held a series of public meetings to debate and potential actions they might take in response.²¹¹ Atlanta quickly broke into two camps: those seeking to accommodate Congressional authority and those who wanted to actively resist. Led by former Governor Joseph E. Brown, the conciliatory faction argued the futility of opposing Congress and urged their fellow citizens to make the best of the situation.²¹² The resistance camp, led by former Confederate Senator Benjamin H. Hill and Governor Charles J. Jenkins, vehemently denounced the Reconstruction Act and encouraged both active and passive resistance. Jenkins sent letters to civil authorities throughout the state instructing them to obstruct federal authority while Hill made rousing speeches in Atlanta condemning the Reconstruction measures.²¹³

²¹¹ Garrett, 734-735.

²¹² *Ibid.*, 734.

²¹³ *Ibid.*, 736.

Under Congressional Reconstruction, Atlanta became the host to multiple headquarters by the summer of 1867.²¹⁴ Following a tour of Alabama, Florida, and Georgia, Major General John Pope selected Atlanta as headquarters for the Third Military District because of its rail and telegraph infrastructure relative to the other states.²¹⁵ Furthermore, Georgia's General Assembly rejected the Fourteenth Amendment and Governor Jenkins was stirring anti-Reconstruction sentiment.²¹⁶ By July 1867, Pope had also moved the District of Georgia as well as the Georgia Freedmen's Bureau headquarters from Macon to Atlanta.²¹⁷ This command structure controlled a force of only 3,179 troops with authority over three states; 1,163 operated in the District of Georgia itself, with troops assigned to Savannah, Atlanta, Dahlonega, Rome, Athens, Columbus, and Macon.²¹⁸ With the selection of the Atlanta as the headquarters to multiple commands and its transportation infrastructure, troop density grew to 641 by December 1867.²¹⁹ These principally belonged to the 16th and 33rd U.S. Infantry Regiments, supplemented by a company from the 5th U.S. Cavalry, stationed at

²¹⁴ *Ibid.*, 738.

²¹⁵ Cozzens, 281.

²¹⁶ *Ibid.*

²¹⁷ Garret, 738.

²¹⁸ United States, *Annual Report of the Secretary of War 1867* (Washington, DC: U.S. Government Printing Office, 1867), 354-355; Thompson, 173.

²¹⁹ Ancestry.com, "U.S. Returns from Regular Army Infantry Regiments, 1821-1916."

McPherson Barracks under the command of Brevet Brigadier General Thomas H. Ruger.²²⁰

Ruger graduated from West Point in 1854 and was commissioned into the Corps of Engineers, but resigned only after a year of service to pursue a legal career in Wisconsin. In April 1861, Ruger received a commission as a lieutenant colonel in Wisconsin's 3rd Infantry Regiment.²²¹ Ruger led this regiment through the fall of 1862, participating in the battles of Winchester, Cedar Mountain, and Antietam. Following Ruger's command of a division in the Army of the Cumberland during the Atlanta Campaign, he conducted operations in North Carolina where he became the department commander till June 1866.²²² In July 1866, Ruger accepted a commission in the regular army with the rank of colonel and subsequently took command of the recently organized 33rd U.S. Infantry.²²³ While under his command in Atlanta, the elements of the 33rd and 16th U.S. Infantry enforced the political rights of Freedmen as well as maintained law

²²⁰ Ancestry.com, "U.S. Returns from Military Posts, 1806-1916," Ancestry.com, Database, accessed 22 May 2016, https://www.ancestrylibrary.com/interactive/1571/32169_125734-00028?backurl=&ssrc=&backlabel=Return, entry for "Returns from U.S. Military Posts, 1800-1916," National Archives Microfilm Publication M617, 1,550 rolls, Records of the Adjutant General's Office, 1780s-1917, Record Group 94; National Archives, Washington, DC.

²²¹ Edwin E. Bryant, *History of the Third Regiment of Wisconsin Veteran Volunteer Infantry 1861-1865* (Madison: Democrat Printing Co., 1891), 367.

²²² OR Series I Volume 47, Part I Pg 2.

²²³ Bryant, 371. Ancestry.com, "U.S. Returns from Military Posts, 1806-1916."

and order throughout the state, but did so through limited patrols operating from McPherson Barracks.²²⁴

This disposition of forces came as a result of concern for Soldier discipline. Pope believed that aligning regiments to cities would minimize the risk of violent exchanges between the U.S. Army and the local populace.²²⁵ To ensure Reconstruction extended beyond the cities, Pope directed that regiments regularly dispatch small detachments of 20 to 30 soldiers led by competent officers to patrol areas of concern and monitor local civil authorities.²²⁶ This employment of forces typified the leadership style of Pope whose impulsive and arrogant nature created a very proscriptive command environment for the first year of Congressional Reconstruction.

Contrary to the other officers selected to lead the five military districts in 1867, Pope was the second choice to command the district, appointed only after Major General George Thomas declined the command.²²⁷ Pope's lack of popularity within the U.S. Army stemmed from his Civil War record. Desperate to find an aggressive general capable of defeating Lee in the Eastern Theater, President Lincoln had pulled Pope from the west, where he achieved relatively minor victories against Confederate forces.²²⁸ In taking command of the Army of Virginia, Pope issued a controversial message to his

²²⁴ Ancestry.com, "U.S. Returns from Regular Army Infantry Regiments, 1821-1916."

²²⁵ United States, *Annual Report of the Secretary of War 1867*, 355.

²²⁶ *Ibid.*

²²⁷ Sefton, 114.

²²⁸ James McPherson, 501.

command where he insinuated that his subordinates focused more on retreating than the offense.²²⁹ This bravado did not win Pope any favor with his troops or decisive victory against Lee in the Eastern Theater with his defeat at Second Manassas in August 1862.²³⁰ Lincoln subsequently relieved Pope of command, sending him to the Department of the Northwest until the conclusion of the Civil War.²³¹

Pope's experiences in the Department of the Northwest and Division of the Missouri would shape his later decisions in Reconstruction. From September 1862 to the April 1867, Pope's responsibilities on the frontier included neutralizing the threat posed by hostile Native American tribes, protecting settlers, and securing critical lines of communication. Foreshadowing future tensions Pope would have with Washington during Reconstruction, he struggled with Major General Henry W. Halleck and Secretary of War Edwin M. Stanton over the availability of troops to fulfill his mission on the frontier.²³² Pope argued for a dispersion of company-sized elements throughout his department, requiring a substantial commitment of troops and other resources at a time when Washington's focus was elsewhere. The rationalization for arraying forces in this manner was to curtail Native American hostilities against settlers through persistent physical presence and the ability to respond quickly to an event.²³³ Additionally, Pope

²²⁹ Garrett, 736.

²³⁰ James McPherson, 532-33.

²³¹ *Ibid.*, 532-33.

²³² Peter Cozzens, *General John Pope: A Life for a Nation* (Chicago: University of Illinois Press, 2000), 210.

²³³ *Ibid.*, 21.

learned the utility of economic pressure as he regulated trade between tribes and traders.²³⁴ Though unable to secure the substantial number of troops to bring his plan to complete realization, Pope's progress in the west and popularity with Congressional Republicans facilitated his return to the east for Reconstruction.

In his orders to the district upon assuming command in 1866, Pope stated he would allow civil officials to remain in office for the duration of their term on the condition they adhere to and enforce policies laid out in the Acts of Congress.²³⁵ He also made clear that all elections would adhere to the measures laid out by Congress and he would fill all vacancies by appointment until an election in line with procedures could be held.²³⁶ This order, though general, provided clarity to the civil authorities regarding the new direction of Reconstruction. The following order from Pope to his post commanders on 4 April 1867 held far more nuance:

All post commanders within the limits of this military district are instructed to report, as soon as practicable after their occurrence, any failures of the civil tribunals or officers to render equal justice to the people. . . . The post commanders are admonished, however, to be cautious and careful in their statements, and to send with their reports such evidence of the facts as shall justify action on the part of the general commanding . . . district commanders will forward the reports to these headquarters, with his opinion and recommendation endorsed thereon.²³⁷

²³⁴ *Ibid.*, 240.

²³⁵ Garrett, 737.

²³⁶ *Ibid.*

²³⁷ U.S. House of Representatives, "Executive Documents Printed by Order of the House of Representatives During the Second Session of the 40th Congress, 1867-1868" (Washington, DC: U.S. Government Printing Office, 1868), 100, accessed 30 May 2017, https://books.google.com/books?id=hlpHAQAIAAJ&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false.

A potential source of confusion was the cautionary directive regarding the veracity of submitted reports. Pope's need to reinforce a point generally assumed, that submitting reports are accurate, calls to question the meaning behind the statement. In one respect, directing caution could serve as a warning to radical officers looking to remove compliant, but conservative civil officials. As Pope's tenure continued, however, his own radical inclinations became evident. Another possible reason for this order was to appease the Johnson supporters in Georgia and assuage doubts over Pope's loyalty to the commander-in-chief. Regardless of his intent, the inclusion of this cautionary directive added unnecessary confusion to an already complex situation for subordinate commanders. Such confusion affected the manner in which subordinates executed their duties, particularly in Atlanta.

The complex environment of Reconstruction-era Georgia required dynamic and adaptable leaders at all echelons. Colonel Caleb C. Sibley did not possess either of these characteristics, as evidenced by his military record. With the responsibilities of District Commander and Freedmen's Bureau Assistant Commissioner in 1866, Sibley oversaw every ongoing effort directed by the federal government for Atlanta and Georgia. Unfortunately, by the time he relocated the district headquarters to Atlanta in 1866, he was 66 years old and suffering from health issues.²³⁸

Though a graduate of West Point and veteran of the Mexican-American War, Sibley's regular service in the U.S. Army was unremarkable. He had also forged a lackluster record during the Civil War. In 1861, a Confederate force commanded by

²³⁸ Cimbala, 9.

Colonel Earl Van Dorn forced Sibley's Battalion from the 3rd U.S. Infantry to surrender at Matagorda Bay, Texas, as they attempted to evacuate Fort McIntosh.²³⁹ Following his parole, the U.S. Army sent Sibley west to command posts in California through 1864, far removed from the battles of the Civil War. When Sibley assumed command of the 16th U.S. Infantry Regiment in January 1865, he served on detached duty at Fort Ontario, New York, recruiting for the regiment before finally joining the unit in Savannah, Georgia in October 1866 when he assumed the role of district commander and Freedmen's Bureau Sub-Assistant Commissioner.²⁴⁰

Sibley's actions while serving in both roles were a continuance of a slavish adherence to order that had been evident in 1861. As district commander, Sibley's orders merely reflected the orders of Pope, providing no expanded purpose or specific direction. On 27 May 1867, the same day as Pope's issuance of General Order No. 25, Sibley regurgitated the following order:

With a view to avoid as practicable a suspension of civil administration of justice throughout this State, the officers upon whom the duty devolves are requested to report without delay to these headquarters any vacancies that may now exist in civil offices in the State, whether State or local, and as they may occur in the future.²⁴¹

In his Freedmen's Bureau capacity, Sibley managed more than led, enforcing labor contracts established by his predecessor and reducing the influence of this agency as it

²³⁹ *Ibid.*, 10.

²⁴⁰ Ancestry.com, "U.S. Returns from Regular Army Infantry Regiments, 1821-1916."

²⁴¹ U.S. House of Representatives, 189.

subordinated itself to Pope and other district commanders. In an order also published concurrently with Pope's on 1 May 1866, Sibley stated:

The use of the 'chain gang' as a mode of legal punishment in this State, having been abused by the authorities empowered to inflict such punishment, is hereby discontinued, except in cases connected with prisoners sentenced to the penitentiary. All post commanders within the limits of this State are hereby directed to enforce this order, and report any action on the part of the civil authorities, who refuse to obey the same.²⁴²

Sibley acted as an extension of Pope more so than a subordinate commander taking initiative. Though Sibley did not inhibit Pope's extension of authority in Georgia, history did not record him as providing any dynamic or critical contribution to the Congressional Reconstruction effort.

Following the issuance of General Order No. 1, Pope ordered civil officials to attend all public meetings while holding them responsible for any outbreaks of violence. This forced Atlanta Mayor James E. Williams, with his marshal and a police force, to observe all public gatherings for the duration of Pope's tenure.²⁴³ As Pope concerned himself with the actions of public officials, he was also concerned about the potential for Soldier indiscipline. Addressing this concern in his report to the Secretary of War, Pope declared:

Most of the company officers are newly appointed and unfamiliar with the customs of service or the laws of discipline as understood and practiced among well organized troops, and the peculiar duties they have been called on to perform

²⁴² Ibid.

²⁴³ Garrett, 738.

are calculated still further to remove them from the necessary restraint of discipline.²⁴⁴

A lack of sufficient and experienced company grade officers enabled Soldiers that held hostile views of the Freedmen to act on their sentiments. In September 1867, a group of Soldiers in Atlanta went unpunished after robbing and severely injuring some Freedmen.²⁴⁵ Further, from April 1867 to October 1867, McPherson Barracks convened approximately 25 courts martial against Soldiers for charges ranging from harassment to assault of the Freedmen.²⁴⁶ Incidents involving violence committed by Soldiers against Freedmen and civilians would plague Pope throughout his tenure of command despite his attempts to mitigate it.

Another problem that fueled violence and affected the Freedmen in Atlanta was the tension that existed between its local all-white police force, the U.S. Army, and the Freedmen's Bureau. Prior to the Reconstruction Acts, the occupation forces shared a cooperative relationship with the Atlanta police. Both identified their mission as to preserve law and order in line with the status quo of African American subordination to Southern whites.²⁴⁷ With the radical change in the direction of Reconstruction in Washington, an adversarial relationship with the Atlanta police developed as the U.S. Army and Freedmen's Bureau served those who looked to advance the civil equalization

²⁴⁴ United States, *Annual Report of the Secretary of War 1867* (Washington: U.S. Government Printing Office, 1867), 354.

²⁴⁵ Link, 92, E-Book.

²⁴⁶ The National Archives, Court Martial Index, 12 May 2004, Washington, DC.

²⁴⁷ Link, 102, E-Book.

of the Freedmen.²⁴⁸ Leading this new initiative was Captain Fred Mosebach, the Sub-Assistant Commissioner of Atlanta's Freedmen's Bureau.²⁴⁹

Mosebach, embraced the goals of Radical Republicans as he fought to empower Freedmen in Atlanta.²⁵⁰ His initiative likely stemmed from his experiences while serving in the 7th New York Volunteer Infantry Regiment from April 1861 to April 1863.²⁵¹ In the days leading up to the first battle of Bull Run in July 1861, a Confederate force under the command of Confederate Colonel John B. Hood captured Mosebach and 22 Soldiers from his company while they were on patrol.²⁵² Mosebach was a prisoner of war at the Confederate prison camp in Salisbury, North Carolina, till his release in January 1862.²⁵³ Following his return to duty, Mosebach saw combat in the Seven Days Battles and at Antietam before receiving wounds at the Battle of Fredericksburg in December 1862 and mustered out with the regiment in April 1863.²⁵⁴ Unable to continue in combat

²⁴⁸ Ibid.

²⁴⁹ Ibid., 90, E-Book.

²⁵⁰ Ibid.

²⁵¹ Ancestry.com, "New York, Civil War Muster Roll Abstracts, 1861-1900," Ancestry.com, Database, accessed 19 March 2017, https://www.ancestrylibrary.com/interactive/1965/31514_219304-00000?backurl=&ssrc=&backlabel=Return#?imageId=31514_219304-00548, entry for Civil War Muster Roll Abstracts of New York State Volunteers, United States Sharpshooters, and United States Colored Troops [ca. 1861-1900], Microfilm, 1185 rolls. New York State Archives, Albany, New York.

²⁵² *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*. Series I-Volume II (Washington, DC: Government Printing Office 1880), 298.

²⁵³ Ancestry.com, "New York, Civil War Muster Roll Abstracts, 1861-1900."

²⁵⁴ Ibid.

operations, Mosebach joined the Veteran Reserve Corps where he performed lighter, non-combat duties.²⁵⁵ In the fall of 1865, Mosebach volunteered for the Freedmen's Bureau and became the Sub-Assistant Commissioner of Albany, Georgia, under Brigadier General Tillson.²⁵⁶

As the Sub-Assistant Commissioner, Mosebach scrutinized the Atlanta police force and justice system for evidence of abuse of the Freedmen. This was a departure from Lieutenant Colonel Curkendall's focus on labor contracts and controlling Freedmen.²⁵⁷ In reports to Sibley and Williams, he describe abuses made by police officers against Freedmen and recommended their removal.²⁵⁸ One instance Mosebach pointed to was their abuse of power in May 1867 when they arrested and imprisoned a Freedwoman for "insubordination" and "profane language."²⁵⁹ The police justified their actions by stating they could not control the Freedwoman.²⁶⁰ Unfortunately, Mosebach affected little change due to an undermanned office, wary superior, and recalcitrant city government.²⁶¹

²⁵⁵ Cimbala, 54.

²⁵⁶ Ibid.

²⁵⁷ Link, 104, E-Book.

²⁵⁸ Ibid.

²⁵⁹ Ibid., 78, E-Book.

²⁶⁰ Ibid.

²⁶¹ Ibid.

Reorganizing state governments was Pope's priority and mission during his short tenure from April 1867 to December 1867 as the Third Military District Commander. To facilitate the election of delegates for the constitutional convention, Pope drew the voting districts based off Georgia's historic state senate lines.²⁶² This action was one of many that inflamed popular opposition to Pope as it was, correctly, perceived to benefit Freedmen and Unionists at the voting booth. The argument Pope made for this arrangement was its familiarity to the voters of Georgia, which would remove the need for the U.S. Army to redraw the district lines.²⁶³ The election results, which came in April 1868, gave Freedmen and Radical Republicans a 104 to 65 delegate advantage over Southern white conservatives.²⁶⁴ Though the advantage lay with Radical Republicans in the state overall, Atlanta sent Democratic delegates, all of whom served in the Confederacy, to the convention following their election on 19 October 1867.²⁶⁵ These results came in spite of the city serving as a safe-haven for Freedmen, the presence the U.S. Army, and level of industrialization via-à-vis the other cities in the state.

With the constitutional convention set for 9 December 1867, Pope determined that Atlanta's City Hall would be the location due to its proximity to his headquarters and the

²⁶² Wallace P. Reed, *History of Atlanta, Georgia, With Illustrations and Biographical Sketches of Some of its Prominent Men and Pioneers* (Syracuse: Mason and Co. Publishers, 1889), 231.

²⁶³ Sefton, 166.

²⁶⁴ *Ibid.*

²⁶⁵ Reed, 232.

forces stationed at McPherson Barracks.²⁶⁶ The convention would meet until March 1868, lasting a total of 76 sessions.²⁶⁷ Of the 169 delegates that participated, the majority rested with 111 Republicans and 37 Freedmen, with 12 Southern white conservative delegates.²⁶⁸ The discrepancy was not attributable to Pope's drawing of districts; also of importance was the conscious effort of the conservatives, led by Jenkins, to derail the convention by refusing to participate in the election of delegates.²⁶⁹ Though Conservative participation in this resistance was not unified, it was large enough to prevent their influence in the constitutional convention.

As this convention met Southern white conservative resistance, overt and covert, began to coalesce, with Confederate Lieutenant General John B. Gordon playing a critical role. Gordon had begun the war as a captain and ended as a corps commander in the Army of Northern Virginia.²⁷⁰ Gordon's open opposition to Reconstruction shaped his political career, as he took control of a Georgia Conservative Party that ran a counter-convention in Macon in December 1867.²⁷¹ Despite enjoying support across the state,

²⁶⁶ Garrett, 739.

²⁶⁷ Richard L. Hume and Jerry B. Gough, *Blacks, Carpetbaggers, and Scalawags: The Constitutional Conventions of Radical Reconstruction* (Baton Rouge: Louisiana State University Press, 2008), 156.

²⁶⁸ Saye, 264.

²⁶⁹ Hume and Gough, 156.

²⁷⁰ Douglas S. Freeman, *Lee's Lieutenants: A Study in Command* (New York: Simon and Schuster, 1998), 616, 804.

²⁷¹ Edwin C. Woolley, *The Reconstruction of Georgia* (New York: Columbia University Press, 1901), 42.

Gordon lost to Republican nominee Rufus Bullock in the gubernatorial election of 1868.²⁷²

In conjunction with his attempts to end Reconstruction through seeking election to political officer, Gordon also led Georgia's Ku Klux Klan. Beginning in December 1865 with six former Confederates gathering in Pulaski, Tennessee, the Ku Klux Klan grew into an organization of thousands spread across the former Confederacy by 1868.²⁷³ In Georgia, there was a den in each of the 132 counties that had from 20 to 100 members each.²⁷⁴ Their tactics included intimidation, economic coercion, assault, and murder. The goal was to contain the revolutionary forces the war had unleashed in the South. Gordon learned of the Ku Klux Klan while visiting Athens, Alabama, in 1866 and sought to bring it to Georgia.²⁷⁵ While attending the Klan's first convention in Nashville, Tennessee in 1867, Nathan B. Forrest, head of the Ku Klux Klan, selected Gordon to lead Georgia's Klan operations.²⁷⁶ Using his estate outside of Atlanta as a base of operations, Gordon organized opposition to Reconstruction with the Klan being central to his efforts.

As the Klan's organization developed in 1868, Pope's popularity with the Southern whites plummeted throughout the Third Military District as he administered the

²⁷² Ibid.

²⁷³ Susan L. Davis, *Authentic History Ku Klux Klan: 1865-1877* (New York: Susan L. Davis, 1924), 6.

²⁷⁴ Allen W. Trelease, *White Terror: The Ku Klux Klan Conspiracy and Southern Reconstruction* (New York: Harper and Row, 1971), 75-76.

²⁷⁵ Davis, 228.

²⁷⁶ Ibid.

Reconstruction Acts. One of the causes for this was the “Newspaper Order” of 12 August 67. As Pope implemented the Reconstruction Acts, he received significant criticism from white newspapers in Atlanta and throughout the military district.²⁷⁷ Pope saw this criticism as a threat to peace and the progress of Reconstruction. In what proved to be a clumsy attempt to silence this opposition, Pope ordered government announcements and advertisements to appear only in papers that offered favorable opinions regarding Congressional Reconstruction.²⁷⁸ This measure provoked visceral criticism from white citizens and civilian leaders in Atlanta. Pope maintained this policy despite legal challenges from the provisional government and admonishing editorials from anti-Reconstruction papers.²⁷⁹

This order, along with his drawing of voting district for the constitutional convention, contributed to Pope’s abrupt end as district commander on 28 December 1867.²⁸⁰ Johnson was displeased with Pope’s commitment to implementing the Reconstruction Acts, and saw an opening to go after the general in alleged gerrymandering of the state.²⁸¹ Major General George G. Meade, Pope’s successor,

²⁷⁷ *Ibid.*, 149.

²⁷⁸ *Ibid.*

²⁷⁹ Garrett, 739.

²⁸⁰ Sefton, 169.

²⁸¹ Kirkland, 170-171.

assumed command of the Third Military District in January 1868.²⁸² Though seen as sympathetic to Southerners, Meade's actions generally mirrored those of his predecessor.

The fundamental shift from presidential to congressional Reconstruction placed the U.S. Army in a precarious position. Atlanta, like other Southern cities, submitted to the terms set by Johnson, but could not easily accept the changes directed by Congress.²⁸³ Between the struggles in Washington and the reaction on the ground, the U.S. Army could do little in terms of fostering legitimacy. Despite Pope's efforts to fulfill the letter and spirit of the Reconstruction Acts, Atlanta remained conservative, harbored the Ku Klux Klan upon its arrival, and oppressed Freedmen.

As the U.S. Army lost legitimacy with the shift in the focus of Reconstruction, it also found itself unable fulfill its new mission for want of large amounts of Soldiers. Under the guise of supervising the civil authority at the direction of Pope, the U.S. Army waited on requests to interfere rather than proactively interfere in civil affairs. The fallacy in this approach lay in the fact that requests would not come from city officials unless it was in the service of their goals, which were increasingly incompatible with Washington's. Furthermore, by not distributing forces to the greatest extent through the state, the U.S. Army could only react, losing critical time.

²⁸² Sefton, 169.

²⁸³ Saye, 262.

CHAPTER 5

1868: RUSH TO FAILURE

The second year of Congressional Reconstruction saw Georgia rapidly moving toward completing the tasks laid out by Congress. 1867 saw the constitutional convention directed by Congress do its work, but this came at the cost of antagonizing Southern whites. Complicating the situation in Georgia was President Johnson's effort to regain control from Congress in early 1868 by replacing Pope with Meade. Johnson chose Meade under the belief that his conservative background would align with the president's plan for Reconstruction. Under this new commander, the elements of the U.S. Army in Atlanta and elsewhere in Georgia operated under greater restraint based on Meade's need to control all subordinate action. This caused a reduction of legitimacy and perseverance for the U.S. Army as it could not respond fast enough to reactionary elements conducted a campaign of intimidation to reassert southern conservative control.

Meade's assumption of command on 6 January 1868 brought with it an expectation that he might restore the prominence of Southern white conservatives in Georgia. Despite advocating for a military presence in the South until the enactment of laws protecting the rights of Freedmen, Meade called for a speedy reconciliation.²⁸⁴ In his remarks to the constitutional convention in early January, Meade stated:

It is not at all improbable that placed suddenly in so arduous and embarrassing a position, I may make errors of judgement, to the regret and disappointment of former friends, and all I can say is that it is my intention, under the light I can get, to discharge my duties conscientiously and do only what I think is right. . . . It is not my duty to dictate, to recommend or to advise, but I feel justified in

²⁸⁴ Simpson, 111.

counselling moderation, earnestly hoping that wisdom, calmness, and reason will govern your proceedings.²⁸⁵

To those hoping it would be so, Meade gave the initial impression he was inclined toward Johnson's more lenient Reconstruction and would break with his predecessor. These hopes abruptly ended when Meade removed the state's governor, treasurer, comptroller, and secretary of state within a week of taking command.²⁸⁶

The events leading to the removal of these officials began during Pope's tenure. Over the course of 1867, Governor Jenkins had fought the Reconstruction Acts in court and encouraged civil officials not to recognize or cooperate with federal authority.²⁸⁷ Though Jenkins was unsuccessful in convincing the U.S. Supreme Court to stop Pope from administering Reconstruction in Georgia, he did have success in encouraging passive resistance by officials throughout the state.²⁸⁸ Pope admonished Jenkins for violating his general order regarding the obstruction of Congress's policies. Pope received authorization from Grant to relieve Jenkins from his office, but endeavored to temporarily silence him solely through heated correspondence.²⁸⁹

This obstruction was manifest in the refusal of Jenkins and three of his subordinates refused to release \$40,000.00 from Georgia's treasury to pay expenses

²⁸⁵ Sefton, 170.

²⁸⁶ Garrett, 773-774. Governor Charles J. Jenkins, State Treasurer John Jones, Comptroller-General John T. Burns, and Secretary of State Nathan C. Barnett.

²⁸⁷ Thompson, 175.

²⁸⁸ Cozzens, 282.

²⁸⁹ Sefton, 139.

incurred by the constitutional convention.²⁹⁰ Jenkins justified this by arguing the Reconstruction Acts were unconstitutional as Georgia had not participated in their legislation, and arguing any action taken in support of them was unlawful.²⁹¹ Adjudicating this issue fell to Meade when Pope gave up command on 28 December 1867. When Jenkins persisted in his course, Meade removed him and the three subordinates that cooperated in his efforts on 13 January 1868. In their place, Meade appointed Colonel Thomas H. Ruger as provisional governor, Captain Charles F. Rockwell as treasurer, and Captain Charles Wheaton as comptroller.²⁹² This fueled a perception in the Third Military District that another radical general whose sympathies rested with Radical Republicans and the Freedmen was in charge of Georgia.²⁹³ Meade attempted to counter this perception by revisiting some of the unpopular orders implemented by his predecessor. For instance, while he did not rescind the hated newspaper order completely, he revised it in February 1868 to restrict only papers that endorsed or condoned violence.²⁹⁴

As Meade's decisions generally supported Congressional Reconstruction, he restrained subordinates from acting on their own initiative, preferring to make all decisions regarding military interference himself. In terms of interfering with the

²⁹⁰ Thompson, 179.

²⁹¹ Ibid.

²⁹² Garrett, 773.

²⁹³ Ibid., 774.

²⁹⁴ Sefton, 170.

provisional government of Georgia's business, Meade did so only when ordered or to follow the Reconstruction Acts.²⁹⁵ Shaping this hesitation was Meade's experiences with Congress during the Civil War which played a critical factor in how he implemented Congressional Reconstruction.

Rising from the rank of captain to brigadier general, Meade served with distinction at the battles of Antietam and Fredericksburg.²⁹⁶ Lincoln appointed Meade commander of the Army of the Potomac days prior to the Battle of Gettysburg.²⁹⁷ The result of this clash was devastating for both armies, the Union losing a quarter of their effective force and the Confederate a third.²⁹⁸ Though able to defeat the Army of Northern Virginia and arguably turn the tide of the war, the near destruction of Major General Daniel Sickles' III Corps and Meade's failure to pursue and destroy Lee brought down upon him calls for his removal. The Radical Republicans believed Meade's perceived failures were deliberate based on his Democratic sentiments. With the intent to remove Meade from command and restore Major General Joseph Hooker to his former position, the U.S. Congress's Joint Committee on the Conduct of the War, an oversight committee composed primarily of Radical Republicans, held hearings in the winter of 1863 and 1864.²⁹⁹ This investigation continued through the end of the war, but failed to

²⁹⁵ Thompson, 182.

²⁹⁶ James McPherson, 572.

²⁹⁷ *Ibid.*, 652.

²⁹⁸ *Ibid.*, 664.

²⁹⁹ Bill Hyde, *The Union Generals Speak: The Meade Hearings on the Battle of Gettysburg* (Baton Rouge: Louisiana State University Press, 2003), ix.

take down its principal target.³⁰⁰ Meade's experience, however, deeply affected his command style as he would apply excessive control over his subordinate commanders during Reconstruction.

The forces available to Meade in Georgia remained approximately the same as during Pope's tenure.³⁰¹ In Atlanta, the 16th and 33rd U.S. Infantry Regiments consisted of 400 to 600 troops under the command of Major Thomas W. Sweeny following Ruger's appointment as provisional governor in January 1868.³⁰² Meade restricted their operations to support to the local authorities, but only upon their request and only with Meade's expressed approval.³⁰³ Meade elaborated on this restriction in his annual report to the Secretary of War for 1868:

Notwithstanding the utmost effort on my part to abstain from all interferences, except in cases where, in my judgement, there was no alternative Soon after assuming command I issued an order, both to civil and military officers, informing the first they would not be interfered with so long as they faithfully executed their duties, and enjoining on the latter to abstain from interfering with the civil powers, and in all cases to report to me and receive my decision before taking any action.³⁰⁴

Meade's desire to control all subordinate actions with respect to Reconstruction handicapped the ability of U.S. Army forces in Georgia to act in a proactive manner.

³⁰⁰ Ibid., 382.

³⁰¹ Sefton, 261-262.

³⁰² Ancestry.com, "U.S. Returns from Military Posts, 1806-1916."

³⁰³ Kirkland, 233; United States, *Annual Report of the Secretary of War 1868* (Washington, DC: U.S. Government Printing Office, 1868), 79-80.

³⁰⁴ United States, *Annual Report of the Secretary of War 1868*, 80.

Though Meade relieved Jenkins and other civil officials, he refused to delegate this authority to anyone below him.

The Freedmen's Bureau also continued its decline both in size and scope of authority with Meade instructing Sibley and his agents not to take any action on their own initiative under any circumstances.³⁰⁵ Mosebach continued as Atlanta's Sub-Assistant Commissioner, but his office consisted of only himself and five agents under his authority as they covered the cities of Newnan, Marietta, McDonough, and Jonesboro.³⁰⁶ Under these conditions, the Bureau could make little to no impact before its disbandment in July 1870.³⁰⁷

With these troops and agents, Meade observed the Constitutional Convention and prepared to oversee the process for securing ratification and election of state officers.³⁰⁸ Meade provided strict instructions to his subordinate commanders and the people within the Third Military District. These orders directed them to prevent the carrying of arms by civilians at polling sites or public assemblies, educate Freedmen on their political rights,

³⁰⁵ Cimbala, 47.

³⁰⁶ Ancestry.com, "U.S., Freedmen's Bureau Records of Field Offices, 1863-1878," accessed 22 May 2016, https://www.ancestrylibrary.com/interactive/1105/40801_292375-00095?backurl=&ssrc=&backlabel=Return#?imageId=40801_292375-00096, entry for National Archives and Records Administration (NARA), Washington, DC, Records of the Field Officers for the State of Georgia, Bureau of Refugees, Freedmen, and Abandoned Lands, 1865-1972, Microfilm Serial: M1903, Microfilm Roll: 1.

³⁰⁷ Cimbala, 217.

³⁰⁸ Thompson, 199.

and prevent employers from interfering with the voting rights of their employees.³⁰⁹ The use of troops to enforce these orders became particularly important due to the Klan's growing influence in the state.³¹⁰

Though there is no specific example of murder or extreme violence tied to the Klan exists in Atlanta in 1868, anti-Reconstruction newspapers published threatening notices on behalf of the Klan targeting Republicans, Freedmen, and supporters of Reconstruction.³¹¹ Commenting on the state election of 1867, the *Atlanta Constitution* published the following:

The augury of our Ku-Klux hath it that a straight out Radical fight is to be made, the first thing after the adoption of the fourteenth article by the legislature, for the two United States senators; and that Brown is to go in for the long term, and Blodgett for the short. . . . This is deemed just, by the dynasty (KKK), as a compensation to that noble pair of brothers, for cheating the people and electing Bullock.³¹²

At the time of this editorial's publication, highly credible charges existed in Georgia regarding murder, physical abuse, and other violence conducted by the Klan. One such case was the murder of George W. Ashburn, a Radical Republican and delegate to the constitutional convention, on 30 March 1868 in Columbus, Georgia.³¹³ Later scholarship has determined that Klan-inspired vigilantes perpetrated the crime while

³⁰⁹ Garrett, 182.

³¹⁰ Ibid., 776.

³¹¹ Stanley F. Horn, *Invisible Empire: The Story of the Ku Klux Klan 1866-1871* (Boston, MA: Houghton Mifflin Company, 1939), 172-173.

³¹² Ellen Weldon, "The Atlanta Constitution Views the Ku Klux Klan: 1868-1872" (Master's thesis, University of Missouri, 1964), 33-34.

³¹³ Link, 122. E-Book.

supporters and opponents of Reconstruction recognized it as the work of the Klan.³¹⁴ With the Klan's penchant for violence established in Georgia and elsewhere, notices published by the Klan in newspapers promising violent retribution to their opponents and supporters of Congress's approach to Reconstruction could not be ignored or dismissed by military authorities. Further, the use of "our" in the text of the editorial implied this organization represented a larger demographic in the South.

Meade's initial efforts to counteract this growing threat included public condemnation as well as orders to public officials to maintain order, and strictly enforce the Reconstruction Acts. On 4 April 1868, Meade issued the following General Order:

Military and civil officers are directed to arrest and bring to trial persons who may print and circulate incendiary papers or threatening letters; and conductors of newspapers and other printing offices are prohibited from publishing articles tending to produce intimidation, riot, or bloodshed; public writers and speakers are enjoined to refrain from inflammatory appeals, and military and municipal officers required to organize patrols to detect such persons as avail themselves of the secrecy of the night for executing their criminal purpose. Good citizens are called on to aid in preserving the peace, and are admonished that if intimidation and violence are not checked, bloody retaliation may be provoked.³¹⁵

Meade's warning did little to arrest the spread of the Klan's influence prior to the 1868 gubernatorial election. Though this order, in conjunction with Meade's adjustment to Pope's newspaper order, was followed by a decline in threatening publications, it did little to encourage white citizens to turn against the Klan. Further, patrols conducted by local police forces across the state proved unreliable if they lacked federal troops. Those led by Republican civil officers without U.S. Army support operated under constant

³¹⁴ Ibid., 122-123. E-Book.

³¹⁵ Edward McPherson, 320-321.

threat. Moreover, it was not difficult to discern that local civil officials were either passively supporting or actively participating in violence led by the Klan. Furthermore, Meade remanded the decision to interfere to himself, ceding the ability of subordinate commanders to quickly respond. Under Meade's self-induced decision structure, the only option he could see was to place his limited number of troops at critical areas to ensure ratification of the state's constitution and fair election of state officers.³¹⁶

Meade's use of troops and Bureau agents leading up to and during the elections probably did as much harm as they did good. Though protecting the political rights of Freedmen was a vital piece of the Congressional Reconstruction program, efforts to do so it only fueled deeper resentment from Southern white conservatives.

As the state election ran from 20 to 22 April 1868, the U.S. Army's presence at Atlanta's City Hall to secure the polling site nearly led to violence.³¹⁷ A confrontation began shortly after a detachment of troops of the 16th U.S. Infantry from McPherson Barracks moved from their positions outside the building to the polling room with bayonets fixed.³¹⁸ Dr. James F. Alexander, the site's polling manager and a prominent citizen of Atlanta, demanded that the detachment be removed from the room as he placed his hand over the ballot box.³¹⁹ The officer in charge, not wanting to harm Alexander or

³¹⁶ Garrett, 776.

³¹⁷ Ibid., 777.

³¹⁸ Walter G. Cooper, *Official History of Fulton County* (Atlanta, GA: Brown Publishing Co., 1934), 232.

³¹⁹ Ibid.

create the conditions for a riot, avoided a potential issue by withdrawing to his previous position.³²⁰

Though the presence of an armed detachment would be an intimidating sight, Alexander's motive for calling for their removal stemmed from hostility toward the turn in Reconstruction politics the election was a part of. Alexander had been a delegate to Georgia's secession convention in 1861, where he voted in favor of secession and later served as a Confederate surgeon in one of Atlanta's hospitals.³²¹ As a man closely associated with the city's Democratic Party, Alexander was very much against any outside force in the city and no doubt saw the detachment as a symbol for of oppression.

Despite the efforts of Southern whites, Georgia ratified the new constitution and elected Republican Rufus Bullock as Governor over Gordon in a four day referendum in April 1868.³²² A native New Yorker, Bullock had moved to Augusta, Georgia, in 1859 and served as a quartermaster in the Confederate Army, holding the rank of lieutenant colonel.³²³ Prior to his activities at the 1867 constitutional convention, Bullock organized the First National Bank in Augusta.³²⁴ Politically, Bullock stood with Ex-Governor

³²⁰ Ibid.

³²¹ The Southern Historical Society, *Memoirs of Georgia: Containing Historical Accounts of the State's Civil, Military, Industrial, and Professional Interests, and Personal Sketches of Many of its People* (Atlanta, GA: The South Historical Association, 1895), 700.

³²² Hume and Gough, 135.

³²³ Wendy Hamand Venet, *A Changing Wind: Commerce and Conflict in Civil War Atlanta* (New Haven, CT: Yale University Press, 2014), 217.

³²⁴ Garrett, 776.

Brown in regards to the Reconstruction Acts favoring acquiescence over continued military occupation.³²⁵

Atlanta went for Gordon with 2,357 votes to Bullock's 1,194.³²⁶ Additionally, the constitution passed by only 210 votes in the city.³²⁷ Following the election, the Georgia General Assembly met on 21 July 1868 and ratified the Fourteenth Amendment, meeting the last of the requirements set by the Reconstruction Acts.³²⁸ With these tasks met, Congress admitted Georgia along with six other states back into the Union as part of an Omnibus Bill passed in July 1868.³²⁹ Following suit, Meade transferred authority to Bullock on 29 July 1868 and closed the Third Military District, ending military rule in the state.³³⁰

Meade and the U.S. Army would remain in the city, however, under a newly organized Department of the South with even more restrictive rules of engagement.³³¹ Under General Order No. 55 issued by the War Department in July 1868, the U.S. Army

³²⁵ *Ibid.*

³²⁶ Venet, 218.

³²⁷ *Ibid.*

³²⁸ Thompson, 209.

³²⁹ Weldon, 18.

³³⁰ Garrett, 778-779.

³³¹ *Ibid.*, 779.

could not make independent or exercise their police duties unless the civil authority made a request.³³²

Equally consequential to the progress of Reconstruction in the spring of 1868 was the ongoing struggle between the Johnson administration and the Republicans in Congress. Though Congress had seized control of Reconstruction from Johnson through legislation, his attempts at continued obstruction led to a vote for impeachment in March 1868.³³³ The articles of impeachment centered narrowly on Johnson's attempt to circumvent and violate the Tenure of Office Act which forbid the president from removing a cabinet member without the Senate's consent.³³⁴ Johnson violated this law when he attempted to fire Secretary of War Edwin Stanton on 21 February 1868.³³⁵ In conjunction with his actions against Stanton, Johnson also replaced all of the district commanders.³³⁶ Though able to replace generals, Congress used Johnson's actions against Stanton as the legal means to end his recalcitrance.

Johnson's impeachment trial ran from March till May 1868, culminating in multiple unsuccessful attempts to secure the necessary votes to terminate his

³³² William Blair, "The Use of Military Force to Protect the Gains of Reconstruction," in *Civil War History* (Kent: The Kent State University Press, 2005), 396.

³³³ Foner, 202, E-Book.

³³⁴ Ibid.

³³⁵ Sefton, 155.

³³⁶ Foner, 202, E-Book.

presidency.³³⁷ Johnson won a narrow victory, while the strength of the Radical Republicans in Congress began to wane. In addition to the disillusionment over the extreme action of attempting to impeach the president, their hopes of nominating radical Senator Benjamin Wade as the Republican candidate in the upcoming Presidential election ended. Though still in control with the election of President Grant, the failure to convict Johnson began to move the tone of the Republican Party more toward conciliation.³³⁸

Between the unchecked spread of the Klan, the reduction of military authority, and the new restrictions imposed on the U.S. Army because of the events of 1868, Georgia quickly regressed. From July to December 1868, a series of events occurred throughout the state demonstrating the U.S. Army's failure to remove those desirous of undoing Congressional Reconstruction. In September 1868, the Georgia General Assembly expelled its 28 African American members, declaring them ineligible based on the lack of specific language allowing for Freedmen to hold office in the state's constitution.³³⁹ One of the expelled members of the Assembly, Philip Joiner, led a 25-mile march of several hundred from Albany to Camilla for a Republican rally.³⁴⁰ In defiance of Bullock's recent order banning the possession of arms at assemblies, some of

³³⁷ *Ibid.*, 203, E-Book.

³³⁸ *Ibid.*

³³⁹ Garrett, 782.

³⁴⁰ Bradley, 52.

the marchers carried weapons as they approached the hamlet of Camilla.³⁴¹ A confrontation began when a crowd refused to disburse at the request of the sheriff, who then gathered an armed posse of about 400 to compel their departure.³⁴² The confrontation turned violent when a drunken member of the sheriff's posse fired on the crowd, which resulted in a shootout.³⁴³ The posse continued this violence for hours as it hunted down those marchers that attempted to escape, resulting in nine dead and 35 wounded.³⁴⁴

Despite the limited authority and troops available to him, Meade received intense criticism for what became known as the Camilla Massacre.³⁴⁵ Despite lacking the legal authority or means to conduct basic policing operations, Meade had deployed his available troops in small detachments throughout the state, pointing to the upcoming Presidential and Congressional elections as justification.³⁴⁶ Troop deployments alone could not prevent violence, in part because Meade also had to contend with incidents of Soldier indiscipline. In October 1868, Atlanta fell victim to violence in what became known as the Fourth Ward Riot.³⁴⁷ This event began on the evening of 15 October and

³⁴¹ *Ibid.*

³⁴² Downs, 202, E-Book.

³⁴³ Bradley, 52.

³⁴⁴ *Ibid.*

³⁴⁵ Sefton, 198.

³⁴⁶ Blair, 396.

³⁴⁷ Link, 92, E-Book.

saw approximately 15 soldiers of the 16th U.S. Infantry Regiment stationed at McPherson Barracks destroying the property of Freedmen residing in the Fourth Ward of Atlanta.³⁴⁸ This posse of troops eventually clashed with four Atlanta police officers, producing an exchange of gunfire that resulted in the wounding of some of the Soldiers.³⁴⁹ This event received extensive coverage from anti-Reconstruction newspapers in Georgia, citing the abuse of the Soldiers as an example of the continued tyrannical occupation waged by the U.S. Government.³⁵⁰

Though the Presidential election of 1868 took place in Georgia with few incidents of violence, much remained wrong with the state. The actions of the General Assembly, the Camilla Massacre, and the continuing spread of the Klan called to question Georgia's status as a fully reconstructed state. Radical Republicans within the state's government held a slim majority, which they lost as moderate Republicans increasingly allied with the Democrats. This came as reaction to Bullock's advocacy for the right of Freedmen to vote and run for public office.³⁵¹

No longer able to interfere, the U.S. Army could only drill in their encampments, waiting on requests for assistance that would never come. This enabled anti-Reconstruction leaders in the government to reassert themselves and organizations like the Klan to intimidate Freedmen and Republicans into political irrelevance. With the

³⁴⁸ Garrett, 793.

³⁴⁹ Garrett, 793; Ancestry.com, "U.S. Returns from Military Posts, 1806-1916."

³⁵⁰ Garrett, 793.

³⁵¹ *Ibid.*, 782.

ability to do as they pleased, white Georgia reasserted its power with Freedmen eventually denied the same political and economic status as Southern whites.

CHAPTER 6

1869-1870: EPILOGUE

With Meade's efforts to end military rule, Reconstruction began to unravel in Georgia after July 1868. Due to developments ranging from regressive legislative action such as the forced removal of African-American legislators to the pervasive influence of the Ku Klux Klan, Freedmen and their supporters lived in fear of political isolation, economic hardship, and physical violence. Though the U.S. Army remained in Georgia following the transition in 1868, its subordination to the state's civil authority and restricted rules of engagement left it unable to accomplish much. Through the course of 1869, the situation in Georgia continued to worsen, prompting the U.S. Congress and newly elected President Grant to reconsider Georgia's status in the Union.

Setting off this regression were accusations made by Governor Bullock and his allies regarding the eligibility of several Democratic legislators in July 1868.³⁵² Meade knew of these accusations prior to the dissolution of the Third Military District, but dismissed them as an attempt by Bullock to strengthen his support in the General Assembly.³⁵³ With the authority granted by Grant, Meade directed that both houses conduct an investigation into the eligibility of its members according to the Fourteenth Amendment.³⁵⁴ This effort was consequential because of lackluster results for the Radical Republicans in the recent Georgia Assembly election in 1868. The Senate broke even

³⁵² Sefton, 199.

³⁵³ Saye, 272.

³⁵⁴ United States, *Annual Report of the Secretary of War 1868*, 112.

with 17 seats for the Radical Republicans, 17 for Conservative Democrats, and 10 moderate Republican seats.³⁵⁵ In the House, the conservative Democrats outnumbered Radical Republicans 88 to 75 with nine moderate Republicans.³⁵⁶

Following Meade's directive, both houses conducted investigations that produced majority and minority reports.³⁵⁷ In the Senate, the majority report stated all members were eligible while the minority report contained accusations that two to nine members were ineligible.³⁵⁸ For the House, the results were similar, only with the minority report determining all members were eligible.³⁵⁹ With the alignment of the houses favoring conservative Democrats, the result of the investigation was approval of the report that recommended allowing all members, regardless of their questionable eligibility, to remain.³⁶⁰ Though Meade was the final authority in respect to the Third Military District, at this point he required approval from President Grant to take any action in removing the ineligible members. Meade provided the following statement to Grant:

³⁵⁵ Thompson, 208. Radical Republicans in Georgia supported the enfranchisement of Freedmen and the disenfranchisement of Southern whites that supported the Confederacy in any manner during the Civil War. Conservative Democrats were against Congressional Reconstruction as it attempted to bring Freedmen to social, political, and economic parity with Southern whites. Republican moderates in Georgia were generally conservative in respect to the extension of political rights to Freedmen, but voted with Radicals or Conservatives depending on the vote.

³⁵⁶ Ibid.

³⁵⁷ United States, *Annual Report of the Secretary of War 1868*, 112.

³⁵⁸ Ibid.

³⁵⁹ Thompson, 209.

³⁶⁰ Ibid.

I am not disposed to alter the position I have assumed, that it is the prerogative of each house to judge of the facts and the law in the cases of members of their houses. I consider I have performed my duty when I call their attention to the law and require action to be taken under it. I do not feel myself competent to overrule the deliberate action of a legislative body who report they have conformed to the rule I laid down for their guidance.³⁶¹

Grant approved Meade's recommendation to allow the General Assembly to assume its duties.³⁶² Though the Reconstruction Acts gave the U.S. Army an approval process before Congress decided to admit the state, a fault existed. A critical assumption made by Meade was that the balance of parties in the Assembly would not lead to regression in Congressional Reconstruction in respect to the enfranchisement and legal protection of Freedmen. As there was an even split between Radical Republicans and Conservative Democrats with 10 moderate Republicans to shape future legislation, Meade believed there was sufficient balance. Unfortunately, this analysis did not account for the pervasive sentiment regarding the social and political place of Freedmen relative to whites. Furthermore, many moderate Republicans were opposed to Bullock for his endorsement of African-American legislatures in the General Assembly.³⁶³ Because of these facts and Meade's decision to return control to the state, Georgia began to undo the progress of Reconstruction.

With Meade's blessing and the passing of military authority, the Assembly began its legislative battle against Reconstruction. In addition to the Assembly removing its African-American members in September 1868, Georgia also put forward Conservative

³⁶¹ United States, *Annual Report of the Secretary of War 1868*, 112.

³⁶² *Ibid.*, 113.

³⁶³ Thompson, 207, 210.

Democrats as electors for the upcoming Presidential election, one of which was former Confederate General John B. Gordon.³⁶⁴ The Assembly then elected Conservative Democrats to represent Georgia in Congress.³⁶⁵ The people of Georgia also voted for Democrats Horatio Seymour and Frank Blair for the presidential election, both prominent anti-Reconstruction leaders and opponents of black suffrage.³⁶⁶ The last action taken by the legislature before the determination was made by Congress to return it to military rule was its voting against the Fifteenth Amendment to the U.S. Constitution, which guaranteed the right of U.S. citizens to vote regardless of race or color, in March 1869.³⁶⁷

Equally prominent as the actions of the Assembly were those of the Klan throughout the state. The election of Bullock as governor over Gordon contributed to the rapid growth of the Klan as well as an escalation in their violence against Freedmen and supporters of Reconstruction.³⁶⁸ The goal of the Klan was to socially, economically, and politically isolate Freedmen from white society and restore the Democratic Party to power by any means.³⁶⁹ The Freedmen's Bureau reported in 1868 that 336 cases, 14 committed in Atlanta, of attempted murder or assault on Freedmen occurred in the

³⁶⁴ Garrett, 786.

³⁶⁵ Thompson, 210.

³⁶⁶ Ibid., 215.

³⁶⁷ Garrett, 805.

³⁶⁸ Horn, 175.

³⁶⁹ Alan Conway, *The Reconstruction of Georgia* (Minneapolis: University of Minnesota Press, 1966), 173, E-book.

state.³⁷⁰ Klan members posted notices to Freedmen threatening them with violence if they asserted their political rights. During the Presidential election, the Klan posted the following in Lincoln County, Georgia:

I was killed at Manassas in 1861. I am here not as locust in the daytime and at night I am a Ku Klux sent here to look after you and the rest of the Radicals and make you know your place. I have got my eye on you every day . . . we nail all Radicals up in boxes and send them away. . . . There is 200,000 dead men returned to this country to make you and all the rest of the Radicals good Democrats.³⁷¹

These tactics played a critical role in shaping the presidential election in Georgia. In in the 1868 presidential election, only 87 votes went to Grant in the 22 counties that had 9,300 registered Freedmen voters.³⁷² The inability of the U.S. Army in Georgia to curtail this violence and intimidation campaign stemmed from Meade's unwillingness to liberally interpret his standing orders to preserve the peace and his unwillingness to delegate authority to subordinates to act on their own initiative.³⁷³ Though he acquiesced to providing troops during the election, Meade did so reluctantly despite the authorization in a law passed on 2 March 1865 that allowed for troops to prevent uprisings during an election. Meade kept his limited number troops far from the polling sites, maintaining them instead at rail depots or within the larger cities.³⁷⁴

³⁷⁰ Sefton, 199.

³⁷¹ Ku Klux Klan to Davie Jeems, 1868, The Gilder Lehrman Collection, The Gilder Lehrman Institute of American History, New York, accessed April 18, 2017, <https://www.gilderlehrman.org/sites/default/files/inline-pdfs/T-09090.pdf>.

³⁷² Conway, 173. E-book.

³⁷³ United States, *Annual Report of the Secretary of War 1868*, 81.

³⁷⁴ *Ibid.*, 82.

Further emboldening conservatives in Assembly and the Klan was the knowledge that they were in line with the prevailing sentiments of the white conservative population. Atlanta had a preponderance of this demographic as evidenced by the gubernatorial election and referendum on the 1868 constitution. Additionally, the city hosted the Democratic Party's Bush Arbor rally which became one of the largest political rallies in Georgia history.³⁷⁵ Held in late July, an estimated 20,000 people attended in opposition to the results of the April election.³⁷⁶ Capturing the sentiments of the crowd, Robert Toombs, Howell Cobb, and Benjamin Hill, all former Confederate military and political leaders, gave inflammatory speeches that condemned Reconstruction and its agents.³⁷⁷ In his speech, Hill stated:

Terms of negro dominion, of pauperism in power and ignorance in legislating, I such terms will never succeed. The white people have refused to consent to them, and I tell you that they will not consent to them, and you can never establish a government permanently in this country against the consent of the white people.³⁷⁸

This sentiment was widespread was evident in the presidential election as Democratic candidate Horatio Seymour won both Atlanta and Fulton County despite a surge in Freedmen and Unionist refugees.³⁷⁹ Though there was no organized violence to the

³⁷⁵ Garrett, 783-784.

³⁷⁶ Cooper, 253.

³⁷⁷ Garrett, 784.

³⁷⁸ Cooper, 262.

³⁷⁹ Reed, 241; Link, 115, E-Book.

extent seen in the counties outside of Atlanta, the effort to deter Freedmen's growing political power took the form of criminalization and economic stagnation.

Inspired by a belief that Conservative Democrats were protecting the honor and dignity of Southern society, the Atlanta police and local magistrates prosecuted unsubstantiated claims made by whites against Freedmen.³⁸⁰ The most common injustice was the imprisonment of Freedmen for accused larceny which carried with it a sentence of nine months in the state penitentiary.³⁸¹ Economically, Freedmen with education or a skill found difficulty in realizing their economic and professional aspirations. Of the estimated 10,000 Freedmen wage earners in Atlanta during the late 1860s, only 3 percent held jobs outside of providing unskilled labor.³⁸²

The confluence of these forces sustained foment through 1868 into 1869. By March, Meade had taken command of the Division of the Atlantic in Philadelphia, Pennsylvania, leaving Colonel Thomas H. Ruger briefly in command from 5 March 1869 to 9 June 1869.³⁸³ Even though Atlanta appeared on the surface to be exempt from extensive violence due to the presence of federal troops, the General Assembly was moving forward aggressively on reactionary legislation.³⁸⁴ As concerns about the situation made their way to Washington, President Grant ordered Major General Alfred

³⁸⁰ Taylor, 326.

³⁸¹ Link, 104, E-book.

³⁸² Taylor, 333.

³⁸³ Sefton, 257; Ancestry.com, "U.S. Returns from Military Posts, 1806-1916."

³⁸⁴ Taylor, 326.

Terry to conduct an investigation into the situation in Georgia as he assumed command of the Department of the South in May 1869.³⁸⁵

Unlike his predecessors, Terry did not have a prior military education, having attended Trinity College and Yale Law School rather than West Point.³⁸⁶ At the outbreak of the Civil War, Terry entered into service as a colonel and was promoted to brigadier general of volunteers within a year.³⁸⁷ While a division commander, Terry led a successful assault of Fort Fisher in January 1865, earning him recognition from Congress.³⁸⁸ Prior to his command of the Department of the South, Terry gained experience with Reconstruction in the Department of Virginia from June 1865 to May 1866. Terry had then transferred to the Department of Dakota and served there till May 1869.³⁸⁹

Over the course of Terry's three-month inquiry, he interviewed officers, civil officials, and victims of violence throughout the state.³⁹⁰ Presenting his report in August 1869, Terry declared:

In many parts of the state there is practically no government. The worst of crimes are committed and no attempt is made to punish those who commit them. Murders have been and are frequent; the abuse in various ways of the blacks is too common to excite notice. There can be no doubt of the existence of numerous

³⁸⁵ United States, *Annual Report of the Secretary of War 1869* (Washington, DC: U.S. Government Printing Office, 1869), 89.

³⁸⁶ Sefton, 17.

³⁸⁷ Garrett, 805.

³⁸⁸ *Ibid.*

³⁸⁹ United States, *Annual Report of the Secretary of War 1869*, 56.

³⁹⁰ *Ibid.*, 89.

insurrectionary organizations known as Ku Klux Klan who, shielded by their disguises, by the secrecy of their movements, and by the terror which they inspire, perpetrate crime with impunity.³⁹¹

Terry recommended that Georgia fall back under military authority as prescribed by the Reconstruction Acts.³⁹² Recognizing the potential quagmire this recommendation might produce, Terry nonetheless argued that Georgia was not fully reconstructed.³⁹³ Though Congress passed legislation recognizing Georgia as readmitted, they lacked representation in either the House or the Senate.³⁹⁴ Because this last task remained incomplete, the only obstacle that prevented resumption of military authority was the rescinding of General Order No. 55 which dissolved the Third Military District in July 1868.³⁹⁵

This controversial recommendation met with opposition from Terry's chain of command. Major General Henry W. Halleck, commander of the Division of the South, argued restarting the Reconstruction process would produce more harm than good.³⁹⁶ Halleck qualified this statement by making an exception for a scenario where Congress directed the U.S. Army to resume control.³⁹⁷ Grant concurred with Terry's recommendation, while endorsing Halleck's qualification, and approached Congress in

³⁹¹ Horn, 176.

³⁹² Sefton, 200.

³⁹³ United States, *Annual Report of the Secretary of War 1869*, 91.

³⁹⁴ *Ibid.*

³⁹⁵ *Ibid.*, 94.

³⁹⁶ *Ibid.*, 95.

³⁹⁷ *Ibid.*

December 1869 requesting they take back control of Georgia.³⁹⁸ After considerable debate over the appropriate degree of military intervention, the Georgia Bill passed on 22 December 1869.³⁹⁹ This bill once again placed Georgia under military authority, directed the state to convene those elected to the General Assembly according to the April 1868 elections, and directed that each member be required to take the test oath prescribed by the Fourteenth Amendment.⁴⁰⁰ The bill also added ratification of the Fifteenth Amendment as a prerequisite to readmission.⁴⁰¹ Congress did not provide, however, clarity regarding the scope of authority available to the U.S. Army.⁴⁰² Grant compensated for this obstacle by revoking General Order No. 55 and authorized military authority solely through executive action.⁴⁰³

With this broad authority, Terry attempted to address the myriad of issues plaguing Georgia, specifically the reorganization of the General Assembly and the threat of the Klan. Of these tasks, Terry spent the initial months of his tenure attempting to negotiate the legally and politically volatile reorganization of the Assembly.⁴⁰⁴ As he attempted to find the best method to vet the legislators, he sought guidance from both

³⁹⁸ Downs, 215. E-Book.

³⁹⁹ Garrett, 830.

⁴⁰⁰ Ibid.

⁴⁰¹ Ibid.

⁴⁰² Sefton, 201.

⁴⁰³ Ibid., 203.

⁴⁰⁴ Ibid.

general-in-chief W.T. Sherman and Attorney General Ebenezer R. Hoar on appropriate action following the results of his vetting.⁴⁰⁵ Contrary to the hope that the chief lawyer of the United States would provide the aid Terry sought, Hoar replied with the following in January 1870: “The questions are very difficult, and some of them hard admit of a solution that can be pronounced certainly correct. I can only say that I have not been able to conclude that any other course is more probably the right one than that which General Terry indicates as the tendency of his own opinion.”⁴⁰⁶ This message left Terry as the sole authority for determining Georgia’s future regarding Reconstruction as well his own decisions. Terry moved forward by selecting a three-member board consisting of Major General T. J. Haines, Major General Ruger, and Major Henry Goodfellow to determine the eligibility of the legislators.⁴⁰⁷ After investigating 30 members, the board declared on 25 January 1870 that three were ineligible as they had rendered aid to the Confederacy during the war, 16 were ineligible for refusing to take the oath, and 11 were eligible.⁴⁰⁸ The removal of these 19 members and the subsequent installation of their runner-ups provided the necessary numbers for the Radical Republicans to gain the majority.⁴⁰⁹ Following what became known as “Terry’s Purge,” Bullock and the Republican caucus

⁴⁰⁵ Ibid.

⁴⁰⁶ Ibid., 204.

⁴⁰⁷ Garrett, 831.

⁴⁰⁸ Sefton, 204.

⁴⁰⁹ Garrett, 832.

selected Republican legislators to Congress and ratified the Fifteenth Amendment by 2 February 1870.⁴¹⁰

Addressing the threat of the Klan and other subversive organizations, Terry expanded the number of U.S. Army posts from six to 22 throughout the state.⁴¹¹ In addition to increasing their locations, Terry received an additional 120 troops, bringing the total to 875 by the fall of 1870.⁴¹² Though more aggressive than Meade, Terry carefully handled his authority. With few exceptions, Terry directed detachments to first submit themselves to the local civil authority when aiding in law and order.⁴¹³

After fulfilling the tasks prescribed in the Georgia Bill, Congress allowed for Georgia's return to the Union with representation in July 1870.⁴¹⁴ In the subsequent Georgia elections held in December 1870, the Democrats won a controlling majority in the Assembly.⁴¹⁵ The U.S. Army reduced their presence in the state as Terry's expanded authority came to an end in early 1871.⁴¹⁶ By 1872, Democrats controlled the Assembly as well as the governor's mansion. Though no legislative action to bring this result emerged, Freedmen ceased to be voters. Whether through disillusionment or intimidation,

⁴¹⁰ Ibid.

⁴¹¹ Downs, 155. E-Book.

⁴¹² Sefton, 262.

⁴¹³ Kirkland, 244.

⁴¹⁴ Garrett, 832.

⁴¹⁵ Ibid., 870.

⁴¹⁶ Sefton, 207.

African-Americans no longer played a role in Georgian politics and continued this pattern for decades.⁴¹⁷ For Georgia, Reconstruction came to an undignified end.

⁴¹⁷ Garrett, 874.

CHAPTER 7

CONCLUSION

When viewed through the principles of legitimacy, restraint, and perseverance, Reconstruction was a military failure due to internal and external factors. With legitimacy, efforts were undermined by the inability of the executive and legislative branches of the U.S. Government to develop an agreed upon plan. As Johnson unilaterally set policy during the months after Ford's Theater, he and the behavior of Southern whites engendered hostility with the Radical Republican caucus within Congress and provided encouragement to Southern reactionaries. When Johnson continued this behavior from 1865 to the spring of 1867, he isolated himself politically and pushed the moderates of Congress toward the Radicals. Amid this struggle for power, the U.S. Army sat in the middle unable to effectively implement Congressional Reconstruction with its expanded objectives.

For the U.S. Army, the Constitution provides no clear guidance in the event the executive and legislative branches fundamentally and irreconcilably disagree over their use. This division between the branches of government and the time taken to implement a unified plan at the national strategic level took critical time from the U.S. Army, preventing any meaningful change from occurring.

The shift from presidential to congressional Reconstruction undermined any legitimacy fostered by the conclusion of the Civil War. Further, this transition created the conditions necessary to produce such violent, reactionary organizations as the Ku Klux Klan and the Knights of the White Camelia. Suffering in every respect were the Freedmen at the hands of conservative whites and the indecisive U.S. Government.

Independent of the external factors influencing the U.S. Army's legitimacy, it failed on its own merits, particularly in Georgia. The failure to properly coordinate its efforts with Freedmen's Bureau, for example, was a missed opportunity. Even when legally empowered, the agency lacked the appropriate resources and manpower to fulfill its mission. Though the post and district commanders across the South suffered from manning shortages, their inability to support the Freedmen's Bureau denied them the ability to protect the economic and political rights of Freedmen.

Another critical failure was Meade's conservative interpretation and refusal to delegate authority to officers of the U.S. Army to preserve the peace through proactive interference. Due to the disbandment of the Third Military District in July 1868, Meade consolidated all the available forces in Georgia to six posts in proximity to the cities and continued to hold the decision to interfere. Evidence of organized violence against Freedmen and Unionists in the areas lacking troops was available to Meade as early as March 1868. Meade also failed to recognize the lack of organized violence in areas where troops did operate. Despite having the information and authority available Meade took no action on calls for assistance as the Klan shaped the political landscape of Georgia. Awareness and subsequent action in response did not occur until Terry's arrival.

Further undermining legitimacy was the mismanaged use of restraint during Congressional Reconstruction. Unit commanders would exhaust their options with civil authorities before using military force. Though necessary in some respects, it provided opportunities for Southern whites to violate Reconstruction policy or the Klan to commit violence. Officers could not know whether their actions would receive support or criticism and waiting for the authority to interfere prevented a rapid response. Meade

provides this example by admonishing initiative and remanding interference to his authority. This violence, however, did not fall on the U.S. Army, but the Freedmen and the political change agents in Georgia such as George Ashburn. As reactionary organizations like the Klan or public ones like the Georgia General Assembly murdered or politically isolated these actors, the U.S. Army could not effectively turn over control to civil authority.

Contrary to Pope's relative lack of restraint and determination to fulfill Congress's wishes, Meade's individual and organizational restraint contributed to the failings of the Third Military District and later the Department of the South. By restraining subordinate initiative through his refusal to delegate authority, units sat in their encampments. With the U.S. Army generally confined to their camps and posts throughout the state, there was little to nothing to stop the spread of reform actors.

Because of the unstable legitimacy and inconsistent willingness to employ force, perseverance was absent. The U.S. Army could not possibly persevere in a meaningful way as the government it served refused to provide the means to commit to the protracted nature of Reconstruction. U.S. Army operations and decision making rested on an unstable foundation of a fractured strategic vision, and limited physical presence. Though Terry briefly expanded and empowered subordinates in Georgia to restore order and Reconstruction, it was inadequate for bringing about enduring results before the political will evaporated in Washington.

One can draw many lessons from Reconstruction. Beyond a significant, well-trained military force, such an endeavor requires the support of a unified government with a comprehensive and consistent strategic vision. Recognizing the scale and scope of

the mission leads to a proportional relationship to the required resources. Often the U.S. Government must temper its goals relative to the means it is willing to commit. The U.S. Army did well initially in Atlanta in pursuit of the limited goal of law and order restoration. This initial success security provided the necessary time for the city to restore its economy, infrastructure, and law and order.

What the U.S. Army could not do given the limited resources available to it was create conditions where the people of Atlanta would accept the enfranchisement or economic and social empowerment of the Freedmen. The U.S. Government undermined the effort for an aggressive Reconstruction when it reduced the size of the U.S. Army and limited its mission to supporting law and order. At this point in 1865, the legitimacy of the U.S. Government and Army was at its peak. From this position of advantage, it could have possibly secured the economic rights of Freedmen and set conditions for their political enfranchisement, had it received the necessary resources and authority. Instead, the U.S. Army executed a change of mission without the means and after ceding the initiative. Unable to influence, isolate, or mitigate this demographic, commanders could only provide superficial solutions without ever achieving the larger goals of Congressional Reconstruction.

Though other modern concepts and principles can be used to analyze the events of Reconstruction in Georgia, the problems of legitimacy, restraint, and perseverance are evident to this period. When considering the use of the U.S. Army in such an environment, one cannot overlook these principles as they provide a framework to appropriately train, focus, and direct operations. Failure to do so leads to the same results as in the city of Atlanta and the state of Georgia, partial or temporary initial success in

limited objectives mixed with general and long term defeat in achieving more aggressive objectives.

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