

OLD CAPITOL PRISON, 1861-1865

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John A. Strickland III

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INTRODUCTION

War, regardless of its context, must be painfully endured by all that it touches. Not only the contemporary, but also the future is affected. The Old Capitol, an innocuous building at the corner of First and A Streets in Washington, D. C., was to become in the minds of the people a prison to rival the reputation of the Bastille of France. From rather pompous beginnings as the meeting place for the infant Congress in 1815, to its rather inglorious end in 1867, this building was to be in the middle of the nation's history.

The very nature of the waging of war makes it inevitable that at some point a portion of the "enemy" will fall captive. The government of the federal union was forced at an early point in the Civil War to admit the obligation to provide for those persons taken captive in battle. In the orders of the Union army, any person carrying arms who came into custody, regardless of social and military standing, became a prisoner of war. As such, the prisoner was entitled to all the privileges and rights normally granted to prisoners of war by the customs of civilized nations. Another class of prisoners were civilians who participated in activities designed to disrupt the normal procedures of government. These persons, while due the same privileges as described above, also deserved the safeguards of their constitutional rights.

In the excitement and confusion attending the early days of the Civil War, neither side was prepared to handle prisoners. Men in high official positions, while watching the coming of war with increasing consternation, had dwelled on little except attempts at compromise. There were no prison systems, no commissary-generals, no prison clerks, no guards; indeed, there were no prisons. It was not until after the glamor and romance of war had begun to fade that Union authorities began to prepare for the confinement of prisoners.

Before the Federal congress could meet to pass such laws as would be necessary to administer a comprehensive system of prisons, the executive branch sought to provide such prisoners as fell into its hands with adequate shelter. By law and by the army's own regulations, the duty of caring for captives fell upon the quartermaster-general of the army, Gen. M. C. Meigs. He was to appoint a commissary-general whose duties were to keep account of the prisoners, to manage the business of exchange, and to care for those retained. It was also the duty of the commissary-general to assure that the prisoners received adequate supplies.¹

In July, 1861, with these requirements in mind, Gen. Meigs wrote to Secretary of War Simon Cameron, insisting that the appointment of a commissary-general of

¹William B. Hesseltine, Civil War Prisons; A Study in War Psychology (New York, 1930), 35.

prisoners was critical. Someone of established reputation and a thorough knowledge of military law and customs would be necessary. In October occurred the appointment of Lt. Col. William Hoffman of the 8th U. S. Infantry.²

One of the first actions by Hoffman's office was to begin the process of promulgating rules for the administration of those sites chosen for the housing of prisoners. The chief feature of such a set of rules was to provide for the safekeeping of the prisoners. On entering a prison, each soldier's name was enrolled and he was assigned to a particular place and mess. International law required that each prisoner be issued the same quality and quantity of food as that given to the enlisted soldiers of the holding army. Contracts were made with local dealers for the supply of rations at an average cost of ten to fifteen cents per prisoner per day. Prisoners were also allowed to purchase additional food, supplies and goods from licensed sutlers. Any monies sent to the prisoners could be used for the purchase of goods. Adequate shelter should exist for the confined prisoner. These requirements could, of course, be modified by agreements between the belligerents as to the

²U. S. War Department (comp.) War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies (Washington, 1880-1901), Ser. II, Vol. III, 8, 32, 48-49. Hereafter cited as O. R.; unless otherwise noted, all references will be to Ser. II.

specified kinds of food, clothing, and privileges.³

Since the rations, mostly meat, bread, and rice or hominy, were considered too "rich" for the sedentary life of the prisoner, a fraction was held out by the commissary. This fraction was sold with monies accrued going into a general fund for the benefit of the prisoners. The stoves and utensils, where provided, were purchased out of these funds. Tobacco, stamps and stationary were also purchased. A tax was levied against the sutlers and traders at the prisons. The money gained went into the general fund.⁴

In addition to food and supplies, the host government was also required to provide sufficient clothing. Prisoners were allowed to receive gifts from friends. Since this was expected to prove insufficient for such a large population, especially over any extended period of incarceration, Hoffman was permitted to issue defective clothing (considered unfit for the army in the field) to the prisoners. As of January, 1862, Hoffman was also authorized to issue army blankets.⁵

It was in this arena of emerging regulations, changing feelings and ambivalent plans that Old Capitol Prison was created. In the border states, Lincoln, cabinet

³Ibid., 32, 337, 344-45, 357-58, 604-05.

⁴Hesseltine, Civil War Prisons, 43.

⁵O. R., III, 762-63.

level secretaries and, in some cases, subordinate military officers had begun to order the arrests of civilians. Those citizens hostile to the preparations for war were considered particularly dangerous because of the explosive state of public opinion. While some of these prisoners were most undoubtedly guilty of active obstruction of the Union program, many others were incarcerated simply to prevent their innate disloyalty from expressing itself in deed. Seized without warrant and confined without benefit of trial in Old Capitol Prison, these persons could be of a less critical threat.⁶

Historian W. B. Hesseltine once pointed to the obligation on the part of the objective writer to separate carefully the "truth from propaganda, deliberate distortion from misunderstanding, malicious intent from tragic accident."⁷ The writer's task is further complicated by the large volume of extant written material. In the years immediately following the war, and for a period of over thirty years, dozens of so-called diaries of prisoners-of-war came into print. Of course, some of these were authentic accounts of real occurrences. Many of them, however, were simply plagiarized from other sources, while a like number were grossly fictionalized works. Some were

⁶Hesseltine, Civil War Prisons, 54.

⁷Ibid., 8.

even based upon falsely given testimony at the trial of Maj. Henry Wirz. Within the limitations of this vast amount of literature, this study will attempt to investigate the political and social impact of the system that created and sustained Old Capitol Prison.

CHAPTER I

A STATE OF SIEGE

Washington in the beginning months of 1861 was in a state of high turmoil. With rumors filling the air and the increasing sense of militarism spreading, the very existence of the Federal City was threatened. The geographical location of the city made its future even more precarious. A large group of city residents were in complete sympathy with secession. It was feared by the authorities that if Maryland were to secede, the seat of federal government would be lost.¹

The troubled winter of 1860-1861 had seen the spread of the ugly scar of division. Issues raised by the campaign and election of Lincoln divided people on a geographical basis. Other issues divided states, communities, churches and even families. For most, the choice of allegiance was dictated simply by virtue of location. Each person pledged his or her life, fortune and honor to the Confederacy or to the Union as various circumstances dictated. Ideological convictions were secondary.

In the geographical border area in which Washington lay, the questions were more difficult to answer. It was soon learned that sympathisers with secession who had held high office in the government had violated their trust, had

¹Margaret Leech, Reveille in Washington, 1860-1865 (New York, 1941), 4.

aided the Southern cause, and had weakened the military readiness of the Union. In the pulpits of the city's churches, ministers of all faiths poured condemnation on the heads of the traitors. Since Holy Scripture provided "text" of the sacredness of the American system, treason was not only a sin against one's country, but also a sin against God. The duty of obedience to government was hailed as a virtue. Conformity became the ideal. In the colleges, instructors who failed to meet the appropriate display of patriotism were removed from the faculty. Even private clubs sought to expunge those members who hinted at support of the Confederate cause in word or deed.²

The new year brought a quick flurry of military activity. Rumors of insurrection and invasion filled both newspapers and conversations. By the time of Lincoln's inauguration, some 1,025 troops had taken up residence in the capital. Seven Southern states had already seceded. The army was still scattered, far remote from the scene of danger. Congress itself had adjourned without making provisions for the dangers that everyone foresaw and feared. Lincoln was endowed with no greater power than had been his predecessors. Indeed, Secretary of State William H. Seward had sought to avoid any action that would have appeared

²Harold M. Hyman, Era of the Oath: Northern Loyalty Tests During the Civil War and Reconstruction (Philadelphia, 1954), viii.

to be belligerent to the Southern faction.³

The news of the firing on Ft. Sumter in April, 1861, and the subsequent call for troops destroyed the relative calm and sense of security which had followed Lincoln's arrival. An uneasy mood settled over the capital. In the aftermath, the rapid growth of war preparations increased the explosive restlessness of the city.

Washington was suddenly gripped by fear, a greater fear than had existed before. The city found itself without railway communications. Mail and newspapers from the north had been cut off. After the Baltimore riots, the telegraph, the last link with the outside world, had been cut. A terrific sense of isolation settled over the city. Families were sent away. Hotel guests fled. The entourage of political office-seekers left. A long, disorderly parade of refugees, travelling by every sort of conveyance, trailed out of the city. On April 17, after Governor John Letcher had informed the Federal government that the Virginia legislature had passed a secession ordinance, high-ranking officers in both the army and the navy resigned their positions and joined the evacuating throng.⁴

³Alexander H. Meneely, The War Department, 1861; A Study in Mobilization and Administration (New York, 1928), 85, 104.

⁴Leech, Reveille, 61; Constance M. Green, Washington: Village and Capital, 1800-1978 (Princeton, 1962), 240.

The capital took on the look of a deserted town. Shops were boarded shut. Offices and all places of entertainment were closed. The big hotels were silent. As provisions stopped coming in from Virginia and Maryland, an alarm of famine spread. Speculating grocers raised their prices astronomically. Quantities of food, ships and even warehouses were confiscated by the militia.⁵

A feeling that the city was under siege grew with plans for the defense of the capital. Brigadier Gen. Charles P. Stone, an inspector-general, had proposed three defensive zones: the Capitol, the City Hall hill with the Post Office and Patent Office, and Executive Square. General-in-Chief Winfield Scott felt that three centers were too many for adequate defense by the small force then in the city. Instead, the troops available were to be concentrated in the area of the Executive Square. The Treasury building was then prepared as a fortress.⁶

By July, every aspect of the city showed the expression of the raging panic of the administration. The capital would become one of the most fortified cities in the world. Sprawling in its marshy valley, the city covered too wide an area to defend easily. Every approach to the city, however, was guarded. Eventually, thirty-three impregnable fortifications would encircle the city. Redoubts would be

⁵Leech, Reveille, 63.

⁶Ibid., 65.

prepared at the end of the Long Bridge, the Chain Bridge and the Aqueduct. There were none in July.

Skilled detectives were called to the capital from far and near. Lincoln's suspension of the privilege of the writ of habeas corpus, the arrests of soldiers and citizens on the mere suspicion of disloyalty, and the increasing fears that malicious tale-telling could cause the arrest of anyone, all cast ominous shadows across the city. Anyone with Southern origins or family ties was 'subjected to surveillance. Many of these persons suffered investigation, invasion of privacy and ultimate arrest.⁷

Disloyal sentiments and criticism of either the cause of the Union or the administration were regarded with suspicion. Overt expressions of this sort were viewed as grounds for possible action by military authorities. Military arrests became regular occurrences in the federal district. Common citizens, city, state and federal officials, persons of varying classes and grades of social prestige were arrested and confined in Old Capitol Prison. Newspapers which printed disloyal editorials were suppressed and their editors imprisoned. Governmental scrutiny continued to expand. Repression was only beginning. This was indeed civil war.⁸

⁷Green, Washington, 246.

⁸Richard Ray Duncan, "The Social and Economic Impact of the Civil War on Maryland" (Ph. D. Dissertation, Ohio State University, 1963), 273.

CHAPTER II

THE OLD CAPITOL

At the corner of First and A Streets stood an old dilapidated dingy brick structure hardly worth notice by passersby in 1861. A German cobbler and his family had been the only persons inhabiting the building immediately before the outbreak of civil war. Regardless of its rather disdainful visage, much of the country's history had already taken place within its musty chambers. It was destined to witness much more of the nation's social, political and military history during the ensuing years of conflict.¹

At the outbreak of hostilities, the building was already known as "The Old Capitol." In 1800, the Tunnicliff Tavern was originally built on the lot. Owing to a series of bad management decisions and low investment yield, the tavern closed in the months just prior to the War of 1812. In August, 1814, British troops under the command of Gen. Robert Ross invaded Washington and burned the Capitol. Congress was thus left without a place for its meetings and the transaction of its public business.²

¹Jacob Mogelever, Death to Traitors: The Story of General LaFayette C. Baker, Lincoln's Forgotten Secret Service Chief (Garden City, 1960), 47.

²James J. Williamson, Prison Life in the Old Capitol and Reminiscences of the Civil War (West Orange, N. J., 1911), 20-21.

Thirty-eight public-spirited citizens came to the rescue of Congress by forming a public corporation which sold \$17,362 worth of stock for the complete renovation and reconstruction of the building. On July 4, 1815, the citizens of the capital thronged to a fanfare dedication of the cornerstone. Earnest construction was thereby begun. In the incredibly short period of six months, the building was complete. The private group of stockholders had provided the nation with a majestic shrine for the temporary repose of free government.³

For the times, the new three-story red brick building was considered quite impressive. Its massive structure resembled the simple colonial buildings of old Philadelphia. The Senate maintained a room of 45 by 15 feet on the first floor. The House of Representatives occupied a more spacious 75 by 45-foot chamber which took the central portion of the second floor. The government paid an annual rent of \$1,650 to the citizens corporation. Within sight of the fire-blackened remains of the Capitol, Congress met in its new home.⁴

Congress met in the new building until 1819. With the partial restoration of the Capitol, though, Congress

³James I. Robertson, Jr., "Old Capitol: Eminence to Infamy," Maryland Historical Magazine, LXV (1970), 394; Mogelever, Traitors, 118.

⁴Robertson, "Old Capitol," 394.

abandoned the building. After use as a school, the structure was sold to another group of private citizens who converted it to a boardinghouse. Old Capitol served a varied collection of congressional delegates and lobbying groups who were the protagonists of the various social and political contests of the first half of the century. In their desire for more room for such guests, the owners made a series of additions and alterations.⁵

After the death of Sen. John C. Calhoun in the summer of 1850, the boardinghouse was closed. The building was unoccupied for the next decade. By the eve of the Civil War Old Capitol had become a sprawling, dilapidated old structure which greatly disfigured the tree-shaded beauty of the Capitol's plaza. Little of its past glory and eminence remained. Its interior expressed the "decayed walls, broken partitions, and creaking floors and stairways" of its old age. It was viewed by contemporaries as a "vast brick building, somber, chilling, and repellent," resembling in its disrepair the "negro jails in Richmond."⁶

In July, 1861, the Union authorities decided to

⁵Mogelever, Traitors, 118.

⁶Robertson, "Old Capitol," 395; Leech, Reveille, 141; Louis A. Sigaud, Belle Boyd, Confederate Spy (Richmond, 1944), 74; Lucille Griffith, "Fredericksburg's Political Hostages," Virginia Magazine of History and Biography, LXXII (1964), 398; Mogelever, Traitors, 118.

confiscate the rundown structure and convert it into a makeshift prison. The building itself formed two sides of a square. To this was annexed a string of houses built by Duff Green. Enclosing the other two sides of the square was a twelve-foot-high wooden fence. No effort was wasted on the task of strengthening the old building. Wooden slats were nailed across windows. After a guard force was assigned to the prison for security, Old Capitol was ready for its duty as a prison.⁷

The main entrance to Old Capitol was an imposing door on the First Street side beneath a large arched window. Confronting the visitor once inside the door was a large hall or passageway. It evolved into an anteroom and lounge for the military guard. On the left was a dismal room which in the earlier days of the war served as a messhall for the guard. On the right were two rooms which were converted into offices. Into these rooms were taken newly arrived prisoners. There they were searched and questioned.⁸

The innermost office opened into a hall-like room for prisoners. It was about twenty feet square and contained a number of three-tiered bunks. From this hall, the

⁷Leech, Reveille, 141; Robertson, "Old Capitol," 395.

⁸Williamson, Prison Life, 22.

principal stairway ascended to the second floor. At the end of the first flight of stairs, in room Number 19, was located the private office of the prison superintendent. From this landing, stairs led up to the main floor of the building.

The second floor area was divided into five large rooms, numbered 14 to 18. In the center was the largest room, Number 16. Each room contained from 18-25 prisoners with rudely constructed bunks for less than half of that number arranged along the walls. Also in these rooms were "pine tables, chairs, benches, and other homemade apologies for seats." Rooms 14, 15, and 18 housed recalcitrant political prisoners taken in Virginia when they and their property fell within the Federal lines. Room 17 held Union officers who were incarcerated for allegedly committing crimes of a varying nature. In Number 16, by far the most widely known, influential Northerners, representatives of the bar, the press, the clergy, physicians, and merchants were held for a vast array of allegedly disloyal practices. The hall which stretched out in front of the rooms was continually guarded.⁹

⁹John A. Marshall, American Bastille: A History of the Illegal Arrests and Imprisonment of American Citizens during the Late Civil War (Philadelphia, 1870), 322-24; Robertson, "Old Capitol," 396; Williamson, Prison Life, 25, 42; Moglever, Traitors, 122.

Ascending a short flight of stairs from the second floor, the visitor could find room Number 13 on the third floor. This room was roughly eight by fourteen feet in size. A large platform extended across the end of the room at about the level of the bottom of the window. Two bunks, a small table and two chairs were the only normal furnishings. This room and four others of roughly equal size were used to hold prisoners in solitary confinement. Their smallness and low ceilings added to the discomfort of the inmates.¹⁰

In the basement were two rooms, one extending the entire width of the building. Confederate prisoners of war were confined there until December, 1862, when the two rooms were converted into laundries. The prison yard could be reached from this area. The yard itself was about 100 feet square. Half of the yard was paved with a combination of bricks and round stones. In warmer months, large Sibley tents were erected in the yard to house several hundred prisoners of war.¹¹

On the opposite side of the yard stood a two-story wooden building. The hospital and apothecary were located inside this building, the hospital on the second floor.

¹⁰Marshall, Bastille, 327; Robertson, "Old Capitol," 396; Mogelevér, Traitors, 125.

¹¹Marshall, Bastille, 328; Robertson, "Old Capitol," 396.

Next to the hospital was a sutler's shop where prisoners could purchase those products permitted by regulation: tobacco, cigars, matches, coffee, tea, sugar, cheese, writing supplies and pastries. Owing to extremely inflated prices, complaints were chronic that profits went to Federal officials and guards. Necessity, however, compelled the prisoners to submit to the "extortion". Prisoners with money or with friends on the outside were able to obtain comforts denied the less fortunate.¹²

Adjoining the sutler's shop was the prison mess room where those who could not afford to purchase their own food were forced to eat. It was a long, dark room with pine benches running its width and around its walls. At meal times, the food, generally consisting of half-boiled beans, musty rice, and pork or beef, was piled in heaping mounds. Prisoners could help themselves, although they had neither knife, fork nor spoon. Eating was accomplished by dipping the bread into the food and conveying it as best they could to the mouth.¹³

Opposite the building containing the mess hall, and extending to the gate, was a one-story stone structure.

¹²Robertson, "Old Capitol," 396; Marshall, Bastille, 328; Moglever, Traitors, 126; Williamson, Prison Life, 28-29.

¹³Marshall, Bastille, 330; Williamson, Prison Life, 27.

Here were located the cookhouse, washrooms, and the guard-house. Behind this building were sinks for use by prisoners. These sinks consisted of wide, partially open trenches. Long wooden rails extended the length of the sink permitting 18-20 men to use the sink at one time. The accumulation of human waste from several hundred people suffering the various ailments of the period most surely added to the illnesses and offensiveness associated with the prison.¹⁴

In front of the cookhouse, on the west side of the yard, was a wooden fence. This barricade separated the portion of the yard designed for the use of the guard. At the end of the fence were two additional sinks. Enclosed, these sinks were reserved for the use of prison officials and guards. A few prisoners were favored with passes to these sinks.¹⁵

The Federal government was careful with its appointment of persons responsible for guarding and administering Old Capitol Prison. A young major, William Doster, was commissioned as Provost-Marshal. The top administrative post of the prison itself went to William P. Wood. Clearly the most obnoxious administrator was the permanent officer of the guard, Lt. Joseph Miller of the

¹⁴Marshall, Bastille, 330.

¹⁵Ibid.

10th New Jersey Infantry. Somewhat less repulsive was the prison's medical officer, Dr. W. D. Stewart. These men appear to have used the prison as their own special weapon in the suppression of rebellion.¹⁶

Superintendent Wood was the one person at Old Capitol most often mentioned by those few prisoners who penned a record of their incarceration there. A veteran of the Mexican Wars, Wood possessed a conniving character, courage, raw strength, and a fraudulent piety that appealed to Secretary of State Seward and to Secretary of War Stanton. Wood's complexion was florid, his hair dark and flecked with gray. Because his eyes twinkled, some of his prisoners described him as a stout little Santa Claus. A native of Alexandria, Va., raised in a proslavery family, Wood was described as having a cultured mind, "once deep and penetrating," but appeared to "have brutalized himself by contact with those with whom he . . . associated." Dressed in a black coat, gray trousers and vest, and with a broad brimmed black hat, Wood commanded the prison compound with all his military fervor and patriotism for the Union.¹⁷

An official named Wilson served as the under-superintendent. Plain-dressed and a man of very few words,

¹⁶Mogelever, Traitors, 120; Williamson, Prison Life, 34; Robertson, "Old Capitol," 409.

¹⁷Curtis C. Davis (ed.), Belle Boyd in Camp and Prison (new York, 1968), 335-36; Mogelever, Traitors, 120.

Wilson was straightforward in his dealings with the prisoners. The security of the inmates was his direct responsibility. It was his duty to check the prisoners and to issue their mail. In the absence of Wood, he was in complete charge of the prison.¹⁸

In their dealings with the prisoners, Wood in particular worked at gaining their confidence. Convincing them that he was their friend and that other, higher authorities were actually responsible for their discomforts, Wood protected his charges from impertinent servants and insolent guards. He subjected all of their letters to a rigid inspection yet Wood attempted to pass their mail through to the South. All accounts of prison life in Old Capitol attest to Wood's good nature and kindness.¹⁹

Wood was not regarded, however, with any degree of affection by his charges. His staunch abolitionist views and unyielding loyalty to the administration did little to endear him. Suspicions of an in-house detective spy system and a belief that he accepted bribes and swindled the prison commissary caused a great deal of animosity toward Wood. His insistence upon playing the part of the non-conforming,

¹⁷Curtis Carroll Davis (ed.), Belle Boyd in Camp and Prison (New York, 1968), 335-36; Mogelever, Traitors, 120.

¹⁸Davis, Belle Boyd, 336.

¹⁹Leech, Reveille, 147.

non-believing infidel shocked the more pious prisoners. No one, however, expressed the extreme hatred toward Wood that could have been generated by the situation and the living conditions.²⁰

It was into this prison situation and into the control of this prison personnel that the government thrust several hundred persons. Each inmate had his own personal reaction to the social and political structure of Old Capitol. While the prison population represented a vast array of social and economic classes, the treatment of prisoners afforded no special status to any one group or sociological characteristic. Indeed, the uniform treatment of prisoners added to its perception as an American-style Bastille.

²⁰Ibid.

CHAPTER III

THE ARREST

During the first months of the war, prisoners of war poured into Old Capitol following each battle. Each prisoner was held in Washington or shuttled north into the prison network that developed until what was considered an adequate exchange agreement could be arranged. In the early days of the war, captured Confederates found their imprisonment to be only mildly uncomfortable. Little of the discomfort of overcrowding, disease, and short rations had developed. As the number of prisoners daily increased, the disorder added to government frustrations.

Old Capitol Prison had been intended to serve only prisoners of war. While Confederate soldiers continued to be the largest block of inmates, the prison eventually held a variety of prisoners: "male and female, black and white, young and old, soldier and civilian, millionaire and vagrant, the brilliant and retarded, the sadistic and the senile, as well as the guilty and the innocent." Indeed, Old Capitol soon became the chief holding tank for political offenders of every persuasion and crime. Suspected enemies of the state, smugglers, Negro contraband, and "military prisoners" (Union soldiers accused of major crimes) were incarcerated.¹

¹Robertson, "Old Capitol," 397.

Charges against the prisoners were mixed and varied: bushwhacking, carrying contraband goods to the South, spying, furnishing information to secessionists, deserting military units, refusing to take an oath of allegiance, burning bridges and barges. Disloyalty to the government and criticizing its program were also considered offenses justifying the arrest of citizen and soldier alike. Other persons were arrested on such hazy charges as being of a suspicious character or showing secessionist sentiments. The arrest and confinement of private citizens presented a significant problem to the authorities.²

A slow evolution of policy developed around the concept of arrest. In the early days of the war the writ of habeas corpus, an issue critical to the effective use of arrest in the suppression of political dissent, had been limited by various executive proclamations. This had first been accomplished with the decree of April 27, 1861, covering the "military lines" between Washington and Philadelphia. On May 10, 1861, a similar order was issued relative to the Florida coast. Further extension was made from Washington to New York on July 2, 1861, and then to Bangor, Maine, on October 14, 1861. Later orders were issued to encompass all of the loyal and border states.³

²Ibid., 398.

³O. R., Ser. I, LI, 337, 409, 497; Ser. II, II, 19; James G. Randall, Constitutional Problems Under Lincoln (Urbana, Ill., 1964), 149.

Various authorities involved made an agonizing effort to introduce and maintain some vestige of due process in the summary system. This was a critical concern and a real problem for the administration. A considerable amount of time and effort were devoted to developing a system that was fair and equitable while still effective in suppressing dissent.⁴

Federal officials became increasingly sensitive to public expressions of opposition to the accelerating policy of arrest. With the growing volume of complaints, Secretary of War Cameron ordered military officers in Maryland to use greater care in making arrests. Caution was suggested in assuring that arrests were for "good cause." Cameron even suggested that the military police should be Maryland citizens themselves.⁵

The growth of arrests forced Federal authorities to an ever increasing awareness of the limited facilities available for handling the volume of prisoners. General Nathaniel P. Banks suggested that the persons arrested should be divided into two distinct groups. One group would include those persons temporarily detained for the public safety; the other would contain those persons arrested for

⁴Lloyd Dean Sprague, "The Suppression of Dissent During the Civil War and World War I" (Syracuse University, Ph. D. Dissertation, 1959), 149.

⁵O. R., I, 586-87.

crimes committed under statute.⁶

As 1861 passed, the suppression of disloyal expression began to expand in all directions. The constant presence of the Federal army restricted free expression of opinions and sentiments. Trade limitations were placed on commercial enterprises. Newspapers that were considered to be disloyal, because of published editorials or the publisher's real or suspected sentiments, were placed on a proscribed list which denied them the use of the mails.⁷

During the first ten months of the war, however, no systematic procedure existed. No particular bureaucratic agency was specifically assigned the task of arresting suspected persons. National, state and local law enforcement officials joined with the army in making arrests. The lack of a concise, formal and accountable system forced these various levels of personnel to look to Washington for clarification of procedure. The word of the President, or that of any cabinet-level secretary whose constitutional authority originated in executive delegation, was enough to place any citizen in confinement. Indeed, the acts of military personnel and local provost marshals were viewed as executively sanctioned. The arrests of citizens continued to spread despite mounting opposition.

⁶Ibid.

⁷Duncan, "Maryland," 140-41.

The arrest procedures soon began to exhibit several bad features. Persons were incarcerated without charge. The relationship of the arrest to the alleged offense was sketchy at best. Conduct, written or spoken expression of dissent was arbitrarily defined by the government as subversive and disloyal. Persons arrested for these offenses were categorized as "political prisoners".⁹

The term "political prisoner" or "state prisoner" served to distinguish dissenters from the other two classes of prisoners held by the authorities in Old Capitol: U. S. prisoners and prisoners of war. The former were soldiers or others in the service of the government who were arrested by military authorities for allegedly committing military offenses as defined by military regulations and the Articles of War. Prisoners of war were those individuals who had been captured during battle in the service of the Confederate States of America.¹⁰

Political or state prisoners, on the other hand, were those individuals who were neither members of nor otherwise connected with the armies of either side. This

⁹Harold M. Hyman, To Try Men's Souls: Loyalty Tests in American History (Berkeley, 1960), Chapters 4, 6; James D. Richardson, A Compilation of the Messages and Papers of the President (Washington, 1897), VII, 3303-05.

¹⁰Catherine M. Tarrant, "A Writ of Liberty or a Covenant With Hell: Habeas Corpus in the War Congresses, 1861-1867" (Ph. D. Dissertaion, Rice University, 1972), 70.

category included individuals arrested as political or military threats. Of the 339 individuals arrested and confined in Old Capitol between September 24, 1862, and March 3, 1863, some 243 were assigned designated charges. Fully 135 were arrested for offenses clearly defined by statute. Another 19 were confined for spying (considered a military offense). In a broad miscellaneous category of offenses for which no statute existed, 89 persons were confined. This category included such offenses as "being held as a witness," "disloyalty," as a refugee from areas of fighting, and resisting or helping others to resist the draft.¹¹

The arrest and release of political prisoners operated in an arena of incredible leniency. The organization of the national judicial system and its law enforcement agencies were too incomplete for an adequate, prompt and vigorous execution of any particular law. National courts were required by statute to meet at fixed dates once or twice a year. If the judge was unavailable for a particular session, that session was postponed. In the case of a vacancy on the judicial bench, all pending business was carried over to the next term. Indeed, the

¹¹Tarrant, "Writ," 70, 380; Office of the Adjutant General, Turner-Baker Papers, "Prisoners of State, Old Capitol," Parts 1 and 4, Record Group 94, National Archives.

inability of the national courts to meet the pressing needs of the situation was so complete that John Hanna, United States Attorney for the State of Indiana, complained to Senator Henry Lane of the "pressing public necessity for a term of Court at an early day."¹²

National courts were also limited by the rules and procedures specified by the legislatures of the states in which they were convened. This aspect was less of a concern for the particular court than for the Attorney General at Washington. Authorized by statute in August, 1861, the Attorney General was charged with the supervision of the local district attorneys and U. S. marshals in the "manner of discharging their respective duties." Attorney General Edward Bates refused to interpret this statute as investing him with the impossible duty of supervising all "particular" prosecutions. He did not advise the attorneys in these so-called particular cases, but he did issue advice on general policy. Under his interpretation prosecutions were restrained. Prosecutions for treason were particularly avoided. It was left to local discretion to handle lesser offenses.¹³

Added to the decentralized structure of judicial

¹²Tarrant, "Writ," 70.

¹³Ibid., 71; U. S. Statutes at Large, I, 92-93; IV, 278; XII, 285.

process which obscured a uniform application of the law, the Lincoln administration was slow in deciding the actual procedures expected for the arrest of private citizens. It was usual for Bates to issue no opinion even in those cases where his opinion was solicited. When he did give an answer, it was most often an order for the local official to use his own discretion until the government decided its course of action.¹⁵

Since conditions varied greatly from one location to another, it is probable that the decentralized policy in effect during these months was practical. Jury prosecutions in most of the border states would likely have failed. Restraint in treason prosecutions was the result of both a desire to reduce popular suspicion and opposition and a realization that technical difficulties would cause a failure to convict in most cases. Lincoln's goal was to impress the people with the government's authority while avoiding any perception of oppression.¹⁶

By the end of 1862, the government had more or less developed a system for its arrest policy. Congress had provided the legislation necessary for the creation of a framework within which the army made arrests. Additional legislation from the third session of the 37th Congress

¹⁵Tarrant, "Writ," 72.

¹⁶Ibid., 73.

completed the range of statutory offenses. With the reassignment of enforcement into the structures of military execution, the suspension of the writ of habeas corpus no longer served as a viable political issue. Arrests were thenceforth separated from any question of personal political liberty. Criminal conduct became the issue.¹⁷

Within this framework, several rather clear characteristics emerged in the pattern of arrests of those who became Old Capitol's inmates. The farther away from the site of the fighting the greater was the likelihood that persons would be arrested with prior approval from Washington authorities. As arrests occurred in closer proximity to the fighting, less consideration was given to the merits of the individual case. Prior authorization for the arrest was less likely. Why two entirely disparate systems, one for handling cases close to the border and another for the interior states, emerged is unclear. Yet it is a fact that they were not the result of a rationalized central policy made in Washington.¹⁸

Two approaches, then, developed for the arrest and confinement of private citizens. In the interior states, Federal officers hesitated to act in a summary manner. They most often requested and received prior authorization from

¹⁷Ibid., 73.

¹⁸Sprague, "Suppression," 49.

the Secretary of War. Another approach had emerged simultaneously among the officers actually engaged in the fighting or operating near zones of combat. These officers tended to a greater acceptance of the concept of summary arrest on a decentralized basis.¹⁹

Little relationship appeared between the outward appearance of arrests and the actual method of operations. While the writ of habeas corpus had been suspended by July, 1861, from Washington to New York and had been extended to Bangor, Maine, by October, 1861, suspension was not extended away from "military lines" until November 11, 1861. By a presidential decree of that date, suspension was extended throughout the state of New York. No restriction to military lines was indicated or inferred.²⁰

It would appear that writ suspension had only affected those areas mentioned above. Arrests, however, occurred in upstate New York fully two months prior to the November proclamation. Suspension beyond New York did not transpire until October, 1861, yet Ellis Schnabel was arrested in Connecticut on August 29, 1861. Other arrests were occurring in areas never mentioned in any of the many proclamations issued concerning the writ. Indeed, on November 25, 1861, David C. Wattles, Isaiah Butler, and Guy

¹⁹Ibid., 52.

²⁰O. R., II, 109, 134.

S. Hopkins were arrested in North Branch, Michigan. These few examples indicate the lack of correlation between official proclamations and actual practice. Lincoln and his officials acted out of necessity and took formal action to clarify their position only after public sentiment was aroused.²¹

Official statements were intended more for public consumption than operational directives. While each succeeding proclamation expanded the limits of the area of suspension, actual practice had already suppressed the use of the writ in a far wider area. The multitude of arrests that occurred between September and December, 1861 -- months before the total suppression of the writ -- represented the peak in the arrests for political dissent in the interior. The emergency was alarming. The objective of the government was precaution. The chief purpose was temporary military detention of dangerous individuals, not trial before the courts. Of chief concern was the safety of the people and their government. A principal means to that end was the seizure of anyone who threatened the public safety and their confinement in Old Capitol.

²¹O. R., II, 620, 1246; Sprague, "Suppression," 56.

CHAPTER IV

PRISONERS

Besides the several hundred prisoners of war housed in Old Capitol, a like number of private citizens of both "loyal" and border states were arrested and taken into its chambers for voicing political opinions contrary to the interests of the administration. Noncombatant citizens of the seceded states whose homes fell within Union lines or in disputed territory were also subjected to arrest and detention in Old Capitol. Most of these private citizens were held on vague suspicions for extended periods without any formal charge. Some, without examination or trial, were released with no explanation. Still others were subjected to the mockery of an examination, only to be detained longer with no proof of any misbehavior concluded against them.

A victim of this nationalistic paranoia was one Joseph Kluger, a fifty-seven-year-old farmer from New York. At the beginning of the war, Kluger came under observation. His political opponents, knowing him to be a firm and devoted Democrat, often drew him into conversation. It was their intent to cause him to utter such sentiment as necessary to cause his arrest. On August 16, 1862, he was duly arrested at his home in Frenchtown, N. J., and lodged in the jail at Mount Holly. There he remained for six days while his jailers awaited further instructions. Finally, by

the order of Secretary of War, Edwin M. Stanton, Kluger was transferred to Washington and placed in Old Capitol. The only grievance held against him was that he had publicly stated that "Lincoln had no right to call out 75,000 troops without first convening Congress, and [that] if the South had her just dues there never would have been a rebellion." On the request of ex-Governor Peter D. Vroom, Col. Murphy, of the 10th New Jersey, and others, Kluger was released from Old Capitol after only eight days confinement.¹

Twenty-two prominent citizens of the city of Alexandria, Va., were arrested. Transported under heavy guard, each was taken by boat to Washington and Old Capitol. Private citizens of Alexandria knew nothing of the reasons for the arrests. The only common thread that linked the group of gentlemen was their formation of an association for the relief of the city's poor. After a month-long stay at Old Capitol, they were released and sent home. Each reported that they had all been held for "furnishing aid to the insurgents by contributions to support the families of those absent in the rebel army."²

Old Capitol served as host to a vast variety of

¹Marshall, Bastille, 127-28; Robertson, "Old Capitol," 399.

²James G. Barber, "Alexandria in the Civil War, 1861-1865" (M. A. Thesis, Virginia Polytechnic Institute and State University, 1977), 58; O.R., II, 227.

unique prisoners. Indeed, two prisoners were kept in solitary confinement during most of their stay. Each was completely insane (at least by the standards of nineteenth century America). Mrs. L. A. McCarty of Philadelphia had originally been confined under the name of John Barton. Washington had witnessed a long procession of transvestites, originally perceived as smooth-faced, slender lads joining the forces of patriotism. Most, upon detection of their true sex, were simply dressed accordingly and sent home. Mrs. McCarty, however, was suspected of being a spy. Opium, morphine, quinine and a revolver were found in her trunk.

John W. Smith, called the "Wandering Jew" by his companions, was a roving and homeless eccentric of over sixty-five years of age. An inventive individual, he was blind in one eye. He was placed in Old Capitol's chambers in August, 1862, for having developed the basics of a timebomb that would disable a train's engine while in motion with no injury or damage to the railroad cars or tracks.³

Mrs. Catherine Baxley, a Confederate sympathizer, was also sent into the Old Capitol. Mrs. Baxley was remembered by fellow inmates and guards for the bitter invectives she hurled in their faces at every opportunity. She was even said to have physically attacked her guards

³Robertson, "Old Capitol," 400; Marshall, Bastille, 242-43; Leech, Reveille, 151.

when they had the misfortune of coming too close. She was involved in several fights while a prisoner.

Louisa P. Buckner was briefly detained on charges of attempting to smuggle quinine to the Confederacy. She was the niece of Lincoln's Postmaster General, Montgomery Blair. Her relationship to the Postmaster did little to help her escape the clutches of the prison. That relationship was, however, a source of both political and personal embarrassment to the Postmaster himself.⁴

In August, 1862, Israel Blanchard, a lawyer then practicing in Murphysboro, the county seat of Jackson County, Ill., was confronted by five soldiers while riding through Carbondale, Ill. He was arrested and remanded to Gen. Benjamin Prentiss. Four days passed while witnesses were gathered for an examination before Prentiss. Blanchard was told that he was charged with having "spoken disrespectfully of President Lincoln, discouraged enlistments, and attempted to raise a company to burn Big Muddy Bridge." No tangible evidence was found, and Blanchard was allowed to go free. In July, 1863, he was again arrested on similarly vague grounds and sent to Old Capitol. There he remained for six weeks until he was discharged with no formal charges to explain why he was imprisoned.⁵

⁴Robertson, "Old Capitol," 400.

⁵Marshall, Bastille, 174-79.

Dr. A. B. Hewitt was a practicing physician at Chatham, Ill. Early in August, 1862, he was "kidnapped" from his home and taken to Washington. Since Old Capitol was then overflowing with prisoners, Dr. Hewitt was temporarily placed in the hospital. By August 26, enough room had been procured for him to move into room Number 13. The lame Dr. Hewitt spent the hours of captivity carving rings out of peach-stones. When the supply of peach-stones was exhausted, he dwelled upon the wrongs and cruelties to which he was subjected. He was finally released in November, 1862, without a trial and without a formal charge preferred.⁶

Andrew Duncan Duff had risen to a position of distinction in the state of Illinois. Both by election and appointment he had held several offices of honor and trust. In 1861, he was elected Judge of the Twenty-sixth Judicial Circuit of Illinois for a term of six years. That same year found him elected to the constitutional convention of the state, where he took a prominent part as the Chairman of the Committee on the Judiciary. On August 15, 1862, two federal detectives took Judge Duff into custody along with Judge John H. Mulkey, of Cairo, Hon. William J. Allen, a member of Congress from the Ninth District, John A. Clemenson, State's Attorney for the Twenty-sixth Judicial Circuit, and several

⁶Ibid., 266-67.

other prominent gentlemen of that section of the state.

The arresting officer presented neither writ nor warrant for the arrests, nor any sworn affidavits of any charges to be brought against any of the party. Judge Duff was told that he was arrested on information contained in a letter, received from Frankfort, relating to a speech he had made there on July 21. Duff allegedly claimed that he had uncovered "frauds perpetrated upon the Government, and that such exposition tended to discourage enlistments." The only affidavits of Duff's speeches were procured from four or five of his avowed political enemies. These bits of testimony consisted of garbled and out-of-context statements extracted from different speeches Duff had made from September, 1861, to July, 1862. The same sentiments could be found in any Democratic speech of that period.

On September 3, 1862, Duff was in a group of prisoners committed to Old Capitol. At first he was forced to live with criminal prisoners, deserters, drunken soldiers, and those awaiting court-martial. At meal time, unable to bear the stench, Duff would grab a piece of bread and rush out into the open air to eat it. Superintendent Wood soon allowed him to associate with other gentlemen of his class in the formation of a mess. Duff was held at Old Capitol until November 11, 1862, when he was discharged without a trial. Before his release he was required to subscribe and swear to an affidavit that no prosecution

would be sought against those who had caused his arrest.⁷

P. S. Reader, a gentleman farmer of Macoupin County, Ill., had by his own industry and thrift accumulated considerable property. While he condemned as harmful to the interests of the country and its people both the doctrines advocated by the Republicans and the secessionists, Reader gave himself to the Union cause when the war began. He began the task of assisting in the raising of volunteers for its defense. His assistance with a group of Home Guards, formed at Chesterfield in 1862, coupled with his opposition to the conscription of young boys, were construed by his enemies as open discouragement of the Union program. It was even suggested that he planned to take the Home Guard to fight for the Confederacy.

On August 12, 1862, before sunrise, he was called from his home on the pretence of meeting a young captain who had asked his assistance with recruiting. Surrounded by a group of armed men, Reader was arrested by the United States Deputy Marshal who presented neither warrant nor any other form of legal authority for the arrest. Reader was held at Camp Butler, near Springfield, for two weeks. He was then transferred to Old Capitol, where he was refused any communication with family or friends including the receiving and sending of letters. Reader was finally released eight

⁷Ibid., 293-302.

weeks later, not completely understanding why he had been arrested in the first place.⁸

Dr. Samuel H. Bundy, a native of Tennessee, practiced medicine in Williamson County, Ill., and held a prominent position in the political and educational affairs of the state. In the campaigns of 1860, he had spoken strongly against the election of a sectional candidate. The next year he called for moderation and the adoption of compromise measures. On August 17, 1862, returning from the funeral of his infant son, Bundy was arrested by Provost Marshal Lewis Merrill of Cairo, Ill. Authorities informed Bundy and his fellow prisoners that they were going to Springfield for trial. At Centralia, however, other prisoners added to their number informed them that orders from the War Department destined them for Washington; and on September 5, the Illinois citizen-prisoners were safely ensconced in Old Capitol.

On the last day of September, Bundy was called before a judge advocate for "trial." Asserting that he was not prepared to stand trial since he was denied counsel and had no access to witnesses, Bundy was told that "all would come out right." After asking him several insignificant questions, the judge advocate told Bundy that he had examined all the evidence against him and considered it

⁸Ibid., 317-20.

insufficient to justify his confinement. Bundy was thereupon released after swearing an oath of allegiance and signing a release from prosecution for those who had arrested him.⁹

On August 15, 1862, by the order of the Secretary of War, John Apple of Philadelphia was arrested. Inquiring as to his offense, he was informed that he had been discouraging enlistments. He was taken to Washington that same night. At his arrival at Old Capitol, Apple suggested to Superintendent Wood that there were no charges against him. Wood allegedly replied that the authorities would find some charge for him. The inference was that if no actual offense could be found, some charge would be appropriately fabricated.¹⁰

Dennis A. Mahony, the editor of the Dubuque Herald, was another civilian arrested. At 4 a. m. on August 14, 1862, he was taken from his home to Davenport, Iowa. Mahony expected an interview with Gov. Samuel Kirkwood, a close personal friend who had earlier declared that no citizen would be taken from Iowa without a trial. Mahony hoped that an interview with the governor would guarantee his release. Once he was at Davenport, he received a reply from Kirkwood that was cold and insolent, couched in insulting language

⁹Ibid., 385-99.

¹⁰Ibid., 400-02.

and charging Mahony with disloyalty. Kirkwood refused an interview.

Soon joining Mahony in his tribulations was a fellow editor, David Sheward of the Fairfield, Iowa, Constitution and Union. On August 21, 1862, both gentlemen were placed in room Number 13 in Old Capitol, along with Dr. J. C. Stanley of Chicago. Mahony enlisted the aid of Judge Charles Mason of Iowa and soon learned that the Secretary of War denied any knowledge of charges against him. Assistant Secretary Peter H. Watson declined to allow Mason to examine the records of the Provost Marshal's office. Indeed, Mason was told to let Mahoney prove himself innocent (an exceptional turn about of the American sense of justice). Mahony remained in Old Capitol for ten months before his case was "settled."

On November 10, 1862, Wood presented a paper to Mahony, Sheward and others. They were told that they could not leave the prison until it was signed. On closer inspection, the writ required that each prisoner make an oath of allegiance to the government and to swear that no prosecution would be brought against the federal or state officials involved in their arrest. First impulse called for refusing to sign the oath, since signing could be construed as an admission of guilt. Consideration of the alternatives, however, soon induced Mahony to sign. On November 11, 1862, Mahony was taken before the judge

advocate who gave no reason for his imprisonment or for the examination, but simply asked if Mahony had ever been affiliated with the Knights of the Golden Circle. On answering in the negative and swearing to the required oath, Mahony was released.¹¹

On September 1, 1862, James M. Williams of Jefferson County, Ill., was arrested by a squad of thirteen soldiers. Captain Davis, who commanded the squad, offered as authority for the arrest "orders" from a deputy provost marshal. No written authorization for the arrest was presented. Williams was taken to Tamaroa and then to Old Capitol. Imprisoned for two months, he was finally released on taking the oath of allegiance and placing himself under bonds. No charges were ever levied nor any trial afforded him.¹²

On October 15, 1862, occurred the arrest of George W. Wilson, editor of the Marlboro Gazette of Upper Marlboro, Md. Wilson was arrested for the publication of an article critical of the unjust apportionment of the population of Maryland in consideration of the draft. That apportionment had included slaves and freedmen as part of the state militia. Wilson saw this as clearly contrary to the Bill of Rights, the Constitution and the acts of the state legisla-

¹¹Ibid., 403-16.

¹²Ibid., 449-50.

ture. The arresting officer, a Capt. Bullock, read and re-read the editorials published and inferred an interference with the draft. Wilson was transported to Old Capitol. Through the intercession of Charles Calvert, the congressional representative for Upper Marlboro, Wilson was released six days later.¹³

Thomas W. Berry, a resident of Washington, was arrested while visiting his brother in Prince George County, Md. On March 25, 1862, a Federal marshal arrested Berry and informed him that he would be hanged as a spy since it was known that he was a guerilla captain in the Confederate army. Berry was suspected of having purchased and shipped large quantities of medical supplies to southern authorities. However, on April 12, 1862, having spent only three weeks in Old Capitol, Berry was discharged.¹⁴

At Harrisburg, Pa., Ormond Barrett and Thomas C. MacDowell, editors of the Patriot and Union, a weekly Democratic newspaper, were arrested along with two of their assistant editors. The group was taken to Old Capitol to be tried for publishing a certain handbill discouraging enlistments. Their presses, type, fixtures, and other printing property were confiscated and turned over to the U. S. Quartermaster at Harrisburg, who forwarded it to

¹³Ibid., 463-64.

¹⁴Ibid., 482-86.

Washington as evidence. The prisoners were installed in room Number 10. On August 23, 1862, they were released after an examination by an adjutant-general and Gen. James S. Wadsworth. At the examination no specific charges and no accusers were produced.¹⁵

On August 22, 1862, provost marshals took into custody Walter S. Hawkes, a surveyor and civil engineer of Tamaroa, Ill. Five other civilians were arrested with Hawkes. No authority or charges were offered in explanation of the arrests. The prisoners were simply taken to Old Capitol. Walter Hawkes spent six weeks before being released without trial.¹⁶

Special attention should be paid to Old Capitol's most celebrated prisoners, Mrs. Rose O'Neal Greenhow and Miss Belle Boyd. It was not uncommon for Old Capitol to have female prisoners. It was also not uncommon for small children to be kept in prison with their mothers. Indeed, several women with their children were imprisoned for simply refusing to take the oath of allegiance. Others were held for passing by the prison and acknowledging those within. What made Mrs. Greenhow and Miss Boyd special were their charismatic charm and their unwielding dedication to the Confederate cause.¹⁷

¹⁵Ibid., 501-03.

¹⁶Ibid., 538-39.

¹⁷Robertson, "Old Capitol," 400.

Rose Greenhow was the widow of an influential Washingtonian. Together they had moved in the elite and intimate social circles of James Buchanan, John C. Calhoun and other political giants of the mid-century. Congressmen, high-ranking army officers, and government officers of every branch were frequent guests at her home. These gentlemen quickly and unwittingly fell into the intellectual clutches of this beguiling woman. Each provided important and reliable information about troop movements, supply routes, and government action. These bits and pieces of information were skillfully put together by Mrs. Greenhow, who forwarded them to Confederate authorities in Virginia. Her reports were very instrumental in the Confederate triumph at the July, 1861, battle of First Manassas.¹⁸

Federal secret service agent Allen Pinkerton was then assigned to follow Mrs. Greenhow. On August 23, 1861, two men arrested Mrs. Greenhow as she was returning home from a walk. One of the men, calling himself "Major Allen" (in reality he was Allen Pinkerton), announced that she was being arrested on the verbal authority of the War and State Departments. Federal marshals subjected Mrs. Greenhow's home to an indiscriminate search for military intelligence and any other incriminating evidence. The house on Sixteenth Street was then confiscated by the government and

¹⁸Ibid., 401.

declared a prison for women. Mrs. Greenhow was placed under house arrest and, for five months, subject to the indignities of having her home filled with all classes of female prisoners.¹⁹

On January 18, 1862, authorities transferred Mrs. Greenhow and her fellow inmates to Old Capitol. The female prisoners in her home were installed on the second floor in the northeast end of the jail. Mrs. Greenhow's view was limited to the prison yard, a limitation she perceived as purposely designed to exclude the chance of her seeing a friend and signaling some intelligence report. It seems that even in prison the charms of this fair lady were feared. Indeed, on the second day of her imprisonment, a carpenter nailed wooden bars across her window which blocked out what little light she had. Her room, from which she was allowed no exit except for the necessary functions of the body, was about ten by twelve feet and furnished in the rudest manner. For seven months Mrs. Greenhow and her daughter "Little Rose" were centers of attention for guards and prisoners alike. At the end of her stay, Rose O'Neal Greenhow was banished from Union territory.²⁰

¹⁹Rose O'Neal Greenhow, My Imprisonment and the First Year of Abolition Rule at Washington (London, 1863), 52-57.

²⁰Ibid., 202, 207, 214; Robertson, "Old Capitol," 401.

Belle Boyd, the "Siren of the Shenandoah," the nineteen-year-old daughter of a Confederate officer from Martinsburg, Va., was brought to Old Capitol in late July, 1862. Like Rose Greenhow, Miss Boyd was both defiant and dramatic. She was, however, blessed with the strength and youth denied Mrs. Greenhow. She played her role of Southern heroine with great zest. After her arrival, she quickly became the darling of Old Capitol by captivating the guards and fellow prisoners with her smiles and girlish ways. Her vivacious personality exhibited an air of joyous recklessness that were both refreshing and inspiring to those around her.²¹

While her first stay in Old Capitol lasted only three months, Miss Boyd was lavishly showered with food, attention and affection. Once freed, Belle Boyd promptly resumed sending espionage reports to Southern authorities. In July, 1863, after the battle of Gettysburg, Miss Boyd returned to Old Capitol. Her second stay lasted seven months, after which she was exchanged for Gen. Nathan Goff and banished from the North.²²

Such was the class of persons who made up the bulk of Old Capitol's inmates. Prisoners were mostly civilians, except where soldiers, both Union and Confederate, were

²¹Leech, Reveille, 156.

²²Robertson, "Old Capitol," 402.

brought in and kept until they could be sent elsewhere or exchanged. Contraband slaves and paroled prisoners en route southward made up a sizable population.

Arbitrary arrests and imprisonments filled Old Capitol with victims of political animosity, spies, Union soldiers accused of serious crimes, and captured Confederate soldiers. In the social circles of the North, the word of the informer was law. Citizens were arrested and imprisoned without warrant. Judges were taken from their benches; ministers and priests were arrested while performing the sacraments of their churches. Women, subjected to insult and outrage, were locked in the same prison with contraband slaves, drunk and disorderly soldiers, and common criminals. Physicians were taken from their patients; lawyers were imprisoned with their clients. Post offices were ransacked and their clerks jailed. Newspapers were seized, their equipment confiscated and their editors imprisoned. Civilian inmates were rarely told of the charges against them. They were arrested, exiled from their homes, held for lengthy periods, subjected to indignities and great discomfort and, finally, usually sent home with little or no explanation. Civil law seemed powerless to defend them. Military law ruled supreme.

²³Marshall, Bastille, 239.

CHAPTER V

LIFE ON THE INSIDE

When the first confusion of their arrival at Old Capitol had subsided, prisoners -- both military and civilian -- turned their attention to the details of living in a wartime prison. Concerns of newly arrived prisoners included obtaining satisfactory meals, making living quarters habitable, and finding some means of occupying their minds in the idle days ahead. Discomfort, privation, homesickness, disappointments at the ebb and flow of military ventures and the chafing that was incident to close confinement affected each prisoner regardless of military rank or social station. The manner in which each prisoner resolved these difficulties, the assistance received from the community, from friends or from relatives, and each prisoner's individual reaction to the confinement are integral to Old Capitol's story.

Procedures followed by the personnel at Old Capitol were simple. Officials and guards were to extend all the kindnesses of a civilized nation to the inmates. Adequate records were to be kept on each prisoner. Those jailed could provide themselves with such comforts as they required, if they had the monetary means at hand. Articles of food, clothing, and small amounts of money (not exceeding \$20 at a time) could be received under proper inspections.

Newspapers and letters were subject to censorship. Visits existed under special permission and were necessarily supervised by an officer of the guard. Released prisoners were to be examined to prevent secret messages from being smuggled outside.¹

A prisoner's first sight of the interior of the prison was the large anteroom previously described. Details of soldiers would be seen lounging about, each with a rifle threateningly fitted with a bayonet. Each prisoner was ushered past these soldiers into a small office on the right. There a clerk registered their name, age, military rank and unit (where applicable), their state of residence, profession, etc. It was in this room that most of the prisoners met Superintendent Wood, a powerfully built man of middle height, with brown hair, a fair complexion and blue eyes. The prisoner was then led by a member of the guard past the sentries posted on each floor and stair landing to the chamber in which they would spend their days at Old Capitol.²

On entering the cell-room the prisoner first noticed that the furnishings were both sparse and crude. Three-tiered bunks lined the walls. Bedding consisted of

¹O. R., II, 110.

²Mogelever, Traitors, 121; Davis, Belle Boyd, 191-92, 324.

straw-stuffed sacks thrown atop boards "cut to the measurement of midgets." Lice and spiders generally infested the bedding. Mice scampered throughout the prison. The strong odor of human excrement permeated the whole compound. A coal stove provided warmth but added to the unsavory odor.³

The living conditions of the individual prisoner frequently depended on his social and financial situation. This was most particularly true in terms of both the quantity and the quality of food. Those with the wherewithal to purchase their own rations fared well, while their less affluent companions received army issues. The usual practice was for several individuals to group together into a mess, pool their funds, and purchase food for themselves. Each member of the mess would then take turns with the daily chores of cooking and cleaning.

The only opportunity to purchase food from the sutler was during the recreation period. With an eager crowd of potential customers pressing against the sutler's shop, it was difficult for everyone to make purchases in the half hour allotted for exercise. Under these circumstances, prisoners would obtain the assistance of a Cpl. Brown (reported to be Superintendent Wood's nephew), who would

³Robertson, "Old Capitol," 403; Leech, Réveille, 142.

procure such edibles as possible. Each member of the mess would then pay weekly for his portion of the week's provisions. Prisoners were also able to hire Negroes, who had unrestricted access to the prison yard, to cook their meals.⁴

For those who were unable to purchase and cook their own meals, the general prison fare "looked as though served at second hand. The odor which assailed the nostrils seemed as if coming from an ancient garbage heap." Indeed, Judge Andrew D. Duff of Illinois called the mess hall a "hog-pen" which served "half-putrid meat." Dennis A. Mahony also condemned the meat served as "mule beef . . . which we seldom eat." Prison fare was universally criticized as food of poor quality made worse by being poorly kept and badly cooked. Indeed, Rose O'Neal Greenhow condemned a chicken dinner as "fowl which must have been the cock that crowed twice to wake Peter."⁵

Furnishings, like rations, were determined by military status for prisoners of war and by the wealth and social status of political prisoners. Prisoners complained about the lack of basic necessities, the overcrowding and

⁴Marshall, Bastille, 329, 333, 395.

⁵Ibid., 29-33, 293-301; Williamson, Prison Life, 26; Dennis A. Mahony, The Prisoner of State (New York, 1863), 230-31, 361; Robertson, "Old Capitol," 404; Ishbel Ross, Rebel Rose: Life of Rose O'Neal Greenhow, Confederate Spy (New York, 1954), 228.

the restriction of movement. Some inmates improved conditions by purchasing furniture for their apartments. Yet these new items did little to alleviate the gloom, filth, lice, bedbugs, and spiders which constantly inhabited the cells.⁶

Life in Old Capitol quickly degenerated to boredom and the personal uncertainty of captivity. The dullness of the daily routine began at dawn with the doors of the apartments thrown open and the prisoners called to breakfast. At about 9 a. m., the prisoners could report to "sick call." All who had need of medicine or treatment were escorted under armed guard to the hospital, located in a two-story wooden extension of the main building. The next interruption of the prison monotony was dinner call.⁷

During the half-hour allotted for dinner, a prisoner could exercise in the yard. The prison yard was an area of about 100 feet square, partially paved with bricks and cobblestones. If weather permitted, prisoners would use this time to challenge one another in exhibitions of strength and agility. Some sought to exercise their limbs, weary of long hours of confinement, by repeatedly walking around the yard. This recreation period would abruptly end when a sergeant of the guard called out: "Time is up!"

⁶Leech, Reveille, 141.

⁷Williamson, Prison Life, 54-55.

Repair to your rooms!"⁸

Prisoners on returning to their rooms, passed hours in dull existence until supper. At supper they were again allowed to wander in the yard. Occassionally the yard was too crowded for any real enjoyment. Indeed, during the warmer months, Sibley tents would be set up in the yard to handle the overflow of inmates.

On returning to their respective rooms after the supper period, prisoners answered roll call. The inmates lined up on one side of the room. As their name was called out, each prisoner answered and walked across the room.

"Taps" consisted of a guard calling at each door. As he moved through the hall, the sentry would call "Lights out!" to each room's inmates. Each prisoner would repair to his respective sleeping spot where he would sit or lie in the dark until sleep claimed him.⁹

In the dull uniformity of prison life, men pounced on every trifling event which could divert attention from the unpleasant reality of the situation. Each prisoner sought ways to occupy himself. Some merely sat dejectedly in their cells, cursing their predicament. Confederate prisoners of war dreamed of exchange or of transfer to a

⁸Ibid., 54-56; Marshall, Bastille, 329.

⁹Williamson, Prison Life, 54-56.

supposedly better prison compound. Civilian prisoners prayed for arraignment on charges or their ultimate release. However, the prospect of a long term of confinement, eventually caused the prisoners to devise means of passing their time.¹⁰

Deprivation of liberty rested heavily on soldiers and citizens who were accustomed to a life without any restrictions. Their nerves were constantly on edge. As incessant rumors of release and exchange varied from hopeful to hopeless, prisoners passed from periods of excitement to deep depression. To overcome the effects of their confinement, each prisoner sought individual ways to occupy his mind and body. Those inmates without friends or relatives to supply them with money began to manufacture rings, breast pins and sundry trinkets from bones and peach-stones. Card playing was a chief diversion.¹¹

Other recreational outlets were singing, collecting autographs, playing practical jokes, dominoes, and checkers. Reading also provided a chief means of escape from reality. Newspapers were sometimes available. Books were forwarded by friends and relatives or purchased from the sutler. Reading material circulated until it became dog-eared. Week

¹⁰Robertson, "Old Capitol," 409; Hesseltine, CWP, 59.

¹¹Hesseltine, CWP, 50-51; Marshall, Bastille, 353; Williamson, Prison Life, 48, 69.

after week, except on Sundays, the interminable games continued from early in the morning until lights out in the evening.¹²

Singing was a very popular pasttime with prisoners. Untrained and uncultivated voices sang "Maryland, My Maryland," "Dixie," and "The Bonnie Blue Flag." The sentiments thus expressed inspired the listening inmates to a perseverance in their conditions. After a Young Men's Christian Association was organized, religious songs provided hours of singing pleasure. Some of Old Capitol's inmates composed new lyrics for old melodies. At least one song was "a picture of our prison life . . . a faithful expression of the sentiments" held by the inmates. However, an order soon came prohibiting the singing of Confederate songs.¹³

Such orders were common place in Old Capitol. No printed permanent rules and regulations existed to provide guidance to the prisoners. No official instructions were issued to instruct the inmates in how to act or to whom to report their needs. Some rules that did exist were constructed as reactions to particular instances rather than as precautionary procedures. Knowledge of these rules was

¹²Marshall, Bastille, 361.

¹³Williamson, Prison Life, 48-50; Davis, Belle Boyd, 334.

passed to the new prisoner through conversations with older prisoners, or from actual observation of infractions of the rules and the subsequent punishment inflicted upon the unsuspecting violator.¹⁴

Days followed one another with little disruption. Often enough, however, the cry of "Fresh Fish!" would be raised throughout the prison. As if responding to some prearranged signal, all would rush to the few windows accessible, or to the hall, to watch the arrival of the latest "victim of Lincoln's doctrine of necessity." Once the newcomer was placed in one of the apartments (cells), the residents would crowd around to find out who he was, whether he was captured in some military engagement or simply arrested, the charges levied against him, etc. If the newcomer happened to be a prisoner of war, more credibility would be given to any information he might have about the results of battles, troop movements, and exchange talks. A significant cross-examination of the new prisoner would often continue deep into the night. Inmates had a great hunger and need for evidence that the outside world was still there.¹⁵

¹⁴Williamson, Prison Life, 54.

¹⁵Davis, Belle Boyd, 324; Marshall, Bastille, 346, 353; Williamson, Prison Life, 46.

Another cry that would often be heard throughout the prison would also cause a great excitement. "A sympathizer" would signal to all within that one of the "many ladies of Washington, whose noble hearts, touched with sympathy at their suffering" was passing by outside the prison walls. With great excitement, prisoners would press forward to acknowledge a friendly greeting. Scarcely a day passed that did not involve one of these salutes. Often, however, the scene would be clouded by the arrest of the passerby. The act of saluting or otherwise recognizing an Old Capitol inmate was a flagrant violation of the prison's rules, and passersby of the highest respectability were arrested and subjected to hours of questioning inside the prison's office.¹⁶

Mail call highlighted any day's routine. Once a day, Supt. Wood or Lt. Miller came to the rooms to collect the letters written by the prisoners and to deliver any mail. Prisoners considered each letter a valuable treasure. They spent several hours reading and re-reading those few letters which got through to them. The men also devoted countless hours in composing letters to loved ones within the limitations set.

Mail from inmates to homefolk, as well as the letters coming into the prison, were subjected to close

¹⁶Marshall, Bastille, 326.

scrutiny and censorship. In their letters home, each prisoner was allowed only one page of personal matter. Every letter was handed to Wood unsealed. Only letters addressed to high federal officials could be sealed. Prison personnel examined each letter and then forwarded them to censoring personnel in the offices of the Provost Marshal and the Judge Advocate. It depended completely on the caprices of these personnel, collectively called "Miss Nancy," whether any letter ever reached its destination.¹⁷

Visitors were permitted in Old Capitol only under the strictest limitations. A visitor hoping to get inside had first to obtain a pass from the proper authorities, usually someone in the offices of the Provost Marshal, the Judge Advocate, or the Secretary of War. The visitor would present himself to the guard, who summoned the corporal of the guard. He in turn led the visitor to the sergeant of the guard, who would escort him to the lieutenant. It was the lieutenant's duty to examine the pass thoroughly and to request the name of the prisoner sought. Often the visitor—would have to wait for the lieutenant to finish with another visitor or his other duties.¹⁸

Once the visitor had met all of these tests of his

¹⁷O. R., IV, 152-53; Marshall, Bastille, 355; Mogelever, Traitors, 165; Williamson, Prison Life, 31.

¹⁸Marshall, Bastille, 332.

patience, the corporal would be sent to bring the proper inmate downstairs. The visitor and the prisoner would then be placed in a room, seated in chairs placed opposite each other at a distance of three or four feet. One of the guards would then take a seat between the two persons talking. The interview would proceed. At the conclusion of the fifteen minutes allowed for the meeting, the guard would announce the time and require the prisoner to return to his room and the visitor to withdraw.¹⁹

Some prisoners devised ingenious modes of communication. Information which could not be trusted to the mail censors or to the guard in the visiting room was secretly smuggled out of the prison. Inside the prison, inmates shared news and conversation without detection by the guard.

Rose Greenhow was able to communicate with a neighbor in the prison by passing notes through a keyhole in the door adjoining their rooms. She established contact with another inmate by a more complex pattern. In the yard, if she foresaw a chance to communicate with the outside, Mrs. Greenhow would signal to the accomplice by holding up a letter. If she could not get mail out, she would simply shake her head. An inmate named Morton thus was able to

¹⁸Marshall, Bastille, 332.

¹⁹Ibid., 332-33; Williamson, Prison Life, 74.

pass messages out of the prison by using a string to get the message to Capt. Pliny Bryan, C. S. A., who would pass it to a Dr. Cox, U. S. A., who in turn would relay it to Mrs. Greenhow.²⁰

Belle Boyd was able to maintain a similarly covert strain of communication with the other prisoners. At one point she pitched a glove from her open door to another inmate across the hall. By this route they were able to carry on quite a lengthy conversation without being detected by the guard. At another time she contrived to use a large marble to carry notes written on tissue-paper. The notes would be tied around the marble and tossed into one of the open doors on the hall. With other missives thus attached, the marble made several trips across the hall. On another occasion, prisoners upstairs were able to pass notes to Miss Boyd through an opening in the floor. Several inmates in connecting rooms established regular communication.²¹

Another unusual mode of communication occupied the time of Belle Boyd. In her apartment one night, she heard a noise. She discovered on inspection an arrow with a message attached stuck in the wall. Her partner in this device, known only by the letters "C. H.," advised her that on Tuesdays and Saturdays he would bring news. He would signal

²⁰Greenhow, Imprisonment, 258, 295.

²¹Davis, Belle Boyd, 75, 106, 200-1.

his arrival by whistling "'Twas within a Mile of Edinboro Town." When Miss Boyd was alone and heard his signal, she was to lower the gas light. Her partner would then shoot other arrows into the room with news. Her answers to these communiques were to be placed inside an "india-rubber" ball and thrown into the square across the street. Through her correspondence with "C. H.," Belle Boyd gained much valuable information regarding Federal movements.²²

In all of these unsanctioned forms of communication, inmates had always to fear the detection of the guard and the collaboration of spies. The prison administration, not content with holding its victims in confinement and censoring their mail, endeavored to create a system of espionage within their ranks. Detectives, spies or paid informers went into the prison as inmates. The prisoners regarded all newcomers with suspicion until their credibility had been established. However, spies were able to infiltrate every group within the prison.

During recreation periods and meals, Federal agents would assume an air of the injured victim and mingle freely with the prisoners. In this way they would gain their confidence. Alerted to listen to inmate conversations and to watch their actions, the spy would engage in conversations designed to draw out the true feelings of the

²²Ibid., 227-28.

prisoner. Every incriminating conversation was duly noted and reported to the proper authorities. Indeed, a detective Corbett made daily reports to his superiors.²³

Spies were not the only pressing fear that permeated Old Capitol. The close proximity of humanity and the total lack of sanitation constantly created conditions for the spread of disease. Several cases of smallpox and measles were reported. Smallpox victims were usually transferred to Washington's Kalorama Hospital to prevent widespread contamination. Belle Boyd herself fell victim to typhoid fever while in Old Capitol. Added to these more serious diseases were the usual illnesses caused by inadequate diet: scurvy and diarrhea. It is little wonder that prisoners died. If the extremes of prison life were not enough to cause death, the condition of the captured soldiers, and the diseases they brought into Old Capitol surely added to the death rate. Unfortunately, no accurate list of deaths was ever kept at Old Capitol.²⁴

Rumors constantly circulated through the prison suggesting upcoming escape attempts, rescues, and exchanges. Old Capitol was never overly secure, because it was intended

²³Marshall, Bastille, 326, 348, 352; Williamson, Prison Life, 30; Leech, Reveille, 147.

²⁴O. R., VI, 856-57; Greenhow, Imprisonment, 223; Williamson, Prison Life, 67; Davis, Belle Boyd, 229; Griffith, "Fredericksburg's Hostages," 408; Mogelever, Traitors, 127.

as little more than a makeshift temporary prison. As such, the prison's exterior was poorly lighted and inefficiently barred. Thoughts of freedom entered every conversation. Plans were suggested. Routes were discussed. At least one prisoner took the thought of escape seriously.

In November, 1862, Walter Bowie plotted an elaborate escape. A servant would bring a basket of food and forget to lock the door to the apartment. At a specific hour, all lights in the hall would be extinguished and a ladder would be placed through an opening to the roof. Once on the roof, Bowie planned to drop to the ground while the guards were at the other end of the walk and complete his escape.

Bribery enabled Bowie to buy his way out of the prison. However, the guard on the street had not been bribed. Nor had rain been considered in the plan. In the downpour on the night of his escape, Bowie slid to the ground according to plan; yet he turned his ankle in the mud and was captured and returned to his cell.²⁵

Other prisoners were not quite so lucky. In the latter part of March, 1863, Jesse W. Wharton, a twenty-six-year-old native of Prince George County, Md., was shot. Wharton was fully aware of the prison rule that no prisoner

²⁵Mogelever, Traitors, 175-76.

could protrude head or limb beyond the line of the building when looking out the windows. Harrison Baker of the 91st Pennsylvania, then guarding Old Capitol, warned Wharton to stay away from the window. In defiance, Wharton returned to the window and was fatally wounded. He died after eight hours of lingering in pain.

Two months later, Harry Stewart, the twenty-three-year-old son of Baltimore's Dr. Frederick Stewart, was shot by a member of the 86th New York. Stewart allegedly had contrived with the guard for his escape, paying a sum of fifty dollars. Responding to the guard's signal, Stewart swung himself from the window and was shot in the leg. Stewart's friends then pulled the wounded prisoner into the room. The leg was amputated and young Stewart expired from shock.²⁶

Death also entered Old Capitol in the form of execution. In December, 1862, Lincoln ordered the execution in the yard of Private John Kessler of the 103rd New York, who had been convicted of murder. The gallows were erected and the entire prison received a thorough cleansing and whitewashing in preparation for expected visitors. As an insulting threat to the prisoners, the gallows were left standing in the yard.²⁷

²⁶Marshall, Bastille, 343-45.

²⁷Ibid., 331.

In addition to the gallows, several balls and chains were later placed in the yard. Inmates regarded the appearance of these devices as significant. While in the yard for recreation, prisoners made sure to stay away from them as much as possible. There seems to be no evidence, however, that these balls and chains were ever used as punishment. The more usual punishment was to place the offending prisoner in the guardhouse without food for a specified length of time.²⁸

Such were the general living conditions of the prisoners confined in Old Capitol. While these conditions varied at different periods of the war, they were generally satisfactory to the maintenance of the prisoners. At no time were conditions so severe as to produce widespread, severe suffering. The typical experience of the individual prisoner may best be characterized by two broadly defined phases. The first phase concerned the physical stress of imprisonment and the deprivation of freedom. Psychological stresses were the outstanding concern of the second phase.

From a psychological perspective, the prisoner was in a situation best described as a recurring cycle of fear, relief and new fear. Fears of death, of never gaining their freedom, of never being able to see or communicate with loved ones, filled each waking hour. Fantasies of food and

²⁸Ibid., 353; Williamson, Prison Life, 79.

happier times were common. Pressures were exerted by the guard who took every opportunity to involve the prisoners in their campaign to undermine loyalties. The manipulation of the entire social milieu of the prison was designed to control the prisoner and to create an atmosphere of distrust. This allowed for the effective management of a large group of prisoners by a minimum of staff.²⁹

To this end, the most significant feature of prison control at Old Capitol was the attempt at systematic destruction of the prisoners' group structure. Lines of authority were broken down. Group cohesion and morale suffered. This was most efficiently accomplished by the prohibition of any group meetings (except for religious observances) and by planting spies in the midst of the prisoners. An effective device was to gain information from the spies about the most minute details of their daily routines and to use this information in the questioning periods. Such detailed surveillance created a terrific sense of distrust within the ranks of the prisoners.

Treatment of the prisoners, however, reveals little evidence to support the contention that prisoners were ever intentionally abused. While prison conditions were not pleasant, such discomfort as experienced by the prisoners

²⁹Edgar H. Schein, "Reaction Patterns to Severe, Chronic Stress in American Army Prisoners of War of the Chinese," Journal of Social Issues, XIII (1957), 22-24.

was due to a lack of space and the general inefficiencies of military administration. Comforts were not denied them arbitrarily. Gifts and supplies were allowed from friends and relatives. Under proper conditions, correspondence and visitors were permitted. In sum, Old Capitol's prisoners suffered the deprivation of their liberties within the most comfortable conditions allowable by the circumstances of the time.

CHAPTER VI

RELEASE FROM OLD CAPITOL

The aim of every prisoner in Old Capitol was to regain freedom at the earliest chance. Release was unfortunately entangled in the intricate web of problems created by the war. Prisoners confined in Old Capitol found only two routes of legal exit. For political prisoners, release followed a standard form of swearing an oath of allegiance. Confederate prisoners of war were exchanged and sent South. Both procedures were subject to political circumstances and the caprices of the persons involved in policy formation. Most of the prisoners remained in the prison for only a few weeks or months. A few were held for slightly over a year. The release policy and its several phases of formulation were responsible for any delay.

The complexity, delay and awkwardness of judicial procedure blocked effective handling of the prisoners held by the Federal government. Secretary of War Stanton wrote that the judicial machinery was "designed not to sustain the Government but to embarrass and betray it." Offenses, no matter how petty, would require all of the forms of due process. A trial with its jury selection, witness examination, and all of the clever motions made by counsel could cause infinite delay and trouble for the administration. Any delay could only serve to discredit and

embarrass the government. The administration would not allow such delays.¹

Cases involving private citizens held for dissent or interference were outside the usual boundaries of the courts. There was considerable concern over which cases fell within the jurisdiction of the federal court structure. Such cases required detailed study and preparation by qualified lawyers. Once brought before the appropriate court, a simple motion by a judge could result in the dismissal of those cases deemed most important by the authorities. Therefore, those authorities responsible for placing persons in Old Capitol early decided to circumvent the established forms of due process.²

The problem of release of the prisoners beset the government early in the war. Lincoln had sought to avoid any confrontation in actual trials by suspending the privilege of the writ of habeas corpus. The entire process of arrest, investigation and release operated on an informal basis throughout the first months of the war.

By November, 1861, however, it had become apparent within the administration that several prisoners were attempting to hire lawyers to present their cases before the courts. A significant challenge to Lincoln's suspension of

¹O. R., II, 222.

²Randall, Problems, 169.

the writ was imminent. The case of William Ludlow at Fort LaFayette, N. Y., spurred the administration into action. On November 27, 1861, the State Department voiced the administration's concerns to the commander at Fort LaFayette. Secretary of State Seward therein advised that the government would not allow the prisoners to hire counsel for the purposes of challenging the arrest or for the defense of said prisoner. Prisoners were ordered to revoke all such arrangements made with Mr. Ludlow and to avoid such contracts in the future. Couched in these orders was an intimation that any pursuance of legal advice could cause additional "complications" for other prisoners then being held. Permission was granted, however, for the prisoners to communicate directly with the Secretary of State by mail or through any unpaid and disinterested person who could be secured for that purpose.³

In February, 1862, Lincoln transferred the responsibility for internal security from the Department of State to the Department of War. Executive Order Number 1 also included a general amnesty for all political prisoners then held. The administration was anxious for a return to normalcy. Public opinion had by this point turned to a greater acceptance of the administration's war policies.

³Sprague, "Suppression," 80; O.R., I, 614; II, 153-56.

The line between loyalty and disloyalty was more clearly defined. The structures of government and the administration had weathered the storm and had emerged firm and stable. Fears for the public safety were less severe. Indeed, the administration even expressed the opinion that the insurrection had peaked and was declining.⁴

According to Executive Order Number 1, issued just ten months after the beginning of the war, the danger from disloyal persons had diminished to such that the expansion of summary arrest procedures was no longer necessary. A reduction of severity and a leveling off of activity against dissenters seemed in order. The Secretary of War was granted discretionary authority over those prisoners who were held as spies or whose release would be incompatible with the public safety. For all persons released and who pledged their allegiance, the President thereby granted a full pardon and amnesty for all past offenses of treason and disloyalty.

While this order decreed that the majority of the dissenters would be released, there was no indication that the arrests of dissenters would cease. The internal problems which had occurred had been sufficiently mastered to allow the wholesale release of prisoners, yet the threat of disloyalty remained. Further arrests could be necessary.

⁴O. R., II, 223.

No change in the arrest policy was made. The Secretary of War had no intention of diminishing the impact and effectiveness of the program.⁵

The effect of the amnesty on Old Capitol was considerable. Prisoners were offered their freedom on signing an oath to "render no aid or comfort to the enemies in hostility to the Government of the United States." Old Capitol's prisoners had further to stipulate that they would "not leave the District of Columbia without permission from the provost-marshal general."⁶

On February 27, 1862, Executive Order Number 2 was issued. It formally established a system of special commissions to handle the release of those prisoners still remaining after the general amnesty. A commission of two persons, one of military rank and the other a civilian, were appointed. The commission would examine each individual case and determine on the merits of each case whether the danger to the public safety was sufficiently diminished to allow the discharge of the prisoner. Alternative decisions would allow the commission to retain the prisoner in military custody or to be remit him to civil authorities for trial. Maj. Gen. John A. Dix and Hon. Edwards Pierrepont

⁵Sprague, "Suppression," 200-02.

⁶Ibid., 208; O. R., II, 238-40.

were thereby appointed as the commission to handle the releases.⁷

Executive Order Number 2 seemed to have established the commission as an advisory body to the Secretary of War. Recommendations would be made to him as to the appropriate action in particular cases. He would have final authority. Both Dix and Pierrepont raised the question of the authority of the commission when they wrote to Stanton for directions in a specific case. Stanton replied, "Release¹ them and send their names here." This simple order was taken to indicate that, while Executive Order Number 2 may not have intended the commissioners to have full authority to release prisoners, it soon developed that such delegation of authority was the most practical course of action.⁸

The significance of the establishment of the special commission is greater than simply the authority to release prisoners. The special commission represented the first successful attempt to introduce a standard of procedure in the release mechanism. Rather than the chaotic process of having the individual case presented to an already-busy Secretary of War, two respectable citizens were delegated the responsibility of investigating each case on its own merits. The commission had no power to punish or to

⁷O. R., II, 249; Sprague, "Suppression," 73.

⁸O. R., II, 282; Sprague, "Suppression," 209-10.

acquit; it could only release. However, this power, was of special significance.⁹

Little more than swearing an oath of allegiance was necessary to secure the release of most prisoners. The oath was usually signed by those who were particularly eager to prove their loyalty. The 188-word document made no mention of one's past acts. Rather, signees pledged future loyalty to the United States. It was distributed in printed form to the various prisons to assure a greater degree of consistency. Occasionally, extra stipulations were added to make it more effective.¹⁰

Several prisoners refused to take the oath. Many felt that, by signing the document, they were admitting that the government was justified in arresting and imprisoning them. Many felt that they had taken an oath earlier and had not violated it in any way. Others felt that, in pledging themselves to support the government, they were pledging themselves to support all of the acts of the administration. For those who could not sign the oath, the government allowed the substitution of a parole which pledged them to take no action against the government. Another form of the

⁹Leech, Reveille, 154; Sprague, "Suppression," 211.

¹⁰Charles L. Wagandt, "Election by Sword and Ballot: The Emancipationist Victory of 1863," Maryland Historical Magazine, LIX (1964), 148; Sprague, "Suppression," 97; O. R., II, 615.

parole pledged them not to enter "any of the states in insurrection . . . nor to hold any correspondence with persons residing in those states." Those prisoners refusing both oath of allegiance and parole remained in prison.¹¹

On November 22, 1862, the Secretary of War ordered a second amnesty. All persons held in military custody for discouraging volunteer enlistments, for interfering with the draft or otherwise giving aid to the enemy were to be discharged. This amnesty was to have no effect on those persons who had been captured while in armed conflict with the government. No other amnesties were announced during the course of the war.¹²

While the political prisoners were arguing over the principles involved in taking the oath and accepting the conditions of parole, military prisoners were concerned with their chances for exchange. The administration proved reluctant to formulate an exchange agreement. To establish an exchange would have implied recognition of the legal status of the Confederacy's claim to the rights and privileges of full nationhood. The necessity of signing a formal treaty of exchange began to manifest itself. While informal exchanges had been arranged in the field and

¹¹Sprague, "Suppression," 100, 114; O. R., II, 378, 711, 804.

¹²Sprague, "Suppression," 253.

between governments in September, 1861, they had failed after initial successes because of the political concerns caused by the legitimacy issue.

In the summer of 1862, Federal Gen. John A. Dix and Confederate Gen. D. Harvey Hill began negotiations to establish an exchange of prisoners of war. General Dix had been directed to pattern the agreement after the exchange plan used in the War of 1812. The formal recognition of the Confederacy was to be ignored. On July 22, 1862, both sides agreed to a formal cartel of exchange calling for the man-for-man release of all prisoners of war within ten days of their capture. Any excess of prisoners not exchanged were to be released on their parole. Such paroles were not allowed to return to active duty until formally exchanged. By the same agreement civilian prisoners were to be exchanged.¹³

Controversy continued to surround the cartel. A constant stream of written and verbal discourse expressed the concerns of both sides. From December, 1862, to the late spring of 1863, the future of the exchange was in jeopardy. Politicians manipulated prisoners and their suffering. The exchange of prisoners of war was subject to alternating periods of efficiency. Within the limitations of the political whims of the persons involved in policy

¹³O. R., IV, 174, 189, 209, 266-68, 865.

decisions, the exchange operated according to plan.

Generally speaking, release from Old Capitol followed naturally from the attributes of the system of arrests and investigations. For political prisoners, releases were as arbitrary as the arrest. In the interior areas, where arrests were centralized and investigation limited, release procedures were equally centralized. Where the arrests in the border areas were decentralized and followed by quasi-judicial proceedings, releases were equally decentralized. Few prisoners obtained their release without signing some form of oath or parole. Denied release were those who refused to sign any form, those who were uncompromisingly hostile to the administration, and those who were charged with serious and well-substantiated offenses.¹⁴

Where the concern had been simply precautionary, or where no papers were filed charging the prisoner with a particular offense, releases were uniformly granted. Release was as readily authorized where arrests were made without appropriate authority. In ordering releases from Old Capitol, appropriate conditions were specified. In addition to the oath, particular stipulations suited to the individual case were required. The application of military

¹⁴Sprague, "Suppression," 92, 96; Randall, Problems, 157.

power was limited. The extension of executive authority stopped short of establishing a military regime.

CHAPTER VII

REVENGE OF A NATION

In April, 1865, the first flushes of victory overwhelmed the people of the North. Following the surrender at Appomattox, the issues of prisoners, exchanges, arrests and releases dissolved in jubilation that the war was at last over. Union authorities immediately turned to the task of releasing those prisoners still held in confinement in the North. Most were promptly set free. Some of the authorities, however, felt that it would be a mistake to release those men of rank and social prestige who could assist in a resurgence of the Confederate cause. Such an arbitrary release could prejudice the cases that would necessarily follow the war. However, all prisoners under the rank of captain were soon released.

In the first hours following Lincoln's assassination, Secretary of War Stanton assumed the power of a military dictator. Stanton declared to the world that Lincoln's death had been the result of a great conspiracy directed by the Confederacy's highest authorities. This initial attempt to implicate Jefferson Davis, his cabinet and military officers soon failed. Stanton, however, was determined that the South would pay for its "crimes."

Continuing his efforts to implicate Davis in the assassination conspiracy, Stanton raised the old issue which

had been used to mask the Union's policy of non-exchange. The supposition that Confederate policy had been directed by Confederate authorities toward the murdering of Federal soldiers held prisoner was reported to have been Davis's invention. It stood as blatant proof of the heinous character of the policy-makers of the South. However, failing to pin the conspiracy on the Confederate high command, Stanton then seized upon the unwary Maj. Henry Wirz, late commandant of Andersonville Prison.¹

Stanton was only following a precedent already established by the late President. In Lincoln's proclamation of amnesty following Appomattox, those Confederate officials who were suspected of cruelty to Federal prisoners were excluded from the benefits of the pardon. As Federal occupying armies took possession of particular regions of the South, a number of the officers connected with Southern prisons were arrested. The arrests of these culprits proved of interest to a horrified population in the North, for only recently had they been made aware of the conditions of Southern prisons.

President Andrew Johnson's intent to issue a proclamation similar in scope to the amnesty proclamation of Lincoln spurred the popular press. Outcries urged Johnson

¹Darrett B. Rutman, "The War Crimes and Trial of Henry Wirz," Civil War History, VI (1960), 121.

to make special exceptions of every Confederate officer who was involved, directly or indirectly, with the prison system of the Confederacy. To pardon those responsible for the deliberate and wanton shooting of prisoners, the freezing conditions, the starvation and the disease to which they were subjected, would be a crime against the soldiers who had fought and died for the Union. Neither the administration nor the Northern people intended to allow those responsible for the Southern prisons to escape.²

Early in May, Capt. Henry E. Noyes, a member of the staff of Gen. James H. Wilson, then commanding the cavalry troops of the Military Division of the Mississippi in Georgia, found Maj. Henry Wirz paroling the last remaining prisoners at Andersonville. On reporting this to Gen. Wilson, Noyes received orders to arrest Wirz. On May 7, Wirz was taken prisoner and transported to Macon. Wirz protested his arrest by asserting that the conditions of the prison were beyond his control. He could be held responsible for neither the policies and procedures created by his superiors nor the resulting suffering. On May 16, Wilson reported the capture of Wirz to the Adjutant General's Office. He requested that Wirz immediately be

²O. R., VIII, 782-83; Hesselstine, Civil War Prisons, 234; New York Times, May 28, 1865.

brought before a general court-martial.³

Wirz quickly became the unfortunate victim of the full fury of Northern rage. The New York Times stated that "if there is any bitterness entertained by the Northern people toward the South, it springs from . . . the incredible and infamous treatment which Northern captured soldiers received in Southern prison camps." Wirz was depicted as "the Andersonville savage," "the inhuman wretch," "the infamous captain," and the "barbarian." These descriptions offered in the public press were only symptomatic of public feeling. Wirz assumed those characteristics which a hostile nation expected of an enemy. He was depicted as foreign, ugly, cruel, hulking and, at the same time, cringing and cowardly. The facts were unimportant.⁴

"Hang Wirz" suddenly became the universal cry of revenge in the cities of the North. The hatred engendered by four years of war, the revulsion born of many stories of prison conditions, and the rage resulting from Lincoln's death all poured down upon Wirz. All of the evidence of conditions in the prison system were blamed on him. The surgeon-general of Pennsylvania had received information

³Hesseltine, Civil War Prisons, 237.

⁴New York Times, August 16, 1865; New York Tribune, July 11, 12, 22, 1865; Rutman, "Trial," 118.

that some 12,884 prisoners had perished at Andersonville. Governor Andrew Curtin added that such figures revealed a "history of cruelty and suffering unparalleled in the annals of warfare." In response to these accusations the government dispatched an agent to gather more evidence. By July 26, the New York Times reported that since the assassins had been "disposed of, the Government will next take in hand the ruffians who tortured to death thousands of Union prisoners. The laws of civilized warfare must be vindicated."⁵

In this clamor for social revenge, preparations for a public trial of Wirz began. Not until August 21, 1865, after many delays, was Wirz finally arraigned before a military commission to face the charges against him. Judge James Hughes, Gen. J. W. Denver, and attorney Charles F. Peck appeared as counsel for the defense. Charging that the government, by their delays and refusals to apprise counsel of the dates and times set for hearings, had created conditions in which they could not present an adequate defense, Hughes, Denver and Peck abandoned the prisoner. The trial was discontinued after Stanton read the specifications and charges against the defendant.⁶

⁵Hesseltine, Civil War Prisons, 238; New York Times, July 14, 26, 1865.

⁶New York Times, August 18, 1865; National Intelligencer, August 17, 18, 20, 1865; O. R., VIII, 788; Hesseltine, Civil War Prisons, 240.

On August 23, the court was reorganized under the presidency of Gen. Lew Wallace. Colonel Norton P. Chipman was retained as the judge-advocate. Attorney Louis Schade appeared for the defense. Wirz was condemned in the public mind and in the mind of the court before the trial began.

Born in Zurich, Switzerland, in 1822, Wirz, a physician by profession, had come to the United States after the death of his wife. By 1849 he had settled in Louisville, Ky. In 1854, he moved to Milliken's Bend, La. Of medium height, slim and slightly stooped, Wirz had dark hair and a closely trimmed beard. He freely admitted that at the beginning of the war he had been swept away by the excitement and had enlisted in the army of the Confederacy in the elite "Madison Infantry" of the Louisiana Volunteers. After the 1862 battle of Seven Pines, a grievous wound to the arm caused Wirz to be assigned to new duties with Gen. John Winder in Richmond.⁷

Competent and highly respected, Wirz rose rapidly. By August, 1862, he had attained the rank of captain and was given command of Union prisoners at Richmond. Early in April, 1864, he was ordered to Andersonville to take command of that compound. This positions gave him control over and responsibility for the discipline, supplies and the physical

⁷Rutman, "Trial," 118; O. R., VII, 207, 522, 537-38; Hesseltine, Civil War Prisons, 238.

facilities of the prison. Wirz's efforts to control the prison and to alleviate the conditions therein were for the most part invisible to those confined. To the prisoners he was simply their jailer and keeper, the object of their derision. The only Confederate official who came in daily contact with them, Wirz became the symbol of their sickness, misery and death. Whatever his inadequacies and crimes, Wirz was the unfortunate but effective commandant of Andersonville prison at the close of the war and until arrested by Capt. Noyes.⁸

The War Department's Adjutant General's Office and Bureau of Military Justice conducted the investigation for the Wirz case. These twin bureaus were under the effective direction of Brig. Gen. Joseph Holt, a rabid Unionist from Kentucky and a political ally of Secretary Stanton. Owing to the pressing volume of business demanding Holt's attention, he turned the case over to Col. Norton P. Chipman. This twenty-seven year old attorney, a student of Iowa's tough and radical school of politics, had risen far and fast. Securing a lieutenant's commission in the 2nd Iowa Infantry, Chipman had quickly advanced to a high position within the Stanton-Holt machine.⁹

⁸Rutman, "Trial," 118, 120.

⁹Ibid., 123.

Chipman had a twofold and difficult assignment: the presentation of a case that could prove a general conspiracy, and the formulation of a specific case against Wirz. On one hand, Stanton was to receive the coveted vindication against the Confederate authorities. On the other, the conviction of Wirz would satisfy the public rage. Each required considerable skill.

From June to late August, 1865, Chipman sought some method to meet this dual purpose. Trial date was originally set for early August. On August 23, after postponements because of Chipman's several announcements of his unreadiness to prosecute, the court finally went into formal session in the high-vaulted Court of Claims room in the Capitol. Characterizing the court's proceedings was a combination of unjudicial informality and military precision. Serving as both judges and jury, the nine members of the court sat according to rank around a large table. The attorney for the defense occupied a smaller table.¹⁰

Wirz was charged with two offenses. In the first charge, Wirz was accused of having conspired with Richard B. Winder, Isaiah H. White, W. S. Winder, R. R. Stevens, "and others unknown" in their designs to destroy the prisoners of war entrusted to their custody. This charge contained a

¹⁰Ibid.

single specification that these men had subjected the prisoners to torture and suffering. Wirz was personally charged with wilful and malicious neglect in the furtherance of this design. The second charge levied against Wirz was for murder. Under this section were listed thirteen separate specifications with the conditions and circumstances of the murders. The names of the alleged victims were not listed. Indeed, the names of the murdered prisoners were known neither by the judge advocate who drew up the specifications nor by the witnesses later produced by the prosecution.¹¹

Attorney Louis Schade entered pleas before the court asserting that Wirz was protected from arrest by the conventions established between Gen. Joseph E. Johnston and Gen. William T. Sherman at the time of Johnston's surrender. It was further stated that Noyes had promised him upon his arrest that he would not be imprisoned. Counsel also declared that the charges and specifications were both too vague and too indefinite to constitute an offense punishable by the laws of war. In overruling these objections to the trial, Chipman entered a plea of "not guilty" for Wirz.¹²

¹¹Hesseltine, Civil War Prisons, 240; O. R., VIII, 785-89.

¹²Ibid., VIII, 775-76; Hesseltine, Civil War Prisons, 242; Rutman, "Trial," 124.

Chipman's prosecution began with an effort to prove the conspiracy charge. A parade of witnesses were called to testify. Confederate field reports were presented. In his presentation of the reports made by Wirz to his superiors, Chipman carefully phrased his extracts to gloss over any suggested recommendations which would have improved prison conditions. Instead, reports of suffering were emphasized as if Wirz had been boasting. The heaviest blow dealt by Chipman was the presentation of Col. A. C. Chandler's report of an inspection of Andersonville. Chandler's devastating description of conditions within the prison were the result of his intense personal animosity toward Gen. John H. Winder, then commanding. Chipman cited this report as evidence of intentional and deliberate cruelty.¹³

The trial of Henry Wirz was a mockery of both civil and military justice. Each of Schade's attempts at an effective defense were stifled. Only Chipman had the power to summon witnesses. He refused, however, to issue any subpoenas to call anyone to testify in defense of Wirz. Fully 160 witnesses testified on conditions at Andersonville. Testimony generally touched on specific charges only by indirection. On October 16, the testimony ended. Col. Chipman then summarized the evidence against Wirz.¹⁴

¹³Rutman, "Trial," 125; O. R., VIII, 551-53.

¹⁴Robertson, "Old Capitol," 410; Rutman, "Trial," 126; Hesseltine, Civil War Prisons, 242-44; O. R., VIII, 776.

A resounding verdict of "Guilty" was trumpeted by the press. In the aura of hatred and revenge, the final verdict was anticlimactic. On November 6, 1865, the commission issued its findings. Wirz was found guilty on the charge of conspiracy. Of the thirteen specifications of murder, he was found guilty of ten. Wirz was condemned to die by hanging.¹⁵

On November 10, 1865, Henry Wirz stood on a scaffold that had been erected in the corner of the yard of Old Capitol Prison. He had marched there under heavy guard from room Number 9, on the third floor. He walked calmly and heroically to the scaffold. He sat quietly for eighteen minutes while the findings of the commission were read. At 11:20 a. m., as spectators perched in nearby windows and trees, Wirz stood with the halter around his neck. He asserted in his final statement: "I am innocent, and will die like a man, my hopes being in the future. I go before my God, the Almighty God, and he will judge between me and you."¹⁶

The most infamous chapter in Old Capitol's miserable existence drew to a close. Wirz, pursued by vindictive politicians, an unbridled press, and a nation thirsting for revenge, dropped to his death.

¹⁵O. R., VIII, 773-74, 790-91; Hesselstine, Civil War Prisons, 244.

¹⁶Williamson, Prison Life, 142-43; Rutman, "Trial," 133; Robertson, "Old Capitol," 410-11.

EPILOGUE

Less than three weeks after the execution of Henry Wirz, Secretary Stanton ordered that Old Capitol be forever closed. The few remaining prisoners were transferred to other facilities. In its four years as a prison, Old Capitol had contained a host of prominent political prisoners and prisoners of war. An average monthly population of 1,011 inmates had languished within its walls. November, 1863, was the most crowded period with 2,763 prisoners packed within. Amazingly, only fifty-one prisoners had died. Seventeen had successfully escaped.¹

Compared to the other prisons of the Civil War, both in the North and in the South, Old Capitol was not as severe as it could have been. Confederate prisoners of war were treated far better in Washington than in remote Northern prison camps and forts. While many of the prisoners left scathing memoirs complaining of the severity of their imprisonment, most did not consider the luxuries available to them and denied those imprisoned elsewhere. Coal fires in each cell, mail and newspapers from the outside, the availability of food by purchase, and visits from relatives were not uniform throughout the system of prisons.²

¹Robertson, "Old Capitol," 411.

²Ibid.

It cannot be denied, however, that many of those imprisoned in Old Capitol were unjustly arrested and denied the privileges of due process. Most of the political prisoners were arrested for acting in ways specifically antagonistic to the administration. While some were active dissenters, others were victims of political animosity. Some were victims of circumstance, completely innocent of any wrongs. Their imprisonment, though, was seen as a necessary precaution to secure the public safety. While Lincoln could have closed Old Capitol and ended the arbitrary arrests, he was willing to entrust his position in history to his success in preserving the Union.

Historical interest in Old Capitol's existence is due mainly to the fact that a large number of military and political prisoners were held within its chambers. Many of these prisoners left records of their imprisonment and give an intimate account of living conditions and circumstances of their imprisonment. Old Capitol's role in the war was indelibly associated with the administration's efforts to check subversion behind the lines. By 1869, however, all of Old Capitol's gloomy structure had vanished. There was little evidence of the tyranny that placed so many citizens between freedom and despotism.

BIBLIOGRAPHICAL ESSAY

For any study of the Civil War, regardless of the topic, the most important source of material is the collection of 128 volumes of the U. S. War Department (comp.), War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies (Washington, 1880-1901). Series II contains eight volumes which were central to the structure and content of this study. Materials covered by these volumes include correspondence, official orders of both local and national spectrum, reports of inspection committees, and general in-spection reports. These eight volumes, supplemented by material in the other series, are essential to an accurate understanding of the development of the Union prison system.

Supplementing this massive amount of material are the records housed in the National Archives in Washington. In this collection can be found Record Group 393. Part 4 of Record Group 393 comprises the Records of the Old Capitol Prison. The reader should be forewarned that these records are not catalogued. Records do exist, however, which combine lists of passes, guard reports, morning reports, and lists of prisoners complete with date of reception, the name of the person ordering the arrest, the charges (where specified), and the date of release. These records are valuable in understanding the inner workings of the prison system.

Their legibility, though, leaves a great deal to be desired.

Two other massive compilations of more or less primary sources exist. The Southern Historical Society Papers (Richmond, 1876-1952, 52 volumes) and the Confederate Veteran (Nashville, 1893-1932, 40 volumes) are valuable guides to what the historical agent felt in his/her own reaction to the actions surrounding him/ her. In the case of the Old Capitol, only the former collection was of any real value. A few of the more rewarding articles in the Papers are: Abram Fulkerson, "The Prison Experiences of a Confederate Soldier," XXII (1894); W. W. George, "In a Federal Prison," XXIX (1901); and the Prisoners at Fort Delaware, "Prison Pastimes," XIX (1891). Each of these articles treated specific conditions pertaining to the prison experience.

Only a few scholarly sources exist which treat of the general development of the Civil War prison system. Two were essential to the completion of this study. By far the best secondary account of Civil War prisons, William B. Hesseltine's Civil War Prisons; A Study in War Psychology (New York, 1930), surpasses any other published source on the subject. Hesseltine's book is especially necessary for a full understanding of the development of the prison system created by both Union and Confederate causes. The other "classic" source is Richard B. Hemmerlein's Prisons and Prisoners of the Civil War (Boston, 1934). While this volume

does add essential light to the subject, a considerable amount of material included seems to have been lifted directly from other sources.

In discussing Washington as a town, as a national capital, and as an armed camp, several distinguished works were used. Foremost in describing the period from the original design of the district to the period just prior to the outbreak of hostilities is Constance M. Green, Washington: Village and Capital, 1800-1878 (Princeton, N. J., 1962). Noah Brook, Washington in Lincoln's Time (New York, 1958) describes not only the social, political and economic climate of the national capital, but also traces the transformation of the quiet little Southern town into an armed camp. Adding to this work is Margaret Leech's Reveille in Washington, 1860-1865 (New York, 1941). James G. Barber, "Alexandria in the Civil War, 1861-1865" (M. A. Thesis, Virginia Polytechnic Institute and State University, 1977), and Elizabeth L. Lomax, Leaves From an Old Washington Diary, 1854-1863 (New York, 1943), enable the reader to formulate a clear understanding of the sense of frustration and fear that settled over Washington after the initiation of armed conflict.

Concerning the growth of dissent and the development of the machinery of suppression, several comprehensive studies exist. First among these is Lloyd D. Sprague, "The Suppression of Dissent During the Civil War and World War I"

(Ph. D. Dissertation, Syracuse University, 1959). This two-volume work contains a complex and detailed description of the dissident movement within Northern social and political circles. The process and machinery of suppression are detailed and compared to the same concerns in World War I. Richard Ray Duncan, "The Social and Economic Impact of the Civil War on Maryland" (Ph. D. Dissertation, Ohio State University, 1963), researches the ways in which the various facets of popular dissent and federal suppression affected the populace of one border state. Supplementing Duncan's work are Charles L. Wagandt, "Election by Sword and Ballot: The Emancipationist Victory of 1863," Maryland Historical Magazine, LIX (1964), Charles B. Clark, "Suppression and Control of Maryland, 1861-1865: A Study of Federal-State Relations During Civil Conflict," Maryland Historical Magazine, LIV (1959), William G. Carleton, "Civil War Dissidence in the North: The Perspective of a Century," South Atlantic Quarterly, LXV (1966), and Mayo Fesler, "Secret Political Societies in the North During the Civil War," Indiana Magazine of History, XIV (1918).

Two other comprehensive volumes aided the writer in understanding the war psychosis of the period. Dean Sprague, Freedom Under Lincoln (Cambridge, Mass., 1965), spoke directly to the issues of dissent, its suppression and civil liberties. Of particular interest is the treatment given here to the suppression of the press. Jonathan Truman

Dorris, "Pardon and Amnesty During the Civil War and Reconstruction" (Ph. D. Dissertation, University of Illinois, 1929), was also of particular value in the treatment of civil liberties.

A full discussion of the suppression machinery is found in Jacob Mogelever, Death to Traitors: The Story of General LaFayette C. Baker, Lincoln's Forgotten Secret Service Chief (Garden City, N. Y., 1960). This book provides insight into the intricate workings of those persons charged with securing the loyal submission of the general citizenry. To these, one must add Harold M. Hyman's Era of the Oath, Northern Loyalty Tests During the Civil War and Reconstruction (Philadelphia, 1954).

Mary Bernard Allen, "Joseph Holt, Judge Advocate General (1862-1865)" (Ph. D. Dissertation, University of Chicago, 1927), while providing a comprehensive wartime biography of Holt, also leads the reader through the complex development of a department of the government and the development of its policies for dealing with the "problem". Alexander H. Meneely, The War Department, 1861: A Study of Mobilization and Administration (New York, 1928), is a more complex approach to the questions of suppression of dissent from the point of view of one cabinet-level department. Meneely traces the passing of a very simple military process toward a complex military machine.

Each of these volumes seems to point to two major conclusions. First, the existence of a machine for the suppression of dissent, while contrary to the American spirit in time of peace, was equally indispensable during a war crisis. Second, a great deal of the most significant federal action was undertaken with the goal of quelling any display of public dissent regardless of the costs.

Several different works were used in the discussion of the question of control. Critical to any understanding of this facet of the Civil War and of the development of federal domination is James G. Randall, Constitutional Problems Under Lincoln (Urbana, Ill., 1964). Further treatment of these issues can be found in Randall's "The Confiscation of Property During the Civil War" (Ph. D. Dissertation, University of Chicago, 1911). Each of these works provides insights into the critical concerns of the three branches of government. Throughout, Randall's attention to detail allows for a most complete picture of the processes of governmental change.

To the work of Randall should be added several other treatments of the governmental metamorphosis. These include Edward C. Boykin, Congress and the Civil War (New York, 1955), Leonard P. Curry, Blueprint for Modern America: Nonmilitary Legislation of the First Civil War Congress (Nashville, 1968), and Thomas H. Williams, "The Committee on the Conduct of the War" (Ph. D. Dissertation, University of Wisconsin, 1938).

Regarding the conflict over the issue of prisoner's rights, Catherine M. Tarrant, "A Writ of Liberty or a Covenant with Hell: Habeas Corpus in the War Congresses, 1861-1867" (Ph. D. Dissertation, Rice University, 1972), begins with the concerns of Supreme Court Justice Haney and concludes with postwar decisions. George Clark Sellery, "The Suspension of the Habeas Corpus During the Civil War" (Ph. D. Dissertation, University of Chicago, 1901), treats the subject equally well from a different perspective. Both John Syrett, "The Confiscation Acts: Efforts at Reconstruction During the Civil War" (Ph. D. Dissertation, University of Wisconsin, 1971), and Duke Frederick, "The Second Confiscation Act: A Chapter of Civil War Politics" (Ph. D. Dissertation, University of Chicago, 1967), are equally essential reading.

When it comes to describing Old Capitol and the life of the prisoners confined there, one must consider that most accounts were written by those incarcerated. Fewer accounts were left by those who served as guards and/or administrators. It is only human nature while in a vindictive mood to exaggerate one's peril, to give undue weight to the importance and interest of one's own experience. Analyses of actions, both the intent and the result, are thereby distorted by accident or design. The literary heritage passed down by the prisoners of the Old Capitol is not free of such a vindictive passion.

Those who left written documentation of their stay at Old Capitol wrote memoirs to serve several different purposes. Besides the obvious value of monetary reward to the author, some wrote to inform and to entertain the public. Some felt that the memory of what had occurred should be preserved for the future, hoping, possibly, that such action would never again be allowed to happen to American citizens. Others may have published to heighten their own prestige. Still others proffered an account of their travails simply to prove a point. It is this broad range of material, both fact and fiction, which confronts the student of Civil War history.

In placing their writings before an avid readership, the authors of war memoirs must have felt sure that their work would meet acceptance. A problem in this respect is that several writers indicate the possession of a superhuman capacity for total recall. Many speak of diaries kept in impossible situations. These two characteristics allow for the literal quoting of entire conversations, often between several different persons, often in entirely different locations from the author. Discussions which could have only been hearsay to the prisoner are reported verbatim. While not intending to discuss the ethical questions of their arrest and incarceration, the writers attempted to present a frank and faithful statement of their experiences. The addition of healthy amounts of glamorous adventure,

deeds of derring-do, and heavy doses of romance seems to this writer an attempt at conforming with the style of contemporary popular literature with which they were most accustomed.

It is in this class of literature, though, that the student of Civil War history will find some of the most interesting material on Old Capitol Prison. Perhaps the most voluminous example of this is John A. Marshall, American Bastille: A History of the Illegal Arrests and Imprisonment of American Citizens During the Late Civil War (Philadelphia, 1870). Marshall had been commissioned by a resolution of a convention of prisoners of state to write the definitive memoir for the group. His intent, then, was to present an authentic account of the arrests, the incarceration, the relevant orders, etc., that the prisoners related to him after the war. This volume contains the narrative reports of about seventy private citizens who were imprisoned in the great network of Northern prisons. A great many of this number were at Old Capitol. The reader should be warned, though, that Marshall's work is to be approached with skepticism; its authenticity is subject to challenge.

Also in this class of prison literature are the memoirs of specific prisoners. Used in this study were Rose Greenhow, My Imprisonment and the First Year of Abolition Rule at Washington (London, 1863), and Belle Boyd, Belle

Boyd in Camp and Prison (New York, 1968). In these two volumes, Greenhow compared herself to Marie Antoinette, Mary Queen of Scots and Charlotte Corday, while Belle Boyd consistently compared herself to Harvey Birch in James Fennimore Cooper's The Spy. Federal detectives were likened to Edgar Allan Poe's raven, while Superintendent Wood was compared to Francois Eugene Vidocq, the most reprehensible of French detectives. This same preoccupation with self and the martyrdom of the prisoners was picked up by George Henry Clay Rowe in Lucille Griffith, "Fredericksburg's Political Hostages: The Old Capitol Journal of George Henry Clay Rowe," Virginia Magazine of History and Biography, LXXII (1964).

A more scholarly treatment is James J. Williamson, Prison Life in the Old Capitol and Reminiscences of the Civil War (West Orange, N. J., 1911). It is the most comprehensive work found on Old Capitol, providing descriptions of the prison, the system, and the inmates. Supplementing the work of Williamson is James I. Robertson, Jr., "Old Capitol: Eminence to Infamy," Maryland Historical Magazine, LXV (1970), which capsulizes the history of Old Capitol. although not specifically dealing with conditions in the Old Capitol, Minor H. McLain, "Prison Conditions in Fort Warren, Boston, During the Civil War" (Ph. D. Dissertation, Boston University, 1955), provides materials not found in other works. Along with Edgar H. Schein, "Reaction Patterns to

Severe, Chronic Stress in American Army Prisoners of War of the Chinese," Journal of Social Issues, XIII (1957), these works provide the reader with a most comprehensive picture of the way inmates adjusted to life in Old Capitol.

VITA

The writer was born August 8, 1951, in Norfolk, Virginia. His first fourteen years were spent in Norfolk attending elementary and junior high schools there. When he was fifteen, his family moved to Hampton, Va. It was there, in June, 1969, that he was graduated from Kecoughtan High School. After graduation, the writer was employed by the City of Newport News as a draftsman for three years.

In September, 1972, the writer matriculated at Virginia Polytechnic Institute and State University. He entered the graduate school there in June, 1976, after having been graduated with a double baccalaureate in History and Political Science. While pursuing the M. A. in History, the writer completed the M. A. in Student Personnel Higher Education (Counseling and Guidance). He thereupon gained employment as the Counseling Coordinator at West Virginia Institute of Technology.

Married to the former Diane Marie McDonald in July, 1978, the writer currently resides in Charleston, W. V. The couple is expecting their first child in August, 1982.

A handwritten signature in black ink, reading "John A. Strickland III". The signature is written in a cursive style with a large, stylized "J" and "S".

OLD CAPITOL PRISON, 1861-1865

by

John A. Strickland III

(ABSTRACT)

The present study is a socio-political and military history of the development, use and demise of Old Capitol Prison. Built to serve the legislative arm of the Republic, Old Capitol stood at the corner of First and A Streets. From the time the federal government assumed control of the building in 1861, it served as a prison for several classes of persons before its ultimate demise in 1865.

Federal officials were overwhelmingly unprepared for the task of prisoner control. At no point before the outbreak of hostilities had any official advocated the maintenance of a permanent military prison system. A severe lack of planning and foresight created a veritable void, casting vast numbers of prisoners into hastily assembled prisons. In the District of Columbia, the building called "the Old Capitol" provided a warehouse for such prisoners.

Prisoners confined in Old Capitol were of several categories. Confederate prisoners-of-war found residence there. As Lincoln's armies occupied Confederate territories, civilians of "secesh" political leanings were taken into custody. Persons of Southern political leaning in the border states found their way into Old Capitol. They were joined later by persons of similar persuasion from states

both north and west. Slaves and white refugees flowing out of the South were also placed in the custody of the federal guard. Northern military men accused of alleged crimes, disloyalty, dissention, etc., were guests of their own system. Old Capitol served as host for a vast variety of guests. This study attempts to tell their story.