IN THE CROSSHAIRS

On April 12, 1864, two brigades of cavalry commanded by Nathan Bedford Forrest attacked and captured Fort Pillow. The position was occupied by one batallion of Tennessee Unionists and one unit of African American soldiers. In a day-long fight the United States troops occupying the position suffered between 277 and 295 causalities. Some of these were killed during the preliminary fighting when the Confederates surrounded the place and then fired on anyone who showed himself above the parapet. Others were killed when the final assault was made, as Confederates poured into the ditch in front of the breastworks and them scrambled over them. Still more were killed as the survivors of the assault ran for the bluff leading down to the Mississippi River. During this final phase of the battle some men were killed as they attempted to surrender or, it is said, after they had surrendered. It cannot be known with accuracy how many died in each of these phases of the battle so no one can say how many may have been killed unlawfully. The number unlawfully killed must obviously be only a part of the total dead. However, from that day in 1864 this undetermined number of deaths has been labeled the "Fort Pillow massacre."

The supposed motives of the Confederate soldiers in inflicting these deaths has often been labeled "racism" and hatred of Unionist Tennesseeans. Much of the historical analysis of Fort Pillow has treated the affair as the first in a limited series of incidents in which Union troops, especially African American soldiers, were killed without mercy. The continuing debate over what happened at Fort Pillow has been used by some historians, both professional and amateur, to besmirch the reputation of Nathan Bedford

Forrest and of all those under his command, even to besmirch the Confederate cause generally.

There is another side to this story, one based on documented evidence which shows a different setting for Fort Pillow. That story is one in which the United States army deliberately targeted Confederate civilians and prisoners of war in a war of vengeance; it is a story of unlawful killings on a much greater scale than Fort Pillow; it is a story which reveals a policy decision reached by the United States government to kill without mercy. Human life became exceedingly cheap during the Civil War and the United States army was the first to discount its value.

The focus of this article is North Alabama, Middle and West Tennessee, and Central and Western Kentucky. The basis for the findings in this article are the *Official Records (O.R.) of the War of the Rebellion* and the *Provost Marshal Records of the United States Army*. These government records have been supplemented with first-hand accounts from both North and South.

There was hostility, even hatred, between the sections in 1860 and it had not developed suddenly. Fractious relations, north and south, stretched all the way back to the time when the various colonies had been founded and religious ideology was a point of contention. When the Revolution broke out the differences between the sections were so great that the mutual hostility toward Britain was barely enough to hold the parties together in a common cause. These differences were granted tacit recognition in the Treaty of Paris which ended that conflict; in that document the recognition of independence was made between Great Britain and each of the thirteen states individually, not between Britain and a single nation. Over the decades following

independence north and south squabbled over the balance of power between the states and the national government, a debate which defined the vote over ratification of the Constitution in 1787; argued over the matter of territorial expansion with the southern states usually favoring expansion and New England opposing it; disagreed on the political and economic needs of agriculture versus industry, especially over the matter of tariffs; and over slavery.

. Once legal across the nation, slavery had begun to be limited in geographical extent in 1780 with the Northwest Ordinance which had set aside a "free labor" area where free, white laborers would not have to compete with slaves. With the growth of the Abolition movement the slavery question had evolved from being an economic question in the minds of most to being a moral question in the minds of many. At the same time this evolution in thinking was taking place slavery receded in geographical extent to become a Southern institution. Although a minority of white heads of families owned slaves the political and economic influence of the minority was enormous. Among the non-slave owners there was awareness that they were at an economic disadvantage relative to their slave owning neighbors but there was also resentment at the self-righteous moral tone adopted by Abolitionists and that resentment was expressed toward anyone who "stuck their nose" into what was perceived as "Southern business."

John Brown, with his attack on an arsenal of the United States, intending to seize weapons to arm a slave rebellion, loosed the specter long feared. At the beginning of the Nineteenth Century a slave revolt had swept Santo Domingo and had produced the independent nation of Haiti, a state conceived in slaughter and baptized in blood. The rumors of slave revolts and the occasional plots to foment one had long been the

boogieman lurking under the bed of all those who lived in a slave owning area. The Republican Party, in 1860, had condemned John Brown in its platform but many Republicans had remained silent on the issue while a few had hailed Brown as a holy martyr. These few provided enough political tar to stain the entire party in the South.

With this background of friction and dislike many people scoffed when Abraham Lincoln said, in his 1861 Inaugural Address, that "the mystic chords of memory, stretching from every battle-field, and patriot grave, to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature." For the scoffers, North and South, there were no such chords attached to the Union. The United States they knew was a loosely united, quibbling, argumentative collection of sovereign states holding diverging views on significant issues. The angels which played about the hearts of these citizens did not sing of peace and for these Lincoln was speaking nonsense. There had been years of insults, so they perceived, and they felt the time had come to take action to redress them. Retaliation was a principle well understood and honored in that time and place, it was "an essential component of the masculine code of honor." Retaliation gave legitimacy to being violent in response to violence done by another. The code of "an eye for an eye" was accepted as legitimate. It would take strong discipline on the part of authorities to restrain this urge to retaliate against an opponent and the armies being raised for the approaching conflict were not characterized by strong discipline. [1]

When the war began many people, North and South, did not like each other and did not do so for a variety of reasons. Much of the dislike was simple frustration at those who had criticized and disagreed with them for a generation or more, some of the dislike

was connected to issues both political and moral. But the dislike was real. When the actual shooting started dislike became hatred, and a desire for vengeance came to be a motivation for action. A policy of vengeance was advocated from the early days of the war by Northern journals such as the *Chicago Tribune* and by prominent political leaders.

Because the war was fought primarily in the South, it is not a surprise that Southern civilians who supported the Confederacy became the target for this vengeance. As the war went on what had begun as an emotional factor in the minds of citizens and citizen-soldiers became an accepted policy of the United States government. Some historians have pointed out that the policy of the United States evolved from an attempt to persuade the seceded states to rejoin the Union to a policy of conquest and forced reentry. These same authorities also recognize that a desire for a "hard war" policy was present in the hearts of many United States soldiers long before it became openly accepted as the policy of the Lincoln Administration. In the process of this evolution pro-Confederate southern civilians were put "in the crosshairs" and were targeted for death by the United States army.

The desire for vengeance was not absent from the minds of people in the South. The political divisions within the seceded states made the pro-Union segment of the population a target for acts of vengeance throughout the war as opportunity offered. But the occupation of southern territory by the United States army provided a degree of protection for much of the Unionist population and that same occupation provided opportunity for taking vengeance on the pro-Confederate population by both the occupying armies and the civilians who supported the Union. Circumstances determined

that most of the vengeance wrecked during the war would be directed toward pro-Confederates and their property.

In the early days of the war the Congress of the United States debated, and then passed, an act allowing the confiscation of all property belonging to "persons in rebellion" against the United States. In the absence of a clear definition of what constituted "in rebellion" all property in the South might be considered fair game and it would be necessary for civilians to prove their loyalty in order to protect their property from seizure. Any action favorable to the Confederacy, including paying taxes, might be enough to brand one a rebel. From officially sanctioned confiscation it would be a small step to looting.

Soldiers who met on the battlefield certainly harbored a desire to take vengeance against their foes but the ability of organized bodies of troops to defend themselves meant that such opportunities were not common although some acts of vengeance did occur on the battlefield. For example, on July 13, 1862, Confederate cavalry under the command of Nathan Bedford Forrest raided Murfreesboro, Tennessee, in a successful attempt to disrupt the Union supply line supporting a move toward Chattanooga. Several civilians from the area had been arrested by United States forces on suspicion of aiding the Confederacy and had been confined in the town jail along with Confederate military prisoners. When Forrest came charging into Murfreesboro the troops from the 9th Michigan guarding the jail set fire to the building and ran away with the key. The 2nd Georgia occupied the building and forced open the cells. The significance of this action is chilling. Soldiers of the United States army were quite willing to burn to death Confederate civilians and prisoners of war. The 9th Michigan had not been attacked by

"bushwhackers," they had no reason for a personal vendetta against Confederates except intense hatred, a hatred so intense that they were willing to inflict a fiery death on the objects of their hate. The war was still in its early stages but already life was held cheaply by those who viewed the South as an area on which vengeance could be taken.

On April 27, 1863, elements of General John Hunt Morgan's command raided the Louisville and Nashville Railroad at a location known as Negro Head Cut between Bowling Green and Nashville. The 102nd Illinois Infantry responded to this attack and the after action report filed by the officers of that unit reported two Confederates killed in the skirmish. The graves of these two men were marked in 1914 by the local Bivouac of the United Confederate Veterans. In 1995 it was decided to replace the 1914-era marker and to attempt to create a more complete historical record of the men killed in this combat. It had always been known that one of the men was Charles Kimble, 2nd Kentucky Cavalry, C. S. A., but the other was identified only as "Comred." The excavation of the grave, carried out by archaeologists from Western Kentucky State University, found military buttons, civilian buttons, fragments of clothing and the remains of a wool hat. An examination of the skeletons found buckshot embedded in the remains of the skulls and upper chest area, indicating that both men had been killed by shotgun blasts at close range. Since the 102nd Illinois did not carry shotguns, but many Confederate cavalrymen did at this stage of the war, the physical evidence indicates that both men were captured and then killed using the shotgun taken from one of them. [2] Another member of the 2nd Kentucky Cavalry, Sergeant K. F. Pedicord, had been captured by the 9th Ohio Infantry just a few days earlier. Questioned by General Eleazar Paine, Pedicord refused to divulge plans concerning Morgan's movement against the

railroad. The 9th Ohio had boasted that it never took prisoners and Pedicord did not long survive his captivity at their hands. He was taken into the countryside just outside Gallatin, Tennessee, and killed. He was buried by the Malone family on their farm. [3]

Assaults on civilians began as soon as the United States army entered territory it considered friendly to the Confederacy, although only scattered incidents occurred at first. In early May 1862 the United States occupation of North Alabama was targeting civilians. Troops passing the vicinity of the village of Paint Rock, Alabama, were fired on by what were deemed to be "bushwhackers." Colonel John Beatty commanded the soldiers fired on and he assembled the residents and *"I told them that hereafter every time the telegraph wire was cut we would burn a house; every time a train was fired upon we would hang a man; and we would continue to do this until every house was burned and every man hanged between Decatur and Bridgeport. We proposed to hold citizens responsible for these cowardly assaults, and if they did not drive these bushwhackers from among them we should make them more uncomfortable than they would be in hell."* [4] Following this speech Beatty had the village burned and took three men as hostages. This event represents the most common cause of targeting Confederate civilians by the United States army, retaliation for attacks by 'bushwhackers." The problem, then and now, is in defining who was a "bushwhacker" and whether or not their military actions were legitimate. The militia organization in the South had become dormant following the war of 1812 as the threat from local Indians was removed. By the 1830's no need was perceived for active local military units until Nat Turner's Rebellion convinced most communities to keep militia units alive. The war with Mexico in 1845 created a renewed interest in military affairs and the increasing sectional tension, culminating with John

Brown's attack at Harpers Ferry, gave new life to many units. At the beginning of the Civil War the able-bodied younger men of the militia were merged with the state provisional armies, then with the Confederate provisional army. This left intact the framework of the militia, though filled only by members who were disqualified from field service by age or health or occupation. In many instances these skeleton militia units were declared to be "home guard" units and were authorized to assist with law enforcement activities and were subject to certain forms of military duty such as guarding locations were food supplies were collected or patrolling strategic bridges.

These units had military legitimacy in the minds of the local population and in the eyes of the Confederate government. In 1862 the Confederate Congress revamped the militia law to include all able bodied free males between the ages of 18 and 45 with volunteers allowed up to any age, so long as the volunteer was able bodied. The military legitimacy of these units was reinforced by the long-standing tradition of mass citizen response to military danger going back to the frontier days. Social approval of these units was reinforced by the legend of the Minutemen, by the history of Francis Marion and Charles Sumter, by the memory of the men of Andrew Jackson's command who fought the British and the Indians in the War of 1812. At no time in the history of the nation had militia formations and informal citizen response groups worn uniforms and always they carried such weapons as they had at home. Some of the local units were incorporated into the Partisan Ranger commands authorized by the Confederate congress. When regular army Confederate formations were present to offer some guidance and support these informal units constituted a force capable of annoying any opponent transiting or occupying their area.

To say that an area had been "occupied" by the United States army is misleading. The Federal forces occupied major towns and deployed garrisons along railroads to protect lines of supply. Patrols were sent into the areas surrounding these garrison towns but much of the countryside was open territory, readily penetrated, if not partially controlled, by small bands of Confederate cavalry, Partisan Rangers, and home guard units.

From the perspective of the United States army, Partisan Rangers and home guards were armed citizens who stood outside the laws of war. Any citizen taken carrying arms was subject to summary execution according to long-standing military tradition. As the war dragged on and the attacks from the pro-Confederate units not only continued but grew more intense. Actions such as those taken by Beatty would become more common and more violent. The term "bushwhacker" would come to be applied indiscriminately to anyone opposed to United States forces. If, in May 1862, Beatty was willing to hang Confederate civilians because of an attack made by an unknown person what would United States soldiers be willing to do by 1865? Although General Orders #100 would not be issued for almost another year Beatty's actions at Paint Rock may be viewed in light of that code. Section 22 of the Order would state that "The principle has been more and more acknowledged that the unarmed citizen is to be spared in person, property, and honor as much as the exigencies of war will allow." Article 23 would state "Private citizens are no longer murdered, enslaved, or carried off to distant parts, . . ." The contrast between army orders and army conduct is obvious.

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Another incident occurring at the same time only a few miles from Paint Rock, Alabama, would show the same willingness to target Southern civilians. United States troops commanded by Colonel Ivan Turchin had occupied Athens, Alabama, in late April. On May 1, 1862, the approach of 200 Confederate cavalrymen of the 1st Louisiana Cavalry caused the precipitous retreat of Turchin's brigade. Retuning the next day, Turchin let it be known he would turn the proverbial blind eye if his men wished to sack the town. His implied invitation was immediately taken up by the Indiana and Illinois soldiers under his command. A few hours later $54,000 in damages had been inflicted on private property, private homes and stores had been looted of goods and robbed of money and jewelry, and sexual assault had been committed on an African American woman. Athens was not the first town to be looted by Turchin's command; Bowling Green, Kentucky, had been so served earlier in 1862. Nor was Turchin's brigade the only soldiers of the United States who were out of control. General Ormsby Mitchell, commanding the entire area of North Alabama, told Secretary of War Santon on May 19 that "robberies, rapes, arsons, and plundering are being committed by lawless brigands and vagabonds connected with the army; . . . in regiments remote from headquarters I hear the most deplorable accounts of excesses committed by soldiers." This opinion was shared by Captain Oliver Greene, Assistant Adjutant General, who commented that "the troops in Negley's and Mitchell's commands with few exceptions have become bands of robbers and thieves." Nor was Athens the only scene of rape. The 3rd Ohio Cavalry was accused by General Don Carlos Buell of the rape of several African American women at Woodville, Alabama, on August 12. The Athens event led to a court-martial but Turchin was acquitted and, through the intervention of President Lincoln, was promoted to

Brigadier.[5] No action was taken against the other troops who had been the subject of the other complaints.

These depredations created more local resistance and encouraged the Confederate government to detach more cavalry to operate on the fringes of areas of Union occupation. As U. S. troops began to move toward Chattanooga in August 1862 in an attempt to counter the Confederate move into Kentucky the targeting of civilians became more pronounced. Near New Market, Alabama, a small group from the 4th Alabama Cavalry, led by Captain Frank Gurley, ambushed a column led by Brigadier Robert L. McCook. The Brigadier was ill and was traveling in a wagon but had gone ahead of the main body of his troops to look for a camping place. While some 800 yards in advance of his troops McCook's conveyance was attacked by seven men, including Gurley, who then charged and scattered the Union advance guard before turning back into the woods. In the exchange of gunfire McCook was mortally wounded. Following the death of the Brigadier the next day McCook's men went on a rampage of revenge, burning all houses within five miles of the place of the attack, including the house of Mrs. Jane Word who had taken the wounded officer into her home to nurse him. Several men were summarily shot in the apparent belief that all Southern males were real or potential enemies. South of Huntsville, at about this same time, a detachment of U. S. soldiers killed four members of a family who had hidden their livestock, shooting the men in the yard of the family dwelling, a fifth member of the family was thrown into the Tennessee River and shot. Returning to the farm the African American overseer was hanged when he also refused to reveal the hiding place of the animals. [6] No action was taken to determine who had

murdered the civilian. The line had been crossed. No longer was civilian property the only target for vengeance, civilian life could be taken with impunity.

Gurley became a target for personal revenge by the McCook family who had him charged with murder following the end of the war, only to see Gurley pardoned at the request of some of the most prominent Unionist citizens in North Alabama.

West Tennessee saw its share of murders by United States troops. As The Army of The Tennessee moved slowly up its namesake river following its victories at Forts Henry and Donelson U. S. soldiers committed so many acts of looting and pilfering that authorities in Washington concluded that Grant's men were "thoroughly demoralized' by their victories. [[7] Two of the victims of this "demoralization" were the sons of Jack Hinson who lived near Dover, Tennessee. The two boys were accused of being Confederate scouts although there was no evidence to substantiate the charge. The two were gunned down in the front yard of their home, their bodies mutilated, and left for their parents to discover. When no action was taken against the murderers, "Old Man" Jack Hinson became a bushwhacker in revenge for the deaths of his sons. Near Covington, Tennessee, Confederate Captain Lafayette Hill, home on sick leave, was captured. Private Gottleib Lippold shot the prisoner, wounding him. Lippold's commander admonished the private, saying he should have killed the prisoner. In an event which shocked General William Sherman, a detachment of the 6th Illinois Cavalry went to the house of a civilian, William White, near Memphis, took White into the yard where he was beaten and then shot to death. [8]

By the summer and early autumn of 1862 the government of the United States favored a "hard war" approach to the South. John Pope had gained a measure of fame

with his victories along the Mississippi River and had been the first to apply harsh policies toward civilians. Lincoln approved Pope's transfer to Virginia where the general applied the same approach to civilians over an even wider area. In General Order #7, issued to The Army of Virginia, Pope declared that if shots were fired from any house those living there would be treated as a prisoner of war and their house would be burned. [9] This order, and the decision to depopulate areas of all males considered "disloyal," had the full approval of President Lincoln. The crushing defeat of Pope at the Second Battle of Bull Run and the movement of Confederates into Kentucky brought a respite for the Confederate population of Tennessee, North Alabama, and Western Kentucky. But the return of the United States army to Western Kentucky and Middle Tennessee in the winter of 1862-63 saw a renewal of harsh tactics against civilians, often leading to deaths. What had been scattered incidents became a pattern of behavior reflecting an accepted policy.

One of the bloodiest-handed of the officers of the United States army was Eleazer A. Paine, a 1839 graduate of West Point, and a political supporter of Abraham Lincoln as early as 1858. Paine maintained a personal tie of friendship with the occupant of the White House throughout the war. Placed in command of the garrison of Gallatin, Tennessee, about 30 miles outside Nashville, Paine was plagued with opposition from units he considered to be guerrillas. He established earthworks at major population centers along the Louisville and Nashville Railroad, placed block houses at bridges, and kept patrols in motion throughout the countryside. All these efforts simply provided targets for the Confederates. Paine soon found he could not catch the active soldiers so he took out his frustration on anyone he could apprehend. Paine's methods were

described by one of his subordinates in a talk given to the Military Order of the Loyal Legion of the United States in Wisconsin in 1886. According to this former officer of the 134th Illinois, Paine took the attitude that the people must submit to "Federal salvation or die." This was not idle talk; the day after the 134th arrived at Paducah, Kentucky, Paine ordered the execution of Captain Kesterson of the Confederate army. Other pro-Confederates were forced to travel the countryside announcing the "no quarter" policy Paine had adopted and the relatives of these men were held as hostages. A few weeks later, following an attack on a bridge crossing Goose Creek a fifteen year-old boy named Lafayette Hughes was arrested on suspicion of being involved. The soldiers who arrested Hughes killed him before they reached the post stockade at Gallatin. Fleming Sanders, age seventeen, was arrested on another occasion and was confined to the town jail for several weeks before being taken to the outskirts of town and summarily shot. At about the same time Company G, 129th Illinois arrested a man who was eating supper with his family. Taking the man into the yard, he was shot dead in the presence of the family and the house was burned. No charges had been brought against the man but Paine thought "it served the damned son of a bitch right." One of the members of the 129th Illinois who helped carry out Paine's orders to kill without trial wrote to his sister that "we have made a number of them bite the dust and we have burned a lot of houses." [10] Paine also became noted for the sadistic practice of releasing prisoners, mounting them on a worn-out horse, giving them a short start, and allowing his staff to pursue and kill them. This activity was documented by members of Paine's staff as well as by local residents. Among the prisoners of war executed by Paine were a lieutenant and seven enlisted men captured from the command of John Hunt Morgan. These prisoners were murdered just

before Christmas 1863 by members of the 71st Ohio. Other prisoners were released upon payment of money which went into a "relief fund," the contents of which appear to have been used by Paine for personal purposes. [11]

The process which passed for a trial before Paine was described as "unique." The charge was unknown to the defendant and was not revealed to him prior to the proceeding. The case opened with an accusation being made by the officer in charge and, since this was the first knowledge the accused had of the charge, no defense could be offered. Women prisoners were commonly subjected to "coarse, vile, and profane" insulting language. The assumption was that the prisoner was guilty and no opportunity was given to confront the accuser or to see the proof offered of guilt. Using this procedure Paine is known to have caused the unlawful death of 168 civilians and prisoners. When these deaths came to his attention, Ulysses Grant commented that Paine was "entirely unfit to command a post," but instead of being punished for violation of the laws of war this friend of Abraham Lincoln was sent to Tullahoma, Tennessee, with a fresh command.[12]

While Paine was at his work in and around Gallatin the focus of the war in Tennessee had moved southward. The opening of the Vicksburg Campaign left West Tennessee a secondary theatre but no less dangerous for civilians for that. In Middle Tennessee the Army of the Cumberland had spent the first six months of 1863 around Murfreesboro, reorganizing and collecting men and supplies before moving toward Chattanooga. This occupation produced deaths among the civilian population of that area of which the following example is typical of many.

In March 1863 soldiers from an Ohio regiment came to the farm of Calvin and Minerva Lowe in the Big Springs community near Murfreesboro. Calvin Lowe was a Confederate veteran who had been discharged because of a wound suffered at Shiloh. The Ohio soldiers were foraging and were ransacking the Lowe's barnyard. Minerva stood by as pigs, cows, sheep, and corn were taken but she lodged a protest when all her chickens began to be killed. One of the Ohio soldiers responded to her protest by bayoneting the seven-months pregnant young woman. A civilian doctor was called by her husband and the baby was removed from the womb of the dead mother. The child lived for only three days. Calvin was wrenched from the body of his wife without being allowed to bury her and was taken to Murfreesboro as a prisoner, leaving his eight children with no adult to care for them except a neighbor. No charges were brought against the Ohio soldier. General Rosecrans had already reported to Washington that his troops had committing numerous murders among the civilian population. On January 11 he had told Secretary of War Stanton that "the crimes of murder, arson, rape, and others are increasing, and the power to check them by inflicting the penalty of death is a nullity, for with the delays necessary to get them a regular trial by general court-martial, and then holding them until the matter is reviewed and approved by the President, such a time elapses that the troops are relieved and the culprit escapes."[13]

The killing of Confederate prisoners continued to occur. On April 10 a cavalry force led by Earl Van Dorn and Bedford Forrest attacked Franklin, Tennessee. While marching down the Lewisburg Pike near Douglas Church, the Confederate column was momentarily rocked by an attack by the 4th U. S. Regular Cavalry. This attack overran Freeman's Battery of Forrest's command and the commander of the battery, Captain Sam

Freeman, was taken prisoner. The Confederates rallied and retook the guns, pursuing the Regulars toward Franklin. During this advance the Escort Company of General Forrest found the body of Captain Freeman. He had been shot in the face at such close range that his skin bore powder burns. Recaptured prisoners said that they had been forced to run alongside the cavalry and when Freeman could not keep up he was shot by a trooper. [14]

NOTE: In Vol. 10, #1, of *North and South,* George Burkhardt says that Forrest's Escort "murdered" members of the 4th Regular Cavalry following the battle at Selma when the Escort surprised a sleeping camp of the 4th Cavalry. Burkhardt did not mention the murder of Freeman by the 4th Cavalry, nor was there mention that the Escort apprehended nine members of that regiment near Selma in the act of committing rape on a woman and her thirteen year-old daughter earlier on the evening of the attack.

When the Army of the Cumberland did move south in the Tullahoma Campaign the attitude of the soldiers towards the civilians in their path remained one of exacting vengeance. On July 8, 1863, Rosecrans noted that stragglers had been committing acts of robbery, that quartermasters were taking forage improperly, and he reminded his Corps commanders that "disloyalty does not forfeit the rights of humanity." At the same time Chief of Staff James A. Garfield noted "the lawlessness of our soldiers on foraging parties will make bushwhackers faster than any other thing." [15]

Among these acts of "lawlessness" was the conduct of an Indiana cavalry regiment which was assigned the duty of moving up the railroad from Tullahoma to McMinnville. Bivouacking the first night out several miles above Manchester the unit occupied the yard of a house where the only two residents were a woman and her twelve year old daughter. A member of the regiment recorded in his diary "some of our men

entered the cabin soon after supper and behaved themselves like beasts. The screams of the woman and her daughter kept me awake all night. Our officers refused to intervene." The day following this gang-rape the unit reached the vicinity of McMinnville. In attempting to determine if a house on the far bank of a small stream was occupied by Confederates the Indianans fired a volley into the structure. The shots killed a three year old child. No Confederate soldiers were within miles of the scene. [16]

The success of the Tullahoma Campaign brought Middle Tennessee under occupation by the United States army for the rest of the war. This occupation only increased the deaths of civilians by allowing U. S. authorities to recruit from among local Unionists and to receive information about the politics and actions of the pro-Confederate residents. Many of the Unionists had suffered persecution under Confederate rule because of their political opinions while others simply took the opportunity to settle pre-war grudges against their neighbors. Moses Pittman reported all those engaged in the same trade as himself as being "disloyal" to the United States and was successful in having many of his neighbors burned out, setting up for himself a monopoly as a distiller. Pittman's report caused the Provost at the U. S. army base at Tullahoma to kill eight men without further evidence being gathered and without any trial being held. [17]

One of the military units recruited from local Unionists was the !st Alabama-Tennessee Vidette Cavalry, with members drawn from North Alabama and Middle Tennessee. Company D of this command was led by Captain Calvin Brixey, a deserter from the 16th Tennessee Infantry, Confederate. Within six months of being organized Brixey and his company had murdered forty eight citizens of the area. One of these was

Anderson Goodman of Grundy County, Tennessee, a man 53 years old whose crime was to yell at Brixey while his soldiers were attempting to enter Goodman's stable. These crimes caused the local citizens to issue a formal petition of protest to General Lovell Rousseau in Nashville. In response Rousseau had Brixey arrested and held for trial, but three weeks later he was released since no witnesses had appeared against him. The reason for the non-appearance of withesses was that Brixey's men had threatened to kill anyone who stepped forward and the Provost at Tullahoma had refused to grant passes to any potential witness who wished to travel to Nashville. Returned to his men, Brixey resumed his murderous campaign, killing another eighteen people, men and women. In the early summer of 1864 Brixey went to a school at Hawkerville, Tennessee, for the purpose of killing a fifteen year old student at the school, Jesse M. Abernathy whom Brixey accused of stealing some brandy. Seizing Abernathy, the men led by Brixey were riding toward a woods to kill the boy when a regiment of Confederate cavalry intercepted them. Abernathy was released and Brixey was given a drum-head court-martial and hanged. [18]

As the main focus of the fighting moved into Georgia life behind the lines became even bloodier for civilians living under the control of the occupying forces. The railroads had become vital elements of the Union supply network and any Confederate forces operating near the railroads were likely to be treated as guerrillas and bushwhackers, even when they were part of organized, C.S. authorized units. One of the United States officers assigned the responsibility of protecting the Nashville and Chattanooga Railroad, a the route over which ordinance supplies reached Sherman's armies fighting in Georgia, was Major General Robert Milroy. A failure as a battlefield commander, Milroy took out

his frustrations on the civilian population under his control. He described his policy as one of "blood and fire; I kill the men and burn their houses." In the same letter to his wife in which he characterized his policy, he said, *"General Paine was in command here (Tullahoma, Tennessee) before me. He has killed some 200 men before I arrived. He brought no charges against them, made no reports, he simply took them out and shot them. You would never know they had been killed unless you happen on their bodies out in the woods, as I do when I go out riding for exercise."* [19]

Milroy continued the murderous policies of General Paine throughout the rest of the war. In January and February 1865 Milroy issued written orders to the 42nd Missouri Mounted Infantry to kill 63 persons in the Coffee and Franklin counties in Tennessee, these becoming a part of the almost 500 persons Milroy ordered executed without trials. The Provost records show many of these orders were carried out. Age and gender were not considerations for Milroy, one of his victims was Cynthia McCullum of whom Milroy ordered, "shoot, but make it look like an accident;" while another victim was a fourteen year-old youth named Moore who, along with his father, were shot down in the back yard of their farm house while splitting wood. Killed with them was a seventy year-old neighbor. First Lieutenant W. H. Nelson, 5th Tennessee Cavalry, U. S., received an order from General Milroy to shoot *"Marion Emery's son or sons, a son of Ben Knight, Mr. and Mrs. Modenack, Mr. and Mrs. Jones, Wyatt Bank's two sons"* and eleven other people. The fact that Milroy was ordering the deaths of people whose complete names he did not know reeks of the spirit of vengeance against a class of people Milroy hated.

Sergeant W. E. T. Mitchell, 12th Tennessee Cavalry, U. S. kept a diary in which he routinely noted that prisoners were killed:

"May 18, 1864. Lieut. Creasy killed two prisoners, a Captain Pointer, and the other unknown. Warm and pleasant weather. Nothing important happening."

June 14, 1864. We were in a fight today. I killed a Rebel officer, Capt. Wm. Davis. We burned the houses near where the fight was and took the men of the houses to Linchburg (Lynchburg, TN)

June 15, 1864. Moved to Tullahoma and pitched our tents and in the evening killed the prisoners we brought in."

The "prisoners" were the men who happened to live in the vicinity of the skirmish of June 14. Tullahoma was the headquarters of the Provost Marshal district stretching from Murfreesboro, Tennessee, to Bridgeport, Alabama, and housed a large garrison of U. S. troops. The men killed were not apprehended bearing arms, had committed no crime, were given no trial; they were shot in cold blood by soldiers of the United States army.

In commanding these acts Milroy used a set of orders which became standard for U. S. Provost Marshals. The precise wording of the orders appears time and again in the records over the signatures of officers scattered across the South. The orders read:

You will proceed to the residence of the persons herein named and deal with them in accordance with the following instructions. In all cases where the residences of the persons are ordered to be destroyed you will observe the following previous to setting them on fire. You will search their houses to see if they have any articles belonging to the U. S. Gov't or that are contraband of war, which you will bring away. Also, all or any of the following articles that may be found belonging to aforesaid persons:

First: All horses, hogs, sheep, cattle, and any other animals or articles of whatever description that may be valuable to the U. S. Gov't especially those that are valuable to the Quartermaster, Commissary and Hospital Department.

Second: All stoves and stove pipes of whatever description and all kitchen utensils, Queens ware, beds, bedding, knives, forks, & etc also all chairs, sofas, sociable lounges and everything of the character of household furniture.

Third: All windows, sash, glass, looking glasses, carpets, & etc.

Fourth: Every article of household furniture which you do not bring with you must be destroyed or burned with the house.

Fifth: All barns, stables, smoke houses, or any other outbuildings of any description whatsoever or any building or article that could possibly be of any benefit or comfort to Rebels or Bushwhackers their friends or any person aiding, abetting or sympathizing with Rebels Bushwhackers and etc which could be used for subsistence for man or beast will be destroyed or burned.

Sixth: All animals forage or other articles brought in by you will be turned over to the AAQm of this post to be subject to the order of the commanding officer to be disposed of as he may think proper.

Seventh: The train accompanying you will be subject to your orders, together with all the persons connected with it, whether soldiers or civilians and you will cause any of them who may be guilty of committing depredations upon Loyal citizens or their property to be arrested and you will not yourself or suffer those under your Command to commit any trespass, or do any damage to Persons or property except those specified in this order.

Eighth: You will burn the houses of the following named persons, take any of the articles named above that they may have, together with all forage and grains belonging to them that you can bring away which may be useful to the U. S. gov't for military purposes or otherwise and will give no receipt of any kind whatsoever. [Names to be inserted here] Ninth: The following persons will be shot in addition to suffering in the manner prescribed in paragraph #8. [Names to be inserted here]

While the United States Provost Marshals issuing these orders may have been convinced that murder had been committed they omitted the niceties of collecting evidence, holding a trial, and obtaining approval of the verdict before killing these civilians.

Not only were significant numbers of people murdered, the manner of their execution was often barbaric. On February 7, 1865, Milroy signed an order saying: *The following persons have committed murder and if caught will be hung to the first tree in front of their door and be allowed to hang there for an indefinite period. You will assure yourself that they are dead before leaving them also if at their residence they will be stripped of everything as previously instructed and then burned.* [20]

The order requires a slow death for the victims, a fact born out by eye-witness testimony. The victims were hanged with a slip knot, not a hangman's noose, so they strangled to death slowly while their wives and children watched. Before leaving, the United States soldiers were to grab the dangling man by his ankles and yank down, breaking his neck. This method of execution reeks of the fanaticism of the Inquisition.

It was not necessary for one to be suspected of being a Partisan for Milroy to take a life, prisoners of war were also executed. James M. Chadd, a veteran of the 2nd Kentucky Artillery, U. S., remained in Tennessee as a civilian employed by the army. In

a written statement he said that on February 23, 1865, he saw ten prisoners of war shot at Tullahoma by order of General Milroy and that another prisoner of war was shot on March 2 or 3 of the same year. [21] Milroy also organized a Home Guard from the pro-Union segment of the population, a group which was noted, even after the conclusion of the war, as doing "all the Negro whipping in these neighborhoods." [22]

Milroy was not the exception in his behavior as commander of occupation troops, the pages of the Provost Marshal's records show that many U. S. officers took out their personal vengeance on Southern civilians. Milroy alone can be charged with almost 500 deaths documented in official U. S. government archives.

In West Tennessee the bloody-handed representative of U. S. authority was Fielding Hurst, a prominent farmer and one of the largest salve-holders in the counties along the Tennessee River in the western section of the state. Hurst, and his five brothers, controlled huge landholdings near Bethel Springs, an area which was known even before the war as the "Hurst Nation." Fielding Hurst and four of his brothers voted against secession and, when the major Confederate forces were driven out of the area following the battle of Shiloh, recruited a regiment for the United States from his relatives and neighbors. This unit was variously known as the 1st West Tennessee Cavalry and the 6th Tennessee Cavalry, U. S. Recruited in the same general geographical area were the 7th, 13th and 14th Tennessee Cavalry, U. S., while other Unionists joined the 11th Illinois Cavalry. Fielding Hurst became a colonel of his volunteer group and served under a succession of U. S. commanders in West Tennessee.

These Unionist units progressed from soldiers to terrorists in a short time. In the summer of 1863 Hurst stole property worth $5,139.25 from a Mrs. Newman of Jackson,

Tennessee. Mrs. Newman filed a complaint with Union authorities and Hurst was ordered to repay the sum taken. In 1864 Hurst returned to Jackson and demanded the city leaders pay him a sum of $5,139.25 else he would burn the town to the ground. Hurst took the money, an amount matching to the penny the amount he had been forced to return earlier, but burned the town anyway. During this 1864 foray toward Jackson Hurst captured three members of the 18th Tennessee Cavalry, C. S. The men were shot and their bodies left in the road. A day or so later Lieutenant J. W. Dodds, of the same Confederate command, was captured. Private Silas Hodges found his officer's body and reported that "the face had been skinned, the nose cut off, the under jaw disjointed, the penis and testicles cut off, and the body otherwise barbarously lacerated and most wantonly injured, and that his death was brought about by the most inhuman process of torture." It was on this same expedition that Hurst shot a prisoner who was found wearing a pair of U. S. issue spurs. He also questioned a woman resident of the area about the location of Confederate forces, then released her only to shoot her in the back as she crossed the creek on whose banks they were standing. At the end of this reign of terror, Hurst captured nine Confederate cavalrymen, beheaded them, and placed their heads on mile markers along the main public road from Purdy to Pocahontas and buried the headless corpses in the roadway at the foot of the markers. [23]

The lawless actions of this U. S. regiment caused the Union governor of Tennessee, Andrew Johnson, to express his concern and to call for action to be taken against Fielding Hurst. Late in 1864 Hurst did resign from the army for reasons of health but no action was taken against him for the murders committed by him and his men. Hurst later became a leading figure in the Republican Reconstruction government of

Tennessee. It was during the 1864 killing spree led by Hurst and other Union occupation forces that Forrest moved into West Tennessee, ending his campaign with the capture of Fort Pillow.

The torture of Confederate prisoners became unfortunately common. As we have seen, Major General Robert Milroy chose to kill his victims by hanging them with a slip knot while the 6th Tennessee Cavalry U. S. practiced mutilation and beheading. The 115th Ohio followed the same route. On August 29, 1864, near Nolensville, Tennessee, a fifteen man patrol of this unit led by Sergeant Taylor Temple captured Private DeWitt Jobe who was scouting U. S. positions in Middle Tennessee. Before his pursuers closed in Jobe chewed and swallowed the papers on which he had taken notes. When Jobe refused to tell the Union soldiers what was on the papers his teeth were knocked out with a pistol butt, he was hanged with a leather strap until unconscious, revived, and hanged again. His eyes were gouged out with a knife, his face and genitals were mutilated and he was finally killed by being dragged behind a galloping horse. No action was taken against the killers.[24]

Fielding Hurst did not originate the policy of using the authority of his position to loot civilians. In late 1863 a U. S. forage train was ambushed by guerrillas near the Middle Tennessee village of Mulberry and nine foragers were captured and killed. An expedition chasing the attackers returned empty handed so General George H. Thomas issued a general order sending a large detachment to collect monetary reparations from "all rebel citizens living within a circuit of 10 miles of the place where these men were captured." Citizens were to be assessed according to their wealth until a total of $30,000 had been collected. This same order stated that those who had killed the foragers were to

be considered outside the law and that anyone who killed any of them "will be held guiltless and receive the protection of this army, and all persons who are suspected of having aided, abetted, or harbored these guerrillas will be immediately arrested and tried by military commission." [25] In the proceedings of a military commission the accused were not informed of the evidence against them and were not given a defense attorney. .

The detachment sent to Mulberry vastly overstepped its orders. On July 13, 1866, a complaint was lodged with the Provost Marshal forces stating that *Pursuant to General Orders No. 6 dated HdQrts Dept of the Cumberland January 6th 1864, a tax of thirty thousand dollars was levied upon the people of the neighborhood for the killing of certain parties named therein. The amount actually collected was about sixty-six thousand dollars which the receipts of the Collecting Officer will show. Two years and a half have passed and no evidence has been adduced implicating any one living in this county with the killing. I am therefore induced to inquire if that money can not be refunded? If not, can the excess of what your order called for be refunded? Were you aware that more than twice the amount called for in your order was collected?* [26]

There are many incidents documented in the Provost Marshal records of the seizure of valuable civilian property not suitable for military use, and that property always subsequently disappeared from the records. This leads to the conclusion that systematic looting of the Southern civilian population for the purpose of personal financial gain took place at the hands of the forces of the United States. General Alpheus Williams, one of the heroes of Gettysburg, was stationed in Middle Tennessee in the winter of 1863-64 as part of the troops sent from the Army of the Potomac to rescue the trapped Army of the Cumberland. Williams wrote his daughter, *the making of fortunes I*

do not understand. I could have made one here if I had consented to sell my self-respect and the good name of my children to the third and forth generation. While somebody makes $700,000, somebody else loses a corresponding sum. [27]

In Kentucky the United States army commander found a way to make money and to kill Confederate prisoners at the same time. Stephen Gano Burbridge had made a good record as a combat commander at Shiloh, Arkansas Post, Champion's Hill, and at Cynthia, Kentucky, before becoming commander of the District of Kentucky in February 1864. By that time Kentucky was well behind the front lines of the major armies but small groups of Confederates moved across the state regularly, recruiting men and gathering horses and cattle to be sent south. Both Burbridge and Governor Thomas Bramlett considered these men to be guerrillas, as some of them were, but many were members of regularly organized Confederate units, led by commissioned officers, and ordered to operate behind Union lines. In June 1864 Henry Halleck gave Burbridge authority to declare martial law in Kentucky. William Sherman instructed Burbridge to *"arrest every man in the community who is dangerous to it, and every fellow hanging about the towns . . . who has no honest calling,"* instructions vague enough to allow Burbridge to take almost any action desired. Sherman added that *"guerrillas are not soldiers but wild beasts."* Because Kentucky was not covered by the provisions of the Emancipation Proclamation slavery was still functioning there and Sherman ended his letter to Burbridge by offering to provide transportation for all Kentucky slave owners who favored the Confederacy, their slaves, and property so they could found a colony somewhere.

On June 21, 1864, Sherman wrote to Edwin Stanton that it was necessary to kill or to exile a pro-Confederate " class of people, men, women, and children" before there was any hope of peace. Sherman explicitly mentioned the better educated members of Southern society as targets for extermination. Stanton replied, in writing, that Sherman's letter of June 21 met his approval. The apologists of the general contend that he was not serious and that this statement was unlike him. Sherman carried out his threats of exile in the well documented case of the females and children who worked at textile mills near Atlanta and his subordinates followed the pattern their commander established. Some of them, as we have already seen, took seriously Sherman's remarks about extermination. Sherman was consistent in advocating genocide against those he fought, he famously advocated killing Native Americans.

Burbridge is one of Sherman's subordinated who took the general at his word and acted accordingly. Burbridge issued General Order #59 by which he adopted a policy of retaliation against "Rebel sympathizers" for attacks on U. S. soldiers or pro-Union citizens. This order authorized the confiscation of property and permitted the killing of four Confederate prisoners for every Union citizen or U. S. soldier killed by guerrillas. [28] By this order the killing of innocent people became official U. S. army policy in Kentucky.

Sue Munday, a Confederate guerrilla, killed a U. S. soldier. In reataliation and under the provisions of General Order #59 Charlton Duke and his brother John, both members of the 2nd Kentucky Cavalry, were selected for death along with some other men. The Duke family was wealthy and received a communication from Burbridge that their sons would be spared in return for a payment of $2,000. This was paid and the two

were sent Rock Island Prison Camp for the rest of the war. Two other prisoners were selected to take their place before the firing squad. August 23, 1864, saw four prisoners taken from the prisoner-of-war stockade in Louisville and sent to Franklin, Kentucky. Lieutenant Charles Clary, 12th Kentucky, U. S., commanded the detail which delivered the prisoners to Lieutenant Adams, 26th Kentucky. Two of the prisoners, Private W. B. McGlasson, 2nd Kentucky Cavalry, C. S., and Private J. H. Bloom, 15th Tenn. Infantry, were executed, one in front of each of the entrances to the courthouse in Franklin. On October 25, 1864, Captain Wilson Lilly, 1st Missouri Infantry; the Reverend Mr. Sherwood Halley, a 70 year old Presbyterian minister; Lt. William Blinco, 2nd Kentucky Cavalry; and Captain Lindsey D. Buckner, Kentucky Cavalry were all shot on orders from Burbridge at Jeffersontown, Kentucky. Soon after William Tighe, R. W. Yates, and Willaim Datbor were killed at Pleasureville, Kentucky under the terms of the same order. All these men were regularly enlisted Confederate soldiers. W. C. Thompson and John C. Powell, Confederate prisoners-of-war, were killed at Henderson City, Kentucky. [29]

While interfering in state politics in an unsuccessful attempt to make sure Lincoln carried Kentucky in the 1864 election, Burbridge issued an order that no guerrillas would be taken prisoner, it was appropriate to kill them on sight. This meant that no questions would be asked if any person was killed who was a Confederate sympathizer, a paroled Confederate prisoner, a Confederate home on furlough, or a properly enrolled and uniformed Confederate. This was also an open invitation for robbery which could be covered up with the assertion that the person was a Confederate guerrilla; killing them before taking their horse and money was approved. There are fifty recorded deaths, executions carried out under Burbridge's orders, which are mere retaliation against

innocent prisoners or civilians who happened to be in the wrong place at the wrong time. Burbridge's policy became so odious that he was relieved from command in February 1865, but no action was taken against him for the deaths he ordered. It is felt by many historians that Burbridge made Kentucky a Confederate state but not until 1865. Post-war politics saw the state dominated by ex-Confederates.

The end of the war did not bring an end to the violence. The seeds sown by the killing of civilians by U. S. forces produced the bitter fruit of the Reconstruction struggles and provided emotional fuel for the rejection of the goals the Radical Republicans adopted for the Freedmen.

Was the targeting of Confederate civilians and, on occasion, prisoners of war, a policy of the United States government? Did these actions have the approval of the Lincoln Administration? Before the war began some extreme voices in the North had approved the idea of a slave revolt which would involve the deaths of hundreds, even thousands, of people in the South. The paradigm invoked was the revolt which led to the creation of Haiti at the beginning of the Nineteenth Century, a race war in which no mercy was shown on either side. John Brown espoused the idea of mayhem, despite which Brown's supporters proclaimed him a martyr to a holy cause. This attitude shows there existed a core group espousing such extreme hatred of Southern people that wholesale deaths were thought a desirable end. At the beginning of the war Lincoln tried to hold these extreme views at arm's length but the seed had been planted and the war nourished them. The belief that Confederates could and should be exterminated was accepted by some United States soldiers early in the war, as events in North Alabama and at Murfreesboro show. The resiliency of the Confederate armies heightened the

frustration of people in the North and helped make the idea of war to the hilt acceptable. What began as random deaths of civilians and prisoners became accepted actions. Under commanders such as Paine, Milroy, Brixy, Hurst, and Burbridge, and with the open approval of Sherman and Stanton these actions became an operational policy. The large-scale killing carried out by these men was not done in secret. Written orders were issued, these orders were forwarded through established military channels all the way to Washington, there these orders were reviewed and signatures of endorsement added. No act of Congress was involved, no official statement was issued, but the actions of government officials make it clear that the killing of Confederate civilians and prisoners of war was a matter of policy.

In this article there have been documented the unlawful deaths of over 1,000 Confederate civilians and prisoners of war during the period 1862-65, deaths which occurred in a relatively small area of the Confederate states. [30] Looting and extortion for personal gain have also been documented from official United States army records. If the unlawful deaths at Fort Pillow constitute a massacre, what term should be used for this much larger number of unlawful deaths inflicted by United States soldiers on Confederate civilians and prisoners? [31] If the deaths of African American troops at the hands of Confederates at Fort Pillow is to be labeled "racist," what term is appropriated for the policy of targeting Confederate civilians and prisoners?

No historian has ever presented documentary evidence that Bedford Forrest, or any other Confederate officer, ordered the murder of prisoners at Fort Pillow. The documents in which United States officers ordered the killing of Confederate civilians and prisoners are extant in official records. There is no suggestion that the Fort Pillow

event represented a policy approved by the Confederate government; there is documentary evidence that the unlawful killing of Confederates was a policy of the United States government. Although it has been alleged that women and children were killed at Fort Pillow no evidence of such deaths has ever been found and the charge is now rejected by the leading historians on the event of April 12, 1864. Written orders exist and unchallenged eye-witness accounts document that Confederate women and children were deliberately killed by soldiers of the United States. Fort Pillow must be understood in the context of an attitude on the part of the United States army and government which had existed since early 1862; an attitude which placed minimum value on the lives of pro-Confederates, including women, children, old men, and prisoners of war.

The neglect of the topic by Civil War historians has led to a widely-held assumption that such targeting of Southern civilians did not occur; indeed, some argue that the war aims of the United States were so honorable and noble that such things could not possibly have been done. This has created a myth as misleading as that of the "Lost Cause," the myth of the "Holy Cause." Unfortunately, history records no holy causes, all causes are flawed. The vengeance directed toward Confederate civilians and prisoners by the United States is one of those flaws.