

Insurgency and the American Civil War

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No nation is immune to insurgencies from within, even the United States. The problems encountered in governing millions of diverse individuals, each with a unique opinion on the various issues facing the current government, are legion. The study of these insurrections, especially within our own borders, is vitally important to the understanding of the nature of insurgencies, how to handle them, and, hopefully, how to prevent them from mushrooming into wide-spread violence.

When an issue is as volatile and contentious as slavery was before the American Civil War, the situation becomes ripe for the emergence of violent insurgents. Even citizens of good repute and even members of congress are prone to follow their heated emotions rather than their intellect when confronted with these issues. Such was the case before, during, and after the Civil War as the nation grappled with the issues of state's rights and slavery.

Before we can study the many insurgencies of the Civil War and before we can begin to understand complex individuals such as Mosby, Brown, and Quantrill, we must establish the legitimacy of the Confederate States as a separate, lawful government. For, if the Confederates were lawful, then Lt. Col John Mosby must be considered a legitimate soldier leading small bands in irregular tactics. If, however, the Confederates were not legitimate, then even the revered General Robert E. Lee must be considered an insurgent. Few are prepared to label General Lee as an insurgent.

Therefore, we must establish the Confederate States as a valid belligerent if individuals such as Mosby are to be considered lawful combatants rather than insurgents. There is no doubt that the Confederacy rose in forcible opposition to lawful authority, engaging in armed resistance to the execution of the laws of the Union.

On April 21, 1862, the Confederate Congress passed legislation that further complicates the claim of legitimacy by certain groups of irregulars. The Partisan Ranger Act was enacted to encourage irregulars to join the Confederate cause. The act stated:

Section 1. *The congress of the Confederate States of America do enact, That the president be, and he is hereby authorized to commission such officers as he may deem proper with authority to form bands of partisan rangers, in companies, battalions, or regiments, to be composed of such members as the President may approve.*

Section 2. *Be it further enacted, that such partisan rangers, after being regularly received in the service, shall be entitled to the same pay, rations,*

and quarters during the term of service, and be subject to the same regulations as other soldiers.

Section 3. *Be its further enacted, That for any arms and munitions of war captured from the enemy by any body of partisan rangers and delivered to any quartermaster at such place or places may be designated by a commanding general, the rangers shall be paid their full value in such manner as the Secretary of War may prescribe.¹*



Confederate Partisan Rangers

On February 17, 1864 the Partisan Ranger Act was repealed after pressure from ranking Confederate officers including Gen. Robert E. Lee. There were, however, two exceptions. These ranger groups were allowed to continue operations. These were Mosby's Raiders (the 43rd Battalion Virginia Cavalry) and McNeill's Rangers. The exception that distinguished these two groups was that they maintained military discipline.²³



Col. Breckenridge CSA

As far as the Union was concerned, the Confederates were considered states in rebellion and legally still in the Union. The Confederate government was not recognized. As an example of the legalities, at the end of the War, Breckenridge was Secretary of War of the Confederacy. He was with Johnston and the Army of Tennessee in N.C. When Johnston began surrender talks with Sherman in Durham, Sherman was advised by Washington that he could have no discussions with Breckenridge as Secretary of War because Washington did not recognize the existence of a Confederate government. However, Breckenridge held a commission as a general in the Confederate Army. It was in that capacity that Sherman was able to confer with Breckenridge.



Salmon Chase as Secretary of the Treasury, 1861. Courtesy Chase Manhattan Archives

There are strong arguments, however, that the Confederate government did exist. The Supreme Court decision (Salmon P. Chase, Chief Justice) in the 1870's--concerning ownership of former Confederate property in Macon, Georgia--in essence recognized the existence of the Confederate States of America.

Although the post-war reconstruction plans of Lincoln and—the more severe—Johnson contained some degree of punishment, the plans made provisions for readmission. If the former Confederate States had to be readmitted to the Union then there is an implied admission that they were, in fact, once separated from the United States. Therefore--for the purposes of this paper--the Confederate States were not an insurgency but a constitutionally formed government representing a country that fought and lost a war with the United States.

We may study Civil War (1861-1865) insurgency by dividing the numerous events into those that occurred before the war, during the war, and after the war. From “Bleeding Kansas”, to Mosby’s Confederacy, to the formation of the Ku Klux Klan, insurgents ripped the country apart in violent displays of emotional reactions to volatile issues.

Horace Greeley of the *New York Tribune* coined the term "Bleeding Kansas" to describe a series of bloody events that pitted the “Free-Soilers” (antislavery) with the “Border Ruffians” (pro-slavery) factions during the period 1855 to 1861 in the newly formed Kansas Territory.⁴

Bleeding Kansas

The insurgency spawned following the Kansas-Nebraska Act came to be known as “Bleeding Kansas,” an outpouring of sentiment based on the issue of slavery, the court rulings, and the congressional actions that affected its future.

Stephen A. Douglas, Democratic Senator from Illinois, introduced a bill in 1854 that would divide the Nebraska Territory into two units, Kansas and Nebraska. Under the provisions of the bill, the question of slavery was to be decided by “popular sovereignty.” In other words, the territorial legislatures would decide on the issue. The effect of the bill, however, was to nullify the Missouri Compromise. Antislavery factions were enraged and Kansas began to bleed.

While the popular assumption had it that Kansas, occupied by slave-owning Southerners, would become a slave state and antislavery advocates would make Nebraska a free state--achieving the congressional balance thought to be so necessary for peace--the assumption proved wrong. Northern Abolitionists stacked the deck in Kansas by changing the population balance. The Abolitionists paved the way for thousands of antislavery settlers to move to

Kansas by using organizations such as the Emigrant Aid Company of Massachusetts. Henry Ward Beecher, an antislavery preacher, armed settlers with rifles that became known as “Beecher Bibles.”

The proslavery insurgents, known as the “Border Ruffians,” came from Missouri to influence the all-important territorial elections of 1854 and 1855. By stuffing the ballot boxes and intimidations, they managed to influence a win for pro-slavery advocates. With only 1,500 registered voters at the time, over 6,000 votes were cast. The roughly 1,700 Border Ruffians used the same tactics to sway the first territorial legislature voting in slavery’s favor (36 pro-slavery representatives, 3 antislavery.)⁵ These obvious, illegal actions lead to a backlash from the antislavery factions against what they termed the “Bogus Legislature.” They organized under the name “Free Soilers” and drew up a free state constitution, elected a new governor and state legislature located in Topeka.

Insurgent Violence Begins in Lawrence, KS

From Lawrence, KS, the antislavery Free-Soilers, armed with Sharps rifles (the Beecher Bibles mentioned earlier,) prepared to confront the pro-slavers with their own fire power. President Franklin Pierce declined to get involved, letting the fraudulent elections stand.

When territorial Judge Samuel Lecompte declared the Free-Soilers to be guilty of treason and issued indictments, the situation was set for the 1856 “Sack of Lawrence” by 800 pro-slavers from Kansas and Missouri. Even though the town did not resist, two newspaper offices were destroyed, homes and shops were looted, and the Free State Hotel was leveled by cannon fire.

John Brown’s Body Lies A-Mouldering in the Grave⁶



John Brown

John Brown (May 9, 1800-December 2, 1859) was an American Abolitionist who—in his words--“fought fire with fire” to “strike terror in the hearts of the pro-slavery people.” While carrying a Bible in one hand and a broadsword in the other, he sought revenge for the events at Lawrence. He advocated violence and practiced armed insurrection. He was a key figure in the Bleeding Kansas episodes and he was the leader of the Raid at Harper’s Ferry in 1859, a raid that electrified the nation and escalated tensions leading to war. In 1859, Brown was hanged as an insurrectionist, the murderer of five Southerners, and treason against the state of Virginia. His actions, intended to incite a slave rebellion, caused

President Lincoln to proclaim him a “misguided fanatic.”

During the Bleeding Kansas events, Brown led small groups on insurrections against the pro-slavery factions. He was not content with the peaceful opposition practiced by most Northerners, but advocated violent action at every turn. He is quoted as saying--against the peaceful abolitionist movement--,"These men are all talk. What we need is action."⁷

On May 24-25, 1856, in retaliation for the raid on Lawrence, Brown and men from The Pottawatomie Rifles--a group of around 100 free-state men who lived near the Pottawatomie Creek--killed five pro-slavery men at what was to become known as The Pottawatomie Massacre. During the fateful attack, Brown and his followers, used rifles, knives, and even broadswords to hack at their hapless victims.

On October 16, 1859, Brown led a group of twenty-one men to seize the Harper's Ferry Armory in Harper's Ferry, Virginia (now West Virginia.) His goal was to obtain arms for his proposed colony of escaped slaves. The Harper's Ferry arsenal was established as a national arsenal by President George Washington in 1794. In 1817, John H. Hall gained a federal contract to manufacture his patented rifles at Harper's Ferry.⁸

Using a pseudonym, Isaac Smith, John Brown established a residence at a Maryland farm near Harper's Ferry. During the summer of 1859, he trained twenty-two men plus his sons Oliver, Owen, and Watson, for an attack on the arsenal. On the night of Sunday, October 16, 1859, the group entered Harper's Ferry and captured several building, killing one and capturing several others including the great-grand-nephew of President George Washington.

Brown was an ardent abolitionist who failed to examine people and circumstances as would a seasoned military commander. He led by passion rather than intellect and training. This lack of unemotional tactical planning led to three major errors and his eventual defeat. He allowed word to reach Washington, D.C., he failed to plan for resistance by the citizens of Harper's Ferry, and he misjudged the commitment of the local slaves to support him in arms.

Although his men cut the telegraph wires, they allowed a Baltimore and Ohio train to pass through the city after holding it up for five hours. Of course, when the train reached Baltimore at noon the next day, a conductor was able to send a cable to the government in Washington. This more than any other misstep was to be his undoing. His second error was that he fully expected the local slaves to rise up against their owners to join the raid. As events unfolded, not only did he fail to get the help of the slaves he intended to set free, but the people of Harper's Ferry mounted their own armed resistance.

On Monday morning, October 17, local militia pinned him down so that his escape routes were blocked. Brown gathered nine hostages and setup a defensive position in the small arsenal firehouse, later to be called "Brown's Fort." By the afternoon, federal forces were en route from Washington.

In one of history's great ironic events, the relief force of U.S. Marines from Washington was led by Army Lt. Col. Robert E. Lee who had been on vacation at his home in Virginia. Lee's second in command was a young cavalry officer, Lieutenant J.E.B. Stuart. Upon his arrival, Lee closed all the town saloons and put an end to the random acts of violence by drunken townsmen. At 6:30 Tuesday morning, Lee was ready to move against Brown. He ordered Marine Lt. Israel Green to lead an attack against the firehouse.

Green's attack quickly knocked down a firehouse door and stormed in. The insurgency was over at that point and Green took Brown's men prisoner. Lt. Green had seriously wounded Brown with his sword during the assault, but Brown was taken to the Jefferson County seat of Charles Town to stand trial. On December 2, 1859, Brown was sentenced to hanging by Judge Richard Parker for treason against the Commonwealth of Virginia. Before his death, Brown made a prophetic statement, "I, John Brown, am now quite certain that the crimes of this guilty land will never be purged away but with blood. I had as I now think: vainly flattered myself that without very much bloodshed; it might be done."⁹

Brown's actions and his execution became rallying points for the abolitionist movement and Brown was martyred. The heightened tensions resulting from Brown's execution played heavily on the nation's march toward a Civil War.

William Clarke Quantrill, Guerilla



William Quantrill

William Clarke Quantrill (July 31, 1837–June 6, 1864) was a controversial, pro-confederate guerilla leader who has been defined as a "pathological killer." Quantrill murdered and burned loyal Free-Staters with no remorse.

During the first of the war—1861--Quantrill, a native of Maryland, enlisted in the Missouri State Guard, but shortly rebelled at the discipline. Undisciplined guerilla bands were more his style and he set about to form a gang. The flamboyant Quantrill dressed in a gaudy low-cut guerilla shirt, gray trousers stuffed into cavalry boots, a gold-colored black slouch hat, and four revolvers.¹⁰

His first guerilla band was composed of only a dozen men. Under Quantrill's leadership, the gang staged raids on Kansas towns, robbed mail

cars, and harassed Union soldiers. Quantrill's tactics were brutal to the point of being criminal. Unarmed citizens of Lawrence were murdered in their homes, dragged behind horses, and even burned alive in their own homes. The incident became known as the Lawrence Massacre.

There is a problem, however, in labeling Quantrill as an insurgent in that he did manage to secure a Confederate captain's commission from Richmond. He is included in these pages due to his conduct which went far astray from that expected of an officer of the Confederacy or the Union. To further complicate the labeling of Quantrill, one must take into account that many of his raids—as in Lawrence, Kansas--were performed under loosely drafted orders.¹¹

Quantrill's violent life ended as he had lived it. In the spring of 1865, with a small gang of a few dozen men, Quantrill engaged in a series of raids in Kentucky. While riding through Taylorsville, KY on May 10, he ran into a Union ambush. A gunshot wound in the chest resulted in his death on June 6, 1865. The mortally wounded guerilla had been transferred to Louisville Military Prison Hospital. He was only 27 when he died.¹²

Conclusion

The insurgent stories presented in this article is not intended to be exhaustive, but are intended to be representative of violent men driven by brutal emotions during one of this nation's most violent chapters. The stories have given the reader an idea of the nature of insurgencies originating before the declaration of war, and those during the war. One would hope that the end of the Civil War would mark the end of insurgent activities, but, sadly that was not the case. In fact, the most prominent post-war insurgency remains active even today.

That insurgency, The Ku Klux Klan, is the subject of next month's *COIN in History*. Join us next month as we explore the origins and the phenomenal growth of the Klan.

Endnotes

1 Partisan Ranger Act, Wikipedia.org,

http://en.wikipedia.org/wiki/Partisan_Ranger_Act , May 11, 2009.

2 Robert R. Mackey, "The UnCivil War: Irregular Warfare in the Upper South, 1861-1865," University of Oklahoma Press, 2004

3 "Confederate Partisan Rangers," Auxiliaries of American Rebel Militias, http://www.kelticklankirk.com/confederate_partisan_rangers.htm, May 12, 2009.

4 "Bleeding Kansas", http://en.wikipedia.org/wiki/Bleeding_Kansas, accessed May 8, 2009.

⁵ “Border Ruffians”, U.S. History Online Textbook, [ushistory.org](http://www.ushistory.org), 2009, <http://www.ushistory.org/us/31b.asp>, accessed 07 May, 2009

⁶ This from the popular song *John Browns Body* (originally *John Brown’s Song*) that was a favorite Union marching song. It was sung to the tune that was to become the famous *Battle Hymn of the Republic* by Julia Ward Howe. See http://en.wikipedia.org/wiki/John_Brown's_Body.

⁷ Rhodes, James Ford (1892). *History of the United States from the Compromise of 1850*. Original from Harvard University: Harper & Brothers. pp. 385.

⁸ “People and Events Pottawatomie Massacre”, *People and Events*, www.pbs.org, accessed May 10, 2009.

⁹ “John Brown’s Last Prophecy”, *John Brown’s Holy War*, www.pbs.org, <http://www.pbs.org/wgbh/amex/brown/filmmore/reference/primary/index.html>, accessed May 9, 2009.

¹⁰ Ibid.

¹¹ Foote, Shelby, *The Civil War A Narrative*, (New York, Vintage Books, 1986,) 703-708.

¹² Kentucky.gov, “Guerilla Quantrill,”

<http://migration.kentucky.gov/kyhs/hmdb/MarkerSearch.aspx?mode=County&county=108>, May 14, 2009.