



Lincoln Lore

May, 1984

Bulletin of the Louis A. Warren Lincoln Library and Museum. Mark E. Neely, Jr., Editor.
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Lincoln National Life Insurance Company, Fort Wayne, Indiana 46801.

Number 1755

LINCOLN AND THE BLOCKADE: AN OVERVIEW (Continued)

Expert opinion in Lincoln's era and immediately after anticipated Owsley's sharp criticism of the legal results of the Civil War blockade. One factor which might be pointed to in explanation of the doctrines which developed during the Civil War is the general level of ignorance of international law at the time. The context of Wharton's criticism is important: it occurred in the first volumes which brought together the laws and opinions of American courts, the State Department, and American presidents in regard to international law. And it appeared over twenty years after the Civil War.

There were, of course, text books on the subject available in Lincoln's day. Many were European, but two American texts were published on the very eve of the Civil War. One was by Yale president Theodore Dwight Woolsey, and the other was by Henry W. Halleck, who would rise to a position of great prominence in the high command of the Union army. Still, these two slender little volumes hardly compared to Wharton's three tomes or to the massive eight-volume work which grew out of Wharton's: John Bassett Moore, *A Digest of International*

Law, published by the Government Printing Office in 1906. Without such manuals available, one could hardly expect the Lincoln administration to have a neatly systematic record on questions of international law.

In truth, these legal questions, though they were of consuming interest to international lawyers, political scientists, and historians through World War I, have definitely lost importance to historians in recent years. They seem to have become armaments in Southern writers' arsenals, but the response is too weak to constitute genuinely lively debate. Current interest in the blockade seems to focus on an extra-legal question: was it an aspect of the development of total war? As Russell F. Weigley has expressed it in *The American Way of War*, the idea of attacking "war resources" as "an indirect means of accomplishing the destruction of the enemy armies" was the new idea that came from Generals Ulysses S. Grant and William T. Sherman. But it "was not startlingly new; it was implicit in the blockade from the beginning of the war." Among writers on Lincoln, this idea has its nearest approximation in

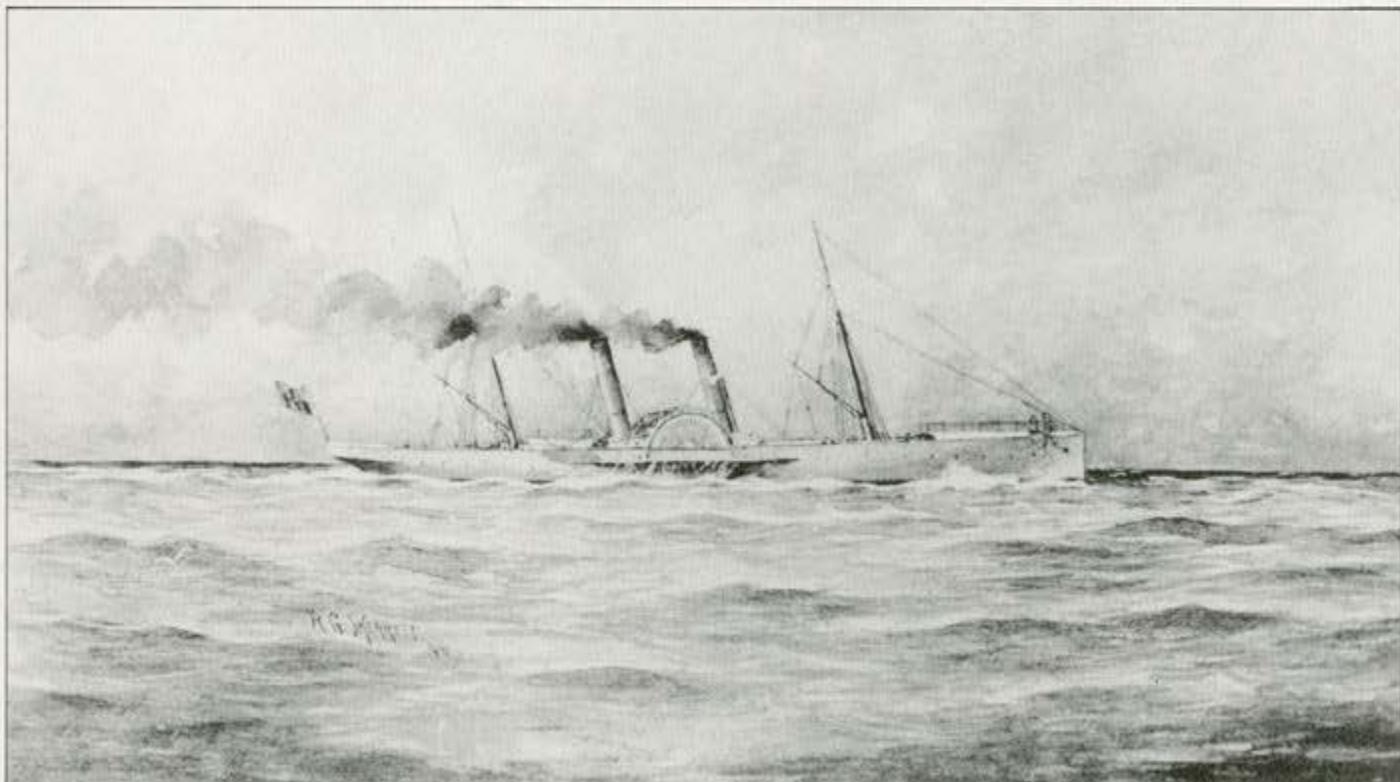
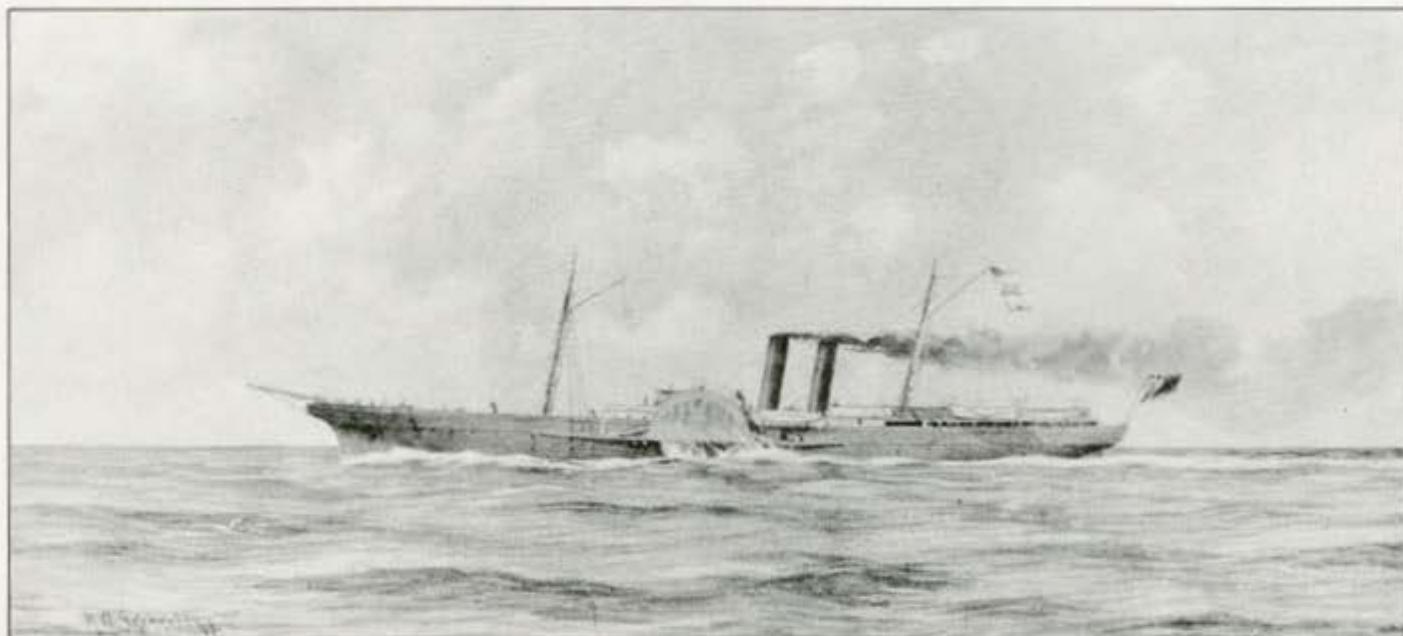


FIGURE 1. The blockade runner *Banshee*.

From the Louis A. Warren
Lincoln Library and Museum



*From the Louis A. Warren
Lincoln Library and Museum*

FIGURE 2. The Confederate blockade runner *A. D. Vance*, which was owned by the government of North Carolina.

the work of Gabor S. Boritt, whose seminal *Lincoln and the Economics of the American Dream* pointed out that "after calling out the state militias, Lincoln's first important act was essentially economic: the proclamation of a blockade of Southern ports."

Such thinking could be carried too far. Blockades were old and tried instruments of warfare, and the Civil War, though it may well have pointed toward the horrifying total wars of the twentieth century, was not, as Weigley puts it, a Gross National Product war, won more by production capacity than by traditional military maneuver. Nevertheless, to the degree that the Civil War prefigured total war, and books like James Reston, Jr.'s *Sherman's March and Viet Nam* argue that it did, it approached it only by attacking enemy property as a matter of conscious policy. Sherman's march was not marked by high civilian casualties and rapes.

Taking the focus off legal questions seems to be leading, if it has not done so already, to Lincoln's getting rather higher marks as a strategist, and in particular to his receiving praise for instituting the blockade. Certainly, Owsley's "mess of pottage" denunciation has an almost antique ring to it and is not commonly emphasized in modern texts on the Civil War.

Perhaps the clearest modern trend is one away from interest in the questions of the blockade. The major works were written in the 1940s, and Civil War and Lincoln scholarship has since that time concentrated on other questions.

THE CASE OF THE BALTIMORE MERCHANTS

Two Unpublished Lincoln Manuscripts

From the shedding of the first blood of the Civil War on April 19, 1861, to Abraham Lincoln's bloody murder four years later, the problem of loyalty in Baltimore was a serious one. The first incident was caused by rioting Baltimoreans determined to keep Massachusetts troops from relieving Washington, and a conspiracy hatched in Baltimore mostly by men of that city and other Marylanders led to Lincoln's death. In between, many less well-known events occurred which kept Federal detectives busy and the political opposition to the Lincoln administration in an uproar.

One of the most sensational occurred on Monday, October 17, 1864, when Federal authorities swept down on some of

Baltimore's oldest and largest commercial establishments, scattering horrified female customers and arresting clerks and managers alike. The doors closed at Weisenfeld & Company, clothiers; Jordan & Rose, dry goods; Isaac R. Coale & Brothers, commission merchants; Charles E. Waters & Co., hardware; A. & L. Friedenreich, gentlemen's furnishing articles; Simon Frank & Co., jobbers; and Hamilton Easter & Co., dry goods. The employees were arrested, wrote Baltimore historian J. Thomas Scharf, "but upon what charge could not be ascertained." Some Washington merchants were also arrested.

The charge, in fact, was knowingly selling goods which were to be run through the blockade to the Confederacy. And all of the arrests apparently followed visits to the establishments by one Pardon Worsley and an unnamed woman whom he identified as his wife. Worsley was, according to the editors of *The Collected Works of Abraham Lincoln*, "a notorious blockade runner," but his notoriety seems to have escaped the notice of the merchants who dealt with him that October. Baltimore's businessmen before the war were major jobbing conduits for the flow of wholesale dry goods from New York to the South, but by 1864 the pattern of this trade had surely changed. Hamilton Easter & Company, for example, had specifically instructed its clerks not to sell goods that were likely to go South unless the buyer were a licensed government trader with passes and permits to trade through the lines.

Such precautions, if indeed they were seriously taken, failed when Pardon Worsley went shopping in 1864. His first visit to Hamilton Easter & Company, for example, occurred several months before October, when, accompanied by a Mrs. Chancellor, he was waited on by a clerk of some fifteen years' experience. Mrs. Chancellor lived in Loudoun County, Virginia, the clerk recalled later, or some other such place where at the time goods were allowed to pass from the North. When the clerk asked her whether she had a pass, she said that she did not but that the man with her did. Worsley came back in October to purchase doeskin or cadet mixed doeskin. The clerk sold him the goods.

Worsley visited the hardware store of Charles E. Waters on October 9, accompanied at first by a woman. He returned later in the day, asking for percussion caps and gum wads ("which are articles much in demand at this season for Sportsmen," Waters explained to Federal investigators later). Then he asked for military buttons, saying that he was a licensed government trader, selling on both sides of the river. The hardware store

had none but was able to supply non-military brass buttons.

Such were the transactions which led to the arrests of October 17. Hamilton Easter and his partners, two nephews of his, were arrested along with forty clerks. At Weisenfeld & Company the lowly men who cut the cloth were arrested as well as the managers. A special train whisked away well over fifty astonished merchants, clerks, and tradesmen who were incarcerated in Washington's Old Capitol Prison.

The existing records of the cases are fragmentary, but it appears that the principals in the firms were tried by military commission before the end of the month, and Pardon Worsley was there to testify against them. Most of the clerks were paroled, but some of the merchants received sentences to be served in the Albany Penitentiary in New York.

The wholesale nature of such arrests and the rather haphazard records of them are suggestive of the massive internal security measures taken by the government during the Civil War. As in this case, dozens of civilian prisoners could pour into Old Capitol Prison in a single day, far too many for a busy wartime president like Lincoln to monitor even if he could locate adequate records of the arrests and trials. The publication in *Lincoln Lore* over the past few months of the stories of several civilian arrests in which President Lincoln intervened should not lead to the conclusion that he prevented abuses in the internal security system single-handed. It was an impossible task. Many abuses escaped notice altogether, and those that were corrected most often depended on the diligence and good judgment of bureaucrats whose names are all but lost to history.

Nevertheless, when civilians of such prominence as the Baltimore merchants arrested on October 17, 1864, were involved, there was a good chance that Lincoln might become involved too. Hamilton Easter, for example, was not the sort of citizen who could disappear into prison unnoticed by the larger world. Born in Ireland in 1810, he came to the United States when he was sixteen years of age. He was naturalized and commenced business in Baltimore on his own account in 1830. Since then, as he told the Federal investigators, "I have by Integrity, Industry and Honorable dealing entirely unaided by friends, built up one of the largest and most extensive establishments in the country — we are large Importers as well as Jobbers and Retailers." The large scale of his enterprise made plausible his defense that doeskin at two dollars a yard was "rather a small . . . profit for a transaction so risky as selling goods knowingly to run the blockade." His business record also made possible the mustering of an impressive list of endorsements of his integrity by prominent Baltimoreans like Enoch Pratt and Johns Hopkins and the Adjutant General of the State of Maryland.

Social prominence provided no real protection from the Federal detectives. If anything, the system of arbitrary arrests was biased against prominent citizens, for the Union authorities desired to capture influential wrong-doers and, conversely, often showed a willingness to let harmless men of little influence or intelligence or ability go. Nor was the system of arbitrary arrests, as they were called by their Democratic opponents, corrupt. When Moses Weisenfeld of Weisenfeld & Company attempted to bribe Colonel J. A. Foster with \$7,400 to influence the decision of the military commission, Foster quickly turned the money over to the Judge Advocate's office.

Social prominence, however, could gain the attention of the politicians, including the most important one who occupied the White House. Of course, there had to be some evidence of injustice for Lincoln to alter the judgment of a military commission. And, by 1864, the advice, if not the consent, of the Judge Advocate's office in such matters was important as well.

It had long been important in cases which did not reach the president's desk, that is to say, in the overwhelming majority of the cases. Judge Advocate Levi C. Turner, for example, took a carriage ride to Old Capitol Prison six days a week from 1862 to 1865. There he interviewed prisoners, most of them civilians,

and determined whether or when they should be released and under what conditions. By his own count, he reviewed 7,748 cases. Students familiar with the literature on the problem of disloyalty during the Civil War will immediately realize his importance to the internal security system, for the now customary estimate of the total number of civilian arrests in the North during the Civil War is 13,535 from February 15, 1862, to the end of the war.

By the time of the Baltimore arrests in the autumn of 1864, President Lincoln recognized Turner's importance. A recently discovered unpublished Lincoln endorsement stemmed from the case of Abraham Friedenreich, one of the Baltimore merchants arrested on October 17. Influential friends intervened, and Lincoln wrote an unusual undated endorsement, saying simply: "Hon. Sec. of War, please give this man a hearing." Abraham Friedenreich had been arrested by mistake because his nephew Leon used his uncle's name on the sign at the store. In fact, Abraham had no connection with the shop, and his brother was useful and loyal and, as a friend reported, had "wide connections and great influence amongst the Hebrews of Baltimore." Lincoln's secretary, John Hay, said that the president wanted Friedenreich released "if Judge Turner's report is favorable." Turner agreed that a mistake had been made, and Friedenreich was released unconditionally within a week.

At later dates, Lincoln was several times involved in the Baltimore arrests. On January 19, 1865, Lincoln asked Judge Advocate General Joseph Holt for "his opinion whether it would be legally competent for the President to direct a new-trial" in the case of one Thomas W. Johnson, who had not been allowed to introduce witnesses to refute the testimony of Pardon Worsley. On January 31, Lincoln ordered that Charles E. Waters not be sent to the Albany Penitentiary to start serving the sentence of the military commission.

On February 11, 1865, Lincoln sent someone the "Papers pertaining to the cases mentioned this morning," as is now known from a previously unpublished Lincoln note acquired by the Louis A. Warren Lincoln Library and Museum last year. The cases in question were those of the dry goods merchants. Attached to Lincoln's note is a long petition which provides the fullest picture available of what happened after the arrests:

To the President

We the undersigned merchants of Baltimore represent that we are personally acquainted with T. W. Johnson R. M. Sutton and J. H. Hennage as merchants and citizens of Washington having sold goods to and dealt with them for a number of years.

We take pleasure in being able to say that we have always found them to be men of intelligence strict integrity, loyalty, and moral worth, highly respected as merchants and citizens by all who have had business transactions or social intercourse with them —

Those men have been tried by military commission, on a charge of selling goods in violation of law, to one Pardon Worsley, an alleged blockade runner, and convicted. They are now in the Penitentiary in execution of sentence, we humbly but earnestly ask their immediate and unconditional pardon for the following reasons, viz:

1st From our knowledge of them, we cannot believe they have knowingly violated the law —

2nd As we are informed, and believe, they entered upon their trial with the expectation that they would have the testimony of their clerks to disprove the allegations made against them — but, their clerks being held at the time, as prisoners, and parties to their alleged guilt, were not permitted to testify. The affidavits of those clerks since released have been shown to us, and in our opinion fully disprove the charges upon which they stand convicted.

They have already suffered severely from confinement in the Old Capitol Prison — have suffered immensely in their business, and their families feel this stroke deeply, and

severely — "Tis enough, let the hand that saves be stretched forth for their deliverance — let an unblemished mercantile reputation of twenty years standing vindicate them — and shield them from even suspicion, of the guilt that is sought to be fastened upon them by the unsupported testimony of a stranger, of a very doubtful character.

Twenty-five dry goods firms put their names to the petition. John W. Garrett, president of the Baltimore and Ohio Railroad also wrote a note in behalf of the signers of the petition.

Finally, on February 17, 1865, President Lincoln wrote Joseph Holt the following letter:

In regard to the Baltimore and Washington Merchants — clothes dealers — convicted mostly on the testimony of one Worsley (I believe) I have not been quite satisfied. I can not say that the presumption in favor of their innocence has not been shaken; and yet it is very unsatisfactory to me that so many men of fair character should be convicted principally on the testimony of one single man & he of not quite fair character. It occurs to me that they have suffered enough, even if guilty, and enough for example I propose giving them a jubilee, in which course the Sec. of War inclines to concur; but he tells me you are opposed. I write this to ask your cheerful concurrence.

The letter is one of the many minor masterpieces that lie buried in *The Collected Works of Abraham Lincoln*, wonderfully clear, economical, comprehensive, fair-minded, and, withal, sparkling in tone. Despite the grim subject and the drearily legal and bureaucratic context, Lincoln rose to the occasion with a small gem of a letter. Holt and Turner, although they dealt with similar problems almost daily, produced nothing even remotely like this letter.

It was effective too. Holt responded on the same day: "I certainly have no disposition to oppose the impulses of your kind heart, in the matter referred to in your note just received. In a conversation with the Secty of War this morning, I said, in allusion to your anticipated action, that I thought the sentence resting in large part on a finding of guilt of attempt to bribe an officer of the government, might, in the exercise of your clemency, be well distinguished from the other cases in which no such criminality was averred." The next day Secretary of War Edwin M. Stanton wrote an order to release Johnson, Sutton, and eight other merchants who had been sentenced to imprisonment for one to five years and fined one to fifteen thousand dollars. He excepted Moses Weisenfeld, the man who had attempted to bribe Colonel Foster.

A Perfect Tribute

No one knows what was the most popular Lincoln book of all time, but a prime candidate is *The Perfect Tribute*, written by Mary Raymond Shipman Andrews. First published by Scribners in 1906, the 47-page story was an immediate success. It was reprinted in September and October of 1906, five more times by November of 1907, and twice in December of that year, when no doubt the little volume must have filled many a Christmas stocking. There have been numerous printings since.

It tells a sentimental story of the aftermath of the Gettysburg Address. While still in the little Pennsylvania town, Lincoln, brooding over the failure of the speech, runs into a boy whose brother, a wounded Confederate captain, is dying in a prison hospital and needs a lawyer to write his will. Lincoln, without identifying himself, volunteers. The soldier has read the speech in the newspaper, and he tells Lincoln that the silence which greeted it was the perfect tribute, like the silence after a prayer.

Some letters recently acquired by the Louis A. Warren Lincoln Library and Museum suggest that the story numbered among its fans even the son of Abraham Lincoln.

In a letter bearing only the date June 24, Andrews wrote a Mrs. Bigelow the following:

My sister wrote some time ago telling me that you wanted

to know, for Mr. Lincoln, about my little story, "The Perfect Tribute." I have had a long illness or I should have written before, as I am very glad and proud that Mr. Lincoln should take an interest in it. I really don't know very much about it myself, however. My big boy came home from school on fire with the tale of how the great President had thought his speech a failure because of the silence after it, and had refused to listen to any praise of it. That seemed to me intensely dramatic and gave me the idea of the story. Of course the incident about writing the speech on a torn bit of paper is said to be authentic — and said not to be — I have had letters on both sides. Those two points are all of it that may be fact — the rest I simply made up to hold them. It didn't seem very material to me if they were literal or not, only I tried to make it sincere, if that expresses it. I tried to get the truth of the President's personality as true as I could, and I believe that I put hardly any sentence into his mouth that he had not at some time spoken. I felt as if I were being pretty bold to make a great historic figure like that talk at all, so I showed my respect by only making him talk his own words. And I had to do quite a bit of reading to get those few sentences and not distort them. Mr. Walter Burlingame, my boy's teacher in history, is a Lincoln enthusiast, and he says that the silence after the speech happened. Mr. Burlingame likes to tell that Mr. Lincoln picked him up and held him once as a youngster — he was a son of Anson D. Burlingame, our first minister to China, I believe — and his brother is the editor of Scribner's. That's giving my authorities.

I'm afraid perhaps I have not answered what Mr. Lincoln wished to know, but I certainly would like to. Of course no compliment for the little story could be equal to his taking even a slight interest in it, and I hope you will thank him for me, and tell him that I much appreciate it.

We are leaving tonight for England, and I think some of my brain has gone off in the trunks, so I'm afraid for the clearness of it. Please believe that it has been a great pleasure, not all for the honor of Mr. Lincoln's interest, but very much for the satisfaction of passing the time of day with you. Please be at home in October when I come, and I am till then — Very sincerely yours, . . .

She found a note from Robert Todd Lincoln when she returned and answered it on September 30:

When I reached home five days ago from all summer in England I found your note and its enclosure about the Gettysburg speech. It was so good of you to take the trouble, and I appreciate it so very much that I feel as if you must know how sorry I am that both the note and the enclosure should have been so long unanswered. I thank you now most heartily for the interest you have taken in my little story, and for this last evidence of it. As I told Mrs. Bigelow, there is no one at all whose praise of it would mean what yours does, and it gives me a very satisfactory feeling about it that you like it. Of course I am under no illusion, with the great President as its hero, about why it has been lucky, yet I am a bit conceited from one point of view — that American readers have not torn me in pieces for daring to use the historic figure which is greatest of any, I think to Americans. I must have managed to say things a little, as I felt them. But it is all so small and so slight that it is very good of people, and of you most of all, to like the story.

Your letter gave me more pleasure because I had a very clear and pleasant memory of seeing you, a long time ago. There was a reception for President Arthur and his cabinet in Louisville to which I went as a young girl, and I remember you almost distinctly enough, I think, to recognize you now. If I had not written far too long a letter already I should like to tell you how you pleased a young nobody with a bit of unforgotten friendliness.

Thanking you again for this later debt of kindness, I am
Very sincerely yours —

Robert Todd Lincoln had given her a perfect tribute.