

USAWC STRATEGY RESEARCH PROJECT

**COUNTERING IRREGULAR ACTIVITY IN CIVIL WAR ARKANSAS – A CASE
STUDY**

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ABSTRACT

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Civil War Arkansas endured many forms of irregular or guerilla warfare including activity that approached insurgency. It was a complex arena that resembles the present day and it illustrates much of contemporary counterinsurgency doctrine.

Arkansas was a Southern state with a significant Unionist population and this divide fueled and shaped much of the conflict. Arkansas was unique in that the Confederate commander seeking to make up for conventional weakness, initiated guerilla warfare directed at Union forces. In response, Union commanders who were merely to protect lines of communication responded with punitive actions against individuals and communities which did little to reduce guerilla activity and served to alienate the local population.

As the war progressed, however, guerilla bands shifted from military targets becoming progressively more terrorist, criminal, and once a Unionist state government was installed, insurgent. The Union army's role also changed as the main war moved on from the Mississippi basin and Arkansas became an early field for Lincoln's plan to reincorporate rebel states. The army's emphasis thus shifted to extending Federal authority and its organization and tactics evolved into a successful combination of locally raised troops, intelligence led operations, isolation of the guerillas, and political reconciliation.

COUNTERING IRREGULAR ACTIVITY IN CIVIL WAR ARKANSAS – A CASE STUDY

During the American Civil War the Confederate states initiated many forms of irregular military activity. First, at one end of the spectrum, were the operations of regular cavalry raiders against the operational depth of the Federal armies. Such operations were considered legitimate by both sides, were discrete actions, and the Union army countered them by essentially conventional ways and means. Second, there were protracted operations by legally constituted “partisan ranger” units behind Union lines who, while melting into the population when necessary, nevertheless targeted the military capability of the enemy and performed under the direction of the conventional force. A third category, however, operated exclusively at the other end of the spectrum; several states experienced vicious and chaotic turmoil produced by independent groups of un-uniformed, well armed men professing to act in the name of the Confederacy and in defense of their homeland against the Union invader. Uniquely in Arkansas, such bands originated in an official attempt to generate an insurgency and unhinge the Union effort to capture and then govern the state. Nevertheless, most of these bands soon drifted outside formal control and even acted against Confederate government authority. Consequently, here emerged a complex mix of activities tending to anarchy and more reminiscent of the modern day environment in Iraq than to the “little war” of Napoleonic Peninsular Spain or the revolutionary insurgencies of the twentieth century. Some activities were targeted directly at Union forces while others were aimed at undermining the Federal regime’s authority by, for example, attacking the mail system. Furthermore, in Confederate attempts to seize back territorial power, enclaves of Union supporters were deliberately terrorized to force them to flee the state. Similarly, both Union and Confederate civilian populations were frequently subjected to robbery, intimidation, and sometimes murder. On occasion, such actions were to sustain a band logistically, but frequently they were purely lawless acts for personal gain.¹

This variety of activities and the diversity of Confederate motivations behind them have led to a confusion of terminology both at the time and in the histories written subsequently. Clearly, the actors were irregular rather than regular forces in that they seldom formed part of formally organized and recognizably uniformed bodies; but were they guerillas in the classical or twentieth century definition? The Confederate activity in Arkansas has also been called an attempted insurrection but this clearly does not capture the initial activities which were intended purely to hinder the military operations of the invading Union army.² An insurrection is best defined as a violent attempt to overthrow an established government and install another in its

place; this early phase, therefore, can be more reasonably labeled a guerilla resistance movement. Subsequently, when the Union did extend political control as well as military occupation over much of the state, there is justification for applying the label of insurrection despite the Confederate irregulars frequently acting against their own government's authority. However, it remained a very complex mix; while much of the guerillas' plundering activity can be seen as legitimately sustaining themselves "off the enemy," this increasingly came to include purely criminal acts for personal gain.

The Union army's response to this challenge initially derived from the relatively simple aim of protecting its forces and lines of communication from attack as it moved via Arkansas to more distant and militarily important objectives. Union leaders only later came to recognize that the task had become political: that is to gain control over the region and establish Federal (and from early 1864) the sovereignty of the pro-Union state government. Consequently, the Union army transitioned from having a relatively simple force protection mission to a stabilization operation. Finally, after the depredations of the bands grew so intense as to drive off large portions of the farming population, the Army had to help rebuild the infrastructure and economy. The Federal commanders were also faced with the problem of how to ensure that the irregular war did not linger after the Confederate surrender at Appomattox. Therefore, to an impressive degree, the Union army proved flexible and innovative, and its campaign in Arkansas can be judged highly successful despite the many advantages held by the guerillas.

The events of the 1860s in Arkansas have relevance to the task faced by American and Coalition forces today operating in Iraq and Afghanistan. It was certainly almost as complex a mission and there is value in acknowledging that passion, terror, and incipient anarchy have not just been encountered in remote foreign lands. It may also be encouraging for modern practitioners to observe that a successful conclusion to a bitter campaign was achieved. One can also note that successful resolution depended on unified effort (if not exactly close coordination or control) from the strategic down to the tactical level, and thus an enduring principle is reinforced. Indeed, many elements of evolving British and American counterinsurgency doctrine can be well illustrated and analyzed in the context of Civil War Arkansas.³

Context

In order to understand the progress and conduct of the irregular war in Arkansas during the Civil War, it is necessary to consider the history of the state before the outbreak of hostilities as it shaped the geography of the campaign and proved the foundation of much of its bitterness.

Arkansas first entered the Union in 1836, and for many years after was regarded as a wild, isolated frontier area as illustrated by an 1849 traveler who claimed Arkansas was "peopled by a race of semi-barbarians who would not hesitate to cut a Christian into shoe strings in the twinkling of a bedpost, merely to the amusement it might afford them."⁴ However, in the two decades preceding the Civil War, the state was steadily integrated into the booming economic system of "King Cotton" and between 1840 and 1860 the state's annual cotton production rose from 6 to 150 million pounds. This growth in economic prosperity was reflected in state demographics and from 1858 to 1860 the state's population increased by 100,000. The 1860 census showed more than 110,000 slaves in Arkansas and one in five whites either owned slaves or belonged to a slave owning family. Nevertheless, 70 percent of the slaves in the state lived in the rich southern and eastern lowlands which made up the Arkansas Delta. Furthermore, most of them belonged to the 1,363 white planters, who controlled a disproportionate amount of the state's wealth and political power. This was a source of resentment among the yeoman farmers (often recent immigrants) inhabiting the state's hillier sections to the north and west. By 1860, Arkansas had a strong southern character, but its people did not react with unanimity to the secession crisis. Secessionist sentiment was greatest in the delta region with its strong ties to the "cotton kingdom," but this was balanced in the north and northwest by equally strong pockets of Unionists. State nationalism was rather more in evidence than southern solidarity. In November 1860, President James Buchanan sent an officer and 65 men to occupy the undefended Federal arsenal in Little Rock, Arkansas's capital. In February, however, this small force was forced to evacuate the arsenal when faced with 1,000 angry militiamen from Helena and other delta towns, who had converged on Little Rock after rumors spread of a greater Federal "incursion" to come. Running contrary to this sentiment (on the day that Jefferson Davis was inaugurated as the first president of the newly formed Confederate States of America), a popular vote in Arkansas produced a Unionist majority for the convention that was called to consider the question of secession. The convention began its deliberations in Little Rock on 4 March 1861, and proceeded to dismiss every motion designed to take the state out of the Union. However, the southern attack on Fort Sumter on 12 April 1861 changed this situation dramatically.⁵

On 15 April, President Lincoln's response to the bombardment was a call for loyal states to supply 75,000 militia in order to put down the rebellion. Arkansas was instructed to field a single regiment of a mere 780 men, but this was enough to turn all but the most committed opponents of secession against the Union. On 6 May 1861, the convention met again and by a vote of 69 to one voted for secession. Some practical military considerations as well as nascent

southern nationalism played a role in the decision. Had Arkansas remained in the Union and Missouri seceded, Arkansas would have been bounded on the north, east, and south by Confederate states and the pro-Confederate Indian Territory (present-day Oklahoma) to the west. Arkansas was not vital ground to the Confederacy but it did deliver certain benefits. Most important of these was manpower and, although a relatively small state, Arkansas mobilized a higher proportion of its population than many other states. Arkansas's geographical location also provided some advantages to the Confederacy. It protected Tennessee's western flank and provided additional security for the vital Mississippi River port of Memphis. With its mountain ranges and many rivers, Arkansas was a natural barrier protecting Texas and Louisiana thereby allowed the Confederacy to maintain its hold over Indian Territory. Finally, any attempt to secure Missouri for the Confederacy would require Arkansas as a base. Despite these strategic factors, the Confederate government in Richmond did not believe Arkansas warranted serious military effort. Therefore, given the state's sizeable minority of determined Unionists, the scene was set for irregular conflict waged not only against an invading Union army, but between its own citizens.⁶

Outline of the "Regular" War in Arkansas

The irregular war in Arkansas was inevitably and intimately intertwined with the progress of the conventional war in the state. A brief outline of the regular war in Arkansas is therefore necessary in order to understand the conduct, context, and development of the irregular conflict. Simply, the ebb and flow of the conventional conflict drove both the unconventional war's purpose and its course.

The first notable military action concerning Arkansas took place in the summer of 1861 when Confederate Brigadier General Benjamin McCulloch led a force of 2,700 Confederate soldiers and 2,200 Arkansas state troops into southwestern Missouri in order to cooperate with the secessionist militia raised by Major General Sterling Price. Consequently, Confederate forces achieved a notable victory at the Battle of Wilson's Creek on 10 August 1861. However, rather than exploiting this success, McCulloch withdrew into northwest Arkansas and assumed a defensive posture. Price continued to try and win Missouri on his own but substantial Northern reinforcements soon turned the tables against him.

In February 1862, Brigadier General Samuel Curtis, commanding the Federal Army of the South West, drove Price's poorly organized Missourians out of their base at Springfield, Missouri, and into northwest Arkansas. Curtis continued the pursuit until logistical problems forced him to halt some 30 miles north of where Price had joined with McCulloch's force. In an

early example of the difficulties that Union forces would face in all their operations in Arkansas, Curtis had had to detach some 1,500 men (approximately 12.5 percent of his force) to guard his 200 mile long supply line to the railhead at Rolla, Missouri.

The previous month President Jefferson Davis had appointed Major General Earl Van Dorn to command the newly formed military District of the Trans-Mississippi. This flamboyant, impetuous former resident of Missouri was keen to use Arkansas as a base to capture St Louis and thereby seize Missouri for the Confederacy. Van Dorn first had to deal with Curtis; thus combining forces with McCulloch and Price, he marched north in March with 16,000 troops and 65 guns to destroy the outnumbered and overextended Union force. Curtis, however, was forewarned of the enemy's approach by an Arkansas Unionist. He was therefore able to skillfully maneuver his force and eventually defeat the Confederates at the Battle of Pea Ridge on 7 and 8 March 1862. This was a severe blow to Confederate fortunes in Arkansas but worse was to come on 25 March when Van Dorn was ordered to cross the Mississippi River at Memphis and reinforce the Confederate forces opposing the Union conquest of western Tennessee. Van Dorn quickly complied, taking with him the Arkansas troops and leaving the state virtually defenseless. Curtis, meanwhile, had found his forward position logistically untenable and had withdrawn to Springfield. However, he would return again to Arkansas two months later in May 1862.⁷

Shortly after Curtis' second invasion began, a new Confederate commander of the military District of the Trans-Mississippi arrived at Little Rock. This was Major General Thomas C. Hindman Jr., a Mexican War veteran and former resident of Helena, Arkansas.⁸ Menaced by Curtis' return to Arkansas and march on Little Rock, Hindman acted energetically (some locals called it tyrannical) to restore Arkansas' defenses. He declared martial law, enforced the Conscription Act, and subjected deserters to summary execution. He gathered what formed forces he could and set up workshops to manufacture the weapons, ammunition, and equipment his new army needed. Significantly, having virtually no conventional forces with which to confront Curtis' army, he also ordered the creation of irregular bands to harass enemy troops wherever they were operating in the state. Hindman's rigorously enforced conscription built a new army that was able to challenge the Union forces in Arkansas at the battle of Prairie Grove, but it also swept up men who were Union loyalists again illustrating that Arkansas was far from a homogenous state. After the battle of Prairie Grove, Union officers reported that around the Confederate dead numerous unspent bullets were found indicating that loyalist members of Hindman's army had purposely discarded them to fire only blanks at the Federal troops.⁹

Curtis advanced through northern Arkansas to within 50 miles of Little Rock but the transfer of 8,000 troops from his command and logistical problems aggravated by guerrilla actions halted his advance there. The Union navy failed to provide him with a new line of supply by way of the White River (again due in part to guerrilla activity), prompting Curtis to change his objective to Helena on the Mississippi River. Curtis also responded to his logistical difficulties and the activities of guerrillas by giving Southerners their first taste of the "hard war." Curtis successfully took Helena in July 1862.

Hindman's radical actions had alienated many of the state's prominent citizens; as a result, Major-General Theophilus H. Holmes was sent by President Davis to command all Confederate forces in the newly organized Department of the Trans-Mississippi which encompassed Arkansas, Missouri, Louisiana, Texas, and Indian Territory. Hindman lost his independence but remained in charge of the new District of Arkansas which included jurisdiction over Arkansas, Missouri, and Indian Territory. Determined to carry the war into Missouri once again, he assembled a scratch force of 12,000 men and 31 guns and advanced into Northwest Arkansas with the intention of attacking an isolated division of 5,000 Federals under command of Brigadier General James E. Blunt. However, Blunt was reinforced by two divisions who marched to his aid from Springfield, Missouri, and Hindman's force was decisively beaten in the Battle of Prairie Grove on 7 December 1862. This marked the end of the second attempt of an Arkansas based Confederate army to secure Missouri and this time the Union army chose to remain occupying the north and northwest of the state. Consequently, the ostensible role of the Confederate irregulars to assist major conventional operations had largely past.¹⁰

Confederate fortunes suffered more severe blows when on 4 July 1863 Holmes was repulsed attempting to recapture Helena. Moreover, the Federal capture of Vicksburg on the same day freed Union forces for further offensive operations in Arkansas and on 10 September Union Major General Frederick Steele occupied Little Rock after little regular resistance. Union forces now controlled Arkansas north of the Arkansas River and, illustrating the longstanding divided loyalties in Arkansas, started to gain many new recruits including numerous deserters from the Confederate army. Steele spent the rest of 1863 and the first three months of 1864 establishing a loyal civilian government in Arkansas. It was not until March 1864 that he resumed offensive operations into southwestern Arkansas with the objective of seizing Shreveport, Louisiana, and linking up with a larger Union army under the command of Major General Nathaniel P. Banks who was advancing north along the Red River. However, the resulting Camden campaign ended in ignominious failure and Steele was lucky to extricate his troops back to Little Rock.¹¹

Following this Federal reverse, the Confederates, while not strong enough to retake either Little Rock, Fort Smith, or Helena, were nevertheless able to mount cavalry raids north of the Arkansas River.¹² Confederate guerrilla bands were emboldened by this activity and added to the Union army's growing problems. It became so difficult and dangerous to transport Federal supplies up the Arkansas River to Fort Smith that abandoning this important outpost was considered.¹³

Confederate General Sterling Price had done well to prevent Steele overrunning southern Arkansas but he was still primarily focused on recapturing Missouri; consequently, he launched a cavalry foray into that state on 19 September 1864. The result was a disaster and by the time Price returned to Arkansas on 2 December only 3,500 of the 12,000 men who entered Missouri remained with him and many of these were without weapons. This marked the end of major regular conflict in Arkansas, although both sides continued raiding into each other's territory well into 1865. The field was therefore left mostly to the guerrilla bands that had been active since the beginning of the war, but most notably after General Hindman's call for armed resistance in June 1862. Conflict in Arkansas petered out after the surrender at Appomattox with the insurgent bands having been as thoroughly defeated by the Union army as their regular compatriots.¹⁴

Outline of the Irregular War in Arkansas

Arkansas was the scene of the Confederate government's only formally conceived guerrilla conflict. On 17 June, 1862 Major General Thomas C. Hindman, commanding the newly formed Mississippi District, issued General Orders Number 17 in which he instructed, "for the more effective annoyance of the enemy upon our rivers and the Mountains downwards, all citizens from this District are called upon to organize themselves into independent companies, of 10 men, led by an elected Captain," to conduct guerrilla warfare "without waiting for special instructions."¹⁵ This was a conscious attempt by a well read officer to replicate the success of Spanish guerrillas during the Napoleonic Peninsular Campaign, about which both Carl Von Clausewitz and Henri Jomini had written admiringly of its effectiveness yet despairingly of its wider impact on the conduct of war.

However, there was no coherent plan and the guerrilla bands were soon operating more or less independently having been denied much needed logistical support and left devoid of conventional military leadership that might have both restrained their excesses and focused their efforts to greater effect. Confederate fears that these groups would turn to banditry were present from the very start and prompted Hindman to issue General Orders Number 18, as

early as 18 June, which outlined the organization and command relationship these companies were supposed to adopt. This second proclamation, while hard on the heels of the first, was far less widely distributed or read. The initial “rallying call” had excited the attention of newspaper editors and far better suited the inclination of Confederate “Razorbacks” than this later attempt to impose discipline and order. Nevertheless, the guerrilla companies were (on paper at least) placed under the command of county provosts or military law enforcement officers and required to submit to inspections and to make routine reports. An estimated 5,000 men joined these bands by August 1862, but few were ever more than intermittently controlled by the central Confederate authorities.¹⁶

Guerrilla activity quickly began to tell against Union forces and as early as June they seriously harassed the White River expedition led by Colonel G. N. Fitch in support of Curtis’ attempt to capture Little Rock. Fitch took many casualties to sniper fire and this drove him in frustration to “render rigorous measures” against the locals.¹⁷ For example, Fitch punished the citizens of Monroe County, having accused them of supporting “guerrilla bands raised in your vicinity.”¹⁸ Rivers, particularly the Mississippi, played a vital role in Union logistics and were an ideal setting for guerillas as Federal transport vessels presented valuable and vulnerable targets. Such targets also suited the guerilla’s most basic tactic since after opening fire, there was ample time for them to vanish while Federal troops on board the riverboats attempted to land. Guerrilla bands between the summer of 1862 and the summer of 1863 were at their peak of military utility and their activities were not confined to the vital river communications; consequently, for the Union army in northeast Arkansas, foraging became a full-time and hazardous occupation.¹⁹ The duties of pickets, convoy escorts, and couriers were stressful and dangerous as at any time they could be attacked from ambush by a foe who struck swiftly and rapidly melted away.²⁰ Such “bushwhacking” was tantamount to murder in many Union soldiers’ eyes and the perpetrators were considered “cowardly and contemptible.”²¹ However, this period also sowed the seeds of the eventual Union victory over the irregulars. Specifically, the Union army was pushing ahead with raising Arkansas troops for service in both the regular army and for local defense – a home guard. Most notably for the story of the counter irregular war, on June 16 the 1st Arkansas Union Cavalry was authorized to be raised in Missouri from loyalist Arkansas refugees by Lieutenant-Colonel Marcus LaRue Harrison.²²

By mid 1862, with the Union army concentrating on keeping open its strategic river lines of communication by garrisoning key locations and with the Confederate forces having withdrawn well to the south, the hinterland of Arkansas north of the Arkansas River belonged to the guerillas. Without either logistical support or military control, the bands concentrated in areas

they could safely plunder and attacks on Unionist citizens were increasingly frequent, driving many to flee north into Missouri.²³ By the spring of 1863, it was clear to the Confederate authorities that they had lost control of the guerillas and that they were, indeed, becoming detrimental to the Confederate cause. For example, significant numbers of potential volunteers for the regular Confederate army preferred to serve locally with the bands rather than to march off to distant states under traditional military discipline.²⁴ Subsequently, the guerilla bands came to pose a serious (and sometimes lethal) threat to the Confederate conscription agents who had been directed by Hindman to break up the bands and press suitable men into regular service in a complete reversal of his original policy. By the fall of 1863, the guerillas were considered a major problem for the Confederate authorities who attempted to eliminate them by sending Colonel Joseph O. Shelby's cavalymen against them.²⁵ Shelby described the guerillas thus: "the condition of the so-called Confederate forces here was horrible in the extreme. No organization, no concentration, no discipline, no law, no anything – riding roughshod over defenseless families on stolen horses...", and they were "Confederate soldiers in nothing save the name, robbers and jayhawkers [who] have vied with the Federals in plundering, devouring and wasting the subsistence of loyal southerners."²⁶ Shelby directed one of his commanders to, "shoot them [the Confederate guerillas] whenever found...not one of them is to be spared."²⁷ Draconian Confederate measures forced the guerillas to retreat even further from authority. Confederate guerillas also drifted into and out of conventional formations as the mood and opportunity took them, and the problem of deserters added to the misery of the population on both sides.²⁸ Shelby was equally blunt on this point declaring to the disorganized bands that roamed his area of responsibility in 1864: "I will enlist you in the Confederate army; or I will drive you into the Federal ranks." He further declared, "You shall not remain idle spectators of a dream enacted before your eyes" and directed his subordinate commanders that "Should any refuse, resort to any means you deem best to enforce the order."²⁹

1864 saw most (but not all) guerilla bands having descended into mere terrorist activity and banditry at least for much of the time, preying on the civilian population and significantly, avoiding contact with Union forces wherever possible. However, insurgency in a more recognizable form did exist too. Thus, a hope of the guerilla campaign of summer 1864 was to influence the northern elections in favor of peace candidate George B. McClellan; "if we can hold our own the present [political] campaign will bring things to a crisis in the North," opined a Confederate Arkansan.³⁰ Such hopes seem bizarrely optimistic set against the contemporaneous events at Atlanta and at Petersburg.

We have seen that the guerillas living outside Union held territory were troublesome to Confederate government officials conducting official business. In attempting to enforce conscription, Confederate officials even ran a severe risk of summary execution at the hand of “their” own guerillas. All aspects of civil order were absent in guerilla infested areas – it was truly ungoverned space. Unsurprisingly, food production sharply declined as farmers fled their farms and the popular support essential to sustain guerillas ebbed significantly. The winter of 1864-1865 was particularly hard for the guerillas as Union efforts to isolate them from the population and to pursue them vigorously gathered pace. The spring of 1865 brought further scattering of the guerilla bands and by the end of the war in Arkansas, most were keen to give up and return to civilian life.³¹

The Union Response

Union efforts to suppress the guerillas began early on under General Curtis who sought primarily to destroy them and eliminate their interference with conventional military operations; little thought, however, was given to protecting the loyal Unionist population. This first phase imperative persisted to some degree throughout the war, but diminished as the course of the war took Arkansas out of the focus of both central governments’ attention. As time progressed, the Union army’s mission grew to encompass pacification and assisting the reintegration of the state under a Unionist political leadership. It is this later period that most closely resembles modern stability operations, but some consideration of the first phase is required as it set the scene for many of the subsequent policies and actions. It also provides a stark contrast with the successful campaign ultimately waged since the initial Union reaction, in practice, did little except intensify guerilla activity.

In 1862 and 1863 Confederate guerillas caused the Union army considerable trouble and threatened, in particular, its ability to move and supply itself via the rivers in and adjoining the state.³² Union commanders from Curtis to Major General William T. Sherman reacted with righteous indignation to the guerillas’ attacks on their isolated troops and logistic routes, not least because the large-scale diversion of troops could be otherwise employed against the Confederate regular army. They treated the guerillas simply as a military problem to be overcome in the quickest way possible and they did not trouble themselves addressing underlying causes. Guarding key points and patrolling important routes consumed a large percentage of any Union force. Union commanders, from General Ulysses S. Grant down, held local communities responsible for guerrilla warfare regardless from where it originated. Communities and individuals deemed complicit, or even merely permissive, were subject to

arrest and loss of property.³³ Swathes of territory, particularly along the Mississippi, were devastated in order to deny the guerillas support. These responses grew out of an inability to bring conventional military forces to bear against an elusive enemy and the frustration felt by commanders and troops alike. Such tactics could be effective (if hugely destructive), as evidenced by Major General Phillip Sheridan's Shenandoah Valley campaign in 1864. However, these actions more often worked against the Union forces by raising enmity and diminishing the supplies they themselves needed. Moreover, the Union army's predictable response to attacks could be exploited as demonstrated when Confederate guerrilla leader, Captain J. H. McGehee, deliberately conducted attacks and made false statements indicating his base was the Mississippi town of Austin. True to form, the Federal Mississippi Marine Brigade responded by burning down the town, which happened, in fact, to have Loyalist sympathies while McGehee's true base was at Hopefield, Arkansas, some miles distant.³⁴ By the time Vicksburg fell on 4 July 1863, the banks of the whole Mississippi river from Missouri to Louisiana had been devastated by Union attacks and burnings. There is no evidence in Arkansas that such punitive tactics significantly disrupted or diminished guerrilla activity.³⁵

The other principle punitive means that was widely employed was the execution of captured guerillas. This again, seems to have done little to reduce overall guerilla activity, although it is true that guerillas over time turned away from direct confrontation with Union combat troops to prey on easier targets. Union threats against the guerillas perceived as officially sanctioned by the Confederates were answered with equivalent threats of retribution against Union prisoners in regular Confederate hands. For example, threats made by senior Union generals, including Sherman himself, to release their troops from military discipline to plunder areas sympathetic to the Southern cause were met with equal indignation and counter threats. Fortunately, officialdom on both sides held back from the full implementation of their threats and the overall effect of these exchanges (private and public) seems to have been a mutually heightened resolve to defeat the "barbaric" enemy. It is interesting to note that once the regular Confederates had come to regard the rebel guerillas as beyond control, and had themselves become insurgent targets, the mutual indignation and reciprocal threats seem to have been forgotten. Many guerillas therefore met a rope or firing squad with very few Union prisoners being murdered in retaliation; however, any Union soldier unfortunate enough to be caught by guerillas could expect little mercy. Thus the spiral of viciousness continued with both sides making frequent reference to neither asking for nor giving "quarter" and to "battle under the black flag."³⁶

After the fall of Vicksburg, Union military interest in Arkansas waned until the unsuccessful expedition to link up with the Red River operation in spring 1864. Shortly after the fall of Little Rock in September 1863, General Steele turned his attention to the establishment of a loyal state government that could administer the state north of the Arkansas River now under Union control. Under Lincoln's Proclamation of Amnesty and Reconstruction, the state could form a loyalist government whenever the number of people taking an oath of loyalty to the Union reached ten percent of those who had voted in the election of 1860.³⁷ This was accomplished in January 1864 when Arkansas Unionists drafted a new state constitution and also chose a provisional slate of officers, with Isaac Murphy as governor. On 14-16 March, voters approved the constitution, endorsed the new state officials, and elected a new state legislature. Lincoln himself had sent a message to his supporters in Arkansas on 12 March telling them to "get out the largest vote possible."³⁸ The Confederate guerillas were equally keen to disrupt the election and although their actions lacked central coordination, there was widespread intimidation in regions of the state lacking Union army presence. In the end, 12,177 voters approved the constitution and new government with 266 voters against. However, this new government assumed responsibility for a state that one a diarist of the time characterised as being, "...in a state of perfect anarchy. We have no Government, military or civil, a condition most to be dreaded of all others!"³⁹ Clearly, a more sophisticated approach was required to pacify the newly reabsorbed state and establish Unionist government control.

Much of the effort fell to the Union army's provosts, particularly from November 1863 when Lieutenant Colonel John L. Chandler assumed the post of Provost Marshal General. He commanded a diverse organization encompassing a "Secret Service" branch, the military prison at Little Rock, and a scattering of subordinate provost marshals across the four districts covering Union held Arkansas. The provosts maintained their responsibility of policing the army, but more importantly they had direct responsibility for the "arrest of spies, smugglers, disloyal and dangerous persons, carrying out sentences including execution," as well as the "enforcement of orders and redressing complaints of citizens against soldiers or others."⁴⁰ It was also their duty to issue passes and administer the oath of loyalty, and the provosts were empowered to punish those who broke their oath, thus giving them a useful tool to use against members of the population offering substantive or even tacit assistance to the guerillas. Chandler established a network of spies and employed them gathering priceless information in remote areas.⁴¹ He established a system of meticulous record keeping that included a form of "network analysis" based on known guerilla's contacts, extended family, and former Confederate military service. His records encompassed both active irregulars and their

supporters. It included valuable reports from Union loyalists. He was able to identify guerrilla "families," operating areas and safe havens, and this information was increasingly used to direct Union anti-guerrilla strikes and sweeps.⁴²

Chandler also made good use of the military prison and in this pursuit worked in conjunction with the Judge Advocate General. From the autumn of 1863 onwards, Union officers (notably Major General Frederick Steele) began commuting death sentences passed on guerillas under the War Department of General Order number 3 to "hard labor for the duration of the war."⁴³ This lenient approach had several beneficial effects: It prevented executed guerillas becoming martyrs, gave guerillas the prospect of surviving capture and encouraged them not to fight to the death, avoided the possibility of tit-for-tat executions of Union prisoners of war, and probably assisted with the rapid disintegration of guerrilla bands at the end of the war.⁴⁴ At the time, however, Steele was subject to much criticism for apparent southern sympathies and for being soft on the guerillas. Perhaps in response, in the early autumn of 1864, Steele stepped up offensive anti-guerilla expeditions; while achieving some success, no area became fully pacified by these sweeps.⁴⁵

The senior strategic leadership of the Union army saw the counter guerilla campaign as a sideshow once they had secured their military objectives in the state. One reason the guerilla campaign lasted so long and became so widespread was that Union commanders did not have an adequate number of combat troops assigned to them. This was an evident concern of local commanders; Brigadier General Steele reported to his commander, Major General Stephen Hurlbut, that as soon as his troops left an area the guerillas flowed back in and reestablished control over the ground and lines of communication. General Henry W. Halleck, commanding the Union forces in the West, responded to Steele's forwarded complaint by writing that he did not want to "parcel out troops merely to protect the country."⁴⁶ Halleck wanted these troops to reinforce General Banks on the Red River and saw no pressing need to protect loyal citizens and push forward the effort to establish a new Union government. His position is understandable from a purely military point of view since across all theatres of war a very large number of troops (perhaps as many as 30 percent) who could otherwise be used in the main war, were already being diverted to guard facilities, telegraphs, and railroads needed by the field armies against irregular attack.⁴⁷ The high attrition rate being suffered by Union armies in this conflict made this diversion of troops from the battle line particularly painful. Apart from denying field commanders a potentially battle winning edge the resultant need for the draft was a contentious political issue.

The need to dominate ground was still critical to local commanders despite how sparing was the support offered from above. The answer was to raise local forces and commanders sought and received authority to raise militias or home guards believing that locals would be more highly motivated and adept at countering guerillas. By early 1864, there were indeed relatively few non-indigenous units in the state and this trend continued as units from the Department of Arkansas were transferred to Sherman's Army in the Carolinas and to join the siege of Mobile, Alabama, a year later.⁴⁸

Most famous of Arkansan units, and by all accounts the most effective, was the 1st Arkansas Union Cavalry raised in Springfield, Missouri, from Arkansas refugees in July 1862 by Marcus LaRue Harrison.⁴⁹ Promoted to colonel, Harrison would command the regiment for the rest of the war and be instrumental in the defeat of the Confederate guerillas in northwest Arkansas. Despite the general outflow of regular units after the Battle of Prairie Grove, General John McNeil, commanding the District of the Frontier, succeeded in retaining the 1st Arkansas Cavalry for operations in its own state. The regiment was based at the loyalist and strategically located town of Fayetteville for most of the war. The troopers escorted wagon trains, conducted defensive and offensive patrols, and skirmished with guerillas on almost daily basis.⁵⁰ McNeill had exhorted the 1st Arkansas Union Cavalry, and other similar units, to get off the main routes and seek out the guerillas using back roads and local knowledge – and this proved the basis for much of their success.⁵¹ Harrison was not above using retributive burning, but he coupled this with sound knowledge of the region that allowed a more precise application of the torch. An example was when Harrison struck at a noted partisan commander, Captain William "Buck" Brown, by destroying three large grist mills that served as meeting places and sources of food for his band. Although Harrison's offensive actions damaged the guerillas, by the fall of 1864 northwest Arkansas had descended deeper into a cycle of terrorism and retribution resulting in increasing depopulation of the region. It was the consequent twin problems of refugees and dwindling ability of the Union army to draw supplies from the local economy that led to Harrison's most innovative idea. He proposed a four-point plan to create fortified farm colonies of loyalists. First, a home guard company drawn from the colony's members was formed and then moved to a defensible location. Next a small fort or blockhouse was built to shelter the colony in case of attack, and all members of the colony were required to swear an oath of loyalty and place themselves under the authority of the nearest military unit. The colonies contained about 1,600 men under arms living in communities of from 50 to 100 inhabitants in Benton, Washington, Madison, Carroll, Newton, Marion, and Searcy counties. Working colonies were established at Union Valley, Prairie, Walnut Grove, Mountain, West Fork, Mount Comfort,

Elm Springs, Pea Ridge, Osage, Huntsville, War Eagle, Richland, and Brush Creek.⁵² Controversially, all persons living within 10 miles of the colony were forced to either join it or leave.⁵³ During the winter of 1864-1865, seven colonies were established and combined with the mobile power of the 1st Arkansas produced satisfying results in early 1865. The colonies freed Union troops from the burden of protecting refugees, increased supplies for Federal armies, denied expanded areas to the enemy, and provided way stations for cavalry patrols. The number of guerrillas killed or captured grew rapidly, and a previously safe haven became so hazardous that even the notorious band of William C. Quantrill avoided it. The fortified colonies proved very popular and they spread rapidly across Union Arkansas, further denying the Confederate guerrillas their favored source of supplies - loyal Unionists.⁵⁴

Distinct from regular units like the first Arkansas Union Cavalry and the various formally constituted militias or home guards mentioned above, a widespread Northern response to counter Confederate guerrillas was to form Union irregular units from the loyalist population of a region. However, these groups almost invariably proved to be more of a liability than an asset. Unionist guerrillas caused Federal authorities immense difficulties by terrorizing the areas in which they operated in a kind of "sectarian" conflict and attempted "cleansing" of opposing elements.⁵⁵ In Arkansas the story was no different and Union irregulars plagued the secessionist population in much the same way as their opposite numbers did Unionists.⁵⁶ They employed the same tactics of raid and retreat on good horses into rugged terrain. Confederate Secretary of War James Seddon was moved to lament to his military commander (Kirby Smith) that the Confederate population was close to starvation and suffering plundering by "gangs of lawless marauders and deserters." In contrast to local troops formally raised, traditionally organized, and subject to normal military command and discipline, the Union irregulars' effect on the Confederate guerrillas seems to have been minimal except to increase their numbers, support, and viciousness. Unionist guerrillas did, however, add to the supply difficulties of the regular Confederate forces in the southern portion of the state as they (like their Southern counterparts in the north of the state) drove farmers off the land and other civilians from their homes and workplaces. This did have a negative, indirect effect on the Confederate guerrillas as they were restrained from conducting cavalry forays into Union held territory. Nevertheless, the Union irregulars' main effect within the area of Northern control was to further alienate the pro-Southern population from the nascent Union state government, thus undermining the Federal Government's Reconstruction strategy.

The Union military could also apply sweeping measures against whole communities. In Missouri a concerted effort was made to separate the guerrillas from their popular support when

Federal General Order Number 10 directed removal of those persons related to known guerillas or known to sympathize with their cause. After Quantrill's bloody raid on Lawrence, Kansas, Brigadier General Thomas Ewing, commanding the District of the Border, issued General Order Number 11 requiring all Missouri residents to establish their loyalty or remove themselves from the border district within two weeks.⁵⁷ Such action was temporarily effective in suppressing guerrilla activity, but the irregular bands merely moved to easier pastures. However, this limited success was at the cost of producing animosity in Missouri that lasted for many years after the war.⁵⁸ In Arkansas no such formal policy was enacted but the actions of each side did drive out opposing civilians and, as in Kansas and Missouri, loyal citizens were relocated around Federal garrisons for their protection and further isolation of the guerillas who preyed on them for sustenance. This had the effect of greatly reducing the food and fodder available for both sides and thereby restricting their operations. Harrison's fortified farm colonies were, in large part, a response to the need to get northern Arkansas productive again.⁵⁹

Much of the successful prosecution of the counter guerrilla campaign was produced by local innovative and determined commanders like Harrison. This was due in no small part to the fact that at the start of the war the Federal government did not have a formal policy regarding enemy guerrillas, partisans, and other irregulars. There were no instructions, textbooks, or manuals on how to deal with such an enemy and commanders resorted to punitive "customary practice" which dated back to antiquity, but most had recently been put into practice by American forces in Mexico. One of the first attempts to set a legal framework came when General Henry Halleck, commanding the Department of the West, issued General Order Number 2 on 13 March 1862. This order charged Confederate General Price (who was operating in Missouri and Arkansas) with having issued military commissions to "certain bandits" who were being sent to form guerilla organizations. It declared that all members of such organizations stood outside the rules of warfare. These men would not be treated as prisoners of war and would be summarily hung or shot.⁶⁰ Commanders of neighboring districts issued comparable orders. Central guidance first appeared a year later when General Order number 100, drafted by the noted jurist Francis Lieber, was published on 24 April 1863.⁶¹ This included a section devoted to the treatment of guerillas.⁶² Those combatants failing to meet the criteria for "partisans" or who were not part of an army, or who did not share continuously in the war, were to be treated as outlaws and not as prisoners of war. General order 100 provided a useful guide and legal justification for action against guerillas, but it was frequently ignored and the visceral matter of reciprocity, and the simplicity of resorting to "military custom," played significant roles. All too frequently, if a male of vaguely military age was found with arms, he

was liable to be imprisoned or worse; as a result, weapons were hidden despite being essential to the normal life of this frontier state for hunting and protection. This heavy handed approach had the effect of driving many otherwise passive Southern sympathizers into joining or actively supporting the guerillas, who responded in like manner terrorizing Unionist civilians and seldom taking prisoners.⁶³

In Arkansas, specifically, the Union army did not consider Hindman's "Bands of 10" to be legitimate combatants since they violated the Articles of War by not wearing uniforms and attacking from ambush. Captured guerillas could be charged with a number of specific offenses, including "Being a Guerilla" as well as crimes like murder, arson, theft, and kidnapping. All these carried the death penalty and many guerillas were shot or hung which further intensified the bitterness of the campaign until late 1863, when Steele initiated a less draconian approach intended to build loyalist support in the state.⁶⁴

Legal action was also taken in an attempt to encourage loyalty to the Union and to begin the process of reconstruction. The Confiscation Act of 1862 authorized the President to pardon anyone involved in a rebellion. The Proclamation of Amnesty and Reconstruction of 8 December 1863 offered pardons to those who had not held a Confederate civil office, had not mistreated Union prisoners, and would sign an oath of allegiance. As stated, Lincoln required only 10 percent of the voters in the former Confederate state to pledge the oath before that state could begin the process of readmission to the union. Arkansas was one of the leading states in this process which shifted the Union army's mission into one of support to a civil government. Another limited amnesty that targeted Southern civilians came into effect on 26 May 1864. These amnesties opened the door to the less criminal and more war-weary guerrilla bands to return to a peaceful civilian life, and that option became increasingly attractive as Union pressure mounted and supplies dwindled.⁶⁵

Fears that following the conventional defeat of Confederate forces, southerners would turn to guerrilla warfare were present in the minds of many from early in the war. Lincoln, in a letter to Secretary of War Edwin M. Stanton in July 1863, wrote "as the rebellion grows weaker, it will run more and more to guerrilla action."⁶⁶ In 1865, Sherman wrote to his wife, that "there is a great danger of the Confederate armies breaking up into guerillas, and that is what I most fear."⁶⁷ These fears, reinforced by the bitter experience of ongoing guerilla conflict in many states were, at least in part, behind the generous settlement terms offered by Lincoln and echoed by local Union forces in Arkansas. In March 1865, Lincoln, speaking specifically about Lee's army, had instructed Grant (commander of all Union forces) to "let them once surrender..... and reach their homes; they won't take up arms again. Let them go, officers and

all. I want submission and no more bloodshed. Let them have their horses to plough with, and, if you like, their guns to shoot crows with. I want no one punished; treat them liberally all round. Again, I say, give the most liberal and honorable terms."⁶⁸

Acting towards a clear and relatively simple end state (peace and reintegration under the rule of law) and with this presidential direction, Union commanders in Arkansas were empowered to strike the deals necessary to bring in the remaining bands.⁶⁹ Union officers could and did offer lenient terms and foreswore the desire for revenge even after the bitterness of the struggle. They allowed guerillas to surrender without the prospect of being treated as criminals and thus removed one of the main reasons for continued resistance. On the other side, Lee was adamant in his rejection of shifting to a guerrilla war following the surrender of his army because he greatly feared the destruction and turmoil that would follow. Although the Confederate government was yet to surrender and had virtually no authority over the guerrilla bands operating in Arkansas, this well reported disavowal by a man of Lee's stature both undermined resolve and provided a release from patriotic obligation for those remaining guerrillas.⁷⁰ It is a truism occasionally not recognized that the "enemy" is seldom a unitary entity, particularly when organized resistance is collapsing and this was certainly the case in Arkansas. Union officers exploited this by seeking out and striking deals with weary and amenable guerrilla leaders to turn themselves in and even betray the remaining diehards.⁷¹ Coming on top of an ever more effective counter guerilla campaign these policies undoubtedly contributed to the rapid and complete collapse of the irregular war.

Conclusions

The aim of guerillas who are pursuing an insurgency is to undermine the current government by demonstrating its inability to protect its citizens and to conduct normal governmental functions. It would stretch matters too far to suggest that the Confederate guerilla bands of Arkansas were acting to this end according to a calculated and articulated strategy, but their collective actions certainly came close to achieving it. For example, there may not have been central direction, but Confederate guerillas did act to undermine the legitimization of the new Unionist state authorities by disrupting the 1864 election and preventing the effective exercise of its authority and performance of its duties. Arkansas's irregular warfare and loose insurgency was thus far more like that conducted by modern networked insurgents than it was the classical twentieth century Maoist model. It was characterized by a large number of disparate bands (occasionally acting in concert with formal forces) who were only loosely tied together by a shared narrative of resistance and vengeance and fuelled by plunder. As today,

attacking the guerillas' command and control hierarchy was problematic – it did not formally exist. However, also as today, there were key nodes (charismatic leaders) and key enablers (freedom of movement and local support) that could be attacked by lethal and non-lethal means to disrupt rather than destroy the insurgency and the narrative that bound its players.⁷² Starting after Steele's capture of Little Rock and the establishment of a Loyalist political system, and culminating after the surrender of Confederate forces in the West, the Union was increasingly successful in its campaign against the guerillas. However, success was far from total by summer 1865 and there were still many guerillas at large. Most guerillas were nevertheless disrupted, dispirited, and with Union authorities controlling an ever widening swathe of country and economic life returning, they readily accepted the defeat of the Confederacy and sought to return to law abiding life. It would be wrong to suppose that the divisions and animosities that had animated this bitter struggle were resolved completely in 1865. Violence would be a common feature of elections until at least 1890, illustrating that reconciliation is a long-haul. The campaign can also illustrate many of the other themes of current American and British thinking on counterinsurgency.

In emerging British doctrine the principal objective of a campaign is to counter irregular activity (the terminology was chosen to encompass the broad range of activities encountered today) by denying the irregular operating space.⁷³ Similarly, American doctrine exhorts commanders to deny the insurgents sanctuary.⁷⁴ Particularly from the winter of 1864-1865 onwards, Union forces progressively constrained the freedom of action of the guerrilla bands, thus overturning a situation where they had essentially roamed and operated freely. Framework operations (patrolling key routes and garrisoning key points) were stepped up utilizing bases such as Fort Smith, Fayetteville, Helena, and along the Arkansas River, thereby making guerilla movement much more difficult and denying them supplies while simultaneously increasing the support (specifically food and fodder) available to Union forces. Anti-guerilla sweeps also became increasingly well focused and effective as they were led by intelligence gathered from Union Loyalists, who felt more secure from the guerillas and facilitated the accomplishment of a key security objective. For good reasons the new American doctrine highlights giving emphasis to intelligence gathering as one of the "successful practices" of counterinsurgency campaigns.⁷⁵ The Union forces also targeted the destruction of key support infrastructure, as when Harrison destroyed particular grist mills that he had identified as key guerilla meeting places and sources of their flour.

British doctrine also emphasizes that "preventative action to strengthen the state" must be taken and once again examples of this can be seen in Union actions.⁷⁶ Examples would be the

raising of local militias, the building of block houses to secure key communication routes and resources, all of which enabled the authority of the Little Rock based government to be extended and strengthened in its ability to provide security to the population. At a higher level, Lincoln's initiation of General Order 100 put a powerful legal, and hence legitimizing, tool into the hands of his forces.

British doctrine calls for "intervention to re-establish governed space" and American doctrine identifies establishing and expanding secure areas as a successful practice.⁷⁷ This was clearly the intent driving the local Union commanders who were urged on by Loyalist politicians seeking to extend their authority and backed by the President himself who was eager to give a good start to his Reconstruction strategy. Activities included dispatching spies and cavalry patrols and establishing a network of fortified bases which found ultimate expression in the fortified farm colony system that was spreading rapidly in 1865. Inherent in a strategy of intervening to re-establish governed space is the imperative to protect loyal citizens in whatever space the government's remit still runs - however weakly. This was evident to local Union commanders who, when authorities in Washington DC ordered the abandonment of Fort Smith in December 1864, vigorously protested and argued forcefully that the thousands of Union families of the region should not be abandoned to "the mercies of assassins and robbers." Governor Murphy was equally vocal and although the evacuation did in fact begin, General Grant, responding to direction from Lincoln himself, ordered this to cease and the fort to be maintained. This strategy is once again echoed in modern American doctrine which stresses the need to focus on the needs and security of the population, even when (as in 1864-1865) other legitimate military priorities exist.⁷⁸

Furthermore, British doctrine emphasizes the need for "specific focused action to deal with irregular activists."⁷⁹ The Union's initial punitive actions were frequently counterproductive and missed their targets. Later, with an intelligence system established, cavalry raids on verified guerilla bases and the arrest, trial, execution, or imprisonment of individual guerillas were much more focused actions and successful. A good example was on 23 January 1864 when a troop of Kansas Cavalrymen sortied from Fort Smith and attacked a guerilla encampment at Baker's Spring, killing six guerillas and capturing 25 more.⁸⁰ Finally, the farsighted policy of Lincoln and Grant, coupled with the initiative of local Union officers, saw deals brokered with guerilla band leaders at the war's end. Providing a safe and tolerably honorable way to withdraw from the fight is highlighted in modern American doctrine, which proposes tempting the irregular with the chance of amnesty and rehabilitation.

Both the American and the British militaries emphasize the need to apply all elements of national power to an inherently complex and difficult situation and examples of most can be found in the Arkansas campaign:

Diplomatic

In a civil war or incipient insurgency, the diplomatic element of power must be extended to include the political discourse within, as well as between, political entities. Good examples of the application of diplomatic exchanges during the guerilla war are the frequent correspondence between Union and Confederate commanders, particularly in the early days. In point of fact, most of these revolved around threat and counter threat if one side or the other carried out certain actions. Union leaders, for example, threatened summary execution of guerillas whether recognized by the Confederate authorities as Partisan Rangers or not, and the Confederates responded by threatening to hang a like number of regular Union prisoners of war. The Union counter threatened to let slip their troops from military discipline to plunder and lay waste to areas where Southern sympathizers were “allowing” Confederates to operate. Fortunately, the latter threat was never carried out to its possible full extent although enough ill discipline and officially sanctioned destruction and theft took place to fuel hatreds. As to the execution of Federal prisoners, this seems rarely to have happened for obvious moral and practical reasons. In any case, the Confederate authorities soon recognized that many of “their” guerilla bands had slipped the leash and they were quite energetically hunting them down and hanging them themselves. Apart from the threats, appeals to honor and entreaties to conduct proper gentlemanly warfighting were also common (although they seem to have been even less influential).

Internal diplomacy (or politics by another name) was perhaps more successful. It was directed at undermining the guerillas’ support within the state and their commitment to violent resistance. An example was when the newly elected Union Governor Murphy made a notably conciliatory inaugural speech calling on all citizens to join him in rebuilding the state. Murphy was also active in his diplomacy with the Federal Government. He was adept at petitioning Washington through personal entreaties to Lincoln and was successful in obtaining the return of some troops after they had been reassigned out of state in early 1865. When General Steele was Military Department Commander he took a noticeably conciliatory line as well – enough to be accused of being too generous. As noted above, he commuted death sentences to imprisonment for the “duration of the war,” thus applying a subtle pressure to the prisoner’s family and friends who were probably supporters of the guerillas.

Military

It must be restated that the counter guerilla war in Arkansas was not an important priority to the Federal military authorities as they were properly focusing on the destruction of the Confederate field armies and Lee's Army of Northern Virginia in particular. However, the campaign was clearly important to the people of Arkansas, their politicians, and to the political leadership in Washington, specifically to Lincoln who saw Arkansas as leading his Reconstruction vision. These two competing positions are entirely understandable and, paradoxically, both correct. The solution, although imperfect for the counter guerilla war and mildly frustrating to the "big" war, was to stand on the defensive along the Arkansas River line and employ locally raised troops (white and black), thus releasing a considerable portion of troops for other operations. We can thus see that another operational practice that has been identified as successful in modern American doctrine being implemented in Arkansas; namely, the raising and training of indigenous forces. These local units were raised by regular army officers and had a leavening of experienced noncommissioned officers, which is analogous to the embedding of special operations advisers in indigenous forces that American doctrine calls for. British and American counterinsurgency doctrine stresses the importance of police forces, and while these in a modern civil guise were clearly absent from 1860's Arkansas, the importance of the military police (provost) branch has been illustrated earlier in this paper. The combination of legal authority, intelligence gathering, and a "criminal justice" system embodied in the Provost Marshalls was certainly an important element of Union success. Lastly, within the military element it should be noted that the position of Department Commander provided just the single authority figure that, again, is identified as a key practice in modern American doctrine.⁸¹

Economic

Union forces were fully prepared to apply economic levers against both their conventional and irregular foes. Against the former they attacked the productive capability of the southern held portion of Arkansas using Union irregular forces and raids with conventional forces. They also sought to stifle the trading of southern cotton for northern provisions and wares. When a legal ban on the latter proved insufficient they backed this up with military action.⁸² By mid-1864 in the southern held portion of the state nearly all legitimate economic activity had ceased – cotton, woolen factories, gristmills, sawmills, saltpeter works, and craft shops had closed or been destroyed.⁸³ This had an indirect and wholly negative impact on the Confederate guerillas as it denied them sustenance and regular supply, as well as the succor of having regular Confederate forces foraying into the north. The Union also applied economic measures directly

against the irregulars, destroying grist mills and restricting farming activity to the fortified colonies. The Union also applied indirect pressure against the irregulars by threatening to ban trade along the Arkansas and White Rivers if the local population persisted in assisting the guerillas.

Information

Information operations and even what now would be called psychological operations were also part of the Union's repertoire. Proclamations and Orders distributed by poster were the most common form of communication, although newspapers and town meetings played a role. However, there seems little evidence to suggest that attempts to persuade (even by dire threats) rebel activists or supporters were successful when set against the deep seated nature of the anti-Union feelings held by many and the resulting enmity as violence escalated. Perhaps most successful of the information operations was the official policy of reconciliation, surrender with dignity, and the promise of future prosperity. Lincoln himself, of course, played the leading role in this respect. His consistently firm but conciliatory message and the emphasis he placed on his reconstruction policy (in the face of vocal opposition in favor of a punitive approach) underpinned Union efforts at all levels to win over the disenfranchised Southern population and ameliorate the bitter effects of an increasingly bloody and harsh war.

In summary, the irregular war in Arkansas was a remarkably complex affair in which the ultimate success of the Union campaign certainly foreshadowed – and even substantiates – the principal tenets expressed in modern counterinsurgency doctrine.

Endnotes

¹ In this paper the word "guerilla" will be used most often to identify those bands of men engaged in the irregular war. Reference to "insurgents" or "insurgency" will be confined to those rare occasions where the intent to overthrow a sitting government can be detected. I am aware that giving many of those involved in the irregular war the title "guerilla" is to grant them a relatively honorable term they do not deserve. "Guerilla" implies a degree of military purpose to the irregular's activities and this was clearly not the case much of the time but I have stuck with the term to aid the flow of the paper and in recognition that the band one day robbing a Unionist farmer of his livestock could the next day be ambushing a Federal mail deliverer or taking pot shots at a passing Union Army supply boat. At the time Confederate guerillas would typically be called "Bushwhackers" by the Unionists while the Confederates would call the Union guerillas "Jayhawkers" but would also apply this term to regular Union troops who had aroused their ire. The Southern side also labeled rogue Confederate guerilla bands as "Jayhawkers" using the term as a general form of insult. The Confederate's also attempted to legitimize some bands by extending to them the title "Partisan Rangers" but rarely in Arkansas.

² Robert R Mackey, *The Uncivil War: Irregular Warfare in the Upper South, 1861-1865*. (Norman: University of Oklahoma Press, 2004), 30.

³ U.K. Joint Doctrine and Concepts Centre, *Countering Irregular Activity (Draft)*, Joint Doctrine Note 1/06 (Shrivenham: Ministry of Defence, 2006). U.S. Department of the Army, *Counterinsurgency (Final Draft)*, FM 3 – 24 (Washington, D.C.: U.S. Department of the Army, June 2006).

⁴ Gregory J.W. Urwin, "Arkansas in the Civil War – A Strategic Perspective," available from <http://www.lincolnanthecivilwar.com/Activities/Arkansas/HubPages/04Articles/Perspective-1.htm>; Internet; accessed 30 November 2006.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

⁸ Thomas C. Hindman the officer who initiated guerilla war, was a fiercely ambitious and energetic man, well read but with very limited military command experience (albeit including direct experience with Mexican guerillas) and with many political enemies in the state. He was born in Tennessee in 1828 and received a classical education in New Jersey. Hindman began studying law but joined the 2nd Mississippi Infantry Regiment at the start of the Mexican war seeing a chance for military glory. Hindman's regiment was assigned to nothing more than guard duty and the anticipated glory evaporated amongst the ravages of disease, guerilla raids, and camp duties. After the war Hindman became active in the Sons of Temperance movement and in 1853 he won a seat in the Mississippi legislature and became deeply involved in state politics. However, his ambitions soon led him to look to Arkansas which he perceived as wide open for a well educated and ambitious politician. He settled in Helena and threw himself into the political and social scenes in his new home. He took a stand against the anti-immigrant and anti-Catholic "Know Nothings" and was a founder of a Democratic association to defeat their threat. During this time Hindman became close friends with the future Major-General Patrick and both were wounded during a street fight in Helena with Know-Nothing members. Hindman received praise for his actions and became a force in Democratic politics leading in 1858 to his election to Congress. During his term Hindman eliminated the forces of the political "family" that had ruled Arkansas previously. During the debated before the War, Hindman was a prominent advocate of secession all and after its declaration he raised a regiment at Helena for Confederate service. His regiment took part in the Kentucky campaign and he was slightly wounded at the Battle of Shiloh. It was on recovering that he was appointed to command of the District of the Trans-Mississippi. After the Confederacy's defeat Hindman fled to Mexico and it was not until April of 1867 that he felt secure enough to return to Arkansas. Significantly, his application for a pardon from President Andrew Johnson was one of the very few not granted. He nevertheless, remained a controversial force in politics and was assassinated by persons still unknown, in 1868.

Carl H. Moneyhon, "Thomas Carmichael Hindman (1828 – 1868)," available from <http://encyclopediaofarkansas.net/encyclopedia/entry-detail.spx?entryID=1672>; Internet; accessed 7 December 2006.

⁹ Phillip W. Steele and Steve Cotterell, *The Civil War in the Ozarks* (Gretna: Pelican, 1993), 62.

¹⁰ Gregory J.W. Urwin, "Arkansas in the Civil War – A Strategic Perspective," available from <http://www.lincolndthecivilwar.com/Activities/Arkansas/HubPages/04Articles/Perspective-1.htm>; Internet; accessed 30 November 2006.

¹¹ One of Steele's problems was a lack of drinking water exacerbated by a form of biological warfare employed by some guerillas bands that were harassing his force – the poisoning of wells by dumping animal carcasses into them.

Daniel E. Sutherland, "1864: A Strange, Wild Time," in *Rugged and Sublime: The Civil War in Arkansas*, ed. Mark K. Christ (Fayetteville: University of Arkansas Press, 1994), 114.

¹² Fort Smith was located on the Arkansas River right on the state line between Arkansas and Indian Territory. It was abandoned by its Union garrison a few days after the Civil War began and occupied by Confederate forces allowing them to maintain contact with their Indian allies. In June 1863 Union General James Blunt, in order to extend Union control over Indian Territory, struck at Confederate forces, culminating in the capture of Fort Smith on September 1. Fort Smith would suffer guerrilla attacks but remained in Union hands thereafter and helped to secure Federal control of north-west Arkansas. "Fort Smith," 1998-2005; available from <http://www.lincolndthecivilwar.com/Activities/Arkansas/HubPages/CommentaryPage.asp?Commentary=Opt10>; Internet; accessed 4 December 2006.

¹³ Sutherland, 143.

¹⁴ Mackey, 71.

¹⁵ Ibid, 29. This act came to be known as "Bands of Ten" order.

¹⁶ Ibid, 30-31.

¹⁷ Guerillas were not Fitch's only problem as he faced isolated regular Confederate forces. On the morning of June 17 the Battle of St Charles occurred when the USS Mound City, St. Louis, Lexington, Conestoga, and transports proceeded up White River towards Saint Charles attempting to re-supply Maj. Gen. Samuel R. Curtis's army near Jacksonport. A few miles below Saint Charles, the 46th Indiana Infantry under the command of Col. Graham N. Fitch disembarked, formed a skirmish line, and proceeded upriver towards the Confederate batteries on Saint Charles bluffs, under the command of Capt. Joseph Fry, C.S.N. At the same time, the Union gunboats went upriver to engage the Confederate batteries; Mound City was hit and her steam drum exploded scalding most of the crew to death. More than 125 sailors from the Mound City were killed, but the other ship was towed to safety. Col. Fitch halted the gunboat activities to prevent further loss and then undertook an attack on the Confederate batteries with his infantry. He turned the Confederate flank which ended the firing from the batteries and left Saint Charles open to Federal occupation.

"Saint Charles, Civil War Arkansas," available from <http://americancivilwar.com/statepic/ar/ar002.html>; Internet; accessed 4 December 2006.

¹⁸ Fitch issued the following Notice:

To the Inhabitants of Monroe County, Arkansas: Guerrilla bands raised in your vicinity have fired from the woods upon the United States gunboats and transports in White River. This mode of warfare is that of savages....You will therefore...be held responsible in person and property. Upon a renewal of such attacks an expedition will be sent against you to seize and destroy your personal property. Given at headquarters, on steamboat White Cloud, at Saint Charles, Ark. By order of G. N. Fitch, colonel, commanding U.S. forces: JOS. D. COWDIN, Acting Adjutant.

"June 24 1862 (Tuesday)," available from <http://www.civilweek.com/1862/jun2262.htm>; Internet; accessed 6 Feb 2007.

¹⁹ Mackey, 36.

²⁰ Brent Nosworthy, *The Bloody Crucible of Courage: Fighting Methods and Combat Experience of the Civil War* (New York: Carroll and Graf Publishers, 2003), 328-330.

²¹ Gerald F. Linderman, *Embattled Courage: The Experience of Combat in the American Civil War* (New York: Free Press, 1989), 197.

²² Michael L. Price, "First Arkansas Union Cavalry," 2006; available from <http://encyclopediaofarkansas.net/encyclopedia/entry-detail.aspx?entryID=1168>; Internet; accessed 7 December 2006.

²³ For example, the thoroughly pro union town of Hermansburg suffered repeated attacks and was entirely abandoned early in 1863.

Hughes, 37.

²⁴ For example, Arkansas supplied only one regiment to General Robert E. Lee's Army of Northern Virginia.

²⁵ Mackey, 39.

²⁶ *Ibid*, 40.

²⁷ *Ibid*, 39.

²⁸ James Brent Martin, *The Third War: Irregular Warfare on the Western Border, 1861 – 1865* (Austin: University of Texas at Austin, 1997), 133.

²⁹ Daniel E. Sutherland, "Guerillas: The Real War in Arkansas," in *Civil War Arkansas: Beyond Battles and Leaders*, ed. Anne J. Bailey and Daniel E. Sutherland (Fayetteville: University of Arkansas Press, 2000), 142.

³⁰ Daniel E. Sutherland, "1864: A Strange, Wild Time," in *Rugged and Sublime: The Civil War in Arkansas*, ed. Mark K. Christ (Fayetteville: University of Arkansas Press, 1994), 135.

³¹ Mackey, 46.

³² The most important river was the Mississippi down which Grant was campaigning to capture Vicksburg and split the Confederacy but also significant were the White River and the Arkansas River which connected Union outposts to Little Rock.

³³ An example from the Official Records:

Headquarters, 1st Division, Army of the Frontier, Carrollton, Arkansas, April 4
1863

Lt R. Carpenter:

Commanding expedition to Osage Fork,

It having come to the knowledge of the colonel commanding that the forage trains of this command are repeatedly fired into on Osage Fork of Kings River by lawless men, who secrete themselves in the bushes and are encouraged and entertained by the inhabitants in that vicinity, you are therefore instructed to proceed to set neighborhood with the wagons placed in your charge, destroy every house and farm etc owned by secessionists, together with their property that can be made available to the army; kill every bushwhacker you find; bring away the women and children to this place, with provision enough to support them, and report to these headquarters upon your return.

W. M. Weer, Col, Commanding Division

Elmo Ingenthron, "Civil War Atrocities in the Upper White River Valley," available from <http://thelibrary.springfield.missouri.org/lochist/periodicals/wrv/v1/N4/S62f.htm>; Internet; accessed 7 December 2006.

³⁴ Mackey, 56.

³⁵ Ibid, 58.

³⁶ Daniel E. Sutherland, "*Guerillas: the Real War in Arkansas*," in *Civil War Arkansas: Beyond Battles and Leaders*, ed. Anne J. Bailey and Daniel E. Sutherland (Fayetteville, University of Arkansas Press, 2000), 133-153.

³⁷ Lincoln's proclamation was Issued on 8 December 1863 and is reproduced here:

Proclamation of Amnesty and Reconstruction

By the President of the United States of America:
A PROCLAMATION

Whereas, in and by the Constitution of the United States, it is provided that the President "shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment;" and

Whereas a rebellion now exists whereby the loyal state governments of several states have for a long time been subverted, and many persons have committed and are now guilty of treason against the United States; and

Whereas, with reference to said rebellion and treason, laws have been enacted by Congress declaring forfeitures and confiscation of property and liberation of slaves, all upon terms and conditions therein stated, and also declaring that the President was thereby authorized at any time thereafter, by proclamation, to extend to persons who may have participated in the existing rebellion, in any state or part thereof, pardon and amnesty, with such exceptions and at such times and on such conditions as he may deem expedient for the public welfare; and

Whereas the congressional declaration for limited and conditional pardon accords with well-established judicial exposition of the pardoning power; and

Whereas, with reference to said rebellion, the President of the United States has issued several proclamations, with provisions in regard to the liberation of slaves; and

Whereas it is now desired by some persons heretofore engaged in said rebellion to resume their allegiance to the United States, and to reinaugurate loyal state governments within and for their respective states; therefore,

I, Abraham Lincoln, President of the United States, do proclaim, declare, and make known to all persons who have, directly or by implication, participated in the existing rebellion, except as hereinafter excepted, that a full pardon is hereby granted to them and each of them, with restoration of all rights of property, except as to slaves, and in property cases where rights of third parties shall have intervened, and upon the condition that every such person shall take and subscribe an oath, and thenceforward keep and maintain said oath inviolate; and which oath shall be registered for permanent preservation, and shall be of the tenor and effect following, to wit:

"I, -----, do solemnly swear, in presence of Almighty God, that I will henceforth faithfully support, protect and defend the Constitution of the United States, and the union of the states there under; and that I will, in like manner, abide by and faithfully support all acts of Congress passed during the existing rebellion with reference to slaves, so long and so far as not repealed, modified or held void by Congress, or by decision of the Supreme Court; and that I will, in like manner, abide by and faithfully support all proclamations of the President made during the existing rebellion having reference to slaves, so long and so far as not modified or declared void by decision of the Supreme Court. So help me God."

The persons excepted from the benefits of the foregoing provisions are all who are, or shall have been, civil or diplomatic officers or agents of the so-called confederate government; all who have left judicial stations under the United States to aid the rebellion; all who are, or shall have been, military or naval officers of said so-called confederate government above the rank of colonel in the army, or of lieutenant in the navy; all who left seats in the United States

Congress to aid the rebellion; all who resigned commissions in the army or navy of the United States, and afterwards aided the rebellion; and all who have engaged in any way in treating colored persons or white persons, in charge of such, otherwise than lawfully as prisoners of war, and which persons may have been found in the United States service, as soldiers, seamen, or in any other capacity.

And I do further proclaim, declare, and make known, that whenever, in any of the States of Arkansas, Texas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida, South Carolina, and North Carolina, a number of persons, not less than one-tenth in number of the votes cast in such state at the Presidential election of the year of our Lord one thousand eight hundred and sixty, each having taken the oath aforesaid and not having since violated it, and being a qualified voter by the election law of the state existing immediately before the so-called act of secession, and excluding all others, shall re-establish a state government which shall be republican, and in no wise contravening said oath, such shall be recognized as the true government of the state, and the state shall receive there under the benefits of the constitutional provision which declares that "The United States shall guaranty to every state in this union a republican form of government, and shall protect each of them against invasion; and, on application of the legislature, or the executive, (when the legislature cannot be convened,) against domestic violence."

And I do further proclaim, declare, and make known that any provision which may be adopted by such state government in relation to the freed people of such state, which shall recognize and declare their permanent freedom, provide for their education, and which may yet be consistent, as a temporary arrangement, with their present condition as a laboring, landless, and homeless class, will not be objected to by the national Executive. And it is suggested as not improper, that, in constructing a loyal state government in any state, the name of the state, the boundary, the subdivisions, the constitution, and the general code of laws, as before the rebellion, be maintained, subject only to the modifications made necessary by the conditions hereinbefore stated, and such others, if any, not contravening said conditions, and which may be deemed expedient by those framing the new state government.

To avoid misunderstanding, it may be proper to say that this proclamation, so far as it relates to state governments, has no reference to states wherein loyal state governments have all the while been maintained. And for the same reason, it may be proper to further say that whether members sent to Congress from any state shall be admitted to seats, constitutionally rests exclusively with the respective Houses, and not to any extent with the Executive. And still further, that this proclamation is intended to present the people of the states wherein the national authority has been suspended, and loyal state governments have been subverted, a mode in and by which the national authority and loyal state governments may be re-established within said states, or in any of them; and, while the mode presented is the best the Executive can suggest with his present impressions, it must not be understood that no other possible mode would be acceptable.

Given under my hand at the city, of Washington, the 8th. day of December, A.D. one thousand eight hundred and sixty-three, and of the independence of the United States of America the eighty-eighth.

ABRAHAM LINCOLN

By the President:

WILLIAM H. SEWARD, Secretary of State

John Woolley and Gerhard Peters, "The American Presidency Project," available from <http://www.presidency.ucsb.edu/ws/?pid=69991>; Internet; accessed 7 December 2006.

³⁸ Daniel E. Sutherland, "1864: A Strange and Wild Time," in *Rugged and Sublime*, ed. Mark K. Christ (Fayetteville: The University of Arkansas Press, 1994), 110.

³⁹ Carl Moneyhon, "1865: A State of Perfect Anarchy," in *Rugged and Sublime*, ed. Mark K. Christ (Fayetteville: The University of Arkansas Press, 1994), 158.

⁴⁰ Mackey, 59.

⁴¹ One of the Union's spies was a certain James Butler Hickok of future fame.

Phillip W. Steele and Steve Cotterell, *The Civil War in the Ozarks*, Pelican Publishing Company, Gretna, 1993, 100.

⁴² Mackey, 59-60.

⁴³ *Ibid*, 60.

⁴⁴ An example of such a martyr was 17-year-old David O. Dodd who was executed in January 1864 as a spy after being caught near Little Rock with a coded message describing part of the Union defenses of Helena. The depth of feeling this aroused can perhaps be best illustrated by the fact that his image is forever recorded on stained glass in the Little Rock Arsenal in the Museum of Natural Science and History and the anniversary of his death was being marked by the sons of Confederate veterans as recently as 1997.

Russell T. Johnson, "Boy Hero of the Confederacy," 1 August 2002; available from <http://users.aristotle.net/~russjohn/warriors/dodd.html>; Internet, accessed 4 January 2007.

⁴⁵ Steele was removed on 29 November and left Little Rock on 22 December despite Lincoln being petitioned by the Mayor of Little Rock who claimed "all that has been gained will be lost. Steele is the most popular man, by far odds that we have in the state."

Sutherland, 143.

⁴⁶ Official Records, Series I, Volume 22, Part II, p 81; quoted in James B. Martin, *The Third War: Irregular Warfare on the Western Border, 1861-1865* (Ann Arbor, UMI, 1997), 130.

⁴⁷ Herman Hatherway and Archer Jones, *How the North Won: A Military History of the Civil War* (Champaign: University of Illinois Press, 1991), 133.

⁴⁸ Moneyhon, 146.

⁴⁹ Arkansas raised 10 infantry regiments, 4 cavalry regiments and 2 artillery batteries for the Union Army in addition to the local militias.

⁵⁰ The regiment fought in 2 conventional actions. At the Battle of Prairie Grove on December 7, 1862 it performed badly being sent into a panic by ranting Missouri cavalry who had been attacked by Confederate forces with Harrison writing afterwards that he was left "in the extreme rear of my men who are all left me." Following this the Federal high command consider them useless against regular Confederate forces and this probably lead to there being given the anti-guerrilla role. However, in September 1863 the regiment alongside the 1st Arkansas Union Infantry conducted a tenacious and successful defense of the town of Fayetteville against a combined force of Confederate Arkansas regular units and two guerrilla companies. After the battle Harrison considered Fayetteville too exposed and withdrew to Springfield, Missouri from which to conduct his anti-guerrilla campaign until after the fall of Little Rock when he returned to Fayetteville where he remained based until the end.

Michael L. Price, "First Arkansas Union Cavalry," 13 November 2006; available from <http://encyclopediaofarkansas.net/encyclopedia/entry-detail.aspx?entryID=1168>.

⁵¹ It was a punishing routine. In its first 18 months of service the regiment received but in July 1864 there were only 104 horses further 538 men present the duty. A total of 1765 men served in the regiment during the war, 110 were killed or mortally wounded in accidents or disease killed a further 235.

⁵² Leo E. Huff, "Guerrillas, Jayhawkers and Bushwhackers in Northern Arkansas during the Civil War," available from <http://thelibrary.springfield.missouri.org/lochist/periodicals/ozarkswatch/ow404s.htm>; Internet; accessed 3 February 2007.

⁵³ This policy met with resistance notably from Harrison's immediate superior, Brigadier-General Cyrus Bussey who considered the program tyrannical. Undoubtedly there was a element of coercion involved and Bussey himself reported that major Worthington of the 1st Arkansas Union Cavalry harangued an audience in Fayetteville to the effect that any man who did not go into the colonies would be shot and had his house burned will be considered a "bushwhacker". Bussey also accused Harrison of creating the colonies in order to pursue his own personal post war political ambitions. After the war ended and with the removal of the guerrilla threat and restoration of civil law and order the farm colonies quickly dissolved.

Mackey, 70.

⁵⁴ Mackey, 69.

⁵⁵ John D. Walton Stine and Donald Chisholm, "The Road Not Taken: Conflict Termination and Guerrillaism in the American Civil War," *The Journal Of Strategic Studies* 29 (October 2006): 871.

⁵⁶ William Dark, William J. "Wild Bill" Heffington and Captain Martin Hunt were the best known Union guerillas and in northwest Arkansas their gangs plundered and murdered secessionists. The most notable of the three was Hunt. A former Texas state senator, he was commissioned into the Confederate Army but deserted to the Federals in 1862. During the

winter of 1862-63 his small band of largely fellow Texans, murdered a number of prominent secessionists around Fort Smith until Confederate troops captured and hanged him in January 1863.

Albert Castel, "The Guerrilla War 1861-1865," 1974; available from <http://www.jcs-group.com/military/war1861/guerrilla1864.html>; Internet; accessed 23 January 2007.

⁵⁷ Michael Fellman, *Inside War: The Guerilla Conflict in Missouri during the American Civil War* (Oxford: Oxford University Press, 1989), 96.

⁵⁸ Richard S. Brownlee, *Gray Ghosts of the Confederacy: Guerilla Warfare in the West 1861-1865* (Baton Rouge: Louisiana State University Press, 1958), 125-126.

⁵⁹ Mackey, 66.

⁶⁰ Gloria M. Atwater, "Col. John A. Poindexter," 1999; available from <http://www.missouridivision-scv.org/poindexter.htm>; Internet; accessed 7 December 2006.

⁶¹ Dr. Francis Lieber (March 18, 1798, Berlin, Germany – October 2, 1872, New York City) is most widely known as the author of the Lieber Code during the American Civil War, also known as Code for the Government of Armies in the Field (1863), which laid the foundation for conventions governing the conduct of troops during wartime. Lieber fought in the Prussian army during the Napoleonic wars, and was wounded during the Battle of Waterloo. Upon return to Germany after the war, he was persecuted by the authorities and moved to Boston in 1827. In 1837 he became a professor of history and political economics at South Carolina College where he remained until 1856. From 1856 until 1865 he taught at Columbia University. Lieber sided with the North during the American Civil War, even though his son joined the Confederate army and died at the Battle of Williamsburg. Lieber assisted the Union War Department and President Abraham Lincoln in drafting legal guidelines for the Union army the most famous being General Orders Number 100, or the "Lieber Code" as it is commonly known. The Lieber Code would be adopted by other militaries and go on to form the basis of the first laws of war.

Available from http://en.wikipedia.org/wiki/Francis_Lieber; Internet; accessed 7 January 2007.

⁶² The pertinent articles of General Order 100 were:

Art. 81.

Partisans are soldiers armed and wearing the uniform of their army, but belonging to a corps which acts detached from the main body for the purpose of making inroads into the territory occupied by the enemy. If captured, they are entitled to all the privileges of the prisoner of war.

Art. 82.

Men, or squads of men, who commit hostilities, whether by fighting, or inroads for destruction or plunder, or by raids of any kind, without commission, without being part and portion of the organized hostile army, and without sharing continuously in the war, but who do so with intermitting returns to their homes and avocations, or with the occasional assumption of the semblance of peaceful pursuits,

divesting themselves of the character or appearance of soldiers - such men, or squads of men, are not public enemies, and, therefore, if captured, are not entitled to the privileges of prisoners of war, but shall be treated summarily as highway robbers or pirates.

Instructions for the Government of Armies of the United States in the Field, prepared by Francis Lieber, LL.D.,

Originally Issued as General Orders No. 100, Adjutant General's Office, 1863, Washington 1898: Government Printing Office. Available from <http://www.civilwarhome.com/liebercode.htm>; Internet; accessed 7 January 2007.

⁶³ Sutherland, 133-153.

⁶⁴ Mackey, 60-61.

⁶⁵ Proclamation About Amnesty March 26, 1864:

By the President of the United States of America:

A Proclamation.

Whereas, it has become necessary to define the cases in which insurgent enemies are entitled to the benefits of the proclamation of the President of the United States, which was made on the eighth day of December, 1863, and the manner in which they shall proceed to avail themselves of those benefits:

And whereas, the objects of that proclamation were to suppress the insurrection and to restore the authority of the United States, and whereas the amnesty therein proposed by the President was offered with reference to these objects alone:

Now, therefore, I, Abraham Lincoln, President of the United States, do hereby proclaim and declare that the said proclamation does not apply to the cases of persons who, at the time when they seek to obtain the benefits thereof by taking the oath thereby prescribed are in military, naval or civil confinement or custody, or under bonds or on parole of the civil, military or naval authorities or agents of the United States as prisoners of war or persons detained for offences of any kind, either before or after conviction, and that, on the contrary, it does apply only to those persons who being yet at large and free from any arrest, confinement or duress, shall voluntarily come forward and take the said oath with the purpose of restoring peace and establishing the national authority. Prisoners excluded from the amnesty offered in the said proclamation may apply to the President for clemency like all other offenders, and their applications will receive due consideration.

I do farther declare and proclaim that the oath prescribed in the aforesaid proclamation of the 8th. of December, 1863, may be taken and subscribed before any commissioned officer, civil, military or naval, in the service of the United States, or any civil or military officer of a State or Territory not in insurrection, who, by the laws thereof, may be qualified for administering oaths. All officers who receive such oaths are hereby authorized to give certificates thereon to the persons respectively by whom they are made. And such officers

are hereby required to transmit the original records of such oaths at as early a day as may be convenient to the Department of State, where they will be deposited and remain in the archives of the Government. The Secretary of State will keep a register thereof, and will on application, in proper cases, issue certificates of such records in the customary form of official certificates.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

[L.S.]

Done at the city of Washington, the twenty-sixth day of March, in the year of our Lord one thousand eight hundred and sixty-four, and of the Independence of the United States the eighty-eighth. ABRAHAM LINCOLN

By the President:

WILLIAM H. SEWARD Secretary of State

“Collected Works of Abraham Lincoln,” available from <http://quod.lib.umich.edu/?c=Lincoln;rgn=div1;view=text;idno=7;node=lincoln7%3A586>; Internet; accessed 20 January 2007.

⁶⁶ Waghelstein and Chisholm, 871.

⁶⁷ Ibid, 871.

⁶⁸ Ibid, 886.

⁶⁹ Lincoln was of course, assassinated on April 15 well before Davies was captured on May 10 and General Edmund Kirby Smith surrendered the Trans-Mississippi Army on May 26. President Johnson and Secretary of War Stanton were less inclined to reconciliation and generosity but General Grant was clearly inclined to follow the late president's lead and it was this attitude that permeated Union forces.

Ibid, 885-886.

⁷⁰ The formal public surrender of other well known and respected Confederate leaders such as Kirby Smith and more locally, Brigadier-General M. Jeff Thompson also provided an honorable way out and route back to civilian life for many guerillas who still professed Confederate loyalties.

Mackey, 46-48.

⁷¹ An example is the case of the Maybery and Vaugine bands. Major Davis of the 13th Illinois Cavalry went unarmed into their shared camp to persuade them to surrender but met with resistance which ended when Maybery personally killed the intransigent Vaugine and then surrendered the remnants of both bands to the Federals.

Mackey, 47.

⁷² Lee's rejection of a guerilla war to follow the defeat in the conventional war and his call for a peaceful return to the Union was arguably the greatest act that undermined the binding narrative and illustrates the desirability of having a respected and charismatic leader publicly accept defeat. However, increasing flexible and conciliatory behavior by Union forces undoubtedly played a role.

Waghelstein and Chisholm, 892.

⁷³ U.K. Joint Doctrine and Concepts Centre, *Countering Irregular Activity (Draft)*, Joint Doctrine Note 1/06 (Shrivenham: Ministry of Defence, 2006), 8.

⁷⁴ U.S. Department of the Army, *Counterinsurgency (Final Draft)*, FM 3 – 24 (Washington, D.C.: U.S. Department of the Army, June 2006), 1-13.

⁷⁵ Ibid, 1-24.

⁷⁶ U.K. Joint Doctrine and Concepts Centre, *Countering Irregular Activity (Draft)*, Joint Doctrine Note 1/06 (Shrivenham: Ministry of Defence, 2006), 8.

⁷⁷ U.K. Joint Doctrine and Concepts Centre, *Countering Irregular Activity (Draft)*, Joint Doctrine Note 1/06 (Shrivenham: Ministry of Defence, 2006), 8. U.S. Department of the Army, *Counterinsurgency (Final Draft)*, FM 3 – 24 (Washington, D.C.: U.S. Department of the Army, June 2006), 1-24.

⁷⁸ U.S. Department of the Army, *Counterinsurgency (Final Draft)*, FM 3 – 24 (Washington, D.C.: U.S. Department of the Army, June 2006), 1-24.

⁷⁹ U.K. Joint Doctrine and Concepts Centre, *Countering Irregular Activity (Draft)*, Joint Doctrine Note 1/06 (Shrivenham: Ministry of Defence, 2006), 8.

⁸⁰ Daniel E. Sutherland, "1864: A Strange Wild Time," in *Rugged and Sublime; the Civil War in Arkansas*, ed. Mark K. Christ (Fayetteville: The University of Arkansas Press, 1994), 108.

⁸¹ U.S. Department of the Army, *Counterinsurgency (Final Draft)*, FM 3 – 24 (Washington, D.C.: U.S. Department of the Army, June 2006), 2-2.

⁸² In mid February 1865, the 87th Illinois Mounted Infantry were dispatched from Helena on a punitive march down the Mississippi destroying salt, flour and other goods intended for trade for southern cotton and the boats in which this illicit activity was carried out.

⁸³ Michael A. Hughes, "Wartime Gristmill Destruction in Northwest Arkansas and Military Farm Colonies," in *Civil War Arkansas: Beyond Battles and Leaders*, ed. Anne J. Bailey and Daniel E. Sutherland (Fayetteville, University of Arkansas Press, 2000), 31-45.