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DEATH'S JESTER: JOHN SINGLETON MOSBY (Conclusion)

Mosby scoffed at the idea that they were irregulars. "At first," he said, the Yankees "accounted for our attacks on the theory that the farmers and cripples they saw in the daytime ploughing their fields and taking care of their flocks collected in bands at night, raided their camps, and dispersed at daybreak." Mosby was correct about this and, perhaps, more correct than he realized — that is, the Federal authorities seem to have followed this theory from beginning to end, from their earliest encounters with Mosby to their last.

Its problem as a theory was that it explained only the elusive nature of Mosby's troops when pursued: it failed altogether to explain how they fought so well.

In fact, Mosby's men fought as professionals did. They may not have used their sabres, but they charged the enemy boldly on many an occasion. "I think," Mosby said, "that my command reached the highest point of efficiency as cavalry because they were well armed with two six-shooters and their charges combined the effect of fire and shock." His tactics by no means looked forward to the mounted infantry style the Boers would make famous against the British later in the century. "A writer on the history of cavalry," Mosby boasted, "cites as an example of the superiority of the revolver a fight that a squadron of my command, under Captain Dolly Richards, had in the Shenandoah Valley, in which more of the enemy were killed than the entire total by sabre in the Franco-Prussian War. But to be effective, the pistol must, of course, be used at close quarters." That proviso was important, for it dictated Mosby's tactics: "The Union cavalry who met us in combat knew that we always [emphasis mine] fought on the offensive in a mounted charge and with a pair of Colt's revolvers."

Although he refused to shun the name, Mosby's men did not fight as bushwhackers. With characteristic cynicism, he said: "We were called bushwhackers, as a term of reproach, simply because our attacks were generally sur-

prises, and we had to make up by celerity for lack of numbers. Now I never resented the epithet of 'bushwhacker' — although there was no soldier to whom it applied less — because bushwhacking is a legitimate form of war, and it is just as fair and equally heroic to fire at an enemy from behind a bush as a breastwork or from the casemate of a fort."

Mosby seemed generally uninclined to quibble over language. When one of his men complained after the war "of the 'debasing epithets' Sheridan applied to us," Mosby replied that he had read Sheridan's reports but had "never seen the epithets. In common with all northern and many southern

people, he called us guerrillas. The word 'guerrilla' is a diminutive of the Spanish word 'guerra' (war), and simply means one engaged in the minor operations of war. Although I have never adopted it, I have never resented as an insult the term 'guerrilla' when applied to me."

"Guerrilla" was nevertheless the wrong word. A glance at the photographs of his well-dressed officers suggests the contrary, as do, more importantly, the tactics he employed in combat. And the occasional biographical glimpse of his officers that readers see in Mosby's memoirs is instructive too. For example, one of Mosby's men was an unlikely guerrilla, the Baron von Massow, the son of the chamberlain to the King of Prussia and, later, the chief of cavalry in the Germany army.

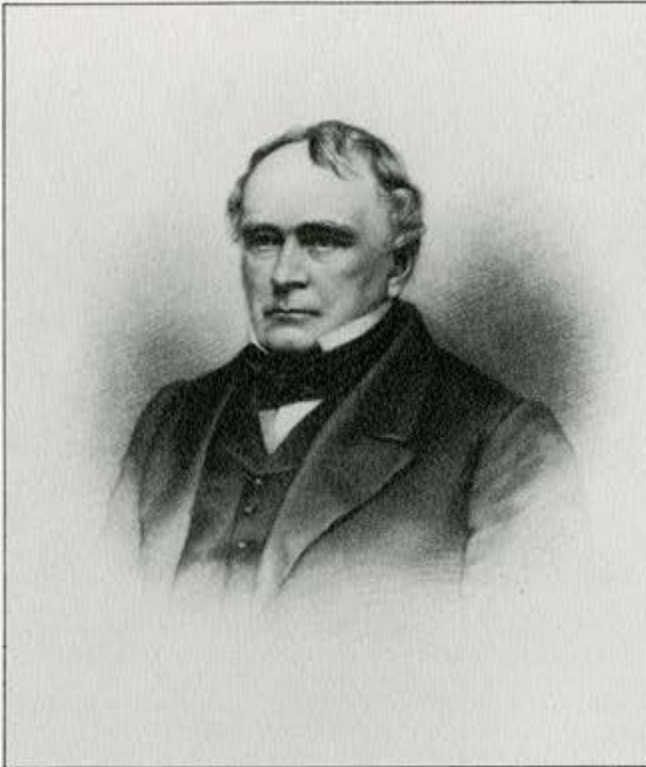
Mosby would have done well to insist on the term "partisan" to describe the activities of von Massow and the other gray-clad cavalymen, for it accurately described the military nature of their activities. In a little work written before John Singleton Mosby embarked on his career as an independent cavalry commander, Francis Lieber, the German-born expert on international law, described the nature of partisan activities in war.

The partisan leader commands a corps whose object is to injure the enemy by action separate from that of his own main army; the partisan acts chiefly



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FIGURE 1. General Wesley Merritt.



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FIGURE 2. Francis Lieber.

upon the enemy's lines of connection and communication, and outside of or beyond the lines of operation of his own army, in the rear and on the flanks of the enemy. Rapid and varying movements and surprises are the chief means of his success; but he is part and parcel of the army, and, as such, considered entitled to the privileges of the law of war, so long as he does not transgress it.

This in a nutshell presented a fairly accurate picture of Mosby, though Lieber's *Guerrilla Parties Considered with Reference to the Laws and Usages of War*, from which the passage is lifted, was written in August 1862, before Mosby's partisan operations began.

Lieber's work was printed by the War Department and distributed to the army. By and large, the U.S. soldiers seem to have taken its message to heart. For all their bluster about Mosby's "gang" of "thieves," the army in fact treated them as soldiers in the Confederate army. When captured, Mosby's men were held as prisoners of war.

Obedying the rules proved trying for all concerned. Lieber had been able to predict the awkward circumstances that would arise:

The difficulty regarding . . . partisans arises from the fact that their discipline is often lax, and used to be so especially in the last century, so that frequently they cannot cumber themselves with prisoners; and that, even for their own support, they are often obliged to pillage or to extort money from the places they occupy. They are treated, therefore, according to their deserts, on the principle of retaliation; but there is nothing inherently lawless or brigand-like in their character.

There was but one incident of retaliatory prisoner-killing — a famous event, involving George Armstrong Custer — stemming from Mosby's activities during the Civil War. Otherwise, Mosby's forces were treated as other regularly mustered Confederate units were.

Mosby is most interesting not for his own actions (mostly pistol-wielding cavalry charges) nor for the Union actions aimed at dealing with him (mostly failures) but for what he almost caused the Union authorities to do. The gray ghost's raids were exasperating and finally led General U.S. Grant in August 1864 to suggest a blistering raid by General Phillip

Sheridan:

If you can possibly spare a Division of Cavalry send them through Loudon County to destroy and carry off the crops, animals, negroes, and all men under fifty years of age capable of bearing arms. In this way you will get many of Mosby's men. All Male Citizens under fifty can fairly be held as prisoners of war and not as citizens prisoners. If not already soldiers they will be made so the moment the rebel army gets hold of them.

Mosby provoked another uncharacteristically savage order from Grant to Sheridan at the same time:

The families of most Mosby's men are know[n] and can be collected. I think they should be taken and kept at Fort McHenry or some secure place as hostages for good conduct of Mosby and his men. When any of them are caught with nothing to designate what they are hang them without trial.

The partisan cavalry under Mosby and Loudoun County's Elijah White had troubled Union authorities for months and months, and Union General Phillip Sheridan testified to their effectiveness in his *Memoirs*:

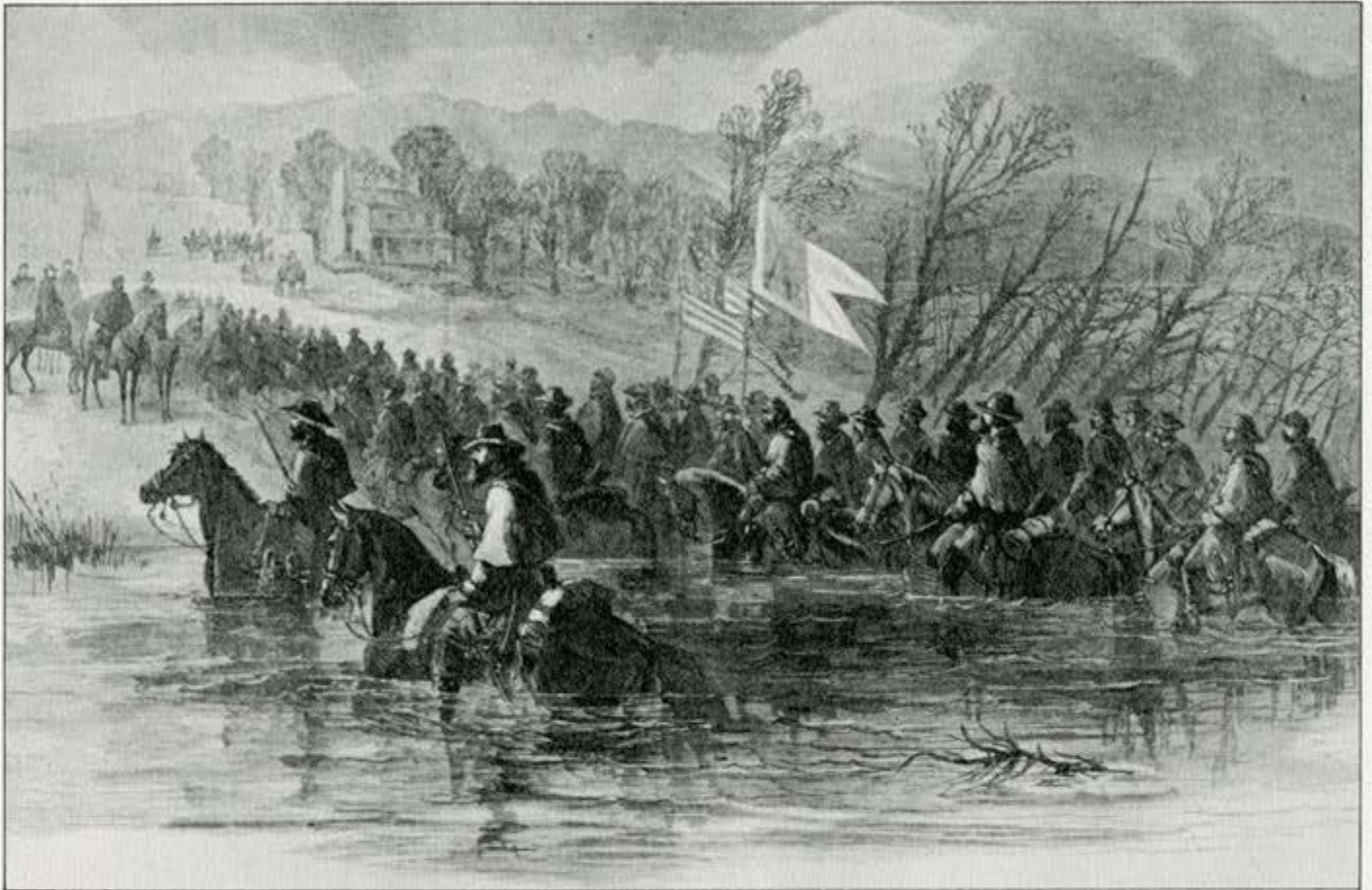
During the entire campaign [against General Jubal A. Early in the Shenandoah Valley in 1864] I had been annoyed by guerrilla bands under such partisan chiefs as Mosby, White, Gilmore, McNeil, and others, and this had considerably depleted my line-of battle strength, necessitating as it did large escorts for my supply-trains. The most redoubtable of these leaders was Mosby, whose force was made up from the country around Upperville, east of the Blue Ridge, to which section he always fled for a hiding-place when he scented danger.

Mosby had done, and here one has Sheridan's own testimony as proof, precisely what he meant to do. In a report sent to J.E.B. Stuart on September 30, 1863, the Confederate partisan had said: "The military value of the species of warfare I have waged is not measured by the number of prisoners and material of war captured from the enemy, but by the heavy detail it has already compelled him to make, and which I hope to make him increase, in order to guard his communications and to that extent diminishing his aggressive strength." Sheridan did not order a special operation against Mosby after Grant's August letters because he was too busy with his campaign in the Valley. But the Confederate partisans killed his chief quartermaster and his medical inspector, and he decided to turn his attention to them after the campaigning slowed in the late autumn. Sheridan's orders of November 27 to cavalry commander Wesley Merritt embodied only the scorched-earth aspects of Grant's suggestions, and the wholesale rounding up of civil population seems not to have been attempted:

This section has been the hot-bed of lawless bands, who have, from time to time, depredated upon small parties on the line of army communications, on safe guards left at houses, and on all small parties of our troops. Their real object is plunder and highway robbery. To clear the country of these parties that are bringing destruction upon the innocent as well as their guilty supporters by their cowardly acts, you will consume and destroy all forage and subsistence, burn all barns and mills and their contents, and drive off all stock in the region. . . . This order must be literally executed, bearing in mind, however, that no dwellings are to be burned and that no personal violence be offered to the citizens. The ultimate results of the guerrilla system of warfare is the total destruction of all private rights in the country occupied by such parties.

Despite his final remark, in this instance the ordinarily fierce Sheridan appears to have retained more sense of sharp distinction between guilty and innocent civilian populations than Grant. More than likely, however, the operative factor was less conscience than speed. The partisans were, as Merritt ruefully reported, "mounted on fleet horses and thoroughly conversant with the country." Thousands of civilian prisoners in tow would hardly have made the Union cavalry's task easier.

It required the extreme provocation of the frustrating campaigns of the summer of 1864 along with the embarrassing irritations of Mosby and White to drive Grant, effectively, to declare all Southern males between the ages of 17 and 50 as



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FIGURE 3. Union cavalry in Virginia in 1864.

combatants. And in fact the Union armies never acted on the new definition in any systematic way. Sheridan, who was told specifically to do so, did not.

But the Confederates certainly heard about the new definition, and those whose job it was to keep the war in civilized bounds, expressed alarm. On November 1, 1864, Robert Ould, the Confederate agent for exchange of prisoners of war, wrote a troubled letter to Secretary of War James A. Seddon, at the end of which he said:

The enemy continues the arrest of non-combatants. I have been notified by the Federal authorities that "all white persons between the ages of seventeen and fifty, residents of the Confederate States, captured by the U.S. forces, will be held and deemed to be soldiers of the Confederate Army, and will be treated as prisoners of war and held for exchange." In view of their practice and this declaration, the course to be pursued by us toward non-combatants who are residents of the United States, or who, being citizens of the Confederate States, are hostile to our cause, becomes a subject of the gravest importance. After much reflection, I am fully convinced that the only effectual method of preventing the outrages which are being daily perpetrated upon our loyal non-combatant citizens is to cause the arrest of every citizen of the United States who may be within our reach and of such citizens of any one of the Confederate States as are known to be inimical. We have tried every other plan without much avail. At present we have so small a number in confinement that an exchange of man for man would release but very few of the many held in Northern prisons. If the plan suggested worked no other result, it would furnish us, in the event of an exchange, with more material. I know there are very many grave objections to this course, but yet I think it may almost be safely stated that the horrors under which our non-combatant population are now suffering can hardly be increased. When we have resorted to such arrests as are

made by the enemy, there is some chance that the whole system will break down by the sheer weight of its gigantic misery.

Wholesale arrests of citizens as prisoners of war, though eventually declared Union policy in the Civil War, in fact never came about, for the war was fought by practical men of action and not by theoreticians, fanatics, or ideologues. Whatever the declared policy, reasonable men like Ulysses S. Grant tailored their actions to accommodate practical realities. Although he has been accused of devising a forward-looking military doctrine of "annihilation" and warring on populations rather than armies, such is hardly the case. In its most extreme formulation, in his letters to Phillip Sheridan, Grant included only draft-age males in his new broad definition of belligerent population — and the known relatives of guerrillas. Within days, he was forced to modify the drastic orders to suit the political realities of Loudoun County, as new information came in to him. "I am informed by the Asst. Sec. of War," Grant told Sheridan, "that Loudon County has a large population of Quakers who are all favorably disposed to the Union. These people may be exempted from arrest." He qualified the order again two weeks later, instructing Sheridan:

In clearing out the Arms bearing community from Loudon County and the subsistence for Armies exercise your own judgment as to who should be exempt from arrest and as to who should receive pay for their stock grain &c. It is our interest that that County should not be capable of subsisting a hostile Army and at the same time we want to inflict as little hardship upon Union men as possible.

Two months later, Grant relented still further in his thinking on the civilian population of Loudoun County:

Do you think it advisable to notify citizens living East of the Blue Ridge to move out North of the Potomac all their stock, grain and provisions of every description? There is no doubt about the necessity of clearing out that country so that



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FIGURE 4. General Ulysses S. Grant.

it will not support Mosby's gang and the question is whether it is not better that the people should save what they can. So long as the war lasts they must be prevented from raising another crop both there and as high up the valley as we controll.

Sheridan ignored it when he finally planned the campaign Grant had suggested. Moreover, Grant excluded women, children, the aged, and the infirm.

So, Mosby remains interesting mainly for what he nearly caused Grant to do, not for what he actually did or what was really done to him. Mosby's story belongs in the chapter of "might-have-beens" of Civil War history — the speculative chapter on "tendencies" and "foreshadowings" from this great armed conflict.

Mosby himself was hardly given to such thoughts, even in later years when, as a Republican, he could see both sides clearly and attempt to excuse Grant's actions as well as J.E.B. Stuart's. Mosby was well read. He kept up with the documents in the *Official Records* as they appeared. He could analyze combat. But he never dwelt much on suffering — neither on the pain his own actions caused nor on the untold suffering they nearly caused. His unfinished memoirs perhaps betray an undeveloped dramatic structure. He may have contemplated writing a book that would begin with the ludicrous aspects of the war and would end with emphasis on its tragic aspects. But he never got to the end. He seems only to joke about death.

THE CASE OF RINGGOLD W. BROWNING An Unpublished Lincoln Endorsement

Just as the new year began in 1865, a twenty-two-year-old civilian named Ringgold W. Browning was arrested, apparently in Washington, D.C., and imprisoned in Old Capitol Prison. Upon interrogation, he proved to be, by his own admission, a former Confederate soldier.

Records revealed, too, that he had previously been imprisoned in Old Capitol. That had occurred in 1862, when he had come north after the Confederate military unit in which he had enlisted at the start of the war disbanded. His father, an influential and loyal Marylander named Peregrine W. Browning, had paid the boy's bail. Ringgold was on parole for ten months and was then exchanged. He went directly to Richmond and rejoined the Confederate army.

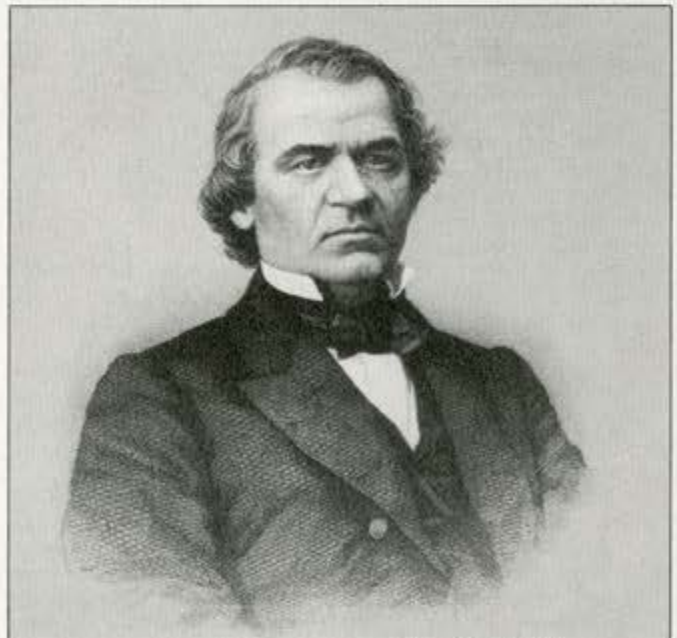
When he rejoined the army, Browning did so under another name, George W. Baker. He served seventeen months until his new unit was disbanded. Then he lived in Richmond for about six months. He enlisted again, this time in the notorious battalion of cavalry led by Elijah White, who operated in the area of Virginia commonly known as Mosby's Confederacy.

Browning was then transferred to the First Maryland Cavalry (C.S.A.) and served until it disbanded at the end of October 1864. He came north and saw his father, who urged him to go to New York to take the oath of allegiance. This Browning did. When he returned to Washington, he was arrested.

After the judge advocate interrogated him at the Old Capitol Prison, he recommended that Browning should be tried by military commission or at least held in Fort Warren, in Boston harbor, until the war was over.

Such would likely have been Browning's fate had he not been well connected. His father managed to obtain a letter from Andrew Johnson urging the boy's release. Johnson was at the time Vice-President-elect of the United States. And Johnson was inclined to aid Browning, though a Marylander and thoroughly disloyal, because Ringgold's older brother was the governor's private secretary. William A. Browning (1835-1866) served as Johnson's secretary from the summer of 1861 to December 1865.

After he saw Johnson's letter, President Lincoln wrote: "Let this man be enlarged and so remain so long as he does not misbehave." The endorsement was dated January 17, 1865, and Ringgold Browning was released from prison the same day.



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FIGURE 5. Andrew Johnson.