

BENJAMIN F. BUTLER

BENJAMIN FRANKLIN BUTLER, American general, politician, and lawyer, was born at Deerfield, N. H., Nov. 5, 1818, and died at Washington, D. C., Jan. 11, 1893. Receiving his education at Waterville College (now Colby University), he studied law, was admitted to the Bar in 1841, and began practice in Lowell, Mass. Here he soon built up a large and lucrative business and acquired at the same time a considerable reputation as a lawyer, especially in his conduct of criminal cases. He was active in political affairs, entering the lower house of the State legislature as a Democratic member in 1853, and the State senate in 1859. When the Civil War broke out, he was a brigadier-general of the State militia, and when the call for troops was received, April 15, 1861, he at once summoned the mustering of his brigade. Three days later, he set out for Annapolis, Md., at the head of the Eighth Massachusetts Regiment, and on May 16th was commissioned major-general and given command at Fortress Monroe. While there he declined to return fugitive slaves to their owners, declaring them, in his own original phrase, "contraband of war." In February, 1862, he was assigned to the command of the land forces of the New Orleans expedition, and after Admiral Farragut had passed the forts below the city, Butler took possession of New Orleans, remaining in command there until the 16th of December. During the remainder of the war he was active and vigorous in various commands of importance. In 1866, he entered Congress as a Republican representative, continuing there, save for the term of 1875-77, until 1879. He was a conspicuous figure in a score or more important congressional debates and took a prominent part in the impeachment of President Johnson. In 1871, he was defeated as a Republican candidate for governor of Massachusetts and suffered defeat also in 1878 and 1879 as the candidate of the Independent Greenback party. In 1882, he was, however, elected governor by the Democrats, but suffered defeat in the following year. In 1884, he was the candidate of the Greenback-Labor party for the Presidency. In 1892, he published his "Autobiography and Personal Reminiscences." Butler was a forceful military commander and an able lawyer, and possessed considerable gifts as a speaker and debater.

CHARACTER AND RESULTS OF THE WAR

DELIVERED APRIL 2, 1863

MR. MAYOR,—With the profoundest gratitude for the too flattering commendation of my administration of the various trusts committed to me by the government, which, in behalf of your associates, you have

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been pleased to tender, I ask you to receive my most heartfelt thanks. To the citizens of New York here assembled, graced by the fairest and loveliest, in kind appreciation of my services supposed to have been rendered to the country, I tender the deepest acknowledgments. I accept it all, not for myself, but for my brave comrades of the Army of the Gulf. I receive it as an earnest of your devotion to the country—an evidence of your loyalty to the constitution under which you live and under which you hope to die.

In order that the acts of the Army of the Gulf may be understood, perhaps it would be well, at a little length, with your permission, that some details should be given of the thesis upon which we fulfilled our duties. The first question, then, to be ascertained is, what is this contest in which the country is engaged? At the risk of being a little tedious, at the risk, even, of calling your attention to what might seem otherwise too elementary, I propose to run down through the history of the contest to see what it is that agitates the whole country at this day and this hour.

That we are in the midst of a civil commotion, all know. But what is that commotion? Is it a riot? Is it an insurrection? Is it a rebellion? Or is it a revolution? And pray, sir, although it may seem still more elementary, what is a riot? A riot, if I understand it, is simply an outburst of the passions of a number of men for the moment, in breach of the law, by force of numbers, to be put down and subdued by the civil authorities; if it goes further to be dealt with by the military authorities. But you say, sir, "Why treat us to a definition of a riot upon this occasion? Why, of all things, should you undertake to instruct a New York audience in what a riot is?"

To that I answer, because the administration of Mr.

Buchanan dealt with this great change of affairs as if it were a riot; because his government officer gave the opinion that in Charleston it was but a riot; and that, as there was no civil authority there to call out the military, therefore Sumter must be given over to the rioters, and such was the beginning of this struggle. Let us see how it grew up. I deal not now with causes but with effects—facts.

Directly after the guns of the rebels had turned upon Sumter, the several States of the South, in convention assembled, inaugurated a series of movements which took out from the Union divers States, and as each was attempted to be taken out, the riots, if such existed, were no longer found in them, but they became insurrectionary, and the administration, upon the 15th of April, 1861, dealt with this state of affairs as an insurrection and called out the militia of the United States to suppress an insurrection. I was called at that time into the service to administer the laws in putting down an insurrection.

I found a riot at Baltimore. The rioters had burned bridges; but the riot had hardly arisen to the dignity of an insurrection, because the State had not moved as an organized community. A few men were rioting at Baltimore; and as I marched into the State at the head of the United States troops, the question came up, what have I before me? You will remember that I offered then to put down all kinds of insurrections so long as the State of Maryland remained loyal to the United States. Transferred from thence to a wider sphere at Fortress Monroe, I found that the State of Virginia through its organization had taken itself out of the Union and was endeavoring to erect for itself an independent government, and I dealt with that State as being in rebellion and thought the property of the rebels of whatever name

or nature should be deemed rebellious property and contraband of war, subject to the laws of war.

I have been thus careful in stating these various steps, because, although through your kindness replying to eulogy, I am here answering every charge of inconsistency and wrong of intention for my acts done before the country. Wrong in judgment I may have been, but I insist wrong in intention or inconsistent with my former opinions never. Upon the same theory by which I felt myself bound to put down insurrection in Maryland, while it remained loyal, whether that insurrection was the work of blacks or whites—by the same loyalty to the constitution and laws I felt bound to confiscate slave property in the rebellious State of Virginia. Pardon me, sir, if right here I say that I am a little sensitive upon this topic.

I am an old-fashioned Andrew Jackson Democrat of twenty years' standing. And so far as I know I have never swerved, so help me God, from one of his teachings. Up to the time that disunion took place, I went as far as the farthest in sustaining the constitutional rights of the States. However bitter or distasteful to me were the obligations my fathers had made for me in the compromise of the constitution, it was not for me to pick out the sweet from the bitter, and, fellow Democrats, I took them all because they were constitutional obligations, and sustaining them all I stood by the South and by Southern rights under the constitution until I advanced so far as to look into the very pit of disunion into which they plunged, and then not liking the prospect I quietly withdrew.

And from that hour we went apart, how far apart you can judge when I tell you that on the 28th of December, 1860, I shook hands on terms of personal friendship with Jefferson

Davis, and on the 28th of December, 1862, you had the pleasure of reading his proclamation that I was to be hanged at sight.

And now, my friends, if you will allow me to pause for a moment in this line of thought, as we come up to the point of time when these men laid down their constitutional obligations, let me ask, what then were my rights and what were theirs? At that hour they repudiated the constitution of the United States by vote in solemn convention, and not only that, but they took arms in their hands and undertook by force to rend from the government what seemed to them the fairest portion of the heritage which my fathers had given to you and me as a rich legacy for our children. When they did that they abrogated, abnegated, and forfeited every constitutional right, and released me from every constitutional obligation so far as they were concerned.

Therefore when I was thus called upon to say what should be my action thereafter with regard to slavery, I was left to the natural instincts of my heart as prompted by a Christian education in New England, and I dealt with it accordingly. The same sense of duty to my constitutional obligations, and to the rights of the several States that required me, so long as those States remained under the constitution, to protect the system of slavery,—that same sense of duty after they had gone out from under the constitution, caused me to follow the dictates of my own untrammelled conscience.

So you see—and I speak now to my old Democratic friends that, however misjudging I may have been, we went along together, step by step, up to the point of disunion, and I claim that we ought still to go on in the same manner. We acknowledged the right of those men to hold slaves, because it was guaranteed to them by the compromise of our fathers

in the constitution, but if their State rights were to be respected, because of our allegiance to the constitution and our respect for State rights, when that sacred obligation was taken away by their own traitorous acts, and we, as well as the negroes, were disenthralled, why should not we follow the dictates of God's law and humanity?

By the exigencies of the public service removed once more to another sphere of action, at New Orleans, I found this problem coming up in another form, and that led me to examine and see how far had progressed this civil commotion now carried on by force of arms.

I believe, under our complex system of States, each having an independent government, with the United States covering all, that there can be treason to a State and not to the United States; revolution in a State and not as regards the United States; loyalty to a State and disloyalty to the Union; and loyalty to the Union and disloyalty to the organized government of a State. As an illustration, take the troubles which lately arose in the State of Rhode Island, where there was an attempt to rebel against the State government and to change the form of that government, but no rebellion against the United States. All of you are familiar with the movements of Mr. Dorr; in that matter there was no intent of disloyalty against the United States, but a great deal against the State government.

I therefore, in Louisiana, found a State government that had entirely changed its form and had revolutionized itself so far as it could; had created courts and imposed taxes, and put in motion all kinds of governmental machinery; and so far as her State government was concerned, Louisiana was no longer in and of itself one of the United States of America. It had, so far as depended on its own action, changed its State gov-

ernment and by solemn act forever seceded from the United States of America and attempted to join a new national government,—hostile to us, as one of the so-called Confederate States.

I found, I respectfully submit, a revolutionized State. There had been a revolution, by force; beyond a riot, which is an infraction of the law; beyond an insurrection, which is an abnegation of the law; beyond a rebellion, which is an attempt to override the law by force of numbers; a new State government formed that was being supported by force of arms.

Now, I asked myself, upon what thesis shall I deal with this people? Organized into a community under forms of law, they had seized a portion of the territory of the United States and were holding it by force of arms; and I respectfully submit I had to deal with them as alien enemies. They had forever passed the boundary of "wayward sisters" or "erring brothers," unless indeed they erred toward us as Cain did against his brother Abel. They had passed beyond brotherhood by treason added to murder. Aye, and Louisiana had done this in the strongest possible way, for she had seized on territory which the government of the United States had bought and paid for, and to which her people could advance no shadow of claim save as citizens of the United States. Therefore I dealt with them as alien enemies.

And what rights have alien enemies captured in war? They have the right, so long as they behave themselves and are non-combatants, to be free from personal violence; they have no other rights; and therefore it was my duty to see to it (and I believe the record will show I did see to it) that order was preserved and that every man who behaved well and did not aid the Confederate States was not molested in his person. I

held, by the laws of war, that everything else they had was at the mercy of the conqueror. They have claims to mercy and clemency; but no rights. Permit me to state the method in which their rights were defined by one gentleman of my staff. He very coolly paraphrased the Dred Scott decision and said they had no rights which a negro was bound to respect. But, dealing with them in this way, I took care to protect all men in personal safety.

Now, I hear a friend behind me say: "But how does your theory affect loyal men?" The difficulty in answering that proposition is this: In governmental action the government in making peace and carrying on war cannot deal with individuals, but with organized communities, whether organized wrongly or rightly; and all I could do, so far as my judgment taught me, for the individual loyal citizen, was to see to it that no exaction should be made of him and no property taken away from him that was not absolutely necessary for the success of military operations.

I know nothing else that I could do. I could not alter the carrying on of the war because loyal citizens were, unfortunately, like Dog Tray, found in bad company; to their persons, and to their property even, all possible protection I caused to be afforded. But let me repeat—for it is quite necessary to keep this in mind, and I am afraid that for want of so doing some of my old Democratic friends have got lost in going with one portion of the country rather than the other in their thoughts and feelings—let me repeat that, in making war or making peace, carrying on governmental operations of any sort, governments and their representatives, so far as I am instructed, can deal only with organized communities, and men must fall or rise with the communities in which they are situated.