

[The Fringes of Imprisonment Policy](#)

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In this post, Daniel Farrell, a Ph.D. candidate in history at the University of Cincinnati, reflects on alternative ways to think about Civil War era arrests and imprisonment.

During a research trip over the summer, I came across several letters written by William Wooden, a Missourian charged with disloyalty and sentenced to prison. Wooden's personal experience is not what piqued my interest, but instead his administrative route through incarceration. In June 1863, the military held Wooden at the "Crobea Hotel" in Buchanan County, Missouri, before spending time in both Gratiot Street Prison in St. Louis and the military prison in Alton, Illinois. From what I can gather, the military converted the Buchanan County hotel into a short-term prison. Wooden claims there were at least seventy other prisoners with him that June. While Wooden's story is typical - a man arrested and sentenced for disloyalty - his correspondence sheds insight into prison policies that often escape our notice. Wooden's testimony was my first introduction to the prison, and its existence raises several interesting questions. For example, what became of the seventy people Wooden refers to? Were they transferred to other jails, or was it common for suspected traitors to be held at this hotel, only to be released on thin evidence, by taking oaths of loyalty, or after being acquitted in a court-martial proceeding? Were people housed there briefly as an intimidation tactic?

These are types of arrests you are not likely to come across at the federal level, and precisely the one's I'd like to explore more deeply in my project. In my inaugural blog post, I noted how my dissertation research had moved away from a strict analysis of federal imprisonment policy towards civilians. To quickly recap, this is because I do not feel such an analysis tells the entire story of how the United States enforced unionism. Similarly, such an attitude presents a deterministic top-down approach: it does not fully account for the behaviors of people who are on the lower rungs of the federal bureaucracy or who were acting out of state, local or military interests. For instance, military prison ledgers and court-martial proceedings tell us an important but one-sided part of the story. They help us see who served lengthy prison sentences in a military prison and why. Many of the usual suspects emerge - Fort Warren, Fort McHenry, Old Capital Prison, Alton, and Camp Chase were all important destinations for civilian prisoners. However, as Wooden's letters reveal, they do not tell the entire story. As I conduct my research, I continuously come across examples of men (and the occasional woman) held in local penitentiaries,

army guardhouses, sheriff's offices, army encampments, and various other temporary and makeshift prisons. Such "prisons" were unlikely to hold people for long periods, ranging from only a few hours to several weeks at the most.

These places existed on the fringes of federal imprisonment policy. In other words, arrests and detentions that were permissible under a broad interpretation of martial law but have escaped notice in the prison bureaucracy because they took place entirely outside the purview of the Office of the Commissary General of Prisoners. Along similar lines, court-martials rarely sentenced military offenders to short prison sentences, and thus, seldom dealt with the types of arrests, that I would argue, were intended to intimidate people rather than subject them to harsh punishment. That is not to say that federal prison records are exhausted - far from it. Excellent works such as Mark Neely's *The Fate of Liberty* and William Blair's, *With Malice Towards Some* utilize many of these essential sources to analyze civil liberties and military arrests' constitutionality. Where I diverge, however, is that I am less interested in constitutional issues and more invested in war culture studies. Stated differently, what did the arresting party (whether it be on the federal, state, or local level) believe it was accomplishing? And should we consider the control of civilian populations critical to the war effort? These questions require a different approach to using federal prison records and broadening one's purview to include militia records, newspapers, Adjutant general records, letters and diaries, and so on.

I'll provide another example. In 1864, military officials arrested a Missourian for allegedly interfering with African American recruitment. The man testified to his imprisonment at the local provost marshal's office. While there, the provost interrogated him for several days about his involvement in disrupting recruitment, accused him of bushwhacking, and threatened to send him to Alton if he refused to cooperate. Throughout the process, the man demanded a fair trial or to be released. The provost begrudgingly released him. One thing is sure, his innocence was not apparent (it was, after all, his testimony), but the evidence against him must have been circumstantial. Regardless of his guilt, this episode raises crucial questions about the frequency of such arrests. In Missouri, where guerrilla warfare was rampant and resistance to emancipation common, did provosts feel short-term arrests were an effective way to gauge loyalty, collect information, modify public behavior and threaten citizens without overwhelming the military prison system and being perceived as overtly tyrannical?

I would also argue that the fringes of imprisonment policy are not strictly limited to physical places. "Imprisonment," I believe, could imply any form of coerced status.

For instance, I have been working on a related project that examines the use of military arrests to force men into militia service. Because these incidents do not involve incarceration or formal charges, the prison records will not reveal these cases. Such examples will, I hope, expand our understanding of how arrests were not always purely punitive; they could be used to force men of dubious loyalty towards actively preserving the Union. Ultimately, today's post certainly raises far more questions than it provides answers, but I want to encourage readers to think about civilian arrests in a more encompassing light. One that focuses less upon a person's alleged crime and more upon why the arrest occurred at all, what the arresting party believed they were accomplishing, and what effect arrests had on civilian populations and the prosecution of the Union war effort.

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