

The Captured Confederate Records Under Francis Lieber

By CARL L. LOKKE

The National Archives

WHEN one government invades and conquers the territory of another, it is the custom, as Voltaire might have said, for the victor to seize the records of the vanquished. This custom was followed at the close of the Civil War. On April 7, 1865, four days after the fall of Richmond, the War Department by General Orders No. 60, art. 3, directed commanders in the field to send to Washington captured Confederate records. And when the records began to arrive Secretary Stanton adopted measures not only to provide for their preservation but also to have them arranged and classified. In July 1865, at the suggestion of Professor Francis Lieber of Columbia College, he established in the War Department a special unit, soon designated the Archive Office, to do this work. Simultaneously he appointed Lieber chief. Lieber held the post for two years.

The fascination still attached to the Civil War and Reconstruction and the celebrity of Lieber's name lend a peculiar interest to the activities of the Archive Office from 1865 to 1867. These activities included the examination of some 270,000 letters in search of evidence to connect Jefferson Davis with the assassination of Lincoln. The history of the Archive Office (popularly known as the Bureau of Rebel Archives), forms part of the history of Reconstruction. It also forms part of Lieber's biography.¹ From the standpoint of the archivist, it is useful to trace the steps taken between 1865 and 1867 to collect, guard, arrange, and service the captured records of the former Confederate government.² These records are now in the National Archives, together with the files of the Archive Office, on which this article is primarily based.

¹The archival phase of Lieber's career has been neglected. Frank Freidel informs me that in his forthcoming biography of Lieber he has devoted several pages to Lieber's work at the Archive Office.

²As this article approached completion, I learned that a study of the Archive Office, 1865-1881, had been prepared by Dallas D. Irvine; it is to be published in *Military Affairs*.

Sending the Records to Washington

Despite the order of April 7 nothing appears to have been done for more than two weeks to collect in Richmond such records of the defeated government as had escaped removal, fire, and pillaging.³ Confederate soldiers rather than Confederate records occupied the attention of military authorities. Perhaps the assassination of Lincoln and the furious search for those responsible for it quickened interest in securing papers as well as men. In any event the scholarly General Halleck displayed such interest upon his arrival in Richmond to take command of the Military Division of the James. The records situation there appalled him. On April 22, the day he assumed command, he telegraphed to Col. Richard D. Cutts, an aide de camp in Washington, to come to Richmond immediately "to take charge of rebel archives."⁴ To emphasize the urgency he added, "Everybody has been plundering them." He informed Major General Ord, commanding in Richmond, that Cutts would soon arrive and ordered the careful preservation of all "books, printed documents, maps, manuscripts, &c., found in any public office" in the city.⁵ Having thus taken steps to stop the plundering of the records, Halleck drafted or had drafted General Orders No. 3 dealing with the archives of the Confederacy. This document, dated April 25, 1865, announced the appointment of Col. Cutts as "keeper of public archives."⁶ All captured "papers, books, maps, and public documents" were to be "collected and arranged" in the Richmond Custom House. Halleck further ordered the quartermaster's department to prepare shelves and desks needed for the work and the commanding general to detail to Cutts such clerks and guards as he might require. Nor did the former Chief of Staff propose to restrict Cutts' activities to the records known to be scattered about in public offices. He ordered that records yet uncaptured be turned in. "All officers and men in the service of the United States, all citizens, and all persons heretofore in the Confederate service, having in their possession such books, papers, maps, or public documents are required to immediately deposit them in said archive rooms [in the Custom House]."

Halleck's General Orders No. 3 contains no mention of the War

³ A detailed account of what happened to the records of each Department of the Confederate government is found in Dallas D. Irvine, "The fate of Confederate archives," *American Historical Review*, XLIV (July, 1939) 823-841. I have pirated freely upon this article.

⁴ Office of the Secretary of War, Telegrams received by Maj. Gen. Halleck, vol. 23, p. 469 (National Archives).

⁵ Halleck to Ord, Apr. 22, 1865, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, ser. 1, vol. 46, pt. 3, p. 896. This compilation is cited hereafter as *Official Records*, references being to Series 1.

⁶ *Ibid.*, p. 944.

Department's General Orders No. 60 or of sending the Confederate records to Washington. The act of naming Cutts "keeper of public archives" suggests an intention of retaining the records in Richmond indefinitely. Yet, on May 2, 1865, Cutts announced in a letter to Assistant Secretary of War Dana that he was forwarding to him seven "marked boxes, containing certain records, correspondence &c, of different Departments and Bureaus of the late Confederate Government," which had been collected and arranged in accordance with G.O. No. 3, Military Division of the James.⁷ It is tempting to see a connection between the shipping of these first boxes of records and the issuance the same day of the Presidential proclamation offering rewards for the arrest of Jefferson Davis and other Confederate leaders in connection with the conspiracy to assassinate Lincoln. A week later Halleck pointed out to Stanton that the records Cutts was shipping on his orders might contain "much evidence" concerning "plots of assassination, incendiaryism, treason &c."⁸ However, he gave as a specific reason for directing Cutts to send the records "the risk of attempting to assort and classify them" in Richmond.

Altogether, Cutts shipped to Washington 349 boxes, hogsheads, and barrels of records, the last on May 27.⁹ Despite the hint in Halleck's letter of May 11 Stanton appears to have paid them no particular attention. He apparently assumed that papers left behind by the Davis Cabinet would contain too little of immediate value to warrant bothering with them, although he directed Halleck to forward every paper "having the similitude of a cipher."¹⁰ But when in the afternoon of May 16 Halleck telegraphed that the records of the Confederate War Department had been captured in North Carolina and ordered sent to Washington, the Secretary acted with characteristic energy.¹¹ In his own hand he wrote a reply which read in part: "It is very important to have the Rebel War Department papers here immediately for use on the present trials. Please send Col Cutts immediately to General Schofield for the papers and direct him to bring them here with the utmost despatch General Schofield on delivery of a copy of this telegram will regard it as instructions to him to turn over the papers to Col Cutts to be brought here, and I also send herewith a special order to your care for the same purpose."¹² Halleck could not send Cutts because that

⁷ Archive Office, Letters received, J11 (National Archives).

⁸ Halleck to Stanton, May 11, 1865, *Official Records*, vol. 46, pt. 3, p. 1132.

⁹ Cutts to Dana, May 27, 1865, Archive Office, Letters received, J24; included with the 349 shipping containers were 128 boxes of Quartermaster Department records captured at Lynchburg.

¹⁰ May 15, 1865, Secretary of War, Telegrams sent, vol. 31, p. 378 (National Archives).

¹¹ Halleck to Stanton, May 16, 1865, *Official Records*, vol. 46, pt. 3, p. 1158.

¹² Stanton to Halleck, May 16, 1865, Secretary of War, Telegrams sent, vol. 31, p. 398;

officer was absent "on special duties," so in order to prevent delay, he informed Stanton, he directed Schofield to forward the records immediately in the care of a "special messenger."¹³ Schofield indicated his intention to comply with these orders.¹⁴ Nor was action delayed. The Confederate War Department records, consisting of 81 boxes weighing ten tons, were promptly transferred to New Berne, North Carolina, and loaded on the steamer *John Tracy*; this vessel left for Washington on May 18.¹⁵ At precisely the same time the steamer *William P. Clyde*, escorted by the USS *Tuscarora*, was moving up the coast carrying Jefferson Davis to imprisonment at Fortress Monroe.¹⁶ In Washington the Secretary of War was waiting impatiently to learn whether the documents on the one ship contained evidence to send to the gallows the captive on the other.

Secretary Stanton's Search for an Archivist

If Stanton was active in having the Confederate War Department records shipped promptly to Washington, he was no less so in taking steps to have them examined on arrival. On the morning of the 18th he telegraphed (confidential) to Horatio Woodman, Counsellor at Law, Boston, as follows: "I expect to receive the Archives of the Rebel War Department today [1] and want some competent person to examine them. Will you undertake it. A sufficient clerical and and [sic] every other assistance will be furnished. Please answer immediately and affirmatively come here immediately. It may take ten days or two weeks."¹⁷ Woodman answered (confidential) immediately but not affirmatively.¹⁸ It was "impossible" for him to come. In the same telegram, however, he recommended for the job a fellow lawyer, U. S. Assistant District Attorney Thornton K. Lathrop, who could accept. Lathrop, he declared, "is a thorough gentleman and a sound lawyer and has the literary culture the indefatigable energy the comprehensiveness and the facile & sure systematising faculty which specially fits him for the work." Stanton ignored the recommendation. Assuming apparently that his first suggestion was unacceptable, Woodman telegraphed again (confidential) the same day to announce that he was going to approach George Bemis, presumably the publicist, "the best

printed, with slight typographical corrections, in *Official Records*, vol. 47, p. 510. The compilers of the *Official Records* regularly supplied corrections in spelling and punctuation.

¹³ Halleck to Schofield, May 17, *ibid.*, p. 519; Halleck to Stanton, May 17, *ibid.*, p. 519.

¹⁴ Schofield to Halleck, May 17, *ibid.*, p. 519; Halleck to Stanton, May 17, *ibid.*, p. 519.

¹⁵ Schofield to Halleck, May 20, *ibid.*, p. 542.

¹⁶ Deck log of USS *Tuscarora*, May 16-19, 1865 (National Archives).

¹⁷ Secretary of War, Telegrams sent, vol. 31, p. 410.

¹⁸ May 18, 1865, Secretary of War, Telegrams received, vol. 47, p. 23.

man in the country for the work."¹⁹ Stanton ignored this recommendation also, and on the 19th Woodman was obliged to report that Bemis could not go.²⁰ Still no response from the Secretary. The silence in Washington moved Woodman on May 22 to write a letter to Stanton in which he expressed his "real regret and pain" at not being able to accept the offer to "take charge of the examination of the Rebel archives."²¹ He begged not to be thought "officious" for naming others. But he also seized the opportunity to give the Secretary of War some advice. He declared himself to be "satisfied" with Judge Holt's reasons for trying the conspirators by military commission. Jefferson Davis, on the other hand, should be tried "*for treason and by Jury.*" It would be better for the nation, declared Woodman, that Davis be acquitted than be tried any other way. Stanton ignored the letter just as he had ignored the three telegrams.²²

This experience with Woodman may have determined Stanton to have no more to do with lawyers in his search for a man to examine the Confederate records. At all events his eye now fell upon George Bancroft, the historian, who visited Washington late in May. The leading historian of the United States was then, at the age of sixty-five, at the peak of his fame as author of a widely-read and expanding history of America. He had been Secretary of the Navy and minister to England. The services of such a figure would have been valuable indeed. Stanton indicated his awareness of this fact in a letter to Bancroft in New York, dated May 30, 1865.²³ After discussing some other matters, he wrote: "I hoped to have had your assistance in the examination of the archives of the Rebel Government, which have been forwarded from North Carolina and Virginia; and I would be glad to know if, when arrangements can be made to have them opened and examined, it will be possible for you to give your assistance in exploring their contents? I do not mean that any labor should be imposed upon you, but only desire to have the benefit of your judgment in regard to those which may be useful as illustrating the history of the rebellion."

There is no reply to this signed original letter in the Stanton Papers.

¹⁹ *Ibid.*, p. 37.

²⁰ Confidential, *ibid.*, p. 32.

²¹ Stanton Papers, vol. 27 (Library of Congress).

²² It is fitting to remark that this incident did not cool Woodman's admiration for Stanton. On Aug. 8, 1867, just before Stanton was compelled to give up his post, Woodman telegraphed to him as follows: "The whole loyal north will justly feel that you have deserted them if any pressure or any diminution of your powers induces you to give up your hold of the machinery of the War Dept." Stanton Papers, vol. 33.

²³ *Ibid.*, vol. 27. A month earlier Bancroft had urged him: "Do not resign your post as Secretary of War: the country cannot spare you." Letter of April 26, 1865, *Ibid.*, vol. 26.

The presence of the letter here suggests that it was not sent. It is primarily interesting as an indication of the direction the Secretary's mind was taking by the end of May. At this same time, Stanton paid no attention, it appears, to a proposal from General Grant that he appoint Brig. Gen. (Benjamin) Alvord to examine the Confederate archives.²⁴ The experience of Colonel Cutts, formerly "keeper of public archives" in Richmond, was not utilized in Washington. The Secretary did not want a soldier any more than a lawyer. "The reason for the appointment [of Lieber]," he explained later, "was the necessity of having the archives collated by a publicist of known character and reputation, in order that they might be available to the Government without delay."²⁵ This explanation, to be sure, begs the question as to why a lawyer or a soldier could not have done the job Stanton wanted done.

Judging by the letter to Bancroft in late May and the appointment of Lieber in July, the Secretary raised his sights after sending the telegram to Woodman. His first thought was to obtain "some competent person" to go through the captured papers quickly. His second was to obtain a person who not only had the competence to search the papers for evidence needed in trying the Southern leaders but also the knowledge required to select documents of historical importance—in short, by May 30 Stanton was seeking an archivist.

Lieber Appointed Chief of the Archive Office

Stanton had known Lieber favorably for years as a vigorous supporter of the war. But information is lacking on how the Secretary happened to think of approaching the author of General Orders No. 100 to take charge of the Confederate archives. A certain sequence of events in early July 1865 suggests that General Halleck, Lieber's friend, may have proposed the Columbia professor for the appointment. In a telegram of July 5 Stanton informed Lieber that Halleck was leaving Washington for New York that evening.²⁶ In the same communication, which dealt primarily with a trip Lieber was proposing to make to Washington, he declared cordially: ". . . I shall be glad to see you here." Lieber came as planned. Indications are that he returned to New York on July 17.²⁷ While he was in the capital Stanton evidently

²⁴ Grant to Stanton, May 29, 1865, *ibid.*

²⁵ Letter to Congress, December 1865. Frank Abial Flower, *Edwin McMasters Stanton: the Autocrat of Rebellion, Emancipation, and Reconstruction* (Akron, Ohio, 1905), p. 313, note.

²⁶ Secretary of War, Telegrams sent, vol. 32, p. 252.

²⁷ Lieber to Holt, July 17, 1865, Joseph Holt Papers, vol. 49 (Library of Congress).

consulted him in regard to handling the Confederate records and asked for his views in writing.

Lieber proposed the establishment of a special bureau to do the work. His reasons are given in a memorandum (unfortunately not dated), which merits full quotation:

The amount of these [Confederate] papers is already very large, and I understand is continually increasing. There must be letters and documents among them of the highest interest for the historian and of great importance to the Government. They are useless unless registered and deposited in regular archives—classified and indexed. Moreover the most important papers for present purposes ought at once to be copied and communicated to the Government. This would require a complete bureau for the time being. It would be a work of some time and if the Secretary desire me to undertake the organization and direction of the whole and possibly a final complete report, I have to state this that I may come to Washington for a short time to establish the bureau and then come to this city from time to time for a few days to inspect, adjust &c or else that I wish the Secretary to consider how it would do to send the whole collection and all that may yet arrive to the city of New York, where a safe building might be hired, and where it would certainly be easier to establish a bureau of this peculiar sort. There are of course objections to this. It is to be weighed which would be the best.

It is not necessary to assure the Secretary that if the whole direction is left to me the work shall be done as expeditiously as possible but the work may last longer than it may appear at present.

(signed) Francis Lieber

P.S. A reason for New York would be that I would have the assistance and advice of some persons which it would not be likely to be obtained here.²⁸

It is probable that Stanton had received this memorandum by July 18 and indicated to Lieber his intention to create the proposed bureau and appoint him chief. At a Cabinet meeting on that day the Confederate archives became a subject of discussion in connection with the proposed trial of Jefferson Davis.²⁹ Both Stanton and Seward favored postponing the trial, whether by military commission or by civil court, until the "large amounts" of Confederate records could be examined for evidence. The Secretary of War said that "he intended to give the examination of the papers to Dr. Lieber, and with the force he could give him believed the examination could be completed in two weeks' time." He had obviously not changed his views since May in regard to the length of time required, despite the warning in Lieber's memorandum.

²⁸ This document is incorrectly placed in vol. 30 of the Stanton Papers, between others dated April 30 and May 1, 1866, respectively.

²⁹ John T. Morse, Jr., ed., *Diary of Gideon Welles, Secretary of the Navy under Lincoln and Johnson* (Boston and New York, 1911), II, 335.

The time had now come to formalize the arrangements for the Confederate records. This was done by General Orders No. 127, dated July 21, 1865, which ordered:

That a Bureau be organized in the Adjutant General's Office for the collection, safe-keeping, and publication of the Rebel Archives that have come into possession of this Government, the Bureau to consist of one Chief, with the pay of a Colonel of Cavalry, and one Assistant, with the pay of a Lieutenant Colonel of Cavalry, and such number of clerks, to be detailed by the Adjutant General, as may be found necessary for the speedy collection of the archives. Doctor Francis Lieber is hereby appointed Chief of said Bureau, and the Quartermaster General is directed to furnish suitable apartments and buildings for the collation and custody of the archives mentioned.

As a result of the wording used in this order, notice of which appeared shortly in Washington and New York newspapers, the unit it created became generally known as the "Bureau of Rebel Archives."³⁰ Indeed its first letter head bore this designation.³¹ Under date of August 23, 1865, however, the Adjutant General issued regulations for the new unit in which its official title was ordered to be "Archive Office of the War Department."³² Curiously enough no mention of Confederate records was made in the regulations. Several days later Lieber wrote one letter to Stanton headed "Government Archives War Department."³³ Yet there seems never to have been any intention of placing other than Confederate records in Lieber's custody at the Archive Office.³⁴

What were Lieber's qualifications for the post of Chief of the Archive Office? From the archival standpoint, none. Lieber had had no experience in dealing with records. He had other qualifications considered at the time to be vastly more significant. He was, as Stanton wrote, "a publicist of known character and reputation." Born a German in 1800, the same year as George Bancroft, he had an even more colorful, if less important career.³⁵ The future professor experienced as a mere lad

³⁰ *Washington Daily Morning Chronicle*, July 27, 1865; *New York Times*, July 27, 1865.

³¹ For an example of this letter head see Lieber to Stanton, May 4, 1867, Stanton Papers, vol. 32.

³² Archive Office, Letters received, A70.

³³ Aug. 28, 1865, Archive Office, Letters sent, p. 3. Lieber waited more than a month before requesting a supply of Archive Office stationery to replace that headed Bureau of Rebel Archives. Lieber to John Potts, Esq., Oct. 5, 1865, *ibid.*, p. 66.

³⁴ See below, p. 58-59.

³⁵ Much has been written about Lieber. The older studies include Lewis R. Harley's laudatory biography, *Francis Lieber: His Life and Political Philosophy* (New York, 1899), which is offset by the somewhat acid article of Joseph Dorfman and Rexford Guy Tugwell, "Francis Lieber: German scholar in America," *Columbia University Quarterly*, XXX (1938) 159-190; 267-293. A few of the extant Lieber letters are published in Thomas Sergeant Perry, ed., *The Life and Letters of Francis Lieber* (Boston, 1882). Since Charles B. Robson

the thrills and the dangers of participating in the victorious German War of Liberation against Napoleon.³⁶ In the period of reaction that came with peace, Lieber in company with other young liberals suffered from the oppressive tactics of the Prussian government. He spent several months in prison on two different occasions because the authorities suspected him of conspiring against the established order. Finding the atmosphere too stifling for comfort, Lieber first made trips to Greece and Italy and then emigrated to the United States (1827) "expecting little."³⁷ In 1837 he became professor of history and political economy in South Carolina College, where he remained for the next twenty years. This was the most productive period of Lieber's life, although he again found himself in an uncongenial atmosphere.³⁸ Negro slavery ran counter to his ideas of liberty, despite the fact that he bought and owned slaves himself.³⁹ Even more anathema to Lieber, however, was the talk of secession in South Carolina, which, he feared, might lead to the dissolution of the Union and the reduction of the United States to the unenviable position of Germany.⁴⁰ He carried on an extensive correspondence with friends in the North such as Charles Sumner and spent as much time there as possible. Harvard made him Doctor of Laws in 1850. "Boston, I say, God grant me Boston," he once cried. New York was granted him instead. It is probable that when in 1857 Lieber obtained a professorship of history and political science in Columbia College, he left South Carolina with feelings not unlike those with which he had left Germany a generation before.

The coming of the Civil War confirmed Lieber's worst fears regarding disunion. He ardently supported the Union cause.⁴¹ Two of his sons, Hamilton and Norman, served in the Union army. He later wrote: "At 15 I lay on the [battle]field for German independence; at 19 & 20 I lay in prison for those ideas of German Unity which are not now persecuted by Bismarck; when I was 60 my sons bled for American

described the papers of Lieber in the Huntington Library (*Huntington Library Bulletin*, Feb. 1933, p. 135-155), several articles on Lieber have appeared.

³⁶ Francis Lieber, *The Stranger in America: or, Letters to a Gentleman in Germany* (Philadelphia, 1835), p. 99-126, recounts the call to arms in 1815.

³⁷ *Ibid.*, p. 17.

³⁸ His chief works were published during this period: *Manual of Political Ethics*, 2 vols. (Boston, 1838-1839); *Legal and Political Hermeneutics* (Boston, 1839); and *On Civil Liberty and Self-Government* (Philadelphia, 1853).

³⁹ Frank Freidel, "Francis Lieber, Charles Sumner, and slavery," *Journal of Southern History*, IX (Feb. 1943), 75-93.

⁴⁰ Lieber to Webster, June 6, 1850, Daniel Webster Papers, vol. 9 (Library of Congress); Merle Curti, "Francis Lieber and nationalism," *Huntington Library Quarterly*, IV (1940-41), 263-292.

⁴¹ Brainerd Dyer, "Francis Lieber and the American Civil War," *Huntington Library Quarterly*, II (July, 1939), 449-465.

Unity. You see it lies in my brain and blood."⁴² Lieber's own major contribution to the winning of the war, apart from placing his talents at the service of Government officials, was perhaps his participation in the work of the Loyal Publication Society, a pro-Union propaganda agency in New York.⁴³ Besides serving as president of the Society Lieber wrote ten of the ninety pamphlets it published and distributed. The most successful of these pamphlets was one of his entitled *No party now, but all for country*.

Such was the man selected to take charge of the Confederate records. No one then or later, not even the critical Gideon Welles who detested Stanton and his works, opposed the appointment. But for some unexplained reason Lieber did not immediately assume his archival duties. He remained in New York for some three weeks awaiting a summons from the Secretary of War. It came on Saturday, August 12, 1865. On that day Stanton telegraphed that he would be glad to see him in Washington as early the following week as convenient.⁴⁴ Lieber evidently came at once and remained until early September, long enough to get the work of the Archive Office under way. Thus was carried out the proposal in his July memorandum that he come to Washington "for a short time" to establish the unit.

Early in August the New York *Nation* declared, in hailing Lieber's appointment, that the Confederate records would probably be placed in Ford's Theater.⁴⁵ "It will be curious," it continued, "if the proof of official Confederate complicity in the assassination of Mr. Lincoln should emanate from the very spot on which the tragedy was enacted." This supposition proved to be erroneous. About the time the remodeling of the theater for the reception of Government records began (Aug. 17), the Archive Office with its Confederate records, was housed in a building on the south side of F Street, between 18th and 19th Streets, where the North Interior Department Building now stands. There, it appears, Lieber for the first time viewed the shipping boxes filled with the captured records.

Applicants for Jobs in the Archive Office

In General Orders No. 127 it was stated that in addition to the chief the new bureau was to consist of one assistant and "such number of

⁴² Lieber to Holt, Mar. 28, 1868, Joseph Holt Papers, vol. 58. This statement is not strictly true, for Lieber's eldest son Oscar (1830-1862) served in the Confederate army until his death.

⁴³ Frank Freidel, "The Loyal Publication Society: a pro-union propaganda agency," *Mississippi Valley Historical Review*, XXVI (Dec. 1939), 359-376.

⁴⁴ Secretary of War, Telegrams sent, vol. 32, p. 390.

⁴⁵ *Nation*, Aug. 3, 1865, p. 129.

clerks, to be detailed by E. D. Townsend, the Adjutant General, or" as might be found necessary for the work. Probably Townsend or whoever drafted the order had no intention of using language that would attract applications for the assistantship and the lesser jobs. The order certainly made clear enough that clerkships were not available. Yet Lieber between July and October 1865 received more than a dozen applications for jobs in his organization. None was successful. Some of the letters of application have more than a passing interest. They reflect, among other things, the unsettled character of the post-war period when men discharged or about to be discharged from the army were trying to find a place in civilian life.

The position of assistant to the chief caught the eye of various persons, including several college graduates. On the very day the notice of General Orders No. 127 appeared in the newspapers, Thomas H. Talbot, a graduate of Bowdoin College, in Washington at the time, addressed duplicates of a letter to Lieber (one to Washington, the other to New York), which began: "I have the honor respectfully to apply for an appointment as Assistant (chief) in the Bureau for the Collection and Publication of the Rebel Archives, should the place still be vacant in your mind."⁴⁶ In listing his qualifications, Talbot said he was a lawyer by profession. He served for two years during the war as lieutenant colonel in the First Maine Heavy Artillery. Before entering the military service, he had been charged with supervising in a library the "work of arranging and making a catalogue of ten thousand volumes." Talbot stated further that Mr. Spofford of the Library of Congress was "very ready" to give him an appointment should a vacancy occur.

James Grant Wilson of Poughkeepsie, New York, who had served as colonel of a colored cavalry regiment under Maj. Gen. Lorenzo Thomas, asked his former general to recommend him for the position.⁴⁷ "My tastes, education and previous literary experience would I think enable me to fill the place with credit to myself." General Thomas in referring the letter to Lieber described the writer as "an excellent officer."⁴⁸

In August Lieber received two applications from former students at Columbia College. The first of these, Stephen H. Turnbull, signed himself "Your pupil of '61."⁴⁹ His tone was quite humble for one of

⁴⁶ July 27, 1865, Archive Office, Letters received, T10.

⁴⁷ July 31, 1865, *ibid.*, W30. Also on July 31, Senator H. Wilson of Massachusetts, on vacation at Natick, asked Secretary Stanton (Secretary of War, Letters received, W1937) to appoint as assistant to Lieber C. C. Hazewell, editor of the Boston *Traveller*; he lauded Hazewell's great knowledge of history and of men.

⁴⁸ *Ibid.*, W30, endorsement.

⁴⁹ New York, Aug. 3, 1865, *ibid.*, T11.

his profession (law). He did not ask outright for the assistantship. After stating that he had compiled and published a book the year before, Turnbull closed with the words: "I trust you will try me as my time is entirely unoccupied at present." Bvt. Maj. J. A. Slipper, class of '59, was in comparison buoyancy itself.⁵⁰ He wanted the place if Lieber thought he was competent to fill it. For his "literary acquirements" Slipper pointed to his work under Lieber and the other professors at Columbia. As a soldier, he remarked further, he believed he had not "disgraced" his alma mater.

The last of the applications for the assistantship was addressed to "Professor Lieber" by Lorenzo H. Whitney of St. Louis, formerly colonel of the 140th Illinois Regiment.⁵¹ Whitney's approach was most candid. He had written one volume on the history of the war, he declared, but had decided not to continue this work because all the facts were not yet accessible. A position in the Archive Office would, he indicated, afford him a "splendid opportunity" to acquaint himself with the facts; the "salary" was a secondary consideration.

A variety of persons applied for the lesser positions also. First among these was a woman of Lieber's acquaintance in New York who signed herself C. E. Hamilton.⁵² If "females" were to be employed in his bureau as elsewhere in the Government she asked to be considered as a candidate for a job. A German in the same city addressed a similar request to "Heern Dr. F. Lieber."⁵³ In September a bookbinder at No. 457 10th St., opposite Ford's Theater, wrote that he "would like to get a situation" in the "Bureau for arranging the Rebel Documents."⁵⁴ One ex-Marine and two ex-soldiers applied for clerkships.⁵⁵ Two other ex-soldiers sought the job of watchman.⁵⁶

In a class by itself stands a letter from A. R. Lamar of Columbus, Georgia, dated Oct. 2, 1865.⁵⁷ Confident, it would appear, that the war was really over, that it was time to let bygones be bygones, this former clerk of the Confederate House of Representatives offered Lieber his assistance in compiling war documents for publication! If there was "no objection to the Employment of an (as yet) unshriven rebel," Lamar expressed a desire to do this work during the coming winter.

⁵⁰ Washington, D.C., Aug. 20, 1865, *ibid.*, S21.

⁵¹ Oct. 13, 1865, *ibid.*, W5.

⁵² July 28, [1865], *ibid.*, H8.

⁵³ Francis B. Bickel, Aug. 15, 1865, *ibid.*, B10.

⁵⁴ John Tretler, Sept. 19, 1865, *ibid.*, T4.

⁵⁵ George P. Price, Sept. 20, 1865, *ibid.*, P2; James A. Wilcox, Aug. 28, 1865, *ibid.*, W29; H. Clay Myers, Sept. 18, 1865, *ibid.*, M3.

⁵⁶ Charles J. Low, Sept. 5, 1865, *ibid.*, L6; Walter Mason, Sept. 9, 1865, *ibid.*, M14.

⁵⁷ *Ibid.*, L1; endorsement: "File this. I have answered it. F.L." Unfortunately there is no copy of Lieber's reply in the Letters sent.

Of all the communications in regard to positions that came to the Chief of the Archive Office this one would likely have received the least favorable attention if Lieber had been allowed to make appointments.

Assignment of Personnel to the Archive Office

As indicated above, none of the applicants for jobs in the Archive Office received an appointment. On Aug. 14, 1865 the Adjutant General informed Lieber's son, Lieut. Col. G. Norman Lieber, who was destined one day to be Judge Advocate General of the Army, that he had been appointed assistant to the Chief.⁵⁸ This was an act of nepotism, for Lieber undoubtedly engineered the appointment. In his July memorandum he had proposed two alternatives for handling the Confederate records: (1) that he first come to Washington to establish a "bureau" and then return "from time to time for a few days to inspect, adjust &c," or (2) that the records be sent to him in New York where he would have the "assistance and advice of some persons" not likely to be obtained in Washington. The second alternative presumably gained no serious hearing. It seemed better to move Mohammed to the mountain occasionally than to move the mountain to Mohammed permanently. But the decision to permit Lieber to supervise the work of the Archive Office while continuing to give his lectures at the Columbia Law School, rendered particularly important the selection of a resident assistant.⁵⁹ It was imperative that this assistant be a man of ability in whom both Lieber and the War Department had absolute confidence. Norman Lieber met these qualifications.⁶⁰ A lawyer by training (he was a graduate of the Harvard Law School) and a soldier by experience he directed the routine work of the Archive Office faithfully and well from August 1865 to April 1867 when he resigned to accept a post on the staff of General Sheridan in New Orleans. The arrangements made for the Liebers, *père et fils*, bore fruit for later archivists. From the written reports of Norman to his father in New York one

⁵⁸ Townsend to G. Norman Lieber, Archive Office Files. The papers relating to personnel assignments bear no file numbers.

⁵⁹ The Columbia trustees on July 6, 1865, abolished Lieber's chair of history and political science in the College and transferred Lieber to the Law School as professor of Constitutional history and public law. He opposed this act, yet once it was done he tried to give no cause for complaint because of absence. Writing to Samuel B. Ruggles, a trustee, on Mar. 15, 1866, he declared: "It just struck me that it may be well to enable you to say that my Wash. business has not once interfered with my lectures in the Law School—not once." Correspondence of Francis Lieber, vol. 2 (Library of Congress).

⁶⁰ In addition to his son, Lieber sought on Aug. 21, 1865, to have a Capt. D. J. Keily assigned to the Archive Office, but this officer had already been mustered out of service. Keily, he said, had "done such office duty as would be of great advantage in that to which he would now be assigned." Letter to Townsend and Townsend's reply (Aug. 24), Archive Office, Letters received, Al.

obtains interesting details of the work of the Archive Office in its early stages.

The applications for the lesser positions in the Archive Office were unsuccessful for a different reason. When Lieber began to receive applications in New York he wrote to the War Department for instructions in regard to them. In a reply of August 6, 1865, Assistant Secretary of War Eckert directed him to inform applicants that there were no vacancies.⁶¹ It would be necessary, he explained, to use clerks from the Office of the Quartermaster General as there was no other way by which clerks could be paid. By the Regulations for the Archive Office, dated August 23, 1865, the Adjutant General was required to "assign a messenger and adequate clerks [to the Archive Office] and fix their compensation, not to exceed the usual rate for like service, to be paid . . . out of the Provost Fund of the Adjutant General. . . ."

Denied the opportunity to select employees outside the War Department, Lieber undertook to have something to say in regard to the selection of those in the War Department to serve under him. On August 25, 1865 he gave the name of a man he wanted to J. C. Kelton of the Adjutant General's Office. Kelton replied at once to "Dear Doctor" (Lieber was almost invariably addressed or referred to as "Dr. Lieber") to say that this man and seven others had been detailed to the Archive Office.⁶² They would report in a day or two. "They are all good men, and five of them good penmen, but probably not one of them will fill to your satisfaction, the position of your chief clerk." General Townsend, Kelton added, would provide as many clerks as Lieber required. But Lieber was not encouraged to select particular individuals among the clerks.

By September 12, 1865 six clerks were on duty at the Archive Office.⁶³ The number appears never to have been larger during Lieber's period of service. The names of the six clerks were: George T. Chapman, B. Wells, A. P. Tasker, D. H. Bliss, R. E. Moore, and William Roggenstein. In June 1866 another clerk named Worthington was assigned to the Office, apparently to replace Chapman.⁶⁴ Each man, except Roggenstein who was paid \$3.00 a day, received \$100.00 a month as salary.⁶⁵ As Kelton had predicted, none suited Lieber as chief clerk. In early October he requested the Adjutant General to appoint as clerk a Mr. Stewart, formerly a captain in a colored regiment, who

⁶¹ Archive Office Files.

⁶² *Ibid.*

⁶³ See letter of this date to Lt. Col. Samuel Breck, signed by the six clerks, Archive Office, Letters sent, p. 28.

⁶⁴ Eckert to Lieber, June 6, 1866, Archive Office, Letters received, W31.

⁶⁵ Lieber to Townsend, Oct. 28, 1865, Archive Office, Letters sent, p. 80.

appeared to be qualified for the position of chief clerk.⁶⁶ Nothing came of the request. In April 1867 Wells was referred to as "principal clerk."⁶⁷ With Norman's departure he took over, in a measure, the duties of Assistant to the Chief. And when Lieber left the Archive Office in August of that year, Wells became the "clerk in charge."⁶⁸

In requesting the appointment of Stewart, Lieber pointed out that he had one or two clerks who would be useless to him when their duties became purely clerical. At that time, he announced, he would ask that these clerks be relieved of service in the Archive Office. He kept his word. On December 14, 1865 he asked the Adjutant General to detail R. E. Moore elsewhere and to replace him with a "really good copyist."⁶⁹ This man had been sent to the Archive Office to assist in unpacking the Confederate records. He had done his work well but he would not do as a clerk. There was, declared Lieber, "great need of a good copyist, to copy into books the journals of the Rebel Congress now in a loose and destructible form, to copy the report which I shall have the honor to submit, and for other purposes where good writing is necessary." Despite this appeal Moore was not transferred from the Archive Office; he remained there for years after Lieber had departed. One can imagine how much Lieber would have liked to engage the services of the young applicant on the back of whose letter he had written several months before: "This is an exquisite handwriting for a clerk."⁷⁰ But he could not do so.

So far as the records show, the services of the clerks assigned to the Archive Office were, in general, satisfactory. But it is evident that Lieber did not consider the number sufficient. In his report of Jan. 18, 1866 he remarked on the "limited aid" at his disposal.

Guarding the Confederate Records

At this point it seems well to introduce an account of the measures adopted by the War Department to guard the Confederate records. Not to have these measures in mind is to have an imperfect view of the atmosphere in which the Archive Office did its work.⁷¹ The subject of guarding the records properly was indeed foremost in the minds of the Liebers in 1865 and 1866 when everyone expected that Jefferson Davis would be brought to trial not only for treason but for the assassination

⁶⁶ Lieber to Townsend, Oct. 4, 1865, *ibid.*, p. 65.

⁶⁷ Townsend to Norman Lieber, Apr. 26, 1867, Archive Office, Letters received, A56.

⁶⁸ Bliss to Townsend, Sept. 21, 1867, endorsement by Wells, *ibid.*, B20.

⁶⁹ Archive Office, Letters sent, p. 111.

⁷⁰ Myers to Lieber, Sept. 18, 1865, endorsement, Archive Office, Letters received, M3.

⁷¹ Under date of Aug. 18, 1865 Secretary Welles recorded: "Stanton is still full of plots and conspiracies." "He still keeps up a guard around his house, and never ventures out without a stout man to accompany him who is ordinarily about ten feet behind him." *Diary of Gideon Welles*, II, 362-363.

of Lincoln as well. The captured records in the Archive Office contained such evidence against Davis as existed, apart from that in the Bureau of Military Justice. In a letter to the Adjutant General, dated April 10, 1866, Norman Lieber declared: "Knowing how much many would gain by the destruction of these archives, I can not but feel somewhat anxious for their safety. . . ."⁷² Both he and his father also worried about possible losses from carelessness and dishonesty on the part of the employees.

In the Regulations for the Archive Office, Art. 2, it was stated: "The Adjutant General will assign an adequate and vigilant guard, by day and night, to protect the archives and the building in which they are from injury and depredations. . . ." In practice this regulation meant giving the Archive Office and the records in its custody two kinds of protection: a military guard outside the building and a civilian night watchman inside the building.

As early as August 20, 1865 (three days before the regulations were issued), Brigadier General De Witt of the First Provisional Brigade, Washington, D.C., by Special Orders No. 101, instructed the commanding officer of the 195th Pennsylvania Volunteers to detail to the "Bureau of Rebel Archives" one sergeant, "a reliable and efficient soldier," for permanent duty, and one corporal and six privates for daily duty.⁷³ The men were to report the following morning at ten o'clock. By Special Orders No. 32, the commanding officer addressed, Col. Joseph W. Fisher, at once (Aug. 21, 1865) detailed Sgt. Benjamin F. Holthouse (Holhouse) to report to Lieber.⁷⁴ Privates were added gradually, not only for guard duty but also for messenger and orderly service. It is interesting to note that Holthouse did not prove to be satisfactory. Soon after Norman Lieber assumed his duties at the Archive Office, he requested a replacement, "a really good soldier", for this non-commissioned officer.⁷⁵ "As Sergeant Holthouse absents himself unnecessarily when I am at the office, I presume he places no restraint upon himself when I am away." Col. Fisher promptly ordered Sergt. Eli V. Gochenour to relieve Holthouse.⁷⁶

Norman Lieber soon drafted instructions for the sergeant of the guard. These were dated September 20, 1865 and read as follows:

The Sergeant of the Guard is particularly charged with the care of the Building.

He will instruct the Guard to allow no person, not connected with the

⁷² Archive Office, Letters sent, p. 160.

⁷³ Archive Office Files.

⁷⁴ *Ibid.*

⁷⁵ Norman Lieber to Commanding Officer, First Provisional Brigade, Sept. 1, 1865 Archive Office, Letters sent, p. 10.

⁷⁶ Special Orders, No. 39, Sept. 2, 1865, Archive Office Files.

office, to enter the Building after office hours. In case the sentinels should not know those connected with this office, they will call the sergeant, who is made responsible for the execution of this order.

He will see that the sentinels walk their beats and are alert and attentive to their duties, particularly at night, and will report any neglect on the part of the guard to Lt. Col. Lieber, assistant.

No fire or light will be permitted in the building, except that the night watchman is allowed to burn the gas in the hall. Smoking is forbidden.

Should any unforeseen event occur, requiring the attention of the Chief or his Assistant, the Sergeant of the Guard will immediately dispatch a messenger with information to that effect to Lt. Col. Lieber, at 275 Vermont Avenue.⁷⁷

These arrangements for the protection of the Archive Office building apparently operated successfully for several months. Some time during the winter the personnel of the military guard was changed from the 195th Pennsylvania Volunteers to the 8th Regiment, U. S. Veteran Volunteers. On March 12, 1866 Brigadier General Dent, Headquarters Garrison of Washington, by Special Orders No. 38 ordered Captain Whitney of Company C, 8th Regiment U. S. Veteran Volunteers to send a detail of one corporal and six privates to the Archive Office to relieve a similar detail from the same regiment which had been on duty there.⁷⁸ Nothing was said about detailing a sergeant also. Lieber noted the omission as soon as he saw the order, and he wrote to Captain Whitney at once to recommend that this detail be omitted in future. A sergeant of the 6th U. S. Veteran Volunteers was then on duty at the Archive Office, he explained, but this non-commissioned officer was not needed.⁷⁹

Within a month Company C was mustered out of service. On the morning of April 7, 1866 only three men reported for guard duty at the Archive Office. Norman Lieber informed the Adjutant General immediately.⁸⁰ With only three at his disposal he had been unable to establish a post in the rear of the building. He requested a restoration of the former detail of one non-commissioned officer and six privates. Two days later he reported the lack of any guard at all.⁸¹ On April 10 he announced that the building was "left in an entirely unprotected condition" and urgently requested a temporary guard of seven men "until the regular detail reports."⁸² This communication brought re-

⁷⁷ Archives Office, Letters sent, p. 43. Further instructions in regard to fires in the fire-places were issued on Oct. 5, *ibid.*, p. 67.

⁷⁸ Archives Office Files.

⁷⁹ Mar. 14, 1866, Archive Office, Letters sent, p. 144.

⁸⁰ Apr. 7, 1866, *ibid.*, p. 157.

⁸¹ *Ibid.*, p. 158.

⁸² *Ibid.*, p. 160.

sults. The commanding officer of the Third Battalion, 12th U. S. Infantry, was immediately directed to send one non-commissioned officer and six privates for guard duty at the Archive Office. "They will report *at once* to Col. Lieber 'F' Str. betw. 18th and 19th Str (So. side) relieving a guard from the 8th Regt. U. S. V. V."⁸³ The question of a seven-man military guard appears not to have come up again while Lieber was in charge of the Archive Office.

So much for the military guard outside the building. In addition a watchman was maintained inside the building. On August 24, 1865 Eckert informed Lieber that J. R. Leake had been appointed night watchman at his building and would begin duty that night.⁸⁴ Several weeks later a second night watchman, Dewitt C. Burke, was appointed.⁸⁵ The intention, it appears, was that the two men relieve one another rather than be on duty at the same time. Neither Leake nor Burke won the confidence of the Liebers who constantly fretted over the safety of the records. Writing to Townsend in November, Norman Lieber called attention to the danger of fire and complained that the arrangement of the building provided "no means of preventing the employees of this Office from having access to the Records."⁸⁶ He proposed the placing of the most important papers in safes. A few days later a colored man, Gustavus Fluger, in whom Lieber did have confidence, was appointed porter.⁸⁷ By providing Fluger with living quarters in the building, Lieber hoped to have some control over the night watchman on duty.⁸⁸

On March 13, 1866 Lieber requested Townsend to remove both Burke and Leake.⁸⁹ He made no mention of replacements. "With the present guard they [the two watchmen] are no longer necessary." Townsend's response was to replace Burke and Leake by two other men, John C. Long and Alfred B. Tuttle.⁹⁰ These men were paid at the same rate (\$60.00 per month) as the watchmen in the War Department Building.⁹¹

In early April occurred the episode over the lack of a military guard, discussed above. When Lieber returned to Washington later in the

⁸³ G. C. Henny to H. C. Morgan, copy, Archive Office Files.

⁸⁴ *Ibid.*

⁸⁵ Townsend to Lieber, Oct. 2, 1865, *ibid.*

⁸⁶ Nov. 6, 1865, Archives Office, Letters sent, p. 88-89.

⁸⁷ Lieber to Townsend, Nov. 15, 1865, *ibid.*, p. 95-96. Fluger was appointed on the 22nd.

⁸⁸ See his letter to Eckert, June 9, 1866, private, Adjutant General's Office, Letters received, 447W.1866. There is no press copy of his letter in Archive Office, Letters sent.

⁸⁹ Archive Office, Letters sent, p. 144.

⁹⁰ These men were on duty by June 29, 1866. See Lieber's letter to Townsend of this date, with Townsend's endorsement, Archive Office, Letters received, A33.

⁹¹ *Ibid.*

month a rumor reached him that a guard for the Archive Office was henceforth no longer considered necessary, that watchmen would suffice. In a letter to Townsend on April 23 he took sharp issue with this view which was the reverse of what he had stated the month before. He wrote: "It seems to have been suggested that a guard over this building is unnecessary and that night watchmen would be sufficient. I desire respectfully but earnestly to protest against such a change. There are now two posts, one in front and one in rear of the building, the guard going on at 4 P.M. and being relieved at 9 A.M. During office hours I have thought it unnecessary to have a guard. The office is closed at 4 P.M. and no one can enter it except during office hours. If watchmen were used it would require two which would be a considerable expense. But my principal objections to them are, that they remain in the building and might remove papers for the purpose, for example, of selling them as autographs or historical documents. Nor would the papers in all probability be missed until too late to recover them. One or two articles of small value (not papers) were missed, whilst watchmen were on duty here and it has destroyed my faith in them. Another objection is that being in the building, and frequently, as I have reason to believe, asleep, they cannot see what is going on outside. There are many papers in my charge which it would be to the interest of some persons to destroy, and, in my opinion they would find no difficulty in accomplishing such a result by setting fire to the building, if guarded by a careless night watchman only. Entrusted as I am with the safe preservation of the Archives of the Rebel Govt. I have considered it my duty to make this representation."⁹² Townsend endorsed this letter on April 24 as follows: "It is not intended to relieve the guard but to increase the chance of security of the building & records, two night watchmen are employed, because the guard is too weak." For some unexplained reason, however, he retained the letter and replied to Lieber in a separate communication couched in the same terms as the endorsement.⁹³

Thus it was decided that the Archive Office was to continue to have both military guards without and watchmen within, plus Gustavus Fluger. In June 1866 an army officer complained that "Gus" had been impertinent to him early one morning at the Archive Office.⁹⁴ Gus was severely rebuked, sent to apologize to the officer, and (what was probably of most importance to him) deprived of the garret room

⁹² Adjutant General's Office, Letters received, 307.A.1866; press copy in Archive Office, Letters sent, p. 161-162.

⁹³ Apr. 25, 1866, Archive Office, Letters received, A26.

⁹⁴ Lt. Col. John Woodward to Col. T. A. Dodge, June 8, 1866, with endorsements, Archive Office, Letters received, W32.

Lieber had given him in the Archive Office building.⁹⁵ Apart from this incident, the files of the Archive Office reveal thereafter only routine troubles in the guarding of the Confederate records.

Townsend's Instructions to Lieber

In General Orders No. 127, July 21, 1865, the purpose of the Archive Office was declared to be "the collection, safe-keeping, and publication" of the Confederate records. The Regulations of August 23, 1865 showed a slight change of emphasis in directing as follows: "The archives will be diligently collated, classified, and filed for reference, and copies made when deemed essential." Publication had dropped out.⁹⁶ The Regulations reflected more closely the language of Lieber's memorandum than the order by which the Archive Office was created.

But was Lieber, lacking experience in dealing with records, to be permitted to proceed with the work of the Archive Office according to his own lights? Such was not the intention of the War Department. Between May and August, it appears, the Adjutant General had made a cursory survey of the captured records (aided no doubt by the invoices sent in by Cutts and Schofield) and developed some ideas for dealing with them. These ideas he put on paper for Lieber's guidance in an undated document entitled "Archive Office of War Department."⁹⁷ This document, rambling and unorganized, merits careful examination. Although Townsend used such expressions as "I suggest," "I think," "I believe," and "It would be proper to," he nevertheless conveyed to Lieber several concrete proposals that formed the basis of the work of the Archive Office. Lieber reflected Townsend's instructions in reporting to Stanton.

Townsend began with the steps to take after the shipping containers had been emptied and the contents placed upon the shelves. He assumed, it appears, that in this operation the clerks would segregate the records

⁹⁵ Lieber to Eckert, June 9, 1866, Archive Office, Letters sent, p. 183-184; Lieber to [Eckert], June 1866, private, Adjutant General's Office, Letters received, 447W.1866. Townsend did not, however, discharge Fluger until August 1867, Archive Office, Letters received, A62.

⁹⁶ On July 27, 1866, Congress by joint resolution (14 Stat. L., 369) authorized and required the Secretary of War "to appoint a competent person to arrange and prepare for publication the official documents relating to the rebellion;" but Stanton appointed Peter H. Watson rather than Lieber. Writing later (letter to Holt, May 22, 1869, Holt Papers, Vol. 61), Lieber said that although Stanton had been "very friendly" to him he had declined to give him "discretionary power" to publish material in the Archive Office.

⁹⁷ Archive Office, Letters received, A64. The document is enclosed in an envelope bearing Townsend's name and the words, "Instructions regarding the carrying on the work in the Archive Office."

of the several Confederate governmental organizations, as well as those of the Congress and of the various Southern leaders. Within these groups, the journals of the Congress (provisional and permanent) were to be arranged according to their dates: the letters and telegrams of the War Department and the reports of inspecting officers according to their "office marks and numbers" and the record books of the same Department and its bureaus according to "dates and numbers;" and the records of the Treasury Department according to "offices, subjects and dates." But the "books, papers, property &c." of the Post Office Department were not to be classified—on authorization from the Secretary of War they should be turned over to the United States Post Office Department.

So much for groups of records. Townsend did not stop with these. The next step, he made clear, was to put individual documents under control, primarily those in the records of the War Department and among the captured papers of several Southern leaders. This involved two procedures: (1) preparing an index of the "most important subjects," and (2) briefing the letters and papers relating to these subjects. On the back of each document an abstract of its contents was to be given as well as "the names of the writer and the party addressed and the date—these briefs to be entered in a book kept for the purpose arranged in order under appropriate headings." As examples of "subjects" Townsend gave only Jefferson Davis and the other Confederate officials whose papers had been seized. Not only were their private and official papers to be thus briefed and classified but a search made for their endorsements on important documents in the records of the War Department and of the Adjutant and Inspector General's Office.

Apart from the records of the Post Office Department, Townsend mentioned other records and property that he thought ought not to remain permanently in the custody of the Archive Office. These were the "rebel money and bonds;" the "Louisiana property, including the papers of the States and the valuable Bank securities;" the "mass of papers" of the Quartermaster General and Second Auditor's Offices; and the records of the old United States District courts. By specific direction or inference, Townsend indicated that Lieber should apply to the Secretary of War for instructions as to the disposition of such materials. Moreover, the procedures of the Archive Office were to be patterned after those in force in the bureaus of the War Department. In order to insure this result, no doubt, Townsend recommended the selection of an experienced War Department clerk to direct, as chief clerk, the routine work of the Office.

Unpacking the Shipping Boxes

A total of 499 boxes and barrels of records, together with three wagon loads of mail, were placed in Lieber's custody in August, 1865.⁹⁸ It is not surprising to learn, in view of Stanton's zeal in May to have the Confederate War Department records sent promptly to Washington, that the contents of some of them had already been inspected. Writing later Norman Lieber declared: "Many if not all of these boxes had been opened at the War Dept. and their contents examined before they were received by the Chief of this Office."⁹⁹ Actually, the process of opening the entire 499 was not complete until Sept. 7, 1865, at least two weeks after Lieber assumed his duties. Since the staff of the Archive Office, under Norman's direction, opened 189 shipping containers between Sept. 4 and Sept. 7, it is evident that 310 were opened prior to Sept. 4. How many of the 310 Lieber found opened on taking charge is a matter of conjecture. Some of them may have been opened in warehouses and nailed up again prior to the transfer to the building on F Street.

As one would expect, the boxes believed to contain the most important papers were opened first, whether by War Department officials or by Lieber personally. It is easy to imagine the avidity with which the new custodian began to go through the official and private papers of Confederate leaders. The results were disappointing. From New York he wrote to General Halleck: "As yet I have found very little of any special importance. Beauregard is the veriest coxcomb, corresponding with scores of misses, and receiving information about the *noblesse* in his veins; Sanders, the lowest party hack; Jefferson Davis, quiet."¹⁰⁰ Nor was he pleased with the dirt and confusion. "We met with a great deal of Richmond street-dirt in the boxes, proving that your order [of April 25, 1865] had been executed with the besom,—and such disorder!"

Lieber based this letter of Sept. 10, it is plain, entirely on his own inspection of the records before leaving Washington. He must have had before him Norman's summary reports on the contents of the 189 boxes and barrels opened after he left, yet he found nothing in them worthy of mention. A first glance at the hodgepodge character of the

⁹⁸ Lieber to Stanton, Sept. 15, 1865, Archive Office, Letters sent, p. 32. Of this number, Cutts and Schofield together shipped 430 in May. Cutts' first three shipments, 54 boxes, were stored on arrival in room 104 (4th floor), Winder Building, on the corner of F and 17th Streets. Archive Office, Letters received, J13 (endorsement, May 8, 1865).

⁹⁹ Letter to Gen. W. S. Ketchum, Mar. 22, 1867, Archive Office, Letters sent, p. 286.

¹⁰⁰ Sept. 10, 1865, Perry, *op. cit.*, p. 360. In an earlier letter to Stanton (Sept. 1, 1865, Archive Office, Letters sent, p. 9), he mentioned finding money in the trunks of Davis and Beauregard.

materials listed by Norman—books, papers, record books, instruments, stamped envelopes, accounts, court records, public documents, Confederate notes, etc.—is not likely to give the archivist of our time a different opinion. But let him read the lists himself as reproduced below. There is no better way to obtain an idea of how literally Union commanders in the field had obeyed Stanton's orders to send to Washington every piece of Confederate paper that fell into their hands.

On Sept. 4 Norman reported to his father the opening and examination that day of 73 boxes in this order:

- 1 box record books Pay Dept.
- 1 " Ordnance Accounts
- 1 " principally miscellaneous books & papers from the Army of Tenn.
- 1 " books and papers of Rich. Potts, Med. Purveyor Memphis.
- 4 " Naval instruments, D west 1.
- 4 " Record books Treasury
- 2 " Commissioner of Taxes
- 2 " Books and papers Atlanta Arsenal
- 3 " " printed (naval)
- 1 " Record Books, Gen. Hosp. No. 4 Wilmington, N.C.
- 4 " Books & papers Macon Arsenal, Columbia
- 2 " Signal Corps instruments
- 16 " Cancelled Confederate notes
- 2 " uncanceled Conf. notes—
- 1 " Med. Purveyor's Accounts
- 1 " books, Conf. H. [?] Bonds of Depository at Macon
- 1 " Ordnance Records, Treasury, Misc. Returns & Reports
- 1 " 1 " Auditor's papers
- 10 " old U.S. stamped envelopes
- 4 " postage stamp ink
- 3 " P.O.D. Contracts for carrying mails
- 1 " P.O.D. Bonds
- 1 " " two instruments (use not known)
- 1 " " Books & Blanks
- 1 " " Letter Balances
- 1 " " Monthly Registers
- 1 " " Returns & records of Inspection Officer
- 1 " " oaths of office
- 1 " U. S. Public Documents¹⁰¹

On the following day, Sept. 5, Norman reported the opening of 46 boxes as follows:

- 1 box circulars of Treasury Dept.
- 11 " U.S. public documents

¹⁰¹ *Ibid.*, p. 12-13.

- 1 " Conf. Dist. Court Records, Cape Fear, No. Ca. and old U.S. Court records
- 2 " Post Office Dept., Miscellaneous
- 1 " blank envelopes & Stamp & Envelope Ledgers
- 1 " Contract Registers, P.O.D.
- 1 " Richmond newspapers & U. S. Supreme Court Reports
- 1 " old U.S. stamped envelopes
- 1 " P.O.D. Contracts, Bonds &c
- 1 " " Letters from Dead Letter office
- 1 " " Stamp accounts
- 1 " containing a frame covered with parchment
- 1 " postage & stamp dies
- 1 " stamped envelopes
- 21 " 2" Auditor's Accounts, repacked¹⁰²
- 52 barrels Second Aud Accounts
- 17 " Quarter masters "
- 1 box containing blanks and printed paper.

He also reported that he was in the process of examining three wagon loads of mail with a view to determining what papers properly formed part of the records to be permanently retained by the Archive Office.¹⁰³

Finally, on Sept. 7, Norman informed his father that "all the boxes and barrels, with the exception of two hogsheads," had been opened.¹⁰⁴ The examination of the mails continued, a slow operation. His letter of Friday the 8th reported the opening of eighteen mail bags.¹⁰⁵ "It is very slow work, but I find a good deal of official matter. There still remain ninety nine bags to examine and it will be impossible to get through before Wednesday." An inventory, as requested, would be prepared as soon as the work on the mails was completed. There was no need, Norman concluded, for Lieber to return before Wednesday or Thursday. He appears to have completed the unpacking of the records by the time his father appeared.

Arranging and Classifying the Records

After the shipping containers had been opened and the contents noted, it was possible to turn to the problems of arrangement and classification. On Sept. 15, 1865 Lieber announced to Stanton that the "general examination and classification of the contents of the 428 boxes, 71 barrels and 120 mail bags, turned over to this Office, has been finished."¹⁰⁶ It was now his intention, he continued, to "proceed to a more

¹⁰² *Ibid.*, p. 16.

¹⁰³ *Ibid.*, p. 18-19.

¹⁰⁴ *Ibid.*, p. 20.

¹⁰⁵ *Ibid.*, p. 22.

¹⁰⁶ Archive Office, Letters sent, p. 32. Attached to this letter is a paper marked "A" (p. 33-38) in which Lieber discussed the disposition of material in his custody.

minute classification and, as far as possible, registration of the papers, books and documents." But by no means all the materials in his custody merited such attention. Some of them should be turned over to various Executive departments, for they were not "of a character justifying their place in Archives." Private letters to unimportant persons had, in general, been returned to the mail bags for possible transfer to the Post Office Department. The Second Auditor's account (118 boxes and barrels), the Quartermaster's accounts (126 barrels), and the muster and pay rolls (24 boxes) could not be classified with the space and clerical force at the disposal of the Archive Office. Assuming equality in size of shipping containers, these records represented more than half of the total amount placed in Lieber's custody. The unpacking of them revealed, moreover, great disorder in the papers. For the most part, declared Lieber, they were "in the utmost confusion, having evidently been scattered about and collected again, many apparently swept together in the streets."¹⁰⁷

The War Department did not provide the Archive Office with either more space or more clerks. Lieber accordingly dropped the problem of the accounting records and proceeded to do what was possible with the facilities at his disposal. He returned to New York after making his preliminary report to Stanton. We are fortunate to have, in consequence of his departure, a letter from his assistant in which the initial steps of the classification work are recounted. The letter, dated Sept. 22, 1865, reads as follows:

My dear father,

In order that you may have a distinct idea of the work now going on at this office, I make the following statement of the division of labor:

Mr. Wells is engaged in arranging the record books. When he has completed this I propose to examine these books and the papers to which they relate, with him, in order to prove that they have a mutual reference and that therefore the latter can be found by referring to the former.

In the meantime I am giving my particular attention to the Journal of the Secret Session of the Rebel House of Representatives. Mr. Chapman has the open session and the Provisional Congress and is now arranging the printed

¹⁰⁷ *Ibid.*, p. 37. It is interesting to compare this description with one Cutts sent to Dana in regard to some other material he had packed up (May 12, 1865, Archive Office, Letters received, J17). Cutts wrote: "The documents and papers in Boxes 93 and 94 were found in the Capitol, scattered on the floor of a small room which had been occupied by the Clerk of the Confederate Senate. The most important and by far the larger portion of the papers had been evidently removed, and those which remained had been culled over by visitors before access to the room was prohibited. In many cases, the signatures of the different officials were found to have been torn off as autographs or mementos."

bills. Concurrently Mr. Roggenstein is classifying the written bills, resolutions, messages etc.

To Mr. Bliss I have assigned the Inspector General's Department, to Mr. Tasker the Ordnance and Mr. Moore I have now making up as complete files of General Orders as can be found.

As soon as I find time to do so I shall myself examine and arrange Reports of Battles.

Nothing has occurred at this office requiring a report.

Very affectionately

G. Norman Lieber
Maj. Brev. Lt. Col.
Assistant.¹⁰⁸

Chief of Archive Office

Lieber's report of Jan. 18, 1866 throws some light on the progress of the work down to that time. About three-fourths of the letters in the Archive Office had been examined and briefed by May of that year. The zeal of the staff seems to have diminished as time wore on.

Lieber's report of Jan. 18, 1866

In his July memorandum Lieber indicated to the Secretary of War that if the Confederate records were placed in his charge, he would possibly prepare a "final complete report" on the work performed. No such report, it appears, was ever requested or made. The quarrel between the Secretary and President Johnson, which led to the abrupt replacement of Stanton by Grant in the War Department in August 1867, may well have diverted attention from Lieber's activities in the Archive Office. Perhaps Stanton considered as sufficient the report Lieber did make to him in January 1866.

This "first general Report," as Lieber designated it, was dated January 18, 1866 and sent to the Secretary the same day.¹⁰⁹ The unsigned draft copy of the report in the Archive Office files consists of the text (35 pages) and appendixes A to L (173 pages).¹¹⁰ Lieber began by pointing out that the records placed in his custody formed but "a small portion of the original Archives." To Stanton's orders and the "prompt action" of Halleck at Richmond he ascribed the preservation of those saved. The losses were irreparable, yet "many papers of historic value," addressed by the Richmond government to the governors of States,

¹⁰⁸ Archive Office, Letters sent, p. 45-46.

¹⁰⁹ Lieber to Stanton, Jan. 18, 1866, Archive Office, Letters sent, p. 123. Lieber hoped this report would be published but Stanton refused. See Lieber's letter to Holt, May 22, 1869, Holt Papers, Vol. 61.

¹¹⁰ The whereabouts of the original report is unknown, but there is no reason to believe that its text differs from that of the draft copy. A small part of the draft copy is in Lieber's handwriting.

might be recovered from the archives of those States. With respect to the records of the Confederate armies in the field, Lieber painted a dark picture. "With the exception of the incomplete ones of the Army of Northern Virginia, of the Department of South Carolina and Georgia, and of two books of records of General Pillow and one of General E. Kirby Smith, none of the records of the different commands" had come into Federal possession. Those of the Western commands, including the trans Mississippi, had "entirely disappeared," despite General Orders No. 60. Prompt action should be taken to save command records, declared Lieber.

Lieber repeated the figures of his September report as regards the amount of records transferred to the Archive Office, of which the accounting records formed so large a part.¹¹¹ The latter had been repacked and stored in the Winder Building. In September Lieber had stated his need of space and additional personnel to cope with these records. Now, in January, relieved of their immediate physical presence, he had a radical solution for dealing with them. He wrote: "In view of the voluminous mass and worthlessness of the papers, and considering that it will be impossible even by the work of years, to reduce this mass to any order, I would suggest that such of them as are not already arranged, be destroyed."

The report discusses in some detail the records of the Confederate departments in the Archive Office. Some of these, together with other papers and printed materials, are listed in the eleven appendixes. Those of the War Department, stated Lieber, were the most complete, although he called attention to a number of files that were not complete. The State Department records consisted exclusively of correspondence, small in bulk but of "great interest." The Confederate foreign policy, as reflected in this correspondence, is treated at some length in the report.

Several groups of records had been transferred elsewhere. Others should be. Lieber recommended turning over to the Post Office Department for distribution the private letters which had been found in the mail bags, as they were not likely to contain "much of value" to the Archive Office. The newspapers found there struck Lieber differently. They ought to be retained, he declared, and files of the leading Southern papers added to them.¹¹² "The importance of such an addition is apparent, for, although there was great strictness exercised in regard to the information which they were allowed to publish it is to them that we

¹¹¹ Report of Sept. 15, 1865, Archive Office, Letters sent, p. 32-38.

¹¹² As early as August 28, 1865, Lieber urged Stanton to purchase a complete file of "one of the most prominent papers of Richmond" for the period of the war. *Ibid.*, p. 3.

must in a great measure look for a true exposition of the feelings of the revolted people."

In this report Lieber omitted mention of the classification work of the Archive Office except that with respect to the "large number" of letters addressed to Davis and Beauregard. These letters had been arranged and the "most characteristic ones" were being entered in a card catalogue, even though they were not "important as to facts of a historical or legal character." The making of the catalogue was moving daily toward completion. But Lieber took care not to overstate the value of such a finding aid. In his words: "References to important subjects, letters and names of persons are entered in this catalogue and inquiry as to special facts or occurrences is thus made as easy as circumstances admit." In addition to the card catalogue the Archive Office kept a "memorandum book."

At the close of his report Lieber called attention to the "limited aid" placed at his disposal in the Archive Office. Yet everything that could be expected of such a staff had, in his opinion, been intelligently and faithfully done, and he expressed the hope that they would be allowed to complete the work before them. Curiously enough, he asked at the same time for more work, namely, publication. Perhaps he thought that if this function were added to the Archive Office the staff would be increased. In any case he asked for authority to communicate or to publish important facts and documents from the materials in his custody. "Very many of these facts and of the documents just mentioned are of great value for the formation of a correct opinion on the struggle for the integrity of our country, the national character of our government and the extinction of disintegrating State sovereignty, as well as Slavery, through which Providence had decreed to lead the American People, and to lead them after the severest sacrifices to victory—the victory of law and freedom."

Servicing the Records

Lieber was not alone in his belief that important facts gleaned from the Confederate records should be made public. Soon after his report was submitted to Stanton, an article in the *Nation* deplored the lack of information about the Civil War and complained because the captured archives had been "admirably concealed from loyal researches."¹¹³ The writer in his vexation questioned the value of the records; he pictured Dr. Lieber as presiding "over a parcel of rubbish" in Washington. Parcel of rubbish or not, the records were restricted and remained restricted during Lieber's custodianship in accordance with the Regulations of August 23, 1865. Article 4 of the Regulations declared:

¹¹³ *Nation*, Feb. 15, 1866, p. 201.

"The business of the [Archive] office will be strictly confidential. No person, not connected with the office, will be permitted to visit it, or inspect any paper or document, without written permission of the Secretary of War, or his assistant, nor will information of the contents of any paper, or of the state or condition of the business of the office be communicated, except upon the permission aforesaid."

In actual practice this regulation was not strictly adhered to. The Archive Office gave out information a number of times without written permission. Loans of records were made also. Lieber not only served Government officials freely but he took active steps to bring materials to their attention that he thought might interest them. In cases of doubt he took refuge behind the regulations. Otherwise he interpreted the regulations as he saw fit.

Early in October 1865 Lieber received a request from the Office of the Surgeon General, which was preparing a medical history of the Civil War, to be allowed to consult or to borrow the Confederate medical records in the Archive Office. In his reply to Assistant Surgeon General J. J. Woodward he stated that no document could be removed "except by direct and positive order" of the Secretary of War.¹¹⁴ Nor was there room in his office for Woodward's assistants to work. Still Lieber had a solution to the problem. After lauding the medical history project, he proposed that Woodward obtain permission from the Secretary of War to remove from the Archive Office all of the Confederate medical records, "few and fragmentary" though they were, for a fixed period, say, half a year. The suggestion was well received. Under date of Nov. 16, 1865, Surgeon General J. K. Barnes requested of Stanton the loan of the medical records for one year.¹¹⁵ Stanton approved the request.¹¹⁶ And Woodward gave his receipt for the records on Nov. 23. Two other small loans of medical records to the Surgeon General's Office were made in 1866.¹¹⁷ The papers were evidently returned to the Archive Office.¹¹⁸

The Archive Office was also authorized to loan in December 1865 all the records in its custody relating to the Confederate prison in Salisbury, North Carolina, for use in the trial of the commandant of that prison.¹¹⁹ Frank E. Wolcott, Judge Advocate General, Military Com-

¹¹⁴ Oct. 9, 1865, Archive Office, Letters sent, p. 74-75.

¹¹⁵ Archive Office, Letters received, W7.

¹¹⁶ *Ibid.*, undated endorsement.

¹¹⁷ Receipts for the three groups of medical records loaned are found, *ibid.*, S [no number], in an envelope marked "Three receipts for Medical Records. . . ."

¹¹⁸ They are not mentioned in a list of "Property and papers turned over to other Departments and to Individuals," Archive Office Files.

¹¹⁹ Norman Lieber to Eckert, Dec. 18, 1865, Archive Office, Letters sent, p. 112; Eckert to Lieber, same date, Archive Office, Letters received, W9.

mand of North Carolina, returned the records the following summer.¹²⁰ This loan was made on the recommendation of Judge Advocate General Holt.¹²¹

On April 19, 1866 Lieber loaned to the Adjutant General papers relating to Ralph Abercrombie. Townsend returned them two weeks later.¹²² Not every loan of files ended so happily. In December 1865 Lieber announced to Stanton that he was sending him four packages of papers found on the person of Col. Ulric Dahlgren at the time he was killed by the Confederates.¹²³ Precisely fourteen years later the clerk in charge of the Archive Office declared himself unable to find evidence of the return of the Dahlgren papers.¹²⁴

Under date of Oct. 23, 1865 Secretary Stanton in his own hand wrote on an envelope a note to the Chief of the Archive Office saying that General Fry had "permission to inspect the rebel records relating to enlistment & recruiting."¹²⁵ The general, it appears, made the inspection and requested of Norman Lieber a list of certain records in which he was interested. Norman sent him such a list, expressing at the same time his regret that the information was so meager.¹²⁶ Nothing was said in regard to loaning the records. Soon thereafter a Major Scott, presumably one of Fry's aides, came to the Archive Office during Norman Lieber's absence and carried off several "journals." Norman protested to Fry.¹²⁷ In requesting the return of these records, he explained that he could not consent to their removal "without a positive order" to that effect.

Apart from making loans, the Archive Office performed other services on the records for Government officials. It made copies of many documents and conducted searches for desired information. Requests that could not be met when received were sometimes answered months later if data came to light.

One morning before Norman Lieber arrived at the office, a State Department official left an inquiry concerning the steamer *Georgia*. Norman wrote to the official at once to say that no papers on the subject had yet been found.¹²⁸ He would "institute as perfect a search as is possible in the present stage of the work in this office." Apparently no information was ever found.

¹²⁰ Wolcott to Lieber, June 21, 1866, *ibid.*, W37.

¹²¹ See note 119.

¹²² Townsend to Lieber, May 3, 1866, *ibid.*, A27.

¹²³ Dec. 1, 1866, Archive Office, Letters sent, p. 106.

¹²⁴ A. P. Tasker to Townsend, Dec. 17, 1879, Archive Office, Letters received, T110.

¹²⁵ *Ibid.*, W4.

¹²⁶ Nov. 1, 1865, Archive Office, Letters sent, p. 86.

¹²⁷ Letter of Nov. 15, 1865, *ibid.*, p. 97.

¹²⁸ Letter to E. P. Smith, Dec. 23, 1865, *ibid.*, p. 115.

An example of a delayed search is that in regard to steamboat burning. Judge Advocate General Holt referred a request for such information to the Archive Office in the fall of 1865. Under date of April 26, 1866, Norman Lieber sent to Holt "copies of papers" that had recently come to light.¹²⁹

Another case in point was a request from D. W. Downey, referred by the Assistant Secretary of War to the Archive Office on June 28, 1866. It concerned one A. White. Reports were made on July 3 and in August, 1866. Other papers turned up later and copies of them were sent by Norman to Townsend on Feb. 22, 1867.¹³⁰

Lieber once urged General Colburn, U. S. Engineers, to obtain Secretary Stanton's permission to make a copy of or to look at a list of 278 officers who resigned their commissions in the United States service in 1861.¹³¹ There is no indication that the suggestion was followed. Lieber's last letter in the book of press copies of letters sent, kept during his custodianship, deals with his inability to answer a request for proof that Joseph Stinson destroyed the steamer *J. H. Russell*.¹³² The records merely indicated, he wrote, that Stinson was in the secret service of the Confederate Government, that he was engaged in destroying boats on the Western rivers, and that he claimed to be able to destroy vessels at a distance of two miles by means of Greek fire.

So much for services to Federal officials. The Archive Office also received requests from State officials. The acting adjutant general of Rhode Island wanted to know the name of the surgeon who was in charge of Hospital 22, Ward 2, Richmond, Virginia, on February 25, 1864.¹³³ Norman Lieber replied that there were no records in his custody from which the information could be obtained; if the records of Hospital 22 came in he would have them searched.¹³⁴ The adjutant and inspector general of Alabama wished to know whether he could copy the muster rolls of the Alabama companies in Washington or have these records removed to Montgomery for the purpose.¹³⁵ Lieber informed him that the rolls could not be removed and that permission to use them would have to be obtained from the Secretary of War.¹³⁶ Through Brig. Gen. B. S. Alexander, the city of Savannah, Georgia,

¹²⁹ *Ibid.*, p. 163.

¹³⁰ *Ibid.*, p. 276.

¹³¹ May 1, 1867, *ibid.*, p. 292.

¹³² Lieber to Townsend, Aug. 3, 1867, *ibid.*, p. 301.

¹³³ H. Crandall to Prof. Francis Lieber, MD. (sic), Nov. 13, 1865, Archive Office, Letters received, R1.

¹³⁴ Nov. 14, 1865, Archive Office, Letters sent, p. 94.

¹³⁵ George E. Brewer to Lieber, Apr. 30, 1866, Archive Office, Letters received, B7.

¹³⁶ May 4, 1866, Archive Office, Letters sent, p. 166.

inquired whether the Archive Office had a map of that city alleged to have been captured in the summer of 1865. The reply was in the negative.¹³⁷

Private individuals also wrote to the Archive Office in search of information. Mrs. Josephine Le Conte of Columbia, South Carolina, made inquiry concerning various manuscripts and papers belonging to her husband, Professor Le Conte, which were lost when General Sherman occupied that city. If they were in the "Bureau of Archives" she requested that they be returned. "There is nothing of the kind here," wrote Lieber on the back of Mrs. Le Conte's letter where he also indicated that he answered the letter on Nov. 15, the day after he received it.¹³⁸

In mid-February 1866 a Lieut. M. A. Stearns wrote from Fort Wayne, Indiana, for information concerning the fate of a Confederate officer named Jasper N. (or S.) Whiting.¹³⁹ Norman Lieber wrote back at once to ask the name of the Confederate organization to which Whiting belonged.¹⁴⁰ "Without such information," he said, "the search would be a very tedious one, and the time of the clerks in this office is at present so much occupied that, if possible, I would prefer to avoid it. If the information can not be given I will endeavor to answer your question as soon as the urgency of more important business will permit." Stearns was unable to furnish the desired information.¹⁴¹ But Norman did not put the request aside, at least not for long. On March 8, 1866 he was able to inform Stearns that he had found an entry for Jasper S. Whiting in a register of the officers of the Confederate Adjutant General's Department under the head of Majors, and he quoted the entry.¹⁴² Stearns had the courtesy to express his thanks.¹⁴³

Permission to use records in the Archive Office appears to have been rarely given, even with Lieber's recommendation. Under date of Dec. 7, 1866, Lieber forwarded to Stanton a request from a Mr. (John B.) Bachelder to consult the records.¹⁴⁴ "No one has received permission to consult the Archives," Lieber declared, "but as I really wish that he—the particular historian of the battle of Gettysburg—might have an opportunity of examining the rebel reports of the great battle, I have thought I would do myself the honor of asking your especial direction

¹³⁷ Alexander to Lieber, Archive Office, Letters received, A48, with endorsement, "ansd (negative file)."

¹³⁸ Josephine Le Conte to Lieber, Nov. 8, 1865, *ibid.*, L2.

¹³⁹ Stearns to Lieber, Feb. 15, 1866, *ibid.*, S8.

¹⁴⁰ Feb. 20, 1866, Archive Office, Letters sent, p. 136.

¹⁴¹ Reply of Feb. 23, 1866, Archive Office, Letters received, S9.

¹⁴² Archive Office, Letters sent, p. 143.

¹⁴³ Mar. 14, 1866, Archive Office, Letters received, S10.

¹⁴⁴ Archive Office, Letters sent, p. 248.

before I reply to Mr. Bachelder." Despite this appeal Stanton appears to have made no exception for this searcher. A year later General Grant, interim Secretary of War, gave orders that Bachelder be allowed "to look at and make copies of the reports of the battle of Gettysburg."¹⁴⁵

Stanton also excluded a Congressman from the Archive Office. On Feb. 12, 1867, James F. Wilson, Chairman of the House Committee on the Judiciary, addressed a letter to Lieber in which he requested that Francis Thomas, a member of the Committee, be allowed to examine the Confederate records for certain information.¹⁴⁶ Norman Lieber passed the request to Townsend for the decision of the Secretary of War.¹⁴⁷ Stanton ruled that no exception to the regulations could be made for the Congressman. Townsend said however that if Thomas would state "what papers he wishes to have, the Secretary will cause search to be made for them with a view to furnishing him copies."¹⁴⁸ In informing Thomas of this adverse ruling, Norman took care to protect himself. He wrote as follows: "By order of the Secretary of War the records of this Office are accessible to those only who obtain an order from him for that purpose. I did not feel myself at liberty to refuse such access to you as a member of the Judiciary Committee with power to bring before it persons and papers, but on application to the Secretary I am instructed to consider the rule as without exception. For my own protection therefore I would respectfully request that you obtain such an order upon me."¹⁴⁹

Congressman Thomas apparently did not press the matter. Had he requested copies of documents there was a precedent for furnishing them. Several months earlier the Archive Office had gone "all out" to furnish the Committee on the Judiciary with such material. This service will now be discussed.

Producing Evidence against Jefferson Davis

"Civilized nations look with horror upon offers of reward for assassination of enemies as relapses into barbarism." Thus wrote Lieber in his famous *Instructions for the Government of the Armies of the United States in the Field*, which the War Department issued as General Orders, No. 100, April 24, 1863. The fatal shooting of Lincoln two years later convinced him, it appears, that the Confederate leaders had not looked with horror upon offers for the assassination of the Presi-

¹⁴⁵ Townsend to B. Wells, Nov. 14, 1867, Archive Office, Letters received, B43.

¹⁴⁶ *Ibid.*, W40.

¹⁴⁷ Feb. 15, 1867, Archive Office, Letters sent, p. 273.

¹⁴⁸ Townsend to Norman, Feb. 15, 1867, Archive Office, Letters received, A51.

¹⁴⁹ Norman to Thomas, Feb. 15, 1867, Archive Office, Letters sent, p. 274.

dent. He at once called bitterly for punishment of the leaders.¹⁵⁰ And when he became custodian of the captured Confederate records Lieber was tireless in his search for documents to connect Davis and his associates with the tragic event of April 14. This fruitless search overshadows all the others made by the Archive Office during the first two years of its existence.

Until May 1866 Lieber appears to have conducted the search without specific written instructions. As mentioned above, he made a cursory examination of the papers of the Confederate leaders when he first took charge of the Archive Office. A clerk continued the examination during Lieber's first absence. On Sept. 8 Norman reported: "Mr. Chapman is at work on the Davis papers."¹⁵¹ In consequence of these activities "5 sheets of note paper" were soon found which showed, according to Lieber, the "perfect connexion" between Davis and a Confederate in Canada named K. J. Stewart. He sent the sheets to Judge Advocate General Holt with the request that they be returned to the Archive Office.¹⁵²

Two months later Lieber wrote again (private) to Holt to communicate a copy of a letter.¹⁵³ "The original is of course at your service should you desire it for official purposes (should Jefferson Davis be tried)." The letter, which it appears dealt with an assassination plot, had been "cooly" referred by Davis to his Secretary of War. Lieber inveighed against this act of referral, and related that when Lord St. Vincent received an offer to assassinate Napoleon he rejected it with abhorrence.¹⁵⁴

Holt, it is interesting to note, proved to be alive to the possibilities of contrasting Davis unfavorably with St. Vincent. On January 13, 1866 he telegraphed to Lieber in New York to ask for the source of the St. Vincent statement. Lieber replied the same day, saying that the source was a letter by St. Vincent found in a life of the British admiral published ten or fifteen years before.¹⁵⁵ The "Congress Library," he thought, ought to have a copy of this work. A week later he requested Holt to send him a copy of the St. Vincent letter with exact citation, and seized the occasion to remark: "In oratory, it might well

¹⁵⁰ Letter to Halleck, Apr. 15, 1865, cited by Dyer, *loc. cit.*, p. 461-462. Writing to President Johnson on Apr. 23 he referred to "that treason which strives to slay our Nation, and, with fiendish foolishness, has slain our President." Andrew Johnson Papers, vol. 60 (Library of Congress).

¹⁵¹ To his father, Archive Office, Letters sent, p. 22.

¹⁵² Sept. 15, 1865, *ibid.*, p. 30; original in Holt Papers, vol. 49.

¹⁵³ Nov. 17, 1865, *ibid.*, vol. 50; no press copy in Archive Office, Letters sent.

¹⁵⁴ In his report of Jan. 18, 1866, Lieber informed Stanton that the Archive Office contained several offers of assassination.

¹⁵⁵ Holt Papers, vol. 51.

be stated that Jeff Davis acted like the fiendish Philip and the Spaniards when Gerard offered to assassinate Wm of Nassau—that double star of Washington.”¹⁵⁶

But Lieber was soon to be asked for something more than the printed source of a letter unrelated to the activities of Jefferson Davis. On April 9, 1866 the House of Representatives passed a resolution directing its Committee on the Judiciary to make a report on the assassination of President Lincoln. The Chairman of this Committee was James F. Wilson of Iowa. Two other members were George S. Boutwell of Massachusetts and Andrew J. Rogers of New Jersey. On April 17 Wilson addressed an inquiry to Secretary Stanton concerning evidence in regard to the assassination plot.¹⁵⁷ The Secretary in his reply of April 19 stated that “all the evidence” was in the Bureau of Military Justice.¹⁵⁸ He then referred to the captured records in the Archive Office as follows: “The rebel archives that have come into the possession of this Department are in course of examination by Dr. Lieber who was assigned to that duty. If there be any papers bearing on the subject of your investigation he is directed to submit them to you and to furnish copies.”

Some delay ensued. Stanton apparently gave no instructions to Lieber in this connection. Finally, on May 4, 1866, the Committee subpoenaed Lieber to appear before it and the same day, in the name of the Committee, Wilson requested him in writing to bring before the Committee all evidence in his possession:

- I. Of a circumstantial character tending to confirm that adduced at the Conspiracy Trial in relation to the complicity of the Rebel Government in assassination of Abraham Lincoln.
- II. Evidence showing that Jefferson Davis entertained propositions to assassinate Abraham Lincoln and the most prominent men of the North.
- III. Evidence showing that Jacob Thompson, Clement C. Clay, Beverly Tucker, George N. Sanders and W. C. Cleary were the accredited agents of the Rebel Government, at the time the conspiracy to assassinate President Lincoln was formed.¹⁵⁹

¹⁵⁶ Jan. 20, 1866, *ibid.* I do not find the letter referred to in either Edward Pelham Brenton, *Life and Correspondence of John, Earl of St. Vincent* (2 vols., London, 1838), or Jedediah Stephens Tucker, *Memoirs of Admiral the Right Hon. The Earl of St. Vincent* (2 vols., London, 1844). Lieber possibly confused St. Vincent with Charles James Fox, who in February 1806 wrote a letter to Talleyrand expressing his abhorrence of an offer to assassinate Napoleon (*Annual Register*, 1806, p. 708-709).

¹⁵⁷ 38th Congress, Miscellaneous Papers of Judiciary Committee, Box. No. 13 (Library of Congress).

¹⁵⁸ Stanton Papers, vol. 30.

¹⁵⁹ Archive Office, Letters received, J5.

In view of Lieber's earlier letters to Holt, he must have heartily welcomed this request. He could now report officially to a Congressional committee rather than limiting himself to acquainting the Judge Advocate General privately with the contents of the captured papers. Much of the evidence desired had probably already been accumulated. The time had indeed come to turn to account the classification and briefing work that had been going on in the Archive Office since September. In two weeks Lieber prepared and delivered to the Committee a report along the lines indicated by Wilson. To this "very long report," as he described it to Halleck, he attached copies of "many letters."¹⁶⁰ In his letter of transmittal to Wilson, dated May 18, 1866, he declared that the report was based on an examination of some 270,000 letters and a mass of other documents; and he promised to keep the Committee's request in mind in further search of the records.¹⁶¹ About 60,000 letters remained to be examined and briefed, he told Halleck the following day.¹⁶²

After receiving Lieber's report of May 18, the Committee extended the scope of its investigations to include conditions in Southern military prisons. On June 22, 1866 Wilson requested of Lieber "any and all evidence in the Archive Office, showing that the rebel government was cognizant of the treatment which the prisoners of the Union army had endured in the South, and whether this cruel treatment was, in certain cases, purposely resorted to."¹⁶³ Lieber promised to comply "as soon as the proper copy can be made."¹⁶⁴ Only five days later he announced to Wilson that he was sending him a "Statement" and copies of certain papers and documents relating to the treatment of Union prisoners.¹⁶⁵ This time he was more conclusive than he had been in

¹⁶⁰ Lieber to Halleck, May 19, 1866, Perry, *op. cit.*, p. 363; a copy of the report (20 pages, legal size), without attachments is in the Stanton Papers, vol. 30. Concerning the making of the report, he wrote privately on May 18 to Stanton as follows: "I write this in case I should again miss you. A fortnight ago I was subpoenaed by the Judiciary [Committee] of the House of Representatives, and there told, what I received the same day in writing, that I should state what papers there were on certain points in the Archive Office. When I observed that, as to the Archive Office, I was but a subordinate and that I would prefer the Committee to make the demand through you, I was told that there was no disrespect whatever to you in the case, and that as [a] Committee they could not act otherwise. I am now subpoenaed again; I have however caused a copy to be made for you, which I shall leave with you should I not find you." *Ibid.*

¹⁶¹ Archive Office, Letters sent, p. 171-172; original letter in 38th Congress, Miscellaneous Papers of Judiciary Committee, Box. No. 13.

¹⁶² Perry, *op. cit.*, p. 363.

¹⁶³ Archive Office, Letters received, J6.

¹⁶⁴ June 23, 1866, Archive Office, Letters sent, p. 198.

¹⁶⁵ June 28, 1866, *ibid.*, p. 200-201. See "A Statement of the Evidence found in the Archive Office of the War Department, Relating to the treatment of Union Prisoners," (61 pages, legal size) 38th Congress, Papers relating to treatment of Union Prisoners, Box No. 17.

May. "The examination of papers had been intensive," he wrote, "and it is not probable that anything additional bearing upon the subject indicated by you, will yet be found among the papers, now in this Office; but from time to time new material is added to the Archives, and you will also remember that the Archives themselves are in many cases fragmentary." At the close of the letter he stated that he abstained "from entering into the repugnant subject to which it [the evidence] relates—filling one of the darkest pages of the long, sad History of War."

Lieber was as good as his word. On July 5, 1866 he sent Wilson a copy of a letter found among the papers of the Confederate army in Tennessee which had recently come to the Archive Office. This letter, he stated, related to the "wanton cruelties" to which Union prisoners were subjected in the South.¹⁶⁶ Nor was this all. In a letter to Boutwell, dated July 13, 1866, Lieber sent still another document to add to his "Statement" on Union prisoners.¹⁶⁷ This document, he said, contained "more direct proof" than he could remember seeing in any other paper of ill treatment of prisoners. "In a week the copies of other papers will be sent to you."

But time was running short. Before the end of July, Boutwell in the name of the Committee on the Judiciary made a 29-page report to the House.¹⁶⁸ To it was appended a sharply dissenting minority report of 11 pages by Rogers.¹⁶⁹ In his report Boutwell was obliged to state that the Committee had not yet been able to prove the complicity of Davis in the assassination of the President. But he held out hopes for the future. "The capture of the rebel archives," he wrote, "has put the government in possession of a mass of letters, papers, and documents of various kinds, only a portion of which have as yet been examined. The examination thus far has thrown light upon the general policy of the rebel authorities, which, in many particulars, involved a total disregard of inter-national law and of the usages of civilized war." Lieber could have written these words himself. The report indeed makes specific mention of "Francis Lieber, LL.D., chief of the archive office," in connection with his furnishing the Committee copies of documents relating to conditions in Confederate prisons.

The *Nation* greeted Boutwell's "long-deferred report" without enthusiasm.¹⁷⁰ It called attention to the failure of the Committee to pro-

¹⁶⁶ Archive Office, Letters sent, p. 204.

¹⁶⁷ *Ibid.*, p. 217-218.

¹⁶⁸ *House Reports*, 39 Cong., 1 Sess., vol. 1, doc. no. 104.

¹⁶⁹ This minority report is not included with the draft copy of Boutwell's report (161 pages, legal size), in "House of Representatives Collection," Carton 167 (Library of Congress).

¹⁷⁰ *Nation*, Aug. 2, 1866, p. 81-82.

duce proof of Davis' complicity in the assassination. Moreover, it predicted that the report would do "more service in the coming elections than in bringing on the trial of Jefferson Davis for murder." Annoyed no doubt by the tone of this editorial, Lieber discussed the report favorably in an unsigned article entitled "Facts not to be forgotten," which he promptly submitted to the editor. But it was not printed in the next issue of the weekly—on making inquiry, he was told that it had been "crowded out." "Imagine an article on Boutwell's report, written by the chief of the Archive Office, crowded out!" exploded Lieber to Ruggles.¹⁷¹ The editor found place for the article the following week.¹⁷²

Lieber refrained in his article from mentioning the Archive Office, doubtless because he had been denied permission by the Secretary of War to use the materials in his custody for publication purposes. But he made the most of the opportunity afforded by Boutwell's report based on these materials. He smote the Southern leaders hip and thigh. They were responsible for the assassination of Lincoln and the cruel treatment of Union prisoners. Lack of direct proof did not trouble Lieber—the attitude of the Confederates was sufficient in his eyes to condemn them. In his words: "Davis and Benjamin, and the other Richmond officials, did not express any abhorrence when the offer was made to assassinate Lincoln, Seward, Stanton, Prentice, Greeley, and other vile enemies—whom there was no obligation to abstain from assassinating, inasmuch as they had dared to attack rebels of super-human excellence." Lieber pictured in contrast the "pure-minded Lincoln" who would have rejected such a proposition in the same spirit that Lord St. Vincent rejected an offer to assassinate Napoleon.

Transfer of certain Material from Lieber's Custody

Considering the circumstances in which tons of records and other material were shipped from the South and deposited in the Archives Office, it is not surprising that Lieber and his staff of clerks found items which for one reason or another did not belong there. According to a list in the files of the Archive Office, entitled "Property and papers turned over to other Departments and to Individuals," 49 such items were transferred elsewhere during the period 1865 to 1881. Of these, nineteen items were thus transferred in 1865, 1866, and 1867.

The Confederate records and other material transferred elsewhere

¹⁷¹ Aug. 11, 1866, Correspondence of Francis Lieber, vol. 2.

¹⁷² *Nation*, Aug. 16, 1866, p. 132-133. Davis was not brought to trial for either murder or treason. See Roy Franklin Nichols, "United States vs. Jefferson Davis, 1865-1869," *American Historical Review*, XXXI (Jan., 1926), 266-284.

during Lieber's custodianship fall into two groups: those transferred to Federal Departments, and those returned to private individuals. Mention is made in passing of some records of the 13th Army Corps, U. S. Army, which were brought to the Archive Office in September 1865 and later removed. In reporting the arrival of these records to his father, Norman said he hoped it indicated an intention to deposit in the Archive Office the "archives of our own disbanded or discontinued commands."¹⁷³ The "perfectness" of the Archive Office would thus be enhanced, he indicated. Lieber was no less pleased. Writing joyfully to Halleck from New York he said: "Having recently received some boxes with the papers of disbanded army corps, it appears that this Office is to be that of General American War Archives—a very good idea."¹⁷⁴ Two months later the Liebers learned of their mistake. On Nov. 9 Norman wrote to Townsend to suggest that the Union discontinued command records be turned over to the Archive Office, as the 13th Corps records were already there.¹⁷⁵ The next day Lieber was directed to send these errant records to the "record rooms" of the Adjutant General's Office on Z St.—they had been sent to the Archive Office "through mistake."¹⁷⁶ Lieber complied immediately.

In his instruction to Lieber, Townsend mentioned several groups of records that ought not to remain in the Archive Office. Among these were Confederate bonds and paper money. Lieber held similar views in regard to this material. As early as Sept. 1, 1865 he reported to Stanton the finding of paper money "some time ago" in the trunks of Jefferson Davis and General Beauregard.¹⁷⁷ The Secretary of the Treasury had promised to confer with the Secretary of War in regard to the disposition of the money, he continued, but no word had come from him. That very day was found a number of tin boxes, filled with Louisiana bonds in the amount of several millions. Lieber had no safe place to keep the money. Declaring his inability to be responsible for it, he asked the Secretary to name some person to whom he could deliver it and other money that might be unpacked. Two weeks later he again requested instructions of the Secretary.¹⁷⁸ In the meantime Norman had posed the same problem to the Adjutant General.¹⁷⁹ Finally, on October 23, 1865, a certain amount of Louisiana State Bonds, Louisiana

¹⁷³ Sept. 6, 1865, Archive Office, Letters sent, p. 18-19.

¹⁷⁴ Sept. 10, 1865, Perry, *op. cit.*, p. 360.

¹⁷⁵ Archive Office, Letters sent, p. 91.

¹⁷⁶ Samuel Breck to Lieber, Nov. 10, 1865, Archive Office, Letters received, A12 (receipt enclosed).

¹⁷⁷ Archive Office, Letters sent, p. 9.

¹⁷⁸ Sept. 15, 1865, *ibid.*, p. 33.

¹⁷⁹ Letter to Townsend, Sept. 5, 1865, *ibid.*, p. 115.

State Bank Notes, and Confederate Bonds was turned over by the Archive Office to the Treasury Department.¹⁸⁰

The remainder of the Confederate money was not removed from the Archive Office until 1867. Under date of March 14, 1867 Secretary Stanton issued the following order: "Lt. Col. Lieber, U.S.A. in charge of the Rebel Archives, will turn over to General Ketchum, Receiver for the War Department, all the Rebel Treasury Bonds, and any other Property of a similar description, such as Bank-bills, notes &c in his possession, taking proper receipts for the same."¹⁸¹ Norman immediately asked the Quartermaster General's Office to provide a wagon and two or three men for the transfer of the bonds.¹⁸² The following day Ketchum gave his receipt for one box of "Rebel Bonds" and 22 boxes of "Rebel money."¹⁸³ On May 31, 1867, he sent another receipt, dated April 14, 1867, for \$3,969,369.30 in Confederate funds.¹⁸⁴ At last Lieber was freed of the money incubus which had rested upon him so many months.

During his examination of the Confederate mail bags placed in the Archive Office, Norman Lieber discovered two containing old United States mail. He sent the first one to Townsend and the second to the Postmaster General.¹⁸⁵ Nothing was done for several months about the records of the Confederate Post-Office Department except to start the process of classifying them. Then, on March 14, 1866, the Postmaster General requested the Secretary of War to send to his Department "all papers, books &c relating to Post Offices in the late rebellious states, which may have been received by the War Department."¹⁸⁶ The request was referred to the Archive Office. Norman Lieber returned it with the statement that not all the voluminous papers of the Confederate Post Office had yet been "examined and classified."¹⁸⁷ But Stanton ruled on March 15, as follows: "Let all the Post office papers whether classified or not be turned over to the Postmaster General."¹⁸⁸ Lieber gave "direction to put them up in boxes," and they were transferred by the end of the month.¹⁸⁹ On July 17, 1866 the Postmaster General gave

¹⁸⁰ Archive Office, Letters received, S31.

¹⁸¹ *Ibid.*, W41.

¹⁸² Letter to Maj. Gen. D. H. Rusker, Mar. 14, 1867, Archive Office, Letters sent, p. 281.

¹⁸³ Mar. 15, 1867, Archive Office, Letters received, K10.

¹⁸⁴ See Lieber to W. Scott Ketchum, June 1, 1867, Archive Office, Letters sent, p. 294.

¹⁸⁵ Norman Lieber to Townsend, Sept. 9, 1865, *ibid.*, p. 24; to Postmaster General, Sept. 11, *ibid.*, p. 25; Lieber to Stanton, Sept. 15, *ibid.*, p. 34.

¹⁸⁶ Archive Office, Letters received, W20.

¹⁸⁷ *Ibid.*, endorsement.

¹⁸⁸ *Ibid.* endorsement.

¹⁸⁹ Lieber to Stanton, Mar. 15, 1866, Archive Office, Letters sent, p. 147; receipt of the Acting Third Assistant Postmaster General, Mar. 27, 1866, Archive Office, Letters received, P8.

Lieber his receipt for two boxes of "U.S. stamped envelopes found among archives of the late Rebel Government."¹⁹⁰

The year 1866 also witnessed action in regard to the transfer of certain North Carolina court records from the Archive Office. In compliance with orders of the Secretary of War, Norman on Feb. 10 sent to the Attorney General's Office "the records of the U. S. & C. S. District Court for the District of Cape Fear," receipt of which was acknowledged five days later.¹⁹¹ The following month Lieber reported to Stanton the completion of this transfer.¹⁹² At the same time he mentioned other papers in his custody, namely, records of the Circuit Court, District of North Carolina, and of the District Court, District of Pamlico, North Carolina, and letters of the governors of North Carolina. Townsend in Stanton's name directed that the court records "be turned over" to the Attorney General.¹⁹³ The letters of the Confederate governors of North Carolina, he continued, were to be retained in the Archive Office, but "any other books or documents prior to the rebellion" could be turned over to the agent of the Governor of North Carolina. Lieber informed the Attorney General of his orders; the Attorney General answered a week later that he was ready to receive the records; and on March 30, 1866 the records were transferred.¹⁹⁴

Lesser items removed from the Archive Office included one box of Confederate blankets (Aug., 1865), four bound volumes of General Orders issued by the Adjutant General's office from 1826 to 1856 (Oct., 1865), seven copies of Confederate Statutes at Large (Nov., 1865), and three boxes of nautical instruments (Jan., 1866).¹⁹⁵

In October 1865 two boxes of records of the Orange and Alexandria Railroad were turned over to its treasurer and one box of books to the U.S. Christian Commission.¹⁹⁶ The following month Col. M. H. Wright, formerly attached to the Confederate Ordnance Department, obtained from the Archive Office a note book and a few private letters of his.¹⁹⁷ Gen. Jno. P. Slough aided him to do this.

In another year Stanton relented so far as to return to General Beauregard some of his personal effects. On Nov. 6, 1866 Townsend directed Lieber in the name of the Secretary of War to deliver the

¹⁹⁰ *Ibid.*, P8.

¹⁹¹ J. A. Rowland, private secretary, to Norman Lieber, Feb. 15, 1866, *ibid.*, A16.

¹⁹² Mar. 17, 1866, Archive Office, Letters sent, p. 148.

¹⁹³ Mar. 19, 1866, Archive Office, Letters received, A17.

¹⁹⁴ Lieber to Speed, Mar. 21, 1866, Archive Office, Letters sent, p. 150; Speed to Lieber, Mar. 29, Archive Office, Letters received, A22; receipt for records, Mar. 30, *Ibid.*, A6.

¹⁹⁵ *Ibid.*, W1, A9; Letters sent, p. 99; Letters received, N5.

¹⁹⁶ *Ibid.*, M19, S3.

¹⁹⁷ *Ibid.*, M18.

property of Beauregard in his possession (as listed in an inventory furnished by Lieber on Nov. 2) to the Adams Express Company for transmission to Maj. Gen. Sheridan in New Orleans.¹⁹⁸ Beauregard signed a receipt for his property on Nov. 15.¹⁹⁹ But he did not receive everything belonging to him—the watchful Chief of the Archive Office had retained nine packages of his letters.²⁰⁰

Conclusion

If Lincoln had lived, Jefferson Davis would probably have gone his way unmolested. And the Confederate records, in comparison with Union discontinued command records, might have been neglected for a considerable time. General Orders No. 60 directed that “all” command records, unless required at department headquarters, be “immediately” forwarded to the Adjutant General’s Office. It was neither inclusive nor urgent with respect to captured records.²⁰¹ Art. 3 reads: “Officers who come in command of places captured from the enemy, will collect and forward to this office any papers left behind by the rebels which may be of public use or interest.” Commanding officers could in consequence ignore Confederate records entirely, if they chose to do so. General Ord in Richmond did so choose.

The assassination had the effect of raising the Confederate records to the same level of importance as those of the discontinued commands. In fact Stanton for a time regarded them as of higher importance. He ordered that every piece of paper be sent to Washington immediately. Moreover, he placed a public figure in charge of a special unit to examine and arrange 499 boxes of captured papers. The records of 2,165 discontinued commands, consisting of 3,353 boxes, received in contrast only routine attention in the Adjutant General’s Office.²⁰²

Lieber was a “natural” to head the Archive Office. Granting his partisanship to which he undoubtedly owed his appointment, one may well ask whether the Confederate records suffered under his care. Would a mild, disinterested scholar (if such existed in 1865) have done a better job of unpacking, arranging, servicing, and protecting the records? Probably not. Fault might be found with Lieber’s sustained efforts to produce evidence on which to condemn Jefferson Davis and other “rebels.” Opinion in 1946 is not what it was in 1865. Yet Lieber clearly had in mind other objectives as well. He sought to fill gaps in

¹⁹⁸ *Ibid.*, A42.

¹⁹⁹ Sheridan to Townsend, Nov. 16, 1866, Adjutant’s Office, Letters received, 1521, S1865.

²⁰⁰ Lieber to Townsend, Nov. 2, 1866, private, *ibid.*; no press copy of this letter in Archive Office, Letters sent.

²⁰¹ As late as Sept. 15, 1865, Lieber did not know that General Orders No. 60 had been issued. See his letter to Townsend of that date, Archive Office, Letters sent, p. 31.

²⁰² *Report of Secretary of War, with Accompanying Papers* (Washington, 1866) p. 83.

the records and to add materials, including newspapers, to the holdings of the Archive Office. At the same time he did not regard every manuscript already in custody as precious—he boldly advocated the disposal of masses of disordered papers, which did not warrant the time and expense required to put them under control. Some of his ideas bear pondering today.