Detectives and Spies

U.S. Army Espionage in the Old Northwest during the Civil War

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U.S. Army spies prowled the city streets and country lanes of the states of Indiana, Ohio, Illinois, Kentucky, and Michigan during much of the American Civil War. Their commanders variously called them detectives, special agents, secret agents, or spies. They gathered information about developments in those states that worried federal officials. Detectives chased down deserters who took refuge in rural swamps and forests. They scoured riverfront docklands and loitered in saloons looking for draft dodgers. They sniffed out caches of firearms and shipments of gunpowder smuggled by citizens. They crisscrossed the Old Northwest—Ohio, Michigan, Indiana, and Illinois—between the Confederate states in rebellion and Canada, trailing couriers carrying secret communications. Military authorities intercepted private mail and read their contents. Army spies maintained surveillance on leaders of the Democratic Party who voiced opposition to the policies of the administration of President Abraham Lincoln. They infiltrated, observed, and reported on secret conspiratorial groups linked to the Democratic Party that planned revolutionary insurrection and armed attacks on army prisoner-of-war camps in the region. Commanders reported that information to Republican Party political leaders who, in turn, fed that information to Republican newspapers to embarrass the conspirators at critical times before the 1864 fall elections. Army spies testified in the Lincoln administration’s military commission trials that implicated Democratic leaders from Indiana and Illinois in various conspiracies.

Espionage and intelligence operations in the Civil War played an important role in the military struggle. Both the U.S. Army and the rebel Confederate States of America employed spies to gather information on each other. Historians have understood the broad outlines of military intelligence operations during the war as efforts to gather information on opposing armies in the field, focusing their attention on the tactical intelligence operations of the Union Army of the Potomac that fought in Maryland and Virginia. These accounts have often relied on the self-promoting memoirs of a handful of wartime operatives, and historians have revealed in the romantic stories of feminine seduction or gender-role defiance of plucky women like Pauline Cushman, Rose Greenhow, and Elizabeth Van Lew. Driven by devotion to one cause or the other, these women beguiled
REPORT
OF THE
JUDGE ADVOCATE GENERAL
ON THE
"ORDER OF AMERICAN KNIGHTS,"
or
"SONS OF LIBERTY."
A WESTERN CONSPIRACY
IN AID OF
THE SOUTHERN REBELLION.

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1864.
secrets from the foe or courageously smuggled information through the lines. Some of these stories emerged during the war as thrilling newspaper accounts of derring-do, and historians have been lulled into believing that espionage and intelligence work during the Civil War became the province of a handful of amateur adventurers or sleuths in crinoline and silk. Historians have also paid little attention to espionage where armies did not clash in battle. This essay shows how over the course of the conflict the U.S. Army developed an extensive intelligence apparatus in the Old Northwest, a region largely removed from the main theaters of war. A small bureaucracy arose in response to the need for reliable information about the growing threat of unrest and insurrection. The creation of this investigatory tool enabled the army to undertake domestic surveillance operations to watch civilian non-combatants.¹

In addition to uncovering the existence of an extensive domestic surveillance program, research on the development of army intelligence operations in the Northwest allows historians to reassess the region’s wartime politics and society. For years, scholars have relied on the writings of historians who dismissed the existence of wartime conspiracies in the North and argued that Republican governors and “politically-minded” army commanders fabricated accounts and evidence of plots to release Confederate prisoners and foment uprisings. Devious politicians concocted such stories for partisan political reasons to “smear” their Democratic rivals, historians concluded, and army officers participated in the smear campaigns to advance their careers. Apart from a tiny lunatic fringe, anti-war Democrats were loyal, conservative citizens who recoiled from the significant social and economic changes brought by Lincoln’s Republican ascendency. As dissenters rather than conspirators, they became victims of Republican perfidy. Some scholars have recently challenged this narrative, pointing out that the antiwar Democrats—the so-called “Copperheads”—were politically strong and posed a powerful challenge to President Lincoln’s administration and his effort to suppress the rebellion. But the older view continues to appeal to many historians.²

This essay depicts the dangerous conditions that prevailed north of the Ohio River in states wracked by violence arising from profound ideological and political fissures. These deep divisions prompted neighbor to fight neighbor in defense of differing visions of the future of the United States. Democrats and Republicans alike formed armed secret political societies to protect themselves and advance their political beliefs. Secret Democratic groups became prominent political actors, encouraging desertion, obstructing draft enrollments, and plotting the release of Confederate prisoners-of-war. In response, genuinely anxious U.S. Army commanders and allied Republican state government officials investigated these movements and successfully uncovered widespread secret organizations that posed a threat to the political order. Their spies reported that the secret Democratic groups that resisted federal law and plotted insurrection
constituted a significant minority of Democratic Party support. By uncovering large-scale plots, these spies played an important part in preventing insurrection in the Old Northwest.

In 1861, in the first weeks and months after Confederates attacked U.S. Army troops and the North mobilized for war, the Northwest filled with widespread indignation at the rebel attack. Angry northerners clamored for vengeance, but the sentiment was not universal. Many people called for redoubled efforts to reconcile and compromise with the Confederates. Such calls derived not from pacifist beliefs but from views about the federal relationship between the states and the central government. Many northerners held strict state sovereignty views, arguing that the states possessed authority under the Constitution and the central government served merely as the states’ agent. States, they believed, possessed the right to leave the federal union. Accordingly, amid the calls to put down the rebellion, some residents of the Northwest expressed their sympathy for the rebels’ right to secede to protect slavery. During the secession crisis in the winter of 1860-1861, the editors of a Democratic newspaper in northeastern Indiana announced that “we favor the right of secession.” When war came, they continued to espouse state sovereignty views. Local Democratic figures—including future conspirator Lambdin P. Milligan—spoke to rallies of the “Genuine friends of the Union, & the Constitution—those who are opposed to waging an unjust, and unprofitable crusade against the Southern people.” The Democratic Party split apart, some followers allyng with Republicans in the nationalist Union cause, while others upheld the states’ constitutional right to secede.3

Early in the war, reports of meetings, speeches, and other activities of persons who opposed a war of coercion against the Confederacy arrived on the desks of the Republican governors of the Northwest states. Illinois Governor Richard Yates received reports of strong support for the secessionists in parts of his state, especially in “Egypt,” the southern-most area that jutted deep into Dixie. Reports noted that Illinois men crossed the Ohio River to join Confederate forces. Others stated that secession flags flew in parts of the state. Influential men like David Davis, Lincoln’s campaign manager, and Orville Hickman Browning reported a “scheme” by “traitors” in league with rebels in Kentucky and Missouri. Other correspondents reported that armed groups drilled under a secession flag, and men vowed not to aid the war to free slaves. Reports arrived stating that several counties had lodges of the secret proslavery society called

Illinois Governor Richard Yates (1815-1865).
COURTESY LIBRARY OF CONGRESS
the Knights of the Golden Circle (KGC). One correspondent noted that local Unionists had infiltrated a secret armed group that drilled in opposition to the war. Fear undoubtedly produced some reports, but those fears were real. Yates believed the information about “unlawful combinations” and “secret organizations” “reliable” and that it constituted a serious internal threat. The governors of Indiana and Ohio received similar reports of groups that cheered for Confederate President Jefferson Davis and vowed opposition to a war to force the return of the rebel states. The rebel victory at Bull Run in Virginia in July spurred many to cheer openly for the rebels and to organize both secretly and overtly against the war. People cut down U.S. flags, and reports of secret activities reached Indiana Governor Oliver P. Morton, including plans to sabotage railroad bridges. Morton believed that groups were acting secretly in his state and warned the War Department in Washington, D.C., “not to suffer affairs to drift on until it is too late.” Ohio Governor William Dennison privately voiced fears about the formation of secret societies that the federal government needed to watch carefully.4

Along with state officials, U.S. attorneys and marshals charged with enforcing federal law throughout the Northwest fielded reports in their districts about underground movements and activities, including the smuggling of arms and other contraband. Citizens reported that secret, armed organizations existed to oppose the war effort and support secession. Federal officers took the reports seriously and attempted to investigate them. They reported their concerns to Attorney General Edward Bates and asked for instructions and assistance. The marshal for southern Illinois reported that he had credible evidence that people in his district corresponded with rebels in the South both to recruit for the Confederates and inhibit recruiting for the U.S. Army. Overwhelmed with the myriad legal issues posed by rebellion, Bates provided little guidance or tangible assistance to his subordinates. Moreover, he possessed no funds to give to law enforcement officers to investigate criminal acts. The Judiciary Fund, established by Congress to pay court officers for carrying out duties such as serving warrants and securing prisoners, afforded no funds for investigations. Secretary of the Interior Caleb Blood Smith of Indiana controlled the Judiciary Fund and strictly limited its use to the functions prescribed by law. In 1861 and 1862, he turned down requests from federal law enforcement officers for money to pay detectives to investigate criminal conspiracy.5

Despite these bureaucratic frustrations, some federal law enforcement officers managed to investigate
conspiracy in their districts, employing detectives who infiltrated secret groups. The most notable investigation occurred in northeastern Ohio in the summer and fall of 1861, where the U.S. marshal and attorney employed a "secret agent" who collected information on secret groups in several counties. Based on this information, the U.S. marshal in Cleveland arrested several locally prominent Democrats and the U.S. attorney brought them before a federal magistrate. Testimony given in preliminary hearings established the existence of a KGC organization in the area. The conspiracy case, however, collapsed on the eve of the trial in Cleveland federal district court. One witness died suddenly and threats from the persons under indictment caused another to flee town and join the army. The rest clammed up, refusing to testify.²

In 1862, amid continued reports suggesting the existence of secret societies that aimed to subvert the war effort, federal law enforcement authorities initiated grand jury investigations in Indiana. Over two hundred witnesses gave testimony. Jurors announced that evidence showed the KGC existed all over the state. Their report, released for publication, created a sensation throughout the Northwest. Further civil investigations in the following year produced numerous confessions of membership in the society. In the summer of 1862, the federal attorney in Cincinnati obtained confessions of KGC membership, and in 1863 a U.S. grand jury in Cleveland reported they had "no doubt" of the existence of secret organizations made up of "unprincipled men and villainous traitors." But none of these investigations and confessions produced a trial, let alone a conviction, leaving civil officials no closer to understanding the threat the organizations posed. Despite Congress's efforts to pass broadened legal definitions of criminal conspiracy, civilian inquiries failed to bring conspirators to trial, highlighting the weakness of state and federal law enforcement authorities in investigating complex criminal activities. Neither state nor federal civil authorities had the investigatory resources required to tackle the problem. They saw the problem, but lacked the tools to address it.³

If civilian law enforcement officials lacked resources, the U.S. Army, which maintained a presence throughout the northern states, did not. Beginning in the summer of 1862, the army, with its wealth of manpower and wartime resources, stepped in to fill the investigative void. On August 8, the War Department issued an order authorizing civil authorities to arrest and jail anyone who discouraged volunteer enlistments or gave "aid and comfort" to the enemy; the order also suspended the privilege of the writ of habeas corpus to those arrested. Prompted by the order, the army turned its energies to investigating the sources of dissension and disloyalty in the North. In 1862 and early 1863, local commanders at military posts in the Northwest initiated investigations of perceived threats to the integrity and effectiveness of their forces. They saw the growth of opposition to the war in the northern states and the slowing of volunteer enlistments for the army.
Desertion rates rose as soldiers became disenchanted with military life, especially after President Lincoln's Preliminary Emancipation Proclamation in September 1862 made ending slavery in the Confederacy integral to the war effort. Soldiers slunk away from their units, and commanders had evidence that civilians took part in organized efforts to discourage enlistments and encourage desertion.8

In order to stop the growing rot in the army's ranks, officers investigated conditions in their units and surrounding communities. The first army efforts to spy on local communities in the Northwest occurred in the summer of 1862 around Cairo, deep in the "Egypt" of southern Illinois. Prompted by widespread unrest, partisan tensions, and threats of violence directed at war supporters that predated the August 8 War Department order, Major Joseph W. Merrill, the post provost marshal, working under orders from post commander Brigadier General William K. Strong, began investigating antiwar activities in the surrounding counties. In a sweep of several communities, troops arrested a number of local Democratic leaders for participation in the KGC, including William "Josh" Allen, the local congressman. Other army investigations followed. The military takeover of domestic investigations was unplanned, uncoordinated, gradual, and occurred on an ad hoc, post-by-post, commander-by-commander basis. Nonetheless, the shift would have profound political and constitutional consequences.9

The first army efforts to investigate conspiracy and the existence of secret organizations in Indiana occurred in December 1862, when Colonel Henry B. Carrington discovered that soldiers in army camps around Indianapolis had joined secret organizations that aimed to encourage desertion. He quickly investigated the matter, employing as spies soldiers who had learned the secret handshakes and signals of the groups, and arresting and court martialing soldiers who confessed to membership. Carrington alerted President Lincoln and Secretary of War Edwin M. Stanton, as well as Governor Morton, of his findings. The governor connected the effort to weaken the army through desertions to the dangerous political struggle with antiwar Democrats in Indiana who advocated the end of
the war on the South and the separation of the Northwest from the Northeastern states. Thereafter, Morton insisted that the army station Carrington in Indianapolis to assist him in investigating the machinations of the antiwar conspirators. Despite his wish to fight at the front, Carrington spent most of the rest of the war in Indianapolis directing investigations of secret organizations in cooperation with Morton. He and the governor investigated conspiracies they sincerely believed posed a significant threat to the war-fighting effectiveness of the army and the integrity of the Union.10

As in Indiana, the post commander in Cincinnati, Ohio, reacted to daunting threats to the army presented by desertions, draft-dodging, and civilians arming to resist the draft. In March 1863, he obtained authority from Major General Horatio G. Wright, the commander of the multi-state Department of the Ohio (encompassing Ohio, Indiana, Michigan, Illinois, and parts of Kentucky, with headquarters at Cincinnati), to establish a corps of detectives. Consisting of both hired civilians and soldiers detailed for special duty, these detectives ranged all over the department. They paid special attention to arms trafficking to disaffected groups and individuals, and visited communities where armed groups rallied to defend deserters from arrest. They tracked arms salesmen and traced shipments of guns and gunpowder to violence-torn precincts in Illinois, Indiana, and Ohio. Purchases of guns and powder became so widespread among antifx Democrats that Wright prohibited arms and ammunition sales throughout the region for months. Post commanders in a multi-state area attempted (and mostly failed) to stop shipments of guns and gunpowder from getting into the hands of persons deemed disloyal to the federal government.11

Perceiving the widespread unrest in the North, Union commanders in the South with mandates to quell occupied areas behind the lines also sent their own detectives northward to investigate conditions. The head of detectives for the Department of the Cumberland headquartered in Nashville, Tennessee, dispatched spies into the Northwest to track down communications through the lines between Confederates and sympathizers in the North. In another instance, a general in western Kentucky sent a captain into southern Illinois to scout out the landscape. The officer confirmed the existence of the KGC throughout the region. These commanders shared their findings with their northern counterparts in the hope of aiding the effort to suppress disloyalty. In the spring of 1863, as
the challenge from antiwar Democrats grew increasingly violent, army post commanders in Ohio, Indiana, Illinois, and Michigan established their own detective bureaus staffed by a mixture of hired civilians and soldiers. Officers issued their soldiers civilian clothing to venture into communities to sniff out arms shipments. Others posed as deserters to find the networks that provided hideouts, food, and arms to runaway soldiers. For the rest of the war, detectives provided significant information to local commanders who used it to make arrests of deserters and their abettors and to quell unrest. In this effort, the ad hoc network of army spies uncovered the influence of secret organizations behind the efforts to resist the authority of the government.12

In addition to the detective corps formed by army post and district commanders, the Enrollment Act passed by Congress in March 1863 established a nationwide espionage network of “special agents” under the Provost Marshal General Bureau, part of the War Department. In operation in the Northwest by late May-early June, their duty was to find and arrest deserters and draft dodgers. Agents acted as detectives and spies, sometimes in disguise, to track down their quarry, often infiltrating groups that harbored, protected, and armed deserters. Agents frequently cooperated with military commanders in operations to round up and arrest deserters and draft dodgers, sharing intelligence about the secret organizations that smuggled arms, resisted arrests, or attacked draft enrollment officers. Many of the agents were former soldiers discharged for a disability or whose enlistments had expired. The local district provost marshals hired them to nose around their home counties and surrounding areas. They undertook dangerous work, and some were killed doing their duty. Regulations allowed four agents for each congressional district, but sometimes War Department officials authorized extra agents when the local problem proved severe. In one case in 1863, a district provost marshal in western Illinois had nineteen agents scouring the landscape for deserters and working to infiltrate the groups that harbored them. The state commander of the Provost Marshal General Bureau in Ohio reported in the summer of 1863 that his spies watched the movements of the secret group’s leaders, “some of whom hold high political places.”13

Together, the detective forces from the regional army commanders and the Provost Marshal General Bureau succeeded in gathering information on secret organizations behind much of the unrest in the northwestern states. In Illinois, detectives worked to counteract the local armed groups that threatened enrollment officers and parties of soldiers sent to arrest deserters. Officers received assistance from pro-war Republican Union League secret society members, who informed on the activities of their partisan foes. In Detroit, post commanders and Provost Marshal General Bureau officers hired spies to keep careful watch on Clement L. Vallandigham while he sojourned in exile at Windsor, Canada, and ran for governor of Ohio in absentia. They also watched the host of rebels, escaped POWs, and deserters who congregated in Canada.14
Army intelligence efforts in the Northwest achieved their first important successes in 1863. In July, the Provost Marshal General Bureau in Indiana, cooperating with officers from the Department of the Cumberland, shadowed and arrested the founder of the KGC, George W. L. Bickley, in New Albany, Indiana, and packed him off to prison without charges. In October, soldiers acting as spies for commanders in Ohio infiltrated a group that plotted attacks on POW camps in the state to release Confederate troops. Working together, troops and U.S. marshals arrested several men and women in Columbus, Cincinnati, and across the river in Covington, Kentucky, and indicted them for treason and conspiracy in federal court. Acting on records seized during the arrests, authorities in Indiana quietly ordered local militia units to be on alert for a feared uprising and attack on the Camp Morton POW facility. At the same time, spies in Illinois and Ohio learned that the KGC had reorganized and changed its name to the Order of American Knights (OAK). (Later, on President Lincoln's orders, the army tracked down and arrested the leader of the OAK, Phineas C. Wright, while on a recruiting trip in Michigan.) Finally, spies working out of Detroit army headquarters and informants who circulated among the rebels in Canada alerted commanders to a plan by Confederate agents in Canada to attack the Johnson's Island POW camp. In preparation, officers reinforced the prison garrison and patrolled Lake Erie with gunboats. The attack failed to come off when the British government in Canada independently got wind of the plot and alerted Washington. Secretary Stanton shared the information with the press, thus spooking the plotters. The army's early intelligence successes reflected the diligent effort and information sharing between post commanders and the Provost Marshal General Bureau.¹⁵

Notwithstanding such intelligence-gathering successes, significant dangers loomed. Republican war policies took their toll on conservative Democrats. The emancipation of African American slaves, economic mobilization, suspension of the privilege of the writ of habeas corpus, military arrests of civilians, widespread violence against the Democratic press and suppression of speech, and other developments increased tensions. The presidential election year of 1864, when the growing strength, ambition, and menace of the secret organizations posed the greatest threat to stability, proved critical in the Northwest. As part of the strategic push to destroy Confederate resistance in Virginia, Georgia, and the Southwest, War Department leaders sent almost all federal troops to the front and stripped the Northwest bare. State commanders and political leaders believed themselves nearly defenseless against the threat of regional civil war. As a consequence, political leaders and army officers redoubled their efforts to counteract the threat of insurrection. For local commanders, intelligence gathering and espionage played a key role in their efforts against secret organizations. Headquartered in Columbus, Ohio, the new military commander of the army's Northern Department (the former Department of the Ohio excluding most of Kentucky), Major General
Samuel P. Heintzelman, quickly ascertained the restiveness—nearly to the point of civil war—of the region he commanded. Some of the army officers in his department had good information on the sources of unrest in the region and the threat from rebels in Canada. State governors also had informants and spies working for them. Heintzelman relied upon Henry Carrington for running spies and collecting information from his headquarters in Indianapolis, while officers in Detroit kept a close watch on the northern frontier. Carrington built an effective spy network in Indiana made up of hired civilians and soldiers detailed to undertake spy missions. His many informers reported that the secret groups numbered in the tens of thousands in Illinois and Indiana, and were a growing presence in Ohio, Michigan, and Kentucky.¹⁶

A Kentuckian, Felix G. Stidger, loaned by army headquarters in Louisville, proved Carrington's most effective spy. Sent to Indiana, Stidger quickly infiltrated the Indiana secret group, which had renamed itself the Sons of Liberty. The Indiana conspirators sent him to Kentucky to assist their counterparts in building the organization in the commonwealth. Consequently, he had access to records and information about the
organization in both states, and he reported regularly to army commanders in both Indiana and Kentucky. One night, in early June 1864, leaders of the Sons of Liberty in Indianapolis directed Stidger to carry a sheaf of secret records to Louisville to assist their counterparts. Before the morning southbound train arrived, the spy smuggled the records to Carrington’s headquarters, where the general’s staff worked through the night to hand-copy the documents and return them to Stidger. The records later formed the basis of an Indianapolis newspaper exposé that embarrassed and weakened the conspiracy at a time when commanders believed they had insufficient troops to break up the order. Stidger also provided details of plots to sabotage government warehouses and steamboats as well as collusion with Confederate guerrillas operating in Kentucky. Other spies and informants provided important information to Carrington and Governor Morton. The governors and military commanders of Ohio, Illinois, and the post commander of Detroit, each of whom had his own spies and informers, also gathered information on the threat they saw looming. Beginning in the spring of 1864, the governors and generals in the Northwest began to confer with each other about how best to counteract the dangers posed by secret conspiracies.\textsuperscript{17}

Aggressive and geographically widespread investigations undertaken by Major General William S. Rosecrans, commander of the Department of the Missouri headquartered in St. Louis, confirmed the serious danger from secret organizations in the Northwest. Rosecrans’s spies ranged throughout the North, venturing as far as New York City and Canada, in pursuit of information. He shared his findings with Heintzelman and the northwestern governors to devise a way to defeat the secret groups. Previous attempts by the governors to alert Washington authorities to the threat of insurrection had fallen on deaf ears. President Lincoln especially dismissed their concerns, focusing his attention on fighting in the South. Rosecrans, believing the groups posed an existential threat to the Union, took it upon himself to call the president’s attention to the seriousness of the situation. In June 1864, Lincoln sent his private secretary, John Hay, to St. Louis to confer with Rosecrans. Hay returned to Washington impressed by the gravity of the intelligence gathered, but the president again dismissed the warnings and provided no reinforcements or policy direction for the commanders and governors in the Northwest. Further appeals failed to raise a sense of urgency in Washington.\textsuperscript{18}
Without guidance from national leadership and left to their own devices, the governors and generals made their own plans to break up the secret groups. Major General Stephen G. Burbridge, commander of the District of Kentucky, aided these efforts. His aggressive measures to suppress Confederate guerrillas active in the commonwealth became a catalyst for the generals and governors north of the Ohio River. Armed with reports from spies, including Stidger, that conspirators plotted an uprising in early August, he lobbied his counterparts to preempt the attack by arresting the state leaders of the secret groups. He obtained agreement from Heintzelman and Morton, but Governors John Brough of Ohio and Yates of Illinois feared they did not have sufficient forces on hand to quell uprisings should the rank and file members of the organizations react violently to the arrests. In the meantime, Morton secured approval from Secretary of War Stanton to publish a newspaper exposé of the records that Stidger had smuggled into the army's hands, and Rosecrans produced a similar exposé about the conspirators in Missouri. More important, Burbridge and Rosecrans—backed by military forces in Kentucky and Missouri—made sweeping arrests of the leadership of the organizations in the two states.19

In late July and early August, evidence suggests that Washington came around to lending support to the generals and governors in the West. With the Union war effort in Virginia and Georgia bogged down and Lincoln's reelection prospects appearing dire, Washington leaders realized the need for drastic measures. No doubt prompted by the continuous prodding of the western governors, Secretary Stanton sent trusted aide Judge Advocate General Joseph Holt west with orders to investigate the secret plots. Holt visited with the governors and generals and reported that the conspiracies were real, significant, and threatened revolution in the Northwest. “It is for the Government to determine,” he concluded, “whether, consistently with its own safety or with its duty to the country, it can longer endure this knife of the domestic traitor at its throat.” Finally convinced, the War Department provided support and guidance to the beleaguered westerners. Among other moves, Stanton approved troop reinforcements for all the POW camps in the Northwest and other measures to improve internal security. Records show that the War Department also issued orders to army department generals throughout the North and occupied South authorizing them to watch and arrest certain individuals. In a short period of time, Stanton had significantly increased the surveillance powers of the United States government.20

Notwithstanding the new assistance from Washington, only fortuitous timing and a few lucky breaks for the northern governors and army commanders prevented open rebellion in August. Carrington and Burbridge's top spy, Felix Stidger, reported that the conspirators planned to free Confederate prisoners and provoke general insurrection in early or mid-August to coincide with guerrilla raids on the Ohio River border and with Camp Morton in Indianapolis a
chief target. Indiana, however, remained almost bereft of federal troops because Stanton’s promised reinforcements had not yet arrived. With growing apprehension, Carrington’s network observed as armed men filtered into the city on trains from all over the state. Quite by chance, veteran troops sent home to muster out unexpectedly arrived in the city from the South, and the reinforcements finally arrived. These troops allowed the government to present a façade of strength that deterred the plotters. Furthermore, rattled Democratic Party leaders, fearful of the consequences that the planned uprising might bring, persuaded the plotters to hold off. These establishment leaders quietly met with Carrington and implored him to take bold steps, even advising him to arrest leaders of the radical element in their own party. Apprised of the collapse of the Indianapolis plot, General Heintzelman confided to his private journal that Indiana had had a “narrow escape from a civil war.” He added, “Nothing but the arrangement of troops prevented it,” as well as “the determination of some leading Democrats not to aid” the uprising.21

In another stroke of luck, Governor Morton received a tip from an unidentified informant that conspirators were in the process of shipping a large cache of revolvers and ammunition from New York City to Indianapolis, part of which they had stored in the warehouse of a prominent local Democrat. Troops raided the warehouse and seized the arms and records of the state Sons of Liberty organization. Afterwards, troops arrested H. H. Dodd, the owner of the warehouse and leader of the state Sons of Liberty. Likewise, a rebel turncoat alerted Detroit army headquarters to plans by Confederate agents to lead an uprising in Chicago to free the POWs in Camp Douglas during the Democratic National Convention. Southern agents led by Confederate Captain Thomas Henry Hines had slipped into the United States from Canada and made their way to Chicago with plans to lead local conspirators in the attack on the camp. The rumor of the arrival of reinforcements for the camp swirled around the city during the convention and fortunately deterred the plotters. Heintzelman, present in the city during the convention, wrote in his journal: “there’s a rumor that we have 5,000 troops here. We may as well let them believe so.” August 1864 proved the critical wartime month in the Northwest, when lucky breaks forestalled uprisings and federal leaders acknowledged the danger of insurrection. As part of Washington’s new recognition of the seriousness of the conspiracies, Stanton supplanted Carrington with Brevet Major General Alvin P. Hovey in the Indiana command and ordered Hovey to act aggressively to make arrests and try conspirators by military commissions. Carrington remained as spymaster. Hovey’s subsequent arrests and military trials of the conspirators in Indiana that autumn, among them Dodd, Lambdin P. Milligan, and William A. Bowles, resulted from Washington’s orders.22
ANALYTICAL VIEW

OF THE

TESTIMONY GIVEN ON THE PART OF THE GOVERNMENT,

IN THE CASES OF

THE UNITED STATES vs. H. H. DODD,

AND SAME AGAINST

WILLIAM A. BOWLES AND OTHERS,

IN THE

TREASON TRIALS,

BEFORE A MILITARY COMMISSION.

Convened at Indianapolis, Ind., by order of Brevet Major-General Alvin P. Hovey, on the 19th day of September, 1864.

NEW ALBANY:
NORMAN & MATTHEWS, PRINTERS.
1865.
In the fall of 1864, testimony of army spies and informants formed the backbone of the evidence against Dodd, Milligan, and the other conspirators in the military commission treason trials in Indianapolis. Spies took the stand to relate what they saw and heard in secret meetings. Their testimony secured convictions of the plotters and created a sensation in the press. During the Indianapolis trial, army intelligence in Chicago broke up yet another plot to free POWs at Camp Douglas on the eve of the November presidential election. Commanders put the arrested plotters on trial by military commission in Cincinnati, where spies again testified. After Lincoln won reelection and the rebellion began to collapse, the army took steps to cut their payrolls and reduce expenditures. Commanders broke up their intelligence bureaus and fired the detectives who had played an important part in preventing insurrection in the North. Most of those involved, the paid civilians, soldiers, and the mass of unpaid informants, conveniently forgot about the ungentlemanly and sordid activities they undertook as spies. After the war, spymaster Carrington estimated that between two to three thousand informants had provided him with details on secret meetings, arms shipments, travel movements, and other matters from all over Indiana and the Northwest. 23

This compressed narrative of spies and counter-insurrection in the Old Northwest leads to several conclusions. First, federal government leaders, preoccupied with the challenges brought on by civil war, failed to react to the growth of a large and sophisticated criminal conspiracy in the North. Leaders of the federal law enforcement apparatus—Edward Bates and Caleb Smith—did not equip their local officers with the means to investigate and uncover evidence of secret criminal activities. Their failure resulted in part from restrictive laws that prescribed the duties and actions of law enforcement officers. Bureaucratic infighting also limited their thinking. Federal neglect and conflict rendered civilian law enforcement unable to investigate effectively a widespread criminal conspiracy during a period of social and political tumult. As a result, U.S. Army commanders acted in their stead to gather information on movements that threatened to harm the integrity of the army as a fighting force and impair the war effort in general. Military forces engaged directly in domestic espionage. Acting under orders, soldiers served as detectives to watch civilians in the North and uncover shipments of arms to groups that harbored deserters and obstructed draft enrollments. Soldiers infiltrated secret groups to learn about their plans and provide information to commanders about possible threats.

The army also hired civilians to undertake surveillance activities and routinely opened private mail. Under the Lincoln administration, the federal government developed a large ad hoc military bureaucracy to watch many people throughout the North, including elected political leaders. Contrary to some historians, the governors of Ohio, Indiana, and Illinois and military commanders in those and other states did not fabricate evidence about large conspiracies that threatened
the war effort. They sincerely believed the reports they received from their detectives as well as the spies acting under army commanders. Abundant and clear evidence revealed that groups of armed men met in secret throughout the region and planned violent, revolutionary action to subvert the war effort. In some rural communities these armed groups terrorized local populations, attacking people who supported the war effort or those who assisted in the arrest of deserters and draft dodgers. By 1864, a large number of armed groups, motivated by anger at the Lincoln administration’s policies and fear of the reach of government into their lives, reacted with violence. These groups aimed to destabilize the North to undermine Lincoln’s reelection chances, posing a real threat to the integrity of the United States at a time of national upheaval.

Hand in hand with the rise of military espionage in the North was the use of military commissions to try civilians. Starting in Cleveland in 1861, federal law enforcement authorities tried but failed to bring conspirators to trial in federal courts. Instead, authorities opted to employ military tribunals to try civilians for treason and conspiracy. The Indianapolis and Cincinnati treason trials, followed by the Lincoln assassination trials, are the chief examples of military intervention into law enforcement during this period. After the war, the U.S. Supreme Court decided in the case *Ex parte Milligan* that military courts could not try civilians when martial law was not in effect and the civil courts remained open and functioning. In later times of stress, Americans have seen national leaders choose to bring persons to trial in military courts rather than employ civil courts, their reasons having more to do with expediency and the greater likelihood of obtaining convictions than a concern for justice. Again, military power has intruded into civil law enforcement.

Finally, the study of army espionage in the Northwest illustrates that the region was a battleground during the Civil War. Rather than a quiet hinterland united behind Lincoln and the Union war effort, the region was wracked by murderous violence growing out of fundamental political and ideological divisions. And army espionage enabled regional military commanders and political leaders to counteract and defeat the revolutionary movement that threatened to weaken the ability of Lincoln’s government to put down rebellion.

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1 Historian Edwin C. Fishel has written extensively on military intelligence operations in the Army of the Potomac, which fought in Maryland and Virginia. See his *The Secret War for the Union: The Untold Story of Military Intelligence in the Civil War* (Boston: Houghton-Mifflin, 1996); and “The Mythology of Civil War Intelligence,” *Civil War History* 10 (Dec. 1964), 344-67. Historian William Feis follows Union General Ulysses S. Grant’s tactical battlefield intelligence activities from his early experiences in Missouri to Virginia, with special attention to his use of intelligence assets while supervising the Army of the Potomac; see his *Grant’s Secret Service: The Intelligence War from Belmont to Appomattox* (Lincoln: University of Nebraska Press, 2002). For “secret service” potboilers, see William Gilmore Beymer, *Scouts and Spies of the Civil War* (1912; Lincoln: University of Nebraska Press, 2003); Lafayette C. Baker, *History of the United States Secret Service* (Philadelphia: L. C. Baker, 1867); Allan Pinkerton,
The Spy of the Rebellion: Being a True Story of the Spy System of
the United States Army during the Late Rebellion (New
York: G. W. Carlton, 1883). General histories of U.S. 
espionage contain superficial accounts of Civil War intell-
gegence activities. See, for example, Nathan Miller, Spying
for America: The Hidden History of U.S. Intelligence (New
York: Marlow, 1989); Rhodri Jeffreys-Jones, American 
Espionage: From Secret Service to CIA (New York: Free 
Press, 1977); and Jeffreys-Jones, Cloak and Dollar: The
History of American Secret Intelligence (2002; New Haven: 
Yale University Press, 2003); Christopher Andrew, For the
President's Eyes Only: Secret Intelligence and the American 
Presidency from Washington to Bush (New York: Harper 
Collins, 1995). For a history of army internal security and 
surveillance activities that overlooks the development of 
intelligence bureaus in the North during the Civil War, see 
Joan M. Jensen, Army Surveillance in America, 1775-1980

2 Frank L. Klement argued that antiwar Democrats fell vic-
tim to partisan smear campaigns concocted by Republican 
politicians and army officers and that only a tiny minority 
of Democrats conspired against the United States. See his 
The Copperheads in the Middle West (Chicago: University of 
Chicago Press, 1960); Dark Lanterns: Secret Political 
Societies, Conspiracies, and Treason Trials in the Civil War 
(Baton Rouge: Louisiana State University Press, 1984); and
The Limits of Dissent: Clement L. Vallandigham and the
Civil War (Lexington: University Press of Kentucky, 
1970). Other historians anticipated or followed Klement's 
lead. For a negative portrayal of Indiana Republican 
Governor Oliver P. Morton, see Kenneth M. Stampp, 
Indiana Politics during the Civil War (1949; Bloomington: 
Indiana University Press, 1978). For a scathing depiction 
of Illinois Republican Governor Richard Yates, see Jack 
Junior Nortrup, "Richard Yates: Civil War Governor of
Illinois" (Ph.D. diss., University of Illinois Urbana-
Champaign, 1960); Nortrup, "Yates, the Protagonist
Legislature, and the Constitutional Convention," Journal of
the Illinois State Historical Society 62 (Spring 1969), 
5-34; and Nortrup, "Gov. Richard Yates and Pres.
Jennifer L. Weber argues that antiwar Democrats posed a 
serious political threat to the Lincoln administration and 
the successful continuation of the Union war effort; see her 
Copperheads: The Rise and Fall of Lincoln's Opponents 
More recently, Robert M. Sandow rejects Weber's critique, 
claiming it only echoes the wartime Republican "myth"; see 
his Deserter Country: Civil War Opposition in the
Pennsylvania Appalachians (New York: Fordham University 
Press, 2009), 5-6, 7, 181n.17. For an insightful critique of 
the Copperhead historiography, see Thomas E. Rodgers, 
"Copperheads or a Respectable Minority: Current
Approaches to the Study of Civil War-Era Democrats," 
Indiana Magazine of History 109 (June 2013), 114-46.

3 For an analysis of federalist ideologies, see Michael Les

Benedict, "Abraham Lincoln and Federalism," Journal of 
Huntington Democrat, Dec. 27, 1860, quoted in the 
Huntington Indiana Herald, Jan. 9, 1861; J. F. Duckwall 
to Laz Noble, Aug. 10, 1861, in Adjutant General of 
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and Stephen E. Towne, eds., Indiana War: The Civil War in 
Documents (Athens: Ohio University Press, 2009), 
127-28. For a study of the pro-war / antiwar split in the 
Democratic Party during the war years, see Joel H. Silbey, A 
Respectable Minority: The Democratic Party in the Civil War 

4 Thomas A. Burgess to Oziadh M. Hatch, Apr. 27, 1861, 
Oziah M. Hatch Papers, Abraham Lincoln Presidential 
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entry of Apr. 22, 1861, in The Diary of Orellie Hickman 
Browning . . ., Theodore C. Pease and James G. Randall, 
eds., 2 vols. (Springfield: Illinois State Historical Library, 
1925-1933), 1:465; David Davis to Richard Yates, May 
1861, R. J. Wheatley to Richard Yates, July 26, 1861, W. O. 
Hays to Richard Yates, Aug. 15, 1861, J. M. Galbraith 
to Richard Yates, Aug. 4, 1861, Lewis Hambach to 
Richard Yates, Aug. 20, all in Yates Family Papers, ALPL; 
Richard Yates to J. I. McCawley, Aug. 10, 1861, Wabaah 
Yates Collection, ALPL; William C. Kise to Oliver P. 
Morton, Aug. 6, 1861, 10th Indiana Volunteer Infantry 
Correspondence, Adjutant General of Indiana Records, 
ISA; Morton to Thomas A. Scott, Aug. 31, 1861, in 
Governor Oliver P. Morton Telegraph Books (hereafter 
OPMTB), I. 1:82-83, ISA (reprinted in The War of the 
Rebellion: A Compilation of the Official Records of the 
Union and Confederate Armies, 70 vols. [Washington, 
D.C.: Government Printing Office, 1880-1901], ser. 3, 
vol. 1:473-74 [hereafter OR]); Diary of William T. 
Coggleshall, entries of July 28 and 31, 1861, ALPL.

5 David L. Phillips to Caleb B. Smith, May 12, 1861, 
Southern Illinois 1860-1863, Letters Received re Judiciary 
Accounts, Record Group 60 (hereafter RG), General 
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Edward Bates, May 13, 1861, "Southern District of Illinois 
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Archives, College Park, Md. (hereafter NA-CP); David L. 
Phillips to Richard Yates, Sept. 21, 1861, Richard Yates 
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Collections, Morris Library; Carbondale; Richard Bates to 
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Titian J. Coffey to Robert F. Paine, Sept. 19, 1861, Titian 
J. Coffey to Flamen Ball, Sept. 2, 1861, all in RG 60, 
Letters Sent by the Department of Justice; General 
and Miscellaneous, 1818-1904, National Archives, Washington, 
D.C. (hereafter NA); Flamen Ball to Edward Bates, Aug. 30, 
1861, RG 60, "Southern District of Ohio (US Attorney)"; 
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16 Major General Samuel P. Heintzelman to James Oakes, Mar. 14, 1864, and Samuel Heintzelman to Major General Henry W. Halleck, Mar. 15, 1864, both in RG 393, Part I, Northern Department Records, Letters Sent; and A. C. Harding to Samuel Heintzelman, Mar. 1, 1864, RG 153, Records of the Judge Advocate General’s Court Martial Case Files, Military Commission Trial of Humphrey, Milligan, Horsey, and Bowles, all in NA; Lieutenant Colonel J. R. Smith to Major Granville E. Johnson, Mar. 10, 1864, Carrington Family Papers, YUL.


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21 "J. J. Eustis" [Felix G. Stidger] to Henry Carrington, July 1, 1864, RG 153, Judge Advocate General’s Records, Court Martial Case Files, Case of Harrison H. Dodd; Henry Carrington to C. H. Potter, Aug. 9, 16, 1864, RG 393, District of Indiana Records, Letters Sent; and Henry Carrington to C. H. Potter, Aug. 15, 1864, RG 393, Northern Department Records, Telegrams Received, all in NA; Indianapolis Daily Journal, Aug. 23, 1864; Journal entry of Aug. 21, 1864, Heintzelman Papers, LC.

22 Lieutenant Colonel Bennett H. Hill to C. H. Potter, Aug. 9, 1864, RG 393, District of Michigan Records, Press Copies of Letters Sent, NA; Colonel James G. Jones to James B. Fry, Aug. 20, 1864, RG 110, Provost Marshal General Bureau Records for Indiana, Registers of Letters Received, NA-GLR; Journal entry of Aug. 29, 1864, Heintzelman Papers, LC; Henry W. Halleck to Samuel Heintzelman, Aug. 22, 1864, and E. D. Townsend to Alvin P. Hovey, Sept. 14, 1864, both in RG 94, Office of the Adjutant General Records, Generals’ Papers, Papers of Alvin P. Hovey, NA.