

THE NEWSPAPER PROBLEM IN ITS BEARING UPON MILITARY SECRECY DURING THE CIVIL WAR

IN every modern war the control of the agencies and channels of publicity has presented a serious problem. According to the regulations in use in the present European war, correspondents must keep their distance from the scene of action, and the public must be content with such "hand-picked" news touching military movements as the belligerent governments see fit to issue. The journalistic profession may complain of the curtailment of correspondents' privileges, the occasional suppression of papers, the governmental control of communication, the censorship of casualty lists, the restrictive instructions and regulations of official press bureaus, the exclusion of generals' names from war reports, the lack of definiteness in official *communiqués*, and the heavy penalties enforced against offending papers. Yet where these safeguards are absent, there is a serious weakening of military effectiveness. When one contemplates the full result of a loose policy toward newspapers during war, the case for some form of news control becomes a convincing one. The American Civil War presents a significant field for study in this connection, for the double reason that a period of remarkably keen journalistic enterprise coincided with a time of laxity in the matter of press control. Acting under no effective governmental restraint, the newspapers of the North, though in many ways deserving of admiration, undoubtedly did the national cause serious injury by continually revealing military information, undermining confidence in the management of public affairs, and giving undue publicity to the virtues of ambitious generals and the sensational features of the war. The present article is offered with the hope that there may now be an element of timeliness in the consideration of the military consequences of newspaper activity during that period.

In dealing with the novel question of censorship and news control enough was done by the Washington authorities to show that they realized the seriousness of the problem. During the gloomy days of April, 1861, the telegraph lines from Washington were brought within the exclusive control of the government, and an extra-legal censorship of a sort was established. The censor, H. E. Thayer, was instructed by Secretary Seward to prevent the issue

of all telegraphic messages from Washington relating to "the civil or military operations of the government", and it was understood that only a bare statement of the essential facts without extended comment would be allowed in the despatches. No mention of the criticism of General Stone for the Ball's Bluff disaster was permitted; the press was not allowed to say that senators and others of influence had urged Sherman's removal; a report of the dissatisfaction of the people of Minnesota at the withdrawal of their troops from the Mississippi Valley for the defense of the Atlantic river line was withheld from the wires, and the papers were to be silent regarding cabinet objections to Secretary Cameron's official report. There was a free censorship of despatches of a political, personal, or general sort, and correspondents were deterred from sending messages whose publication seemed improbable.

It thus appears that from the outset of the war a censorship existed. Its habitat varied, for at different times it resided with the Treasury, War, and State departments. Though this censorship was so partial and feeble as to be ineffective, yet the inevitable outcry from the newspapers, with the equally inevitable echoes of sympathy in Congress, arose. The newspaper men complained of unreasonable strictness in the censoring of their despatches, of an unequal policy which benefited some papers at the expense of others, and of an occasional looseness which resulted in unfortunate "leaks". It was regarded as an outrage that a communication to the New York *Tribune* professing to give advance information as to the President's annual message to Congress should be "killed", while a despatch to the New York *Herald* with the same data should be allowed to go. Considering the instructions under which the censor was to keep back all news regarding the Trent affair prior to the publication of the official correspondence between Seward and Lyons, it was considered unpardonable that the unpopular Russell of the London *Times* should be permitted to use the wires in transmitting to a friend intelligence that proved useful in stock trading. In harmony with complaints of this sort from the newspaper world, the Judiciary Committee of the House of Representatives, charged with an investigation of the telegraphic censorship, reported that wholesome political discussion and criticism were restrained, that numerous despatches were suppressed, that the censor was unequal to his position, and that the censorship had been carried too far.¹

As early as August 2, 1861, an attempt was made to obviate the necessity of undue official interference by the establishment of a

¹ Report of House Committee on Judiciary, March 20, 1862, *House Report No. 64*, 37 Cong., 2 sess.

sort of "gentlemen's agreement" between the government and the press. General McClellan had a conference with the representatives of the leading journals, and an understanding was reached whereby the papers were to refrain from publishing any information that would give aid or comfort to the enemy, while the government was to afford facilities for the transmission of suitable information. This well-meant experiment, which Russell cynically called a "curiosity",² proved a failure, for it placed too great a strain upon the consciences of correspondents and gave too great an advantage to certain less scrupulous papers which did not subscribe to the agreement.

After considerable experimentation, an administrative policy of news control was ultimately evolved. The censoring function was transferred from the State to the War Department, and it was ordered that, beginning with February 2, 1862, the President, by virtue of congressional authorization, would establish a military supervision of all telegraphic lines in the United States. All telegraphic communications touching military matters not authorized by the Secretary of War, or the commanding general of the district, were forbidden; no further facilities for receiving information by telegraph or transporting their papers by railroad were to be extended to journals violating the order; and for the general supervision of telegraphic business a special officer was appointed with the title of Assistant Secretary of War and General Manager of Military Telegraphs.³ In the sifting of news the American Telegraph Company co-operated with the government, requiring oaths of secrecy and allegiance from employees and allowing no access to the messages or the operating rooms except to those duly authorized by the government telegraph manager. No unofficial messages conveying military information were transmitted by wire, and news-writers were forced to bring in their war stories in person, to employ a messenger, or to use the mails. As a further precaution communications were sent in code, the cipher operator constituting at all times an important medium between officers.⁴

Though these various precautions indicate that the government regarded secrecy as an important consideration, yet they were but half-way measures, and at no time could it be said that the news channels were effectively closed. In the early days of the censor-

² W. H. Russell, *My Diary, North and South*, August 5, 1861; see also July 10.

³ *House Report* (above cited); *Official Records, War of the Rebellion*, second series, II. 40; third series, I. 324, 394.

⁴ J. M. Schofield, *Forty-Six Years in the Army*, p. 169.

ship, the transmission of "contraband" intelligence through the telegraph offices of Baltimore, Philadelphia, and New York was not prevented. Information of a highly confidential character might be suppressed in Washington and then sent over the wires from other points.⁵ When for instance a *Tribune* writer found that the Secretary of War had ordered the censor to suppress all news from Fredericksburg, the forbidden article was sent by messenger on a night train.⁶ Even after the control of the telegraph became general, messages could be freely sent by mail and this became the regular method by which news reporters conveyed their "copy". Excessive caution had to be exercised to prevent official despatches from being intercepted. Through a mysterious "leak" in the staff of General Pope, his telegrams to Halleck were immediately sent to New York and published. In consequence of this situation an order from Halleck to Pope directed that reporters be removed, and that no telegrams be sent over the wires except those sent by Pope himself.⁷ Everywhere throughout the war unauthorized news was continually finding its way into print through numerous unsealed channels.

In striking contrast with the feebleness of the censorship was the activity of the various news-gathering agencies. It is doubtful whether any war has ever been as fully "covered" as the Civil War. The leading New York dailies spent huge sums on their "war departments"—half a million being spent by the *Herald* alone—and an army of "specials" was placed in the field whose stories form a notable record of adventure and activity. We read of correspondents facing the battle-fire while writing from the field, carrying the confidential messages of men high in authority, making desperate rides to bring the first news of important events, entering the service as nurses or signal officers in order to secure the best opportunities for observation, adopting clever ruses to evade the guards or outwit rivals, writing steadily all night as sheet after sheet of "copy" was handed to the printers, and, in short, leading lives of thrilling excitement and of exacting strenuousness. The stories of Richardson and Browne of the *Tribune* running the blockade at Vicksburg, of Osbon, the *Herald* correspondent, hoisting Farragut's signals as the Gulf squadron ran the gauntlet of the Confederate batteries at New Orleans, of Henry Villard bringing to Washington and to the *Tribune* the news of Fredericksburg after a perilous night ride through a "sea of mire", of Stedman, after

⁵ *House Report No. 64*, 37 Cong., 2 sess.

⁶ F. Lauriston Bullard, *Famous War Correspondents* (London, 1914), p. 396.

⁷ *Offic. Rec.*, first series, vol. XII., pt. 3, pp. 608-609.

two days of furious riding, inditing a six-column report for the *World* with his feverish head tied in towels—these stories will bear many a retelling and will always command applause and respect.⁸

Usually the correspondents were accorded the most liberal privileges. Government passes were put into their hands; they had the use of government horses and wagons; they were given transportation with baggage privileges on government steamers and military trains. They enjoyed the confidence of admirals and army commanders, and were seldom at a loss to obtain the information they desired. Staying behind the lines as they usually did, they heard an immense deal of officers' talk, and could pick up not only the camp gossip but also many telling snatches of military information. One of the *Herald* correspondents possessed a pass which entitled him "to accompany naval expeditions in any staff capacity to which the commanders might appoint him provided they did not interfere with the regulations of the Navy".⁹ At Antietam a special writer for the *Tribune* carried several of General Hooker's messages and orders.¹⁰ In their own estimation these newspaper men constituted a privileged class, and indeed the treatment they often received bore out the opinion.

From the standpoint of the government and the generals all this newspaper activity was highly pernicious. Not only was valuable information constantly exposed, but discontent in the army resulted from an airing of petty complaints, the names of generals and lesser officers were paraded to gratify personal ambition, sensational news-writing was unduly stimulated, and the very elements out of which war is engendered—hatred and misunderstanding—were intensified. Good "copy" for a day's reading being the object, truth and accuracy became altogether secondary considerations. The average reporter, under the pressure of a constant demand for news, would just as soon chat with a disgruntled subordinate officer and print his story as to search for reliable information from a safe source. Besides, the safe source would not talk. As the "specials" were in nearly every case civilians without military expertness, they often incorrectly interpreted what they saw, and of course erred grievously when they presumed to foretell coming movements. Partly because everything was written under headlines, and partly because each day's issue must contain something important, the news-writers fell into the inevitable habit of exaggerating their stories and spreading their pictures on huge canvasses. In the case of local papers

⁸ Bullard, *Famous War Correspondents*, ch. XIV., *passim*.

⁹ *Ibid.*, p. 403.

¹⁰ *Ibid.*, p. 399.

with limited constituencies there was the further necessity of playing up the exploits of favorite sons. Their little heroes became big fools, as Sherman observed, when these accounts were copied in the metropolitan dailies. No sooner was a battle fought than every colonel and captain in it became illustrious. For a month after Shiloh the average newspaper reader in Illinois and Missouri would have supposed that McClernand's and Lew Wallace's achievements on that field were far superior to Sherman's, whereas in reality their parts were quite subordinate.¹¹ It was, indeed, the hard-headed and efficient general who was most likely to be written down, while those who achieved dazzling glory were almost always of second-rate quality.¹² Because the laconic Grant would not disclose his plans to visitors, the newspapers denounced him as idle, intemperate, and incompetent, such men as Frémont and McClernand being designated as suitable successors.¹³ So desperate did Grant become at one time because of the use of the press against him by his rivals that he planned to return home, and his purpose was only altered by Sherman's strenuous persuasion.¹⁴ It was not uncommon for disappointed correspondents to vent their spite by misrepresenting generals and falsely reporting conditions in the army. When General Cox in his West Virginia campaign declined to allow correspondents to be taken into the officers' mess and given military rank, they proceeded to write down the general and to describe his army as a rabble of ruffians and plunderers incompetently commanded.¹⁵ In addition to these evil effects, popular impatience for victory was voiced through the press, and unnecessary bloodshed

¹¹ M. A. De Wolfe Howe (ed.), *Home Letters of General Sherman* (New York, 1909), p. 227.

¹² The generosity which General Rosecrans, not without ulterior motives, exhibited toward correspondents is well presented in the *Memoirs of Henry Villard*, war correspondent of the *New York Tribune*. Rosecrans received Villard with profuse cordiality on slight acquaintance, invited him to his mess, and offered to furnish sleeping quarters, horses, and servants. In his conversations with Villard the general freely criticized his superiors (suggesting, for instance, that Halleck and Stanton should be got out of the way) and gave intimations as to his plans. He even allowed the newspaper representative to read his reports in advance of their transmission to Washington, and to copy them for publication. Villard declined the proffered privileges, and refused to be Rosecrans's mouthpiece, but W. B. Bickham of the *Cincinnati Commercial* showed no such scruples and served as the general's publicity agent. Thomas, the successor of Rosecrans, was much more cautious and reserved in his dealings with correspondents. *Memoirs of Henry Villard*, II. 212 ff.

¹³ *Personal Memoirs of U. S. Grant*, I. 458.

¹⁴ *Home Letters of General Sherman*, pp. 227-228.

¹⁵ R. U. Johnson and C. C. Buel, *Battles and Leaders of the Civil War*, I. 141-142.

resulted from ill-advised engagements fought in deference to public clamor.

Sherman was, not without reason, the most emphatic in his strictures against newspapers. Early in his career, Northern journals kept harping on his "insanity", and so desperate were the general's feelings because of this abuse that he, like Grant, contemplated resignation. A Cincinnati editor, when asked why he repeated the slanders against Sherman, declared that it was a news item of the day and that he had to keep up with the times.¹⁶

Sherman had only disdain for the "cheap flattery of the press", which aspirants for public applause could secure by favors shown, at public cost, to correspondents. In his various campaigns the general did what he could to eliminate that class of men "who will not fight, but who follow our army to pick up news for sale, and who are more used to bolster up idle and worthless officers than to notice the hard-working and meritorious whose modesty is equal to their courage". This puffing of some officers and pulling down of others plays into the hands of the enemy, he said, by sowing dissension, and "encourages discontent among the officers who find themselves abused by men seemingly under the influence of officers high in command".¹⁷

In an indignant letter to his brother, Sherman declared:

To every army and almost every general a newspaper reporter goes along, filling up our transports, swelling our trains, reporting our progress, guessing at places, picking up dropped expressions, inciting jealousy and discontent, and doing infinite mischief. . . . The press has now killed McClellan, Buell, Fitz-John Porter, Sumner, Franklin, and Burnside. Add my name and I am not ashamed of the association.

Again he exclaimed:

Who gave notice of McDowell's movement on Manassas, and enabled Johnston so to reinforce Beauregard that our army was defeated? The press. Who gave notice of the movement on Vicksburg? The press. Who has prevented all our secret combinations and movements against our enemy? The press. . . . What has paralyzed the Army of the Potomac? Mutual jealousies kept alive by the press. What has enabled the enemy to combine so as to hold Tennessee after we have twice crossed it with victorious armies? . . . The press. I cannot pick up a paper but tells of our situation here, in the mud, sickness, and digging a canal in which we have little faith. But our officers attempt secretly to cut two other channels . . . whereby we could turn . . . all the strategic points on the main river, and the busy agents of the press

¹⁶ *Memoirs of General W. T. Sherman*, I. 243-246.

¹⁷ *The Sherman Letters* (New York, 1894), pp. 187 ff. (This volume contains the correspondence between General W. T. Sherman and his brother, John Sherman.)

follow up and proclaim to the world the whole thing, and instead of surprising our enemy we find him felling trees and blocking passages that would without this have been in our possession, and all the real effects of surprise are lost. . . . The only two really successful military strokes out here have succeeded because of the absence of newspapers or by throwing them off the trail. Halleck had to make a simulated attack on Columbus to prevent the press giving notice of his intended move against Forts Henry and Donelson.¹⁸

It is no wonder that the general gave the position of emphasis on the concluding page of his *Memoirs* to a denunciation of newspaper correspondents. They are the "world's gossips", he said, gradually drifting to the headquarters of some general, who finds it easier to make reputation at home than with his own corps or division. They are also tempted to prophesy events and state facts which, to an enemy, reveal a purpose in time to guard against it. Moreover, they are always bound to see facts colored by the partisan or political character of their own patrons, and thus bring army officers into the political controversies of the day.¹⁹

By far the most serious count in the indictment against newspapers was their constant revelation of military information. It would seem that the copy for the papers underwent no sifting to eliminate contraband news, for we find casualty lists with full data as to the location of military units, statements of expected reinforcements, revelations of the amount of force commanded by various generals, speculations as to plans, reports of the location and strength of batteries, and many other similar items. An account of Grant's movements, selected at random from the *New York Daily News*, gives the course of march of a division of cavalry, refers to reinforcements from Meade, and proclaims the assembling of Generals Grant, Meade, and Butler at General Burnside's headquarters.²⁰ This is but typical of the sort of detailed information which the papers constantly supplied. At the time Lee did not know that Burnside was still with Grant.²¹

In another copy of the same paper one could read that heavy trains were continually running to and from City Point, transporting supplies and forage for men and animals, and that preparations for a permanent occupation of City Point were being pushed.²² The *New York Times* of November 10, 1864, published a statement of Sherman's exact strength and of his intended programme. Grant

¹⁸ *The Sherman Letters*, February 18, 1863.

¹⁹ *Memoirs of General Sherman*, II. 408.

²⁰ *New York Daily News*, July 2, 1864. (The report was dated near Petersburg, June 28.)

²¹ *Lee's Confidential Dispatches* (New York, 1915), p. 272.

²² *New York Daily News*, July 11, 1864.

complained to Stanton of the publication of this "contraband news", and in an answering telegram Stanton admitted that the department could not prevent such disclosures.²³ After certain Memphis papers had published the location of guns which Grant had secretly placed for his operations against Vicksburg, a Confederate major, while conferring with Sherman over the exchange of prisoners, facetiously requested that the Federals should not "open those batteries to-morrow night", explaining that it was his intention to give a party and he did not wish to be disturbed. Grant was furious at this disclosure, but it was the sort of thing that one should have expected, considering the laxness of control over such matters.²⁴

While Sherman was operating in Georgia, the *Indianapolis Journal* published a statement that Sherman had returned to Atlanta on a given date with five corps of his army, leaving two corps in Tennessee to watch Hood, that he had destroyed certain sections of railroad, and was marching for Charleston. Sherman sent a hot telegram asking the authorities to catch "that fool" and have him sent to work on the forts, advising further that misleading accounts be published to produce mystification as to his programme.²⁵

So bitter was Sherman's feeling against newspapers that he is said to have refused an introduction to Greeley, explaining that Greeley's paper had caused him a heavy loss of men in his Carolina campaign of 1865. By clever feints he had concealed his plans until the Confederate general Hardee got hold of a copy of the *New York Tribune* which contained a most obliging editorial. At last the editor "had the satisfaction to inform his readers [General Hardee was one of the readers] that General Sherman would next be heard from about Goldsboro because his supply vessels from Savannah were known to be rendezvousing at Morehead City". This disclosure cost the Union commander a fight which he had hoped to avoid.²⁶

There is ample evidence of the close scrutiny of the Northern papers by Confederate generals. This was particularly true of General Lee, who constantly perused the columns of these journals with the eye of a military expert on the lookout for information as to developments within the lines of the Army of the Potomac. On one occasion he noted a statement of the *Philadelphia Inquirer* regarding McClellan's movements which convinced him that a with-

²³ *Offic. Rec.*, first series, vol. XXXIX., pt. 3, pp. 740, 749.

²⁴ *Home Letters of General Sherman*, p. 247 (April 10, 1863).

²⁵ C. A. Dana, *Recollections of the Civil War*, pp. 216-217.

²⁶ *Memoirs of General Sherman*, II. 292; editorial, *Army and Navy Journal*, March 10, 1917, p. 885.

drawal of troops from Richmond was a safe measure. On another occasion he read in the same sheet that the Army of the Potomac was being reinforced by a heavy contingent under Pope. Again he found in a Philadelphia paper an admission of Sherman's failure at Kenesaw Mountain with the extent of his loss and a statement of Federal losses in other engagements. From the *Wheeling Intelligencer* of January 23, 1865, he learned that ten or fifteen thousand of Thomas's troops were in Bellaire awaiting transportation on the Baltimore and Ohio railroad, from which he concluded that Grant was bringing his troops east with the intention of moving upon Richmond at the first favorable opportunity. As indicated by his confidential despatches, it was Lee's custom after reading these papers to pass them on to President Davis, with comments on those items that possessed special interest. At the same time that Lee was reaping the benefit of these disclosures, the leaders of the Northern army were generally quite mystified about his own forces in Virginia. He also appears to have seen through certain misleading statements which were published in Northern papers with the intention of throwing the enemy off the trail.²⁷

For a glimpse into the typical methods of journalists in handling military information, one may turn to the accounts bearing on the combined land and sea expedition which left Hampton Roads for Wilmington, N. C., in December, 1864. In the first place the importance of Wilmington as a Confederate base was made thoroughly public by references in Southern and English papers to the extensive commerce of the place, and the large amounts of government property deposited there.²⁸ These accounts were republished in Northern journals and may well have been of influence in attracting attention to the port as a profitable point of attack. At the time the expedition started the *New York Times* (of the morning of December 16, 1864) came out with a prominently headed article on the first page. These were the headlines: "Highly important—A new and formidable expedition—Its departure from Fortress Monroe on Tuesday—Where is it going?" Then followed a detailed account from their special correspondent, dated off Cape Henry, December 13. The next day the *Tribune* editor wrote a teasing editorial, declaring that the secret was as formidable as the expedition and speculating as to whether this pro-administration newspaper would be closed for publishing such highly contraband news. On the 19th the *Times* published a statement that the fleet had been

²⁷ *Lee's Confidential Despatches*, pp. 51, 223, 265, 331.

²⁸ J. B. Jones, *A Rebel War Clerk's Diary*, July 26, 1864, and January 3, 1865.

sighted off New Inlet, N. C., and gave a full list of the vessels. The *Times* articles had given no disclosure of the fleet's destination, the editor facetiously remarking that it was "starting for some point on the rebel coast between Norfolk and Galveston", but the New York *Daily News* of the 20th gave further details, reporting that the expedition had reached Cape Hatteras on Saturday, that Admiral Porter and General Butler were the commanders, and that an attack on Wilmington was the purpose. On the 22nd the Confederate Secretary of War telegraphed in cipher to Lee declaring that Wilmington was threatened, and might be attacked at any time, and asking Lee to meet the necessity.²⁹ The exasperation of the Federal Secretary of the Navy, Welles, is shown by an indignant outburst in his *Diary* in which he declared that the papers were disclosing confidential circumstances pertaining to the expedition which should by no means be made public. The matter was regarded as of sufficient seriousness to merit consideration in cabinet meeting, and the President was in favor of making an example of the offending correspondent, but no arrest seems to have been made, owing to friction between the official heads of the War and Navy departments.³⁰ By the time the first attack on Wilmington took place, December 24, 1864, the enemy had been amply warned, so that in this unsuccessful engagement and also in the bombardment of January 13 and 14 which resulted in the capture of Fort Fisher, the Union forces were denied the advantage of surprise.

When we turn to a consideration of the Southern press we find something of the same laxness, but there were less serious disclosures of information, partly because of greater discretion, perhaps, on the part of Southern papers, and also because control was stricter and the sum total of newspaper activity far less. As the Confederate papers came frequently within the Union lines, besides being copied in Northern news columns, the information they contained was at all times available to Union generals. Under these circumstances it was recognized that silence was the only feasible policy. Accordingly the publication of newspaper statements as to movements of troops was prohibited, correspondents were ordinarily excluded from the lines, reports of military operations were submitted to the appropriate commanding officer before publication, and severe penalties were enforced against editors who disclosed army secrets or published statements likely to impair confidence in the officers. Warnings and confidential instructions were from time

²⁹ *Lee's Confidential Dispatches*, p. 310.

³⁰ *Diary of Gideon Welles*, II. 205-207.

to time issued to the papers, and the practice of silence and caution was carefully fostered.

In the attainment of military secrecy and editorial restraint the results at the South, while not ideal, were at least generally satisfactory. When the Confederate General Early was operating in Virginia in 1864 with a force so limited that secrecy was absolutely essential to success, warnings were sent to the papers "not to allude even by implication" to the movements of troops. The correspondent of the Richmond *Inquirer* had information of Early's movements, but, with a degree of self-control that was rare in his profession, wrote his paper not to make the information public.³¹ Even news of victory was sometimes withheld from an eager people lest the enemy should derive the first intelligence of their disaster from Confederate papers.³² Sherman at various times testified to Confederate success in guarding military information, and declared at one time that while everything his own army attempted to do was paraded, yet he looked in vain for scraps in Southern papers from which to guess at the disposition of the enemy's forces. At another time he referred to the South moving "their forces from Virginia to Mississippi and back without a breath spoken or written".³³ The problem of keeping the enemy mystified seems to have been carefully studied, and at times spurious information was furnished. For instance, in 1862, when Jackson was on his way to Richmond to support Lee, Confederate editors published accounts of reinforcements sent to Jackson in the Shenandoah valley.³⁴

³¹ *Lee's Confidential Dispatches*, July 15, 1864, pp. 240-241.

³² Jones, *Rebel War Clerk's Diary*, October 11, 1864.

³³ *Home Letters of General Sherman*, pp. 238, 240.

³⁴ This information was published at the request of Lee, who knew of McClellan's habit of reading the Richmond journals. Reinforcements had actually been sent earlier, but at the time the newspapers had maintained silence. While Lincoln and McClellan were exchanging telegrams concerning the reinforcement of Jackson, the latter was already half-way to Richmond. The importance of secrecy in Jackson's movement lay in the fact that the Confederates were greatly outnumbered, and the true Union policy was to concentrate against Richmond. It was Jackson's diversion in the valley and the panicky dread of an attack upon Washington that caused the Federal authorities to retain McDowell's army corps which had been promised to McClellan, to divert part of McDowell's troops into the valley, and to withhold the forces under Frémont, Banks, Milroy, and Shields, which ought to have co-operated in the Richmond campaign. A disclosure of Jackson's movements, by newspaper indiscretion or otherwise, would have completely upset Confederate strategy. McClellan, at the time, conceived himself to be confronted by an army far superior to his own, and this belief, as well as his clamoring for reinforcements, was published in Northern papers which reached Richmond. This known timidity on the part of their adversary emboldened the Southern generals. *Richmond Dispatch*, June 18, 1862; Rich-

Besides guarding secrets, the Southern press did much to develop and preserve a high morale among the people and the soldiers. In reporting the many indecisive engagements near Richmond, the editors of the South would always claim victory while the Northern papers were exaggerating Union disasters or complaining that the successes achieved by Federal arms were not more conclusive. To use a familiar athletic term, the men in the field were well supported "on the side lines". With admirable cleverness the best interpretation was put upon Southern reverses. When the earlier promises of moving on to Washington and New York failed to materialize, the papers began to preach the theory that the whole purpose was the defense of the Southern capital. Thus Gettysburg and Antietam were heralded as defensive victories. Always the superior fighting power of Confederates over Unionists was assumed in the newspaper comments, and that fighting spirit which goes with an air of invincibility was engendered.³⁵

In spite, however, of all this caution there were occasional breaches of discretion on the part of Southern papers. The "rebel war clerk" Jones declared that the enemy "seemed to have speedy and accurate information from Richmond not only of all movements of our army, but of the intentions of the government. . . . They know every disposition of our forces from day to day sooner than our own people!"³⁶ The publication of his army's movements at times frustrated Lee's plans, as for instance when the papers heralded the sending of Longstreet to the Western army, which was intended to be a secret.³⁷ Beauregard, who suffered at various times from reporters, complained in 1861 that the real extent of his numerical strength as well as his intended operations were revealed by newspapers and requested the Secretary of War to exclude reporters from the vicinity of his army.³⁸

In the last desperate months of Southern resistance, some interesting disclosures came from a quite unexpected source. President Jefferson Davis, after the fall of Atlanta, visited Georgia to stem the tide of opposition led by Governor Brown. In speaking at Macon he explained that reinforcements were not sent to Georgia from

mond *Enquirer*, June 19, 1862; Rhodes, *History of the United States*, IV. 36; G. F. R. Henderson, *Stonewall Jackson and the American Civil War*, II. 4, and I. xiv, 314, 413, 415; T. N. Page, *Robert E. Lee*, pp. 136 ff., esp. p. 157.

³⁵ Grant on Wilderness Campaign, *Battles and Leaders of the Civil War*, IV. 149.

³⁶ Jones, *A Rebel War Clerk's Diary*, March 1, 1865.

³⁷ R. E. Lee, jr., *Recollections and Letters of General Lee* (New York, 1905), p. 416.

³⁸ *Offic. Rec.*, first series, vol. LI., pt. 2, p. 152.

Virginia because the troops were sorely needed to oppose Grant. He referred to the alarming proportion of men who were "absent without leave", and called upon the deserters to return. To freshen the hopes of his people he announced the plan of harassing Sherman's communications by cavalry raids and declared that soon the enemy would be driven beyond Chattanooga.³⁹ The various speeches made on this visit were published in Southern and copied in Northern papers, so that Sherman could anticipate the promised attacks and take the proper precautionary measures. Here and there we find other news disclosures at the South, and occasionally in the issuing of a sharp order reference would be made to the unfortunate publication of valuable information, but it appears that, on the whole, the South surpassed the North in the discretion of its editors and the effectiveness of its methods of dealing with the press.

In our consideration so far, we have been taking into view those journalistic faults which are consistent with loyalty and patriotism. In the North, however, during the Civil War, there were many powerful papers whose malignant attitude toward the administration amounted to disloyalty and active sympathy with the enemy. The utterances of such papers as the *New York World* and *Daily News*, the *Baltimore Exchange*, the *South*, the *Maryland Daily News*, the *Columbus (Ohio) Crisis*, and the *Chicago Times* were so vicious that suppression or the arrest of their editors seemed but mild forms of punishment. The publicity which these papers gave to military information was as pernicious as in the case of the "loyal" or "administration" press, and there was the added vice of deliberate purpose to undermine the government's plans. In such sheets the whole conflict was denounced as a "Black Republican" war, governmental measures were characterized as tyrannous attempts to overthrow civil liberty in the North, the President was referred to as an imbecile or despot, and the secessionists were applauded. While continually denouncing the attacks on the "freedom of the press", their unrestrained abuse was itself the best evidence that such freedom had been allowed to proceed to the point of shameless license.

One of the favorite tricks of the *New York Daily News* was to undermine confidence in the official statements touching military

³⁹ *The Proper Relationship between the Army and the Press in War* (Army War College pamphlet, Washington, November, 1915), p. 5. Davis's Macon speech appeared in the *Macon Telegraph and Confederate*, September 24, 1864, and was copied in the *Philadelphia Inquirer* of October 8. See also C. A. Dana and J. H. Wilson, *Life of U. S. Grant* (1868), p. 314.

matters which emanated from Washington. Secretary Stanton's reports regarding the operations around Richmond in 1864 were discounted and represented as deliberate falsifications.

It is enough to make me shudder [wrote their Washington correspondent], to read the flaming bulletins of victory that Mr. Stanton has recently telegraphed from here. Is the public to be regarded as thoughtless children . . . that they can be made to believe in victories like these? . . . Is it so long since the great and bloody victories of Grant over Lee, all the way from the Rapidan to Richmond, in each of which the rebel army was annihilated? When the public remembers the glowing accounts of these victories, and how much was promised on account of them; and when they see now that they were of no account at all as affecting the general result of the war, they may be pardoned for incredulity about . . . present victories. [And again] The country is favored with a repetition of the stale report that the rebel army is broken up, and its efficiency destroyed, but the people are not gullible enough to be deceived by it.⁴⁰

Such utterances lead us to conclude that among newspaper "disclosures" at the North we should include the disclosure of editorial disappointment at Union success.

In considering the remedies for newspaper abuses which were available during the Civil War, it should be noted in the first place that correspondents accompanying an army were within the range of military law, and were liable to discipline by court martial.⁴¹ The general principle that camp followers or army retainers were subject to military jurisdiction would perhaps have sufficed to cover the case of news-writers, and in addition there was a clear provision in the fifty-seventh Article of War⁴² against "holding correspondence with, or giving intelligence to, the enemy, either directly or indirectly". Offenders under this article were to suffer death "or such other punishment as shall be ordered by the sentence of a court martial". As an amplification of this article a general order of the War Department was issued, declaring that all correspondence, verbal or in writing, printing or telegraphing, concerning military operations or movements on land or water, or regarding troops, camps, arsenals, intrenchments or military affairs within the several military districts, by which intelligence might be given to the enemy, without the sanction of the general in command, was prohibited, and that violators should be proceeded against under the fifty-seventh

⁴⁰ *New York Daily News*, December 20, 1864.

⁴¹ *Offic. Rec.*, first series, vol. XLII., pt. 3, p. 706; *Digest of the Opinions of the Judge Advocates General*, p. 1082; E. S. Dudley, *Military Law and the Procedure of Courts Martial* (second ed., New York, 1908), p. 375.

⁴² An Act for Establishing Rules and Articles for the Government of the Armies of the United States, approved April 10, 1806. *Statutes at Large*, II. 359.

Article of War.⁴³ It was understood that war correspondents as a class were so far under the authority of the commanding general of the army which they accompanied that he might issue rules and regulations to govern their conduct. As in all wars, intercourse with the enemy was interdicted, except under flags of truce or on the basis of special executive permits. A system of correspondence maintained between Northern and Southern papers by means of publications entitled "Personals" was held to be illegal as an evasion of this rule.⁴⁴ Editors might be subjected to summary arrest for disloyalty or under the elastic charge of "resisting the draft", and other methods were available such as excluding correspondents from the lines, withholding facilities for news-gathering, denying the privilege of the mails, prohibiting the circulation of papers, seizing an edition, and, in extreme cases, suppressing the paper.

In a number of instances newspaper correspondents were disciplined by the military authorities.⁴⁵ This discipline usually amounted to exclusion from the lines of a military command. General Canby, in 1864, found it necessary to order the dismissal of two reporters, representing the New York *Herald* and *Tribune*,⁴⁶ because they had disclosed military secrets, and had engaged in a controversy calculated to disturb the harmony of his troops. Grant arrested and dismissed the *Tribune* correspondent whose "false and slanderous" copy had misrepresented Hancock's movements near Petersburg in June, 1864. After the battle of the Wilderness a Cincinnati paper published the untrue statement that Meade had counselled retreat. Under Meade's order the offending correspondent was appropriately placarded and paraded through the lines, and afterward expelled from the army.⁴⁷ Sherman in 1861, finding his operations in Kentucky greatly embarrassed by the publication of his movements in the press, banished every newspaper correspondent from the lines, and promised summary punishment to all who should in the future give information concerning his position, strength, or movements.⁴⁸

Another instance of the more or less constant friction between Sherman and the correspondents occurred early in 1863 during the operations near Vicksburg. A *Herald* writer, T. W. Knox, having

⁴³ *Offic. Rec.*, first series, vol. XLI., pt. 2, p. 778.

⁴⁴ *Digest of Opinions of Judge Advocates General*, p. 1056.

⁴⁵ Winthrop, *Military Law and Procedure* (second ed.), I. 133, note 4.

⁴⁶ *Offic. Rec.*, first series, vol. XLI., pt. 2, p. 778.

⁴⁷ Dana, *Recollections of the Civil War*, p. 215.

⁴⁸ S. M. Bowman, *Sherman and his Campaigns* (New York, 1865), pp. 447-448.

entered the lines in violation of Sherman's order, wrote back offensive criticisms of the general to his paper. Sherman, anxious "to establish the principle that citizens shall not, against the orders of the competent military superior, attend a military expedition, report its proceedings, and comment on its officers", took up the case vigorously. He caused Knox's communication to be read to him paragraph by paragraph, showed him the instructions and orders covering the point, and then had him excluded from the Union lines on order of Grant, commander of the department. An appeal was made to the President, but Lincoln declined to act over the head of General Grant and Knox was not readmitted into the lines.⁴⁹ In these instances one glimpses the constant friction between the army and the press, but so utterly lax was the treatment of war correspondents that these few cases of discipline had, after all, but slight effect upon the whole problem of news control.

Action against newspapers in the civil courts yielded no results. In the first place, the whole genius of American law is opposed to the prosecution of journalists for such utterances in their papers as constitute offenses against the government. Editors and proprietors of papers were, indeed, legally responsible for what their sheets contained, but this responsibility could only be made effective by the vote of a jury in an action for libel. It would appear that personal abuse, as for instance the public slandering of a general, would come under the law of libel, but even so the public interest involved obtains no recognition. Moreover, a libel suit is, in practice, usually found to be an inadequate remedy, and American law may be considered both defective and uncertain in the enforcement of responsibility of newspapers. Such laws as we now have requiring the registration of the owners, managers, and editors of publications were not in existence during the Civil War, and it was an easy matter to conceal the actual ownership and responsible management of a newspaper.⁵⁰ When abuse of the government was in question, there seemed to be no adequate way of securing action by judicial process against offending journals. There was, it is true, a law which severely punished anyone who resisted the draft or counselled resistance,⁵¹ and the Treason Act of July 17, 1862

⁴⁹ *Ibid.*, pp. 447-452; *The Sherman Letters*, pp. 187-188.

⁵⁰ The facts in the libel suit of *Opdyke v. Marble* revealed a studied effort to conceal the real ownership of the *New York World*. *New York Daily News*, October 6, 1864.

⁵¹ For resisting the draft, John Mullaly, editor and proprietor of the *Metropolitan Record*, New York, was prosecuted under the act of February 29, 1864, but was discharged on the ground that the draft had not gone into actual operation. In announcing his opinion, U. S. Commissioner Osborn upheld the right of citizens to criticize governmental measures. *New York World*, August 29, 1864.

(*i. e.*, the second confiscation act), was sufficiently comprehensive to include those who gave aid and comfort to the enemy through the expression of disloyal sentiments. The occasional grand jury indictments against editors, however, brought no results, as none of the cases reached the point of a judicial conviction. In view of this fact, it is hard to agree that the ordinary resources of the law were adequate to deal with journalistic treason.

There is no "seditious libel" law here as in England for punishing extreme abuse of the government, and there is no normal way for the federal government to take the initiative in a prosecution. So effective has been the provision of the first constitutional amendment against laws to abridge the freedom of the press that Congress has only once ventured to restrict editorial independence, and the sedition law of 1798 raised such a storm of denunciation that it was not generally enforced. Had it not expired in 1801 it would certainly have been repealed. In 1832 the law was denounced as unconstitutional by the House Judiciary Committee, and Congress in 1840 indicated its disapproval of the act by refunding a fine that had been imposed upon the Vermont editor Matthew Lyon.⁵²

Considering these limitations upon judicial and legislative action, it became necessary for the Executive to resort to extraordinary constitutional grounds and to the plea of military necessity whenever newspaper abuse reached such a pass as to call for really vigorous action. Though the arrest of editors and the suppression of papers would have been appropriate under a régime of martial law, or in a district under military occupation, yet such action under the actual circumstances was hard to justify, except on the principle that the supremacy of the government was an imperative necessity. The protection under the Indemnity Act of officers who acted under the President's orders amounted to a recognition of the unusual character of these proceedings.

The difficulty of enforcing such measures was well illustrated in the case of the suppression of the New York *World* in May, 1864. The *World* had published on May 18, in company with other papers, a bogus proclamation of the President which implied an admission of Union disaster in recent military operations, set a day for fasting, and called for a draft of 400,000 men. General Dix, under orders from Washington, seized the offices of the *World* and *Journal of Commerce*, and their publication was suspended for three days. The editors protested against this measure

⁵² Report of Judiciary Com., House of Representatives, January 20, 1832, *House Report No. 218*, 22 Cong., 1 sess. Act approved July 4, 1840, *Statutes at Large*, VI. 802.

of military repression in a district not under martial law, and a chorus of indignant denunciation of the act arose in the editorial columns of other newspapers in New York and elsewhere. Proceedings in the city court were instituted against General Dix, and Governor Seymour intervened to have these proceedings pushed. Here was an interesting conflict between state and federal authority, an attempt by a state to hold a high officer of the nation to judicial accountability for what was regarded as a usurpation and an infringement upon private rights. The order of the President, however, was pleaded by the defendant and the case never resulted in a conviction. So strong was the opposition to the suppression that the precedent could hardly be regarded as a fortunate one to follow. When, on resuming publication, the *World* issued a "triple sheet" giving a long detailed account of the affair, which proved to be an excellent "story", the lively demand for copies indicated that the paper had suffered no loss of prestige, and the net result of the incident was to discourage similar attacks upon the press in the future.⁵³

The Chicago *Times* was "suppressed" in 1863 by an unprompted order of General Burnside, the publication of one issue being prevented, but this order was regretted by every member of the Cabinet, according to Gideon Welles, and was immediately revoked by President Lincoln. Senator Trumbull spoke earnestly against this measure, and the Illinois House of Representatives denounced the action as a case of military despotism and an invasion of the sovereignty of the state.⁵⁴

One of the prominent arrests was that of F. Key Howard, editor and proprietor of the Baltimore *Exchange*, which was open in its expression of sympathy for the cause of secession. With other Baltimore editors Howard was seized and placed in confinement with the "prisoners of state" in Fort Lafayette. He assumed the rôle of a martyr to the cause of constitutional liberty and sent a vigorous letter to the Secretary of War demanding instant and unconditional release. Pardon would not satisfy him; he refused to appear before an "irresponsible tribunal", and would not accept a discharge upon the condition of foregoing or concealing his opinions.⁵⁵ After some months of confinement he was released by order of the War Department.

On the morrow of Howard's arrest the *Exchange* declared in an indignant editorial that the unrestricted right of the press to dis-

⁵³ Welles, *Diary*, II. 67; New York *World*, May-July, 1864, *passim*.

⁵⁴ Welles, *Diary*, I. 321; Horace White, *Life of Lyman Trumbull*, p. 208; *Offic. Rec.*, second series, V. 724.

⁵⁵ *Offic. Rec.*, second series, II. 781, 783.

cuss and condemn the war policy of the government is identical with the freedom of the people to do the same thing, and continued to express its disapproval of the war. The attack upon the paper caused it to gain rather than lose in the popular estimation.⁵⁶

A study of the various instances of governmental repression in the case of newspapers will reveal not so much that the penalties were excessive in view of the offense committed as that the means were ill adapted to the end desired. Popular pressure, rather than governmental repression was, after all, the most effective method by which the journals could be kept within bounds. The press of the country is in any case but the reflection of sentiment, and where the sentiment was hostile to the administration any interference with its written expression could have no other effect than to intensify resentment and bring popular sympathy to bear upon persecuted editors. It is the old story of the absolute inability of government to force or supplant sentiment.

There were many in the North, however, who waxed indignant at the thought that while their sons were fighting for the cause of the Union, editors should be unmolested in furnishing to the enemy by their pens a form of aid and comfort which was more effective than guns and ammunition. This popular resentment found expression in numerous attacks upon such papers as were tainted with disloyalty. Editors were worried, threatened, banished, or subjected to personal outrage; newspaper offices were frequently attacked by mobs so that guards were needed to protect property; in some instances papers were destroyed, and other forms of opposition were resorted to.⁵⁷ Officers of the government received numerous petitions directed against disaffected journalists, and such expressions of loyal indignation more than outnumbered remonstrances against interference with journalistic freedom. It may be said that the government did far less than the enthusiastic Union men of the time would have wished in the way of controlling the press. Zealously loyal men had to be disappointed while policy was so trimmed as to avoid offending conservative sentiment.

Viewing the whole period of the war, and taking account of all parts of the country, it appears that the actual governmental inter-

⁵⁶ *Baltimore Exchange*, editorial, September 13, 1861. Other Baltimore papers were summarily dealt with. The *South* was suppressed on February 17, 1862, and the *Maryland News Sheet* on August 14. The *Gazette* (the *News Sheet* under a new name) was suspended from September 28 to October 7, 1863, and the *Daily Baltimore Republican* was suppressed on September 11, 1863. *Check List of American Newspapers*, Library of Congress, pp. 81 ff.

⁵⁷ An interesting summary of incidents showing popular violence against newspapers and editors is to be found in the *Annual Cyclopaedia*, 1864, p. 393.

ference with the freedom of the press was comparatively slight, and that voluntary restraint or popular pressure had far greater effect in keeping improper material out of newspapers than official repression. Just as the deep-laid schemes of the conspiracy known as the "Order of American Knights", with its elaborate plans for a Northern uprising in support of the Confederacy, failed without governmental prosecution, so the administration survived the attacks and errors of hostile or indiscreet journalists. There was during the war no real suppression of opinion.

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