

NORTH CAROLINA AND THE ADMINISTRATION OF BREVET MAJOR GENERAL SICKLES

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During the months immediately following the end of the war, North Carolina made steady progress under presidential reconstruction toward the restoration of normal relations with the Union.¹ The President's program was generally popular with the people of the state, who desired the quick completion of reconstruction. Johnson's appointment of William Woods Holden as provisional Governor in May, 1865, however, was not popular, and injected a divisive element into North Carolina politics. Holden, a former Democrat and secessionist who had become converted to unionism during the war, had led a long and active political career which had earned him many enemies, especially among pre-war Whigs. In the gubernatorial election of October, 1865, the anti-Holden elements pitted Jonathan Worth, a former Whig and a unionist, against the provisional incumbent. Defeated in the election and without a political future under existing circumstances, Holden in April, 1866, began to advocate congressional control of reconstruction. In January, 1867, he adopted the principle of universal Negro suffrage. Holden's faction, which in March, 1867, became the Republican party of North Carolina, claimed that the state was in the hands of unreconstructed rebels who sought to persecute Negroes and true loyalists. The Worth forces bitterly attacked Holden's advocacy of congressional reconstruction and heatedly denied that the state administration intended harm to any group. Maintaining that most consistent unionists supported the Worth government, anti-Holdenites, of whatever former party or beliefs, condemned radicalism and began to refer to themselves as conservative men who desired only reconstruction and

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¹ For an account of events in North Carolina during presidential reconstruction, see J. G. de Roulhac Hamilton, *Reconstruction in North Carolina* (New York: Longmans, Green and Company [Number 114 of Columbia University Studies in History, Economics and Public Law, 605 studies, 1897-1962] 1914), 106-206, hereinafter cited as Hamilton, *Reconstruction*.

recovery. With the inauguration of congressional reconstruction neither desire was to be quickly realized.

The bill entitled "An Act to Provide for the More Efficient Government of the Rebel States," which became law on March 2, 1867, overrode the executive veto, terminated presidential reconstruction and initiated the congressional program. The act of March 2, which was supplemented by three later acts, fundamentally altered the status of the southern states by providing that the unreconstructed states be grouped into five military districts; that the President assign a general officer of the United States Army as commander of each district; that the commanders maintain the peace and protect the personal and property rights of individuals within the districts, using United States troops and military tribunals if necessary; that the existing state governments be provisional in nature and subject to modification or abolishment by the authority of the United States; and that a prescribed program be followed by each state in order to qualify its congressmen for readmission to Congress. The initial steps of the required program were as follows: that a state constitution consistent with the Constitution of the United States be formed by the people of each state acting through a convention elected by the male citizens of the state, twenty-one years or older, of whatever race, color, or previous condition, who had been resident in the state for at least a year, except those persons disfranchised for rebellion or for felony; and that the resulting state constitution extend the suffrage on the same basis as prescribed for the election of delegates to the constitutional convention.²

North Carolina conservatives received the reconstruction act with a mixture of despair and resignation. Faced with the twin disasters of Negro suffrage and military rule, the public realized that active resistance to the will of Congress was impossible. The people believed that the act was manifestly unconstitutional, but they held little hope in the Supreme Court of the United States. The only possible course was acceptance of the South's fate. If conservatives agreed that submission was a necessity, they were divided over whether positive co-operation with congressional reconstruction was wise or consistent with honor. One element argued that co-operation was judicious and prudent, for conservatives could thereby control the constitutional convention and prevent an ultra-radical constitution. Another faction, however, insisted that co-operation with Congress would be an endorsement of the South's humiliation and, therefore, dishonorable

² The further provisions of the act of March 2, 1867, are not herein given for they have no direct bearing on the subject of this paper.

and unthinkable. The existence of the latter faction provided radicals with the accusation, often voiced, that conservatives sought to obstruct the progress of reconstruction. Regardless of their differences over the question of co-operation, most North Carolinians anticipated military rule with considerable, and understandable, apprehension.³

It was realized that the district commander's personality and views would greatly influence the circumstances of reconstruction.⁴ A benevolent attitude toward the South would do much to ameliorate conditions, while a vindictive spirit would compound the state's misfortune. The announcement of the commander's name was awaited, therefore, with avid interest. Conservative newspapers expressed confidence that the commanding general to be appointed would be magnanimous and just in his relations with North Carolina.⁵ Although military government was considered inherently objectionable, it was viewed in some quarters as a bulwark against the greater evil of radical rule.⁶ Naturally anxious about the future, nevertheless, conservatives suggested that a wise district commander would allow the state's excellent civil machinery to function with a minimum of interference.⁷

The appointment of Brevet Major General Daniel E. Sickles as commander of the Second Military District⁸ could not have surprised many persons, for Sickles had served during presidential reconstruction as commander of the department which had consisted of North Carolina and South Carolina. Although North Carolinians were thus generally familiar with his post-war record, his career prior to 1865

³ For North Carolina's reaction to the reconstruction act and for the differing attitudes toward co-operation with it, see the March, 1867, issues of the following newspapers: *The Daily Sentinel* (Raleigh), hereinafter cited as *Sentinel*; *Carolina Watchman* (Salisbury), hereinafter cited as *Carolina Watchman*; *The Old North State* (Salisbury), hereinafter cited as *Old North State*. See also the March, 1867, correspondence of Graham and Worth in William Alexander Graham Papers, Southern Historical Collection, The University of North Carolina at Chapel Hill, hereinafter cited as Graham Papers, and J. G. de Roulhac Hamilton (ed.), *The Correspondence of Jonathan Worth* (Raleigh: The North Carolina Historical Commission [State Department of Archives and History], 2 volumes, 1909), hereinafter cited as Hamilton, *Worth*.

⁴ *Sentinel*, March 12, 1867; *Old North State*, March 14, 1867; David L. Swain to Thomas Ruffin, March 19, 1867, J. G. de Roulhac Hamilton (ed.), *The Papers of Thomas Ruffin* (Raleigh: The North Carolina Historical Commission [State Department of Archives and History], 4 volumes, 1918-1920), IV, 174.

⁵ *Sentinel*, March 12, 1867; *Old North State*, March 14, 1867.

⁶ *Sentinel*, March 7, 12, July 9, 1867.

⁷ *Old North State*, March 14, 1867; David L. Swain to William Alexander Graham, March 15, 1867, Graham Papers. Worth did not hesitate to suggest this policy to the district commander. See Jonathan Worth to H. J. Harris, April 30, 1867, Hamilton, *Worth*, II, 940.

⁸ The Second Military District consisted of North Carolina and South Carolina with headquarters originally set at Columbia but quickly changed to Charleston, South Carolina. R. D. W. Connor, *North Carolina* (Chicago and New York: The American Historical Society, Inc. 4 volumes, 1929), II, 285.

and his personal convictions were less well known.⁹ A lawyer who had risen through Tammany Hall to the New York state legislature and in 1856, to the United States House of Representatives, Sickles had become an influential Washington personality and a confidant of President James Buchanan.¹⁰ Consistently supporting the latter's pro-southern administration, Sickles had defended the right of secession and had been reluctantly willing to see the southern states depart in peace. The South's resorting to violence, however, had terminated his sympathy with that section and had made him an active participant in the war. Apparently having no moral convictions on the question of slavery, Sickles had viewed the war as a struggle to preserve the Union rather than to alter institutions. He had risen steadily to the position of corps commander, only to have his active military career ended by the loss of a leg at Gettysburg. Shortly after that battle he had begun to urge "magnanimity and justice and conciliation" toward the South, which, he foresaw, was doomed to ultimate defeat. Insisting that the war effort should be pushed until the rebellion was crushed, he had voted as a Lincoln Democrat in the presidential election of 1864. In 1865, following the end of the war, Sickles had served as administrator for South Carolina. As department commander during 1866, he had understood southern fear of Negro domination but had grown impatient at white intransigence toward the Negroes. Indeed, patience and forbearance were not prominent among Sickles' attributes. A strong-minded individual, he sincerely desired to help the people of the South, but he sometimes lacked the tact and restraint to make his policies clear and acceptable to a sensitive and uneasy population. Reaction to his appointment as district commander was therefore mixed;¹¹ many persons undoubtedly suspended judgment until they could see how Sickles would wield the increased authority granted by the congressional reconstruction program.

The General's popularity among the white citizenry increased considerably as a result of the speech which he delivered upon his arrival at Charleston, the district headquarters. Addressing his remarks particularly to the colored populace, Sickles admonished the Negroes to seek honest employment and to avoid those persons who might

⁹ *Sentinel*, March 15, 1867. The best biography of Sickles is W. A. Swanberg, *Sickles the Incredible* (New York: Charles Scribner's Sons, 1956), hereinafter cited as Swanberg, *Sickles the Incredible*.

¹⁰ Sickles' political future was shattered in 1859, however, when after killing his wife's lover, he created a scandal by accepting his faithless mate back into his home. Swanberg, *Sickles the Incredible*, 47-76.

¹¹ *Sentinel*, March 15, 1867.

desire to create racial tensions. To allay fears of a pro-radical military role, he promised to be impartial and nonpartisan in his administration of the district.¹² Encouraged and relieved by the speech, conservative newspapers called for obedience to and co-operation with the military authorities.¹³

If Sickles made a favorable first impression, his General Orders No. 1 provoked a mixed response.¹⁴ Emphasizing that the provisional governments of North Carolina and South Carolina were subject in all respects to the authority of the United States, the order declared that all present civil officials were to remain in office. It provided further that all local laws not in conflict with federal laws or regulations were to remain in effect. These provisions relieved conservative worries that the Worth administration might be abolished or the state laws radically altered. Other provisions of the order, however, evidenced a disturbing readiness to intervene in state affairs. If any civil official should fail to do his duty or if any state court should fail to provide justice, post commanders were to inform district headquarters. Post commanders were to arrest and try by military commission any offender against whom civil authorities failed or refused to act. These and other features of General Orders No. 1 established the pattern for Sickles' entire administration, for they reflected the General's conviction that he was empowered by the reconstruction act with all the authority of the United States. He considered himself to be not merely the executor of Congress' will, but, as a representative of that body, an official actually invested with the absolute authority of Congress. Conscientiously adhering to this interpretation—an interpretation to be challenged by both state and national officials—Sickles did not doubt that he could intervene in matters outside the reconstruction process itself.

Sickles' comprehensive interpretation of his authority can be illustrated by a number of his general and special orders. General Orders No. 3, for example, established a quarantine on port cities in order to prevent the spreading of certain diseases.¹⁵ A more disagreeable indication of his concern for the public welfare was the order that, in view of the serious grain shortage, no distilled spirits should be pro-

¹² *Old North State*, April 9, 1867, quoting the *Charleston Evening News* (South Carolina).

¹³ *Sentinel*, April 2, 4, 1867; *Carolina Watchman*, April 1, 1867; *Old North State*, April 9, 1867, quoting the *Charlotte Times*.

¹⁴ For a copy of General Orders No. 1 see *Carolina Watchman*, April 1, 1867; Senate Executive Document No. 14, Fortieth Congress, First Session, 60-61, hereinafter cited as *Senate Executive Document No. 14*.

¹⁵ *House Executive Document No. 342*, Fortieth Congress, Second Session, 36-37, hereinafter cited as *House Executive Document No. 342*.

duced within the district.¹⁶ This was the kind of paternalism the state could do without, and the *Carolina Watchman* doubtless spoke for many indignant imbibers and manufacturers when it called Sickles an absolute despot who presumptuously fancied himself the moral guardian of the people.¹⁷

Two general orders, involving more serious consequences and implications, stimulated especially intense resentment and controversy. Stating that the collection of debts and the foreclosing of mortgages were worsening an already depressed economy, Sickles announced in General Orders No. 10 that no private debts incurred between December 19, 1860 (the date of South Carolina's secession), and May 15, 1865, would be collected; that no debts incurred prior to December 19, 1860, would be collected for a period of 12 months; and that no mortgages would be foreclosed for a period of 12 months.¹⁸ These and other provisions of General Orders No. 10 marked direct intervention in the financial life of the state and dramatically exemplified Sickles' sweeping interpretation of the reconstruction act. Militant objection to the order quickly appeared. In addition to the protests that the commander had exceeded his powers, much criticism sprang from the economic implications. While the order undoubtedly pleased the inarticulate debtor class, influential creditors were thoroughly angered by what they felt was unwarranted and illegal interference in economic matters. An additional irritant was the date December 19, 1860, for North Carolina had not seceded until May 20, 1861.

General Orders No. 10 stirred a tempest and proved to be the most fateful of Sickles' orders, but the most hated of his decrees was General Orders No. 32, which had two highly objectionable provisions.¹⁹ First, all citizens who had been assessed for taxes and who had paid taxes for the current year were declared eligible for jury duty, and it was proclaimed that such persons should be added to the jury lists. This provision reflected the General's sincere conviction that all citizens who met society's obligations were entitled to the same rights as the most favored citizens.²⁰ A second provision of General Orders No. 32 prohibited discrimination in facilities of public conveyance, includ-

¹⁶ *Senate Executive Document No. 14*, 69-70.

¹⁷ *Carolina Watchman*, June 17, 1867.

¹⁸ *Senate Executive Document No. 14*, 62-65. Hamilton, *Reconstruction*, 223, states that General Orders No. 10 was issued in response to the pleas of certain South Carolinians.

¹⁹ *Senate Executive Document No. 14*, 70-71.

²⁰ Jonathan Worth to Mills L. Eure, June 29, 1867, Hamilton, *Worth*, II, 983. Later, in August, a state court ruled that Negro freeholders were entitled to jury duty. See *Sentinel*, August 30, 1867.

ing railways, highways, and street and waterway transportation.²¹

Both features aroused strong resentment among the white population. The presence of Negroes on juries seemed a travesty upon the principle of impartial and intelligent justice.²² The *Raleigh Sentinel* emphasized the North Carolina requirement that jury members be competent, and, some months later, made it abundantly clear that Negroes, in the editor's judgment, had failed to meet that qualification:

We will guarantee that no intelligent lawyer of . . . the city of Boston could contemplate the spectacle, daily presented in our Courts, of negroes fresh from the corn-field and the hovel filling our jury-boxes, and sitting in judgment upon the most complicated issues of fact and the most vexed problems of law, without shuddering.²³

The criticism of the jury provision was exceeded only by the condemnation of the transportation section of General Orders No. 32. Conservatives vehemently protested that the social integration of the races was not required by Congress and that the provision was therefore completely unwarranted and illegal.²⁴ The specter of enforced integration increased the conservative emphasis upon racial differences and accelerated the attack upon the principle of democracy—policies already intensified by the growing allegiance of the Negroes to the Republican party of North Carolina.

General Sickles' intervention in the state's judicial system proved to be a most sensitive issue and the one about which the entire question of civil-military relations came largely to turn. General Orders No. 1, it will be recalled, had allowed North Carolina's civil and criminal courts to continue functioning, but the order had made it clear that the district commander was prepared to intervene or overrule as he deemed fit. Later orders specified the procedure by which the state's judicial system became completely and directly accountable to district headquarters.²⁵ Civil law officials were required, among other things, to report to the appropriate provost marshal all major crimes and the efforts being made to secure justice. At the other end of the justice process, district headquarters possessed appellate jurisdiction over all criminal courts within the district.

²¹ At least one conviction took place under this provision. See General Orders No. 74, *House Executive Document No. 342*, 54-55.

²² *Sentinel*, June 6, 1867; *Carolina Watchman*, June 17, 1867; Jonathan Worth to H. H. Helper, June 18, 1867, Hamilton, *Worth*, II, 982-983.

²³ *Sentinel*, October 7, 1867.

²⁴ *Sentinel*, October 11, 1867.

²⁵ The chief order dealing with the relations between civil law enforcement and military is General Orders No. 34, *House Executive Document No. 342*, 47-48.

Exercising its appellate jurisdiction, district headquarters reviewed a number of North Carolina criminal convictions, some being upheld, others commuted, and still others reversed. Conservatives bitterly complained of excessive military interference and denounced each appellate decision as the act of an absolute despot. The protests grew louder when Sickles altered the structure and personnel of the state court system. Apparently convinced by reports from his subordinates that certain courts might be unjust toward Negroes, he ordered investigations which occasionally resulted in the removal of individual judges or the abolition of particular courts. The most serious instance concerning North Carolina involved disputes at Fayetteville. There Sickles abolished the existing court and established a "provisional court," consisting of three local men, which had jurisdiction over five surrounding counties. The post commander, moreover, could decide if any case should be tried by the military authorities.²⁶ The establishment of the court created widespread alarm and resentment,²⁷ which increased with the military arrest of a prominent Fayetteville resident, Duncan McRae, on the charge of inciting a mob to kill a Negro. McRae claimed to have been arrested without due process of law, and the affair stimulated further outcries against arbitrary military rule.²⁸

While an examination of the records establishes that military intervention in the state court system was not as severe as conservative lamentations would indicate, it should be re-emphasized that many individuals denied that Sickles had the authority to intervene at all. One prominent state judge, Augustus S. Merrimon, resigned his office because he could not accept the General's orders as law higher than North Carolina law.²⁹ His resignation illustrates the frustration among the state's jurists and the conflict over the extent of the commander's authority.

Direct military intervention in state affairs was not limited to judicial matters. Acting upon the reports and recommendations of subordinates, Sickles set aside several "irregular" municipal elections, postponed a number of other town elections, and appointed to or re-

²⁶ Special Orders No. 55, *Senate Executive Document No. 14*, 84-86.

²⁷ Jonathan Worth to H. H. Helper, June 13, 1867; Jonathan Worth to John H. Wheeler, October 31, 1867; Hamilton, *Worth*, II, 983, 1,079.

²⁸ For details of the case, see Jonathan Worth to General Nelson A. Miles, May 18, 1867; Jonathan Worth to H. H. Helper, June 13, 1867, Hamilton, *Worth*, II, 958, 982-983.

²⁹ See Jonathan Worth to James L. Orr, July 22, 1867; Jonathan Worth to A. S. Merrimon, August 1, 1867; Jonathan Worth to W. P. Bynum, August 1, 1867, Hamilton, *Worth*, II, 1,007-1,008, 1,011, 1,012-1,013. See also, William Alexander Graham to David L. Swain, July 20, 1867, David L. Swain Papers, Archives, State Department of Archives and History, Raleigh.

moved from certain normally-elective offices a number of specific individuals.³⁰ Before taking any such action, the district commander always investigated local conditions, and he continually justified his subsequent orders on the basis of necessity or justice.³¹ His tampering with elections and especially his spot removals and appointments undoubtedly struck many people, however, as the deeds of an arbitrary dictator.

From Charleston, then, emanated numerous orders which directly involved the military authority in the social, economic, legal, and political life of North Carolina. Conservatives noted wryly that Sickles was obviously enjoying himself, and one newspaper complained that the excessive number of orders would soon constitute a new code of laws for the state.³² If conservatives protested that many orders had nothing to do with the process of reconstruction, they criticized some of the General's actions concerning that process. As the date for registration of voters approached, Sickles chose the registrars from a list provided by the Freedmen's Bureau—a list containing some Negroes and some white Republicans—rather than from one submitted by Governor Worth. Conservatives charged that certain registrars were incompetent or ineligible for the position. When in late August district headquarters published an interpretation of what categories of persons were disfranchised by the reconstruction acts,³³ conservatives complained that the circular appeared too late to restrain the abusive interpretations of individual registrars.³⁴ It was feared, moreover, that the provision establishing several registration points within the same registration district would encourage individual Republicans to register and vote at each point.³⁵ During the registration period, conservatives criticized the military authorities for not guarding against the fraudulent registration of ineligible Negroes.

Of fundamental importance to the course of reconstruction in North Carolina was the personal and official relationship between General

³⁰ General Orders No. 5 required military subordinates to report any approaching local elections required by law and to notify district headquarters of any incumbents who were ineligible for office under the Reconstruction Act. See *Senate Executive Document No. 14*, 62. For specific suspensions of elections and for removals and appointments see Special Orders No. 6, No. 15, No. 23, No. 37, No. 38, No. 45, No. 55, No. 71, and *Senate Executive Document No. 14*, 75-76, 77-78, 79-80, 80-81, 81, 82, 84-86, 89-90.

³¹ Hamilton, *Reconstruction*, 227, states that all removals and appointments were made in accord with an agreement between Sickles and Worth that no elections be held until after the meeting of the constitutional convention. If such an agreement existed at first, Worth certainly did come to deny that Sickles possessed a general removal and appointment power.

³² *Old North State*, June 8, 1867.

³³ Circular dated August 27, 1867, *House Executive Document No. 342*, 58-60.

³⁴ *Sentinel*, September 17, 1867.

³⁵ See General Orders No. 18, *Senate Executive Document No. 14*, 66-68.

Sickles and Governor Worth striving to maintain the dignity and functions of the state government, yet aware that his administration could be modified or abolished at any time, Worth found his position a difficult and frustrating one. Personally convinced that the reconstruction act was unconstitutional, but feeling bound officially to consider it valid,³⁶ the Governor had decided not to resign because of his dilemma, but to remain in office for the sake of administrative continuity and the welfare of the state.³⁷ Worth pledged himself to co-operate with the district commander in the task of reconstruction,³⁸ but fundamental and harmonious co-operation between the two men was impossible because of their conflicting interpretations of the commander's authority. Quickly challenging Sickles' broad construction, the Governor became the champion of those persons who maintained that the district commander could not independently exercise congressional authority but could only execute the stated will of Congress and act to preserve the peace and protect personal and property rights. The state government, Worth argued, was not the tool of the military will, but rather the proper agency of civil government subject to the laws of North Carolina.³⁹ Distressed by what he considered an unwarranted assumption of power, the Governor denied that Sickles had the authority to interfere in the state's court system, to enact social and economic legislation, and to make removals and appointments of state and local officials.⁴⁰ The difference of interpretation provided a basis for continuing disagreement in which Worth was inherently at the disadvantage. The Governor's appeals to Charleston for restriction of military intervention in state affairs proved unavailing.⁴¹

Worth met frustration in his efforts to keep Sickles out of civil affairs and he suffered great anxiety about the reported machinations of North Carolina Republicans. Worth detested the principles and methods of the new state party,⁴² and he constantly worried that false accusations by Republicans were undermining the district command-

³⁶ Jonathan Worth to B. S. Hedrick, July 9, 1867, Hamilton, *Worth*, II, 1,000.

³⁷ Jonathan Worth "to his brother," May 8, 1867, Hamilton, *Worth*, II, 949.

³⁸ Jonathan Worth to D. E. Sickles, July 9, 1867, Hamilton, *Worth*, II, 999.

³⁹ Jonathan Worth to F. B. Satterthwaite, June 12, 1867, Hamilton, *Worth*, II, 979.

⁴⁰ Jonathan Worth to F. B. Satterthwaite, June 12, 1867, Hamilton, *Worth*, II, 979.

⁴¹ See Jonathan Worth to R. Strange, May 22, 1867; Jonathan Worth to Thomas C. Fuller, May 26, 1867; Jonathan Worth to John R. Tolar, June 14, 1867, Hamilton, *Worth*, II, 963, 972-973, 983-984.

⁴² Jonathan Worth to James L. Orr, May 3, 1867; Jonathan Worth to Henry T. Clark, May 9, 1867, Hamilton, *Worth*, II, 943, 950.

er's position to him. If the commander were afoot, there is no evidence that Sickles was influenced by the Governor or that the commander was dissatisfied with the Governor's official actions. That Worth was not removed is itself proof of Sickles' confidence in him, confidence which the records verify.⁴⁴ The General undoubtedly knew of Worth's differing interpretation of the commander's authority, but Worth's pledge and policy of co-operation in reconstruction, plus a prudent disinclination to remove an elected governor, sufficed to convince Sickles that no change need or should be made. Denied the comfort of historical perspective, Worth could view the future only with misgivings. Troubled by a lack of direct correspondence from Sickles,⁴⁵ perplexed by the General's refusal to interpret his own orders,⁴⁶ and convinced that the commander was exceeding the authority granted by the reconstruction act, Worth appealed to President Andrew Johnson for relief from the absolutism emanating from Charleston.⁴⁷ The appeal intensified the conflict between the President and Congress and initiated a series of developments which were greatly to affect the military career of General Sickles.

On June 12, 1867, the Attorney General of the United States, Henry Stanbery, representing the views of President Johnson, issued a narrow interpretation of the reconstruction act, an interpretation which challenged the concept that Congress' full authority had been delegated to the district commanders. Stanbery agreed with Worth's position by arguing that the district commanders could take the initiative only to preserve the peace and to protect personal and property rights; in all other respects the commanders were limited to executing the stated will of Congress. Expressly refuting the assumption of absolute authority as reflected in General Orders No. 1 of the Second Military District, the Attorney General challenged also the nature of General Orders No. 10 of the same district. District commanders had no authority, he maintained, to prescribe codes of law for their districts,

⁴⁴ See Jonathan Worth to Thomas S. Kenan, May 2, 1867; Jonathan Worth to Luke Blackmer, May 2, 1867; Jonathan Worth to James L. Orr, May 3, 1867; Jonathan Worth to John R. Tolar, June 14, 1867; Jonathan Worth to B. S. Hedrick, July 8, 1867; Jonathan Worth to D. E. Sickles, July 9, 1867, Hamilton, *Worth*, II, 941, 941-942, 943, 983-984, 997-998, 999-1,000.

⁴⁵ D. E. Sickles to U. S. Grant, April 18, 1867, *Senate Executive Document No. 14*, 56.

⁴⁶ Jonathan Worth to James L. Orr, May 3, 1867, Hamilton, *Worth*, II, 943. Hamilton, *Reconstruction*, 222, states that the two men often conferred. If so, little correspondence has survived, and many of Worth's letters mention or decry a lack of direct communication with Sickles.

⁴⁷ Jonathan Worth to D. F. Caldwell, May 6, 1867; Jonathan Worth to Mills L. Eure, June 29, 1867, Hamilton, *Worth*, II, 947, 989.

⁴⁸ Jonathan Worth to F. B. Satterthwaite, June 12, 1867, Hamilton, *Worth*, II, 979.

nor to exercise general powers of removal and appointment. Governor Worth's interpretation had found expression at the national level.

Upon the publication of the Attorney General's opinion, General Sickles informed General Ulysses S. Grant that the power of removal and appointment was essential to the preservation of peace and the completion of reconstruction.⁴⁸ Realizing that Stanbery had spoken for the President, Sickles asked to be relieved of command and requested a board of inquiry to investigate his actions as commander of the Second Military District.⁴⁹ President Johnson refused to honor either request and ordered Sickles to remain at his post in Charleston.⁵⁰ As observers fully realized,⁵¹ the issue was really between the President and Congress, not Johnson and Sickles.

The Congress reacted quickly to the presidential challenge. At a special July session, a second supplement to the reconstruction act was passed over the executive veto. The supplement declared that the true intent and meaning of the first act had been to declare the provisional governments subject in all respects to the respective district commanders. Affirming that the original act had given the commanders the power of removal and appointment, the supplement confirmed all past actions in that regard. It provided also that no district commander could be bound by an opinion of any civil official of the United States.

The July supplement effectively consolidated power in the hands of Congress and the military, but in August the President chose to renew the struggle. At Wilmington a military subordinate interposed Sickles' General Orders No. 10 against the execution of a debt judgment rendered by a Circuit Court of the United States. The subordinate thus interpreted General Orders No. 10 as applying not only to state courts, but also to United States courts within the district. President Johnson thereupon instructed the Attorney General that no military order could be issued and enforced in conflict with the rulings of courts of the United States. General Sickles, who felt honor bound to follow his own interpretation of the reconstruction acts, endorsed the action of his subordinate, refused to modify or revoke General Order No. 10, and continued to insist upon the commander's complete authority over the district. An impasse had been reached. With his own sphere of effective action severely limited by the dominance of

⁴⁸ D. E. Sickles to U. S. General, June 17, 1867 (telegram), *Senate Executive Document No. 14*, 58.

⁴⁹ D. E. Sickles to Adjutant General of the Army, June 19, 1867 (telegram), *Senate Executive Document No. 14*, 59.

⁵⁰ War Department to D. E. Sickles, June 21, 1867 (telegram), *Senate Executive Document No. 14*, 59-60.

⁵¹ *Sentinel*, August 16, 1867.

Congress, the President decided to register his protest in the only manner possible. On August 26, 1867, he relieved General Sickles of his duties as commander of the Second Military District.⁵²

North Carolinians followed with interest and apprehension the conflict involving General Sickles, President Johnson, and Congress. When the Attorney General issued his narrow interpretation, the editor of the *Carolina Watchman* did not doubt that the district commanders would circumvent the interpretation.⁵³ When Sickles subsequently requested his own removal and an investigation, the *Raleigh Sentinel* regretted to see the General take such action. While the paper acknowledged that it disagreed with the wisdom and necessity of some of his orders and with his interpretation of his authority, the *Sentinel* expressed confidence in his motives and in his sincere desire for peace and stability.⁵⁴ Emphasizing that the district could have a commander far less satisfactory than Sickles, the same paper hoped that the General would consider withdrawing his request to be relieved.⁵⁵ It was realized, however, that Sickles would resign before he would yield on what he considered to be his duty.⁵⁶

In the opinion of the state leaders, the passage of the July supplement to the reconstruction act settled the question of the scope of the district commander's authority. Governor Worth ceased to protest against Sickles' broad interpretation, and the *Sentinel* recognized that Congress' victory was complete.⁵⁷ When in August the President chose to challenge the application of General Orders No. 10 to a Circuit Court of the United States, the *Sentinel* hoped that the issue might go to the Supreme Court, but feared that the conflict might lead to the removal of Sickles and to the further repression of the South.⁵⁸

North Carolina's reaction to the President's removal of Sickles was a mixed one. The *Wilmington Journal* endorsed the move as an act "to maintain the validity of the Constitution."⁵⁹ On the other hand, the *Sentinel*, while refusing to consider endorsing Sickles' administration,⁶⁰ regretted the loss of a conscientious commander of good motives and considerable experience who, if occasionally misguided, had acted according to his best lights.⁶¹ The *Salisbury Banner*, which

⁵² For a running account of the conflict of interpretation see the August, 1867, issues of the *Raleigh Sentinel*.

⁵³ *Carolina Watchman*, June 24, 1867.

⁵⁴ *Sentinel*, June 21, 1867.

⁵⁵ *Sentinel*, June 21, 1867.

⁵⁶ *Sentinel*, August 26, 1867.

⁵⁷ *Sentinel*, July 5, 10, August 16, 26, 1867.

⁵⁸ *Sentinel*, August 26, 29, 30, 1867.

⁵⁹ *Carolina Watchman*, September 16, 1867, quoting the *Wilmington Journal*.

⁶⁰ *Sentinel*, September 26, 1867. The suggestion came from South Carolina.

⁶¹ *Sentinel*, August 29, 30, 1867.

had been highly critical of Sickles and military government in general, admitted that the General had been moderate considering what he might have done.⁶² Even Governor Worth, some weeks after Sickles' departure, acknowledged that the latter had been magnanimous and statesmanlike in many respects, and had held southern radicals in contempt.⁶³

If the passing of a few weeks sufficed to cool Worth's resentment and to enable him to judge Sickles more favorably, the dispassionate evaluation of a later century establishes the General as a capable, humane, and impartial—if somewhat naive and headstrong—administrator. Certainly not a vindictive person, he sought to execute congressional reconstruction and to promote the general welfare of the people of the district. It was in attempting to fulfill the latter objectives that his broad interpretation of his authority proved offensive. General Orders No. 32 was designed to further social equality, a goal the white citizenry was hesitant to seek. Because Sickles sought the social advancement of the Negroes, and because he was a radical by conviction,⁶⁴ conservatives feared and suspected that he was a radical politically. He remained impartial, however, toward all political factions.⁶⁵

Many charges were made that the district commander's interventions in the state court system were arbitrary and despotic, and that such interference was as unwarranted as it was illegal. It is quite possible, of course, that unjustifiable instances of military intervention occurred, for the administration of two states was a task liable to error. Corrupt or partisan subordinates may have led Sickles into mistakes, as conservatives maintained, but it is equally possible that the investigations preceding any action disclosed the need for military intervention. In any event, the number of such interventions remained small. General Sickles removed few officials, and he rarely tampered with state laws to the extent that he did in General Orders No. 10. Resentment against any interference was, of course, inevitable; the fact that district headquarters was in another state made every act seem all the more despotic and unjustified.

⁶² *Carolina Watchman*, September 16, 1867, quoting the *Salisbury Banner*.

⁶³ Jonathan Worth to B. G. Worth, October 25, 1867; Jonathan Worth to John H. Wheeler, October 31, 1867, Hamilton, *Worth*, II, 1,061, 1,071.

⁶⁴ That is, Sickles believed that the southern states had reverted to territories and were therefore completely under Congress' authority and jurisdiction. As it has been established, he maintained that Congress' jurisdiction had in turn been delegated to the district commanders by the reconstruction act. See *Sentinel*, August 28, 1867.

⁶⁵ This impartiality can be seen, for example, in his appointment of members of both political parties (and both races) as registrars, and by his appeal for a general amnesty for the people of the district. For details of the latter see *Sentinel*, July 12, 1867.

In summary, General Sickles administered impartially and conscientiously in a difficult and delicate situation. He sincerely believed that Congress had complete legislative power over the rebel states, and that that power had been delegated to the district commanders by the reconstruction acts. Although Sickles' social and economic program created frictions which could have been avoided, in the final analysis it was the congressional reconstruction program itself, not Sickles' interpretation or implementation of it, which put a severe strain on the people of North Carolina.