

Reconstructing the Crescent City: Benjamin Butler's Occupation of New Orleans

While the Southern economy languished during Reconstruction, a minor new industry flourished – the production and sale of chamber pots adorned with the portrait of the Union general known throughout the South as the “Beast.” Benjamin Butler, whose conduct while occupying the city of New Orleans has been the subject of so much controversy and agitation, remains one of the most dynamic figures of the war – and his occupation one of its most instructive episodes. Butler governed the Crescent City as an enlightened despot, in both the best and worst senses of the phrase. Efficient public services and common-sense policies were paired with authoritarian control; the empowerment of the city’s downtrodden classes was purchased by the widespread foreclosure of civil liberties. The South demonized him as a Yankee savage and the North deified him as the sword of abolition and union. But, looking through the overheated rhetoric, a different picture emerges – that of a progressive and flawed man pursuing a measured strategy to secure, rebuild, and control a hostile city under wartime conditions. Butler’s efforts towards that end, however excessive at times, were ultimately a success and offer an intriguing alternative to the strategies pursued by his superiors and successors, whose failures left the former Confederacy a destitute backwater where Lincoln’s prophesied “new birth of freedom” was doomed to arrive stillborn for millions of its citizens.

As the tide of conquest began to flow southward, Union commanders were faced with an entirely new set of challenges. Having defeated the South’s armies, they now had to defeat the South’s citizens on an entirely new battlefield – their cities, towns, and farms. They were forced to make and enforce occupation policy covering such wide areas as how to provide sufficient

public services, how to keep the peace and prevent a resurgence of secessionist passions, how to determine the status of blacks in the South, and how to go about the business of reunifying a shattered nation. In the absence of strong leadership from Washington, such vital and complex decisions were left in the hands of the field commanders, whose ranks were riddled incompetent political appointees.

One such political appointee was General Benjamin Butler, an imperious and rotund Massachusetts lawyer with a reputation as a champion for labor rights and as one of the most powerful Democrats north of the Mason-Dixon line. As a delegate to the 1860 Democratic Convention, he had voted fifty-seven times to nominate Jefferson Davis for President.¹ When the Civil War began and Davis assumed a presidency, Butler did not reprise his support, but rather leveraged his financial and political influence to obtain a commission as a brigadier general in the Massachusetts militia. While he had neither the training nor the temperament to be a good field commander, Butler excelled at the politics of war. The first real bloodshed of the war occurred on his watch as, while moving his regiment to the capital through Maryland, his militiamen were set upon by a mob in Baltimore. Considering it essential that Maryland pledge itself to the Union cause, President Lincoln and Commanding-General of the Army Winfield Scott had pursued a policy of conciliation and respect, eager not to inflame local opinion. Thus, they were initially horrified when Butler seized Baltimore, imposed martial law, summarily removed municipal authorities from office, and neutered the power of the state legislature. Lincoln – ever the consummate politician – responded by making Butler the first Major General of the United States Volunteers. With Butler’s appointment, Lincoln demonstrated that his war

¹ Bruce R. Wells, *The Bermuda Hundred Campaign: The Creole and the Beast* (n.p.: History Press, 2011), 39.

was truly a bipartisan war and ensured that Butler would have no chance to crusade against him during his upcoming reelection campaign.²

A thousand miles to the southwest of Baltimore lay the city that would forever be linked with Butler's legacy – New Orleans. The commercial gateway to the Mississippi river, New Orleans was a city like no other. By 1860 its rapidly-growing population numbered around 170,000, constituting the sixth largest city in the nation and dwarfing the other cities of the south (its closest southern competitor, Charleston, ranked twenty-fifth on the same list).³ More importantly, it was the third busiest port in the nation – a position that made Louisiana's per capita income the highest of the southern states and the second highest of all the states.⁴ As the commercial capital of the Confederacy, it was an obvious and appealing target for the Union, which struck on April 25th, 1862. Admiral David Farragut of the United States Navy led the attack. As New Orleans sat on lower terrain than its surroundings, the sole hope of the defenders was that their network of batteries and coastal forts could hold out against the onslaught of Farragut's gunboats and prevent them from accessing the Mississippi. That hope was in vain and General Lovell, the commander of the city's defense, began a mad scramble to evacuate all strategic and valuable material from the city's warehouses and piers. On the 28th of April, he formally surrendered the city to Union forces and, on March 1st, Major General Benjamin Butler, accompanied by his wife and a detachment of fourteen hundred troops, arrived to formally occupy the city.⁵ He was greeted by an angry mob, which laid siege to his hotel until it was

² Robert S. Holzman, "Ben Butler in the Civil War," *New England Quarterly* 30, no. 3 (September 1957): 331-332, accessed August 28, 2015, JSTOR.

³ "Population of the 100 Largest Urban Places: 1860," United States Census Bureau, last modified June 15, 1998, accessed August 28, 2015, <https://www.census.gov/population/www/documentation/twps0027/tab09.txt>.

⁴ Justin A. Nystrom, *New Orleans after the Civil War: Race, Politics, and a New Birth of Freedom* (n.p.: Johns Hopkins University Press, 2010), 7.

⁵ John David Winters, *The Civil War in Louisiana* (Baton Rouge, LA: Louisiana State University Press, 1963), 101.

scared off by threats of gunfire, and the responsibility to begin his own, however improvisational, precursor to Reconstruction.

New Orleans, as a bustling, densely-populated maritime trading center built amidst the swamps of southern Louisiana, was especially susceptible to the neighborhood epidemics that plagued nineteenth century urban life. Yellow fever in particular was the bane of New Orleans' existence in warm months. It had, during one notorious 1853 summer epidemic, killed over seven thousand of the city's citizens – perhaps reaching ten percent of the total population. The rapid spread of the pestilence was significantly aided by the local government which, guided by commercial concerns regarding the city's image and attractiveness for investment, had stifled reports of the mounting number of cases and failed to implement any meaningful quarantine measures until it was too late.⁶ As the accepted cures for yellow fever (ingesting mercury was a popular prescription) often did just as much harm as the disease, nipping the outbreaks in the bud was the only way to avoid mass casualties.⁷ The lack of action in 1853 had led to a disaster unique in New Orleans' history and, while that outbreak's toll was certainly an outlier, yellow fever remained a serious threat to public health throughout the rest of the decade. The average yearly fatalities between 1853 and 1860 were around 1,474, with serious spikes in 1854, 1855, and 1858.⁸ And then, in 1862, responsibility for public health was transferred by Farragut's gunboats to a new authority – the Federal Government, back in control of its rebellious citizens and represented by Major General Benjamin Butler.

⁶ Henry M. McKiven, Jr., "The Political Construction of a Natural Disaster: The Yellow Fever Epidemic of 1853," *Journal of American History* 94 (December 2007).

⁷ Laura D. Kelly, "Yellow Fever," ed. David Johnson, KnowLA, Encyclopedia of Louisiana, last modified January 16, 2011, accessed August 28, 2015, <http://www.knowla.org/entry/766/>.

⁸ "Yellow Fever Deaths in New Orleans," New Orleans Public Library, accessed August 28, 2015, <http://nutrias.org/facts/feverdeaths.htm>.

Believing that the citizens of New Orleans were silently hoping that yellow fever would return and decimate the unacclimated Yankees, Butler was loathe to trust any of the natives – a prejudice he was soon forced to set aside once he learned that none of the surgeons under his command had any experience with yellow fever.⁹ He recruited a local doctor to inspect all ships seeking to enter the port and ordered that no ship be allowed to dock without his personal, written permission. These comprehensive inspections delayed maritime commerce significantly, but Butler paid no mind to the increasingly virulent protests of the foreign consuls of the city, whose nations' profits were lessened by the slowing of trade. Seeking to obstruct every avenue for an outbreak, Butler hired eleven hundred local men and put them to work cleansing the city of animal waste and human excrement. New basic sanitation regulations were imposed upon the citizenry and compliance was enforced by near-weekly inspections by one of Butler's army's inspectors.¹⁰ When one infected seaman managed to slip into the general population, the quarantine that followed was so complete that no one else was affected. The total number of cases of yellow fever in 1862 was two, due in large part to the most efficient, stringent, and successful management the city had ever known.^{11,12}

Butler's activist governance did not stop at epidemic prevention. He next turned his eyes towards alleviating the hunger and suffering of the city's poor. Summing up his approach to his occupation, Butler wrote that upon arrival in New Orleans "[he had found] only fugitive masses, runaway property-burners, a whiskey-drinking mob, and starving citizens with their wives and

⁹ Benjamin F. Butler, *Butler's Book: Autobiography and Personal Reminiscences of Major-General Benjamin Butler* (Boston, MA: A.M. Thayer and Co., 1892), 396, accessed August 28, 2015, <http://www.perseus.tufts.edu/hopper/text?doc=Perseus:text:2001.05.0079>.

¹⁰ Benjamin F. Butler, "Some Experiences with Yellow Fever and Its Prevention," *North American Review* 147, no. 384 (November 1888): 537, accessed August 28, 2015, JSTOR.

¹¹ "Yellow Fever Deaths in New Orleans."

¹² Andrew McIlwaine Bell, *Mosquito Soldiers: Malaria, Yellow Fever, and the Course of the American Civil War* (Baton Rouge, LA: Louisiana State University Press, 2010), 73.

children. It is our duty to call back the first, punish the second, root out the third, and feed and protect the last.”¹³ He cast the relief effort as a battle between the city’s secessionist elites and the starving common people, “from whom the rebels had plundered” desperately-needed supplies and wealth to sustain the Confederacy – with Butler as a champion of the common people.¹⁴ The bills for this relief effort were to be footed by the city’s Confederate sympathizers, for Butler had obtained a record of contributors who had given to a fund for the defense of the city against Farragut and proceeded to repeatedly and mercilessly assess those contributors for relief funds. These funds were used to provide food and shelter directly to the impoverished, as well as to help sustain local orphanages, charities, and hospitals. As Butler’s Relief Committee grew to support nearly a quarter of the city’s population (significantly, including blacks), so did its need for more and more funds – the initial fee imposed upon the disloyal was doubled.¹⁵ Already angered by the foreign consuls’ open sympathy and financial support to the Confederacy, Butler turned his eyes towards the “neutrals” of the city, subjecting them to the same fees. All of these actions earned him enormous, vital support within the lower classes, but perhaps no other aspect of his occupation spoke more highly of Butler’s character than the fact that he gave New Orleans’ blacks more than double the rations allotted for his own troops.¹⁶

Butler was no stranger to the complexities regarding dealing with slaves and former slaves during the war. In fact, it was he who had crafted the legal framework that would go on to govern the Union army’s interactions with the South’s slaves – and lay the groundwork for emancipation. In between his seizure of Baltimore and occupation of New Orleans, Butler had been placed in command of Fort Monroe, Virginia, where three escaped slaves fled to seek

¹³ Butler, *Butler's Book: Autobiography and Personal*, 393.

¹⁴ *Ibid.*

¹⁵ Winters, *The Civil War in Louisiana*, 126-127.

¹⁶ *Ibid.*, 126.

refuge. Butler accepted them in and refused to return them to their owner, arguing that since the slaves had been ordered to fortify a Confederate position they were now “contraband of war” and acceptable for confiscation.¹⁷ This justification spawned a similar act of Congress and earned Butler the support of the Radical wing of the Republican Party (whose ranks he would join once the war concluded and he won election to Congress). Butler’s innovative racial policies continued in New Orleans, where he raised black regiments to serve the Union cause and – contrary to common practice and Lincoln’s public statements – staffed those regiments with black noncommissioned officers.¹⁸

While he worked at cultivating the support of the population through relief spending and public health initiatives, Butler never forgot that his foremost role was that of a military occupier in hostile territory, reminding the citizenry that “the same hand that cuts your bread can cut your throat.”¹⁹ Efficient governance was his carrot, martial law was his stick. Indeed, within a month of Butler’s arrival in New Orleans, one of its citizens’ throats felt the full fury of Butler’s convictions. William Mumford was convicted by military tribunal for tearing down a Union flag during a protest, although the offense in question took place while Federal forces were not yet in full control of the city and Mumford’s actions may have deserved the protection of the First Amendment. Always mindful of the public reaction to any of his decisions, Butler sentenced Mumford to death and he was hanged on June 7th, 1862. Freedom of speech was not valued very highly in Benjamin Butler’s New Orleans. The local press was subjected to strict censorship. Any articles deemed to contain pro-Confederate sentiments – such as the obituary the editor of

¹⁷ Doris Kearns Goodwin, *Team of Rivals: The Political Genius of Abraham Lincoln* (New York, NY: Simon and Schuster, 2005), 369.

¹⁸ Donald E. Everett, "Ben Butler and the Louisiana Native Guards, 1861-1862," *The Journal of Southern History* 24, no. 2 (May 1958): 210, accessed August 28, 2015, JSTOR.

¹⁹ Holzman, "Ben Butler in the Civil War," 334-335.

the *Daily Commerce* wrote for his father, who had died in battle – were suppressed, often leading to the arrest of their authors and the shuttering of their newspapers.²⁰ Ministers who refused to pray for the President of the United States, sign a loyalty oath, or lead their congregation into perjury by administering that oath were removed from their churches, jailed, and replaced by army chaplains.

But there was one class of citizens that was beyond the reach of Butler's sometimes draconian punishment – the women of the city, whose privileged and irreproachable place in society afforded them the freedom to abuse the occupying troops without fear of retribution. They took full advantage of this protection, cursing at the soldiers in the streets, subjecting them to all manner of humiliations, and finally drenching Admiral David Farragut with what Butler described, utilizing more diplomatic tact than he could usually muster, as “not clean water.”²¹ Knowing that he could not tolerate such open belittling of his men and the Federal Government they represented and certain that detaining the offending women would cause riots, Butler issued the following infamous order, the 28th General Order since the start of the occupation:

“As the officers and soldiers of the United States have been to repeated insults from the women (calling themselves ladies) of New Orleans in return for the most scrupulous non-interference and courtesy on our part, it is ordered that hereafter when any female shall by word, gesture, or movement insult or show contempt for any officer or soldier of the United States she shall be

²⁰ Scott L. Mingus and Brent Nosworthy, *The Louisiana Tigers in the Gettysburg Campaign, June-July 1863* (Baton Rouge, LA: Louisiana State University Press, 2009), 12.

²¹ Holzman, "Ben Butler in the Civil," 336.

regarded and held liable to be treated as a woman of the town
plying her avocation.”²²

General Order 28 had no sexual intention – its purpose was to free Butler’s soldiers of the societal obligations that restrained them from retaliating in any way to the disrespect and abuse heaped upon them. Butler was not authorizing his men to ravage the ladies of New Orleans society, but rather to arrest Confederate sympathizers. Nevertheless, the reaction was explosive. Prime Minister Palmerston, all the way across the Atlantic Ocean in London, expressed his shock “that such an act has been committed by one belonging to the Anglo-Saxon race.”²³ Southerners began to refer to Benjamin Butler as the “Beast” and Jefferson Davis – whom Butler had voted fifty-seven times to nominate in 1860 – declared that Butler was “an enemy of mankind” and ordered that he be summarily executed if captured. Confederate General Beauregard had the order read aloud to his troops before battle to spur their anger.²⁴ Alfred Puffer, an officer on Butler’s staff, later defended his general by stating “that [the order] simply gave the female population of the city the opportunity to choose in which of the two categories they would be classed – ladies or ‘common women’ – and...such an order...would execute itself, and prevent the very thing the Rebels have since charged upon him – ‘a war upon women.’”²⁵ Butler’s own

²² Chester G. Hearn, *When the Devil Came Down to Dixie: Ben Butler in New Orleans* (Baton Rouge, LA: Louisiana State University Press, 1997), 417-418.

²³ Robert C. Kennedy, "On This Day: July 12, 1862," *New York Times* (New York, NY), July 12, 2001, accessed August 28, 2015, <http://www.nytimes.com/learning/general/onthisday/harp/0712.html>.

²⁴ . P. G. T Beauregard, "General Orders No. 44," Gilder Lehrman Institute of American History, accessed August 28, 2015, <https://www.gilderlehrman.org/sites/default/files/inline-pdfs/T-00666.pdf>.

²⁵ Alfred F. Puffer, "Our General: In Defense of Union General Benjamin Butler," *The Atlantic*, July 1863, [Page #], accessed August 28, 2015, <http://www.theatlantic.com/magazine/archive/1863/07/our-general/308754/>.

defense of his actions was more utilitarian: “there was no case of aggression after that order was issued.”²⁶

Butler’s patience – a commodity usually in short supply – was further tested by another class of citizens who, just like the women of New Orleans, were seemingly beyond the reach of his retribution. Many of the foreign consuls residing in city had been overt in their support of the secessionist cause (displayed, in one case, by the donation of arms to the Confederate Army). Even as New Orleans returned to federal control, they continued to enjoy the protections of the law and the traditions of international relations even as their subservice activities continued. The Citizens’ Bank transferred its holdings to the sympathetic Dutch consul, whose property was meant to be immune from Butler’s punitive assessments.²⁷ While Butler’s solution to the problem of the women had been, despite all of the ensuing outrage, a clever one, his approach to the consuls’ continued obstructionism was pure coercion. He simply seized the Citizens’ Bank’s funds from the Dutch consulate. He evicted Englishmen who had given material support to Confederate troops. He jailed a Frenchman on suspicion of espionage. All of these actions, entirely consistent with Butler’s broader occupation policies, were protested vigorously by the foreign consuls to Butler himself and, much more dangerously, to Secretary of State William Seward in Washington.

Soon, though, the excesses of Butler’s administration caught up with him. A combination of popular distaste for General Order 28, immense pressure from the foreign governments whose consuls Butler so antagonized, and mounting rumors of corruption caused him to be removed from command.

²⁶ Alecia P. Long, "General Butler and the Women," *New York Times* (New York, NY), June 18, 2012, [Page #], accessed August 29, 2015, <http://opinionator.blogs.nytimes.com/2012/06/18/general-butler-and-the-women/>.

²⁷ Bland, *Life of Benjamin F. Butler*, 107.

Butler's partner in the occupation, Admiral David Farragut, summed up the general's contribution and the divisive reaction it spawned in the following manner: "they may say what they please about General Butler, but he was the right man in the right place in New Orleans."²⁸ With only 5,000 soldiers under his command in a city of 170,000, Butler managed to maintain law and order, ensure that New Orleans remained in Union hands for the duration of the war, and accomplish some measure of good on behalf of the city's marginalized and disenfranchised citizens. His strategy of occupation provides a telling contrast to the broader Reconstruction policies favored by Lincoln, Johnson, and Grant. While those efforts resulted in an impoverished South, free to cloak its continued oppression in local law codes, Butler's approach – balancing firm control of secessionist ideas with improved public services, effective governance, and progressive racial policies – suggests another way forward. In fact, Butler went on to become one of the most radical of the Radical Republicans after the war, taking a lead role in writing and advocating for the Civil Rights Act of 1875, which forbade discrimination in public accommodations. Watching from his seat in Congress, he must have been horrified as all the lessons learned from his experiences in New Orleans were tossed by the wayside. For all its excesses and missteps, Butler's administration of New Orleans over the course of 1862 was a true political, military, and moral success, especially in light of all that came after it.

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²⁸ Chester G. Hearn, *When the Devil Came Down to Dixie: Ben Butler in New Orleans* (Baton Rouge, LA: Louisiana State University Press, 1997), xx.

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