

John Archibald Campbell:

Assistant Secretary of War, C.S.A.

Born in Washington, Georgia, on June 24, 1811, the precocious John Archibald Campbell was admitted to the Georgia bar in 1829 by a special act of the legislature because of his status as a minor. The following year he moved to Montgomery to join a prominent law firm.

By 1836 Campbell had already begun to make a name for himself. He was offered but declined appointments to the Alabama Supreme Court and as secretary of the United States legation to Great Britain. He had succeeded in ending a threatened Creek Indian war by securing the compliance of tribal leaders with the Treaty of New Echota signed in 1832. At the end of the year he was elected to the Alabama state legislature.

Starting in 1846 when the Wilmot Proviso, excluding slavery from any territory acquired by the United States as a result of the Mexican War, was introduced in Congress.

In 1853 Campbell was appointed to the United States Supreme Court to fill the vacancy created by the death of Justice John McKinley of Alabama. For eight years he served proudly, but at the end of the spring 1861 term he resigned. The Civil War had begun, and he believed that Alabama's withdrawal from the union deprived him of the right to claim United States citizenship and thus to remain on the Court.

Although Justice Campbell served as a member of the Confederate government from October 1862 to the end of the war, he left only brief accounts of his activities during this time. These emphasized his observations on the conduct of the war and his attempts to bring hostilities to a close while a bargaining position remained open to the Confederacy. In his own words, he had been "coldly received and came near being mobbed" upon his return to Alabama in 1861. His attempts to avert the secession of the southern states and his assumption of the unsuccessful role of negotiator in the ill-fated visit of southern commissioners John Forsyth and Martin J. Crawford to Washington the previous February had created suspicions in Alabama that Campbell was a northern sympathizer. These suspicions lingered for many years. It is

outside the Confederacy who found themselves trapped there by the outbreak of the war) under certain conditions were liable to conscription. Campbell disagreed. Jones's diary entry for March 8, 1863, reflects:

Judge Meredith's opinion. . . has produced a prodigious commotion. Gen. [John H.] Winder's door is beset with crowds of eager seekers of passports to leave the Confederacy; and as these people are converting their Confederate money into gold, the premium on specie has advanced.

Judge Campbell, Assistant Secretary of War, has decided that Judge Meredith's opinion is not authority; and hence his son-in-law, Lieut. Col. [George W.] Lay, who at present wields the Conscription Bureau, acts accordingly. But Gen. Rain's has a contrary opinion, and he intended to see the President yesterday, who is understood to coincide with Judge Meredith. It is also alleged that Secretary [James A.] Seddon concurs in this opinion; and if this be the case, an explosion is imminent-for Judge Campbell must have given instructions "by order of the Secretary" without the Secretary's knowledge or consent.

The feared "explosion" is not reported in the diary, but less than a month later Jones noted that Campbell "in violation of an act of Congress, and general orders" ruled that a paroled political prisoner returning to the South was not subject to conscription.

For a period of months, from April 1863 to August 2, 1864, Jones's diary contains charges that Campbell issued passports indiscriminately to the detriment of the Confederate States of America.

October 16th [1863]: Judge Campbell is giving passports rapidly, sometimes binding the Jews not to engage in private operations, but to confine themselves, while in the United States, to the purchase of supplies for the Confederate States service: Some, however, are willing to go on these terms to avoid conscription, but will realize profit by selling information to the enemy.

October 20th [1863]: Gen. [John H.] Winder and Judge Campbell are busy signing passports-one granted by the latter yesterday (recorded) also allows the bearer to take with him 2000 pounds of tobacco!

October 21st [1863]: There is a row about passports. It appears that Judge Campbell and Gen. Winder are competitors in the business. Judge Campbell yesterday remarked that, at Gen. Winder's office, he understood a passport could be bought for \$100 . . . By tomorrow Gen. W. may hear of Judge Campbell's remarks and agency, and a pretty kettle of fish they will have, if Judge C.'s record be brought to the notice of the Secretary!

March 7th, [1864]: Mr. [Judah P.] Benjamin and Assistant Secretary Campbell are already allowing men to pass to the United States, and even directly to Washington. Surely the injury done us by information thus conveyed to the enemy, hitherto, ought to be a sufficient warning.

June 29th [1864]: Judge Campbell is again "allowing" many persons to pass into the United States.

August 2nd [1864]: Assistant Secretary Campbell is again "allowing" doubt

not surprising, therefore, that Campbell and his wife soon moved to New Orleans.

From the beginning, there seem to have been in the Confederate government people who wished to make use of Campbell's talents. Exactly what positions were offered him, however, are not known. In a revealing letter written to his old colleague former Supreme Court Justice Benjamin R. Curtis on July 20, 1865, Campbell remembered: "Every overture to place me in Mr. Davis's cabinet had been discountenanced with emphasis. I declined to go abroad. My wish was to be of use in mitigating the evils that were upon the country. I cannot make you feel how large they were."

In October, 1862 Campbell assumed the position of Assistant Secretary of War. Apparently he had three reasons for accepting this position: he wished to secure the just administration of the conscription laws; he wanted to be in a position to promote a peace settlement at the earliest possible moment; and he desired to mitigate the evils involved in the reconstruction of the southern states after their inevitable defeat.

Campbell's description of the condition of the Confederate government at that juncture seems anything but encouraging;

The civil institutions were debilitated. Much of the business and feeling of the country centered in the War Department, and there was a want of some controlling mind in regulating its civil and judicial business. The conscription brought all persons of military age under its jurisdiction; impressments affected property, military domination very often infringed personal liberty and private right.

As a matter of fact, the Confederacy was founded on a principle that made the orderly conduct of public affairs impossible. Professor Frank L. Owsley's suggestion of an epitaph for the Confederacy - "Died of States Rights" - emphasizes the difficulties of reconciling military achievement with extreme state individualism! The overwhelming need of the government to secure manpower prevented meticulous observance of personal liberties and private rights. Inevitably, the "little people" were oppressed.

One of the chief sources of information regarding Campbell's administration of the conscription laws (which included provisions on the issuance of passports) is the diary of John Beauchamp Jones, who served as a clerk in the Confederate War Department. This diary suggests that Campbell's concern for the fair administration of the conscription laws produced criticism almost immediately. As early as November 2, 1862, Jones observed: "The new Assistant Secretary, Judge Campbell, has been ordering the Attorney-General too pre-emptorily; and so Gen. [Samuel] Cooper has issued an order making Lieut. Col. Deas an Acting Assistant Secretary of War, thus creating an office in defiance of Congress. "

In March of the following year a Confederate judge named Meredith issued an opinion to the effect that "foreigners" (residents of states

ful characters to pass out of the Confederate States to the United States.

On January 21, 1865, when an erroneous rumor reached Jones that Campbell had resigned, his diary entry stated laconically, "If this be SO, it will soon produce a great commotion among detailed and exempted men all over the country."

In the closing months of the life of the Confederacy, Jones reported a letter, received on March 5, 1865, from an unnamed resident of Selma, Alabama, who accused Campbell, his brother-in-law Judge George Goldthwaite, and a "Judge Parsons" of "disloyalty." The specific accusation against the three men appeared to be that they intended, with Campbell's assistance, to issue passports for delegates to go to Chicago for the Democratic convention called that spring. According to Jones, as a result of the receipt of this letter by Confederate authorities, an assistant attorney-general named Melton was assigned to oversee the granting of passports although Campbell remained in charge of conscription. Undoubtedly, the chaotic conditions of the time kept the matter from being pressed further.

When Richmond fell on April 3, 1865, Campbell alone of the members of the Confederate government remained. Ironically, it was he who issued a safe conduct pass to Jones to return home. One of the last entries in Jones's diary, that of April 9, 1865, stated that the clergy "believe that Judge Campbell remained [at Richmond] to treat with the United States at the request of the Confederate States government. I doubt. "

It is easy for a man, serving at headquarters far from the fighting line to speak contemptuously of one who allows-albeit legally-others to escape from facing the enemy. Jones's diary displays subjectivity common to those written by individuals on the periphery of events and decisions. Regarding the issuance of passports, and Jones's charges that those leaving the Confederacy gave information to the enemy, we have Campbell's own statement. In his report to Secretary of War Seddon on January 7, 1865, he wrote:

The passport usually issued from this Department contains a permission to the bearer to leave the Confederate States, subject to the military regulations of the commander through whose lines he is to pass. If the applicant be of the class described in the Act of Congress, enquiry is made whether he be exempt; and if not, the passport is denied. I do not know of any person not exempt from military service, of the class mentioned, who has had a passport.

The Department is not advised of any Act of Congress that prohibits their citizens from leaving the Confederate States, and has granted passports to persons not belonging to the military class, when properly assured that they are loyal, and that there is no reason to apprehend any detriment to the Confederate States by their departure from its limits.¹²

From the meager materials available, it seems evident that Camp

bell's satisfaction in regard to his performance as administrator of the conscription laws was not unjustified. What was from first to last a thankless task, given the circumstances under which the Confederate government functioned, found Campbell achieving his aim of "just administration." Nonetheless, Jones's contempt for Campbell probably reflected the criticism to which Campbell was subjected by certain of his peers in the War Department and in the government generally.

Campbell said relatively little about *his* work as *Assistant Secretary of War*, but in his defensive letter to Justice Curtis he remarked: "I never labored 'more. I do not know that anyone man has suffered from any act of mine any aggravation of his calamity. I do know of large classes that experienced sympathy and assistance." He told Curtis that he intended to use his position as Assistant Secretary of War to achieve a peace settlement: "When I entered the office I supposed I might become useful in the settlement of a peace if I were connected with the Government. There was no opportunity for this in 1863, and not until 1864 had nearly expired could the subject be broached with any advantage. "

The advantage of being a member of the government, however, proved to be small. Southern leaders in many instances refused to consider a peace which involved reunion with the North and at the same time were determined to continue fighting regardless of the cost. According to General Fitzhugh Lee, Robert E. Lee "was determined to fight and risk the last defiance of fortune. . . . had Mr. Jefferson Davis agreed. . . . that peace should be restored upon any other basis [than Southern independence], the soldiers in the field would have marched over him. . . to battle."

By 1864 Campbell was convinced that the resources of the Confederacy were exhausted. His letter to Curtis was explicit regarding conditions in the South:

The Finances, recruiting of soldiers, commissariat, transportation, ordnance and ammunition, and medical supplies had all failed. . . . During the war there had been exemptions and details for civil and industrial service. Manufactories, mechanical and agricultural employments were sustained by details, but in October, 1864, a sweeping order of revocation was made. This order evinced extreme weakness; it carried despondency and dismay among the people. It did not serve to recruit the army-the supply of men was exhausted.

You would suppose there could be no difficulty in convincing men under such circumstances that a peace was required. But when I look back upon the events of the winter, I find that I was incessantly employed in making these facts known and to no result.

At this point *Congressional Globe* publisher Francis P. Blair approached President Davis, apparently as an emissary of President Lin

coIn. Exactly what his mission was, and how official, is still unknown But according to Campbell:

He duped Mr. Davis with the belief that President Lincoln regarded the" condition of Mexico with more concern than the war; that he would be willing to make a suspension of hostilities under some sort of troops on the Grande for the invasion of Mexico, and that after matters were assured Mexico affairs might be adjusted here. This was the business at the Roads. I was incredulous; Mr. Hunter did not have faith. Mr. Stephens imposed Blair to be "the mentor of the Administration and Republican party."

On February 3 the three met Lincoln on a ship at Hampton Road., Virginia. Campbell reported:

We learned in five minutes that the assurances [of Blair] to Mr. Davis were a delusion, and that union was the condition of peace. I had always supposed this to be the case, and had refused all discussions on the subject of negotiation unless that condition was first admitted. I had never regarded a peace on that basis as inadmissible; but, on the contrary, was firmly persuaded that the programme of independence had failed with the loss of the Chesapeake Bay, Mississippi, Tennessee and Cumberland rivers, and the coasts of the Carolinas.

Upon their return a report was made by the commissioners and submitted by President Davis to the Confederate Congress. The report stated in unequivocal terms Lincoln's determination to treat with the South only under the conditions that permanent union between the sections be recognized and that the authority of the Constitution and laws of the United States over the states composing the Confederacy be completely restored.

Lincoln's further intention of making very liberal use of the presidential powers to remit the "pains and penalties" of individuals in the southern states was explicitly enunciated.

In light of the conditions imposed by Lincoln, Campbell urged the return of the commission to Lincoln conceding union as the basis of peace. A committee of senators

Carolina, and James L. Orr of South Carolina) met with Davis to press this course of action but failed to secure his approval. Campbell for his part compiled a complete report of current conditions in the Confederacy, addressing his findings to Gen. John C.

Breckinridge (then serving as Secretary of War), and recommending negotiations on the basis of union. He also secured reports from the Commissary-General, the Quartermaster-General and the Chief of Ordnance. According to Campbell, General Breckinridge submitted all of these to President Davis "in a secret message without note, comment or exposition." Davis not only took no action upon the reports but by his conduct made it impossible for others to act. The following month, another report to Breckinridge, dated March 5, 1865, outlined Campbell's expectation that an immediate peace settlement would prove beneficial to the South. In light of Davis's refusal to consider peace on the basis of union, Campbell perceived it to be the duty of those willing to assume responsibility to bring the war to a close.

It is the province of statesmanship to consider [the present state of] things. The South may succumb [sic], but it is not necessary that she should be destroyed. I do not regard reconstruction as involuntary destruction, unless our people should forget the incidents of their heroic struggle and become debased and degraded. It is the duty of their statesmen and patriots to guard them in the future with even more care and tenderness than they have done in the past. There is anarchy in the opinions of men here, and few are willing to give counsel and still fewer are willing to incur the responsibility of taking or advising action. In these circumstances I have surveyed the whole ground. I believe calmly and dispassionately. . . . I do not ask that my views be accepted, but that a candid inquiry be made with a view to action.

The hoped-for inquiry did not take place. The rapidly deteriorating military situation certainly contributed to the inability of the government to end the war while the South retained some measure of bargaining power, but Campbell placed the blame upon Davis. In Campbell's opinion, the President of the Confederacy lacked the qualities necessary either to conduct a revolution or to administer a state. He viewed Davis's stubborn determination to maintain the independence of the Confederacy in the face of inevitable defeat as a factor which led the South to disaster. In his letter to Justice Curtis a few weeks after Appomattox, Campbell characterized Davis: Slow, procrastinating, obstructive, filled with petty scruples and doubts, and wanting in a clear, strong, intrepid judgment, a vigorous resolution, and a generous and self-sacrificing nature, he became in the closing part of the war an incubus and a mischief. Thus Campbell failed in his efforts to achieve a peaceful settlement.

No charges were ever brought against Campbell and in the autumn of 1865, after several months' imprisonment, he was released. An important part of his life had ended, but the remaining twenty-four years of his life were eventful. Upon his return to New Orleans he formed a successful law firm which enjoyed a considerable practice in both federal and state courts. His contempt for reconstruction in Louisiana was evident in his postwar activities. He served as counsel for the butchers of New Orleans, arguing *The Slaughterhouse Cases* in 1873 before the U.S. Supreme Court. In 1876 he served as one of Samuel J. Tilden's advocates before the Electoral Commission established as a result of the contested presidential election between Tilden and Rutherford B. Hayes. In the opinion of one of the commissioners, Associate Justice Samuel F. Miller of the Supreme Court, Campbell made the ablest of all arguments.

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