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CASE FILES OF APPLICATIONS FROM FORMER CONFEDERATES FOR PRESIDENTIAL PARDONS ("AMNESTY PAPERS"), 1865-1867

Introduction

On the 73 rolls of this microfilm publication, M1003, are reproduced applications for pardon, 1865-67, submitted to President Andrew Johnson by former Confederates excluded from the provisions of his amnesty proclamation of May 29, 1865, together with affidavits, oaths of allegiance, recommendations for executive clemency, and other accompanying papers. These records are part of Records of the Adjutant General's Office, 1780's-1917, Record Group 94. Included on roll one is an alphabetical name index to the pardon application files prepared by the National Archives and Records Service (NARS) staff.

Background

During the Civil War, Federal officials recognized a need for new laws to deal with the rebellious acts of large parts of the Southern population. Because "treason" seemed too strong a word and death too severe a penalty for many of the acts in support of the Confederate cause, the Congress passed acts of July 31, 1861 (12 Stat. 284), and July 17, 1862 (12 Stat. 589), that fixed penalties for the lesser crimes of "conspiracy" and "rebellion." The latter act also provided for future pardon and amnesty by Presidential proclamation to be extended "to any persons who may have participated in the existing rebellion...with such exceptions and at such time and on such conditions as he may deem expedient for the public welfare."

The first such amnesty proclamation was issued by President Abraham Lincoln on December 8, 1863. It extended pardon to persons taking an oath to support the Constitution and the Union and to abide by all Federal laws and proclamations in reference to slavery made during the period of the rebellion. Six classes of persons were excluded from the benefits of the amnesty: (1) civil or diplomatic agents or officials of the Confederacy, (2) persons who left judicial posts under the United States to aid the rebellion, (3) Confederate military officers above the rank of Army colonel or Navy lieutenant, (4) Members of the U.S. Congress who left to aid in the rebellion, (5) persons who resigned commissions in the U.S. Army or Navy and afterwards aided in the rebellion, and (6) persons who treated unlawfully black prisoners of war and their white officers. A supplementary proclamation, issued March 26, 1864, added a seventh exception (person in military or civilian confinement or custody) and provided that members of the excluded classes could make application for special pardon from the President.

On May 29, 1865, President Johnson issued his first amnesty proclamation. Johnson's Attorney General, James Speed, had advised the President that while Lincoln's pardons were valid, his proffer of amnesty ceased to function with the end of the war and therefore a new proclamation was necessary. In the new proclamation, Johnson cited the failure of many to take advantage of Lincoln's earlier proclamation and noted that many others had been unable to do so because of their participation in the rebellion after the promulgation of the December 1863 amnesty. Under the new proclamation, 14 classes of persons were excepted from the general amnesty. Johnson incorporated Lincoln's seven exceptions with a few

alterations and added the following: (1) individuals who had absented themselves from the United States in order to aid in the rebellion, (2) graduates of West Point or Annapolis who served as Confederate officers, (3) ex-Confederate governors, (4) persons who left homes in territory under U.S. jurisdiction for purposes of aiding the rebellion, (5) persons who engaged in destruction of commerce on the high seas or in raids from Canada, (6) voluntary participants in the rebellion who had property valued at more than \$20,000, and (7) persons who had broken the oath taken under the provisions of the proclamation of December 8, 1863.

Johnson indicated he did not wish to deny pardon to many in the excepted classes, but he "intended they should sue for pardon, and so realize the enormity of their crime." There were, however, motives other than repentance in the minds of many applicants. A Presidential pardon would restore a citizen to his former civil rights and would also provide immunity from prosecution for treason and from confiscation of property. Thus, the President was soon besieged with thousands of applicants, and by the fall of 1867 he had granted about 13,500 individual pardons.

On September 7, 1867, Johnson issued a second amnesty proclamation narrowing the number of excepted classes to 3 and reducing the number of those still unpardoned to about 300. His third proclamation, which excluded only Jefferson Davis, John C. Breckinridge, Robert E. Lee, and a few others, was issued July 4, 1868. On Christmas Day of that same year, Johnson's final amnesty proclamation was extended "unconditionally and without reservation" to all who had participated in the rebellion.

During the post-Civil War period, the Congress also played an important role in extending amnesty. The 14th amendment to the Constitution, ratified in July 1868, provided that no person could hold any civil or military office under State or Federal Government who had previously taken an oath to support the Constitution while holding such a position and then had engaged in rebellion against the United States. The amendment provided that the Congress, by a two-thirds vote in both Houses, could remove this disability, and between 1868 and 1872 a number of ex-Confederates were granted congressional amnesty. The General Amnesty Act of May 22, 1872 (17 Stat. 142), left only a few hundred under the disabilities imposed by the 14th amendment, but it was not until June 6, 1898 (30 Stat. 432), that general amnesty was made universal. Also important in restoring former Confederates to full rights of citizenship was an act of May 13, 1884 (23 Stat. 21), which provided that prospective Federal jurors and civil officers no longer had to swear that they had never engaged in rebellion against the United States.

Records Description

The principal body of records reproduced in this microfilm publication consists of approximately 14,000 files containing pardon applications and related papers submitted to President Johnson, 1865-67, by persons excepted from his amnesty proclamation of May 29, 1865, together with a few applications submitted to President Lincoln by persons excepted under his earlier proclamations. The majority of applications are unsworn statements by petitioners, but there are a large number of statements sworn before a magistrate. Included with each application is an oath of allegiance signed by the petitioner and, in many cases, recommendations from prominent citizens for clemency or letters from relatives or friends containing pleas for compassion. Applications received by the President through governors of Southern States bear their endorsements. In some instances, there are notations by the President or his assistants indicating action on a particular case. The individual files often contain considerable information on a pardon applicant's background, his activities during the war years, and his attitude in defeat. Approximately half of the applications are from individuals excepted under the proclamation of May 29, 1865, because of their ownership of property valued at more than \$20,000.

The pardon application files are divided into three groups: (I) applications submitted by persons from the South (Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri,

North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia); (II) pardon applications submitted by persons from the North and West (California, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Massachusetts, Michigan, Nebraska, New Jersey, New Mexico Territory, New York, Ohio, Pennsylvania, and Rhode Island); and (III) applications submitted by persons who designated no State or Territory. Group I, by far the most voluminous, is filmed on rolls 1-72; groups II and III are filmed on roll 73. Each of the first two groups is arranged alphabetically by State, Territory, or district and thereunder alphabetically by surname of petitioner; the third group is arranged alphabetically by surname of petitioner.

In group I, filed at the end of the alphabetically arranged records under each State, are various types of special files. For most States there are applications bearing the names of two or more individuals (Two-or-More Name Files) and/or documents relating to the business of pardoning (Miscellaneous Files). Under South Carolina there is also a separate alphabetically arranged group of amnesty oaths (Special File) for persons whose applications were not included in the alphabetical name file. In group II under the District of Columbia, there is a separate alphabetically arranged set of application files from persons excluded by the 10th exception (passing into the Confederacy from U.S. territory to aid in rebellion) but recommended for pardon by Mayor Richard Wallach.

To facilitate the use of these files, the NARS staff has prepared a name index to pardon application files. The index has been filmed at the beginning of roll one. Indicated beside each name in the index is the State from which the individual submitted his application; below some names are notations indicating whether the individual's papers are to be found in any of the special files. When no such information is given below a name, all of an individual's papers can be found in the alphabetical file for the State indicated.

Where it has been determined from the pardon files that an individual held high civilian office or military rank under the Confederacy or under the U.S. Government, that information is included in the index. In some instances, pardon seekers are mentioned only in the miscellaneous file of the state from which they sought pardon; in such instances, their names are not included in the alphabetical name index.

Related Records

Also included in Record Group 94 are a number of petitions addressed to President Johnson from persons who favored or opposed a pardon for Jefferson Davis. Records of United States Army Continental Commands, 1821-1920, Record Group 393, contain documents created or received by provost marshals who served with Federal military commands in the South. These records include loyalty oaths, registers and lists of persons taking oaths, applications for pardon, and registers of applications. Documentation relating to the condemnation and confiscation of Confederate property and to subsequent applications for its restoration is in Records of the Bureau of Refugees, Freedmen, and Abandoned Lands, Record Group 105.

Records relating to the Confederate careers of many Southerners, whose amnesty applications are reproduced in this publication, are in War Department Collection of Confederate Records, Record Group 109. Many of the series containing such information have been reproduced as NARS microfilm publications. The careers of high-ranking Confederate military officers are documented in M331, *Compiled Service Records of Confederate Generals and Staff Officers, and Nonregimental Enlisted Men*. Information about Southern citizens can be found in M346, *Confederate Papers Relating to Citizens or Business Firms (Citizens File)*; M345, *Union Provost Marshal's File of Papers Relating to Individual Civilians*; and M426, *Union Provost Marshal's File of Papers Relating to Two or More Civilians*.

In General Records of the Department of State, Record Group 59, are several series of records relating to pardon and amnesty, including a file of individual amnesty oaths, 1864-66; registers of oaths taken under President Lincoln's proclamations of December 8, 1863, and March 26, 1864; indexes to oaths taken under President Johnson's proclamation of May 29, 1865; copies of pardons for war-related actions issued by the President before July 14, 1865; and requisitions and receipts for pardons.

In Records of the Office of the Pardon Attorney, Record Group 204, are documents concerning such wartime offenses as treason, conspiracy, aiding rebels, and complicity in the attack on troops in Baltimore during April 1861. Case files relating to many prominent Confederate officials are also in this record group.

Lists of persons pardoned under Johnson's first amnesty proclamation are containing in the following: House Executive Document No. 31, 39th Cong., 2d sess., serial 1289; House Executive Document No. 116, 39th Cong., 2d sess., serial 1293; and House Executive Document No. 32, 40th Cong., 1st sess., serial 1311. Entries in each list include the name of applicant, the pertinent exemption of the amnesty proclamation, the name of the person(s) recommending the pardon, and the date the pardon was granted. Additionally, House Executive Document No. 99, 39th Cong., 1st sess., serial 1263, contains lists of pardon seekers falling under the 13th exception (ownership of property valued at more than \$20,000) whose applications reached the President before March 16, 1866.

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