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Keywords
Mount Pisgah Church, Stonewall Jackson, Shenandoah Valley, Civil War, Confederate army, execution

Abstract
Mount Pisgah Church had long been a place where Orange County Baptists sought salvation and spiritual comfort. Wars have a way of turning such holy places into brutal scenes of killing. Although a battle was never fought on the sacred ground of the church, Pisgah witnessed man's inhumanity on 19 August 1862, when a firing squad executed three deserters from Brig. Gen. William B. Taliaferro's division of Stonewall Jackson's command - all of whom were conscripts from the Shenandoah Valley. Until that depressing afternoon, when veterans formed a hollow square and waited for the condemned, no deserters in Jackson's command had faced execution. In almost every instance, the convicted had received clemency or a lighter punishment for being absent without leave. What these three unfortunate souls discovered, as they knelt blindfolded in front of their caskets, was that the highest law in the Confederate army was not God's, but Stonewall Jackson's. [excerpt]
Rebellion. This argument seems overly simplistic when one considers that western Pennsylvanians suffered from the same Native American threats. Other historians have argued that western Virginia’s strong connection to the federal government, through the success of prominent Virginia politicians, waylaid any widespread frontier violence. This too fails to explain adequately western Virginian’s reactions to the insurrection. Historian Steven Boyd argues that resistance to the excise tax was prevalent on much of America’s frontier. He notes that “violent resistance marked attempted enforcement in Maryland, Kentucky, Virginia, North Carolina, South Carolina, and Georgia,” and that “the four western Pennsylvania counties were not the heart of excise opposition until the officers of the federal government marked them as such.” A more precise and complex explanation as to why Virginia’s mountaineers failed to embrace the rebellion fully must combine many elements. Regional concerns regarding the Indian threat, intense loyalty to the federal and state governments, strong Federalist leadership within the state and region, and the effective state control exerted by Governor Lee determined the course of action for many western Virginians during the Whiskey Rebellion. In the end, whether a Virginian participated in, supported, or opposed the Whiskey Rebellion was largely an individual choice. Political ambition, economic motivations, disaffection with the federal government, loyalty to neighbors or the federal government, kinship ties, and military obligation all served as factors in determining an individual’s level of participation in the Whiskey Insurrection.

The motivations behind the actions of the residents of western Virginia’s border counties during the Whiskey Rebellion of 1794 are difficult to discern. What is clear is that the Whiskey Rebellion dramatically affected Appalachian Virginia and its inhabitants. After all, “Strong art thou O Whiskey upon the Western mountains, and strong is thy brother Brandy in the vales below.”

66 Rice, West Virginia, p. 50; Charles Henry Ambler, Sectionalism in Virginia: From 1776 to 1861 (Chicago, 1910), pp. 64-65. Ambler argues that, “the inhabitants of the west sympathized heartily with the efforts of the federal administration to defeat the Indians of the Northwest Territory.”

67 Afterward, Boyd also considers several different reasons why the excise resistance “escalated into a so-called rebellion in only” western Pennsylvania. Boyd argues, citing research by Dodder Fennell, that historians must consider the “inequity” of the financial burden the excise tax placed upon westerners and smaller distillers as a motivating factor in the rebellion. Additionally, the author asserts that the Scots-Irish origins of western Pennsylvanians and Appalachian settlers must be “considered when evaluating the causes of the rebellion” (Boyd, ed. Whiskey Rebellion, pp. 170-85).

David Hackett Fischer considers the relationship between the mountaineers’ Ulster origins and whiskey distillation and rebelliousness in his work Afton’s Seed: Four British Folkways in America (New York, 1991).

68 Pittsburgh Gazette. 8 Aug. 1794. This quote is from a poem entitled “Eulogy on Whiskey” by Absalom Adwell.

SO FAR FROM GOD AND SO CLOSE TO STONEWALL JACKSON

The Executions of Three Shenandoah Valley Soldiers

by PETER S. CARMICHAEL

Mount Piosgah Church had long been a place where Orange County Baptists sought salvation and spiritual comfort. Wars have a way of turning such holy places into brutal scenes of killing. Although a battle was never fought on the sacred ground of the church, Piosgah witnessed man’s inhumanity on 19 August 1862, when a firing squad executed three deserters from Brig. Gen. William B. Taliaferro’s division of Stonewall Jackson’s command—all of whom were conscripts from the Shenandoah Valley. Until that depressing afternoon, when veterans formed a hollow square and waited for the condemned, no deserters in Jackson’s command had faced execution. In almost every instance, the convicted had received clemency or a lighter punishment for being absent without leave. What these three unfortunate souls discovered, as they knelt blindfolded in front of their caskets, was that the highest law in the Confederate army was not God’s, but Stonewall Jackson’s.

The officers of the doomed Valley men had begged for leniency, but Jackson was moved by neither the pathos of their pleas nor the logic of their arguments. Historians have described the general’s deep sense of duty as an almost biological condition that compelled him to support military executions. In many texts, he appears as an avenging angel, ruthlessly purging his...
men of weakness with an unyielding certitude that left him unconcerned with the political fallout that his severe punishments might bring. This interpretation unfortunately extracts Jackson’s decisions from their essential military and political context. Although he exerted tremendous authority over his command, his soldiers, Richmond authorities, and civilians shaped the envir-


With a personality that mixed a soldier’s devotion to duty and the fire of a man certain that God’s grace favored his cause, Thomas Jonathan “Stonewall” Jackson (1824-1863) demanded a high standard of discipline from his subordi-
nates. In the summer of 1862, frustrated at the number of his men who had deserted or were absent without leave, Jackson ordered the execution of men from the Shenandoah Valley as a stark warning to his entire command. (Vir-

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Brig. Gen. Turner Ashby (1826-1862) earned fame for his exploits as a cavalry commander serving under Stonewall Jackson. A native of Fauquier County, Ashby’s caval-
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edged his subordinate’s skill and daring. One of the four soldiers sentenced to death in summer 1862 was convicted of leaving the 10th Virginia Infantry without permission and joining Ashby’s cavalry the previous February. Ironically, Ashby’s lax command style had already ceased to be a problem for Jackson. The cavalryman had been killed near Harrisonburg on 6 June. (Virginia Historical Society)

environment in which he operated, and they compelled him to compromise on numerous occasions. Until mid-summer 1862, the public did not give the general much room to maneuver on the issue of military execution. Throughout the Shenandoah Valley campaign of 1862, he often looked the other way when confronted by the most flagrant violations of military authority. Such infractions—particularly from cavalryman Turner Ashby— infuriated Jackson, but he backed down in almost every case. Quite simply, the army and the public would not stand for the mass shooting of deserters.\footnote{A superb treatment of Jackson’s stormy relationship with Ashby can be found in Paul Christopher Anderson’s Blood Image: Turner Ashby in the Civil War and the Southern Mind (Baton Rouge, 2002).\footnote{On the shift toward a policy of severity, see William Blair, Virginia’s Private War: Feeding Body and Soul in the Confederacy, 1861-1865 (New York, 1998), pp. 55-68.}}\footnote{On the shift toward a policy of severity, see William Blair, Virginia’s Private War: Feeding Body and Soul in the Confederacy, 1861-1865 (New York, 1998), pp. 55-68.} This political reality forced him to show restraint until the summer of 1862, when Confederate policy suddenly shifted to what one historian has called “a new severity.”\footnote{On the shift toward a policy of severity, see William Blair, Virginia’s Private War: Feeding Body and Soul in the Confederacy, 1861-1865 (New York, 1998), pp. 55-68.} The chaotic situation with Ashby’s troopers presented in microcosm what was occurring throughout the state. Thousands of deserters and stragglers roamed the countryside. Confederate authorities and civilians had had enough, and they called for sterner measures to improve army discipline. Once the people and the government endorsed a harder view of war, Jackson was presented with the opportunity to act upon his strong feelings about desertion.
With a personality that mixed a soldier’s devotion to duty and the fire of a man certain that God’s grace favored his cause, Thomas Jonathan “Stonewall” Jackson (1824–1863) demanded a high standard of discipline from his subordinates. In the summer of 1862, frustrated at the number of his men who had deserted or were absent without leave, Jackson ordered the execution of men from the Shenandoah Valley as a stark warning to his entire command. (Virginia Historical Society)

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Brig. Gen. Turner Ashby (1828–1862) earned fame for his exploits as a cavalry commander serving under Stonewall Jackson. A native of Fauquier County, Ashby’s cavalier attitude toward discipline and military regulations frustrated Jackson, even as the latter acknowledged his subordinate’s skill and daring. One of the four soldiers sentenced to death in summer 1862 was convicted of leaving the 10th Virginia Infantry without permission and joining Ashby’s cavalry the previous February. Ironically, Ashby’s lax command style had already ceased to be a problem for Jackson. The cavalryman had been killed near Harrisonburg on 6 June. (Virginia Historical Society)

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3 A superb treatment of Jackson’s stormy relationship with Ashby can be found in Paul Christopher Anderson’s Blood Image: Turner Ashby in the Civil War and the Southern Mind (Baton Rouge, 2002). Also useful is Freeman, Lee’s Lieutenants, 1:476–78.

Civil War soldiers, North and South, felt the conflicting pulls of devotion to cause and comrades and to the families they left behind. This pictorial envelope depicts a Union soldier ready to march off to war, his fellow troops and colors moving into the distance, as he bids his children and weeping wife goodbye. Departed soldiers left emotional voids at home, but their absence also frequently meant hardship and privation as families struggled to replace the labor and income lost through the absence of husbands, fathers, brothers, and sons. (Collection of the New York Historical Society, Digital ID no. AJ80016)

What was the effect of the 19 August executions on the rank and file? This is a challenging question that provides few satisfying answers. Confederate records on absence without leave are sketchy at best. Quantifying the extent of this phenomenon, why it occurred, and whether it was for legitimate reasons or not is nearly impossible to determine. Regimental officers completed muster rolls every two months. Only those soldiers who were away from camp when those checklists were completed appeared on the paperwork as absent without leave. Countless numbers of men escaped through this bureaucratic loophole. Muster rolls, furthermore, fail to explain why men were absent without leave. Desertion records are also incomplete, particularly for the last two years of the war. The flight of disaffected soldiers from the Confederate Army certainly continued after 19 August, and it actually increased at critical junctures of the war. But each spike in desertion had causes unique to a specific time and place and to the dynamics of a particular unit. During Robert E. Lee’s 1862 Maryland campaign, for instance, straggling and desertion skyrocketed because of a logistical collapse in the Army of Northern Virginia. Desertion in late spring and early summer of 1862, however, was driven mostly by home front needs. Thus, comparing rates of desertion and absences without leave for the periods surrounding the executions does not bring into focus how the event itself affected the soldiers’ psyches. In other words, the bookends on either side of the execution are not a matching pair, and they cannot hold the event in its proper place for evaluation.

6 Although not present at the 19 August executions, North Carolinian Samuel H. Walkup witnessed a number of shootings in 1864 as an officer in the 40th North Carolina. He found striking the psychological differences between the effect on troops of a battle and that of an execution: “On next Saturday, probably the day you receive this letter we will have three more men from the 46th Regt. in our Brigade shot for desertion by sentence of Court Martial. It is a much more shocking scene than a battle for in Battle the blood is up & men excited and as no one expects to be hit positively, He feels a hope. But in these military executions the blood is cool & the doom of the victim certain & it freezes the blood to witness it though it is a necessary to enforce order & obedience, without which an army, like a government without law, would be a reckless & unmanageable mob” (Samuel H. Walkup to Minnie Walkup, 28 Jan. 1864. Samuel H. Walkup Papers, Southern Historical Collection, Wilson Library, University of North Carolina at Chapel Hill [hereafter cited as SHC]).


9 On the Confederacy’s implementation of conscription in the spring of 1862, see Albert Burton Moore, Conscription and Conflict in the Confederacy (1924; Columbia, S.C.: 1996), pp. 12–14, 17–26; and Thomas, Confederate Nation, pp. 152–55.
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The three men executed for desertion at Mount Pisgah Church were all conscripted soldiers from the Valley of Virginia. In this idyllic painting, titled simply Shenandoah Valley, William Louis Sonntag (1822–1900) emphasizes the romantic qualities of the valley that was both the home of many of Stonewall Jackson’s men and the setting for the dramatic campaign of 1862. (Virginia Historical Society)

This provision rankled many veterans who believed they had already fulfilled their duty. Overall, reactions were mixed across Virginia. Resistance to the draft was strongest in the Shenandoah Valley. In his superb study of the Old Dominion’s Civil War experience, William Blair discovered that desertion in Virginia units, particularly those from the Valley, dramatically increased from March to June of 1862. 10 Although large numbers of men protested with their feet, most eventually returned to the ranks. In fact, conscription never instigated a widespread rebellion against the Confederacy on the home front or in the military. Most Virginians grudgingly resigned themselves to the new policy, and thousands of veterans re-enlisted and new recruits joined the cause. This new infusion of manpower, however, did not match the army’s old blood type. The enlistees of 1861 were highly patriotic, motivated men who were more idealistic than the recruits of 1862. Those enrolled by the conscription act appeared more conflicted and less reliable, though they should not be seen as cowards. 11 Many small farming neighborhoods depended on these men to keep local economies functioning. This was particularly true in the Shenandoah Valley, where farmers had few slaves to replace the white men serving in the army. Family and community needs overwhelmed many of these 1862 recruits, who found it necessary to take “French Furloughs” from the army. Without permission, they would slip away from their units—usually as individuals, but sometimes in squads—to make the journey home. 12

Many soldiers, including veterans, saw no reason why they should remain in camp between battles if family members needed help, particularly if the army was in quarters. After attending to loved ones, soldiers generally returned to their regiments within a few weeks. This practice continued until the end of the war, especially at planting and harvest time when the need for manpower was most severe. Absence without leave under these conditions should not be interpreted as a rejection of the Confederacy. Instead, it reveals the conflicting demands of nation and community that forced Confederate soldiers to make tough choices, probably like the dilemma that presented itself to the three Valley men who were shot on 19 August. 13

10 Blair, Virginia’s Private War, p. 61.
13 On the multiple and sometimes contradictory meanings of desertion in the Confederate Army, see Reid Mitchell, Civil War Soldiers (New York, 1988), pp. 70–71. Some of the most prominent works on desertion are Loom, Desertion During the Civil War; Georgia Lee Tatum, Desertion in the Confederacy (Chapel Hill, 1934); Richard Banghae, “Confederate Dilemma: North Carolina Troops
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12 On the varied reasons for absence without leave and desertion in the Confederate army, see Ella Lonm, _Desertion During the Civil War_ (New York, 1928), pp. 16–19; and Bell Irvin Wiley, _The Life of Johnny Reb: The Common Soldier of the Confederacy_ (Indianapolis, 1943), pp. 135–38.
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In July 1862, many soldiers in the Stonewall Brigade used the confusing march from Richmond to Gordonsville to slip away from their units temporarily. The threat to military discipline produced by this straggling led to a dramatic escalation in corporal punishment. The humiliating procedure of being bucked and gagged, illustrated here, infuriated one of the victims, John O. Casler, who later recalled the demeaning treatment in his memoir.

(Virginia Historical Society)

Bucked and Gagged.

Sources indicate that these soldiers did not desert because of class resentment or disillusionment with the war. Issues at home probably lured them away. Their pattern of behavior corresponds to what Kevin Conley Ruffner found in his excellent study of the 44th Virginia Infantry. He discovered that, for that regiment, the most important factors in desertion were "age, physical condition, and family responsibilities [rather] than economic or class factors." 14

The blurred lines between home front and army in Virginia made it that much more tempting for Virginia soldiers to run the "blockade" than for enlisted men from other states. Lax discipline in camp further encouraged soldiers to slip away from the army during the first year and a half of the war. Officers, whose positions depended upon popularity with their men, over-


14 Kevin Conley Ruffner, "Civil War Desertion from a Black Belt Regiment: An Examination of the 44th Virginia Infantry," in Edward L. Ayers and John C. Wills, eds., The Edge of the South: Life in Nineteenth-Century Virginia (Charlottesville, 1991), p. 101. Ruffner’s important findings have been supported by Blair, Virginia’s Private War, p. 62. A similar argument for Texas troops in Virginia has been made by Charles E. Book, "The Social and Cultural Dynamics of Soldiering in Hood’s Texas Brigade," Journal of Southern History (hereafter cited as JSH) 67 (2001): 571-72. Rand Dotson discovered that men from Floyd County in southeastern Virginia deserted because of the harsh treatment the Home Guard inflicted on civilians and other Confederate runaways. Contrary to Ruffner’s men from the state’s black belt, Dotson noticed a steady increase in desertion as the war progressed, leading him to conclude that disaffection with the Confederacy motivated most men to leave the ranks (Dotson, "Grave and Scandalous Evil," pp. 393-434).

looked flagrant violations in the interests of self-preservation and unit harmony. Virginian John O. Casler of the famous Stonewall Brigade, for instance, ran "the blockade for a canteen of whiskey" in the early summer of 1862. When confronted by Gen. John R. Jones, Casler quickly fabricated a defense that included a lie about his captain. As soon as he returned to camp, Casler feared that Jones would ask his captain about the incident. He admitted to his crime, expecting his immediate superior to throw him in the guard house. To Casler’s immense relief, the captain “just laughed at the trick.” 15

During the summer of 1862, too many men were flouting military authority like Casler. The collective effect of such mischief threatened military efficiency. A number of officers increasingly feared that a crisis in camp discipline would inevitably lead to a catastrophe on the battlefield. This apparent breakdown in discipline affected units from all southern states, but the problem seemed acute in Virginia regiments. Operating so close to their home communities gave these men added reason to fight hard, and it made most determined soldiers. Unlike troops from other states, Virginians saw the immediate threat that the enemy posed to their homes and families. But campaigning in their native state had a serious drawback for military discipline—Virginia soldiers could not escape the nearly irresistible urge to visit loved ones who were never so far away that an unofficial trip was impractical. The prospect of a short visit home seduced many Virginians. In June 1862, James Longstreet believed the military readiness of his command was jeopardized by Virginians who moved between camp and home without the slightest regard for official policy. He complained to Gov. John Letcher that his command of twenty-three Virginia regiments and seventeen batteries should contain 32,000 men, but 7,000 were absent from their posts without leave. 16

Many of these "deserters" never made it home, finding the temptations of Richmond and other towns too enticing. When Lee’s army hovered near Richmond after the Seven Days campaign on 1 July, hordes of stragglers turned the city into a veritable resort town. Groshops, boarding houses, and hotels overflowed with rancorous men bent on having a good time. Tensions mounted between civilians and their defenders, the latter seen by the former as much a threat as the Yankees. The Richmond papers castigated civilians for encouraging the city’s growing population of drunken rowdies. On 21 July, the Richmond Examiner indignantly claimed: "We have seen twenty of

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these sturdy, dirty villains seated in the shade on our streets, while they were fed by some poor woman from the last supplies in her kitchen... There are officers as well as privates among these absentees; drones in uniform, who smoke or guzzle about the hotels, and are made parlor pets by some of the social noodlies of Richmond. The provost guard responded by checking passes on the streets, but this did little to deter restless soldiers who could be remarkably creative if they wanted to escape temporarily from the restraints of army life. The Richmond Examiner thought the situation had become so desperate that only the implementation of the death penalty would keep men in the ranks. Endorsing the use of force reflected a critical shift in public sentiment. As civilians increasingly became hardened to the realities of war, they accepted and even encouraged severity to keep soldiers in the army. The reality of war had finally hit Virginians, and they were willing to accept any measure that would end needless disruptions on the home front.

This shift in public thinking came at a fortuitous time for Lee and Jackson. By the middle of July, with a new Federal offensive looming on the horizon, they now had a large degree of public support to enact stronger measures to keep men in the ranks and to induce back those who had strayed. Adjutant General Samuel Cooper asked governors to assist in returning deserters and stragglers whose absence was undermining the army. Lee supported this effort by calling on railroad agents and employees to remain watchful for soldiers unauthorized to be away from the army. At the same time, military authority bore down on smaller Virginia towns. During the month of July, roughly fifty deserters, stragglers, and convalescent soldiers were arrested each day in Staunton and shipped back to the army. Provost marshals were also appointed in communities with the express purpose of corralling wayward men on the home front and sending them back to their units. On 13 August, Jackson ordered Staunton’s commander to arrest for disloyalty any civilian harboring soldiers who were absent without leave. Confederate authorities had cast their net wide during the summer of 1862, bringing distant communities under the authority of the Confederate war machine with the purpose of channeling the state’s limited human resources into the army.

This move toward severity also brought stricter discipline in the army, which sent waves of turbulence rolling through Confederate ranks. Tighter enforcement of military regulations clashed with the independent nature of southern soldiers. From an early age, white men were taught to cherish their liberties, to defend violently any perceived infringement of their rights, and to assert the freedoms to which they were entitled as southern men. The restrictions of military life violated this code of honor at the most fundamental level, and consequently, southern soldiers faced a difficult transition from civilian life to the army. They often refused to follow orders that were not issued in a respectful manner or that they considered unnecessary. Tasks involving manual labor were sometimes ignored because they were deemed fit only for slaves. The South’s prewar militia tradition, in which the men enjoyed a degree of equality with their officers, only reinforced this streak of rebelliousness in the ranks. Confederate enlisted men would not tolerate a domineering officer who ran roughshod over their freedoms. They demanded a voice regarding who would lead them, where they would serve, and what branch of service they would join.

As Lee and Jackson tightened discipline during the summer of 1862, field-grade officers detected growing hostility from a rank and file determined to test the limits of this new severity. A by-the-book approach was political suicide for these officers. Greenlee Davidson, a Lexington native and artillery captain under Jackson, commanded a mutinous crowd of lower-class whites from the city of Richmond. During a four-month period in early 1862, his battery, the Letcher Artillery, lost a staggering 26 percent of its personnel to desertion. His strong-arm tactics partially contributed to the mass exodus. Davidson frequently applied the lash to disobedient men and nearly killed one impertinent soldier with a fence rail for refusing to go to the guard house. Although Davidson considered force the surest way to keep his unruly men together, his subordinates compelled him to compromise on occasion. Pvt. John M. Travers, who failed to report to roll call because of a drinking binge in Richmond, sent a letter to Davidson expressing his apologies “for what I have done and am ready to return to camp, as soon as I can ascertain whether any punishment is to be inflicted.” When he learned that Davidson would not “sweeten me,” Travers immediately returned to camp for the less brutal punishment of the guard house.

This type of dialogue, although almost never allowed in professional armies, mediated relations between officers and enlisted men in a volunteer force. Davidson’s actions might have been interpreted as a sign of weakness,

17 Richmond Examiner, 21 July 1862, p. 2.
18 Blair, Virginia's Private War, p. 67.

20 On notions of honor, see Bertram Wyatt-Brown's classic Southern Honor: Ethics and Behavior in the Old South (New York, 1982).
21 The independent nature of southern soldiers has been explored by a number of scholars. See Blair, Virginia's Private War, pp. 62–64; and Mitchell, Civil War Soldiers, p. 58. A more focused analysis of the relationship between Confederate soldiers and their officers can be found in Wiley, Life of Johnny Reb, pp. 235–36.
22 Peter S. Carmichael, The Purcell, Crenshaw, and Letcher Artillery (Lynchburg, Va., 1990), p. 156.
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but his soldiers appreciated such gestures as an acknowledgment of their rights as white men. Such concessions, however, frustrated army headquarters. Compromise was viewed as softness by senior officials who found a similar deficiency in military courts where leniency almost always prevailed. Unless a man had committed a heinous crime, such as murder or spying, soldiers almost always escaped with their lives, thus encouraging others to misbehave. As long as subordinate officers and army bureaucrats treated deserters and stragglers with kid gloves, Lee and Jackson could not implement a policy of severity. They both realized that examples would have to be made if order and discipline were to take hold in the Army of Northern Virginia.

Unfortunately, the court martial records for Lee’s army are scattered and incomplete. The general orders from the Army of Northern Virginia provide the best source on military justice. The records for the summer of 1862, however, are woefully deficient, largely because the army’s judicial system had not yet begun operations in earnest. The 19 August executions in Taliaferro’s division, for instance, do not appear in the general orders. Nonetheless, the available evidence strongly suggests that most military courts refused to impose the death sentence, despite the lobbying of army headquarters for such penalties. From 27 July to 14 August, according to the general orders, only 12 percent of those convicted of either desertion or being absent without leave were sentenced to death. And of those sentences, 40 percent were overturned by Army headquarters because of legal irregularities.24

Without question, more men were tried and convicted of desertion and absence without leave during the summer of 1862 than had been previously. Available evidence seems to indicate that the men shot on 19 August were the first to be executed from Jackson’s command—and possibly the entire Army of Northern Virginia. In all, the fragmentary evidence makes it clear that military officials balked at using the death penalty.25 Neither soldiers nor civilians would tolerate the widespread execution of deserters and stragglers. A volunteer army and a democratic society would not stand for ritual executions. Confederate officials, particularly Jefferson Davis, understood that civilians and soldiers found military executions abhorrent, that compassion was preferable to force. Abraham Lincoln faced a similar situation in the North. After announcing presidential pardons to a cheering crowd, Lincoln admitted, “You can’t order men shot by dozens or twenties. People won’t stand it.”26

Leniency, as Lee and Jackson feared, actually emboldened men to take French furloughs. In the summer of 1862, one of Jackson’s staff officers believed that leniency “had proved rather an inducement than a preventative” of desertion.27 The problem with stragglers in Richmond testified to the growing resistance to military authority and to the fact that old forms of punishment did not always make unruly soldiers obedient. Typically, stragglers and deserters received penalties of humiliation. In the presence of their company, deserters might have their heads shaved, their left hip tattooed with the letters “D,” or their bare backs flogged, sometimes as many as twenty times. Others were put to hard labor carrying a ball and chain, sent to solitary confinement on bread and water, or restricted to camp where they marked time on the head of a barrel. Flogging was particularly degrading because it had been reserved for slaves before the war as a form of public punishment. Even more disgraceful was the public shaming in front of comrades, soldiers’ community of peers. It forced not just the guilty party but also the entire unit

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These disciplinary measures, no matter how humiliating, were not enough to deter countless men, particularly at a time when manpower shortages severely disrupted life on the home front. In Virginia, these dislocations were felt acutely in the Shenandoah Valley. Local economies nearly collapsed under the weight of conscription, as farmers, tanners, millers, and blacksmiths suddenly found themselves in the army.  

Cries for relief were immediately heard by Stonewall Jackson’s soldiers, most of whom were from the Valley. Fortunately, they fought and marched near their homes from the late fall of 1861 to the early summer of 1862. Even during active campaigning, they could easily communicate with family members and make those short, but crucial, trips home.  

In mid-June, Jackson’s men left for Richmond to fight in the Seven Days campaign. Upon its conclusion on 1 July, many expected to return to the Valley, to defend their own communities and to take care of problems faced by their families. Instead of returning to their native land, however, Jackson’s troops moved from Richmond to Gordonsville on 17 July, where they protected central Virginia against John Pope’s advancing Federals. By this critical juncture of the war, most Confederate soldiers had become accustomed to defending their communities far from home. Jackson’s Valley troops, however, had not yet experienced prolonged absences from their homes. Emotional stress understandably mounted that summer, as they worried about the safety and well-being of their families. Without the presence of Confederate troops, Valley civilians were helpless in the face of a marauding Yankee army. One of Jackson’s soldiers captured the concerns of his comrades. “The poor old Valley has been so much scourged by the armies of both sides, and everything there so completely destroyed . . . .” he wrote his wife on 20 July. “[I]t has been to me,” he added, “a source of great sorrow that those whom I love more than I do myself, my wife and children, have been so long in their [Federal] power and under their dominion. This, I confess, has grieved me more than anything else since I left you.”  

As the men from the Valley grew restless, eager to defend their communities again, Jackson and his subordinates decided to take a harder stand against desertion and straggling. They could not tolerate soldiers fleeing to the Valley while Pope prepared to strike. Samuel Bassett French, a member of Jackson’s staff, noticed a tougher attitude among his fellow officers. “The preservation of the army itself was dependent on the maintenance of discipline, and discipline could not be had if desertions were longer to go unpunished.” In keeping with this spirit, William Thomas Poague of the famous Rockbridge Artillery arrested several men for desertion in Gordonsville. The charged soldiers could not understand what had gotten into Poague. They said he was acting like a tyrant, a real martinet, even though Poague explained that he was merely carrying out instructions from above. “They became greatly incensed at me as if I had initiated the disciplinary action,” Poague recalled, “and as if I ought to or could have prevented it.” Poague’s determination to tighten discipline in the Rockbridge Artillery nearly alienated him from his command. “I soon found myself getting unpopular with a certain class of men,” Poague added. “This, of course, was not pleasant. My position was a trying one, and my ambition for promotion not sufficient to make me unwilling to exchange with a private in the ranks.”  

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handle 11,000 foot soldiers. The painfully slow trains stopped from time to time because of breaks in the tracks that forced the men off the cars. After marching for a short distance, they would reboard, only to repeat the tedious process time and again. One Valley soldier complained during the exhausting journey that “it seems that we will never get to a stopping place... Our ride on the cars was anything but a pleasant one, it being very hot & the cinders filling our eyes & mouths. I had a seat between the cars where some one was continually climbing over me all the time.”

The confusing march, with its repeated starts and stops, created innumerable opportunities for soldiers to slip away from the column. Those who decided to explore the countryside received a rude greeting in Gordonsville. The Stonewall Brigade’s commander, Charles Winder, ordered that any man who did not answer roll call in Gordonsville be bucked and gagged. This painful and humiliating punishment began by tying a soldier’s hands together at the wrists before slipping them down over his knees. After he was thus bucked, a stick was then slid under the knees and over the arms. Gagging was placing a bayonet in the mouth and tying it with a string behind the neck. This exceedingly harsh response shocked a number of officers who begged Winder to reconsider. He flatly refused. Nothing would prevent him from breaking up stragglers in his Valley brigade.

The next day, about thirty men, including John Casler, were escorted to a nearby woods, placed under guard, and bucked from sunrise to sunset. Casler, who excelled at avoiding army regulations like few others, recalled that “[i]t was a tiresome and painful situation, as we had to sit cramped up all day in one position, and if a fellow happened to fall over one of the guards would have to sit him up.” “We were all as mad as fury about it,” Casler bitterly wrote, “for it was a punishment that had never been inflicted in our brigade before.” The night after their ordeal, about one half of those punished deserted. Others threatened to shoot the tyrannical Winder if he was “spotted” during the next battle. Casler told his captain that if bucked again for straggling he “would never shoulder [his] musket again for a cause that would treat soldiers in that manner.”

Humiliation and rage animated members of the Stonewall Brigade, even among those who were not punished. Indignant officers rushed into Jackson’s tent to air their grievances. Although often perceived as ruthlessly inflexible on such matters, the general revealed his pragmatism in dealing with issues of discipline. He too shared Winder’s desire to end straggling, but he also realized that harsh measures could only be applied after long deliberation and careful selectivity. If these draconian measures continued, Jack-

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34 Robertson, Stonewall Jackson, p. 513.
36 Casler, Four Years in the Stonewall Brigade, pp. 101–2.
37 James I. Robertson, Jr., The Stonewall Brigade (Baton Rouge, 1963), p. 126.
38 Robertson, Stonewall Jackson, p. 517.
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convened a general court martial to bring men charged with desertion to justice.

It appears that Jackson was particularly concerned about dissent in regiments from the Valley and western Virginia. Only soldiers from those areas were tried and eventually executed for the crime of desertion on 19 August.\(^{39}\) Maybe it was a coincidence that only Virginians from west of the Blue Ridge were shot, but Jackson had a long and sometimes contentious relationship with the region. In earlier campaigns, he had discovered that loyalties in that part of the state could be fickle. Of the four men sentenced to death, it is significant that three came from Rockingham County, an area that had witnessed a minor rebellion against conscription that spring. Jackson crushed the uprising with lightning quickness, sending one of his subordinates to shell the rebels out of the mountains.\(^{40}\) Although stability had returned to Rockingham, he must have had lingering doubts about the loyalty of the residents. He understood that civilians, particularly those from disaffected regions of the state, would continue to influence his men adversely unless examples were made. Killing disobedient soldiers would not only scare those who remained in the ranks, but it would also make the people back home think twice before asking a father or son to sneak away from the army. Stonewall’s contentious relationship with the people in Rockingham might explain why men from the Valley received capital punishment while soldiers from other parts of the state evaded the firing squad. Unfortunately, the available sources fail to prove this theory conclusively.

At the beginning of August, Jackson ordered the establishment of a number of military courts. Among those men tried as deserters were John H. Layman, John Roadcap, and John Rogers of the 10th Virginia, and James Andrew Riddel, Jr., of the 5th Virginia. Although court martial records for the Confederacy do not survive as a unified body of papers, scattered fragments exist. Amazingly, the court transcripts of these Valley men (except

\(^{39}\) Besides the three men executed from Taliaferro’s division on 19 August, Jackson also permitted a less public execution of two soldiers from the 31st Virginia in Ewell’s division. The condemned were from Highland County in western Virginia, and the fragmentary evidence makes clear that their crime was desertion. One observer wrote: “Their plea was, their families living way off in the Mountain Region of Western Virginia were reduced to destitution and suffering by reason of their being away from home. Hearing from their families, and their desperate condition, and knowing that it would be useless to apply for a furlough to go home, these poor fellows left their Regiment without permission. . . . Poor fellows! My heart ached for them. Had they been wealthy men’s sons, the case would have ended quite different” (Henry J. Magruder diary, 19 Aug. 1862, Special Collections Department, West Virginia University Library, Morgantown). For a less descriptive account of this event, see Shepherd Green Pryor to Penelope [?], (19) Aug. 1862, in Charles R. Adams, Jr., ed., A Post of Honor: The Pryor Letters, 1861–1865 (Fort Valley, Ga., 1989), pp. 235–36.

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John Rogers) have been preserved because of an unusual clerical decision that placed these documents under letters received by the Confederate secretary of war. These records, although not complete, offer a rare glimpse into the process of military justice in the Confederate army.

James Andrew Riddel, Jr., was the first to come before a court martial, on 28 July. Before the war, Riddel struggled as a laborer in Augusta County, where he was married with three children and owned no land.\(^{41}\) Although he compiled service record states that he was a volunteer, court testimony makes clear that Riddel was conscripted into the 5th Virginia on 14 March 1862. He faced two charges of desertion. He left his company on 16 April, on the march from Harrisonburg to Swift Run Gap and remained absent at home until arrested by military authorities. He was escorted back to camp on 30 May, staying a few days until the 9 June battle at Port Republic when he disappeared again. Confederate troops caught up with him a month later and returned him to camp. Nineteen days later, a military court assembled under the direction of Col. John F. Neff of the 33rd Virginia. The prosecution first called Lt. John W. O. Funk of the 5th Virginia to the stand, and Funk confirmed that the prisoner had left the company without permission in April

\(^{41}\) Manuscript Census Returns, Eighth Census of the United States, 1860, Augusta County, Virginia, Schedule 1, Free Inhabitants.
convened a general court martial to bring men charged with desertion to justice.

It appears that Jackson was particularly concerned about dissent in regiments from the Valley and western Virginia. Only soldiers from those areas were tried and eventually executed for the crime of desertion on 19 August.30 Maybe it was a coincidence that only Virginians from west of the Blue Ridge were shot, but Jackson had a long and sometimes contentious relationship with the region. In earlier campaigns, he had discovered that loyalties in that part of the state could be fickle. Of the four men sentenced to death, it is significant that three came from Rockingham County, an area that had witnessed a minor rebellion against conscription that spring. Jackson crushed the uprising with lightning quickness, sending one of his subordinates to shell the rebels out of the mountains.31 Although stability had returned to Rockingham, he must have had lingering doubts about the loyalty of the residents. He understood that civilians, particularly those from disaffected regions of the state, would continue to influence his men adversely unless examples were made. Killing disobedient soldiers would not only scare those who remained in the ranks, but it would also make the people back home think twice before asking a father or son to sneak away from the army. Stonewall’s contentious relationship with the people in Rockingham might explain why men from the Valley received capital punishment while soldiers from other parts of the state evaded the firing squad. Unfortunately, the available sources fail to prove this theory conclusively.

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and June. When asked if he knew "of any circumstances which in his case would mitigate the offense of these desertions," Funk said no.42 Riddle, who inexplicably waived his right to representation, approached the witness for cross-examination. He wanted to establish that he had struggled from the ranks in April for lack of proper shoes, not as a deliberate act to escape the army. "Did I leave the camp or did I fall behind the Regiment on its march?" asked Riddle. Funk acknowledged that "I missed you from the command on its march." Riddle followed with another question: "Do you remember that my shoes were not in good condition?" Funk said he did not.43

In the redirect, the prosecution pressed Funk to remember the circumstances surrounding the April incident. The court believed that Riddle had intentionally left camp to visit his nearby home. Funk elaborated on this issue, stating that "I last saw the prisoner on the other side of Harrisonburg whilst the Company was halted on the hill near that place. I did not see him after wards." The court then raised doubts about Riddle's patriotism and courage when Funk confirmed that Riddle was a conscript. Even more damaging to Riddle's case was the fact that every witness who followed Funk claimed that Riddle left the army a second time just before the battle at Port Republic. The implication was clear: cowardice motivated the defendant to abandon his company.44

The prosecution’s second witness, H. K. Pritchard, a sergeant in the 5th Virginia, confirmed Funk’s account of events. In his cross-examination, Riddle relentlessly pursued the point that he could not keep up in the ranks for physical reasons, that he was a struggler at worst, not a deserter. "Do you remember," Riddle asked, "that at New Market just before my second leaving I tried to draw a pair of shoes?" Pritchard responded: "I remember that you came to me, and among other articles said you wanted to draw a pair of shoes. I went to the Quarter-master, drew [for] him one shirt one pair of pantaloons & the shoes could not be furnished." Riddle followed up: "Do you remember of my complaining of my feet about that time?" Pritchard replied, "I do not remember particularly."45

After Pritchard was dismissed, Pvt. Thomas A. Foster of the 5th Virginia took the stand for the defense. Riddle only had one question: "Did I not come back after my first leaving my Company of my own accord?" Foster acknowledged that "I didn’t see any body with you when you came to the company." The judge advocate asked Foster if he was aware that Riddle had become separated from his guard when escorted back from his confinement at Staunton. Foster knew that Riddle had become lost, but he did not know the circumstances surrounding the incident. The court was trying to counter Riddle’s claim that a sense of duty motivated him to return on his own, that he would have remained at home if he had not been arrested. In all, the prosecution reconstructed a disturbing pattern of behavior in which the accused routinely violated military authority, even after he had been arrested for desertion. The prosecution concluded by asking Pritchard to tell the court where Riddle was first arrested. Foster recalled that the prisoner "told me that he was at home," but "I am not positive about it." The implication was clear: if Riddle was physically able to walk home, then why did he claim that his shoes had given out and that he could not keep up on the march?46

The following morning Riddle presented a paper before the court, but unfortunately the document does not survive. How long it took for the officers to find the defendant guilty on both charges of desertion is not known. The court then sentenced Riddle to stand before a firing squad. On 17 August, Jackson approved the execution. The final endorsement was even signed in his own hand.47

For Layman, Roadcap, and Rogers—the other three men accused of desertion from Taliaferro’s division—trials were held in Gordonsville during the first week of August. John Layman was a thirty-five-year-old farmer from Rockingham County. He was married with children who reportedly were very ill during the winter of 1861–62. One of his daughters had died from diphtheria that February. Although family legend has it that his wife’s pitiful letters caused Layman to desert, court testimony reveals that he went home to obtain proof of his age. With this evidence, he apparently believed, he could prove that he was not eligible under the conscription act.48 On the morning of 29 July, he left camp at Gordonsville with William G. Brown and John Rogers, neighbors from Rockingham County. Brown was not affiliated with any unit and was released by Taliaferro on the condition that he enlist in the 10th Virginia. There is no existing record to suggest why Rogers decided to accompany his friend. After the war, Samuel Bassett French stated his belief that Rogers also went home to get proof of his age. For this act, he would pay with his life.49

42 For Riddle’s compiled service record, see his entry in Lee A. Wallace, Jr., 5th Virginia Infantry (Lynchburg, Va., 1988), p. 153. The description of Riddle’s actions is gleaned from court martial testimony. See “Court Martial of Andrew J. Riddle, Jr.” Documents 531-R-186; Letters Received by the Confederate Secretary of War (M437), NA.

43 “Court Martial of Andrew J. Riddle, Jr.”

44 Ibid.

45 Ibid.

46 Ibid.

47 Ibid.

48 Valuable background information on John Layman and his reasons for deserting can be found in Mary Marie Koonz Arrington, Mountain Valley People: A Historical Sketch of a Section of Rockingham County, Virginia, and Its People (Baltimore, 1982), pp. 290-91. Layman’s compiled service record can be found in Terrence V. Murphy, 10th Virginia Infantry (Lynchburg, Va., 1989), p. 160. In court testimony, it is clear that Layman decided to go home to get proof of his age. See “Court Martial of John Layman.” Documents 523-L-1882, Letters Received by the Confederate Secretary of War (M437), NA.

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Layman and Rogers had not ventured far before they were arrested and brought back to camp. On 5 August, the court martial convened, and Capt. Dorilus Henry Lee Martz of Company G, 10th Virginia, stated in a very straightforward manner that Layman and Rogers had left camp without permission. He also claimed that he did not know Layman’s motivation. According to the court document, which probably is incomplete, the court called only Martz as a witness.  

Layman surrendered his right to legal counsel, an unfortunate decision because he made no cross-examination of the prosecution’s witness. He followed this blunder by calling to the stand John Rogers as the key defense witness, even though Rogers was his partner in crime. Layman focused on the issue of his age. Unfortunately, this line of inquiry was not relevant to the issue of desertion and could not help establish Layman’s innocence. Nonetheless, he asked Rogers to explain what he knew about his age, and how he acquired the information. Rogers said, “You are between 35 and 36 years of age having heard his father say so. I have known you some fifteen or sixteen years. We live only two and a half miles apart.” The court then questioned Rogers, asking him if Layman had explained his intentions for deserting. Rogers bluntly stated that Layman intended “to go home to get proof of his age and not to stay at home.” Rogers also told the court that Layman had applied for a discharge on account of his age but needed proof from home. The court record abruptly comes to a close, stating that neither the accused nor the judge advocate filed closing statements. After “maturely considering the evidence,” the court found Pvt. John Layman guilty and sentenced him to be shot to death with musketry.  

James Roadcap was also from Rockingham County and a private in the 10th Virginia, but unlike Layman and Rogers, he was not a conscript. He had enlisted on 18 April 1861 in Harrisonburg. He had served faithfully until February 1862, when he received a four-day furlough. Instead of returning to the 10th Virginia as expected, he joined Turner Ashby’s cavalry. This was a common occurrence among Jackson’s foot soldiers, who found Ashby’s loose command style less constraining than the more disciplined infantry. On 28 April, Roadcap was arrested and brought back to the 10th Virginia, only to leave on 15 June. He was captured again and returned to his unit, but he slipped away from camp four days later and remained at home until returned to the army by the Harrisonburg provost guard on 1 August. The court assembled on 7 August, and Sgt. W. M. Rumper gave a summary of Roadcap’s repeated desertions. When asked if he knew why Roadcap had left his unit, Rumper said “I never did but I have had very little conversation with him since he first deserted.” The court then inquired about the prisoner’s character. Rumper thought Roadcap attended “to his duties as well as the average of soldiers.”  

Without the advice of counsel, Roadcap took the floor, but he did not cross-examine the first witness. Even more troubling was his failure to produce any defense witnesses at all. He made the feeble protest that his only witness was absent from the army. Roadcap assured the court that if this man had been present at the trial, he would have sufficient proof of his enlistment in Ashby’s command. Without any explanation, the court’s members agreed that Roadcap was a member of Ashby’s rangers, but they still found him guilty of desertion and sentenced him to death. The transcript for Roadcap’s case is very sketchy and leaves out important details about the proceedings. In all likelihood, his repeated escapes made the death sentence justifiable in the eyes of the court.  

Guilty verdicts should have come as no surprise to these Valley men who were less than model soldiers. What is astonishing, however, was the sen-

51 Ibid.  
52 Roadcap’s compiled service record can be found in Murphy, 10th Virginia Infantry, p. 170.  
53 “Court Martial of John Roadcap,” Documents 476-R-1862, Letters Received by the Confederate Secretary of War (M437), N.A.  
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tence of capital punishment. The death penalty, according to army regulations, applied to the crime of desertion, but the court had the obligation to consider mitigating circumstances and to show discretion. Scores of Confederate soldiers had committed the same crime before, some even out of cowardice, yet their lives had almost always been spared. These four men had not tried to communicate with the enemy, showed no signs of disloyalty to the Confederacy, and had not spread sedition or dissent among their comrades. There is no record to suggest that these men used the uniform to engage in any kind of criminal activity while on French Furlough.

In the end, it is surprising that the court did not make a distinction between desertion and absence without leave. The act of desertion could mean many things at different times of the war. At this stage of the conflict, these four men, it would seem, did not leave the ranks as a bold declaration against the Confederacy. They merely wanted to reaffirm their local attachments, ironically the raw materials that make up national identity. The inescapable social upheaval of war had placed the condemned Valley men in a crossfire of demands between their national government and local communities. When they had reached out to their families, they fell victim to the brutal process of nation building. The creation of Confederate nationhood cut a bloody trail, and Yankee bodies were not the only corpses that fell by the wayside.

Without complete court transcripts, it is difficult to determine whether the Valley men received fair trials. Armies by nature are terribly legalistic bodies, and if there had been major procedural mistakes during the trials, they most likely would have resulted in dismissals. A number of men scheduled for execution that spring and summer had their cases overturned for simple mistakes such as failing to swear in the court each day. Although the courts probably followed basic protocol, troubling questions arise about the judge advocates in each case. These men served a number of functions in a court martial, some of them so contradictory that even the most scrupulous officer would have had an impossible time maintaining a sense of fairness. Although considered the court’s head law officer and prosecutor for the government, the judge advocate also had the responsibility to assist the prisoner.

In other words, as The Judge Advocate’s Vade Mecum put it: the judge advocate “bears before the court, as officer, adviser, and prosecutor.” In each case, the prisoners waived the right to counsel, even though none of these men possessed even a rudimentary knowledge of the law. As the testimony bears out, they floundered in the courtroom, incapable of even eliciting compelling testimony from their own witnesses. They simply did not know how to establish their own innocence. It was, however, the judge advocate’s responsibility that the prisoner “not suffer from a want of knowledge of the law, or deficiency of experience, or ability to elicit from witnesses a full statement of the facts bearing on his case.”

From the existing evidence, it appears that the Valley men drowned in a confusing sea of regulations and legalisms. They desperately flailed about, trying to save their own lives while their comrades stood on the distant shoreline, watching helplessly as the condemned succumb to a relentless undertow produced by the complex forces of war. Stonewall Jackson possessed the power to alter the seemingly irresistible course of events. He violated military protocol by carrying out these sentences without sending the paperwork to Robert E. Lee or Jefferson Davis. The executions of these men

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54 Like any judicial system, interpretation of laws and procedure varied according to the individuals on the bench. Though allowing for such differences, there remained a core set of guidelines that were followed for courts martial, military courts, and courts of inquiry. The standardization of these procedures for the Confederacy was put into print by Charles H. Lee in 1863. His views on the treatment and punishment of deserters were in line with standard military protocol, as followed by the United States Army before the Civil War. It is reasonable to assume that Lee’s regulations codified standard procedures that were in place at the start of the war and thus guided the courts that convicted the Valley men. See Lee, The Judge Advocate’s Vade Mecum: Embracing A General View of Military Law, and the Practice Before Courts Martial, With an Epitome of the Law of Evidence. As Applicable to Military Trials (Richmond, 1863), p. 105. For a more readable account of Confederate military law, see Bunch, Military Justice, pp. 88–113.

55 Lee, Judge Advocate’s Vade Mecum, pp. 48–49.
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tence of capital punishment. The death penalty, according to army regulations, applied to the crime of desertion, but the court had the obligation to consider mitigating circumstances and to show discretion. Scores of Confederate soldiers had committed the same crime before, some even out of cowardice, yet their lives had almost always been spared. These four men had not tried to communicate with the enemy, showed no signs of disloyalty to the Confederacy, and had not spread sedition or dissent among their comrades. There is no record to suggest that these men used the uniform to engage in any kind of criminal activity while on French Furlough.

In the end, it is surprising that the court did not make a distinction between desertion and absence without leave. The act of desertion could mean many things at different times of the war. At this stage of the conflict, these four men, it would seem, did not leave the ranks as a bold declaration against the Confederacy. They merely wanted to reaffirm their local attachments, ironically the raw materials that make up national identity. The inescapable social upheaval of war had placed the condemned Valley men in a crossfire of demands between their national government and local communities. When they had reached out to their families, they fell victim to the brutal process of nation building. The creation of Confederate nationhood cut a bloody trail, and Yankee bodies were not the only corpses that fell by the wayside.

Without complete court transcripts, it is difficult to determine whether the Valley men received fair trials. Armies by nature are terribly legalistic bodies, and if there had been major procedural mistakes during the trials, they most likely would have resulted in dismissals. A number of men scheduled for execution that spring and summer had their cases overturned for simple mistakes such as failing to swear in the court each day. Although the courts probably followed basic protocol, troubling questions arise about the judge advocates in each case. These men served a number of functions in a court martial, some of them so contradictory that even the most scrupulous officer would have had an impossible time maintaining a sense of fairness. Although considered the court’s head law officer and prosecutor for the government, the judge advocate also had the responsibility to assist the prisoner. In other words, as The Judge Advocate’s Vade Mecum put it: the judge advocate “bears before the court, as officer, adviser, and prosecutor.” In each case, the prisoners waived the right to counsel, even though none of these men possessed even a rudimentary knowledge of the law. As the testimony bears out, they floundered in the courtroom, incapable of even eliciting compelling testimony from their own witnesses. They simply did not know how to establish their own innocence. It was, however, the judge advocate’s responsibility that the prisoner “not suffer from a want of knowledge of the law, or deficiency of experience, or ability to elicit from witnesses a full statement of the facts bearing on his case.”

From the existing evidence, it appears that the Valley men drowned in a confusing sea of regulations and legalisms. They desperately flailed about, trying to save their own lives while their comrades stood on the distant shoreline, watching helplessly as the condemned succumbed to a relentless undertow produced by the complex forces of war. Stonewall Jackson possessed the power to alter the seemingly irresistible course of events. He violated military protocol by carrying out these sentences without sending the paperwork to Robert E. Lee or Jefferson Davis. The executions of these men

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56 Like any judicial system, interpretation of laws and procedure varied according to the individuals on the bench. Though allowing for such differences, there remained a core set of guidelines that were followed for courts martial, military courts, and courts of inquiry. The standardization of these procedures for the Confederacy was put into practice by Charles H. Lee in 1863. His views on the treatment and punishment of deserters were in line with standard military protocol, as followed by the United States Army before the Civil War. It is reasonable to assume that Lee’s regulations codified standard procedures that were in place at the start of the war and thus guided the courts that convicted the Valley men. See Lee, The Judge Advocate’s Vade Mecum: Embracing A General View of Military Law, and the Practice Before Courts Martial, With an Epitome of the Law of Evidence, As Applicable to Military Trials (Richmond, 1863), p. 105. For a more readable account of Confederate military law, see Bunch, Military Justice, pp. 88–113.

57 Lee, Judge Advocate’s Vade Mecum, pp. 48–49.
58 Ibid., p. 50.
should have been sanctioned by the commanding general and the president of the Confederacy. Jackson’s code of duty, in the end, violated a Christian code of justice.

It appears that nothing could have saved the Valley men, even if they had been connected to influential men who could have vouched for their good character. They apparently lacked such a network, as no one stood up for them during the trials. In fact, it was not uncommon for wayward soldiers to receive special consideration if they knew officers of reputation and influence. In an unrelated case of desertion, Virginia Thomas Elder confided to his wife that one of his friends had been “tried by a court martial for his long absence last summer and fully acquitted.” The man had been absent from the army for nearly three months and returned without “a solitary certificate from any surgeon.” Elder, who served on a general’s staff, successfully spoke on behalf of his comrade, leading him to the conclusion that “a private stands but a bad chance before a court martial if he is unassisted by friends. The appearance of an officer of good rank and respectability as his counsel shows that the accused has friends who are not ashamed to help him and thus greatly aids his cause.”

Without an adequate defense, the Valley men were left with the vain hope that Jackson would become compassionate and offer a reprieve. It is possible that the courts might have also believed that the general would grant clemency as had been custom in the army. After the decisions had been handed down, the Valley men waited for their commander to make the final call. A short delay ensued, giving them false optimism for the future. Similar interruptions had typically resulted in appeals and eventual commutation. Jackson, however, jumped into the legalistic process to ensure the executions would take place as soon as possible. Those close to the general were struck by his sense of urgency. Samuel Bassett French explained the view of headquarters: “Clemency had proved rather an inducement than a preventative of this awful crime, and all felt that the time had come when it must be stopped by a stern application of the death penalty.” Forcing men to do extra duty, putting them in prison, or stopping their pay, French pointed out, had not stopped the evil. “Death—and death alone—death, certain, speedy and absolute was conceded to be the only cure.” French maintained, “and Jackson was precisely the man to measure out the proper punishment to this class.”

In the immediate aftermath of the hard-fought victory at Cedar Mountain, where stragglers had once again plagued Jackson’s command, the moment had arrived for Jackson to use force. On 18 August, he informed Lee that the verdicts of several courts martial had reached his desk. Jackson, as the reviewing officer, did not want to forward the cases to Lee. Sending the paper work into clogged bureaucratic channels, he argued, would cause delays that would likely result in dismissals. Lee agreed, and he granted Jackson the authority to proceed with the punishment. After the war, Jubal Early confirmed that Jackson always wanted “the execution to take place so speedily as to prevent an application being made for suspension.”

In the early morning darkness of 19 August, Capt. John Wesley Melhorn lined up the prisoners, bluntly telling them that they would face a firing squad that afternoon. “I never saw such awful trembling as they manifested in my life,” observed a member of the regiment who witnessed the reading of the sentences. Shortly after the men were dismissed, the guards, all from Company G, took matters into their own hands. If Jackson refused clemency, they would grant it. In an amazing display of military subversion, they allowed John Roadcap to disappear into the darkness. The same member of the regiment wrote: “His escape brought our company into great trouble, as we had charge of the prisoners, and five of the company are underground for letting [Roadcap] escape. I don’t know what will be done with them,” he added, “but have no doubt they will be severely punished.” Roadcap might have received preferential treatment from the guards because he had enlisted and was not a conscript.

The officers of John Layman and John Rogers made a final appeal to Jackson. Lt. Col. Samuel L. Walker of the 10th Virginia rushed to headquarters just hours before the scheduled execution. Outside Jackson’s tent, the frantic Walker met staff officer French, who explained that the general did not want to be troubled by any “unimportant matter.” “My business involves life or death,” Walker snapped back.

Walker entered Jackson’s tent to find him in a rather surly mood. With great delicacy, he explained that the prisoners from his regiment were honest in their statements and deserved a delay to prepare for death if clemency should be denied. French noticed that while Walker made his case, “the gaze of the General was fixed on him as if his eyes would pierce him and read his

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80 Thomas Claybrook Elder to Anna Fitzhugh (May) Elder, 27 May 1863, Thomas Claybrook Elder Papers, Virginia Historical Society, Richmond. A member of the 44th Virginia had his death sentence commuted when the residents of Petersburg sent a petition to Jefferson Davis on his behalf (Ruffner, “Civil War Desertion from a Black Belt Regiment,” pp. 93-94).

81 French, Centennial Tales, p. 15.

82 For an assessment of Jackson’s troops poor marching at Cedar Mountain, see Robert K.rick, Stonewall Jackson at Cedar Mountain (Chapel Hill, 1990), pp. 39-67.


86 French, Centennial Tales, p. 18.
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For the rest of the afternoon, French noticed a subdued tone at headquarters. "All seemed oppressed by a something which could not be shaken off," he wrote. The walls of Jackson’s tent had been raised to allow for a gentle breeze. All could see the general sitting behind his camp table, keeping to himself, until the chaplain from the 10th Virginia interrupted his deep thought. Unlike Walker, who lacked the connections to a higher power, the chaplain was able to make his case as Jackson listened patiently. Some observers thought the general would agree to a reprieve, but as the conversation came to an end, they heard him say, "[T]he execution must proceed!"

In another version of the same incident, Jedediah Hotchkiss relates that the chaplain aggressively stated that "if those men were shot, they would certainly go to hell!" "That is my business," Jackson retorted. He then handled the chaplain rather roughly, taking him by the shoulders, whirling him around, and pushing him out of the tent.66

The rebuked chaplain returned to his unit where he found the prisoners tied at the wrists, preparing for the moment of death. The minister sat down and prayed with the men. An unidentified officer from the regiment overheard the final conversation among the convicted. He described the men "as duly penitent" and willing to die, but they "thought the sentence very hard." When this same officer looked at the "haggard face" of one prisoner, a married man with two children, he admitted that he could not keep the tears back. He wondered how the man would feel "when the truth came to him that he would never see them again?" "It seemed," the officer added, "that six hours had made as great a change in his features as months of sickness

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Under an unforgiving August sun, Taliaferro’s entire division formed columns and marched through a wooded area until the troops entered a broad field near Mount Pisgah Church. The various brigades formed three sides of a square. The provost marshal appeared next, followed by a regimental band that played the dead march. Muffled drums, beating a steady cadence, created a solemn atmosphere for killing. The firing squad, probably some eight to twelve men, and the coffin bearers were immediately behind the musicians. At the rear came the prisoners, who were attended by a chaplain. The entire procession passed in front of and along all three sides of the square before halting at the open space, a signal for the drumming to end. The prisoners were then placed on the fatal spot, blindfolded, and directed to kneel in front of their coffins.88

As the sentences of the condemned men were being read to the division, the chaplain knelt with them for a final prayer. He probably whispered words of hope to them before they were ushered into eternity. Side by side were Layman and Rogers, friends for more than a decade who had frequently spent Sundays together at the Layman farm.89 Once the minister stepped away, the firing squad, composed of men from the companies of the convicted, formed about six paces from the prisoners. Half had their muskets loaded with ball and the other half with blank cartridges. A suffocating tension prevailed over the field, noted one of Jackson’s veterans, suddenly broken by Sgt. Charles Keller’s command to fire. The execution squad rapped a volley into their comrades. Two were killed instantly, but one lingered. Raising up, he was shot again before falling back dead. The entire division was then marched by the lifeless bodies, to impress upon them a final time the seriousness of the crime and the severity of its consequences. One member of the Stonewall Brigade, as he passed by the dead soldiers, felt his knees grow "weak and the tears came gushing to my eyes" as he thought about the families who "would watch in vain the return of these men who had sacrificed honor and life for their sakes." Also forced to look at the corpses were the brothers of John Layman. Preston, the youngest, vowed that day to avenge his brother’s death. After the war, he privately told family members that he had frequently prayed to God for an opportunity to kill Stonewall Jackson.90

Jackson’s men returned to camp racked with conflicting emotions. They scrutinized and interpreted the hour of death for meaning.91 Although horrified by the executions, which many considered nothing less than cold-blooded murder, veterans also conceded that such a drastic step was justified. Shortly after the execution, an artilleryman confided to his diary, "To look at this execution, in one sense it is a cold-blooded thing[,] but when we reflect we come to the conclusion that it is necessary to keep the army together." A member of the 10th Virginia expressed a similar opinion to the local Rockingham paper. "We have just gone through one of the most painful scenes the army has ever witnessed, he wrote. Despite his deep sympathy for the victims, the soldier thought "it is a fearful crime to desert the standard of their oppressed and bleeding country, in its time of trial, and the punishment of death ought to be a relief to the . . . shame they would be compelled to suffer if allowed to live." Although this officer thought the killing was necessary, he never wanted his regiment to go through such an ordeal again. "We hope in God," he concluded, "[th]at we may never again be called to record the execution of [another] deserter in the Confederate army."92

As the men sorted out their contradictory feelings, many came together in denouncing the sudden use of the death penalty for a crime that had never drawn such severity before. They did not condemn extreme measures, only the failure to provide the soldiers with sufficient warning of their implementation. "There has been a great many desertions from the Virginia regiment[,]" wrote an officer in Jackson’s command. He was puzzled because "none have been sentenced to be shot before, [but] various other severe punishments have been inflicted on them such as having their heads shaved, branding, wearing ball and chain, and their pay being taken from them." A few days after the event, the Richmond Dispatch also reported that "it has been said [in the army] that these men did nothing more than what they saw others continually doing, and that it was hard to punish them alone while there were so many others guilty." In some army circles, according to the

88 The description of the 19 August execution in Taliaferro’s division is based on the following accounts: Edward A. Moore, The Story of a Conqueror under Stonewall Jackson, In Which is Told the Part Taken by the Rockbridge Artillers in the Army of Northern Virginia [Lynchburg, Va., 1910], pp. 102–3; Casler, Four Years in the Stonewall Brigade, p. 114; Rockingham Register [Harrisonburg, Va.], [297] Aug. 1862, p. 1; and Mercer Oney, "Story of Our Great War (Continued)." Confederate Veteran 7 (1899): 262–63. For details not included by these firsthand observers, Confederate regulations regarding execution have been consulted. See Lee, Judge Advocate’s File Memo, pp. 169–70.
89 "Court Martial of John Layman."
90 Oney, "Story of Our Great War (Continued)," pp. 262–63. On Preston Layman’s reaction to his brother’s execution, see Attinargi, Mountain Valley, pp. 290–91. In a peculiar and wildly speculative article, Jane E. T. Lange and Katherine De Witt, Jr., suggest that Preston Layman might have "shot" Jackson at Chancellorville ("Was Stonewall Jackson Fugged?" in North and South 2 [1999]: 10–15).
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69 William Ellis Jones Diary, 19 Aug. 1862, Clements Library, University of Michigan, Ann Arbor; Rockingham Register [Harrisonburg, Va.], 29 July 1862, p. 1.
Dispatch, soldiers would have accepted the execution if military authorities had warned of “their intention . . . to enforce the law” by the death penalty. If such precautions had been taken, the reasoning went, the rank and file would have accepted the killing of deserters by a firing squad.15

In the wake of the Pough Church executions, soldier criticism never translated into a full-scale attack against military authority. The underpinnings of the southern code of honor contained the rebellious impulses of the rank and file. Although sympathetic to the Valley men, Jackson veterans still considered desertion a disgraceful act that reflected poorly upon one’s regiment, community, and family. In the Rockingham Register, an unidentified officer from the 10th Virginia captured the mixture of scorn, sympathy, and humiliation that he felt over his slain comrades. He purposefully omitted the names of Layman and Rogers “out of respect and compassion for the friends and relatives who survived them.”16 Confederate cavalryman Charles Minor Blackford also regretted the executions because they forever tarnished the soldiers’ reputations. He could not understand how a man could burden his family and future generations with such a scandalous legacy. Writing to his daughter, he argued that it was “terrible” that the men “died such a shameful death when men are so scarce and when they might have served their country and perhaps lived or, at any rate, have laid down their lives with so much honor!” “I felt very sad when I heard the guns fire,” he added, lamenting that “living men, perhaps with wives and little children like you, have been launched into eternity with so much dishonor. But this is too sad a subject to write my little girl about.”17

The public deaths of Layman, Riddell, and Rogers brought into relief the contrast between the good death in battle and the shameful demise of those who shirked duty. This event, moreover, forced the rank and file to examine how they should behave as soldiers. Instead of rejecting the values that guided their actions at the start of the war, Jackson’s veterans reaffirmed their commitment.18 The executions might have hardened them to the brutal realities of military life, but it did not overthrow their understanding of what it meant to be an honorable soldier. Moreover, Layman, Riddell, and Rogers did not become martyrs for the rank and file and inspire further resistance. Eulogizing these men was suicide. If anything, their tragic deaths marked the limits of dissent in the army, the need to work within the system of military authority, and the growing necessity of subordinating local needs for the national cause.

The executions of the Valley men also demonstrated the fateful consequences of desertion to every soldier in Jackson’s command, a warning that testing this law in the future would place one at great peril. Although it is true that desertion and straggling continued to plague the Army of Northern Virginia until the end of the war, ritual executions no doubt scared countless men to stay in the ranks, no matter how great the home front pressures to leave. Discipline seemed to have improved because of these shootings. The impressive performance of Jackson’s men in the Second Manassas campaign cannot be attributed to 19 August alone, but it should be noted that Jackson’s veterans displayed a degree of professionalism not shown in earlier campaigns. In two days, from 25 to 27 August, Jackson drove his troops relentlessly on a flank march around Pope’s army, covering more than fifty-four miles with very little straggling. Those who fell out of the ranks did so because of exhaustion, not because of a want of discipline. At Manassas Junction, when the riches of Pope’s supply depot were spread out like a Thanksgiving feast, the men showed remarkable restraint, holding their ranks until Jackson gave the order to plunder. During the subsequent three days of fighting at Manassas, his men put up a heroic defense against imposing odds, final proof that they were slowly becoming professional soldiers who could endure tremendous hardships and still fight with veteran-like dependability.19

While the fighting raged along the unfinished railroad cut during Second Manassas, the Stonewall Brigade lost two of its prized officers: Col. John F. Neff of the 33d Virginia and Capt. Hugh A. White of the 4th Virginia. Both men had served on Andrew Riddell’s court martial. Neff, in fact, was the court’s presiding officer. It was reported after the battle that many veterans of the Stonewall Brigade looked upon their deaths as God’s judgment, as an unmistakable display of divine retribution for the execution of their comrades.20 This cry of injustice reveals that ordinary soldiers did not passively submit to their superiors, that they did not accept every order with unthinking obedience, and that they could simultaneously be committed Confederates and still condemn their officers. The fact that the guards of the 10th Virginia allowed John Roadcap to escape makes clear that the men had their own code of justice and that if pushed too far, they would substitute military authority regardless of the risks. Such brazen violations of military law

16 Rockingham Register (Harrisonburg, Va.), 29 Aug. 1862, p. 3.
18 Notions of honor, duty, and courage have been explored by a number of Civil War scholars. Some of the finest work on this issue include, McPherson, For Cause and Comrades, pp. 77–84; Linderman, Embattled Courage, pp. 1–79; Michael Barton, Goodmen: The Character of Civil War Soldiers (University Park, Pa., 1981), pp. 23–44; and Earl J. Hess, The Union Soldier in Battle: Enduring the Ordeal of Combat (Lawrence, Kans., 1997), pp. 95–97.
19 In what ranks as one of the finest battle studies of the Virginia theater, John J. Hennessy gives Jackson’s troops exceedingly high marks for their performance during the Second Manassas campaign (Return to Bull Run: The Campaign and Battle of Second Manassas [New York, 1993]).
20 Cauley, Four Years in the Stonewall Brigade, p. 114.
Dispatch, soldiers would have accepted the execution if military authorities had warned of “their intention . . . to enforce the law” by the death penalty. If such precautions had been taken, the reasoning went, the rank and file would have accepted the killing of deserters by a firing squad.13

In the wake of the Piggah Church executions, soldier criticism never translated into a full-scale attack against military authority. The underpinnings of the southern code of honor contained the rebellious impulses of the rank and file. Although sympathetic to the Valley men, Jackson veterans still considered desertion a disgraceful act that reflected poorly upon one’s regiment, community, and family. In the Rockingham Register, an unidentified officer from the 10th Virginia captured the mixture of scorn, sympathy, and humiliation that he felt over his slain comrades. He purposely omitted the names of Layman and Rogers “out of respect and compassion for the friends and relatives who survived them.”14 Confederate cavalryman Charles Minor Blackford also regretted the executions because they forever tarnished the soldiers’ reputations. He could not understand how a man could burden his family and future generations with such a scandalous legacy. Writing to his daughter, he argued that it was “terrible” that the men “died such a shameful death when men are so scarce and when they might have served their country and perhaps lived or, at any rate, have laid down their lives with so much honor.”15 “I felt very sad when I heard the guns fire,” he added, lamenting that “living men, perhaps with wives and little children like you, have been launched into eternity with so much dishonor. But this is too sad a subject to write my little girl about.”16

The public deaths of Layman, Riddell, and Rogers brought into relief the contrast between the good death in battle and the shameful demise of those who shirked duty. This event, moreover, forced the rank and file to examine how they should behave as soldiers. Instead of rejecting the values that guided their actions at the start of the war, Jackson’s veterans reaffirmed their commitment.16 The executions might have hardened them to the brutal realities of military life, but it did not overthrow their understanding of what it meant to be an honorable soldier. Moreover, Layman, Riddell, and Rogers did not become martyrs for the rank and file and inspire further resistance. Emulating these men was suicide. If anything, their tragic deaths marked the limits of dissent in the army, the need to work within the system of military authority, and the growing necessity of subordinating local needs for the national cause.

The executions of the Valley men also demonstrated the fateful consequences of desertion to every soldier in Jackson’s command, a warning that testing this law in the future would place one at great peril. Although it is true that desertion and straggling continued to plague the Army of Northern Virginia until the end of the war, ritual executions no doubt scared countless men to stay in the ranks, no matter how great the home front pressures to leave. Discipline seemed to have improved because of these shootings. The impressive performance of Jackson’s men in the Second Manassas campaign cannot be attributed to 19 August alone, but it should be noted that Jackson’s veterans displayed a degree of professionalism not shown in earlier campaigns. In two days, from 25 to 27 August, Jackson drove his troops relentlessly on a flank march around Pope’s army, covering more than fifty-four miles with very little straggling. Those who fell out of the ranks did so because of exhaustion, not because of a want of discipline. At Manassas Junction, when the riches of Pope’s supply depot were spread out like a Thanksgiving feast, the men showed remarkable restraint, holding their ranks until Jackson gave the order to plunder. During the subsequent three days of fighting at Manassas, his men put up a heroic defense against imposing odds, final proof that they were slowly becoming professional soldiers who could endure tremendous hardships and still fight with veteran-like dependability.17

While the fighting raged along the unfinished railroad cut during Second Manassas, the Stonewall Brigade lost two of its prized officers: Col. John F. Neff of the 33d Virginia and Capt. Hugh A. White of the 4th Virginia. Both men had served on Andrew Riddell’s court martial. Neff, in fact, was the court’s presiding officer. It was reported after the battle that many veterans of the Stonewall Brigade looked upon their deaths as God’s judgment, as an unmistakable display of divine retribution for the execution of their comrades.18 This cry of injustice reveals that ordinary soldiers did not passively submit to their superiors, that they did not accept every order with unthinking obedience, and that they could simultaneously be committed Confederates and still condemn their officers. The fact that the guards of the 10th Virginia allowed John Roadcap to escape makes clear that the men had their own code of justice and that if pushed too far, they would subvert military authority regardless of the risks. Such brazen violations of military law

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18 Cleaver, *Four Years in the Stonewall Brigade*, p. 114.
rarely happened, however. More often the discourse between officers and the rank and file was a subtle, ever-shifting power struggle that routinely forced both sides to compromise.

The contentious, even violent relationship between common soldiers and superior officers is sometimes lost in glorified depictions of the Civil War, such as Charles Hoffbauer’s early twentieth-century paintings at the Virginia Historical Society. In one of his Confederate murals, a highly romantic yet aesthetically appealing scene, Hoffbauer depicts Valley troops parading by Stonewall Jackson during the triumphant summer of 1862. The soldiers look heroic as they tip their hats and rejoice at the sight of their beloved “Ole Jack.” Although affection and mutual respect certainly kept men in the ranks, recent historical scholarship has properly shifted the emphasis to ideology, duty, and community in keeping soldiers together. Those factors provide valuable insights into soldier agency and move beyond two-dimensional images of happy-go-lucky privates. Yet, we cannot overlook the role of force in promoting army cohesiveness. Historians need to understand better how common soldiers recognized violence and accepted it as ethical and moral. Coercion was an inescapable pressure in the army until Appomattox. For those soldiers who witnessed the 19 August execution, they understood better than most that the ultimate source of Jackson’s, and indeed Confederate, authority came from the barrel of a gun.

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70 In his historiographical treatment of Civil War soldiers, Reid Mitchell notes that a recent scholarly trend has emphasized the role of ideology and culture in trying to understand the rank and file ("Not the General But the Soldier"; The Study of Civil War Soldiers," in James M. McPherson and William J. Cooper, Jr., eds., Writing the Civil War: The Quest to Understand [Columbia, S.C.: 1998], pp. 83–95).

71 This observation draws upon Eugene Genovese’s discussion of hegemony in Roll, Jordan, Roll, pp. 25–49.

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EARLY VIEWS OF VIRGINIA INDIANS

compiled by JEFFREY RUGGLES

Although Robert Beverley published his 1705 book, The History and Present State of Virginia, in London, his point of view was that of a Virginia colonist. Beverley thought little of “what has been publish’d concerning Virginia;” and in that vein he offered an analogy to artistic portraits: “Such Accounts are as impertinent as ill Pictures, that resemble any Body, as much as the Persons they are drawn for. For my part, I have endeavour’d to hit the Likeness.”

In his book, Beverley was the only native Virginia author before the nineteenth century to offer illustrations of the Indians of the region. In the 1600s and 1700s a variety of images represented the native inhabitants of Virginia to European, and later American, audiences. Some were, by Beverley’s measure, “ill Pictures,” for they did not show Virginia Indians with any particularity but were instead images invented by European artists that conformed to general preconceptions of foreign natives. In contrast were depictions that more nearly “hit the Likeness”—those based on direct observation in Virginia.

In January 1585 Queen Elizabeth I consented to Sir Walter Raleigh’s request that the land along the North American coast be named “Virginia” in her honor. For the first colonizing expedition sponsored by Raleigh in 1585–86, John White served as artist and created a group of paintings of Indians and Indian life. From White’s paintings Theodore de Bry in 1590 produced engravings for an illustrated edition of Thomas Hariot’s A briefe and true report of the new found land of Virginia. Artists copied from these images repeatedly over the next two centuries.

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