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THE SADDEST AFFAIR:
A CASE STUDY OF THE INVESTIGATIONS INTO THE CRATER
DISASTER AT PETERSBURG

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ABSTRACT

Perhaps one of Congresses most jealously guarded powers is the right to oversight and investigation. However, American history demonstrates that this power can be used to both great effect and abuse. Understanding congresses role in oversight and investigation of government agencies is crucial to the citizen's right to police their government. During the Civil War, the Battle of the Crater at Petersburg on July 30, 1860 was one instance in which the power of congressional oversight was utilized. As a case study, the Committee on the Conduct of the War, and the Official Court of Inquiry on the Mine Disaster before Petersburg can be used to demonstrate the forces which influence the theoretically impartial function of congressional oversight.

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“A mountainous mass of earth, mingled with guns, timbers, human bodies, and camp furniture of every description, reared itself high in the air and fell in widely scattered remnants on all sides. A hundred guns from the Union lines thundered in echoing response, and an awesome stillness succeeded what must have seemed to the suddenly awakened hosts in the enemy’s camp like the fulminations of the day of wrath.”

-Colonel Titus
9th New Hampshire Volunteer

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On July 30, 1864, an explosion pierced the silence of the pre-dawn hours around the city of Petersburg. Union forces, attempting to capture the city of Petersburg had exploded a mine beneath a Confederate position. As a tower of dirt erupted from the earth, over 200 South Carolinians were snuffed out of existence. Yet, the Union operation which was conceived as a marvelous Union victory resulted in a devastating loss. The reverberations of this failure were felt throughout the Union. In response a military inquiry and a congressional committee convened to determine the cause of the failure. These investigations were just one instance in a long history of American congressional and military oversight. As a new century dawns, and the world is faced with ever evolving threats investigations such as these will continue to be an integral part of the American political system. Due to access to information, the thorough analysis of current political and military investigations is impossible. However, previous examples of congressional oversight, like the Petersburg mine explosion, provide insight into the government's ability to conduct internal oversight.

In 1792, the fledgling United States, less than twenty years old, attempted to solidify their control over the American wilderness. In the area of the Ohio Valley, the United States fought a bitter struggle with the continent's native inhabitants. Back in Washington D.C., Congress began to exert its newly established powers of oversight and investigation. Congress convened a committee to investigate the military operations facilitating America's westward expansion.¹ This important investigation would be the first instance of congressional oversight of the military and the executive which

¹ U.S. Congress, Senate, Senator Grimes of Iowa Speaking on Military Disasters, 37th Cong., 2nd sess., *The Congressional Globe*, (9 December 1861): 30.

command's it. This initial investigation was closely focused on the operations in the Ohio Valley. Still, it created precedence and solidified Congress' right to convene committees for the express purpose of military oversight. Since this initial foray, oversight has been utilized to both great abuse and effect.

In 1945, the House Un-American Activities Committee (HUAC), temporary in 1938, was made a standing committee of the House. From 1945 to 1975, HUAC investigated perceived threats to the United States. Born out of surreal paranoia, HUAC provided few meaningful results and has largely become known as a symbol of the congressional misuse of power.² Later, in 1986, another congressional committee proved that oversight could be used effectively.

In 1986, the Reagan administration became embroiled in an investigation of supposed arms deals. The Iran-contra affair involved arms sales to Iran which in turn raised funds to support Nicaraguan rebels fighting their government controlled by the Sandanist National Liberation Front. The congressional investigation brought charges against three members of the Regan administration, Robert McFarlane, John Poindexter and Oliver North.³ As these investigations demonstrate, scandal and congressional oversight are permanent facets of the American political system. As we enter the twenty-first century it is therefore important to look back on previous examples of congressional oversight to understand what influences the government's ability to discipline itself. The investigations into the explosion of the mine before Petersburg, with both its military and

² Bruce Tap, *Over Lincoln's Shoulder: The Committee on the Conduct of the War*, (Lawrence, University Press of Kansas, 1998), ix.

³ The convictions of Poindexter and North were later overturned on appeal because both were given immunity for testimony before the Senate.

congressional investigation, present an intriguing case study for the effectiveness of congressional oversight.

Few congressional committees have had the influence and broad-reaching impact of the Joint Committee on the Conduct of the War (JCCW). Indeed, the JCCW has been referred to as a sort of “Aulic Council clothed with authority to supervise the plans of commanders in the field.”⁴ The JCCW influenced almost every aspect of the war including punishment for failures, objectives, and even military strategy.. With its broad impact it is almost impossible to investigate the Civil War in depth without including the JCCW. Yet, few historians have endeavored to investigate and elucidate fully the role and effectiveness of the Joint Committee.

Perhaps the first major work investigating the JCCW is that of William Whatley Pierson Jr. Pierson’s article “The Committee on the Conduct of the Civil War”, published in 1918, discusses the radical nature of the Committee and its members. Pierson contends, “At its inception the committee was not considered hostile to the administration” but “progressively more radical, it was an anti-administration organization.”⁵ However, the main focus of Pierson’s article remained the constitutionality of Congress’ claim to oversee government operations, including an inquiry into the conduct of the war. Pierson’s emphasis on constitutionality left later historians the task of investigating the ultimate resolutions of the Joint Committee.

⁴ Benjamin Poore, *Perley’s Reminiscences*, II, 103 (New York: AMS Press), 1971,; Hans L. Trefousse, *Radical Republicans; Lincoln’s Vanguard for Racial Justice* (New York: Alfred A Knopf, 1969), 182. The Aulic Council was the supreme council of the German empire with broad authority and exclusive jurisdiction in feudal processes and criminal affairs.

⁵ William Whatley Pierson Jr., “The Committee on the Conduct of the War,” *The American Historical Review* 23 (Apr 1918): 559.

In 1948, T. Harry Williams continued scholarly work on the Joint Committee with his work, *Lincoln and the Radicals*. Williams postulated:

The committee's incessant efforts to purge the army of conservative officers, the violent partisanship with which it conducted its inquiries and certain peculiar features in its methods of procedure cause contemporary critics to stigmatize it as a military inquisition or a court of star chamber.⁶

Williams concluded that the Radical Republicans of the Civil War Senate hampered the operations of Abraham Lincoln through partisan politics and dampened public support for the war effort through its negative press. Lincoln, a shrewd politician, understood that Democratic support in Congress was key to victory, yet Williams contends, "The members would descend upon Lincoln like a swarm of bees with demands that a particular general be removed. . . . If the president resisted, they threatened to arouse Congress and public opinion against him."⁷ Generals such as Democratic General George B. McClellan drew the criticism and ire of the Committee until Lincoln removed them from command.⁸ However, future historians would dispute William's claim. Bruce Tap, a later JCCW scholar, attributed William's interpretation to the times writing, "Williams was still under the prevailing influences of the bias against Radical Republicans."⁹ William's analysis of the Committee would be the prevailing interpretation for the next twenty years until civil rights era historians would take up the debate.

⁶ T. Harry Williams, *Lincoln and The Radicals*, (Madison: University of Wisconsin Press, 1941), 74.

⁷ *Ibid*, 76.

⁸ Pierson, 570.

⁹ Tap, ix.

Hans Trefousse published his opinion on the JCCW in *The Radical Republicans: Lincoln's Vanguard for Racial Justice*. Writing in 1969 amidst the Civil Rights Movement, Trefousse interpreted the role of the Joint Committee as beneficial to the war effort. Trefousse concluded that Lincoln "consistently sought to utilize the radicals' pressure to spur on sluggish generals and politicians while at the same time moving slowly enough to maintain his influence over conservatives."¹⁰ However, Lincoln's replacement of Benjamin Butler with moderate Republican Nathaniel Banks as commander of the Department of the Gulf, and the executive's decision to place Andrew Johnson, a Democrat, as military governor of Tennessee, drew the criticism of Radical Republicans, who saw these positions as opportunities to implement their radical emancipation ideals. As Williams observes, "The removal of Butler infuriated the Committee radicals."¹¹ Trefousse himself quotes an observer who wrote, "The Recent action of the President, in taking into his hands the government of Tennessee. . . . involves a palpable usurpation of the Legislative power of our Government."¹² After these instances, cooperation between the administration and the Committee could be seen as hostile or tenuous at best, an interpretation in line with that of Pierson's.

Bruce Tap attempted to reconcile the differing interpretations of the JCCW in 1998 with his work *Over Lincoln's Shoulder: The Committee on the Conduct of the War*. In this, the latest work on the Committee, Tap agreed with the essence of T. Harry Williams' argument, but viewed Williams' analysis as inadequate. Tap asserts,

¹⁰Hans L. Trefousse, *The Radical Republicans: Lincoln's Vanguard for Racial Justice* (New York: Alfred A Knopf, 1969), 182.

¹¹ Williams, 223.

¹² Ibid., 280.

“Williams does not account for the nature of the committee’s power or provide concrete proof that its investigations markedly changed Union military policy.”¹³ In his re-evaluation of the Committee, Tap endeavored to clarify the effects of the Committee and largely succeeded. He subsequently found certain investigations to be of lesser importance. Investigations into the battles of Bull Run, Ball’s Bluff, and the investigation leading to McClellan’s removal from command are of enormous importance for Tap’s interpretation; however, investigations such as that into the Battle of the Crater at Petersburg are of less significance.

The Siege of Petersburg, which occupied the last nine and a half months before Lee’s surrender at Appomattox, was the backdrop for what would become known as “the saddest affair of the war”¹⁴ But for Tap, the investigation held only minor significance.

In his work, Tap stated:

With Sherman’s army marching on Savannah and Lee’s army hemmed in at Petersburg, most political leaders and many civilians were well aware that the days of the Confederacy were numbered. Thus one might well ask what possible good could have come from an investigation of the battle of the Crater.¹⁵

Tap may be correct when he states that the investigation would have little impact on the prosecution of the war. By the time of the Joint Committee’s investigation, the investiture of Petersburg was well under way, and it was only a matter of time before Lee would be forced to surrender. With Tap’s intent to illustrate the Committee’s overall effect on the war effort, the Battle of the Crater merits little in-depth analysis. Still,

¹³ Tap, 6.

¹⁴ United States War Department, *War of the Rebellion: A compilation of the Official Records of the Union and Confederate Armies*, Series I Vol. XL Part I (Washington D.C.: GPO, 1892), 2. hereafter cited as O.R..

¹⁵ Tap, 189.

further investigation into this seminal event, which had the potential to end the Civil War, has practical implications.

As an event which took place over the course of no more than 13 hours, the crater battle presents a unique environment in which to conduct an analysis. Furthermore, Congress was not the only body to investigate the Battle of the Crater. In the days following the disaster, months prior to the Committee's investigation, the military began its own investigation of the mine disaster. Selected by General Meade, the members of the Official Court of Inquiry on the Mine Explosion investigated the events in order to find guilty parties to hold responsible for the failure. Yet, presented with the same evidence, the two investigations came to drastically different conclusions. Through comparison, this dichotomy presents the perfect situation with which to elucidate Congress' and the military's ability to adequately provide oversight in periods of political adversity.

Upon closer inspection of America's political history, an ongoing pattern of recurring events is clearly evident. Periods of real or perceived threat to the integrity of the nation are often accompanied by intense political partisanship, which strains the government's ability to perform its duties. In these periods of stress, it is important to understand how political bodies operate and to determine whether or not fair, unbiased judgment can result. The Civil War was, perhaps, the greatest threat our nation has ever faced, and the period of the war bears the hallmarks of this pattern. As a case study, the investigations of the Official Court of Inquiry and the Joint Committee on the Conduct of the War at Petersburg can provide insights into the operation of the government during

periods of internal and external strife, which continue to be a significant part of American politics.

Out of the Wilderness: Petersburg, Virginia May 5th - June 18th, 1864

In May of 1864, under the leadership of the newly-appointed General Ulysses S. Grant, the Union Army of the Potomac, struck out with new ambition into the heart of the Confederacy on what would become known as the Overland Campaign. Grant's objective was to draw General Robert E. Lee away from the fortifications of Richmond and prevent a protracted siege, but throughout the spring, victory remained elusive.¹⁶ As Grant would later reflect, "They [The Confederates] no longer wanted to fight them 'one Confederate to five Yanks.' Indeed, they seemed to have given up any idea of gaining any advantage of their antagonist in the open field. They had come to much prefer breastworks in their front."¹⁷ Throughout the battles of the Wilderness, Spotsylvania Courthouse, the North Anna River, and Cold Harbor, the Confederate reliance on earthworks proved too great to overcome. Compared to an estimated 32,000 casualties inflicted upon the Confederate armies, the Army of the Potomac suffered 50,000.¹⁸ These losses effectively reduced Confederate forces by 46 percent, but the numerically superior Union forces were also diminished by 41 percent.¹⁹ On the bloody battle of Cold Harbor, in which Union casualties accounted for one-fifth of the overall total of the

¹⁶ Ulysses S. Grant, *Personal Memoirs of U.S. Grant* (New York: Barnes & Noble Books, 2003), 484.

¹⁷ *Ibid.*, 482.

¹⁸ William C. Davis, *Death in the Trenches: Grant at Petersburg*, The Civil War (Alexandria: Time-Life Books, 1986), 16.

¹⁹ *Ibid.*, 16.

campaign, Grant reflected in his memoirs, “I have always regretted that the last assault at Cold Harbor was ever made. . . . At Cold Harbor no advantage was gained to compensate for the heavy loss we sustained.”²⁰ With Lee firmly entrenched between Richmond and Union forces, Grant decided to change his strategy. In a letter to Major General Halleck, the Army Chief of Staff, Grant reported: “Without a greater sacrifice of human life than I am willing to make all cannot be accomplished that I had designed outside of the city.”²¹ Grant therefore changed his objective and determined to capture the Confederate city of Petersburg.

Before the Civil War, Petersburg, Virginia benefited greatly from the booming cotton and tobacco industries of the South and, by the outset of war, had become an industrial hub of the south.²² Ideally situated along the Appomattox and James rivers, Petersburg had river and ocean access. In addition, the city had four rail lines and two plank roads which fed it from the south; and another rail line which ran between it and Richmond. Because Petersburg was the key to Richmond’s vital rail links with the south, the Confederate government in Richmond sought to secure the city and sent Captain Charles Dimmock in 1862 to encircle the city in fortifications. The Dimmock Line, as it would become known, was a series of 55 batteries strung together with earthworks over ten miles and anchored on both sides of the Appomattox River. This impressive ring of earthen fortifications protected the city of Petersburg from the south.²³ As a testament to

²⁰ Ibid., 482. Union Casualties amounted to 1, 905 killed, 10, 570 wounded and another 2, 456 Missing

²¹ O.R., XXXVI, i, 11.

²² Noah Andre Trudeau, *The Last Citadel: Petersburg, Virginia, June 1864-April 1865*, (Baton Rouge: Louisiana State University Press, 1991), 4.

²³ Ibid., 6.

the line's strength, the forces of P.T.G. Beauregard successfully defended the city from General Butler in May of 1864, and continued to maintain a perimeter around the city when Grant's Union Forces arrived on June 8.²⁴

On June 7, Grant began the movement of reinforcements via ferries to the command of General Butler at City Point. On the evening of June 12, the remainder of the Army of the Potomac withdrew from their lines around Richmond and headed, with all haste, in the direction of Petersburg. The movement of the Union army to Petersburg was finished on June 16. Meanwhile, convinced the Union planned to attack Richmond, Lee continued to stretch his forces to protect the city until the last possible moment leaving Petersburg only lightly defended. Yet, as fate would have it, the Union bid to take Petersburg before the main force of Lee's army arrived would fail because the battle hardened federal troops and their commanders, fresh out of the wilderness, hesitated to attack the strong, but lightly defended, Dimmock Line. Because of this hesitation, Grant would find himself in the very situation he sought to avoid (appendix a).

On June 15, forces under William "Baldy" Smith in Bermuda Hundred launched a late night attack on the eastern portions of the Dimmock line. However, the persistent fear of reinforcements caused the advance to stall allowing the Confederates to compose themselves. Beauregard later wrote that Petersburg "at that hour was clearly at the mercy of the Federal commander, who had all but captured it."²⁵ Grant, in his own assessment,

²⁴ Simultaneously, during Grant's push over land toward the Confederate capitol, General B. F. Butler moved his forces up the James River and disembarked at City Point and the Bermuda Hundred near the city of Petersburg. However, after initial success at Drewry's Bluff, General P.T.G. Beauregard drove Butler back into the Bermuda Hundred peninsula, effectively isolating Butler. For a map of Petersburg and Richmond see appendix a.

²⁵ P.T.G.Beauregard, "Four Days of Battle at Petersburg" quoted in Davis, 43.

later commented, “I do not think there is any doubt that Petersburg itself could have been carried without much loss.”²⁶ From June 16, through June 18, the Union army continued to advance around Petersburg at great cost, but any advantage created by Grants swift move across the rivers had already been lost. By dawn of the 18th, Lee’s forces began to arrive, filling in the trenches around Petersburg, and by that afternoon Lee himself had crossed the James and arrived in the city.²⁷ Grant, now facing reinforced positions, conveyed a change of plans in correspondence with Meade: “Now we will rest the men and use the spade for their protection until a new vein can be struck.”²⁸ Grant now found himself in the situation he had sought to avoid by the overland campaigns.

The Battle of the Crater: July 30, 1864

By June 24, Burnside’s IX Corps had advanced to the Taylor house ruins overlooking Cemetery Hill. Only 500 feet in front of the IX Corps Union pickets, the Confederates had constructed a strong redoubt named Elliot’s Salient. A former Pennsylvania coal miner, Lieutenant-Colonel Henry Pleasant commanded the First brigade’s 48th Pennsylvania Veteran Volunteers along the front of the IX Corps. With his background in coal mining and an additional 99 coal miners among his men in the 48th, Pleasants naturally speculated on “the feasibility of mining the enemy’s work in my

²⁶ Grant, 495.

²⁷ Alfred Roman, *The Military Operations of General Beauregard in the war between the states, 1861 to 1865* (New York: Harper & Brothers, 1884), 256.

²⁸ O.R., XL, ii, 158.

front.”²⁹ Taking his idea to the command of the IX Corps, Henry Pleasants received permission to begin construction of his mine.

The 48th Pennsylvania began the construction of their mine on the 25th of June and employed 210 men of the regiment who worked in three hour shifts twenty-four hours a day to complete the shaft and lateral galleries of the mine.³⁰ Because they received little support from Major Duane, the army of the Potomac’s chief engineer, the men modified picks for digging and scavenged wood from a Confederate bridge to shore up the mine shaft.³¹ For ventilation, an ingenious system of air exchange was constructed, which utilized a wooden box running the length of the mine. Near the entrance of the mine, a fire pulled in air, which then traveled through the box tube to the termination of the mine and then back to the fire.³² Completed on the 23rd of July, the mine ran roughly 510 feet in length, with lateral galleries running left for 37 feet and right for 38 feet, all at a height of roughly four and a half feet (appendix b).³³

Under the direction of General Meade, General Burnside submitted his battle plan on the 26th of July. General Burnside suggested the mine be exploded before daylight and that the two brigades of the Fourth Division United States Colored Troops (USCT) under General Ferrero would assault the crater first. The leading regiments would, upon

²⁹ Joseph Gould, *The Story of the Forty-Eighth: A record of the Campaigns of the Forty-Eighth Regiment Pennsylvania Veteran Volunteer* (Pennsylvania: Regimental Association, 1908), 208.; Lyman Jackman, *History of the Sixth New Hampshire Regiment in the War for the Union* (Concord, New Hampshire: Republican Press Association, 1891.), 309.

³⁰ Ibid., 210.

³¹ U.S. Congress, Report of the Joint Committee on the Conduct of the War, 38th Cong., 2nd sess., (Washington D.C.: GPO, 1865), 113.; Hereafter cited as JCCW.

³² Gould, 215.

³³ Ibid., 113.

reaching the crater, follow and carry the enemy works to the left and right of the crater. The remaining regiments in the column would continue around the crater and unto Cemetery Hill, which commanded the confederate earthworks from the rear.³⁴ Though Burnside submitted his plan of attack on the 26th, he had instructed the United States Colored Troops to begin training for this task three weeks prior to the assault.³⁵ Behind the USCTs, addition troops of the IX Corps, supported in the rear by Major General Ord's XVIII Corps and to the right and left by the V and II Corps, would advance towards Petersburg (appendix c).³⁶ Burnside designated the ruined Taylor house, which would command a clear view of the crater, as the command center for the operation (appendix d). With the mine complete, Major General Humphreys, the Army Chief of Staff, ordered 8,000 pounds of powder, 3,000 feet of fuse, and 8,000 sandbag for tamping the mine shaft delivered to the crater site.³⁷ The charging of the mine commenced on the 27th of July and was completed by the following day.³⁸ However, the plan was changed on the 29th when Generals Grant and Meade relayed a revised plan of attack to Burnside.

In the modified plan of attack from Meade, Burnside's three white divisions would move forward first. The first division to advance was determined by lot and fell upon General Ledlie. Ledlie's division was ordered to advance directly around the crater and on toward Cemetery Hill with the other divisions under General Willcox and General

³⁴ O.R., XL, iii, 476.

³⁵ Joseph Gould, *The Story of the Forty-Eight: A Record of the Campaigns of the Forty-Eighth Regiment Pennsylvania Veteran Volunteer Infantry*, (Regimental Association, 1908), 226.

³⁶ O.R., XL, iii, 596.

³⁷ Ibid., 479.

³⁸ Gould, 216.

Potter spreading to the left and right of Cemetery Hill to protect the flanks. The most significant change in the attack planned by General Meade is the absence of an attack into the enemies' defensive works to the left and right of the crater.³⁹ Having no recourse but to accept the change, Burnside continued preparations for the assault until the morning of July 30.

With the plans set, the forces of General Burnside and General Ord lay in wait for the springing of the mine. The mine was set to explode at 3:30 a.m., but a faulty fuse caused a lengthy delay; upon investigation, it was found that, "fifty feet had been burned, but the remainder was intact. . . . At 4:30 the fuse is again lighted."⁴⁰ Shortly after, at 4:42 a.m., the mine exploded, and Union artillery ranged in on the Confederate front. After the explosion General Ledlie's forces advanced, followed quickly by Griffin's brigade of the Second Division (appendix e).⁴¹ The plans for the assault fell apart almost instantly. Upon reaching the crater, Ledlie's forces, instead of continuing the charge to Cemetery Hill, proceeded to do one of three things. Some forces helped the trapped and buried Confederates within the crater, while others began to file Confederate prisoners back to the Union lines. Still others, finding themselves under attack from the left and the right, took shelter in the crater. Adding to the disaster, the crater (150-200 feet in length, 60 feet wide, and 25-30 feet deep) created a natural obstacle for the First Division of the IX Corps and those that entered the pit found getting out the other side to be a difficult task. As the troops of the Second Division advanced into the fray, their forces

³⁹ JCCW., 5.

⁴⁰ Gould, 224.

⁴¹ The time between the explosion of the mine and the advance of Ledlie's forces is one of debate. During the inquiries after the fact, officers would try to say that the delay was upwards of fifteen minutes. Other accounts however place the advance immediately after the explosion.

were dispersed among the already confused Union troops, creating a scene of utter chaos. At 5:30, orders came to Wilcox and Potter to push forward without regards to Ledlie's division. Wilcox, interpreting the order as a continuation of the previous plan, proceeded to deploy his forces in an attempt to protect the left flank. Conversely, Potter interpreted the order vigorously and ordered Bliss and Griffin forward to Cemetery Hill without regards to Ledlie's First Division. During the ensuing battle, valiant attempts were made to reorganize the forces in the crater and to continue on to Cemetery Hill. Most notably, the 45th Pennsylvania regiment of the Second Division advanced roughly 100 yards beyond the crater but, unsupported, collapsed back into the pit (appendix f).⁴²

Around 7:30, the advance had once again stalled, and Union forces clung to the works immediately to the left and right of the crater. Attempting to restart the drive to the hill, Burnside ordered the Fourth division United States Colored Troop to advance toward the already crowded enemy works. However, a delay in orders meant the advance did not begin until 8 a.m.⁴³ As they advanced, the USCTs quickly found the path to the front blocked by the returning wounded and Confederate prisoners. Still, the Fourth Division managed to trickle onto the battlefield and attempted to charge toward Cemetery Hill on the right of the crater (appendix g). Though gallant, the assault failed, and the USCTs collapsed back into the mass of troops surrounding the crater. At the same time as the Fourth Division's assault, Wilcox's forces, organizing in the open ground between the Union and Confederate works, attempted to silence a one-gun Confederate battery firing into the Union left flank. However, the brigade, under the command of Brigadier

⁴² Committee of the Regiment, *History of the Thirty-Sixth Regiment Massachusetts Volunteers: 1861-1865* (Boston: Rockwell and Churchill Press, 1884), 236.

⁴³ O.R. XL, iii, 667.

General. Humphreys, was forced back from the enemy works toward the Union lines. The time was now around 9 a.m.

At 9 a.m. Burnside, seeing the IX and XVIII Corps withering in front of the enemy, requested that the V Corps be brought to bear against the enemy works in their front. Scarcely had this order been given than it was countermanded by a message sent by Grant. Grant, having traveled to the front to witness the battle for himself, returned to his headquarters and immediately sent a message to Burnside directing “if in your judgment nothing further can be effected, you withdraw to your one line, taking every precaution to get the men back safely.”⁴⁴ However, debate on how best to withdraw the troops persisted, and Burnside ordered the immediate withdrawal of his forces.⁴⁵

At the same time Grant’s orders were reaching the IX Corps commanders, Virginia soldiers dispatched by Lee under the command of General Mahone began crossing the Jerusalem plank Road and entering the battle. Invigorated by the arrival of Mahone’s Virginians, Confederate troops began a counterattack that pushed the few Union forces that had managed to take some of the Confederate works to the left and the right of the crater back toward the pit.⁴⁶ Under the murderous onslaught of the Confederate counterattack, command of troops in the Crater collapsed completely, and a frantic and desperate battle for individual survival began (appendix h). Grant’s order to retreat reached the front around noon; however, attempting to escape the crater over the open ground now covered by a murderous fire of mortars and miniballs was suicidal at

⁴⁴ O.R., XL, ii, 662.

⁴⁵ Trudeau, 119.; O.R., XL, iii, 662.

⁴⁶ William Mahone, *The Battle of the Crater* (Publisher Unknown), 8; O.R., XL, iii, 668.

best. The Union forces left in the crater were now trapped with nowhere to go. Still, these forces continued to fight until 2:30 p.m. when, those unable or unwilling to escape back to Union lines, surrendered to Confederate forces.⁴⁷

As the action of the day faded into silence, the Union army took stock of the events. One senior military official summed up the battle as “nothing gained except 200 prisoners from Evan’s brigade.”⁴⁸ And General Potter reported “I beg leave to call the attention of the commanding general to the fact that my division is reported as nearly annihilated. . . . and cannot therefore possibly reoccupy the portion from which it advanced.”⁴⁹ Grant himself put the day’s action most piquantly, saying: “It was the saddest affair I have ever witnessed in the war. Such opportunity for carrying fortifications I have never seen and do not expect to see again. . . . Their loss in killed must be greater than ours, whilst our loss in wounded and captures is four times that.”⁵⁰ Even Grant underestimated the one-sided nature of the disaster. The official casualty reports would list 419 Union killed, 1,679 wounded, and 1,910 missing; while Confederate losses were 400 killed, 600 wounded, and 200 missing.⁵¹ The fact that the entire IX Corps and XVIII Corps had matched up with three emaciated divisions of Lee’s army and were defeated created controversy from Petersburg to Washington. In an election year, the last thing President Lincoln and the Republicans needed was a Union defeat in what had already become a long, drawn-out struggle. In response to the failure,

⁴⁷ O.R., XL, iii, 666.

⁴⁸ O.R., XL, iii, 642.

⁴⁹ Ibid, 667.

⁵⁰ O.R., XL, i, 18.

⁵¹ O.R., XL, ii, 526.

the Union army opened an investigation to identify the cause and to quell growing sentiment over the cost of the war.

Military Justice: Official Court of Inquiry into the Mine Disaster

Hardly had the dust settled from the crater when questions as to the causes of its failure emerged. Pressing the matter, Meade requested a court of inquiry on August 1, which Grant immediately obliged. On August 2, Grant sent a message to Halleck the Army chief of Staff, requesting that a court of inquiry be assembled “to report whether, in their judgment, any officer or officers are censurable for the failure of the troops.”⁵² As Meade had requested the court, it fell upon him to appoint its members and on August 5, the court convened for its first session with members, Major General W.S. Hancock, Brigadier General R. B. Ayres, Brigadier General N. A. Miles, and Colonel. E. Schriver, judge advocate. Meade’s appointments immediately raised suspicion. In an August 6 message to the secretary of war, Burnside outlined the problems with the appointments:

If an investigation is to be had, I feel that I have a right to ask that It be made by officers not in this army [Army of the Potomac], and not selected by General Meade. All the officers constituting the court held command in the supporting columns which were not brought into action on that day. The judge advocate is a member of General Mead’s staff.⁵³

In a reply which seems contrary to the court’s directives as stated by Meade, Secretary of War Stanton responded, “Your telegram of the sixth was laid before the president, who directs me to say. . . . The action of the board of inquiry will be merely to collect facts for

⁵² O.R., XL, i, 18.

⁵³ JCCW., 25.

his information.”⁵⁴ Despite this reassurance, the express orders of General Meade to judge whether any officers were liable for the disaster meant the commanding staff of the IX Corps had reason to worry. As the first investigation into the assault of the crater, the military inquiry proved itself incapable of fairly determining the causes of the failure. From its conception, the court seems to have had an inherent inclination toward a conclusion favoring Meade. This inclination is apparent in the Court’s members, its testimony, and the interpretation of the events which contributed to the crater disaster.

Whether Meade intended to stack the court or not, a striking trend emerged: all the members had a connection to Meade, or the events of the 30th which, likely interfered with their ability to determine the causes of the failure, and to bring charges against those responsible, especially the commander of the IX army Corps. Perhaps the most blatant infringement upon the Court’s character was Schriver. Schriver was Meade’s own inspector general, and he was unlikely to find fault with his own superior. Nelson Miles and General Hancock, in charge of the II Corps, and Ayres, in charge of the V Corps, had also been placed to the right and left of Burnside’s IX Corps. During operations of the 30th, all had failed to support the assault on the crater, despite Burnside’s requests.⁵⁵ For Hancock’s part, his bias against Burnside stemmed from the events of Fredericksburg, two years earlier. Shortly before the battle of Fredericksburg, McClellan was relieved of command, and Burnside was chosen to lead the Army of the Potomac. This change was met with consternation among the army brass and Hancock himself wrote, “The Army are not satisfied with the change, and consider the treatment of McClellan most

⁵⁴ Ibid, 25.

⁵⁵ O.R., XL, iii, 661.

ungracious and inopportune.”⁵⁶ Furthermore, circumstances of the day should have excluded Meade from the process of creating the court.

During the tense battle, Meade and Burnside had a rather heated exchange of words. During one exchange of messages, Meade telegraphed, “Do you mean to say your officers and men will not obey your orders to advance? If not what is the obstacle? I wish to know the truth.”⁵⁷ Burnside, himself on edge, took this message as an outright challenge to his command and dignity. This message caused a normally obliging Burnside to respond, “Were it not insubordinate I would say that the latter remark of your note was unofficerlike and ungentlemanly.”⁵⁸ Meade’s ominous response stated, “Will you do me the favor to send me a copy of my note to you per Captain Jay? I did not keep any copy of it, intending it to be confidential. Your reply requires I should have a copy.”⁵⁹ Despite Burnside’s qualification of “were it not insubordinate” his response was obviously just that, and Meade would not let it go unpunished.

Meade’s temper and ability to hold a grudge was widely known. In his memoirs, Grant remarked upon Meade, saying, “He was unfortunately of a temper that would get beyond his control, at times, and make him speak to officers of high rank in the most offensive manner. . . . this made it unpleasant at times, even in battle, for those around him to approach him even with information.”⁶⁰ Meade had held a lasting grudge against

⁵⁶Almira Hancock, *Reminiscences of Winfield Scott Hancock* (New York: Charles L. Webster & Co., 1887), 92.

⁵⁷ O.R., XL, iii, 660.

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Grant, 635.

General Burnside. In regard to the actions of the 30th and his exchange with Burnside, Meade wrote in his own letters, “I have applied to have him [Burnside] relieved. . . . of course this has brought matters to a focus, and either he or I has got to go.”⁶¹ In another communication, dated August 3, Meade begins his letter, “I am in the midst of my row with Burnside. Our recent miserable failure will require an investigation, and authority has been asked of the President to appoint a court of inquiry. In the meantime I have preferred charges against Burnside, and asked he be relieved from duty with this army.”⁶² It is evident from these letters that Meade harbored ill will toward Burnside at least up to the formation of the Court. Though Meade was justified in his outrage, these exchanges had little bearing on the mission of the Court, and Meade should have been removed from the position of selecting its members. However, despite Burnside’s concerns, the Court proceeded, and on September 9, its findings were announced.

The causes of the failures were:

1. Improper formations: the troops should have been formed in the open ground in front of the point of attack parallel to the line of the enemy works.
2. The halting of the troops in the crater when there was no fire of any consequence from the enemy.
3. No proper employment of engineers in the IX corps.
4. Parts of the column were not properly led.
5. The want of a competent common head at the scene of the assault to direct affairs as occurrences should demand.⁶³

On these counts, the Court assigned blame to Burnside, Ledlie, Colonel. Z. R. Bliss; a commander of the first brigade Second Division of the IX Corps; and General Wilcox in

⁶¹George Meade, *Life and Letters of George Gordon Meade*, vol. 2, (New York: Charles Scribner’s Sons, 1913), 217.

⁶² *Ibid.*, 218.

⁶³ O.R., XL, i, *Official Court of Inquiry on the Mine Explosion*, 127. For a reproduction of the Court’s findings see appendix i.

command of the Third Division (appendix i).⁶⁴ Yet these findings do not accurately represent the reality of the situation on the ground and completely ignore Meade's role in the assault. Upon closer scrutiny, the findings and the opinions of the Court demonstrate an incomplete and perhaps deliberately misinterpreted assessment of the action.

The first and second counts perhaps incorporate an incomplete assessment of the operations. Based on the testimony of officers before the Court, the Inquiry concluded that Ledlie's assault was delayed, and the advantage of surprise lost. When asked if he saw the enemy return fire within the first fifteen minutes Major James C. Duane, chief engineer of the Army of the Potomac, replied, "I did not see any. They opened on our batteries, but did not see them open on the column."⁶⁵ Yet Duane himself admitted, "I did not see the assault distinctly; I was too far to the left."⁶⁶ Likewise, Wilcox testified that "the fire of the enemy was suspended for fifteen to twenty minutes."⁶⁷ However, other available evidence was possibly overlooked or ignored by the Court. After-action reports available to the Court at the time complicated the matter. In his report, General Potter stated: "The leading regiments began to move almost at once, passing into and through a portion of the line from which the enemy were driven."⁶⁸ Lieutenant-Colonel Charles Cummings of the 17th Vermont, stated in his report, "The enemy's batteries, instead of replying to our guns, reserved their fire for our advance, and now commenced

⁶⁴ Ibid., 128.

⁶⁵ O.R., XL, i, *Official Court of Inquiry on the Mine Explosion*, 77.

⁶⁶ Ibid., 76.

⁶⁷ Ibid., 94.

⁶⁸ O.R., XI, ii, 547.

pouring in a withering fire of case and canister.”⁶⁹ With after-action reports such as these, the Court’s ability to come to a definitive conclusion is questionable. Similarly, testimony is also contradictory in relation to the third finding.

The third finding of the committee translated into two separate but related opinions. First, according to the Court, Burnside disobeyed orders to remove the Union’s *abatis* in front of their line, thus creating an obstacle for advancing divisions. Second, Burnside did not construct adequate *débouchés* for the assault.⁷⁰ In his own defense, Burnside testified that “it was not expected by any one that any considerable success could attend any work of that kind [an assault] without serious loss to the command.”⁷¹ It is perhaps probable that removing the works would have aroused suspicion. Even if removed at night, the enemy works were only 100 yards away, and their pickets were even closer. Furthermore, Brigadier General Griffin and Potter testified that pioneers, engineering units, were stationed with the brigades to assist in removing *abatis*.⁷² Potter testified, “Verbal instructions were given to have the pioneers of the different regiments, and a sort of pioneer regiment that we call the Engineer Regiment, in each division, prepared with their tools, and so forth to prepare the breast-works for the passage.”⁷³ Official correspondence also stated, “The pioneers will all be with their brigades prepared

⁶⁹ O.R., XL, ii, 569.

⁷⁰ *abatis* are a form of field fortification which prevented the quick charge of enemy infantry. It generally consisted of spiked poles anchored in the ground or to a horizontal pole so that it rested in a slanted position with the point facing an enemy charge. *débouchés*: A narrow opening through which troops disembarked, in this case it refers to sandbag staircases which were used to disembark from the union trenches. For information on the opinions of the court see appendix i.

⁷¹ O.R., XL, i, *Official Court of Inquiry into the Mine Explosion*, 68.

⁷² O.R., XL, i, *Official Court of Inquiry on the Mine Explosion*, 88; 99.

⁷³ *Ibid.*, 88.

to remove obstructions.”⁷⁴ Still, despite this testimony to the contrary, the Court came to the conclusion the implementation of pioneer regiments to remove the *abatis* was conducted ineffectively.

The fourth finding of the Court is the only finding which appears irrefutably correct. Ledlie, who was not interviewed by the court, held the most responsibility for the assault because his was the first division to enter the newly formed gap in the Confederate line. However, speculation persists that Ledlie did not adequately inform his men of their orders.⁷⁵ This lack of command led Ledlie’s troops to fall into the crater and plug up the covered ways leading to the front. In the confusion, Ledlie was nowhere to be found. He had taken it upon himself to return to a medical bombproof where he requested alcohol from the surgeons.⁷⁶ Surgeon H.E. Smith testified before the Inquiry stating, “General Ledlie asked me for stimulants, and he had the malaria and was struck by a spent ball. . . I had rum and whisky there, and I gave them rum.”⁷⁷ Bliss, a Brigadier General, also stayed behind the lines as his brigade continued to attack and protect the right flank of Union forces. While the Court is correct in that Bliss should have been with his command, his absence had little impact on the result of the explosion. Because of the crowded covered ways, Bliss’s forces had a difficult time reaching the Confederate works. More importantly, the mixing of commands in the crater, including

⁷⁴ O.R., XL, iii, 607.

⁷⁵ Cavanaugh, 42.

⁷⁶ O.R., XI, i, *Official Court of Inquiry on the Mine Explosion*, 119.

⁷⁷ *Ibid.*

those of Griffin, Bartlet, and Thomas, created a scene of countermanding orders, and little good could have resulted from another officer's added command.⁷⁸

The fifth finding stated that there was a “want of a competent common head at the scene of the assault to direct affairs as occurrences should demand.”⁷⁹ Ambiguously worded, this statement was probably intended to cause a confusing interpretation. Supposedly directed at Burnside, the finding is more likely a tepid attempt to deflect blame from Meade. If Burnside is to be judged incompetent of command, the question remains why Meade was not present at the battle. Stationed a mile away, Meade could easily have brought his command to Fort Morton. During the assault, Warren, stationed at the IX corps headquarters, telegraphed Meade saying “I think it would pay you to go to General Burnside's position. You can see in a moment, and it is easy to communicate with me as by telegraph.”⁸⁰ Yet, on this day which, if successful would have delivered Petersburg to the Union Army, both the Major General and the Lieutenant General were stationed at a position which afforded no view of the battle.⁸¹ Even with the Court's interpretation of the testimony, what is more concerning is what is excluded completely. Perhaps the most glaringly obvious fault of the court of Inquiry is the lack of references to the last minute change of attack.

At Meade's request, Burnside submitted his plan of attack on July 26. Burnside's original plan acknowledged the position of the fort at a prominent point in the line from which parallel trenches extended to either side. In this position, troops entering the crater

⁷⁸ Cavanaugh, 52.

⁷⁹ O.R. XL, i, 127.

⁸⁰ O.R. XL, iii, 653.

⁸¹ O.R. XL, i, Official Court of Inquiry into the Mine Explosion, 55.

would be subjected not only to fire from Cemetery Hill to their front, but also from enfilading fire from the left and right. Therefore, Burnside's plan included orders for the leading two brigades to proceed down and clear out the enemy's line of works to the left and right of the breach. Following troops would proceed as quickly as possible around the crater and toward Cemetery Hill.⁸² During the Court proceedings, Meade himself acknowledged, "From the first I never considered the location of General Burnside's mine was a proper one. . . . the position against which he operated was not a suitable one in which to assault the enemy's lines."⁸³ Yet, Meade's own plan of attack disregards this previous assessment. In his revised plan of attack, Meade instructs, "Assaulting columns will immediately move rapidly upon the breach, seize the crest in the rear, and affect a lodgment there."⁸⁴ This change is directly mentioned in testimony but seems to have been ignored by the Court. During testimony on August 11, General Warren stated: "I can mention some faults. . . I think the first force, instead of moving straight on to the hill should have cleared the entrenchments right and left of the crater, so as not to have exposed the advancing column to a flank fire."⁸⁵ This however, is not the only drastic change Meade made to the attack plan. Meade decided to use the white divisions rather than the USCT's in his revised attack plan.

Burnside's plan of attack utilized the United States Colored Troops of his Fourth Division, a decision anchored in practical thinking. Since the outset of the Overland Campaign in May, Burnside's three white divisions had been in almost constant battle.

⁸² O.R., XL, iii, 477.

⁸³ O.R., XL, i, *Official Court of Inquiry on the Mine Explosion*, 131.

⁸⁴ O.R. XL, iii, 596.

⁸⁵ O.R., XL, i, *Official Court of Inquiry on the Mine Explosion*, 79.

From the Wilderness to Cold Harbor and the beginning battles of the siege, these troops endured the onslaught and privations of war.⁸⁶ Burnside's Fourth Division had fared much better. Placed on caravan duty by Grant, these troops were, as one Massachusetts soldier recollected, "fresh, and had taken but little part in the campaign. . . . They were anxious for the opportunity of taking part in the campaign."⁸⁷ Unlike the white divisions, the Fourth Division was at comparatively full strength and did not have the horrifying experience of attacking an entrenched enemy. With this in mind, these troops trained and practiced the movements of attack which would facilitate Burnside's plan.⁸⁸ However, on the eve of battle, Grant, at Meade's behest, instructed Burnside that "he, as well as the major-general commanding, does not approve the proposition, but directs that those columns be formed of white troops."⁸⁹ Thus Burnside was forced, on the 29th, to place the burden of the advance upon one of his three white divisions. One account reports, "It was not easy to choose between equally brave men, and General Burnside finally suggested that the division commanders draw lots for the position. The lot fell on General Ledlie."⁹⁰ The resulting advance of Ledlie, followed by Wilcox and Potter, was

⁸⁶ Allen D. Albert, ed. *History of the Forty-Fifth Regiment Pennsylvania Veteran Volunteer Infantry 1861-1865* (Williamsport, Pennsylvania: Grit Publishing Co., 1912), 150.; Cavanaugh, 17.

⁸⁷Committee of the Regiment, *History of the Thirty-Sixth Regiment Massachusetts Volunteers: 1861-1865* (Boston: Rockwell and Churchill Press, 1884), 241.

⁸⁸ Gould, 226.

⁸⁹ O.R., XL, iii, 608. Meade's insistence on the use of white troops as opposed to the black division is widely debated. Most sources cite that the slaughter of USCT's would have created disastrous political backlash. Lincoln's reelection year, this was of obvious concern to the cabinet, and the administration. However, further evidence suggests a lack of trust of, if not outright racism against, USCTs. Grants use of the IV division as nothing more than caravan protection lends itself to this conclusion. Furthermore, members of Meade's own staff expressed their views of the African American troops. "Can we not fight our own battles without calling on these humble hewers of wood and drawers of water to be bayoneted by the unsparing southerners? . . . God help them if the grey-backed infantry attack them!" (Theodore Lyman, Meade's headquarters 1863-1865: Letters of Colonel Theodore Lyman from the Wilderness to Appomattox).

therefore conducted without training. In the Court's findings no mention is made of the last minute change of plans. Instead, the opinions appear to maintain a belief that despite the last minute change, had Meade's orders been followed, the operation would have been a success. This interpretation seems to ignore the complex assault and the pressure under which it would be conducted.

From the outset, the Court of Inquiry seems to have been designed with a predetermined conclusion. Meade's own quarrel with Burnside should have removed him from the position of appointing the Court. Burnside's request that the Court's members not come from the Army of the Potomac seems, in light of the circumstances, reasonable and would probably have resulted in a much fairer verdict. Yet, although the committee unfairly assigned blame to Burnside in the five causes of the failure, he was not without blame. For his part Burnside was culpable for allowing Ledlie to lead the charge. Ledlie, a man whom Grant would later call "the worst commander in his [Burnside's] corps" had previously failed an attack on June 17.⁹¹ Yet, Burnside's inability to choose between his division commanders created a situation in which there was less chance of success. Still, Burnside would receive a chance at redemption. At the time of the assault, Congress was adjourned for its summer break, and it was not until its return that the matter was brought to a head. Reverberations from the events were felt by a sensitive Republican Congress, which attempted to maintain support for an increasingly unpopular war. Upon returning to Congress, a congressional committee of the joint Houses was quickly convened to ascertain the causes of the failure.

⁹⁰ Edward O Lord, *The History of the Ninth Regiment New Hampshire Volunteers in the War of the Rebellion* (Concord: Republican Press Association, 1895), 483.

⁹¹ JCCW, 110.

The Joint Committee on the Conduct of the War

Already by December 1861, the war was not going well. The optimism with which the government originally called for three month volunteers to fill the ranks of the Union army had been dashed by a series of military defeats. On July 21, Union forces under the command of Brigadier General Irwin McDowell engaged in the first battle of the Civil War. At the battle of First Bull Run, Union forces were defeated in a prolonged fight by the forces of General Beauregard and were forced to retreat to Washington. After the battle, Washington recalled General McClellan from Western Virginia to reorganize the Union army. Though his reorganization was successful, victories still eluded the Union forces. Exactly three months later, on October 21, Union forces on a mission to distract the enemy were met at Ball's Bluff by Confederate forces. In response, Union commanders dispatched forces under the command of Colonel Edward D. Baker, a Senator from Oregon, to support the Union troops. During the fighting a Confederate minieball struck and killed Baker, after which Union forces withdrew, unorganized, across the Potomac. Baker's death sent shockwaves through the Union government, and when Congress returned for its winter session, lawmakers feverishly set about to right the situation.

On December 2, 1861, the 37th Congress convened for its second session. Immediately on December 3, Republican representative Roscoe Conklin of New York submitted a resolution that "the Secretary of war be requested. . . . to report to this house 'what measures have been taken to ascertain who is responsible for the disastrous

movement of our troops at Ball's Bluff."⁹² Two days later Michigan Senator Zachariah Chandler introduced a similar bill in the Senate to investigate both Ball's Bluff and Bull Run.⁹³ Debate on the resolution continued on December 9. During debate, the outspoken Senator Fessenden of Maryland stated clearly the Senate's reasoning. "While such is the feeling, and while we are their [the American people's] agents (because it is in Congress to declare war, and in Congress to provide the means of carrying on war,) it behooves us most carefully to look at the course of proceedings relating to the conduct of the war."⁹⁴ After debate, the bill was passed by a vote of 33 to 3. In its final form, the resolution stated:

that a joint committee, to be composed of three members of the Senate and four members of the House of Representatives be appointed to inquire into the conduct of the present war, and that they have power to send for persons and papers, and to sit during the sessions of either House of Congress.⁹⁵

The following day the House also passed the resolution and on the 20th of December the members of the Joint Committee were selected. The Committee was composed of Senators Benjamin F. Wade, Zachariah Chandler, and Andrew Johnson and House members Daniel W. Gooch, John Covode, George W. Julian, and Mosses F. Opell. Yet, as in the case of the Court of Inquiry, the Committee's membership, its previous investigations, and its conduct during the investigation of the Crater all raise suspicion

⁹² U.S. Congress, House, Representative Roscoe Conklin of New York speaking for resolution investigating the disaster at Ball's Bluff, 37th Cong., 2nd sess., *The Congressional Globe*, (3 December 1861): 6.

⁹³ U.S. Congress, Senate, Senator Zachariah Chandler of Michigan speaking for resolution investigating Military Disasters, 37th Cong., 2nd Sess., *The Congressional Globe*, (5 December 1861): 16.

⁹⁴ *Congressional Globe*, Senate, Senator Fessenden of Maryland speaking in support of joint resolution to investigate military disasters, (9 December 1861):30.

⁹⁵ *Ibid.*, Senator Grimes of Iowa introducing the resolved bill on the joint committee on the conduct of the war, (9 December 1861): 32.

about its intent, although Wade would later write, “They have not sought to accomplish any purpose other than to elicit the truth.”⁹⁶ Shortly after their appointment, the committee met for the first time, and began vigorously investigating the actions of the Army.

The composition of the Civil War Congress largely influenced the membership of the Committee. During the period, the traditional Democratic powerbase was in the South. This meant that when the Confederate states began succeeding in late 1860 Congress became more and more a Republican-dominated institution. In fact, by 1861, Republicans not only held the presidency but had majority control of both Houses. Still a new party, the Republicans of the period originated in the Whigs, Free-Soilers, and Know-Nothing parties of the previous years.⁹⁷ The majority of Republicans had Whig antecedents and the Congress of the war years was therefore characterized by a preference for legislative superiority over the executive. Though unified on their opposition to slavery, or at least to its spread, the Republican Party was divided on the means of accomplishing this goal. The most ardent anti-slavery Republicans became known as the Radical Republicans, while others became known as Moderate Republicans. The Radical’s anti-slavery leanings and prodding of the administration

⁹⁶ JCCW, V.

⁹⁷ All of these parties, influential before the Civil War era, were largely affected by the debate over slavery in the border states. The presidential election of 1856 is seen as the turning point in terms of political power. In the contest between Millard Fillmore and James Buchanan, the Whig party was largely split, with only a faction supporting their own candidate. The election of Democrat James Buchanan largely destroyed the Whig party, and its members either faded from political life, or joined other parties. Likewise, the anti-slavery factions of the Know Nothing parties were largely absorbed into the Republican party by the elections of 1860. Those that remained pro-slavery ceased, in practical terms, to yield any influence on the national level. For its part, the Free-Soiler party was never an influential faction in American politics. A break away group from the Democrats, they were active through the late 1840’s and 50’s. By the time of the Civil War, the party had been absorbed by the more powerful and influential Republican Party.

earned them the label of the Jacobins.⁹⁸ Those Democrats who remained in 1861, were split between War and Peace Democrats and generally represented the Border States which had not seceded. Those remaining Democrats believed in the preservation of the Union; however, because many of these states permitted slavery, they often favored reunification without the destruction of the slavery system. It was out of this situation that the Joint Committee on the Conduct of the War (JCCW) was created, its membership largely reflecting the prevailing sentiments of Congress.

Of the Senate members of the Committee, Zachariah Chandler and Benjamin F. Wade were staunch Radical Republicans. Both were outspoken critics of slavery and were influential in the anti-slavery movement.⁹⁹ Wade's career began on the floor of the Ohio legislature where, in 1839, he was an outspoken critic of the Fugitive Slave Act. In a speech on the floor of the Senate, Wade remarked:

When I hear gentlemen speak in such broad and unqualified terms of the happiness, prosperity, glory and magnificent prospects of the people of this country I have reason to fear. . . . Their vision will be greeted by the alarming and breast rending spectacle of three millions of their fellow men in chains, dragged like beasts of burden to the shambles and sold as merchandise. . . It is because I love and venerate my country, that I wish to wipe away this, her deepest and foulest stain.¹⁰⁰

This speech and his opposition to the slavery movement won him the support of staunch northern abolitionists, and eventually brought him to congress in 1850. Chandler joined with Wade as another passionate emancipation supporter, and both would be critical of

⁹⁸Michael Burlingame and John R. Turner Ettlinger, ed., *inside Lincoln's White House: The Complete Civil War Diary of John Hay* (Carbondale: South Illinois University Press, 1997), 28.

⁹⁹ George, 5-7; Treffouse, *Ben Wade*, 84-87.

¹⁰⁰Columbus *Ohio State Journal*, March 29, 1839; quoted in Hans treffouse, *wade*, 37.

the Lincoln administration throughout the war.¹⁰¹ The only Democratic Senator was Andrew Johnson, a strong War Democrat and the only southern Senator to remain after his state seceded.¹⁰² It seems that Johnson was allowed to participate in the operations of the Committee; however, Lincoln later appointed him military governor of Tennessee. He resigned from Congress on March 4, 1862 to take up the position of Military Governor.¹⁰³ Joseph A Wright, a junior Democratic Senator from Indiana replaced him. Not having the political clout of Andrew Johnson, Wright was largely excluded from the investigations of the Committee.¹⁰⁴

The membership of the Committee from the House was equally unbalanced. Three of the House Representatives to the Committee were Republicans. Gooch, had been a Republican since the 35th Congress, while Julian, a Free-Soiler, and Covode, an Opposition Party member, were recent additions to the Republican Party.¹⁰⁵ These members were all largely attracted to the Republican Party for its anti-slavery ideals. Throughout the operations of the Committee, Gooch would be an ardent participant, and

¹⁰¹ George, 5-7.

¹⁰² U.S. Congress, *Biographical Directory of the United States Congress 1774-1989: Bicentennial Edition* (Washington: Government Printing Office, 1989), 174. It is likely that much of the respect Andrew Johnson received from the Radical Republicans was due to his refusal to follow his state when Tennessee seceded. A move that should have ended his political career, Andrew Johnson remained in the Senate until 1862 and later became republican Vice-President under Lincoln, and President after the death of Lincoln on April 15, 1865. Though a convert to the Republican Party, the radical members of Congress who had supported him as a Senator were the same that supported his impeachment in 1868. After returning home, Andrew Johnson would once again become a senator (democrat) of Tennessee in March, 1875 where he served until his death on July 31st, 1875.

¹⁰³ Pierson, 559; Williams, 68.

¹⁰⁴ Treffouse, *Radical Republicans*, 269. Joseph Albert Wright had begun his career in the 1840's as a democrat, however, by the period of the Civil War, Wright had changed affiliations to the Unionist party.

¹⁰⁵ U.S. Congress, *Biographical Dictionary of the United States Congress 1774-Present*, <http://bioguide.congress.gov/biosearch/biosearch.asp> (accessed 16 October, 2006)

operated as the senior legal counsel.¹⁰⁶ Moses F. Odell of New York was the only Democratic member of the Committee from the House. Of the House members, Covode would later be replaced by Benjamin F. Loan, another Radical Republican.¹⁰⁷ Thus, the Committee's composition was that of five Republicans and two Democrats. Further troubling, the Committee's actions were also contrary to the statement of purpose Wade would later write.

The first actions of the Committee were to make the information gleaned from the investigations secret. However, as Williams points out, "The committee's secret information often and purposely reached the desired audience."¹⁰⁸ Members such as Wade, often leaked the information of the Committee for political purposes, often to support or discredit a general in the field.¹⁰⁹ By January 1862, the Committee reversed its position, permitting the release of testimony to the public.¹¹⁰ The Committee further removed the need for a quorum to be present for questioning. The practical explanation for this was that the wide range of investigations required members to travel great distances to gather testimony, keeping them from their duties in the capital. However, this system also lent itself to abuse. The already unbalanced Committee was made even more so by this technique as often Wade and Gooch, both Radical Republicans, were responsible for the gathering of testimony. During the Crater investigation in December

¹⁰⁶ Williams, 69. Gooch's role as legal council is somewhat vague. With the exception of Chandler, all the members of the committees had been lawyers before the war.

¹⁰⁷ T Harry Williams, "The Committee on the Conduct of the War: An Experiment in Civilian Control" *The Journal of American Military Institute* 3 (Autumn, 1939): 142.

¹⁰⁸ *Ibid.*, 148.

¹⁰⁹ *Ibid.*

¹¹⁰ George, 64.

of 1864, only Wade, Gooch, and Loan, all Radical Republicans, were responsible for the gathering of testimony at Petersburg. Similarly, the early investigations of the Committee reflect a determination to forward the Republican anti-slavery ideals.

The appointment of McClellan after the disastrous battle of Bull Run, was met with wide support among the Radicals in Congress. However, by the time of Fredericksburg in December 1862, the Radicals were largely upset and had grown impatient with the slow nature of McClellan's advance. Chandler would later remark, "He seems to have adopted the maxim of the old woman, who laid it down. . . that 'All boys should learn to swim well before they went into the water,' so the General is determined his troops shall all be veterans before he permits them to come under fire."¹¹¹ In the Peninsular Campaign, Radicals believed that McClellan should have pursued Confederate forces into the city of Richmond and capture it.¹¹² Furthermore, the Radicals were infuriated by the Democratic General's declaration that "We will, on the contrary, with an iron hand, crush any attempt at insurrection on their [the slaves] part."¹¹³ Thus, prior to the battle of Fredericksburg, the Committee forced the issue, and Lincoln replaced McClellan with General Ambrose Burnside. Burnside's failure at the battle of Fredericksburg once again brought about the criticism of the Committee. However, Burnside's switch in political views, mainly his newfound opposition to slavery, spared him the true wrath of the Committee.¹¹⁴ Burnside was returned to the command of the IX

¹¹¹ Benjamin F. Wade, To Zachariah Chandler, October 8, 1861, in Chandler MSS, LC; quoted in Mary George, *Zachariah Chandler: A Political Biography* (East Lansing: Michigan University Press, 1969), 55.

¹¹² George, 63.

¹¹³ Williams, *Lincoln and the Radicals*, 25.

¹¹⁴ Williams, "Conduct of the War", 152.

Corps, where he remained until the battle of Petersburg.¹¹⁵ The Committee's lenience toward Burnside reveals the Radical's motivation. Like Wade, many viewed the Civil War principally as a means to wipe the institution of slavery from America, and they sustained military leadership that supported their radical aims.¹¹⁶ During the 2nd session of the 38th Congress in 1864, the Committee was once again renewed. In December of 1864, it was this embodiment of the Committee that investigated the Battle of the Crater.

As chair of the JCCW, Senator Benjamin Wade presented the findings on the Battle of the Crater to Congress in the traditional form of a report. In the lengthy report, Wade wrote the opinions in a scathing manner:

The committee cannot from all the testimony, avoid the conclusion that the first and great cause of disaster was the change made on the afternoon preceding the battle. . . . In their opinion, the cause of the disastrous result of the assault of the 30th of July last is mainly attributable to the fact that the plans and suggestions of the general who had devoted his attention for so long a time to the subject, who had carried out to a successful completion the project of mining the enemy's works, and who had carefully selected and drilled his troops for the purpose of securing whatever advantages might be attainable from the explosion of the mine, should have been so entirely disregarded by a general who had evinced no faith in the successful prosecution of that work, had aided it by no countenance, only when it was completed and the time had come for reaping any advantages that might be derived from it.¹¹⁷

Presented with the same evidence, with addition of the testimony of the Court of Inquiry, Wade and the Committee came to an exact opposite conclusion from that of the Court of Inquiry. Their simplistic interpretations of the causes of the failure were not directly attributed to Meade. However, the wording implies that Meade rather than Burnside was responsible for the failure and all but exonerates Burnside with only one mere mention.

¹¹⁵Ibid.

¹¹⁶Williams, 149.

¹¹⁷JCCW, 8. For a full copy of the report see appendix j.

In their findings, the Committee on the Conduct of the War made only passing mention of perhaps the most important role Burnside would play in the entire battle on the 30th of July. In reference to the casting of lots to choose the head of the assaulting column, the Committee wrote:

It may have been, that from the same causes, each of the three divisions of white troops had become, from the training of the previous forty days, unfitted for that duty. But the practice of leaving the selection of troops for an important undertaking to be determined by chance is one that does not commend itself to the judgment of your committee. It, however, is but just to General Burnside that the reasons which led him to resort to that mode of selection should be stated.¹¹⁸

Notable in the Committee's veiled criticism of Burnside is the first line. Here, the Committee puts forth the point of view that all of Burnside's white divisions were unfit to lead the charge. This comment would lead a reader to another assumption that Burnside was nothing more than a disadvantaged general, put in this position by an overbearing Meade. Thus, even Burnside's failure to select the best division for the assault can be rejected as being truly Meade's. With this, Burnside was removed from any wrong doing in the battle, and the blame devolves upon Meade, a position which suited the Committee members' political motivation. Yet, like the Court of Inquiry, the Committee seems to have willfully misinterpreted and directed the testimony. The testimony seems, at least outwardly, to wholeheartedly support the Committee's interpretation. Yet, the Committee seems to have ignored comments which did not suit its purpose, and

¹¹⁸ JCCW., 11-12; As previously stated Burnside, dejected at the overruling of his plan, elected to choose the leading division by lot, which fell upon the least able of his division commanders, General Ledlie. Yet, previous to the battle, Ledlie had already shown himself incompetent. In fighting on the 17th of June, Ledlie led a failed charge on Beauregard's forces along the Dimmock Line. The following day, forces from Lee's Army of Northern Virginia began to enter the city, thus the opportunity to take Petersburg had been lost. Burnside, in his own defense may not have known about Ledlie's incompetence at the time. Officers under the command of Ledlie likely covered up the incident and protected their commander from blame.

furthermore, interviewed only those who would have a favorable response.

In its findings, the Committee seems to have placed blame more on the plan of attack, rather than its execution. In this regard, the testimony before the Committee is mixed. While both General Wilcox and General Warren reported that the change in plans had caused the failure, the testimony of Generals Potter and Grant seem to contradict this interpretation. Wilcox testified before the committee that “I think the first mistake made was not moving the troops to the right and left of the crater, instead of through the crater.”¹¹⁹ Warren gave testimony almost mirroring his statements before the Court of Inquiry. Yet, troubling is the Committee’s lack of regard for the testimony of U.S. Grant. Grant testified, “I am satisfied that if the troops had been properly commanded, and had led in accordance with General Meade’s order, we would have captured Petersburg with all the artillery and a good portion of its support, without the loss of 500 men.”¹²⁰ General Potter, commander of the Second Division IX Corps, also reported “I stated it was my opinion from what I had seen, and from the reports which I had received from my subordinate officers, that too many men were being forced in at this point; that the troops there being in confusion, it was absolutely necessary that an attack should be made from some other point.”¹²¹ Thus, it seems that Burnside’s direction of the assault may also have contributed to the failure. Yet, the execution of the plan is not questioned in the Committee’s Findings. Perhaps more importantly however, is the source of the testimony itself.

¹¹⁹ JCCW, 77.

¹²⁰ JCCW, 110.

¹²¹ JCCW, 87.

While the testimony seems, for the most part, to support the findings of the Committee, an overview reveals one overwhelming flaw. Among those who testified, all were members of the IX Corps and XVIII Corps under the control of General Burnside. Outside of the IX Corps, only Major Duane, Meade, Grant, and Warren testified to the Committee. It should be noted, that from the Court of Inquiry's testimony, the Committee already knew, to a great extent these people's views on the disaster. Therefore, the Committee was in a position to direct the course of testimony to suit its own agenda.

The aims of the Radical Republicans, which were behind the Committee's previous investigations, also heavily influenced the investigation at Petersburg. The desire to forward their own political ideals, and destroy slavery influenced the Committee in three distinct ways. Previous examples of this are evident in the committee's investigation of Burnside at Fredericksburg and of Meade at Gettysburg. Furthermore, the Committee's anti-slavery ideals which had been demonstrated throughout their political careers had a great impact on the investigation at Petersburg.

In Meade, radical members of the Committee found much of what they hated about military men. Meade's education at West Point made him an immediate target for the populist Radicals who saw the institution as an aristocratic training school. Furthermore, Meade's style of attack was reminiscent of McClellan's. Meade preferred defensive engagements, and was mainly at home behind a mountain of earthworks. The open field attacks which characterized the Overland Campaigns are therefore more attributable to Grant rather than to Meade. As was the case with McClellan, the Radicals saw successful conduct of the war as advancement. As long as the Confederates were

pushed deeper and deeper into the South, the Radicals were satisfied. Prior to the siege, the Committee had attacked Meade for his failure to pursue Lee's retreating forces to Bristoe Station after their defeat at Gettysburg.¹²² However, Union advances since the Battle of Gettysburg partially quelled attempts to have him removed. However, the Siege of Petersburg created the perfect situation in which to assail the commander of the Army of the Potomac once again.¹²³ In regards to the JCCW, Meade would later reflect, "I feared the Committee on the Conduct of the War was against me, and that their examination would be *ex parte*; to which their organization, the absence of myself or counsel, the ignorance I am under of what is testified against me, all combine to give a great power for injury if abused."¹²⁴

The final piece of the Committees' incentive for its analysis of the battle lies in the role of the Fourth division U.S.C.T. In the Fourth Division, the Radicals found their perfect situation to advance their anti-slavery ideals. The defeat at the Battle of the Crater resulted from the advance of the three white divisions of the IX Corps. However, Burnside's initial plan of attack had utilized his Fourth Division. During testimony, Grant himself admitted, "General Burnside wanted to put his colored divisions in front, and I believe if he had done so it would have been a success."¹²⁵ The Committee Radicals seized upon this comment and utilized it to further their arguments. In their eyes, they may have seen Meade as at the least biased and at worst a racist. They inferred from Grant's admission, that the colored troops would have successfully carried the crest

¹²² Hans Treffouse, *Benjamin Franklin Wade* (New York: Twayne Publishers Inc, 1963), 209.

¹²³ *Ibid.*, 209.

¹²⁴ Meade, 179.; Pierson, 564.

¹²⁵ JCCW, 111.

of Cemetery Hill, essentially ending the Civil War in 1864. Thus, emphasizing that the plan of General Meade to use the white divisions for the assault was powerful support for radical policies. Those radicals that believed in the equality of the races could use Grant's admission and Meade's failure to demonstrate African Americans right to equality. Taking into consideration what the Committee, and the Radicals of Congress, had to gain from a verdict which indicated Meade for the failure, it is hard not to view their result with some trepidation.

The interpretation of the Committee on the Conduct of the War is in itself a masterpiece of political propaganda. Unlike Meade and the Court of Inquiry, the members of the Committee were adept at political wrangling, and were able to outmatch Meade at every turn. The simplicity of the Committee's findings had much to do with their political prowess. While the Court's findings were an unwieldy two pages full of military terminology, the Committee's findings were less than a paragraph, and plainly written. Since July, the Committee had been able to release their findings to the public. As Treffouse writes, "The chairman did not even wait until adjournment to release his reports on the Petersburg investigation. With great fanfare, he published them in February so that the newspapers were in a position to reprint major parts."¹²⁶ It is therefore not hard to see that this simple interpretation would fit nicely on the front page of local papers. Yet, despite the obvious political wrangling that accompanied the Committee's investigation, its interpretation, like that of the Court of Inquiry, was not wholly incorrect.

¹²⁶ Treffouse, Wade, 242.

The Committee on the Conduct of the War and the Court of Inquiry into the Mine Explosion, both contained elements of the most probable cause for the failure. Yet each tended toward an extreme, often influenced by personal and political agendas. The Committee on the Conduct of the War is probably correct in its interpretation that the last minute change in battle plans contributed to the failure. Likewise, the Court of Inquiry's damnation of Burnside is not without merit. Like the makings of a perfect storm, in which a number of conditions combine to create a disaster, the pieces which resulted in the crater disaster cannot be credited to a single source. The last minute changes to Burnside's plan cannot be ignored. Replacing the trained Fourth Division with the beleaguered and untrained white divisions did no doubt have an enormous impact on the battle.¹²⁷ Yet, this does not excuse Burnside from responsibility. Burnside's plan of attack, which utilized two covered-ways leading to exit points along the IX Corps front, created a crowded and confused situation which was only intensified by the narrow space. As Burnside had demonstrated after Fredericksburg, he lacked the ambition and determination to lead the Army of the Potomac. Burnside's acquiescing manner, in which he often placated his superiors, represented an even greater flaw. Burnside's inability to pick the commander best suited for the task of leading the assault, and the subsequent use of lots in that determination represented unacceptable negligence. As Meade would say during the battle in another context, Burnside's actions were "unofficerlike". However, a true determination cannot be made. The fog of war is such,

¹²⁷ Despite the negative impact of Meade's decision, one cannot but sympathize with his situation. As commander of the Army of the Potomac, Meade should have controlled the movements of the entire army. However, as history records it, the greatest duel of the Civil War is that of Grant vs Lee not Meade and Lee. With Grant in the field with the Army of the Potomac, Meade was stripped of his command. Had he assented to Burnside's request to control the fifth and second corps during the battle, Meade might as well have left Petersburg as his whole command would be under the order of General Burnside and Grant.

that the success of the battle, had it followed Burnside's plans, would not have assured success. As the failure stands, Burnside and Meade are probably equally at fault for the Battle of the Crater. Burnside is culpable for his negligence of command in appointing Ledlie to lead the charge, and Meade is to blame for his lack of confidence in Burnside. More importantly, however, the evidence suggests an overwhelming trend in military and congressional investigations.

In the case of the Battle of the Crater, both the Committee on the Conduct of the War, and the Court of Inquiry into the Mine Explosion have shown themselves, like Burnside and Meade, to be negligent. In the case of the Court of Inquiry, the membership of the court was comprised in such a manner as to assure a favorable verdict for General Meade. In the case of the Committee, political motivations, as well as a vendetta against the institution of slavery, hindered a fair investigation. The prejudice of both tipped the scales of lady justice, and as a result, neither were capable of a fair investigation. However, most importantly, as is the case today, the complete records of the events were not available until long after they took place. As events unfolded, the news media was the sole source of information on these crucial investigations, and it can be expected that partisan goals played heavily on their reporting much as it did on the investigations into the disaster. It would not be until 1892, that the first publication of *The Official Records of the War of Rebellion* would be published. Likewise, unit histories, which have contributed immeasurably to the narrative of events, sporadically became available in the decades after the Civil war. Without these an educated and informed analysis of the events was impossible, and it would remain the quest of historians to analyze with clarity the events like those before Petersburg. Though the

investigations into the failure at crater before Petersburg were conducted over a century ago, the circumstances surrounding these events directly mirror the continuing pattern so entwined in the American political system. If it is true that the driving force behind our humanity changes little over time, the examples of Petersburg and the Congressional and military investigations, stand as steadfast and true today as they did during our nation's greatest struggle.

APPENDIX A¹²⁸

Map showing the city Petersburg and surrounding area (Richmond: north of Drewrys Bluff is not shown on map.)

¹²⁸ U.S. War Department, comp. *Atlas to Accompany the Official Records of the Union and Confederate Armies, 1861- 1865*, Vol. LXV: Plate 1 (Washington: GPO, 1891-1895). Hereafter referred to as *Atlas of the Civil war*

APPENDIX B¹²⁹

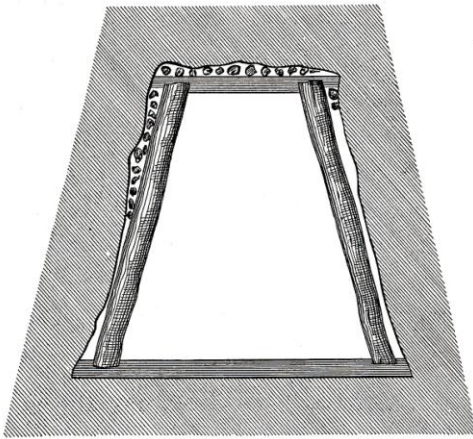


Plate I: widthwise cross section of the mine shaft.

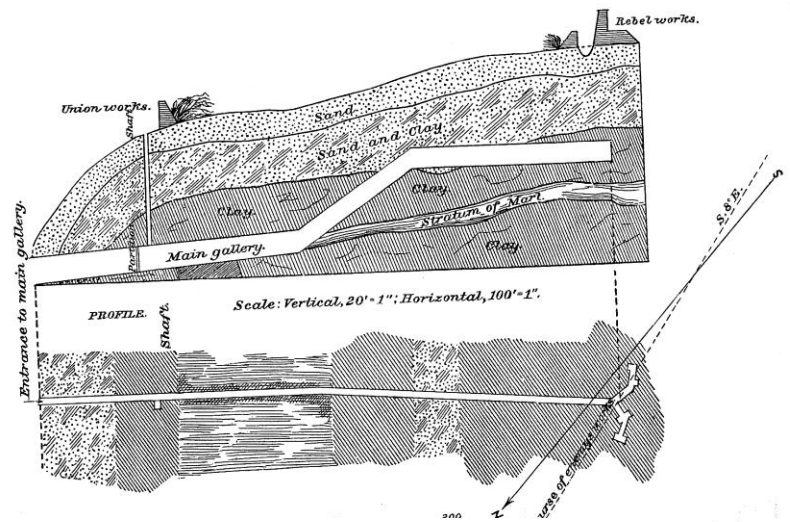


Plate II: Lengthwise Cross section of the Main Gallery

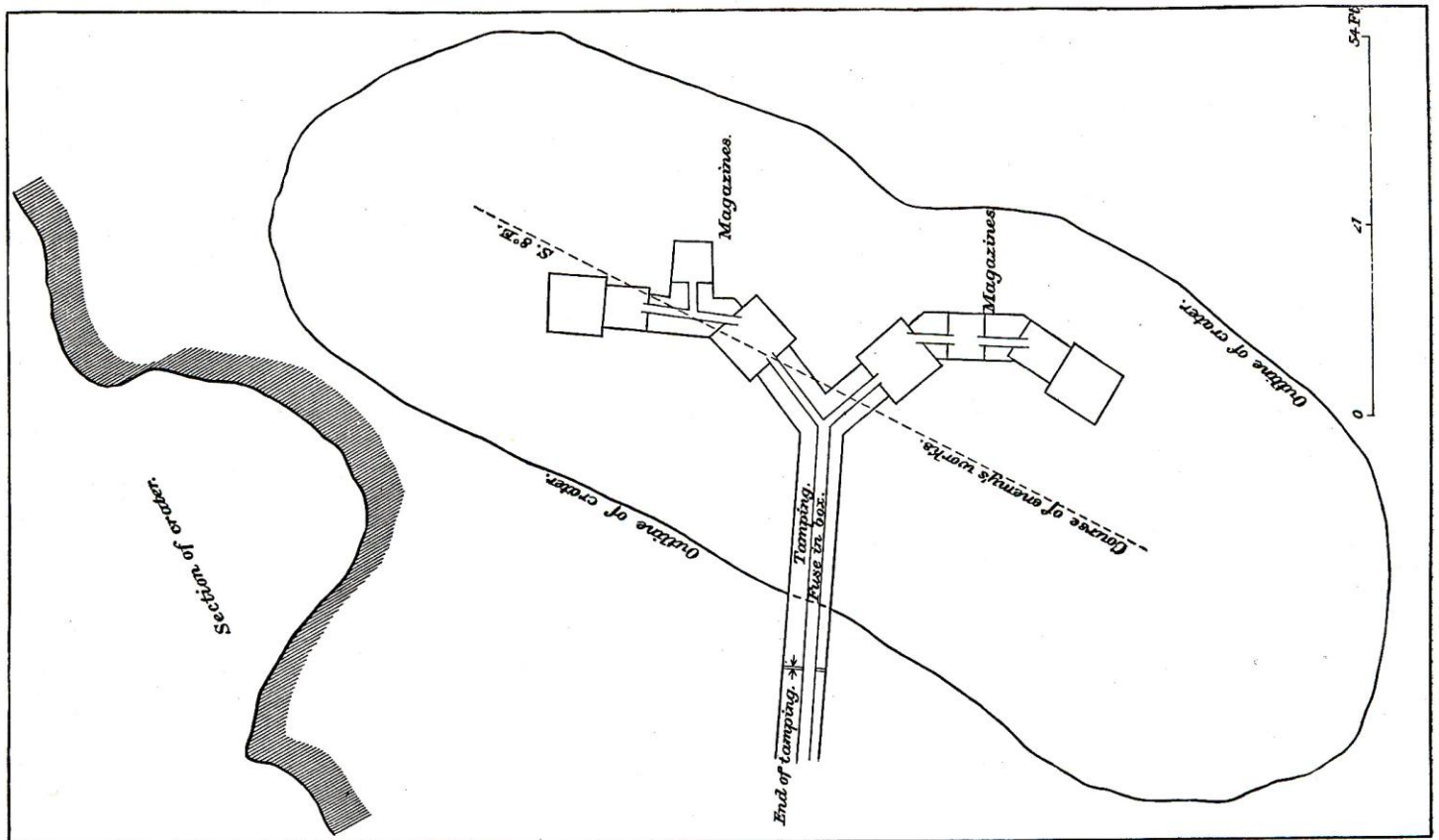


Plate III: Birdseye view of the mine lateral galleries and outline of the crater. Left inlaid shaded image represents a cross-section of the Crater.

¹²⁹ Plates reproduced from: Gould, *A History of the 48th Pennsylvania Volunteers*.

APPENDIX C¹³⁰

¹³⁰ Cavanaugh, 121.

APPENDIX D¹³¹

Headquarters of the IX Army Corps during the Battle of the Crater

¹³¹ Atlas of the Civil War, Plate LXIV:1.

APPENDIX E¹³²

¹³² Maps reproduced from: Cavanaugh, 38.

APPENDIX F¹³³

¹³³ Cavanaugh, 48.

APPENDIX G¹³⁴

¹³⁴ Cavanaugh, 86.

APPENDIX H¹³⁵

¹³⁵ Cavanaugh, 101.

APPENDIX I¹³⁶

Answer. The colonel (Bates) of the 30th regiment colored troops led his through; that is the only one I saw go through the crater.

Question. Was Colonel Siegfried present with his troops in the front all the time?

Answer. He was; he came out when the troops did, about 10 to 11 o'clock.

Captain E. T. RAYMOND, 36th Massachusetts volunteers, duly sworn, says, judge advocate's

Question. Were you at the assault on the 30th July, and in what capacity?

Answer. I was, as brigade inspector, 1st brigade, 2d division, 9th corps.

Question. What was your general position on the field on that occasion?

Answer. In the crater a portion of the time; part near the right of our brigade, in our works.

Question. Under whose immediate orders were you serving?

Answer. Colonel Z. R. Bliss, 7th Rhode Island volunteers, commanding the brigade.

Question. Was he with his troops all the time?

Answer. He was. At 7 o'clock we moved down the covered way, from in rear of our batteries, in front of our reserve camp. Three regiments went into the crater; the remainder of the brigade stopped in the works. About 8 o'clock was sent into the crater by Colonel Bliss, to ascertain why the three regiments in front did not charge—he remaining in the works, with four regiments of the brigade. I went, and found the three regiments were formed in the covered way beyond the crater, towards Cemetery hill.

Question. Where did the covered way strike the enemy's pits to the left of the crater?

Answer. Facing their front, it led a little to our right of the crater, tending a little to the right of Cemetery hill.

Question. What efforts were made to bring up the regiments which were left in the works by their commanders?

Answer. The three regiments which went forward were first to charge before the rear regiments were to move forward.

Question. With what part of the brigade was Colonel Bliss?

Answer. With the portion that was left behind. He remained with the last regiment, and did not go forward at all to my knowledge.

The court, after discussion with closed doors, adjourned, to meet at 10 o'clock the 9th September.

SEVENTEENTH DAY.

HEADQUARTERS SECOND CORPS,

September 9, 1864.

The court met pursuant to adjournment.

Present: Major General Hancock, president; Brigadier Generals Ayres and Les; and Colonel Schriver, judge advocate.

The proceedings of the 14th, 15th, and 16th days were read and approved.

The court, with closed doors, then resumed the discussion of the testimony; and decided on the following finding and opinion:

FINDING.

After mature deliberation on the testimony adduced, the court find the following facts and circumstances attending the unsuccessful assault on the 30th July.

The *mine*, quite an important feature in the attack, was commenced by Major General Burnside soon after the occupation of his present lines, without any direc-

¹³⁶ O.R., XL, I, Official Court of Inquiry.

tions obtained from the headquarters of the army of the Potomac. Although its location—and in this the engineers of the army concur—was not considered by Major General Meade a proper one, it being commanded from both flanks and reverse, the continuance of the work was sanctioned.

It was not the intention of the lieutenant general commanding, or of the major general commanding the army of the Potomac, it is believed, to use the mine in the operations against Petersburg, until it became known that the enemy had withdrawn a large part of his forces to the north side of the James river, when it was thought advantage might be taken of it in an assault. All the Union troops sent north of the James had been recalled in time to participate in the assault, so that the whole of the forces operating in front of Petersburg were disposable.

The mine was ordered to be exploded at 3.30 a. m., but, owing to a defective fuze, it did not take place till 4.45.

The detailed order or plan of operations issued by Major General Meade is in accordance with General Grant's instructions, and was seen and approved by the latter previous to its publication. It is marked K in the appendix.

It is the concurrent testimony that, had the order been carried out, success would have attended the attack. Also, it is in evidence that General Meade met General Burnside and three of his division commanders the day before the assault, and impressed upon them that the operation was one of *time*; that unless prompt advantage were taken of the explosion of the mine to gain the crest, it would be impossible to get it, or the troops to remain outside of their lines.

That order directed that General Burnside should "form his troops (the 9th corps) for assaulting," and that General Ord, commanding the 18th corps, and General Warren, commanding the 5th corps, should support the assault on the right and left respectively.

Major General Burnside's order (No. 60, appendix) directed Brigadier General Ledlie's division, immediately on the explosion of the mine, to be moved forward and crown the crest known as Cemetery hill. Brigadier General Wilcox was to move his division forward as soon as possible after General Ledlie's, bearing off to the left, and Brigadier General Potter was to follow and go to the right. Brigadier General Ferrero was to move his (colored) division next, and pass over the same ground that General Ledlie's did.

Five minutes after the explosion of the mine General Ledlie's division went forward, and it was followed by those of Generals Wilcox and Potter, though it is in evidence that the latter did not move in the prescribed order, and that they were not formed in a manner to do the duty assigned them.

General Ledlie's division, instead of complying with the order, halted in the crater made by the explosion of the mine, and remained there about an hour, when Major General Meade received the first intimation of the fact through a despatch from Lieutenant Colonel Loring, assistant inspector general of the 9th corps, intended for General Burnside, in which he expressed the fear that the men could not be induced to advance.

This crater was on the enemy's line of works, and was fifty to sixty yards long, twenty yards wide, and twenty to twenty-five feet deep. It was about five hundred yards from the Cemetery crest.

General Burnside was then (5.40 a. m.) ordered to push forward to the crest all his own troops, and to call on General Ord to move forward his troops at once. It is in evidence, that when the order was communicated to General Ferrero, commanding the colored division, he said he could not put in his troops until the troops already in front should be moved out of the way. They did go forward, however, after some delay, but only to be driven back, and in their flight to rush impetuously against other troops, destroying their formation, and producing disorder.

At 6.10 a. m., inquiry being made of General Burnside if it would be an ad-

vantage for Warren's supporting force to go in at once on the left, the answer was, "There is scarcely room for it in our immediate front." The importance of the utmost promptness, and the securing of the crest at once, at all hazards, were urged upon him at 6.50 a. m.

At 7.20 a. m. General Burnside reported to General Meade that he was doing all in his power to push forward the troops, and if possible carry the crest, and also that the main body of General Potter's division was beyond the crater. It does not appear in evidence, however, that they ever got any considerable distance, not exceeding two hundred yards, beyond the crater towards the crest, whence they were driven back immediately. This was also the fate of the few colored troops who got over the enemy's line for a moment.

At 9 o'clock a. m. General Burnside reported many of the 9th and 18th corps were retiring before the enemy, and then was the time to put in the 5th corps. It having just been reported, however, by two staff officers (not General Burnside's) that the attack on the right of the mine had been repulsed, and that none of the Union troops were beyond the line of the crater, the commanding general thought differently; and the lieutenant general concurring, General Burnside was directed at 9.50 a. m. to withdraw to his own intrenchments immediately or at a later period, but not to hold the enemy's line any longer than was required to withdraw safely his men. This order brought General Burnside to General Meade's headquarters, where he remonstrated against it, saying by nightfall he could carry the crest. No other officer who was present, and who has testified before the court, concurred in this opinion. The troops in the crater were then ordered to retire; but before it could be effected they were driven out with great loss, at two o'clock p. m. These troops, however, were making preparations to retire, and but for that would probably not have been driven out at that time.

The 5th corps did not participate at all in the assault, and General Ord's command only partially, because the condition of affairs at no time admitted of their co-operation, as was contemplated by the plan of assault.

The causes of failure are—

1. The injudicious formation of the troops in going forward, the movement being mainly by flank instead of extended front. General Meade's order indicated that columns of assault should be employed to take Cemetery hill, and that proper passages should be prepared for those columns. It is the opinion of the court that there were no proper columns of assault. The troops should have been formed in the open ground in front of the point of attack, parallel to the line of the enemy's works. The evidence shows that one or more columns might have passed over at and to the left of the crater, without any previous preparation of the ground.
2. The halting of the troops in the crater instead of going forward to the crest, when there was no fire of any consequence from the enemy.
3. No proper employment of engineer officers and working parties, and of materials and tools for their use, in the 9th corps.
4. That some parts of the assaulting columns were not properly led.
5. The want of a competent common head at the scene of the assault, to direct affairs as occurrences should demand.

Had not failure ensued from the above causes, and the crest been gained, the success might have been jeopardized by the failure to have prepared in season proper and adequate debouches through the 9th corps lines for troops, and especially for field artillery, as ordered by Major General Meade.

The reasons why the attack ought to have been successful are:

1. The evident surprise of the enemy at the time of the explosion of the mine, and for some time after.

2. The comparatively small force in the enemy's works.
3. The ineffective fire of the enemy's artillery and musketry, there being scarcely any for about thirty minutes after the explosion, and our artillery being just the reverse as to time and power.
4. The fact that some of our troops were able to get two hundred yards beyond the crater towards the crest, but could not remain there or proceed further for want of supports or because they were not properly formed or led.

OPINION.

The court having given a brief narrative of the assault, and "the facts and circumstances attending it," it remains to report that the following named officers engaged therein appear, from the evidence, to be "answerable for the want of success" which should have resulted:

I. Major General *A. E. Burnside*, United States volunteers, he having failed to obey the orders of the commanding general—

1. In not giving such formation to his assaulting column as to insure a reasonable prospect of success.
2. In not preparing his parapets and abatis for the passage of the columns of assault.
3. In not employing engineer officers who reported to him to lead the assaulting columns with working parties, and not causing to be provided proper materials necessary for crowning the crest when the assaulting columns should arrive there:

4. In neglecting to execute Major General Meade's orders respecting the prompt advance of General Ledlie's troops from the crater to the crest; or, in default of accomplishing that, not causing those troops to fall back and give place to other troops more willing and equal to the task, instead of delaying until the opportunity passed away, thus affording time for the enemy to recover from his surprise, concentrate his fire, and bring his troops to operate against the Union troops assembled uselessly in the crater. *

Notwithstanding the failure to comply with orders, and to apply proper military principles, ascribed to General Burnside, the court is satisfied he believed that the measures taken by him would insure success.

II. Brigadier General *J. H. Ledlie*, United States volunteers, he having failed to push forward his division promptly according to orders, and thereby blocking up the avenue which was designed for the passage of troops ordered to follow and support his in the assault. It is in evidence that no commander reported to General Burnside that his troops could not be got forward, which the court regard as a neglect of duty on the part of General Ledlie, inasmuch as a timely report of the misbehavior might have enabled General Burnside, commanding the assault, to have made other arrangements for prosecuting it before it became too late. Instead of being with his division during this difficulty in the crater, and by his personal efforts endeavoring to lead his troops forward, he was most of the time in a bomb-proof, ten rods in rear of the main line of the 9th corps works, where it was impossible for him to see anything of the movements of troops that were going on.

III. Brigadier General *Edward Ferrero*, United States volunteers—

1. For not having all his troops found ready for the attack at the prescribed time.
2. Not going forward with them to the attack.
3. Being in a bomb-proof habitually, where he could not see the operation of his troops, showing by his own order issued, while there, that he did not know the position of two brigades of his division, or whether they had taken Cemetery hill or not.

IV. Colonel Z. R. Bliss, 7th Rhode Island volunteers, commanding 1st brigade, 2d division, 9th corps—

In this: that he remained behind with the only regiment of his brigade which did not go forward according to the orders, and occupied a position where he could not properly command a brigade which formed a portion of an assaulting column, and where he could not see what was going on.

V. Brigadier General O. B. Wilcox, United States volunteers.

The court are not satisfied that General Wilcox's division made efforts commensurate with the occasion to carry out General Burnside's order to advance to Cemetery hill, and they think that more energy might have been exercised by Brigadier General Wilcox to cause his troops to go forward to that point.

Without intending to convey the impression that there was any disinclination on the part of the commanders of the supports to heartily co-operate in the attack on the 30th day of July, the court express their opinion that explicit orders should have been given assigning one officer to the command of all the troops intended to engage in the assault when the commanding general was not present in person to witness the operations.

WINFIELD S. HANCOCK, *Major General U. S. Vols.,*
President of Court.

EDWARD SCHRIVER, *Inspector General U. S. A.,*
Judge Advocate.

The court then adjourned *sine die*.

WINFIELD S. HANCOCK, *Major General U. S. Vols.,*
President of Court.

EDWARD SCHRIVER, *Inspector General U. S. A.,*
Judge Advocate.

BATTLE OF PETERSBURG.

IN THE SENATE OF THE UNITED STATES,

December 15, 1864.

On motion by Mr. ANTHONY,

Resolved, That the Joint Committee on the Conduct of the War be directed to inquire into and report the facts concerning the attack on Petersburg, on the 30th day of July, 1864.

Attest :

J. W. FORNEY, *Secretary*.

Mr. WADE submitted the following

REPORT.

The Committee on the Conduct of the War, in pursuance of the foregoing resolution, submit the following report, with accompanying testimony:

In the attack upon the enemy's lines before Petersburg, the 16th, 17th, and 18th of June, 1864, the ninth corps gained an advanced position beyond a deep cut in the railroad, within about one hundred and twenty-five yards of the enemy's lines. Just in rear of that advanced position was a deep hollow, where work could be carried on entirely out of sight of the enemy.

Within a few days after that position had been gained, Lieutenant Colonel Henry Pleasants, 48th Pennsylvania volunteers, made the suggestion to General Potter, commanding the division, that a mine could be run under one of the enemy's batteries, by means of which it could be blown up, and an opening made in the enemy's lines. The suggestion having been submitted to General Burnside, it was approved by him, and work was commenced upon the mine on the 25th of June.

It will be seen from the testimony of Lieutenant Colonel Pleasants that he labored under disadvantages in the successful accomplishment of this important work, which would have deterred a man of less energy and determination. It was not merely the evident lack of faith in the success of the enterprise shown by all the officers of high rank but his division and corps commanders, but that lack of faith was accompanied by an entire failure to furnish the assistance and implements necessary to the success of the undertaking within a reasonable time. And your committee take pleasure in commending the zeal, energy, and persistence displayed on that occasion by Lieutenant Colonel Pleasants and the men of the 48th Pennsylvania regiment, under his command. And the failure of the attack, resulting from causes with which Colonel Pleasants could have no connexion, should not be allowed to detract from the meed of praise due to that officer.

The testimony of Colonel Pleasants, on that point, is as follows :

" Question. Can you fix the time when you mentioned the matter to General Burnside, when you commenced the work, &c. ?

" Answer. The work was commenced at 12 o'clock, noon, on the 25th of June, 1864. I saw General Burnside the night previous, and commenced the mine right off—the next day.

" Question. Did you have any communication with any other commanders on the subject ?

" Answer. No, sir.

" Question. About how many men did you employ in the work ?

" Answer. My regiment was only about four hundred strong. At first I employed but a few men at a time, but the number was increased as the work progressed, until at last I had to use the whole regiment, non-commissioned officers and all. The great difficulty I had was to dispose of the material got out of the mine. I found it impossible to get any assistance from anybody; I had to do all the work myself. I had to remove all the earth in old cracker boxes. I got pieces of hickory and nailed on the boxes in which we received our crackers, and then iron-cladded them with hoops of iron taken from old beef and pork barrels.

" Question. Why were you not able to get better instruments with which to construct so important a work ?

" Answer. I do not know. Whenever I made application I could not get anything, although General Burnside was very favorable to it. The most important thing was to ascertain how far I had to mine, because if I fell short of or went beyond the proper place the explosion would have no practical effect. Therefore, I wanted an accurate instrument with which to make the necessary triangulations. I had to make them on the furthest front line, where the enemy's sharpshooters could reach me. I could not get the instrument I wanted, although there was one at army headquarters; and General Burnside had to send to Washington and get an old-fashioned theodolite, which was given to me.

" Question. Do you know any reason why you could not have had the better instrument which was at army headquarters ?

" Answer. I do not. I know this: that General Burnside told me that General Meade and Major Duane, chief engineer of the army of the Potomac, said the thing could not be done; that it was all clap-trap and nonsense; that such a length of mine had never been excavated in military operations, it could not be; that I should either get the men smothered for want of air, or crushed by the falling of the earth, or the enemy would find it out, and it would amount to nothing. I could get no boards and lumber supplied to me for my operations. I had to get a pass, and send two companies of my own regiment with wagons outside of our lines to rebel saw-mills and get lumber in that way, after having previously got what lumber I could by tearing down an old bridge. I had no mining picks furnished me, but had to take common picks and have them straightened for my mining picks.

" Question. Was General Burnside the only officer who seemed to favor the mine ?

" Answer. The only officer of high rank, so far as I learned. General Burnside, the corps commander, and General Potter, the division commander, seemed to be the only high officers who believed in it.

" Question. How long from the time you commenced the mine did it take you to finish it ?

" Answer. I finished the whole thing, lateral galleries and all, ready to put the powder in, on the 23d of July.

" Question. How long would it have taken you had you been supplied with the proper tools and instruments ?

"Answer. I could have done it in one-third or one-fourth of the time. The greatest cause of the delay was taking the material out.

"Question. How far did you have to carry it?

"Answer. The whole length of the mine, and to where it could be deposited, and every night I had to get the pioneers of my regiment to cut bushes and cover it up where it had been deposited; otherwise the enemy could have climbed up the trees in their lines and seen the pile of newly excavated earth.

"Question. What was the length of the mine?

"Answer. The main gallery was $510\frac{8}{10}$ feet in length; the left lateral gallery was 37 feet in length, and the right lateral gallery was 38 feet. The magazines were to be placed in the lateral galleries.

"Question. What were the dimensions of the galleries?

"Answer. They varied at different places; I suppose the average was $4\frac{1}{2}$ by 4 feet."

On the 26th of July, at the request of General Meade, the following plan of attack was submitted to him by General Burnside:

"HEADQUARTERS 9TH ARMY CORPS,

"July 26, 1864.

"I have the honor to acknowledge the receipt of your notes this morning by Captains Jay and Bache; also of a telegram from the commanding general, relating to the same subject.

"It is altogether probable that the enemy are cognizant of the fact that we are mining, because it is mentioned in their papers, and they have been heard to work on what are supposed to be the shafts in close proximity to our galleries. But the rain of night before last has no doubt much retarded their work; we have heard no sounds of work in them, either yesterday or to-day; and nothing is heard by us in the mine but the ordinary sounds of work on the surface above. This morning we had some apprehension that the left lateral gallery was in danger of caving in from the weight of the batteries above it, and the lack of their firing. But all possible precautions have been taken to strengthen it, and we hope to preserve it intact.

"The placing of the charges in the mine will not involve the necessity of making a noise. It is therefore probable that we will escape discovery if the mine is to be used within two or three days. It is nevertheless highly important, in my opinion, that the mine should be exploded at the earliest possible moment consistent with the general interests of the campaign. I state to you the facts as nearly as I can, and, in the absence of any knowledge as to the anticipated movements of the army, I must leave you to judge the proper time to make use of the mine. But it may not be improper for me to say that the advantages reaped from the work would be but small if it were exploded without any co-operative movement.

"My plan would be to explode the mine just before daylight in the morning, or at about five o'clock in the afternoon. Mass the two brigades of the colored division in rear of my first line, in columns of division—"double columns closed in mass," the head of each brigade resting on the front line; and as soon as the explosion has taken place, move them forward with instructions for the division to take half distance, as soon as the leading regiments of the two brigades pass through the gap in the enemy's line, the leading regiment of the right brigade to come into line perpendicular to the enemy's line by the right companies 'on the right into line wheel,' the left companies 'on the right into line,' and proceed at once down the line of the enemy's works as rapidly as possible; and the leading regiment of the left brigade to execute the reverse movement to the left, running up the enemy's line. The remainder of the columns to move directly towards the crest in front as rapidly as possible, diverging in such a

way as to enable them to deploy into column of regiments, the right column making as nearly as possible for Cemetery hill. These columns to be followed by the other divisions of the corps, as soon as they can be thrown in.

"This would involve the necessity of relieving these divisions by other troops before the movement, and of holding columns of other troops in readiness to take our place on the crest, in case we gain it, and sweep down it. It would, in my opinion, be advisable, if we succeed in gaining the crest, to throw the colored division right into the town. There is a necessity for the co-operation, at least in the way of artillery, of the troops on our right and left. Of the extent of this you will necessarily be the judge. I think our chances of success in a plan of this kind are more than even.

"The main gallery of the mine is 522 feet in length; the side galleries about forty feet each. My suggestion is, that eight magazines be placed in the lateral galleries, two at each end, say a few feet apart, in branches at right angles to the side gallery, and two more in each of the side galleries, similarly placed by pairs, situated equidistant from each other and the end of the galleries; tamp, beginning at the termination of the main gallery, say one hundred feet, leaving all the air space in the side galleries. Run out some five or six fuzes and two wires, to render the ignition of the charges certain. I propose to put in each of the eight magazines from twelve to fourteen hundred pounds of powder; the magazines to be connected by a trough of powder instead of a fuze.

"I beg to enclose a copy of a statement from General Potter on the subject:

"I would suggest that the powder train be parked in a woods near our ammunition train, about a mile in rear of this place. Lieutenant Colonel Pierce, chief quartermaster, will furnish Captain Strang with a guide to the place. I beg also to request that General Benham be instructed to send us, at once, eight thousand sand-bags, to be used for tamping and other purposes.

"A. E. BURNSIDE, *Major General.*

"Major General HUMPHREYS,

"*Chief of Staff.*"

General Burnside testifies that, under his orders, the division of colored troops, under General Ferrero, had been drilling for some weeks with the view of making the attack in the manner set forth in the plan submitted to General Meade. His reasons for selecting that division for the advance, and which were stated to General Meade in an interview with him on the 28th of July, were, that, in his opinion, they were in a better condition to make a charge than either of the white divisions. The colored troops had not been in any very active service, had not been exposed much, were not broken down by hard work, and had, besides, been drilled for some weeks with special reference to this charge. The white divisions, on the contrary, had performed very arduous duties since the commencement of the campaign, and since they had occupied the position before Petersburg had been in such close proximity to the enemy, that no man could raise his head above the parapets without danger of being fired at. They had been in the habit, during the whole of that time, of approaching the main line by covered ways, and of using every possible means of covering themselves from the fire of the enemy. In the opinion of General Burnside, in which he was sustained by the opinion of his inspector general, the white divisions were not then in a condition to make a vigorous charge.

General Meade objected to the colored troops being placed in the advance. His testimony upon that subject is as follows:

"Prior to issuing the orders for the assault, General Burnside told me it was his intention to place his colored division in the advance of the assaulting column. I objected to his doing so, on the ground, not that I had any reason to believe that the colored troops would not do their duty as well as the white troops, but that, as they were a new division and had never been under fire, had never been tried, and as this was an operation which I knew beforehand was one requiring the very best troops, I thought it impolitic to trust it to a division of whose reliability we had no evidence. Therefore I thought that he ought to take one of his white divisions that he knew from long service could be relied upon. General Burnside objected. I told him, then, that in view of his wishes upon the subject I would report the matter to the lieutenant general, state to him my reasons, and those of General Burnside, and let him decide. If he should decide that General Burnside's arguments were sound and mine were wrong, then I would yield. The matter was referred to General Grant, and he confirmed my view that it would be impolitic in a critical operation of that kind to take troops that were untried and place them in the advance, and it was upon that ground that General Burnside's opinion was overruled."

General Grant's testimony upon this point is as follows :

"General Burnside wanted to put his colored division in front, and I believe if he had done so it would have been a success. Still I agreed with General Meade in his objection to that plan. General Meade said that if we put the colored troops in front, (we had only that one division,) and it should prove a failure, it would then be said, and very properly, that we were shoving those people ahead to get killed because we did not care anything about them. But that could not be said if we put white troops in front. That is the only point he (General Meade) changed after he had given his orders to General Burnside."

Instructions were accordingly given to General Burnside to select one of his divisions of white troops to lead the assault ; and the order of assault was also changed in respect to the sweeping down the enemy's lines to the right and left of the crater by the leading regiments of the assaulting column. General Burnside testifies that he received the instructions to select a division of white troops to lead the assault, in the afternoon of the day preceding the morning for the assault. As there were reasons for assigning each one of the three white divisions to that duty, he determined to decide the question by lot, which was done. General Ledlie drew the lot to lead the advance, with his division.

The mine was charged, and preparations made to spring it on the morning of the 30th of July.

The following orders were issued by General Meade :

ORDERS.

"HEADQUARTERS ARMY OF THE POTOMAC,
"July 29, 1864.

"The following instructions are issued for the guidance of all concerned :

"1. As soon as it is dark, Major General Burnside, commanding 9th corps, will withdraw his two brigades under General White, occupying the intrenchments between the Plank and Norfolk roads, and bring them to his front. Care will be taken not to interfere with the troops of the 18th corps moving into their position in rear of the 9th corps. General Burnside will form his troops for assaulting the enemy's works at daylight on the 30th, prepare his parapets and abatis for the passage of the columns, and have the pioneers equipped for work

in opening passages for artillery, destroying enemy's abatis, and the intrenching tools distributed for effecting lodgement, &c., &c.

"2. Major General Warren, commanding 5th corps, will reduce the number of his troops holding the intrenchments of his front to the minimum, and concentrate all his available force on his right and hold them prepared to support the assault of Major General Burnside. The preparations in respect to pioneers, intrenching tools, &c., &c., enjoined upon the 9th corps, will also be made by the 5th corps.

"3. As soon as it is dark, Major General Ord, commanding 18th corps, will relieve his troops in the trenches by General Mott's division of the 2d corps, and form his corps in rear of the 9th corps, and be prepared to support the assault of Major General Burnside.

"4. Every preparation will be made for moving forward the field artillery of each corps.

"5. At dark, Major General Hancock, commanding 2d corps, will move from Deep Bottom to the rear of the intrenchments now held by the 18th corps, resume the command of Mott's division, and be prepared at daylight to follow up the assaulting and supporting columns, or for such other operations as may be found necessary.

"6. Major General Sheridan, commanding cavalry corps, will proceed at dark from the vicinity of Deep Bottom to Lee's mill, and at daylight will move with his whole corps, including Wilson's division, against the enemy's troops defending Petersburg on their right by the roads leading to that town from the southward and westward.

"7. Major Duane, acting chief engineer, will have the pontoon trains parked at convenient points in the rear, prepared to move. He will see that supplies of sand-bags, gabions, fascines, &c., &c., are in depot near the lines, ready for use.

"He will detail engineer officers for each corps.

"8. At half past three (3½) in the morning of the 30th Major General Burnside will spring his mine, and his assaulting columns will immediately move rapidly upon the breach, seize the crest in the rear and effect a lodgement there. He will be followed by Major General Ord, who will support him on the right, directing his movement to the crest indicated, and by Major General Warren, who will support him on the left.

"Upon the explosion of the mine the artillery of all kinds in battery will open upon those points of the enemy's works whose fire covers the ground over which our columns must move, care being taken to avoid impeding the progress of our troops. Special instructions respecting the direction of fire will be issued through the chief of artillery.

"9. Corps commanders will report to the commanding general when their preparations are complete, and will advise him of every step in the progress of the operation and of everything important that occurs.

"10. Promptitude, rapidity of execution, and cordial co-operation are essential to success, and the commanding general is confident that this indication of his expectations will insure the hearty efforts of the commanders and troops.

"11. Headquarters during the operations will be at the headquarters of the 9th corps.

"By command of Major General Meade.

"S. WILLIAMS, *Ass't Adj't General*.

General Grant had shortly previous executed a movement on the north side of the James river, and to some extent turned the enemy's attention in that direction.

On the morning of the 30th of July the match was applied to the mine at the time designated, but it failed to explode in consequence

of the defective fuze employed. The fuze supplied had been in pieces, requiring that it should be spliced. It ceased to burn at one of the points of junction. The additional precaution had been taken to lay the fuze in a train of powder, but the powder had become damp from being so long laid, some thirty or more hours, and that also failed to ignite. After waiting some time Lieutenant Jacob Douty, first lieutenant company K, and Sergeant Henry Rees, now second lieutenant company F, 48th Pennsylvania regiment, volunteered and went in the mine, ascertained the cause of the failure to explode, and relighted the fuze. The mine exploded at 4.42 a. m.

None of the witnesses seemed to be of the opinion that the delay in the explosion of the mine had any effect upon the result of the operation. The enemy, so far as could be ascertained, did not discover any of the preparations made for a movement. No opinion was expressed as to the effect upon our troops by their being obliged to wait an hour under arms before they had an opportunity to move forward.

In the course of from five to ten minutes after the explosion of the mine the division of General Ledlie charged from our lines and entered the enemy's line at the breach made by the explosion. The explosion had made a crater from 150 to 200 feet in length, about 60 feet in width, and from 25 to 30 feet in depth, presenting a serious obstacle to the passage of troops. The organization of the division was broken, and the troops crowded into the crater and sought shelter there and for a short distance in the adjoining lines of the enemy.

The first division met with but little resistance from the enemy before they reached the mine. Soon, however, fire was opened upon them from a battery of the enemy upon the right, and one upon the left, and, before long, from a battery in their front upon Cemetery hill.

Another division was thrown in with about the same result as with the first, the troops immediately seeking shelter in the crater of the mine and the lines of the enemy adjacent thereto. The third division was thrown in with a similar result. From 150 to 200 yards of the enemy's lines on either side of the crater were occupied by our troops in that manner. By that time the enemy had recovered from the confusion into which it had been thrown by the explosion of the mine, and a heavy fire of artillery and musketry was opened upon our troops from the right, left, and front.

Several efforts were made to reorganize our troops and charge the crest of Cemetery hill, but none of them were successful.

The fourth (colored) division was also ordered to advance, and did so under a heavy fire. They succeeded in passing the white troops, already in, but in a disorganized condition. They reformed to some extent and attempted to charge the hill in front, but without success, and broke in disorder to the rear. This was about 8.45 a. m., about four hours after the explosion of the mine.

At 9.45 a. m. General Burnside received a peremptory order from General Meade to withdraw his troops. General Burnside testifies that, "Upon the reception of the order to withdraw our troops from

the enemy's lines, I went to General Meade's headquarters and requested that that order might be rescinded, stating that I did not think we had fought long enough on that day, and that I thought we could succeed in carrying the crest if we persevered in the attack. He said that the order to withdraw was final, and that he had ordered all offensive operations on the right and left to cease."

General Meade testifies, "He (General Burnside) was directed about ten or eleven o'clock to withdraw. The first order sent to him was a distinct order to withdraw. General Burnside came to the position where I was with General Grant, at the headquarters on the field, and stated that, in his judgment, it would be injudicious to withdraw at that moment—that it would cause great sacrifice of life. I immediately authorized him, in writing, to exercise his judgment in the withdrawal—to remain there as long as he deemed it necessary for the secure withdrawal of his command—stating that he could remain there, if he chose, until night."

The troops were withdrawn between one and two o'clock in considerable confusion, caused by an assault of the enemy, and returned to the lines they had occupied in the morning.

The details of the charge and of the several movements of the different bodies of troops are given in the testimony. The loss sustained by our troops was between four and five thousand in killed, wounded, and missing. No troops took part in the assault except those of the 9th corps and a brigade of the 18th corps. The only part taken in the operation by the 2d corps, on the right, and the 5th corps, on the left, was to employ their artillery, which had the effect of silencing the most of the enemy's batteries, but not all.

Your committee cannot, from all the testimony, avoid the conclusion that the first and great cause of disaster was the change made on the afternoon preceding the attack, in the arrangement of General Burnside to place the division of colored troops in the advance. The reasons assigned by General Burnside for not taking one of his divisions of white troops for that purpose are fully justified by the result of the attack. Their previous arduous labors, and peculiar position, exposed continually to the enemy's fire, had, as it were, trained them in the habit of seeking shelter; and, true to that training, they sought shelter the first opportunity that presented itself after leaving our lines. And it is but reasonable to suppose that the immediate commander of a corps is better acquainted with the condition and efficiency of particular divisions of his corps than a general further removed from them.

The conduct of the colored troops, when they were put into action, would seem to fully justify the confidence that General Burnside reposed in them. And General Grant himself, in his testimony, expresses his belief that if they had been placed in the advance, General Burnside desired, the assault would have been successful although at the time the colored troops were ordered in the white troops already in were in confusion and had failed in the assault upon the crest beyond the crater, and the fire of the enemy had become exceedingly destructive. The colored troops advanced in good order.

BATTLE OF PETERSBURG.

passed through the enemy's lines and beyond our disorganized troops there, and, stopping but a short time to reform, made the charge as directed. But the fire of the enemy was too strong, and some other of our troops hurrying back through their lines, they were thrown into confusion and forced to retire.

The same reasons which, in the opinion of your committee, can be urged in favor of the selection for the advance which General Burnside made in his first plan, viz., his opportunity, from more intimate connexion with the troops of his corps, judging correctly which division was best fitted for that purpose, can also be urged against the mode of selection resorted to by him when compelled by the order of his commanding general to select another division to lead the assault. It may have been that, from the same causes, each of the three divisions of white troops had become, from the training of the previous forty days, unfitted for that duty. But the practice of leaving the selection of troops for an important undertaking to be determined by chance is one that does not commend itself to the judgment of your committee. It, however, is but just to General Burnside that the reasons which led him to resort to that mode of selection should be stated. His testimony is as follows:

"These three commanders (Generals Potter, Wilcox, and Ledlie) of the white divisions were then informed of the change in the plan, and also that one of their divisions must lead the assault. Considerable conversation occurred as to the condition of the different divisions. I said to them, 'There is a reason why either General Wilcox's or General Potter's division should lead the assault, and that is, that they are nearer to the point of assault, and it would require less time to get them into position for the work. But there is also a reason why General Ledlie's division should lead, which is, that his men have not been in such close proximity to the enemy as those of the other two divisions, and in fact have not had to do quite as hard work for the last thirty or forty days.' Each of the division commanders, as well as every officer in the command, who had given attention to the subject in the least degree, was fully aware of the condition of the white troops, as I had previously stated it to General Meade, and was fully impressed with the conviction that the colored troops were in much better condition to lead the attack, and of the wisdom of using the white troops as supports. There was no time to be lost, however, as the hour for springing the mine had been fixed for half past three o'clock the next morning, and it was now nearly noon. I finally decided that I would allow the leading division to be designated by lot, which was done. General Ledlie drew the lot to lead the advance, and the necessary orders were given for the movement of his division to the point from which the attack was to be made."

The order of attack as proposed by General Burnside was also changed by direction of General Meade, with the approval of General Grant. Instead of moving down to the right and left of the crater of the mine for the purpose of driving the enemy from their lines in those directions, and thus removing to that extent the danger of flank attacks by the enemy upon our advancing columns, General Meade decided that the troops should push at once for the crest of Cemetery Hill. General Burnside also contemplated co-operative movements of troops on the right and left of his corps. Orders were given to General Warren to make a movement from his position if he deemed

it advisable, but he reported that the enemy were in too strong force, and no movement was made. On the right, occupied by a portion of General Hancock's force, the same condition of things existed, and also a smaller force of our troops than were on the left. The enemy not being driven from their lines on either side of the mine, except for a short distance in consequence of the explosion of the mine, and the efforts of our troops to obtain shelter from the fire of the enemy, they organized attacking columns which finally succeeded in driving our forces from the position they had gained.

It will be seen from the testimony that when the order to withdraw was given by General Meade, against the representations made by General Burnside, orders were also given by General Meade for offensive operations to cease on the right and left of General Burnside's position, and General Ord's troops were at the same time withdrawn from the position where they had been placed in support of the 9th corps. The enemy were thus left entirely free to make such dispositions as they chose against the force of General Burnside within their lines. General Burnside's testimony upon this point is as follows :

"Upon the reception of the order to withdraw our troops from the enemy's line, I went to General Meade's headquarters and requested that the order might be rescinded, stating that I did not think we had fought long enough, and that I thought we could succeed in carrying the crest if we persevered in the attack, and the other troops were put in. He said that the order to withdraw was final, and that he had ordered all offensive operations on the right and left to cease. This order, I consider, materially affected the result of our withdrawal, inasmuch as the enemy's forces upon our right and left were entirely unoccupied, and thereby had an opportunity of concentrating upon us during the withdrawal. It could hardly have been expected that the withdrawal could have been made without disaster after all offensive operations had ceased on the right and left, and the supporting force withdrawn from the rear. My only hope was that the force in the crater would be able to hold the position until a covered way could be dug from our advanced line out to the crater, a distance of a little over a hundred yards. This covered way had been commenced both in the crater and on our advanced line, and I instructed General Ferrero to push it forward as rapidly as possible, with such of his troops as had been driven back and collected in the advanced line. The communication between the advanced line and the crater was almost entirely cut off; and although the distance was so short, only about a hundred yards, it was next to an impossibility for messengers to reach the crater, much less to send in ammunition and water. The men had become very much exhausted with the heat and labors of the day.

"After I was informed by General Meade that the order was final to withdraw, and that there was no object in holding the crater by connecting its flanks with our old advanced lines, as I had suggested, I telegraphed to General White, my chief of staff, whom I had left at my field headquarters, that the orders to withdraw were peremptory; and I at once sent for the division commanders in order to consult as to the most favorable method and time for withdrawal. In the mean time my despatch to General White had been sent to the division commanders, and by them sent in to the crater for report from the brigade commanders. Previous to and during this time the enemy made several assaults upon our position, which were repulsed. Soon after this a heavy attack was made upon the left of our forces, driving us back, and causing a heavy evacuation of the crater by all who could get back to the main line."

It will also be seen from the testimony that General Meade claims that his orders in relation to levelling the parapets and removing the abatis of our line, so as to afford a sufficient *debouche* for our assaulting forces, were not carried out so fully as they should have been. General Burnside claims that those orders were carried out as fully as he could do so, without affording the enemy an opportunity to discover, prematurely, the movement in which he was engaged. As it appears, beyond all question, that more troops passed from our lines into those of the enemy than, under the circumstances, could be profitably managed or employed there, your committee do not regard that matter as having any important bearing upon the subject of their inquiry.

Your committee would also call attention to the fact that General Grant attributes the disastrous result of that assault, to a greater or less extent, to the troops being sent in unaccompanied by any of the division commanders. How far the division commanders would have been able, by their presence, to overcome the confusion and disorganization into which the troops were thrown, from the causes heretofore referred to, your committee are unable to say. None of the witnesses examined previous to General Grant made any reference to that fact. It was first brought to the notice of the committee near the close of their investigation, when they were unable to direct their attention to that particular point. They refer to it here, however, as the opinion of the highest officer in our service, and also because they deem everything relating to this most disastrous affair worthy of consideration.

Your committee desire to say that, in the statement of facts and conclusions which they present in their report, they wish to be distinctly understood as in no degree censuring the conduct of the troops engaged in this assault. While they confidently believe that the selection of the division of colored troops by General Burnside to lead the assault was, under the circumstances, the best that could have been made, they do not intend thereby to have it inferred that the white troops of the 9th corps are behind any troops in the service in those qualities which have placed our volunteer troops before the world as equal, if not superior, to any known to modern warfare. The services performed by the 9th corps on many a well-fought battle-field, not only in this campaign but in others, have been such as to prove that they are second to none in the service. Your committee believe that any other troops exposed to the same influences, under the same circumstances, and for the same length of time, would have been similarly affected. No one, upon a careful consideration of all the circumstances, can be surprised that those influences should have produced the effects they did upon them.

In conclusion they, your committee, must say that, in their opinion, the cause of the disastrous result of the assault of the 30th of July is mainly attributable to the fact that the plans and suggestions of the general who had devoted his attention for so long a time to the subject, who had carried out to a successful completion the project of mining the enemy's works, and who had carefully selected and

drilled his troops for the purpose of securing whatever advantages might be attainable from the explosion of the mine, should have been so entirely disregarded by a general who had evinced no faith in the successful prosecution of that work, had aided it by no countenance or open approval, and had assumed the entire direction and control only when it was completed, and the time had come for reaping any advantages that might be derived from it.

Respectfully submitted :

B. F. WADE, *Chairman.*

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