THE FISHING CREEK CONFEDERACY

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During the Civil War, active military operations came to southern Pennsylvania repeatedly, notably at the epochal Battle of Gettysburg in July of 1863 and the burning of Chambersburg by Confederate raiders in July, 1864. But Columbia County, like other counties in northern Pennsylvania, was generally free from battles or even encampments and forts. There was one notable exception: the so-called "Invasion of Columbia County" by Union—not Confederate—forces in August, 1864.

The 800 or so blue-clad troops were sent here to root out organized resistance to the draft, supposedly by an armed "Fishing Creek Confederacy" in the northern townships of the county. To mark the 150th anniversary of this "Invasion," we present here a brief review of **what** happened, **why**, and **so what** (that is, why is the whole episode important?).

To start with the background: **Why** did U.S. Army troops "occupy" the Benton area in the northern end of Columbia County? Simply put, the U.S. government suspected that there was an armed insurrection rising there. That is, they had information that draft-dodgers and anti-War "Copperheads" (sympathizers with the South) were organized into a large troop determined to resist Federal authority with force. Supposedly these men had built a stone fort somewhere on North Mountain defended by hundreds of rebels with cannons.

When the War first began, there had been a huge upswell of patriotism across the Commonwealth. Men swarmed the recruiting stations to volunteer for the Army and Militia units. Every city and village held rallies to support the volunteers and raised money to pay for bounties for enlistees. But by 1864, as the War dragged on into its fourth year, the situation was very different. Most farms and factories were struggling to make do without their usual workforce. Nearly every village had sent numerous men off to battle, and many had come back crippled or had not returned.
Especially across the Appalachian regions of the Commonwealth, feelings ran strong against continuing the War. Aside from the huge numbers of battle casualties and the heavy wartime taxes, two Federal actions especially turned people's hearts against the national government and the Republican administration of Abraham Lincoln.

First, in the third year of the War a shortage of volunteers for the Army led to the institution of the Draft, for the first time in American history. In Columbia County, the Draft was widely unpopular, even hated. Ordinary citizens hated the fact that well-to-do men could buy an exemption for $300, while others had to leave their farms, in many cases, with no one to till the fields. Editorial writers condemned the Draft as unconstitutional and provided figures to prove that the county's Draft district had quotas that were hugely unfair compared to other districts.

The second new policy was even more unpopular: Lincoln's Emancipation Proclamation. For many in Columbia County, that announcement seemed to alter the basic *reason* for all the

bloodshed: no longer to "save the Union," but now to "free the niggahs," as one letter-writer complained. Multitudes of men would gladly fight for the first cause, but not for the second.

So, **What** happened? When the state Provost Marshal (federal official responsible for recruitment and operation of the Draft in the Commonwealth) received information about the organized rebellion in northern Columbia County, there was deep concern. Then report of one particular incident reached Harrisburg.

On the evening of July 30, 1864, a small group of five Army veterans and two civilians from Luzerne County rode westward into Benton Township to look for draft dodgers. They had no specific orders to do so, but there was a general authorization to arrest draft resisters and Army deserters. The group, mounted and well-armed, was led by Lieutenant James S. Robinson, a three-year veteran who had recently been mustered out of active service. The men had a list of names of draftees who had failed to report for enlistment, and they went from house to house searching for them.

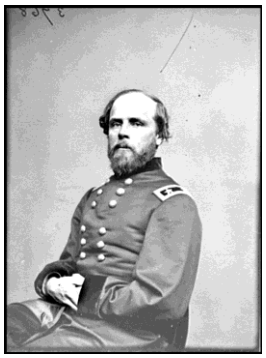
Lt. Robinson. Photo from PA Reserve Volunteer Corps website

They stopped at the home of Thomas Smith along Raven Creek Road; Smith had been drafted in September 1863 but had evaded the muster. He fled out a back window with his rifle, and his wife blew a horn out her bedroom window and yelled to alert neighbors. Smith met up with his brother Miner and friend Ellis Young, both of whom had deserted just one month after being mustered into the 178th Militia Regiment. These three walked down the darkening dirt road and soon met Robinson's party. Shots were fired by both sides—each side later claimed that the others fired first—and Lieutenant Robinson was hit and later died. The Luzerne County men went home without arresting anyone.

Two weeks later, on August 13, a cavalry company of state militia along with two cannons arrived by train at Bloomsburg and set up camp on the fairgrounds. The cavalrymen had just been mustered into service at Harrisburg the day before. They were led by Captain Bruce Lambert, a three-year veteran. His orders from General Couch, the Army officer with responsibility for defending Pennsylvania, were to enforce the draft law in Columbia County and to arrest the murderers of Lieutenant Robinson.

Lambert spent several days gathering evidence from Republican leaders and sympathizers. In particular, he got information about an informal day-long meeting on Sunday, August 14 held in the barn of John Rantz outside Benton, where various speakers had urged armed resistance to the federal troops. After the meeting, five squads of roughly fifteen men each had been organized to resist any military advance into Benton Township.

General Couch himself came to Bloomsburg on August 16 to personally supervise the preparations for military action. He wrote a letter offering amnesty to draft evaders who reported



for enlistment by August 20, and well-known local editor Colonel John Freeze carried the letter throughout the northern townships in the county—but no draftees responded.

The train that brought Couch also brought four additional companies of militia, about 350 men, under the command of Lieutenant Colonel Charles Stewart. Still more troops arrived on later trains.

On August 22 the troops marched north and encamped the next day on a farm outside Benton. The officers worked to compile a list of men to be arrested and their home locations; their informants were local Republicans. Curiously, the final list of names included few actual draftees, but was largely a list of "opinion leaders" in the northern townships who had spoken out heatedly against the War or the government.

On the night of August 30-31, small squads of soldiers quietly fanned out across a broad area, including adjacent townships in Luzerne County, and captured about one hundred men at their homes. Not a shot was fired.

The detainees were brought to Benton and held in the Christian Church outside town. The next day, Colonel Stewart interrogated and judged each prisoner; a majority were released, but forty-five men were arrested. They ranged in age from 19 to 68, and were mostly farmers along with a few tradesmen and, later, a clergyman.

The men were marched down to Bloomsburg, where they boarded a train for Harrisburg, transferred to a train to Philadelphia, and then went by boat to Revolutionary-era Fort Mifflin beside the Delaware River. There they were imprisoned under military guard to await their trials.

The men were all kept in a single large "bombproof"; this was a long room under a stone arch covered by several feet of dirt, built to keep ammunition safe from enemy shelling. In rainy periods, water dripped from the roof and puddled on the floor. Sanitation consisted of a half-barrel in the corner—the stench was unbearable. Food ration was a loaf of bread per man daily, along with thin soup and occasional meat. Additional food could be purchased from the guards at inflated prices.

In these conditions, most of the men became ill; several were released for severe illness, and one 56-year-old man died in the prison. For many of the men, their health was permanently ruined.

Trials of the prisoners began in Harrisburg after six weeks, on October 17. The trials were before a three-officer military commission, on the pattern of a court-martial. A fourth officer served as prosecuting attorney; civilian lawyers from the Harrisburg area and from Columbia County served as defense counsel. In each case, the defense argued that the military court had no jurisdiction since the accused were civilians; each time, the commissioners dismissed the argument.

The charges against the men were generally two: (1) conspiring to resist the draft law of March 3, 1863, and (2) committing acts of disloyalty against the U. S. Government and uttering disloyal opinions intended to weaken the government. To prove the charges, witnesses were brought from the men's home neighborhoods (at great trouble and expense). Often, neighbors testified against neighbors and in one case, Robert L. Colley testified against his own older brother Stott. Defense counsel also brought witnesses, who usually testified to the good reputation of the accused.

Fourteen men were tried in succession between mid-October and mid-January. Eight were found Guilty and sentenced to up to two years in prison at hard labor. Six others were found Not Guilty and released. The trials were then suspended, and the remaining detainees were gradually released, the final group on May 15, 1865 as the War was winding to its close.

We come then to **So What**. What was the importance of these events? The answer can be taken up in four areas: *military*, *legal*, *social*, and *historical*.

The *military* "incursion" left a lasting bitterness in the region. After the arrests, troops remained in the county for eight months, constantly patrolling to quell active revolt, searching for deserters, and "showing the flag." They took over homes and farms for billets and campsites without adequate payment. They took horses, cattle, and foodstuffs similarly without fair recompense. The troops searched with guides across the North Mountain for the rumored fort but found nothing except remains of brief hunting encampments. (Modern historians did better: in a mountain recess they located a stone-wall building that might have hidden as many as fifty deserters; there were no emplacements for cannons.)

In *legal* terms, the basic question was of jurisdiction: can citizens be tried before military courts? This question was raised in a somewhat similar military trial in Indiana and finally reached the U. S. Supreme Court. Five men had been tried by a military court, found guilty, and sentenced to be hanged. The highest court ruled unanimously on April 3, 1866 that they should have been tried before a civil court. By this time the Columbia County prisoners had all been freed, so there was no practical effect locally from the ruling. Nonetheless, news of the ruling was greeted with satisfaction since it meant that the trials in the "Fishing Creek Confederacy" cases had been illegal.

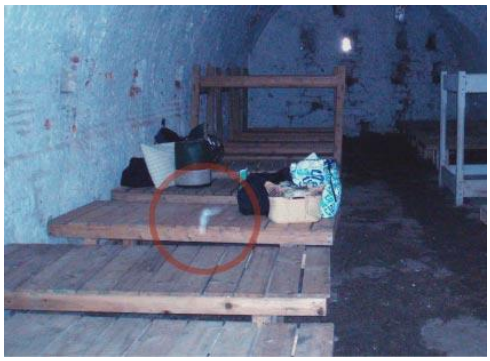
The damage to the *social* fabric, however, was not easily wiped away. Not only had forty-five families suffered major losses of health, income, and peace of mind, but the neighbor-against-neighbor testimony in the trials had poisoned the social atmosphere in the communities. The clash was not only local but statewide. Accusations about the Fishing Creek Confederacy figured heatedly in the election for governor in 1872, when local Senator Buckalew was soundly defeated, in part because he was said to have favored the resisters.

Finally the *historical* fallout continues to the present day and has been dominated until recently by anti-government bias. It happened that indignant Democrats had much more reason to keep the issues alive than did Republicans. In 1869 the *Columbian and Democrat* published a 34-part review of the military Incursion, relating the events in detail and colored throughout by a heavy

tone of indignation. Typical of the author's viewpoint is: "The State of Pennsylvania was particularly the scene of atrocious outrage." Most subsequent narratives relied heavily on that author's account of the events.

Recently, more balanced approaches have emerged. Our Society's long-time President, George Turner, has spoken and written often about the social and familial linkages of the conspirators. In 2012 the first book-length account appeared: *The Fishing Creek Confederacy* by museum director Richard A. Sauers and historian Peter Tomasak. Thorough and heavily researched, their book provides an even-handed review of the events.

Viewed in a cooler light, both sides in the 1864 controversy show faults. There *was* a conspiracy to resist the draft by armed groups, though they fired bullets only once and killed just one man. On the other hand, the military incursion was heavy-handed, the arrests were arbitrary, the imprisonment was inexcusably harsh, and the trials were, after the fact, ruled to be illegal.



The living quarters for the Columbia County prisoners at Fort Mifflin in the "bombproof." Photo from the Fort Mifflin website.