

THE CIVIL WAR CAREER OF DANIEL L. RUSSELL, JR.:
MYTH vs. REALITY

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Only relatively recently has the implementation of a scholarly historiographical method been undertaken. The philosophers of the eighteenth century legitimized history as a "meaningful form of knowledge" and established it as a "majestic literary expression." The immense importance of the past was recognized by the citizenry and the intellectual community of the United States during the first half of the nineteenth century and American historians have produced voluminous works retelling and interpreting the past since that time.¹

But historiographical endeavors- the writing of historical accounts- are not tasks which can be undertaken easily. The competent historian must possess the ability and the willingness to collect all of the available resources relating to his subject of research and then attempt to synthesize this data into a work devoid of cumbersome personal biases. Central to historical scholarship is the gathering of legitimate primary sources of information. In essence, the historian must take special care to recreate the past through the interpretation of records and not to create the past as a result of the utilization of faulty documentation.²

How does the historian collect reliable records of the

past? According to Louis Gottschalk, whose exposition on "The Historian and the Historical Document," was originally published by the Social Science Research Council in 1945, "[h]uman and personal documents are the only source of information" for the historian.³ In his search for an accurate description of the past, the historian can be likened to a criminal investigator, one who must be convinced that he has uncovered some PROOF to give credence to the conclusions of his investigation. He is therefore extremely circumspect in accepting sources which appear to lack correlation to the truth. In his essay, "The Historian and History," Arthur M. Schlesinger described the problems of relying upon weak resources during historiographical enterprises: Schlesinger wrote that oral history, while not wholly functionless, must be viewed with some degree of skepticism, as "[m]emory is all too treacherous." He also criticized newspaper and magazine accounts of historical events because "they are sometimes worse than useless....their relation to reality is often considerably less than the shadows in Plato's cave." While oral tradition and newspapers or magazines can be used to support a historian's thesis, Schlesinger argued that more concrete evidence, i.e. government documents, personal diaries, journals, letters, etc. must be the foundation of a credible piece of historiography.⁴

While the outlines of the historical method discussed above are generally practiced, theoretical models such as those are not always implemented as ideally as designed. In the absence of concrete historical evidence, rumors and/or myths perpetuated through repeated oral and/or written communication can sometimes become incorporated into the mainstream of accepted historical knowledge. When a significant number of reputable historians assume an event to be true, a myth can become "reality" within the realm of historical scholarship. In Arguing With Historians, Richard Nelson Current characterized the incorporation of a myth into the realm of accepted history as "fictional history." This brand of pseudo-reality "pretends to deal with real persons and events but actually reshapes them- and thus rewrites the past."⁵ An excellent example of Current's concept of "fictional history"- the transformation of myth into reality- can be found in the historical accounts of the Civil War career of Daniel Lindsay Russell, Jr., of North Carolina.

The treachery of memory to which Arthur Schlesinger alluded can be a product of an expansive variety of situations and circumstances. In the case of Daniel L. Russell, Jr., political aspirations interfered with an accurate recollection of the past. Throughout his life, Russell had dreamed of winning the governorship of the Old North State.⁶ But there existed two major obstacles to the

attainment of his long-cherished goal when Russell entered the gubernatorial contest of 1896. The first impediment which the Russell campaign encountered was one of political affiliation. As a Republican in a highly Democratic state, chances of political victory seemed miniscule. It was only through the creation of a strong Fusion coalition with a rather prominent Populist faction that Russell was able to garner a bloc of votes sufficient for victory. The second obstacle which Russell faced was somewhat more abstract, yet central to successful election bids in the American political arena: a lack of charisma and personal appeal. Viewed by contemporaries as a man full of "pent-up fury," Russell found attracting supporters initially very tedious.⁷ Therefore, the Russell political machine needed something which it could exploit whereby popular support among the masses would be insured. During an era in which bravery during the recently concluded War Between the States was extolled as the greatest of virtues, a politician such as Russell discovered that his military career could be one of his greatest assets.

But the tale of Russell's Civil War career had to be manipulated in order to insure that the voting public would idolize and not ostracize the candidate. Of particular concern was the fact that young Russell had been court martialed during the course of his less-than-distinguished

military service. An invented resolution of the problem of Russell's difficulties surfaced during the course of the campaign.⁸

The circulated explanation of Russell's court martial was as follows:

In the early months following the outbreak of the war, southern patriotism was at its height.⁹ Young men were eager to enlist and seemed to vie with each other in a contest to show the greatest degree of willingness to enlist. This fervor was particularly felt at the University of North Carolina, where Daniel Russell, Jr., was an eighteen year-old law student.¹⁰ Seized by the excitement of the times, Russell left school and returned to his homestead in Brunswick County, where he organized and equipped one hundred men for Confederate service, outfitting them at his own expense. The volunteers showed their gratitude to young Russell by immediately electing him captain of their artillery company. When Captain Russell and his company were sequestered to the desolate station at Fort Fisher, where the only action was an occasional glimpse of a renegade blockade runner, the commanding officer requested a transfer to the Theater of Virginia from Confederate officials.¹¹ But Russell's unit lacked the experience required of troops on the raging front, and requests for transfer were repeatedly refused. Having become frustrated by the boredom of the

lack of engagement throughout nearly two years, Captain Russell had finally been refused too long- he envisioned himself valiantly leading his company through the thick, billowing smoke clouds of the battlefield, with cannon fire repeating thunderously around him. Therefore, he decided to take matters into his own hands. After leading his troops from Fort Fisher to Wilmington, Russell hired a ship, loaded his men on board and attempted to sail for Richmond. This valiant exercise proved to be an utter fiasco, however. Confederate officials arrested Russell and court martialed him for his acts of flagrant insubordination. The judges at the proceedings were understanding though in recognizing Russell's extreme youth and overzealous devotion to his cause; since they did not wish to lose such a valuable commander to the service of the Confederacy, Russell escaped punishment.¹²

This version of the candidate's court martial ennobled Russell's motivations and actions and became excellent campaign propaganda. The largely fabricated tale of Russell's heroism was virtually accepted upon his election to the governor's mansion. Governor Russell died in 1908 and, since noone has challenged the alleged account of his military career since that time, the myth has been repeated many times thereafter. The published memoirs of family and friends portray the mythical account of Russell's Civil War

career as wholly accurate. The writings of Louis Goodman-Russell's one-time law partner- and Alice Sawyer Cooper- the former governor's niece- have served as the basis of numerous newspaper articles, e.g. 3 November 1937 Raleigh News and Observer and 17 July 1960 Durham Morning Herald. The popularity of the newspaper medium has resulted in the widespread transmittance of the Russell myth to the general population. The writings of Goodman and Cooper also played a prominent role in the account of Russell's Civil War activities which Robert F. Durden included in his 1962 book, Reconstruction Bonds and Twentieth Century Politics: South Dakota v. North Carolina. Thus, a myth originating in the relatively recent past of the late nineteenth century has been perpetuated through both oral and written communication and has become ensconced into the annals of the history of the state of North Carolina.

An examination of the primary sources which historians so rely upon reveals that the reality of the Civil War career of Daniel L. Russell, Jr., is far different from and far more complex than the artificial legend. Russell's initial motivations for entrance into the military appear disparate to those enunciated in the mythical account. Further, the intricacies of the procedures relating to Russell's court martial involved major governmental officials within both the state of North Carolina and the Confederate States of

America. Most importantly, the rulings made in the Russell case revealed a major ideological rift over the issues of conscription and exemption between the respective governments in Raleigh and Richmond.

In order to fully understand the driving forces within the person of Daniel L. Russell, Jr., one must first examine the social and political indoctrination which he received in his early formative years in Brunswick County. Russell was born to Daniel L. Russell, Sr., and Caroline Sanders Russell in 1845 on a tidewater plantation at Winnabow.¹³ Both the Russells and the Sanders belonged to the aristocratic landowning class of the Lower Cape Fear.¹⁴ In an extremely class-conscious southern society, such slave-holding plantation owners toiled more extensively in the preservation of the honor of the members of their social elite than they did in maintaining their residences, a task which was largely left to the slaves.¹⁵ The social training of youngsters ingrained a style of manners reminiscent of the eighteenth century—genial and courtly but reserved. This way of life accepted social responsibility as a matter of course and daily obligation.¹⁶ Cape Fear aristocrats would use any means practicable to repel what they deemed to be assaults upon their character; over time, a rigid code duello, according to which any man insulting the integrity of another was subject to personal physical violence, developed and was

implemented in the region.¹⁷

Coupled with the extreme sense of social pride which young Russell absorbed was an equally intense sense of political responsibility. Both Russell Jr.'s father and his maternal grandfather, David W. Sanders, were active Whigs--not an unusual affiliation in light of the fact that the port city of Wilmington was a center of Whig activity prior to 1860.¹⁸ The Whig Party tended to be the great bond which cemented North Carolina to the Union.¹⁹ The conservative members of the Cape Fear Whig elite were avowed opponents of the Democratic Party, which was dominated by the large plantation owners of the middle eastern region of the state.²⁰ Political enmities in the region surrounding Wilmington ran deep. The code duello was implemented more than once in settling bitter political differences which developed into outright assaults upon personal honor.²¹

The opposition to secession of the majority of Southern Whigs, including those close to Daniel Jr.,²² echoed throughout the state. In a referendum on 28 February 1861, North Carolina voted on the question of the calling of a convention to consider relations between North and South. At the same time, delegates were chosen for such a convention, should it be approved. As evidence of anti-secession sentiment, the people not only elected a majority of pro-Union delegates, but they also voted against the calling of a

convention. That decision was reversed, however, following President Lincoln's call for troops in the aftermath of the Fort Sumter incident, and after it had become clear that North Carolina would be surrounded by seceded states. Thus, in a special session on 1 May, the General Assembly directed the election of a State Convention without referring the question to the people again. The election of delegates took place on 13 May 1861, and the Convention met in the Capital one week later. Secession was a foregone conclusion; the only issue being the manner in which the withdrawal was to be made— either by peaceful secession or by violent revolution. A resolution based on the theory of secession was passed by a vote of 65 to 48; and on 21 May, in a show of unity, all 120 delegates signed the ordinance removing the Old North State from the Union, one of the most emotional moments in the history of the state.²³ When the Civil War erupted in North Carolina, Russell Jr. became engrossed in the frenzy of war fever. But no evidence exists of any plans by Russell to leave school to enter the military until a Yankee raiding party from New Bern plundered his late grandfather's mansion at Palo Alto, indicating that the preservation of family honor played a decisive role in young Russell's entrance into Confederate service.²⁴

Following his rather sudden return to Brunswick County, Russell gathered a company of one hundred volunteers which he

outfitted and equipped from his personal wealth. But due to his youth, Daniel Jr. did not initially take command, but instead served as a First Lieutenant in Captain Francis W. Potter's Company [Lamb Artillery],²⁵ which was stationed at Fort St. Philip [later renamed Fort Anderson],²⁶ an outpost situated too far up the Cape Fear River to be in much danger of encountering combat activities.²⁷

Though Russell was not actively participating in warfare, legislative actions by the Confederate States of America in 1862 served as a prelude to a later violent eruption on the part of Daniel Jr. While the gubernatorial campaign of 1862 was in progress, the Confederate Government passed the first of three laws that were particularly obnoxious to the citizens of North Carolina. The Conscription Act of April 1862 called into Confederate service all white males between the ages of eighteen and thirty-five. The other two laws were the tax-in-kind and impressment acts. The tax-in-kind law involved a tithe to the government, under which farmers were compelled to donate one-tenth of all their produce for distribution by the Richmond authorities. The impressment act empowered specially designated committees the right to take livestock, slaves, provisions and wagons for use by the Confederate Army at prices set by military commanders.²⁸ And as if these outrageous enactments were not sufficient enough to

thoroughly arouse the ire of Carolinians, the Confederacy extended the upper age limit of conscription to forty-five years in September 1862.²⁰

The comfortable lack of military engagement enjoyed by Russell Jr., who by 8 January 1863 had been given his commission as captain,²⁰ was interrupted late in January of 1863- not by an excursion against Union troops- but by an ideological conflict. The hostilities began when officer William M. Swann arrived in Brunswick County to organize his office through which to enroll drafted men into the service of the Confederacy.²¹ Swann's authority extended throughout the Fourth Congressional District as designated by the Confederate Congress. However, in an attempt to combat the offensive policies of the Confederacy, the state of North Carolina had embarked upon a twofold plan of resistance. One element in the Tarheel rebellion was instituted by the Chief Justice of the State Supreme Court, Richmond Mumford Pearson. In a blatant disregard of judicial precedent, Pearson began a policy whereby he readily issued writs of habeas corpus in cases of desertion and evasion of conscription and discharged the defendants on the ground that the government had no authority to arrest deserters and conscripts.²² Though Pearson's decision at chambers lacked the full force of an adjudicated case, Pearson maintained that the act of conscripting principals was unconstitutional.²³ He

faithfully adhered to his interpretation of the laws despite the fact that he was more often than not representative of the dissenting point of view because he knew that he was conveying to the Confederate States of America the dissatisfaction of many of his friends and neighbors.²⁴

War Governor Zebulon Vance also opposed the idea of having North Carolina citizens unwillingly impressed into Confederate service, and he used the exemption statutes in order to exclude even the most minor governmental officials from conscription. Without even listing all of the possible exemptions which the governor could authorize, the following were automatically exempted: the physically and mentally unfit; all state judicial and executive officers; mail carriers; pilots and mariners; college and academy faculties; teachers; skillful workmen in vocations; one overseer for every twenty slaves on a plantation.²⁵ Governor Vance's attitude was also reflected in the opinions of the majority of North Carolinians, among whom were both Daniel Russells. They believed that such drafting edicts violated states' rights and they grew openly hostile and belligerent to Captain Swann, whom they viewed as a "symbol of despotism."²⁶

The hostilities increased when Commandant of Conscripts for North Carolina Colonel Peter Mallett began publishing notices in local newspapers. These advertisements informed those subject to conscription that they had the right to

volunteer in any company in the regular service of the Confederate states. Following enrollment, they could be assigned to the commands of their choice as far as practical.³⁷

Many newspapers condemned Mallett's announcement as "undemocratic, unnecessary, and unjust."³⁸ And though the Daily Journal published an editorial claiming that "any unnecessary harshness is not in accordance with the wishes of Captain Swann" (12-19-63), Captain Russell and his father subsequently endeavored to disrupt the efforts of conscriptor Swann. The senior Russell used his impressive influence in Brunswick County to organize protests, while the younger Russell attempted to enlist young men already targeted for conscription by Swann into his personal artillery, thereby lessening the chances that local residents would be removed to some distant, more dangerous site of operations.³⁹ In light of the fact that Robert E. Lee had been publicly calling for the dissolution of local military units in hopes that a more hardened, ferocious fighting force could be assembled, Daniel Jr. deemed his actions appropriate.⁴⁰ Stymied and frustrated, on 12 October 1863 Swann dispatched a letter to his superior, Colonel Mallett, seeking advice on a course of action to countermand the Russells' activities. In the course of the letter, Swann revealed that he considered it his duty to prefer "a charge of conduct unbecoming an

officer and gentleman" against the younger Russell. The diatribe against the senior Russell was more intensive, as his practice of "mixing with the crowd and freely speaking of the injustice and oppression of the Conscript Law" on enrollment days obstructed Swann's mission. Swann informed Mallett that he was growing weary, that he was "sneered at and interfered [with] in the carrying out of my instructions."⁴¹ Followers of the elder Russell held nearly every post in Brunswick County and news of Swann's dispatch eventually reached the family. When Daniel Jr. heard allegations around Wilmington that the conscription officer had called his father a "traitor" in the letter to Mallett, he angrily decided upon a forceful course of action to uphold the integrity of his father.

On the evening of 20 January 1864, Lieutenant Faison accompanied an "excited" Captain Russell to the Conscription Office, where they found Captain Swann seated behind his desk. In a scene reminiscent of the Preston Brooks-Charles Sumner incident, Russell burst into a tirade, exclaiming at one point to Swann, "You are the damned man that insulted my father!" He then proceeded to beat Captain Swann about the head with his walking cane. With the sound of the disturbance echoing throughout the Wilmington Courthouse, a rather large crowd gathered around to observe. As the action reached its crescendo, the assistant enrolling officer,

Lieutenant Willis, intercepted Russell's arm, which was in the process of raising a pistol, which then discharged upon contact. The bullet lodged in the ceiling as Russell was led away.⁴² Once a group of military policemen was able to subdue Russell, the young man was taken into Confederate custody. Despite Russell's claim that he was challenging Swann to a duel, the Confederate authorities, particularly considering the recent animosities between Swann and the Russells, did not take the assault lightly and court martial proceedings were instituted.⁴³

The court martial submitted by Swann contained three major charges against Russell: Charge First. Disobedience to Orders. Specification- Russell enlisted "three or more conscripts"- William T. Jones, Richard W. Holden and John L. Roberts "in disobedience to General Order No. 82." He did this at McKeithan's in Brunswick County on or about 8 August 1863; Charge Second. Conduct prejudicial to good order and military discipline. Specification- Russell, often enlisting the conscripts, refused to deliver them to Swann upon the Conscription Officer's demand at McKeithan's. When Swann appealed to Russell in person for the delivery of certain conscripts held in violation of General Order No. 82 (3 November 1863), Russell "did defy any authority to remove them from his command." He informed Mallett that it would take "a damned pretty crowd to take them away from here";

Charge Third. Conduct unbecoming an officer and gentleman. Specification- Russell used "disrespectful and threatening language" towards Swann.⁴⁴

While deliberations as to Russell's guilt or innocence were underway, relations between North Carolina and the Confederate States of America continued to deteriorate. The implementation on 17 February 1864 of yet another Confederate conscription law repealed all exemptions except such officers as the President and the state governors certified were necessary. Preachers, superintendents and physicians of benevolent institutions, doctors, teachers, and apothecaries who had practiced for a designated period of time, one overseer on each plantation having fifteen slaves and otherwise unsupervised, provided the owner delivered to the government at impressment prices specified quantities of meat and also sold his surplus to the government at the same prices, all mail carriers, and most railroad employees were specified by the act. The President alone could detail such overseers, artisans, mechanics and scientists as he saw fit.⁴⁵ Governor Vance, who had attempted to use his influence to enforce conscription in order to keep his state strong despite the opposition of Pearson,⁴⁶ and because of his own personal belief that North Carolina's defense had been neglected by the Confederacy in favor of other states, was bewildered by the Confederacy's latest legislation.⁴⁷ He

agreed with the opinion of the legislature, which published the view that the law tried to reduce states "to mere provincial administrations" and "to convert the Confederate government into a consolidated military despotism."⁴⁰

At the same time, Confederate officials within the state who believed that the attitudes of North Carolinians were impeding the execution of their duties began to place pressure on President Jefferson Davis. Among those appealing to President Davis was Major-General W.H.C. Whiting, Commander of the District of the Cape Fear, who in a letter of 15 February 1864 begged for the suspension of the writs of habeas corpus "as relates to soldiers and parties liable to military service." Whiting also blasted Judge Pearson, whom he characterized as "a man whom I believe to be a traitor."⁴¹ Davis hoped to avert the growing crisis stirred by Justice Pearson's rulings by appealing to Governor Vance for assistance. Vance however did not act swiftly enough for the Confederate president, who felt compelled to recommend the suspension of the privilege of the writ of habeas corpus in cases involving treason, conspiracy, assisting the enemy, inciting servile insurrection, desertion or encouraging desertion, harboring deserters and of attempting to avoid military service,⁴² a recommendation which the Confederate Congress passed on 25 February 1864.⁴³ The action by the Confederate States enraged Governor Vance, who feared a plot

to undermine the authority of the state courts.⁵²

The tension of the atmosphere was further heightened by the proceedings of Daniel Russell Jr.'s court martial. In answering the charges preferred by Swann, Russell asserted that "not one single man of the soldiers referred to by [Swann] had ever been enrolled when I enlisted them." He contended that Swann's statement to the contrary was "knowingly, willfully, slanderously and maliciously false." In an aura of supreme confidence, Russell stated: "I hold myself prepared to prove to the satisfaction of any impartial tribunal that they were not enrolled at the time." In reference to the third charge of "conduct unbecoming an officer and a gentleman" in "using disrespectful and threatening language," Russell wrote that "while the charge bears prima facie evidence to be maintained that it may be despised, at the same time I admit that, strictly speaking, I had no right to use the language referred to inasmuch as he was engaged in the execution of his office. I should not have done it had I not been provoked by his unparalleled mendacity."⁵³

In defense of his actions, young Russell felt that it was important for the Military Court to recognize three facts which he felt were key to the charges levied against him: 1. Captain William Swann wrote a letter to Colonel Mallett in which he took the occasion to "basely and malignantly" assail

the character of Daniel Sr. The letter came to Daniel Jr.'s attention and he decided to cane Swann in order to protect the family honor which the Russell family had enjoyed for generations; 2. On the evening of 20 January 1864, upon learning that Swann could be found at his office, he proceeded there for the sole purpose of the defense of his family's honor, not to disrupt Swann's military duties; 3. No proof had been offered that Swann was actually engaged in the fulfillment of the responsibilities of his office when Russell attempted "to the best of his ability" to cane Swann severely. Russell admitted the fact of the assault, and "whether I assaulted him tenderly or violently, whether I whipped him much or only chastised him greatly, whether I drew my pistol to defend myself or as he particularly expresses it- 'to take his life'- these are questions entirely foreign to the Ninety-Ninth Article of War as defined by the phrase 'prejudicial to good order and military discipline'."⁴⁴ Thus, the primary argument utilized by Russell in his own defense was that a Military Court such as the one then assembled had no jurisdiction in such matters.

However the Court, consisting of Lieutenant-Colonel B.W. Frobel, Majors T.H. Sharp and C.W. Bradshaw, Captains W.B. Biggs, J.W. Taylor and W.A. Clement, and Lieutenant G.D. Parker did not find any validity in Russell's defense. On 27 February 1864, the tribunal found Russell guilty on all

counts and issued this sentence:

Captain Daniel L. Russell, Jr., having been found guilty by this court on all charges and specifications, is to be dismissed from the service, and on accounts of his extreme youth, the court recommends the said Captain Daniel L. Russell, Jr., to the clemency of the Commanding General. The recommendation of a court martial to the clemency of the Commanding General should always be duly considered; but in this case, the Commanding General can find nothing in evidence alluded to justify a change in the sentence.

Captain Russell's offence strikes at the very foundation of military discipline and subordination, and is inexcusable. But in consideration of the recommendation of the court, and especially from the very good character Captain Russell has always borne as an officer, he will be allowed the privilege of selecting the company in which he will be enrolled.⁵⁵

Then, in what must have seemed the most fitting of punishments for a violator such as Russell, General Whiting instituted procedures to have Daniel Jr. conscripted back into the service of the Confederate Army, only this time in the lowly capacity of private.⁵⁶

In order to allow Daniel Jr. sufficient time to organize his personal affairs before he was to be shipped off to the front, General Whiting issued the private a leave of absence, following which he was to return to the protection of Whiting, under whose command Russell would most probably enlist himself.⁵⁷ But the Russells had other ideas. Once freed, the elder Russell obtained for his son a writ of habeas corpus from Chief Justice Pearson, despite the repeal

of such writs by the Confederate government. Once freed, young Russell became the beneficiary of an appointment to a civil service position which his father, as Chairman of Brunswick County Court, had been empowered by the legislature to fill at his discretion. All of the following offices were under the authority of the senior Russell: overseers of roads, wardons of the poor, county superintendent of common schools, patrolmen, county registrar, ranger, treasurer, trustee, solicitors, and inspectors.³⁸ The elder Russell never attempted to conceal his nepotistic tendencies; Daniel Jr.'s certificate of appointment to the Relief Commission was signed by Governor Vance, insuring him of the protection of the state in accordance with the laws of exemption.³⁹ Under the provisions of the laws, any state governmental official whom the governor deemed "necessary for the efficient governing of the state" was exempted from military service.⁴⁰ In his capacity as a distributor of benefits to the wives and children of soldiers residing in Brunswick County, Vance deemed Daniel L. Russell, Jr., "necessary."⁴¹ The necessity of Russell was increased further when he secured a seat in the North Carolina General Assembly, again through his father's influence in county politics.⁴²

Thus, when the expiration date of Russell's leave came and went and General Whiting attempted to have young Daniel arrested in Raleigh, Governor Vance issued a decree which

stated, "I claim the exemption of Daniel L. Russell, Jr., the county commissioner of Brunswick County, from conscription as an officer necessary to the civil administration of the State Government."⁴⁹ When Whiting was shown this exemption notice, he appealed to the governor, citing his issuance of a furlough to Russell and politely assuming that "Russell's election was no doubt....done under the misapprehension that Mr. Russell was no longer in the army."⁴⁴ But Vance was adamantly determined to enforce Russell's exemption; consequently, Whiting was forced to turn to Secretary of War Seddon for consultation, since the War Department, in Whiting's point of view, held ultimate authority in the matter.⁴⁵

In late 1864, the Confederate States of America officially informed Governor Vance that it "cannot make a concession of a principle so vital as the one contained in the question under discussion"- meaning primarily the debate over practices and technicalities relative to conscription and exemption.⁴⁶ Only the intercession of Confederate Senator George Davis saved Governor Vance from a potentially embarrassing predicament. A longtime Whig who had been acquainted with Daniel Sr., Davis convinced the younger Russell to appeal to President Jefferson Davis for a "revision of the sentence of the Court Martial."⁴⁷ In relating the happy news of Davis's acceptance of the revision

of the court martial, George Davis wrote: "The validity of the sentence involves the application of two principles of military law which are considered to be of very doubtful obligations, and in reviewing the facts of your case, the President does not find in them such a degree of aggravation, as to call for the application of those doubtful principles to uphold a very severe sentence against a young officer who, prior to the commission of the offense for which he was tried, had, by all the testimony, manifested great zeal and fidelity in the discharge of his duties."⁶⁰ Though fully restored to command as a result of the President's intercession, Russell refused to rejoin the military. He saw that the South would lose and he had been worn down by what he saw as the personal persecution of the conscription officers.⁶¹

Having been wholly soured to the cause of the Confederacy, Daniel Jr., even before the official end of the War of the Rebellion, became involved in activities designed to resurrect the Union. Probably the most joyful moment of young Russell's military career came on 29 May 1865, on which date United States President Andrew Johnson issued an Amnesty Proclamation for "all persons who had directly or indirectly appeared in rebellion." Daniel Jr. penned a lengthy statement of his political allegiance in an attempt to insure himself of the acquisition of a pardon:

I was opposed to secession and took no part in bringing on the rebellion; but, as a member of the Legislature of North Carolina and otherwise directly and indirectly, I have taken no part therein since it commenced. I have, as a member of the Legislature, sought by every means to bring about restoration of peace and order in the country as my record will show. I have acted at all times, from the commencement of the rebellion to its end, with the Conservative Party of North Carolina; and that, as a friend to the General Government from the beginning, I request this pardon.⁷⁰

By the time of Russell's appeal to President Johnson, there is not question that his mindset was such that he truly believed the statements made in his petition to be entirely representative of the truth. However, ideological tendencies in actuality probably meant very little to President Johnson, who was seeking the reconstruction of a tax base for the newly re-united nation. The possession of at least \$20,000 in property and taxable income by Russell served as the most significant element in his acquisition of full pardon and amnesty. Thus, Daniel L. Russell, Jr., had been saved by his wealth and family connections again; he took the oath of loyalty to the United States on 17 July 1865.⁷¹

The logic behind the submersion of the reality of the Russell Civil War career into the depths of fictional history can readily be discerned: The voting public would most probably accept a young firebrand whose overzealous bravery

resulted in his court martial much more favorably than it would a temperamental young officer who allowed his emotions to govern his actions and then retreated to family connections for protection.

More disturbing though is the fact that the reality of Governor Russell's military career has been hidden for over a century. All of the primary source material has been available to anyone desiring to research the subject; so a lack of resources cannot be the justification for the perpetuation of the myth. I have developed several hypotheses in attempting to explain the lack of research into the Russell Civil War career and the resultant continued dissemination of the mythical account which emerged circa 1896.

Certainly a lack of interest in the subject matter must lie at the heart of the dearth of inquiry by historians into the military record of Governor Russell. However, the lack of interest itself could emerge from a variety of sources. First of all, complacency could be the key to the acceptance of the Russell myth by several generations of North Carolina historians. Daniel L. Russell, Jr.'s political career was not particularly remarkable or significant. In fact, in Josephus Daniels Says...., Joseph L. Morrison wrote that following Russell's term as governor "for many North Carolinians there remained a residue of disgust."²²

Enthusiasm for the subject matter is vitally important to the historian, who must take countless hours to tediously research his thesis. When the fruits of his laborious endeavors have been harvested, the historian can only hope that his writings will be popularly accepted by his peers. A political career such as that of Russell, one which was unpleasant if not repulsive, serves as a tremendous deterrent to the evocation of a level of enthusiasm sufficient enough to compel a historian to delve into the past of such an enigma. After all, since his tenure as governor of North Carolina was virtually uneventful, why would one assume that Russell's military career involved any more significant occurrences?

Another possible explanation for the apathetic attitude of researchers could be related to the perception of the Civil War and those embroiled in it by individuals living in the late nineteenth and early twentieth centuries. The popularity of Dixie's veterans returning from the War of the Rebellion probably led ordinary citizens to accept circulating fabricated tales of military bravery. Popular wars in American history tend to be conducive to the proliferation of mythologized bravery emerging out of ordinary combat participation. The popularity of World War II in America, for example, has led to virtually every veteran to claim that he or she was "on the first wave to

land at Iwo Jima" or some other similar falsehood. However, Americans tend to be quite exultant following victorious military encounters; they want to believe that their countrymen were heroic in service to their homeland.

On the other hand, a war such as the one waged by the United States in Vietnam was largely unpopular. The majority of Americans did not react jubilantly as the young men and women of the United States Armed Services returned from the jungles of Southeast Asia bloodied and humiliated. Thus, had Daniel L. Russell, Jr., served in a conflict following which his fellow citizens were seeking a scapegoat, the truth relative to his military activities most probably would have been unearthed during a much earlier period.

The final hypothesis which I will here propose involves the question of the pertinence of the Civil War career of Daneil L. Russell, Jr. to his later political activities. The judgment of history, even without the revelation of the true military episodes illuminated herein, has been that Governor Russell's military service was of no particular consequence.²⁹ Therefore, the revelation of the true story of Governor Russell's inglorious military career probably would not have hampered the attainment of future political positions any more than did the myth. Had the revelation of the true nature of Russell's Civil War career caused some impact upon his later endeavors, historians would have seized

the opportunity to investigate the circumstances for themselves. Therefore, the single most decisive factor in the century-long coverup of Daniel L. Russell, Jr.'s true Civil War career is the exact problem which necessitated the creation of the myth in the first place: his lack of charisma and personal appeal. Though occasionally accented by fiery outbursts, the personality of Daniel L. Russell, Jr. was so doctrinaire that a myth created in order to enhance his image was ultimately rendered ineffective and relegated to the dark abyss of obscure historical accounts.

The relegation of Governor Russell as an obscure character in the chronicles of North Carolina history does not justify the perpetuation of erroneous accounts by historians. The "good historian," according to George H. Callcott, "will never willfully take a second-hand or second-rate authority as his guide when a primary" source is available.⁷⁴ At long last, the primary sources have been examined and interpreted, and the REALITY of the Civil War career of Daniel L. Russell, Jr. can now replace the myth.

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