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**“This Large Class of Our Soldiers”: Self-Government, *Deutschtum*, and German-American Associationalism in the Mutiny of the 20th New York Infantry Regiment**

A mutiny by the German-American 20th New York Infantry at the outset of the Battle of Chancellorsville in April 1863 ended in the court-martial of 201 men. This essay links military service, self-government, and associationalism in a relationship of membership and rights to investigate how midcentury German-Americans balanced ethnic affiliation with national citizenship in the midst of the American Civil War (1861–65). These citizen-soldiers embarked on a military protest action to protect what will be defined as their soldier rights. Furthermore, through a network of German voluntary institutions that reflected both the potency of *Deutschtum* and midcentury America’s associational habits of self-government, they worked in cooperation with citizen partners in the months that followed. The campaign orchestrated by the *Turnvereine*—a most German, but also quintessentially American, fraternal organization—leveraged state and party affiliations and employed popular constitutional tactics for a successful appeal. These acts of democratic protest and citizen cooperation solidified German soldiers’ rights and their membership in the nation. The soldiers’ mutiny and the resulting demands within their home community for a pardon demonstrated German-Americans, basic patriotism and commitment to the Union, as well as their participation in American self-government.

Union citizen-soldiers possessed a particular notion of rights derived from membership in their localities, which informed their membership in the United States Army. In this case, German-American soldiers derived rights of membership in the regiment they had created. Through military protest actions they defended these “soldier rights” against Army policies. As a result, they expanded the content and meaning of their rights and membership,

both in the Army and in the nation, by war's end.

The analysis of mutiny herein rests upon several conceptual foundations. It begins with a notion of soldier culture, the "unique mix of ideological and cultural resources" that the Civil War's "common soldiers" used for "defending and justifying their right" to fight "mainly on their own terms."<sup>1</sup> It offers the antebellum growth of associational culture as an active ingredient in that "unique mix"<sup>2</sup> and sees associationalism as a mode of American democratic self-rule; "an activist practice of well-regulated governance encompassing all levels of cooperation, from the formal institutions of national and local governments to voluntary groups and economic partnerships" in the words of one scholar. This network of self-government depended on "the right of institutions and associations to pass the laws and regulations"<sup>3</sup> conducive to their harmonious collective life.

Associationalism produced a political culture in which persons accrued specific rights, privileges, and obligations as members of an incorporated body—be that a business, a church, a fraternal order, or even a volunteer militia company. Participation reinforced that membership had its privileges, among them drafting constitutions and passing bylaws. The antebellum jurist Francis Lieber declared that local self-government depended on the right of "every institution . . . to pass such bylaws as it finds necessary for its own government."<sup>4</sup> A present-day scholar has classified bylaws as the "root of the Anglo-American tradition of self-government."<sup>5</sup> In sum, associational culture operated through a mechanism of self-government out of which soldiers' culture demanded respect for their soldier rights.

The citizen's membership in the political community comprised by local institutions and affiliations was his most palpable participation in "the Union." And historians have typically noted Northerners' commitment to associationalism during the Civil War through the benevolent organizations that sprang from prewar reforming impulses.<sup>6</sup> Midcentury America's pervasive parochialism accounts for the "national war fought by local communities" that was the Union war effort. It resulted in the national government creating a literal federal army in which volunteer regiments organized by the states came under the administrative and legal authority of the United States Army. In this respect, "localism aided rather than hindered national patriotism."<sup>7</sup>

The parochial nature of the first Union regiments was expressed not only through state-led recruiting, but also in the many ethnic units that came to the colors. German-Americans, in particular, lived in tightly knit rural communities and urban enclaves. Therefore, this essay attempts to link associational culture's important role in midcentury America to the self-government at work in the mutiny of the 20th New York. It adds the wartime volunteer companies and regiments to the list of significant realms

of associational life that continued from antebellum antecedents. The mutiny demonstrates dramatically that German-American citizen-soldiers and their home communities remained tied to one another through the workings of popular constitutionalism alongside associational culture.<sup>8</sup>

Popular constitutionalism sums up the numerous kinds of populist democratic actions taken by American citizens against wayward magistrates, from colonial times up to the Civil War.<sup>9</sup> Local self-government reinforced for antebellum citizens that it fell to them to see that their rulers observed the public laws and the Constitution.<sup>10</sup> Because Civil War volunteer regiments like the 20th New York were themselves associations, the tradition of popular constitutionalism provided citizens in uniform with the means to protest tyrannical abuses by military authorities against their soldier citizens.

The manifestations of soldiers' rights were particular to each company or regiment, and no organization adhered them uniformly or perfectly. In the case of the 20th New York, the self-governing nature of association spawned a class of foundational rights and one of procedural rights. Foundational rights preserved the regiment as the bedrock of self-government and local attachments through state affiliation, organizational integrity, and a calendar of service (i.e., soldiers' exact muster in and out dates). Second, procedural rights protected the founding rights through actions such as scrutiny and interposition as well as protection from unjust discipline and manipulation of pay. The soldiers' right to scrutiny depended on the venerable Anglo-American levers of citizen self-government identified by the historian Christian Fritz: "petition (requests for governmental action), remonstrance (protests of governmental policy), and instructions (directives by voters to their representatives)."<sup>11</sup> The right to interposition was an antebellum understanding of federalism whereby different levels or branches of government protected citizens' rights by jealously guarding their own place in the constitutional order.<sup>12</sup>

By the outbreak of the Civil War, the 100,000 Germans and German-Americans living in New York City had spent at least two decades founding fraternal orders, churches, mutual-aid societies, and a German-language press. One of the most prominent of these institutions for maintaining ethnic cohesion were the *Turnvereine*: athletic societies for young German males begun in Germany before the 1848 revolutions. A student of the movement concedes that Turners "manifested German ethnicity without representing all German-Americans" while emphasizing that they "made the heady liberal nationalism of 1848 a mainstay of German-American ethnicity" and became an institution which no German-American politician could ignore.<sup>13</sup>

Turner societies provided intense camaraderie, some exposure to military drill, and practice in sport shooting to their members. More than a mere fraternal association, they were ubiquitous reservoirs of German identity and

culture in the immigrant communities. Immigrant Turners committed their stateside vereins to the universal freedom, self-government, and democracy that had motivated them as revolutionaries of 1848. These ideals then drew them into the Free Soil and Republican movements. The national association endorsed Lincoln in 1860 and the New York Turners contributed a Republican elector, Sigismund Kaufmann.<sup>14</sup> The *Turnvereine* are notable in this sense, not so much for what made them distinctively German, but rather that their form, organization, and function accorded so well with American associational culture and its mechanisms of self-government.

But German-American Turners, especially, also brought a unique cultural matrix into play when they joined the wartime companies and regiments that sprang forth from membership in the *Turnvereine*. Their awareness of ethnic identity can be summed up in the term *Deutschtum*, or a “pan-German-American consciousness.”<sup>15</sup> This “spirit of *Deutschtum*” arose in the 1850s sectional crises when Germans found neither party to be a safe harbor against nativism and, therefore, the Old World rivalries and identities gave way to a constructed self-image as a foreign group in the United States.

An ethic of mutuality and reciprocity for fellow German-speakers grew out of the spirit of *Deutschtum* at the same time immigrants created communities in the United States fully enmeshed in Northern society’s print and associational cultures. Therefore, once in uniform during the Civil War their ethnically homogenous companies and regiments expressed were hybrids of American associational self-government and German identity. German-American citizen-soldiers did not relinquish their preexisting bonds of associational culture and habits of self-government simply because they donned a blue uniform. The Union’s German regiments—its military manifestations of *Deutschtum*—“represented the basic loyalty and patriotism” of German-Americans and “their skill in manipulating political practices and institutions to their advantage.”<sup>16</sup>

This spirit of *Deutschtum* encompassed the growth of German communities in America, each with their own network of ethnic associations such as *Turnvereine*, newspapers, fraternal orders, ladies aid societies, and churches. The actions of Gotham’s Turners to form and support the 20th New York mirrored the actions of Germans throughout the Union in 1861. For example, the prewar German organizations in Philadelphia came to the aid of German troops and their families at the war’s outbreak for reasons of patriotism and ethnic solidarity.<sup>17</sup> In reaction to the firing on Fort Sumter, the German Turners of Cincinnati, Ohio formed their first volunteer companies.<sup>18</sup>

The German character and membership of the 20th New York’s citizen-soldiers flowed from their prewar membership in the distinctively German voluntary association, the *Turnverein*. The regiment’s moniker, the “United

Turner Rifles,” evinced the ties between citizens in association and citizens in uniform. At the same time, the *Turnverein* itself was organized along thoroughly American lines. The New York City Turnverein (NYTV) was founded in 1850 and acquired a charter of incorporation from the state that gave it legal powers to hold and dispose of property in common. Members drafted and approved a code of bylaws to collect dues, choose officers, and govern their own everyday affairs. New members had to be proposed and approved by current members. The NYTV’s admissions process conferred attendance, voting, and speaking rights to those accepted. Crucial powers of self-government like nominating, electing, and petitioning adhered to members as well. Furthermore, in their corporate person as the “general meeting” they could propose changes to the association’s “statutes.”<sup>19</sup>

The *Turnersoldaten* emerged, therefore, from an ethnic association as self-governing as those of Anglo. Committed Union men and Republicans, German-Americans founded sixteen “Turner” regiments across the North. At the same time, their associational ties simply amplified the desire among German-Americans to prove their loyalty. As Stephen Engle observes, “Germans considered the war an opportunity to demonstrate their deep affection for their adopted home and its constitutional freedoms.” Many of those freedoms were lived out in their new homeland’s public culture. The Turners especially took these rights and duties seriously enough that their association and its mechanisms of self-government created the volunteer regiment and, in cooperation with the state government, directed its organization. Actions like these across the Union were at the heart of why volunteers—ethnic and Anglo—could justifiably claim the founding rights of membership, state affiliation, and a calendar of service.<sup>20</sup>

It was confidence in both associational culture and *Deutschtum* that prompted the NYTV’s president to place requests for volunteers in the German-language press of the city only days after Lincoln’s enlistment proclamation of 14 April 1861. Erhard Futterer, one of the NYTV’s members, explained his enlistment as springing from “a spirit consistent with my origin, experience, ideals, and love for the Union and Constitution that promoted and protected the individual rights of all men.”<sup>21</sup> The *Turnverein* voted on 20 April 1861 to make the association responsible (“a matter of the *Verein*”) for organizing what it termed “a Turner rifle-regiment.” In a few days more a large crowd attended a public meeting at the *Turnhalle*; 200 members volunteered for the proposed regiment on the spot. Votes were taken to create an organizing committee and within two weeks, they had assembled the 740 men necessary for the state to designate a regiment. In order to feed and clothe these volunteers the *Turnverein* requested German families in the city to provide quarters and it garnered roughly \$3000 in donations for the troops’ subsistence.<sup>22</sup> The

Turner societies of Newark, New Jersey and Baltimore, Maryland also each contributed a company.

Under the New York law of 16 April 1861 asking 30,000 volunteers to serve for two years, the state had mustered all the Turners by 29 April.<sup>23</sup> Quartered by state authorities at the Turtle Bay Brewery on 45th Street until their departure from the city, the NYTV facilitated the work of its women's charitable arm, the "Turner Sisters," who gathered enough lint to make bandages and undergarments sufficient for each man.<sup>24</sup> In July, the *Turnverein* authorized financial support to every mother and child of the regiment's soldiers.<sup>25</sup>

After orders arrived for the regiment's deployment, the city's German-Americans publicly celebrated their "United Turner Rifles" on 13 June 1861. They accompanied its march through the streets to waiting transports with a jubilant send-off rivaling those for Anglo regiments. The Turners carried the Stars and Stripes of the United States and the black-red-yellow tricolor of the failed Frankfurt Parliament of 1848. The flags symbolized what the German-American Republican, Frederick Kapp, expressed as these citizen-soldiers' "twofold responsibility": to ensure the liberty guaranteed by Union and to demonstrate "that the German ranks among the first champions for liberty" worldwide.<sup>26</sup> Competent former officers from European armies commanded them. Their original colonel, Max Weber, was a former professional officer and a Forty-Eighter from Baden. He was promoted to brigade commander in April 1862 and suffered severe wounds at Antietam. During the mutiny the well-regarded former Swedish officer, Colonel Baron Ernst von Vegesack, commanded. Having fought in the First Danish-Prussian War (1848-51), he led from the front at the Seven Days (for which he later won the Medal of Honor) and at Antietam.<sup>27</sup>

The 20th New York began active service with the Union forces that captured Fort Hatteras, North Carolina, and then joined the Army of the Potomac's Seventh Corps for the Peninsula Campaign and the Seven Days Battles. It took significant losses during the Battle of Savage Station on 29 June 1862. The soldiers of the regiment felt enormous pride in their role at the Battle of Antietam on 17 September 1862. They suffered 134 casualties during the fighting around the Dunker Church and the Sunken Road.<sup>28</sup> Nearly two years after the Turners' departure from New York, a decisive victory over the Confederates in the Eastern Theater continued to elude the Union.

In April 1863 Major General Joseph Hooker, the Army of the Potomac's newest commander, believed he had devised a bold plan of campaign to decisively defeat Robert E. Lee's field army near Chancellorsville, Virginia. According to one student of the campaign, however, success required acting

“before very many more of the short-term troops departed.” Hooker needed a large field army for his planned right wing envelopment of the Confederates, first to be held in place by a feint from his left wing.<sup>29</sup>

The Turner Rifles were one of thirty-eight New York regiments—nearly one-third of Hooker’s forces—with their two-year enlistments about to expire. On 19 April, Hooker met with President Lincoln and General-in-Chief Henry W. Halleck to determine exactly when national service ended for these regiments. Expressed in General Order No. 44, they fixed the end of the calendar of service “at the expiration of two years . . . from the date of their actual muster into the service of the United States.” That still put muster-outs dangerously close to the campaign’s start. Hooker’s Order No. 44 mandated that the incentives for reenlistment—\$50 bounty and a thirty-day furlough to commence immediately—offered in War Department General Order No. 85 of 2 April 1863 be read to each company. Order No. 85 was the Army’s first attempt to rectify the problem of fast approaching muster-out dates.<sup>30</sup>

The Turner mutineers joined a chorus of Anglo New York regiments that disputed the Army’s calculations of their calendar of service. In 1861, the constituent companies of particular regiments had mustered in for varying lengths of national service. Acknowledging the national government’s requests in August 1861 to retain three-month companies, New York state had retained companies—by fiat—for two years of Federal service. Among the dissatisfied Anglo regiments were the 21st and the 26th New York—raised around Buffalo and Oneida, respectively—in the Army of the Potomac’s First Corps. Writing in April 1863, Colonel W. F. Rogers of the “First Buffalo” wrote to the Adjutant General of the Army that they had been mustered by company into state service for two years between 1 and 10 May 1861, formally assembled as a regiment, then accepted for three months of U. S. service on 20 May 1861. On 2 August 1861, Special Order No. 324 of the State of New York directed they would continue in United States service for the remainder of their state enlistment. The men had duly served those two years, but Rogers emphasized that no additional muster had been called for the extension of their service to the national government. He claimed their two-year enlistment must expire based on the date of their original muster into state service; no later than 10 May 1863. Likewise, one hundred men of the 26th (“Second Oneida”) refused marching orders on 28 April 1863, were put under guard, forced to give up their rifles, and marched in the rear of their brigade. Even after a second chance to obey, very few did, and close to thirty comrades joined them the next day.<sup>31</sup>

In these same turbulent days, the 20th New York formed part of the Army of the Potomac’s Sixth Corps. Hooker arrayed these troops under

the command of Major General John Sedgwick for the intended feint at Fredericksburg. It would keep the Confederates in place while his smashing blow landed from the right at Chancellorsville.<sup>32</sup> Like their Anglo comrades, the men of the 20th New York held the same convictions about their calendar of service. On 29 April 1863—two years to the day of their muster into state service—201 men stacked their arms in protest and refused to do any further duty.<sup>33</sup>

The Army's response was swift. A general court-martial on 1 May 1863 tried the participants for mutiny "in the face of the enemy." Colonel von Vegesack attested that the 20th New York was part of the Third Brigade concentrated in a forest about 1.5 miles from the Rappahannock River in column by divisions on 29 April. Fighting could be heard across the river and it was well known among the men that action was imminent.<sup>34</sup> Even without such added ignominy, a conviction for mutiny carried the maximum sentence of death according to the seventh Article of War. The court sentenced them instead to the loss of all pay and benefits, dishonorable discharges, and hard labor for the duration of the war.<sup>35</sup> In the Army's view, forgoing capital punishment in spite of the enemy's presence was sufficient mercy for misguided, but not disloyal, soldiers.

The defendants had made sure to present themselves as such in their written statements to the court. They were loyal citizens in uniform who had "served faithfully and honestly." The root cause of the mutiny, however, arose from the same right to determine the calendar of service claimed by the Anglo regiments of the Empire State. In the case of the 20th New York, all of its companies had been mustered into state service for two years commencing 29 April 1861. For reasons that remain unclear, on 6 May 1861 companies A, B, C, D, and E were mustered for three months of national service while F, G, H, I, and K signed for two years. At the conclusion of the three-months service in August 1861, however, there had not been another muster to continue the first five companies in United States service. Instead, as in the case of the 21st New York, the extension of their national enlistments had been accomplished by fiat on 2 August 1861 with Special Orders No. 326 from the state Adjutant General. It decreed that they would remain in national service until the expiration of their two-year state enlistment. Even at that time, the three-month companies had briefly refused pay (itself a species of mutiny according to the Army) before complying with the New York state order, but the sources give no indication as to what led the men to acquiesce.<sup>36</sup>

The mutineers, however, never claimed that New York had no right to transfer their two-year enlistments to the national government after an initial muster-in for three months of U. S. service. Their point of contention was that beyond 29 April 1863 the state "was not justified to transfer" them for United



States service. In a telling example of the importance of state affiliation—even its supremacy—the Turners argued that whatever time remained on their two-year enlistments must date from their New York, not their United States, muster. With that conviction firmly in mind, they explained to the court, “Our term has expired, we ask you for the kindness to let us have our discharge.”<sup>37</sup>

The makeup of the mutiny’s participants reinforces this point and differentiates the 20th New York’s protest from their Anglo counterparts. More than half of the mutineers (139) came from the companies mustered for two years of national service in 1861. If the basic grievance of the *Turnersoldaten* had been primarily in the lack of a proper muster to set a contractual date for the beginning of their national service (the complaint of the 21st New York’s colonel), the majority of mutineers should have come from the first five companies. What appears to have mattered most to the Turners was the chronological period of two years—two years in uniform and two years away from their families—whether for the state or the nation. In addition, this ties the right of a calendar of service back to the basic associational right of membership. The Turner soldiers had organized themselves in companies in 1861 to meet a threat to their lives as citizens of state and nation. According to the New York laws under which they organized, they agreed to become citizens in uniform for a two-year period. As a parent of the soldiers argued to President Lincoln, “A man makes a contract to serve 2 years, he serves same faithfully and then believes himself free from that contract.”<sup>38</sup>

The Turners’ grounds for mutiny did place them squarely in the American citizen-soldier tradition, but it is a tradition that cannot be encompassed solely within the shorthand of contract. Their associational affiliation made the regiment especially close to the German-American communities that had contributed volunteers. In their letters, soldiers and their families revealed that expectations had been raised at home for the regiment to return at the end of April. As a nexus for community information the *Turnvereine* broadcast these misplaced hopes. The Newark Turners explained that “joyful excitement” prevailed over the “return of husbands, brothers, and sons . . . expected by their families.” The NYTV’s meeting minutes for April reveal detailed plans for meeting the returning soldiers and conducting a march to the *Turnhalle*, where a homecoming celebration would fête them with “carts” of beer, two hired bands, and a capella singing by the Society’s *Liedertafel*.<sup>39</sup>

When these hopes soured, the associations and the ethnic community both directed petitions and letters to government on behalf of the *Turnersoldaten*. Their arguments spoke to soldier rights of membership, state affiliation, and the calendar of service. In these appeals, utterances of patriotic loyalty were stock in trade. One motive was to link the plight of the Turner

soldiers through their *Deutschtum* with Lincoln's desire to rally the support of German America. A second reason was the particular circumstances following the battle. The Chancellorsville debacle had aroused a renewed atmosphere of nativism in the Anglo press. German regiments in the Army of the Potomac's Eleventh Corps were excoriated for the retreat of the Union right on 2 May that had turned into a rout.<sup>40</sup> The trial had taken place only the day before and news of the verdict arrived home in the weeks during which the Anglo press were the most derisive of Germans' as soldiers and loyal citizens. In response, therefore, the mutineers' various defenders uniformly made ethnicity concomitant with patriotic duty and party loyalty both to blunt nativism and to curry administration favor.

Thus, the New York state *Turnerbund* noted their soldiers were "Germans of New York" state who "sprang to arms in the front rank" of 1861's volunteers out of patriotism and party loyalty. The Newark *Turnverein* were "appointed by the loyal Germans" of that city and identified themselves as "true friends of the Union." Considering it a "case deeply affecting many of our fellow-citizens," they petitioned President Lincoln for clemency rather than condoning "the extreme hardship of the Law." The forty men who remained at home to sustain the "patriotic Turner association" of Baltimore hoped to offer to the president some "excusatory facts" in their petition about their associates in uniform, out of consideration for "the German population loyal and faithful to the Government." They recalled in their petition that such loyalty had been displayed as early as 18 April 1861 when the bulk of the Baltimore Turners had enlisted, traveled to Washington, and protected government installations even as their own meeting hall was destroyed in the Baltimore riots by mobs. They now asked the president to bestow a pardon on their "misguided unhappy friends" as a byproduct of the Baltimore Turners "performing truly our duty." The mutineers' "mistaken" ideas about their enlistment termination only stemmed from their lack of "authorized information" to accurately determine their calendar of service and thus be fully apprised of their rights connected with military service.<sup>41</sup>

Germans not only took action within their associations. Their dismay about the treatment of their countrymen spilled over into a community-wide demonstration of *Deutschtum* aimed at intensifying the remonstrances already directed at the national government. Three thousand German-Americans of New York City submitted their own petition to President Lincoln. Leading off with proclamations of loyalty, they exalted their Turner soldiers as sons of "the community capable of furnishing the best of material for the army of the Union." The citizens' petition understood the regiment's records of meritorious service and combat loss as a reflection of such refined patriotism. Their sons and fathers had "voluntarily assumed" military service like other

loyal citizens to the United States, but had spent the war “bleeding and dying for the country of their choice.”<sup>42</sup> The petitioners linked the immigrant’s freely given loyalty to the United States with membership in the Union Army. This elevated German-American’s patriotism and citizenship above that of the native-born. The Newark Turners had likewise argued that, “hardly have men enlisted for this war, animated by a spirit and inflamed by a purer Patriotism” than German-Americans in uniform.<sup>43</sup> All of these protestations of loyalty were intended to assure the president that he could trust the motives of citizen-soldiers who were, nevertheless, “tenacious of what they deemed to be their rights.” Disputes about muster-out dates might be “insubordination,” but they did not necessitate the full force of military punishment. Rather, the citizen petitioners presented the Turners’ soldier rights as legitimate and believed their actions in defense of them merited clemency because of the soldiers’ demonstrated loyalty to the government and the nation.

“Appointed by the Germans of New York,” the prominent German Republicans Frederick Kapp and Sigismund Kaufmann authored their own appeal to Secretary of War Edwin Stanton for clemency. They personify the nexus of *Deutschtum*, associational membership, and Republican loyalty that characterized the *Turnvereine*. Kapp was one of the earliest German, and explicitly anti-slavery, members of the Republican Party. A respected writer and historian, he had collaborated with Carl Schurz to rally New York’s Germans to the party in the 1860 election. Kaufmann helped found the New York City *Turnverein* and was instrumental in directing the national Turner convention to officially denounce slavery in 1855. A Jewish Forty-Eighter and socialist, he remained an influential anti-slavery voice in New York with claims on the Republican patronage network.<sup>44</sup>

Stanton’s German Republican correspondents’ began by using the political context of May 1863 to the mutineers’ advantage. Patriotic German-American citizens were at that very moment sensitive to the revived “prejudices with which native Americans regard them” as “foreigners.” They might readily “misconstrue” the mutineers’ sentence as “one of uncalled for severity,” especially in light of the regiment’s previous service. In fact, like “the majority of their countrymen,” the *Turnersoldaten* felt “deeply attached to the Institutions.”<sup>45</sup>

“Institution” in its meaning of “an established custom” first gained currency in America just after the adoption of the Constitution and by the 1830s was increasingly used in reference to the system of slavery.<sup>46</sup> Kapp and Kauffman’s use of the word harmonizes with the definition given by German-American philosopher, Francis Lieber. According to Lieber,

An institution is a system or body of usages, laws, or regulations

of extensive and recurring operation, containing within itself an organism by which it effects its own independent action, continuance, and generally its own farther development. The idea of an institution implies a degree of self-government. Laws act through human agents, and these are, in the case of institutions, their officers or members.<sup>47</sup>

Thus, the soldiers' patriotism flowed from their participation in the country's institutions of self-government, especially their *Turnvereine*.

Once inside the institution of the Army, they became "tenacious of what they deemed to be their rights." These rights derived from their status as soldiers through their muster-in "first prescribed by the Legislature of New York." Any authority of the "general Government" over them resulted from its "understanding with the State to which they *belonged*." The citizen's soldier status depended first on his state citizenship, which in turn granted him rights like a calendar of service. Kapp and Kauffman were willing to admit, unlike the mutineers, the various Turner associations, and the citizen petitioners, that the 6 May muster-out date was valid and simply presented the *Turnersoldaten* as "supposing honestly" that their term expired "on the date of the first enlistment." The two German leaders based their argument for pardon on not only the justifications of soldier rights, but also on the loyalty to party and nation of the volunteers and the ethnic community. Hence their juxtaposing Germans' bona fide adoption of American political values against the cries of nativism. In light of these political realities, they believed Stanton would arrange a pardon from the president in order to have "a most beneficial effect upon the further enlistment of the German element into the service." It would counter German-Americans' fears of nativism and reinforce their faith in the institutions of America's associational politics. Increased German-American support of the Union and the party would be assured.<sup>48</sup>

To further their efforts Kapp and Kauffman used the ties of party to call on the assistance of former Republican governor of New York and sitting U. S. Senator, Edwin Morgan. Ironically, it was Morgan who as governor in 1861 had collaborated with the Lincoln government and the Army to extend the New York regiments' calendars of service without a second muster-in. Now his cover letter to Stanton brought together ethnic solidarity, party loyalty, and state affiliation to deliver a potent dose of interposition on behalf of the Turner mutineers. Forwarding their letter "unconditionally," Morgan described the two men as "influential with soldiers of their own nativity" and he reminded Stanton in closing, "Both gentlemen were presidential electors in 1860." Intervening as one of their state's elected representatives, he linked the continued loyal service of men who were his constituents, his

fellow countrymen, and his party colleagues with a just disposition from their national political leaders. Pardoning the Turners would “create a good feeling that will result in great advantage to the Government with this large class of our soldiers.”<sup>49</sup>

Two additional German leaders from the national *Turnerbund*, the American umbrella organization of the local *Turnvereine*, instructed Secretary of the Treasury Salmon P. Chase on 16 June 1863. Reinhold Solger and Charles F. Schmidt made a case for the justice of the men’s rights to the calendar of service, however. The men never received clear “instruction” in the transferring of their service, which besides there “had been no swearing in” on 6 May. Solger and Schmidt reiterated the necessity of the muster being the only definitive way for the “citizens having freely volunteered” to know when their martial obligations began and ended. Without it, New York had “no right” to “cede them to the U.S. for any term beyond their oath to the state” which had commenced with a proper mustering in. Echoing previous petitioners, Solger and Schmidt explained that these Turner soldiers had “come forth first of all” in 1861. They had not broken faith, rather “the U.S. had not kept faith with them” through either a proper second muster or releasing them at the conclusion of their two years in uniform.<sup>50</sup>

During May and June 1863, therefore, the mutineers and their relations at home appealed for clemency from the national government. The *Turnvereine’s* contribution to American associational culture aided this cooperation immensely. Furthermore, their appeals stood on claims of soldier rights familiar to any Anglo: membership in a state-affiliated regiment being a shield against centralized authority, and a basis for popular constitutional defenses of their calendar of service—itsself a significant soldier right. At the same time, these markers of an American political consciousness worked in harmony with their ethnic identity. True, they deemed it wise to proclaim their loyalty brashly, even as they suggested that as patriots of choice, not birth, their desire for justice was as pure as the native’s. These German-Americans from three eastern cities, under the auspices of their *Turnvereine*, in fact wielded *Deutschtum* as a gambit for gaining government and party recognition of their claims.

Once confined, the mutineers made no further demonstration against military authority. Rather their “prompt and cheerful compliance with orders” convinced Provost Marshal W. R. Patrick that “the remainder of their sentence should be remitted.”<sup>51</sup> Stanton requested an opinion from Judge Advocate General Joseph Holt on the clemency request.<sup>52</sup> Holt acknowledged the confusion regarding enlistment contracts, but averred “one of the gravest crimes known to the service” had threatened “military discipline.” A pardon

would suggest that “the opinions of enlisted men were allowed to determine” the force of military authority.<sup>53</sup> Nevertheless, the president went ahead and on 10 August 1863 pardoned the Turners “for the *unexecuted* part of their sentence”—which unwittingly made it necessary for them to seek final justice forty years later. The provost marshal released the 201 mutineers from custody on 31 August 1863 and furnished them transportation home.<sup>54</sup>

Nearly three years after the events of the mutiny, a number of the participants petitioned Secretary of War Stanton to reverse their dishonorable discharge and make them eligible for their lost pay and bounties. They claimed that on the day of the mutiny several officers had stated that, “having served their full time” the men “were not obliged to . . . participate in the attack unless they so wished and that it was entirely a voluntary matter with them to do so or not.” They had trusted their officers’ advice because many soldiers had “but a very limited knowledge of the English language.” Promises to loved ones “to whom they had written saying when they would be at home” also influenced their decisions. They believed their decision to renege to be “right and justifiable and not breaking any law civil or military, but only making a choice that they had a perfect right to do.” The petitioners emphasized that had they known a court-martial for mutiny had been in the offing, “they would most cheerfully have fallen in and marched to the attack.”<sup>55</sup>

Although General Ulysses S. Grant recommended clearing the men of all wrongdoing in 1866, the War Department would not commute sentences already executed in 1863. The dissenters did not secure honorable discharges until the passage of a special 1905 law. From this vantage point, the mutiny and its postwar legacy tell another complex story that demonstrates how over time ethnic communities leveraged their ethnic identity provisionally—setting it aside when politically expedient and harnessing it when it could amplify their claims to full membership and participation in the body politic.

In 1863, Republican political alliances and associationalism had functioned in synergy to overturn the court-martial’s verdict. Historians have typically portrayed postwar German-Americans shifting towards cultural pluralism: outright resistance to Americanization by promoting the German language along with unique cultural and folk traditions. Alongside pluralism they claimed membership in the nation due to their support of the Union war effort and confirmed their own antebellum declarations of unadulterated patriotism. Criticism in the Anglo press of German war heroes like Franz Sigel and of German soldiers’ bravery during the Civil War, nevertheless, left a lasting sensitivity to revivals of nativism in mainstream society.<sup>56</sup>

The Turner veterans’ campaign to obtain honorable discharges does not fit neatly into this paradigm and helps to shed additional light on the interaction between *Deutschtum* and associational self-government. Before

the war's end some of the pardoned soldiers inquired about back pay due them while confined under provost guard, but these entreaties fell on deaf ears. The War Department explained the veterans had nothing forthcoming: the dishonorable discharges, enforced at their court-martial, fell outside the pardon for their unexecuted sentence.<sup>57</sup> Undaunted, in March 1866 Turner soldiers petitioned Stanton and general of the armies, Lieutenant General Ulysses S. Grant, to reverse the decision.<sup>58</sup> As in 1863, the Turners once again convinced the War Department of their case; a special order of 4 April 1866 honorably mustered them out and granted their back pay.<sup>59</sup>

As some Union veterans approached old age, they stepped into the debates in the late 1880s over proper pensions for them and their dependents and cheered Congress in 1890 for enacting a new system of service pensions.<sup>60</sup> In response to these developments, the 20th New York's mutineers or their widows and dependents began to inquire with the government about their eligibility.<sup>61</sup> The War Department responded during the nineties that the 1866 order had attempted to change the status of men who "were beyond the reach of its influence . . . having been separated from the military service" with "no nearer or other relation to that service than civilians who never had been in the Army." Ironically, here the principles of contract regarding length of service on which the men had based their protest seemed to deny any eligibility for pensions, even under the 1890 law's liberal stipulations.<sup>62</sup>

The generous provisions were the result of a national effort that had enlisted the politically influential Union veteran organization, the Grand Army of the Republic (G. A. R.), and its allies in the Republican Party. The Turner veterans relied on support from those quarters—with no visible role for the German-American community—in requesting relief through congressional legislation from their dishonorable discharges.<sup>63</sup> House and Senate Republicans authored several bills in committee beginning in 1901 titled only, "Relief of Certain Enlisted Men of the Twentieth Regiment of New York Volunteer Infantry." Not until 1905 did the legislation become law, assure the Turners of honorable discharges, and make them pensionable. The sponsorship of these bills lacked obvious links to the German-American community.<sup>64</sup> The men who guided it through Congress were Anglo American Republicans—Representative Richard Parker (IL) and Senator Russell Alger (MI). Alger had been commander-in-chief of the Grand Army of the Republic in 1890 during the final drive for passage of the pension bill.<sup>65</sup> German Turner and Anglo veterans alike had hired claims attorneys during earlier individual efforts at adjustment of their war records, without regard to ethnic ties.<sup>66</sup> For example, Jacob H. Dewees represented Gustave Seiffart. Dewees, of Welsh ancestry, had been colonel of the 13th Pennsylvania Cavalry and a post commander in the G. A. R.<sup>67</sup>

When the 1904 bill finally made it to the floor of the House of Representatives, Anglo American Republicans took up its passage.<sup>68</sup> They made a solitary reference in passing to the veterans' ethnicity. Only Richard Bartholdt (R-MO) had any ties to the German-American community: an immigrant born in the town of Schleiz in 1855. He recalled that four years earlier Sergeant Edward Roehr of Brooklyn, "by the way, a cousin of mine," had written him for support of the original 1901 legislation. "I did not pay particular attention to the matter . . . because it was a New York case and did not concern either my district or my State."<sup>69</sup> Bartholdt's sense of priorities, typical for a Congressman at that time, stands in stark contrast to the wartime pardon campaign, which had engaged the German-American communities and associations across three states. In the early 1900s, the Turner soldiers and their dependents welcomed Republican Party assistance, leveraged ties built through the G. A. R., and muted their ethnic *Deutschtum*.

The floor debate in 1904 cared not a wit for ethnicity, but rather for the obligation both government and citizen had to the service contract. James Mann (R-IL) led the opposition to the bill on several fronts. Mann's most vehement complaint charged that "they deserted in the face of the enemy, and now because forty years have passed away they propose the Government shall give them some money because they deserted and are alive."<sup>70</sup> Against these statements, Richard Prince (R-IL) rejoined that the soldiers had "believed their time of enlistment was out" while Richard Crumpacker (R-IN) cited the government's obligation of "keeping faith" with the men who had come to its defense. Adin Capron (R-RI) viewed the matter as "tardy justice" to veterans who had a "right to what the President of the United States accorded them" in 1863.<sup>71</sup>

Framing these debates was the national memory of the war as one fought by honorable, faithful soldiers—on both sides—which made postwar reconciliation possible.<sup>72</sup> Deserters and cowards benefitting from the nation's honest efforts to provide for courageous, deserving veterans might scandalize that memory. Mann's condemnation, therefore, had likely little to do with a subtext of nativism. According to one student of Anglo attitudes about Germans at the close of the nineteenth century, "most Americans considered the Germans to be a desirable people." Although ethnocultural conflict over prohibition, parochial schools, and Sunday laws could at times rally German-American political solidarity,<sup>73</sup> such issues largely remained divorced from the debate over pensions and Civil War memory.

The scale and vitality of the response by New York's German-American community in the wartime defense of its soldiers synthesized *Deutschtum*, associational culture, and popular constitutionalism for its effect. German-



American soldiers could prove not only their loyalty through military service, but also their genuine citizenship in the nation. Yet, the pursuit of faithful service could not be allowed to threaten fundamental rights that inhered through membership in the Army. The Turner mutineers also claimed particular founding and procedural soldier rights because they were New Yorkers and volunteers. It was not their ethnic identity that gave them special claim to rights. At the same time, *Deutschtum* brought their regiment into being and was the ground for associational self-government. The volunteers' military service took shape because of their membership in the *Turnverein* and their wider network of German institutions, which became the most vital organ for defending their soldier rights.

In this regard, the mutiny and its immediate aftermath reflected midcentury America's confidence in the fundamentals of the compound republic; encapsulated by two scholars as its "older ideals" of "localism, self-government, and the public ordering principles of common law." In their view, "The Civil War and Emancipation forged a new constitutional relationship between the individual and the state in which unmistakable increases in central state power accompanied extensions of the idea of national civil rights."<sup>74</sup> Yet mutinies by Anglo and ethnic soldiers seem to be moments when Northern citizens in uniform resisted the tides of change and clung to the rights and protections carved out through associational membership, state affiliation, and soldier rights.

At the same time, the mutiny makes plain how the Civil War served to raise the stakes and importance of national citizenship through the demands placed on the unitary nation-state (e.g., the resort to conscription) and the claims it could place on the resources and citizens of the constituent states.

Indeed, the cause of disagreement that provoked the mutiny was the national government's assertion that it had a superior claim on state volunteers' time in uniform. Furthermore, any discrepancies with state promulgations could be expediently wiped out by decree. In a pointed challenge to such centralizing tendencies, the men of the 20th New York and their citizen allies worked within the paradigms of associationalism and popular constitutionalism to direct appeals and petitions to the magistrates who served at the people's whim. Standing cooperative institutions like the *Turnvereine* became the vital conduits of individual and collective demands for justice on behalf of ethnic citizen-soldiers. And these demands could be forwarded to high-profile German-American leaders—within the Republican Party and in the Turner movement—with great confidence because of associational ties and the demands of *Deutschtum*. The *Turnvereine's* associational solidarity conveyed the concurrent assistance of Republican Party ties to the German

mutineers, in this case by encouraging national officials to remedy the Army's decision. Furthermore, the mutineers used the ties of party to buttress their state affiliation and thereby garner the unqualified support of one of New York's Senators.

These were the multifaceted aspects of ethnic citizenship in associational culture. It made it possible for the Turners' sympathizers to play persuasively on the Republican Party's need for the German vote during the Civil War. In this respect, associationalism and *Deutschtum* came together in a particularly potent call for interposition. Ethnic associationalism leveraged state and party affiliation to instruct the legislative branch to require action from the executive. Ethnic associationalism also served to demonstrate that German-Americans could be loyal citizens and party members even as they opposed the centralizing tendencies of national authority during the Civil War. In these ways, ethnic Union soldiers inhabited a space on the continuum of soldier rights between Anglos and freedmen. Like Anglos, they acted in order to protect citizen rights of self-government threatened by military service. At the same time, they used their protest as a moment to reiterate their loyalty to the Union even as they articulated more precisely what rights their citizenship should entail.

At the beginning of the 20th century, the Turner mutineers pursued the most effective avenues for finally securing honorable discharges. German-Americans adopted cultural pluralism in the postwar years, but the reliance on an explicit, active kind of *Deutschtum*, however, had been greatly reduced, if not totally silenced. For example, the historian Christian Keller describes the dedication, on 26 November 1910, of a monument at the German-American Memorial Building in Dayton, Ohio. Erected to honor "all German soldiers who had fought in America's wars," Reverend H. G. Eisenlohr of Cincinnati delivered the event's major speech. At the same time, remembering the sacrifices of German soldiers in the face of denigration should remind every citizen that "we all want to stand at the same level! Nothing more but nothing less." He urged the audience to never "disclaim your *Deutschtum*! It is a dearly-bought inheritance, well worth treasuring." But Eisenlohr was careful to remind the audience that they stood at a "celebration by American citizens to honor other Americans."<sup>75</sup>

The postwar odyssey of the 20th New York demonstrates more precisely how German-American cultural pluralism was highly provisional in the political arena. During the Civil War calling public attention to their ethnic identity and harnessing the political influence of their ethnic group to the war effort and the Republican Party could reap great dividends. Without it, the

Lincoln administration would have been unaware of the Turners' predicament. Ethnic solidarity during the war set the table for a final rectification of their case at the beginning of the 20th century, but that same ethnic solidarity had given way to tactics closer to the assimilationist paradigm due to the mutineers' reliance on veteran and partisan ties. Indeed, localism and *Deutschtum* had in some ways given way to an even greater reliance on the mechanism of federal intervention in citizen affairs. At the same time, the older advantages of associational membership remained through new networks of assistance offered by the G. A. R., itself ushered in by the ordeal of the Civil War.

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## Notes

<sup>1</sup> Charles E. Brooks, "Popular Sovereignty in the Confederate Army: The Case of Colonel John Marshall and the Fourth Texas Infantry Regiment" in *The View from the Ground: Experiences of Civil War Soldiers*, Aaron Sheehan-Dean, ed. (Lexington, KY: University Press of Kentucky, 2007), 218. See also, Brooks, "The Social and Cultural Dynamics of Soldiering in Hood's Texas Brigade" *Journal of Southern History* 67, no. 3 (August 2001): 535–72.

<sup>2</sup> Ronald P. Formisano, "The Party Period Revisited," *Journal of American History*, 86, no. 1 (June 1999): 107-20 (93-120); John Lauritz Larson, *The Market Revolution in America: Liberty, Ambition, and the Eclipse of the Common Good* (New York: Cambridge University Press, 2010), 110-11. Of course, the earliest observer of American associationalism was Alexis de Tocqueville, *Democracy in America*, J. P. Mayer, ed. (New York: Harper & Row, 1969 [orig. 1832]), 513. Associational culture has been explained most comprehensively in Mary P. Ryan, *Civic Wars: Democracy and Public Life in the American City during the Nineteenth Century* (Berkeley: University of California Press, 1997). Her history unfolded not in the "centers of government" but in "the far more dispersed and elusive habitats of the people," such as Manhattan's avenues, parks, and boulevards; its fraternal halls, neighborhood saloons, and ethnic enclaves. There the denizens of America's most polyglot city collaborated and contended with one another, 81, 129–31.

<sup>3</sup> William J. Novak, "The American Law of Association: The Legal-Political Construction of Civil Society," *Studies in American Political Development* 15 (January 2001): 173.

<sup>4</sup> Francis Lieber, *On Civil Society and Self-Government*, 3rd ed. (Philadelphia: J. B. Lippincott, 1874 [1st ed., 1853]), 319. In fact, said Lieber, "the by-law is the rule in our system" to the point that they were "laws which any set of men have the right to pass for themselves within and under the superior law, charter, etc., which constitutes them into a society," 322, 323n.

<sup>5</sup> Novak, "The American Law of Association," 174.

<sup>6</sup> Phillip S. Paludan, *A People's Contest: The Union and Civil War, 1861-1865*, 2nd ed. (Lawrence: University Press of Kansas, 1996), 237, 353-55; J. Matthew Gallman, *The North Fights the Civil War: The Home Front* (Chicago: Ivan R. Dee, 1994), 110-15; Peter J. Parish, "Conflict by Consent" in *The North and the Nation in the Era of the Civil War*, ed. Adam I. P. Smith and Susan Mary-Grant (New York: Fordham University Press, 2003), 159-60. See

also, Theda Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (Cambridge, MA: Harvard University Press, 1992).

<sup>7</sup> Gallman, *The North Fights the Civil War*, 188; Reid Mitchell, "The Northern Soldier and His Community" in Maris A. Vinovskis, ed., *Toward a Social History of the American Civil War: Exploratory Essays* (New York: Cambridge University Press, 1990), 92.

<sup>8</sup> According to Paludan, *A People's Contest*, 22, citizens "formed companies and regiments of men who came from the same place and shared the same values and experiences" ensuring "their war experience would be linked to the communities from which they came."

<sup>9</sup> Larry D. Kramer, *The People Themselves: Popular Constitutionalism and Judicial Review* (New York: Oxford University Press, 2004), 23-24. His complete definition of popular constitutionalism is: "the invocation of a specific set of legal remedies by which 'the people'—conceived as a collective body capable of independent action—were empowered to enforce the constitution against errant rulers. The community itself had both a right and a responsibility to act when the ordinary legal process failed, and unconstitutional laws could be resisted by community members who continued to profess loyalty to the government and to follow its other laws," 25. It also indicates the intellectual affinity between his theory of popular constitutionalism and that of active sovereignty laid out by Christian G. Fritz, *American Sovereigns: The People and America's Constitutional Tradition before the Civil War* (New York: Cambridge University Press, 2008), 280–81, 283, 288, 299–300.

<sup>10</sup> Kramer, *The People Themselves*, 7.

<sup>11</sup> Fritz, *American Sovereigns*, 18.

<sup>12</sup> On scrutiny see Fritz, *American Sovereigns*, "Elected officials were the people's 'servants, subject to election and dismissal' if they failed to be 'open to instruction' and 'directly responsible' to those they served," 18, and also 45–46, 169, 182–84. Interposition depended on separation of powers and a vigorous application of checks and balances. It was most famously deployed in the campaign against the Alien and Sedition Acts in 1798–99. See Fritz, *American Sovereigns*, 193-94; Larry Kramer, *The People Themselves*, 106-7; Kenneth M. Stampp, "The Concept of Perpetual Union" in Stampp, *The Imperiled Union: Essays on the Background of the Civil War* (New York: Oxford University Press, 1980), 28-29.

<sup>13</sup> Alison Clark Efford, *German Immigrants, Race, and Citizenship in the Civil War Era* (New York: Cambridge University Press, 2013), 25–28, 41.

<sup>14</sup> Stephen D. Engle, "Yankee Dutchmen: Germans, the Union, and the Construction of Wartime Identity," in *Civil War Citizens: Race, Ethnicity, and Identity in America's Bloodiest Conflict* (New York: New York University Press, 2010), 13–14; Ella Lonn, *Foreigners in the Union Army and Navy* (New York: Greenwood Press, 1951), 94-96. Lonn, *Foreigners*, 8; Petitions of the Baltimore Turnverein and Exhibit "A" (a petition by men in Company A, 20th New York, who hailed from Newark), in the papers and proceedings of the general court-martial of Sergeant Gustave Seiffart and two hundred enlisted men of the 20th Regiment of New York State Volunteers, NN63, Court-Martial Case Files, RG 153 Records of the Judge Advocate, National Archives, Washington, D.C. (hereafter Seiffart, et al. court-martial); "The Petition of the Undersigned, Citizens and Residents of the State of New York to the President of the United States" (hereafter Petition to the President), n.d., in papers of the Seiffart, et al. court-martial. The petition is 110 sheets long with 25-30 signatures per sheet. Nearly every surname is German and most addresses are within the five boroughs, with a handful from New Jersey. As regards its date of creation, the petition is cited in the Judge Advocate General's opinion to President Lincoln on the case dated 21 July 1863, Seiffart, et.al. court-martial. Bertram W. Korn, "Jewish 48'ers in America," *American Jewish Archives* (June 1949): 11 (3-20); Stanley Nadel, "Jewish Race and German Soul in Nineteenth-Century America," *American Jewish History* 77, no. 1 (Sept. 1987): 16-18 (6-26); C. Eugene Miller and Forrest F. Steinlage in the editors' commentary to the journal entries of Erhard Futterer published as *Der Turner Soldat: A Turner Soldier in the Civil War; Germany to Antietam*, C. Eugene Miller and

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Forrest F. Steinlage, eds. and trans. (Louisville, KY: Calmar, 1988), 38, 110.

<sup>15</sup> Christian B. Keller, *Chancellorsville and the Germans: Nativism, Ethnicity, and Civil War Memory* (New York: Fordham University Press, 2007), 10. Keller cites Stanley Nadel, *Little Germany: Ethnicity, Religion, and Class in New York City, 1845–1880* (Chicago: University of Illinois Press, 1990), 8 and John A. Hawgood, *The Tragedy of German-America: The Germans in the United States of America during the Nineteenth Century—and After* (New York: G. P. Putnam's Sons, 1940; reprint 1970, Arno Press), 253.

<sup>16</sup> Burton, *Melting Pot Soldiers*, x.

<sup>17</sup> Keller, *Chancellorsville and the Germans*, 20.

<sup>18</sup> Burton, *Melting Pot Soldiers*, 80. See also, Joseph R. Reinhart, ed., *A German Hurrah!: Civil War Letters of Friedrich Bertsch and Wilhelm Stangel, 9th Ohio Infantry* (Kent, OH: Kent State University Press, 2010).

<sup>19</sup> Meeting minutes, 15 June 1850, Signature: 3.1, trans. by Nora Probst, General Membership: Minutes (1850-1852), New York Turnverein, Turnverein Collections, Max Kade Center for German-American Studies, University of Kansas, Lawrence.

<sup>20</sup> Erhard Futterer, *Der Turner Soldat*, 7, 30-31, 38-39, 44-46, 110-11; Martin W. Öfele, *True Sons of the Republic: European Immigrants in the Union Army* (Westport, CT: Praeger, 2008), 48, 57; Walter D Kamphoefner and Wolfgang Helbich, eds., *Germans in the Civil War: The Letters They Wrote Home* (Chapel Hill: University of North Carolina Press, 2005), 20, 487; Miller and Steinlage, editors' introduction, *Der Turner Soldat*, 20-21; Engle, "Yankee Dutchmen," 16-17.

<sup>21</sup> Futterer, *Der Turner Soldat*, 41. Futterer's memoir must be used with care, however, in understanding the mutiny because he was a member of Company B, which contributed no defendants to the court-martial, and the mutiny is absent from his recollections of service. Thus, his highly ideological motivation should not be imputed to all members of the regiment while at the same time granting that Turners as a movement were indeed highly motivated, patriotic, liberal democrats of their era.

<sup>22</sup> New York Bureau of Military Statistics, *Third Annual Report of the Bureau of Military Records of the State of New York* (Albany: New York Bureau of Military Statistics, 1866), 145-46; meeting minutes, special session, 20 April 1861, Signature: 3.3, trans. Nora Probst, General Membership: Minutes (1858-1864), New York Turnverein, Turnverein Collections, Max Kade Center for German-American Studies, University of Kansas, Lawrence.

<sup>23</sup> Colonel W. F. Rogers, 21st New York Infantry to Adjutant General of the Army Lorenzo Thomas, 13 April 1863, in papers of the Seiffart, et al. court-martial; Anders Henriksson, ed. and trans., "The Narrative of Friedrich Meyer: A German *Freiwilliger* (Volunteer) in the Army of the Potomac," *Civil War Regiments* 6, no. 2 (April 1996): 1; "Turner Rifles," *New York Tribune* (New York), 7 May 1861; Special Orders No. 165, 11 May 1861, Adjutant-General's Office, General Head-Quarters, State of New-York, Albany, in papers of the Seiffart, et. al. court-martial. Only with Special Orders No. 165 did they receive official designation as the 20th New York.

<sup>24</sup> New York Bureau of Military Statistics, *Third Annual Report of the Bureau of Military Records of the State of New York* (Albany, NY: New York Bureau of Military Statistics, 1866), 146.

<sup>25</sup> Meeting minutes, 9 July 1861, Signature: 5.2, trans. Nora Probst, Board Meetings: Minutes (1858-1864), New York Turnverein, Turnverein Collections, Max Kade Center for German-American Studies, University of Kansas, Lawrence.

<sup>26</sup> "Testimonial to Colonel Weber of the United German Rifles," *New York Herald* (New York), 1 June 1861; Burton, *Melting Pot Soldiers*, 177-78; Öfele, *True Sons*, 57, notes the tricolor flag evoked the 1848 revolutions' devotion to "the fight for personal liberty and national unity."

<sup>27</sup> Öfele, *True Sons*, 43, 58; Henriksson, ed. and trans., "Narrative," 21 (n22); Henriksson,

ed. and trans., "Narrative," 9-10, 15, 21 (n23).

<sup>28</sup> Frederick Dyer, "20th New York Infantry," *Compendium of the War of the Rebellion* (Des Moines, IA: Dyer Publishing Co., 1908); Henriksson, ed. and trans., "Narrative," 3-4, 13-15, 21-22 (n31); testimony of Colonel Ernst von Vegesack, commanding, 20th New York Infantry, proceedings of the Seiffart, et. al. court-martial.

<sup>29</sup> Stephen W. Sears, *Chancellorsville* (Boston: Houghton Mifflin, 1996), 131-35.

<sup>30</sup> General Order No. 44, Army of the Potomac, 20 April 1863, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, Series I, Vol. XXV, Part II, 233-34 (hereafter OR and all references are to Series I unless noted otherwise); see also Sears, *Chancellorsville*, 103-4. This action was itself a presumption by the national government that it could resolve the question on its own authority. If anything, this would have been an arena of concurrent constitutional powers.

<sup>31</sup> Colonel W. F. Rogers, 21st New York to Adjutant General of the United States Army Lorenzo Thomas, 13 April 1863, in papers of the Seiffart, et. al. court-martial; Paul Taylor, *Glory Was Not Their Companion: The Twenty-Sixth New York Volunteer Infantry in the Civil War* (Jefferson, NC: McFarland, 2005), 112-15. Gary W. Gallagher, *The Confederate War* (Cambridge, MA: Harvard University Press, 1997), 32, observes that on the other side of the hill, desertion ballooned in 1862 Virginia among soldiers angry that the Conscription Act had extended their length of service.

<sup>32</sup> Philip W. Parsons, *The Union Sixth Army Corps in the Chancellorsville Campaign: A Study of the Engagements of Second Fredericksburg, Salem Church, and Banks's Ford, May 3-4, 1863* (Jefferson, NC: McFarland, 2006), 5-19; James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Oxford University Press, 1988), 639-40.

<sup>33</sup> Testimony of Lieutenant Albert Hottenroth, proceedings of the Seiffart, et. al. court-martial.

<sup>34</sup> OR, XXV, I, 165, 190; charges and specifications, Colonel Ernst von Vegesack testimony, proceedings of the Seiffart, et. al. court-martial.

<sup>35</sup> Verdict and sentence, proceedings of the Seiffart, et al. court-martial. The division commander, Major General A. P. Howe, approved the proceedings and the sentence.

<sup>36</sup> Judge Advocate General Joseph Holt to Secretary of War Stanton, 21 July 1863, papers of the Seiffart, et. al. court-martial; testimony of Lieutenant-Colonel Englebert Schnepff, 20th New York Infantry, proceedings of the Seiffart, et. al. court-martial; Special Orders No. 326, 2 August 1861, Adjutant-General's Office, General Head-Quarters, State of New-York, Albany, in papers of the Seiffart, et. al. court-martial.

<sup>37</sup> Exhibits "A" (statement by the "undersigned members of Company A," Germans of Newark, NJ) and "B" (statement by "the undersigned members of the different companies" of the 20th New York), proceedings of the Seiffart, et. al. court-martial.

<sup>38</sup> Ricardo A. Herrera, "Self-Governance and the American Citizen as Soldier, 1775-1861," *Journal of Military History* 65, no. 1 (January 2001): 31-32; Joseph Solomon to President Abraham Lincoln, 28 July 1863, papers of the Seiffart, et al. court-martial, emphasis added.

<sup>39</sup> Petition of the Newark, NJ, Turnverein, [May 1863], to President Abraham Lincoln, in papers and proceedings of the Seiffart, et. al. court-martial; Meeting minutes, 14 April, 21 April, 28 April 1863, Signature: 5.2, trans. Nora Probst, Board Meetings: Minutes (1858-1864), New York Turnverein, Turnverein Collections, Max Kade Center for German-American Studies, University of Kansas, Lawrence.

<sup>40</sup> Keller, *Chancellorsville and the Germans*, 75-122. He also argues, "Anglo American journalists had made such a stark and negative distinction between Americans and Germans" in the aftermath of Chancellorsville that the German-American press asserted that Anglo elements of the Eleventh Corps were most responsible for the retreat while espousing with renewed vigor that Germans Americans' possessed superior patriotism, 114.

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<sup>41</sup> Petition by the Turner Associations of New York to the President of the United States, May 1863; petition by the Newark, NJ, Turnverein to President Abraham Lincoln, May 1863; the Turner Association of Baltimore [Maryland], "To the President of the United States," 15 June 1863, all in papers of the Seiffart, et al. court-martial.

<sup>42</sup> Petition to the President by the Germans of New York City, Seiffart, et. al. court-martial, emphasis added. The German newspaper *Washingtoner Intelligenzblatt* wrote on 7 July 1860 that Anglo Americans were "demoralized physically and spiritually . . . They are unworthy of freedom, the inheritance of their fathers . . . To us immigrants it is reserved to save this land from destruction. And we will do it!" quoted in Öfele, *True Sons*, 34.

<sup>43</sup> Petition by the Newark, NJ, Turnverein to President Abraham Lincoln, May 1863, papers of the Seiffart, et. al. court-martial.

<sup>44</sup> Friedrich Kapp and Sigismund Kaufmann to Secretary of War Edwin M. Stanton, 22 May 1863, papers of the Seiffart, et. al. court-martial. Two of Kapp's important works were *History of Slavery in the United States of America* (1861) and *German Emigration to America* (1867). He died in Berlin in 1884 and his son, Wolfgang, gave his name to the failed putsch of 1920. See, Frederick Kapp obituary, *New York Times* (New York), 31 October 1884; Bertram W. Korn, "Jewish 48'ers in America," *American Jewish Archives* (June 1949): 11 (3-20); Nadel, "Jewish Race and German Soul," 16-18; Miller and Steinlage, eds., *Der Turner Soldat*, 38, 110.

<sup>45</sup> Friedrich Kapp and Sigismund Kaufmann to Secretary of War Edwin M. Stanton, 22 May 1863, papers of the Seiffart, et. al. court-martial.

<sup>46</sup> Richard H. Thornton, *An American Glossary: Being an Attempt to Illustrate Certain Americanisms Upon Historical Principles*, 3 vols. (New York: Frederick Ungar, 1962), 1:480-83.

<sup>47</sup> Lieber, *On Civil Liberty*, 324-25. On Lieber's influence see Stephen Sawyer and William J. Novak, "Emancipation and the Creation of Modern Liberal States in America and France," *Journal of the Civil War Era* 3, no. 4 (December 2013): 485-87.

<sup>48</sup> Friedrich Kapp and Sigismund Kaufmann to Secretary of War Edwin M. Stanton, 22 May 1863, papers of the Seiffart, et. al. court-martial.

<sup>49</sup> Edwin D. Morgan to Secretary of War Edwin M. Stanton, 22 May 1863, papers of the Seiffart, et. al. court-martial. Morgan was a banker and wealthy merchant in the conservative wing of the Republican Party, chairman of the Republican National Committee until 1864, and headed the Union Executive Committee to reelect Lincoln in 1864, see James A. Rawley, *Edwin D. Morgan, 1811-1883: Merchant in Politics* (New York: Columbia University Press, 1955) and "Lincoln and Governor Morgan," *Abraham Lincoln Quarterly* 6, no. 5 (Mar. 1961): 292-93.

<sup>50</sup> Reinhold Solger and Charles F. Schmidt, "on the part of the Turner Associations & others," to Secretary of the Treasury Salmon P. Chase, 16 June 1863 in the papers of the Seiffart, et.al. court-martial.

<sup>51</sup> W. R. Patrick, Provost Marshal General, Army of the Potomac, to R. Solger, Esq., Department of the Treasury, Washington, D.C., 16 July 1863, papers of the Seiffart, et al. court-martial.

<sup>52</sup> Stanton to Morgan, 23 May 1863, papers of the Seiffart, et al. court-martial, relayed to the senator his ignorance of any recent courts-martial, but assured him "the case shall receive a prompt disposition." President Lincoln also directed the judge advocate general to investigate the case on 17 June 1863 after reviewing a letter from the New York Turner Association to Secretary of the Treasury Salmon P. Chase; Endorsement of Abraham Lincoln, 17 June 1863, on Solger and Schmidt to Chase, 16 June 1863, papers of the Seiffart, et al. court-martial.

<sup>53</sup> Opinion of Judge Advocate General Joseph Holt to Secretary of War Edwin M. Stanton, 21 July 1863, papers of the Seiffart, et al. court-martial. Holt's opinion on the mutiny stands in contrast to his recommendation for clemency in the case of a Pennsylvania soldier who deserted to care for his ill father after a pass was not granted him. Holt's biographer cites it as an example of his capacity to "be flexible when it came to analyzing the circumstances

that lay behind a charge of disobedience of orders," Elizabeth P. Leonard, *Lincoln's Forgotten Ally, Judge Advocate General Joseph Holt of Kentucky* (Chapel Hill: University of North Carolina Press, 2011), 172-75.

<sup>54</sup> Endorsement of Lincoln originally attached to handwritten copy of the court-martial proceedings, 10 August 1863; his language was duly included in the official order enforcing the pardon, Special Orders No. 360, Adjutant General's Office, War Department, 13 August 1863; both in papers of the Seiffart, et al. court-martial; few of the *Turnersoldaten* reinstated. Others resumed their civilian pursuits for the remainder of the war; Miller and Steinlage, eds., *Der Turner Soldat*, 101.

<sup>55</sup> Petition by Members of the 20th New York to Secretary of War Edwin M. Stanton, 3 March 1866, papers of the Seiffart, et al. court-martial.

<sup>56</sup> Kathleen Neils Conzen, "German-Americans and the Invention of Ethnicity" in Frank Trommler and Joseph McVeigh, eds., *America and the Germans: An Assessment of a Three-Hundred Year History*, vol. 1: *Immigration, Language, Ethnicity* (Philadelphia: University of Pennsylvania Press, 1985), 139-40; Keller, *Chancellorsville and the Germans*, 137-67; Margaret Creighton, *The Colors of Courage: Gettysburg's Forgotten History* (Cambridge, MA: Basic Books, 2005), 173. On Sigel and German-American identity, see Stephen Engle, *Yankee Dutchman: The Life of Franz Sigel* (Fayetteville: University of Arkansas Press, 1993), 229-32, Engle, "Yankee Dutchmen," 38-40; Burton, *Melting Pot Soldiers*, 211; Öfele, *True Sons*, 137.

<sup>57</sup> As an example, see W & J. E. Fitch & Co., Attorneys at Law on behalf of Henry Hahne to Stanton, 18 March 1865; "by the approval of the proceedings, and the confirmation of the sentence in May 1863" according to Major A. A. Hosmer, Judge Advocate in absence of Judge Advocate General Holt to Stanton, 28 April 1865, endorsement on Fitch letter; both in papers of the Seiffart, et al. court-martial.

<sup>58</sup> In 1866 they claimed, having been among the first wave of volunteers "to preserve the integrity of their adopted country" and given three months in defense of the nation, they "consented" for a full two years of Federal service. The veterans avoided the legal complexities of the transfer of their contracts. After recapitulating the circumstances leading to the court-martial, they emphasized they had been simply released from the custody of the provost marshal by order of the President. They claimed they should be "honorably discharged" from United States service "to receive their arrears of pay and bounty," petition by Members of the 20th New York to Secretary of War Edwin M. Stanton, n.d., papers of the Seiffart, et al. court-martial. An endorsement on the petition by the adjutant general of the Army referring the matter to the judge advocate general is dated 6 March 1866. The 9 March 1866 petition to General Grant is noted in House Report No. 2257, 27 May 1902, 57th Congress, 1st Session, *United States Serial Set*, vol. 8 (Washington, D. C.: Government Printing Office, 1902), 4 (hereafter, House Report No. 2257).

<sup>59</sup> Special Orders No. 152, War Department, Adjutant General's Office, Washington, D. C. in House Report No. 2257, 4.

<sup>60</sup> The act passed 27 June 1890 considered only the veteran's honorable discharge, whether he or his widow reached a specified age, and possessing some disability that made work impossible (though it did not have to be from military service). The original pension law passed in 1862 only covered veterans injured or disabled in military service, their widows, and their dependents, William H. Glasson, *Federal Military Pensions in the United States* (New York: Oxford University Press, American Branch, 1918), 125-26; Amy E. Holmes, "Widows and the Civil War Pension System" in Maris Vinovskis, ed., *Toward a Social History of the American Civil War: Exploratory Essays* (New York: Cambridge University Press, 1990), 171-74; Skocpol, *Protecting Wives and Mothers*, 106-7, 132-35.

<sup>61</sup> For example, Senator John H. Mitchell took up the case of Philip Weber's widow in 1895. Mitchell was a Republican senator from Oregon and Weber a citizen of the state, House Report No. 2257, 5.



## *Mutiny of the 20th New York Infantry Regiment*

<sup>62</sup> Colonel F. C. Ainsworth, Chief Record and Pension Office to Senator John H. Mitchell, 30 April 1895, in House Report No. 2257, 4. Secretary of War Daniel S. Lamont confirmed the Judge Advocate's opinion and directed Ainsworth to inform the veterans of the Department's decision, of which this letter was used in the House report as a representative example.

<sup>63</sup> Glasson, *Federal Military Pensions*, 238, notes, "While the G. A. R. remained avowedly non-partisan, it was generally conceded that Democrats were rather scarce in the organization." In 1890 the G. A. R. had just under 394,000 members, *Unofficial Proceedings in Connection with the 24th National Encampment, Boston, August 11-16, 1890* (Boston: E. B. Stillings, 1891), 18.

<sup>64</sup> In 1901 Representative Jacob Ruppert (D-NY), a second-generation German-American from the Bronx, reported the bill to the House Committee on Military Affairs. But Ruppert made no other substantive contributions; report of bills to committees, 17 December 1901, 57th Congress, 1st Session, *Congressional Record*, House, vol. 35, 376; "Jacob Ruppert, Jr.," Mitchell Charles Harrison, comp., *New York State's Prominent and Progressive Men: An Encyclopaedia of Contemporaneous Biography*, vol. 2 (New York: New York Tribune, 1900), 177, 297-98.

<sup>65</sup> On Alger, see Representative Samuel W. Smith, "Life and Character of the Late Russell A. Alger," 24 February 1907, 59th Congress, 2nd Session, Appendix, *Congressional Record*, Senate, Vol. 41, 79; "Gen. Russell A. Alger," Henry W. Moulton, *Moulton Annals*, Claribel Moulton, ed. (Chicago: Edward Claypool, 1906), 114-21; Thomas E. Sebrell, II, "The 'Fighting Fifth': The Fifth Michigan Infantry Regiment in the Civil War's Peninsula Campaign," *Michigan Historical Review* 35, no. 2 (Fall 2009): 27-51.

<sup>66</sup> On claims attorneys and the charges of corruption often leveled against them, see Skocpol, *Protecting*, 143-48; Glasson, *Federal Military Pensions*, 215-17, 235.

<sup>67</sup> Dewees had commanded George G. Meade Post, No. 5 in Washington, D.C., *Journal of Proceedings of the Fifty-Second Annual Encampment of the Department of the Potomac Grand Army of the Republic Held at Washington, D. C. February 18th, 19th, and 20th, 1920* (Washington, DC: Beresford, 1920), 9; Dewees to the Judge Advocate General, 24 January 1898, papers of the Seiffart, et al. court-martial. An example of a Turner soldier active in the G. A. R. and early involved in the effort to attain first a proper muster out and later honorable discharges was Private Edward Oertle. As early as 1866 he and his comrades were the petitioners who led the War Department to issue its 4 April 1866 order, John Jolliffe to Stanton, 27 February 1866, papers of the Seiffart, et. al. court-martial. Oertle was eventually a senior vice president of his Grand Army of the Republic Post, No. 233 in Brooklyn and a delegate to the national encampment in 1900, *Abstract of General Orders and Proceedings of the Thirty-Fourth Annual Encampment, Department of New York, G. A. R., Held at Utica, May 16-17, 1900* (Albany, NY: J. B. Lyon, 1900), 183 and *Abstract of General Orders and Proceedings of the Fifty-Fifth Annual Encampment, Department of New York, G. A. R., Held at Binghamton, June 23, 24, 25, 1921* (Albany, NY: J. B. Lyon, 1922), 127

<sup>68</sup> Of the sixteen representatives who spoke, thirteen were Republicans and only two were Civil War veterans, Debate on H. R. 1860, "Relief of Certain Men, Twentieth Regiment New York Volunteer Infantry," 11 February 1905, 58th Congress, 3rd Session, *Congressional Record*, vol. 39 (hereafter, CR, 58, 3, 11 February 1905), 2418-2422. The prominence of Republicans leading these efforts is also surprising, given that so many German-Americans by the turn-of-the-century had left the Republican party, prominent among them being both Carl Schurz and Franz Sigel, see Engle, *Yankee Dutchman*, 221-27.

<sup>69</sup> Berchtold, CR, 58, 3, 11 February 1905, 2421. Biographical information on congressmen taken from United States Congress, *Biographical Directory of the United States Congress, 1774-2005: The Continental Congress, September 5, 1774, to October 21, 1788, and the Congress of the United States, from the First Through the One Hundred Eighth Congresses*,

*March 4, 1789, to January 3, 2005, Inclusive* (Washington, DC: Government Printing Office, 2005), passim.

<sup>70</sup> Mann, CR, 58, 3, 11 February 1905, 2418-21, found the bill redundant given that existing laws already provided relief to men incorrectly given dishonorable discharges; was overly narrow as it covered a single regiment; and was vague because “men who deserted are treated as squarely as men who did not.”

<sup>71</sup> Prince, Crumpacker, 2418, and Capron, 2419, all in CR, 58, 3, 11 February 1905.

<sup>72</sup> Gary Gallagher, *The Union War*, 153-59, terms this “situational reconciliation” by which the public memory of the war relied on “commonalities of valor and steadfastness among Union and Confederate soldiers” to reunite the nation even while “condemning secession.” Gallagher uses the speeches and monuments on the occasion of the twenty-fifth anniversary of Gettysburg as examples. Likewise, the 20th New York erected its own monument a quarter-century after Antietam. Other than the German language inscription paired with its English translation (“In remembrance of our fallen comrades erected by the survivors of the regiment.”), nothing about the monument, caped with a wreath and soldiers’ accoutrements, differentiates it from similar dedications to Anglo regiments, Miller and Steinlage, eds., *Der Turner Soldat*, 108.

<sup>73</sup> Frederick C. Luebke, “Images of German Immigrants in the United States and Brazil, 1890-1918: Some Comparisons” in Trommler and McVeigh, eds., *America and the Germans*, 209-10. Luebke suggests too that among the Anglo political classes of the United States, most familiar with well-educated and middle-class Germans and German-Americans, congenial attitudes were quite strong.

<sup>74</sup> Sawyer and Novak, “Emancipation and the Creation of Modern Liberal States in America and France,” 472-73.

<sup>75</sup> Keller, *Chancellorsville and the Germans*, 163-64.