

Draft Resistance in Central Texas

The Biegel Letter

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Die keine Hölle gehen wir nicht

(Hell No We Won't Go)

The subject of this paper encompasses Fayette, Washington, Colorado, and Austin counties, and offers just a sampling of the anti-war and anti-government feeling felt on both the sides of the war of northern aggression. Following the precedent set by the Confederate and the Union authorities, I will refer to the focal group involved as Germans, lumping together all Europeans that were not American born.

In the 1850s, Central Texas was the new home to thousands German immigrants escaping the chaos of the motherland. They had chosen to settle in the forested and rolling hills just north of the Gulf Coastal Plain. The dividing line is roughly along present day Interstate 10 which dissects the aforementioned counties. The geography of the area did not lend itself to large plantations as does the coastal plains of southern Colorado and Austin counties.

In the 1850s, the issue of the peculiar institution of slavery was becoming a very heavily debated subject in the United States. This was a topic of conversation debated mostly by those rich enough to own them and the morally righteous who did not.

Friedrich Olmsted, one of the most astute of German observers noted that “few of them [Texian Germans] concern themselves with the theoretical right or wrong of the

institution, and while it does not interfere with their own liberty or progress, [they] are careless of its existence.”¹

In 1850, there were twelve German slaveholders in Austin and Fayette counties, roughly one-tenth of all German property owners. Most owned fewer than five, but one German had fourteen and another twenty-seven.² The slaves were used in the northern part of the counties as household help or farmhands.

The U.S. census of 1860 showed that Texas had a population of just over 600,000 of which 20,000 had been born in German states. The new influx of foreigners and their customs disturbed the status quo of the Americans and caused them to view the immigrants with prejudice. While the German immigrant proved himself to be industrious, and his skills contributed to the well-being of the region, a good many of them were too busy squeezing out a living to focus on becoming “Americans.” A Southern slanted publication, *The La Grange Paper*, editorialized in 1855 that the “The foreign population should take pains to learn and understand the English language... The Germans knew when they came here that the institution of slavery existed and if they continue to try to change American institutions they will find Texas too hot for them.” There is scant evidence of active German abolitionists in the area. Six months later, another newspaper of La Grange, *The True Issue*, editorialized that: “Americans do not desire to persecute the foreigners...all they ask is the privilege of voting for whom they please and of pleasing [themselves, they should]always prefer native born Americans.”

After Lincoln's election, this same paper reported that: “all citizens of La Grange united in bewailing the election of Lincoln. In the public square of La Grange, a black flag was run up to flutter its token of mourning. When Lincoln lays his sacrilegious hand

upon the constitution, [at]that moment he releases the South from her allegiance, and cuts the Gordian knot that binds the states together.”

The sentiments of the people apparently did not fully reflect the bias of the paper’s ideologies for when the statewide vote for secession was held in February, 1861, the Fayette County voters rejected leaving the Union by a vote of 580 for secession and 626 against secession. Earlier census reports approximately 250 German voters in the county. While they probably voted pro-Union, this number indicated a more than equal number of “American” voters.

In Colorado County, the secession vote in the precinct tallies illustrates the ethnogeographic split with the predominantly Anglo “American” plantation culture in the southern half voting with an overwhelming majority in favor of secession, whilst the northern part of the county, where the European immigrants lived on smaller farms, voted against leaving the Union.

By April of 1861 Texas had aligned itself with the Confederate States of America. The call for warriors to protect a cause both noble and savage rang throughout the new country. In addition to the regular army, state troops were formed to protect Texas from invasion.

William G. Webb, a lawyer from La Grange, was placed in command of the Twenty-Second Brigade of the State Troops, which encompassed Fayette, Colorado, Wharton and Matagorda counties. Brigadier General Webb issued Order Number 1, authorizing the formation of troops in June of 1861, which counseled that “*No Texan would like to be attached to militia and thus be liable to be drafted into [regular] service [for the Confederacy].*” This statement reflects the view of a large portion of the

population, as they wished to defend their backyards, without leaving them. Webb demonstrated his awareness of the feelings of ethnic bias in his area, as he added to General Order Number 1: *“Our adopted citizens from the Old World also have brave hearts and stout arms and are ready and anxious to meet the common foe...”*

Fayette County responded by organizing 19 companies of home guard troops one of which was named the German Company. Two companies of men enlisted in the Confederate Army and were sent to San Marcos for training in 1861. The seeds of discontent with the government were sown when they soon returned home without having received pay or equipment. The seeds sprouted when the military changed enlistment periods from a year to three years.

In 1861, to financially support their troops, Fayette County Commissioner’s court issued \$9000 of bonds that provided for clothing and arms. Some of the clothing later made its way to Fayette troops serving in Kentucky and Virginia.

In the first eight months of 1862, Central Texas men of most ethnicities, were seeing action in New Mexico, at Shiloh, at Bull Run, at Antietam, and in numerous skirmishes on the coast of Texas.

By mid 1862, the Confederate Congress had enacted conscription laws requiring all capable men between the ages of eighteen and forty-five to be drafted. The conscription policies were unpopular with almost everyone. The famed Texas Ranger, John S. “Rip” Ford, while serving as state superintendent of conscription in 1862 and 1863, later said that it was an “unfortunate enactment” which forced Union sympathetic men into the Confederate Army who then deserted to the Union side as soon as possible. The conscription law allowed land-owners with twenty or more slaves to be exempt from

the draft, which gave the appearance of a “rich man’s war and a poor man’s fight.” The men of Central Texas reacted in several ways: some joined up and served heroically on battlefields; a large number joined local Texas State Troops, and the enthusiastic young and older citizens joined the Home Guard militia, but more than several men disappeared into the river bottoms to wait out the war.

The Home Guard consisting mainly of teenagers and old men had earned the nickname “Heel-Flies” from the annoyance and harassment given to suspected Union sympathizers much like the flies which buzzed around the feet of cattle. Some of these squads were made up of general ruffians and miscreants unfit for military duty. In Austin County, they would come at night and brutally search houses looking for service dodgers and taking whatever they wanted as “evidence.” When a heel-fly squad trashed a school, cursed the teacher, and took him away, a group of older Czechs decided to retaliate and waited, well armed, in ambush for the ruffians to return. When they did, the Czechs opened fire, and the squad scattered returning fire at the school and surrounding houses. Another time two dodgers were visiting their womenfolk at night, and while they were reading a letter from a relative who was in the service, a squad attempted to come into the yard of the house, but the four women grabbed clubs and delayed the squad long enough for the men to escape.³

The draft dodgers and deserters who took to the woods banded together into communities. The Lavaca and Navidad River bottoms were popular hideouts west of the Colorado. In a letter from a German Confederate soldier describing the escape of a comrade given the death sentence for insubordination, he hopes the the escapee will make it to the Navidad River bottoms where he will be safe. Three Austin County men who

served in a locally raised German company with Waul's Legion, were captured at the fall of Vicksburg. They escaped and made their way home, but chose to remain hidden in the woods until the end of the war rather than rejoin the service.

Throughout 1862 the threat of invasion in Texas increased as numerous Yankee landing parties were sparring with troops on the Gulf Coast. In response, Texas governor, Francis Lubbock issued a proclamation in November of 1862 activating the militia and asking for 5,000 men to serve for three months.

To the Germans throughout Texas, this forced military service was reminiscent of why they left Europe and did not set well with them, and they began holding organized, democratic styled meetings.

Numerous reports reached General Webb, of large bands of armed men, meeting in Austin and Colorado counties to devise methods of resisting the draft. Abolitionist and future reconstruction governor A.J. Hamilton, then practicing law in La Grange, was rumored to be assisting the Germans and organizing a slave revolt.⁴ The authorities learned of these meetings from "good" and "loyal" and "true" men, some of whom were Germans.

In late November of 1862, A. J. Bell, the enrolling officer for Austin County sent Webb a list of thirty-two men who where all German except four. In his words: "They are remarkably stubborn, and I am satisfied do not intend to submit to enrollment. I shall therefore need a force to bring them in, and the militia nearly all sympathize with them so I cannot safely rely upon them."

He continues that: "I deem it my duty... to say that there is evidently a spirit of insubordination existing among the Germans in this region. I have it from the most

reliable authority that they contemplate resistance to the conscript law as well as to the contemplated drafts. Sundry meetings have been held to concert measures of resistance. Several of the meetings were held in secret, and the last, a public meeting, in which they resolved to petition to the Governor, asking that their families be provided for and themselves armed and clothed, as a preliminary to their submitting to the laws and entering the service. These meetings were largely attended by 400 to 500 persons. If I am furnished with force sufficient to vindicate the majesty of the law at once I think they will submit without a struggle; there is danger in delay.”⁵

On December 4 of 1862, the Superintendent of Conscripts for Texas, Major Flewellen, sent a letter to General Magruder, the military commander of Texas, alerting him that in certain German settlements resistance to conscription is seriously contemplated, and requests a mounted force sufficient for the enforcement of the laws. Within a week Magruder directed Major Flewellen to “cause all persons of foreign birth who exhibit opposition to the enforcement of the conscript law to be sent from this State and united with regiments in other departments before other conscripts, and where they are found most hostile to its operations they are to be sent first of all. ...exercise much caution, causing it to be done quietly and without show if such a thing be practicable, in order that all odious distinctions between the good and loyal citizens of foreign birth and those who are refractory may be obviated, and that no difficulties from this cause may rise between our native-born citizens and those of foreign births.” In other words, immediately kidnap the agitators, enlist them, and send them to the front lines without arousing suspicion. This order was apparently never carried out.

On December 23, a draft was held in the community of Industry in Austin County. Those whose names were drawn refused to be sworn in. The drafting officer and associates were mobbed and beaten with sticks and iron bars. Conscript Officer, A. J. Bell was becoming very alarmed by the meetings and had his spies attend the meetings to identify the ringleaders. Most were local Germans, but a few American were identified. On December 31, a meeting was held in Shelby Prairie, northern Austin County, with 600 persons attending. A chairperson was elected, and committees formed to organize cavalry and infantry units.

General Webb notified his superiors about the increase of the severe language used at the meetings and the reports of a blacksmith in Fayetteville making spears. Webb reports that he has had difficulty controlling “hot-headed men” from our side, who wanted to attack the Germans. With a twist of irony, Webb said he wanted to prevent a civil war. Webb states that he believes he has enough true men to overcome the disloyal, except that there were not enough weapons available as they have been given to the soldiers sent to the front, while the disloyal were well armed.

In early January 1863, a letter, written in German, was received at General Webb's command in La Grange, and promptly forwarded to the Governor. This letter if written during peace time would have been considered an excellent example of freedom of speech, but during this time of uncertainties, when even the mail from northern states was not allowed into Fayette County, this was considered treasonous. The letter:

January 4, 1863

Brig. Gen. William G. Webb, La Grange

At a public meeting held by the citizens in Biegel Settlement, Fayette County, Texas, on January 4, 1863 the following declaration was adopted as an expression of the sentiments of said meeting:

The measures taken by the Government to protect this State against invasion are so far-reaching and serious in their consequences that they fill our minds with dread and apprehension.

The past has already taught us how regardlessly the Government and the county authorities have treated the families of those who have taken the field. We have been told that they would be cared for, and what put of this time has been done? They were furnished with small sums of paper money, which is almost worthless, and which has been refused by men for whose sake this war and its calamities were originated.

Last year we made tolerably good crops; the prospect for the next is not very encouraging, and we cannot look forward with indifference upon starvation, which we apprehend for our wives and children.

Although it has been said that we will not be needed for more than three months, the time for planting will then be over and our children may go begging, for the small pay which we are to receive for our services is insufficient to purchase bread for our families and pay for it. We and our families are almost destitute of clothing, and have no means of getting enough to protect us even imperfectly against the cold, from which cause sickness and epidemics result, as has been experienced in the Army, where more men have fallen victims of disease than by the sword of the enemy.

Last autumn we applied to procure cloth from the penitentiary, but up to this time we have not been able to obtain any, whereas negroholders, whom we could name, can

get such things and fetch them home. For these reasons we sympathize with all the unfortunate who have to provide for their own maintenance, and hope that our authorities will look upon us as men and not as chattels. With what spirit and what courage can we so situated fight, and that, moreover, for principles so far removed from us?

Besides the duty of defending one's country there is a higher and more sacred one—the duty of maintaining the families. What benefit is there in preserving the country while the families and inhabitants of the same, nay, even the Army, are bound to perish in misery and starvation?

In view of the foregoing we take the liberty hereby jointly to declare that unless ... we obtain a guarantee that our families will be protected, not only against misery and starvation, but also against vexations from itinerant bands, we shall not be able to answer the call, and the consequences must be attributed to those who caused them.

Furthermore, we decline taking the army oath (as prescribed) to the Confederate States, as we know of no law which compels Texas troops, ... to take the same.

It is the unanimous wish of those assembled in this meeting to apply to Brig. Gen. W. G. Webb to use all of his influence to the effect that the men now drafted for militia service be permitted to stay at home until they have finished planting.

By authorization and in the name of about one hundred and twenty citizens.

C. AMBERG, H. BAUCH, R. HILDEBRAND

H. KRALE, H. HASSE.

I do hereby certify the above and foregoing to be a true and correct copy of the original (translation).

JAMES PAUL,

Private Secretary

This letter prompted Magruder to declare martial law in Fayette, Austin and Colorado counties and send battle hardened soldiers known as the Arizona Brigade – who had recently returned from the New Mexico campaign – with an artillery piece to enforce the draft. Governor Lubbock immediately visited La Grange for several days and met with a German delegation, giving them a very plain, positive talk about their responsibilities as citizens. It did not escape General Webb’s attention that this unrest was uncannily coordinated with the Yankees beginning a possible invasion with the capture of Galveston. However, with the recapture of the island, the Governor patiently listening to their concerns, and soldiers actively patrolling the area, German large scale resistance efforts melted down to a few individual cases. Webb concluded that “this movement is not confined alone to Germans but men of our own race and country.” He also commented that as soon as the Germans are conscripted, the Governor has authorized that the ringleaders be arrested.

By the third week of January, Lt. Col. Henry Webb, in Columbus, reported that the Germans and others who had been involved in the rebellion had quietly submitted to the draft. Now, a new revolution was active, the troops brought in to keep the peace were “the most disorderly, outrageous set of men I ever knew.” The Arizona Brigade officers acknowledged that they had no control over their men as they pillaged the countryside. He suggested that the troops be sent elsewhere. The most severe order slapped on the area was the prohibition of alcohol sales.

In October of 1863, Confederate authorities received information from Union prisoners at Hempstead that the German loyalists were in collusion with the Union army. Five men were arrested including Reinhardt Hilderbrand of Fayette County, one of the signers of the Biegel letter. Magruder sent them to San Antonio to avoid a writ of habeas corpus; however, one of the men obtained a writ from a local magistrate and the Texas civil courts demanded the Germans release. Magruder ordered them into custody under the guise of military necessity. The five appealed, and the Texas Supreme Court returned a verdict against Magruder. The five were released but immediately taken back into custody, while the courts “looked the other way.” On July 11, 1864, Magruder ordered the uncharged prisoners exiled forever from the Confederate States. A troop of cavalry escorted them to Eagle Pass, and on August 14, they were driven across the Rio Grande into Mexico.⁶

The descriptive term of German disloyalty applied by the authorities, overlooked the German contributions to the Confederacy. From the southern part of Fayette County, Louis Strobel (a German living in Ft. Bend County) raised a company which included many Germans and was assigned to what would become known as Terry's Rangers.

From the High Hill area, a company of Germans enlisted under Ernst Creuzbauer and served as a artillery unit uneventfully along the Mexican border until ordered to the Louisiana-Texas border when the threat of a northern invasion became known in that area. Creuzbauer's men ambushed and captured two Union ships as they sailed from the Gulf through Calcasieu Pass to resupply from Union sympathizers in Louisiana. William Guehrs, who had very recently come to Texas from Germany, was severely wounded several times and was awarded the Confederate Medal of Honor.

Thomas J. Green, from Fayette County, raised several companies of men from Fayette and Washington counties, who followed him to battles in New Mexico, Galveston, and the Red River Campaign in Northern Louisiana, where Green was killed. Waul's Legion organized in Washington County, had several German companies which served honorably.

Another method for escaping the war was the hauling of cotton to Mexico. Fayette and Colorado counties were the staging points for cotton grown in East Texas. While the local teamsters escaped Yankee bullets, a few were killed by Mexican bandit bullets while crossing the Nueces desert to Brownsville. In an attempt to alleviate the destitute condition of the war widows and orphans, the Fayette Commissioners Court purchased thirty two bales of cotton to be sold in Mexico. When the cotton train encountered General Bee who had evacuated Brownsville after the Union capture of the town, Bee confiscated the entire train, Negroes, wagons, and cotton and forced the head teamster to accept payment at a much lower rate and in Confederate money. Another Fayette County ox-train entered Brownsville unaware of the Federal control of the town. They were forced to turn over the cotton to the occupying Union forces.

As the war ground on, daily survival became the focus of the citizens of Central Texas and that is the way it was in Central Texas in the early 1860s.

¹ *A Journey Through Texas*, Olmsted, F. p. 432.

² *German Seed in Texas Soil*, Jordan, Terry. 109. Census listings, Austin and Fayette County 1850.

³ *Austin County Colonial Capital of Texas*, Woodrick, James, 140-141.

⁴ WOR. XXVII p 921.

⁵ WOR XXVIL p887

⁶ *Prince John Magruder*, Casdorff, Paul, 257-258.