

Executive Mansion

Washington, D.C. March 18, 1864

Hon. Secretary of War.

My dear Sir:

I am so pressed in regard to prisoners of war, ^{in our custody} whose homes are within our lines, and who ~~do not~~ wish to ^{not} be exchanged, but ~~wish~~ to take the oath and be discharged, that I hope you will pardon me for reviving the subject. My impression is, ~~first~~, that we will ^{not even} ~~never~~ force the exchange of any of this class; ~~secondly~~, that taking the oath and being discharged, none of them will ^{again} ~~again~~ go to the rebellion; but the rebellion, again coming to them, a considerable percentage of them, ^{probably} ~~though not~~ a majority, ^{would} ~~would~~ rejoin it; thirdly, that by a cautious discrimination, the number so discharged ^{would} ~~would~~ not be large enough to do any considerable mischief in any event, will relieve distress ^{at least} ~~in~~ some prominent cases, ^{would} ~~at least~~, and give me some relief from an intolerable pressure. I shall be glad therefore to have your cheerful assent to the discharge of those whose names I may send, which I will do.

In using the strong hand, as now compelled to do, the government has a difficult duty to perform. At the very best, it will by turns do both too little and too much. It can properly have no motive of revenge, no purpose to punish merely for punishment's sake. While we must, by all available means, prevent the overthrow of the government, we should avoid planting and cultivating too many thorns in the bosom of society. These general remarks apply to several classes of cases, one each of which I wish to say a word

First, the dismissal of officers when neither incompetency, nor intentional wrong, nor real injury to the service, is imputed. In such cases it is both cruel and impolitic, to crush the man, and make him and his friends permanent enemies to the administration if not to the government itself. I think of two instances. One wherein a Surgeon, for the benefit of patients in his charge, needed some lumber, and could only get it by making a false certificate wherein the lumber was denominated "butter & eggs" and he was dismissed for the false certificate.

7
served from the beginning of the war till recently, with two
servants, and without objection, when upon discovery that
the servants were his own sons, he was dismissed.

Another class consists of those who are known
or strongly suspected, to be in sympathy with the
rebellious. An instance of this is the family of South-
ern, who killed a recruiting officer late Captain, in
Maryland. He fled, and his family are driven
from their home, without a shelter or crumb, ex-
cept when got by burdening our friends more than
our enemies. Southern had no justification to kill
the officer; and yet he would not have been
killed if he had proceeded in the temper and
manner agreed upon by yourself and Gov. Brad-
ford. But this is past. What is to be done with the
family? Why can they not occupy their old home,
and excite much less opposition to the government
than the manifestation of their distress is now do-
ing? If the house is really necessary for the public
service; or if it has been regularly confiscated
and the title transferred, the case is different.

Again, the cases of persons, mostly women, wishing

to pass our lives, one way or the other. We have, in some cases, been apparently, if not really, inconsistent upon this subject. That is, we have forced some to go who wished to stay, and forced others to stay, who wished to go. Suppose we allow all females, with ungrown children of either sex, to go South, if they desire, upon all the prohibitions against returning during the war, and allow all to come North upon the same conditions of not returning during the war, and the additional condition of taking the oath.

I wish to mention two special cases. ^{Both of which you will remember.} The first is that of Yocum. He was unquestionably guilty. No one asking for his pardon pretends the contrary. What he did, however, was perfectly lawful, and a short while before, and the change making it unlawful have not even then been free. ^{It is doubtful whether Yocum did not suppose it was really lawful to return or plans to, or loyal army, though it is certain he did the thing exactly as the law accepted in the public opinion.} But the great point with me is that the severe punishment of five years at hard labor in the Penitentiary is not at all necessary to prevent the repetition of the crime by himself or by others. If the offense was one of frequent recidivism, the case would

that his offense would not alone
if known to them.

be different, but the case of Yocum is the
single instance which has come to my knowledge.
I think that for all public purposes, and for
all proper purposes, he has suffered enough.

The case of Smithson is troublesome. His
wife and children are quartered mostly on
our friends, and exciting a great deal of
sympathy, which will soon ^{tell} against us.
What think you of sending him and his
family South, holding the sentence over him
to be re-enforced if he returns during the
war.