



Volume 50, No. 5
May, 2010
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Battle Cry

Founded 1961,
Newsletter of the Sacramento Civil War Round Table
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President's Message:

Professor Thomas Mays treated us to a splendid talk on then notorious Champ Ferguson, little known among Civil War buffs today, who literally represents a facet of that conflict of brother against brother. The troubles between citizens of the border states, in this case Kentucky and Tennessee, fell outside of conventional military activity yet held substantial influence on the war's outcome. Mays' presentation and his book tell the story of those tragic events. Thanks for coming down to visit us, Tom.

Today I had an extremely informative discussion with Bob Hubbs, former president of South Bay Roundtable, who is on the planning committee of the 2010 Annual West Coast Conference in San Francisco. Sponsored by San Francisco's Round Table and Friends of Civil War Alcatraz, it will be held November 12-14 at the War Memorial Building and on Sunday at Alcatraz, Forts Mason and Point, and at the Presidio. Entitled *Blood on the Ramparts* and featuring outstanding speakers James McPherson, Craig Symonds, James Stanbery, John Martini and Rick Hatcher. Early registration prior to 1 October \$179; later \$199. For more detail see our website, sacramentocwrt.com, click on links, then Friends of Civil War Alcatraz, then conferences, and 2010 on top of conference page. Efforts have been made to make this an event to be remembered including adjusting the price for individual days and providing pricing for meals alone for guests who may wish to not attend any or all of the meetings.

May brings our participation in the annual re-enactment at Gibson Ranch at Elverta. Friday, May 14th, we escort schoolchildren in groups who are taught the fine points of soldiering and a bit about civilian and family life. We have enough volunteers for Friday but also maintain a booth Saturday and Sunday and appreciate members who will spend a half day to meet with the public. We are usually near the battle site and frequently see old friends.

Our next speaker is our esteemed colleague Larry Tagg, whose recent bestseller *The Unpopular Mr. Lincoln* is receiving outstanding reviews. Larry has also kindly offered to give a short talk at Gibson on Lincoln. If you heard him before you'll be happy to see he's back; if not, don't miss him this time. His subject is Lincoln's Emancipation Proclamation. Hope you can come early for dinner and/or sharing news and views.

Don Hayden, President

MINUTES
SACRAMENTO CIVIL WAR ROUND TABLE
Wednesday, April 14, 2010
HOF BRAU RESTAURANT, 2500 WATT AVENUE, SACRAMENTO

ATTENDANCE – 35

MEMBERS – 31

Don Hayden, President
Silver Williams, Vice-Pres.
George Foxworth, Treasurer
Kris Amerine
George Beitzel
Joan Beitzel
Roy Bishop
Rose Browne
Bill Donaldson
Lydia Donaldson

Fred Elenbaas
Alan Geiken
Bob Hanley, MAL
Scottie Hayden
Nina Henley
Wayne Henley
Chuck Hubbard
Pam Hubbard
Dennis Kohlmann, PD
Victor Le
Grace Long

Anne Peasley
Rick Peasley
Horst Penning
Nancy Samuelson
Kris Scivoletto
Nicholas Scivoletto
Richard Sickert, MAL
Susan Williams
Maxine Wollen
John Zasso

GUESTS – 4

Lisa Barboza
Bob Davis
Thomas D. Mays
Alex Stehl

1. Meeting called to order at 7:05 PM. by President Don Hayden who welcomed members and guests.
2. President Hayden asked the membership for volunteers to work at the Civil War Schools' Day Program at Gibson Ranch on Friday, May 14, 2010. Thirteen volunteers signed the roster.
3. President Hayden gave the members an update from SCWRT member Fred Bohmfalk on the 2010 West Coast Civil War Conference to be held in San Francisco on November 12 – 14. The Conference will be held at the War Memorial Auditorium on Friday and Saturday with various venues on Sunday. The cost of the Conference will be \$179.00 and "Blood on the Ramparts: Civil War Coastal Defenses" is the topic. The hotel and location are unknown.
4. President Hayden introduced the speaker, Thomas D. Mays, who gave a very even, thoughtful, and well-researched presentation on "Champ Ferguson." While little-known and mostly forgotten, Champ Ferguson was born in Albany, Kentucky and spent most of the War in Sparta, Tennessee after he was driven out of Kentucky. Champ operated mostly independent of the Confederate army and was involved in the guerilla conflict in the Appalachian Highlands. His war was personal, even murdering captured Union prisoners and others, for which Champ was censured by Confederate officials. After the Civil War, he continued his personal war and was finally captured by the Union army, tried, convicted, and executed on October 20, 1865 in Nashville, TN. Champ Ferguson was laid to rest in Albany, KY. Thank you Thomas D. Mays; it was an excellent presentation. Mr. Mays also sold and autographed copies of his 2008 book, "Cumberland Blood: Champ Ferguson's Civil War."
5. The meeting adjourned at 8:30 PM and the raffle began at 8:30 with John Zasso selling tickets and reading the numbers.

George W. Foxworth, Acting for Secretary Edie Keister

Treasurer's Report

The cash balance following the April 14, 2010 meeting was \$3,028.52. Thanks to John Zasso, other members, and guests, the raffle brought in \$63.00.

George W. Foxworth, Treasurer

Coming Programs 2010		
May 12 th	Larry Tagg	Emancipation Proclamation
June 9 th	Sherri Patton	Memphis Riots of 1866
July 14 th	Nancy Samuelson	Reconstruction
Aug. 11 th	Jim Stanbery	The Cracker Line
Sept. 8 th	Tom Lubas	Kansas/Missouri Border Wars
Oct. 13 th	Ray Cosyn	Lincoln's Funeral Train

An open letter to the membership of the Sacramento CWRT from the Battle Cry Editor

As many of you know already, I have been editor for about 10 years. It's been a good run with many fond memories. However, the time has come for me to step down and turn the reins over to someone else. I have decided that this will be my last year as editor. I notified the board of my decision at the last board meeting.

I would like to encourage you to step up and volunteer for a satisfying job as editor with the Round Table. It's actually an easy job which puts you at the center of the action. There's adequate time to learn and I will be willing to work with you to help you learn it. Additionally, there are at least two other members with experience.

It is a job which requires some experience with computers, particularly word processors and the internet but both are easy to learn and there are people to help. We belong to a great organization where volunteering is a way of life.



"Lincoln and Chief Justice Taney" By James F. Simon

This fascinating and fact-filled book is about events in the mid-19th century, but it is also very much about today. Besides the jail cells at Fort McHenry, it suggests those at Guantanamo. James F. Simon is a Professor and Dean Emeritus at the New York Law School. His most recent book, *What Kind of Nation: Thomas Jefferson, John Marshall and the Epic Struggle to Create a United States*, was also about a president and a refractory Chief Justice. This book is subtitled *Slavery, Secession, and the President's War Powers*.

Dean Simon provides lots of interesting and useful biographical material about Taney: brother-in-law of Francis Scott Key, rejected for Associate Justice by a Whig Senate (led by Clay and Webster) in 1835, but confirmed as Chief Justice by a Democratic Senate in 1836. He includes just enough about Lincoln's pre-1860 career, explaining Lincoln's and Douglas' positions on slavery and the territories. Most of the book discusses, lucidly and concisely, the famous cases (Dred Scott) and less famous, but equally important cases (Ableman v. Booth), and the Prize Cases (1863), in which the Administration prevailed, 5-4, thanks to three newly appointed justices. A change of one vote could have had devastating consequences for the Administration's conduct of the war.

Taney was a contradiction. As a young man, "he quietly manumitted most of his slaves and took personal financial responsibility for supporting his older slaves, giving them wallets for small silver pieces that he replenished every month." But, as Jackson's Attorney General in 1831, "In blunt, uncompromising language, the future Chief Justice relegated African-Americans to the status of a permanent underclass in the United States: "The African race in the United States, even when free, are everywhere a degraded class, and exercise no political influence..."

Throughout the book, Dean Simon plants astonishing nuggets of mid-century judicial shenanigans. Dred Scott was represented before the Supreme Court by Montgomery Blair (Lincoln's Postmaster General), and by George Curtis, brother of Justice Benjamin Curtis, who didn't bother to recuse himself. Before the decision was issued, President-elect Buchanan "wrote confidentially to an old Democratic political ally, Justice Catron, to inquire if the Court was going to rule on the statute before the inauguration...Catron told Buchanan that the President-elect's friend, Justice Grier, had taken no position on the issue and urged Buchanan to 'drop Grier a line...' (These letters are in the Buchanan Papers.) Dean Simon then tells us that "Grier then told Buchanan exactly what he wanted to hear: the Pennsylvania Justice had decided to join his five colleagues...declaring the Missouri Compromise unconstitutional..." Buchanan, thus tipped off, said in his Inaugural Address, "To their decision, in common with all good citizens, I shall cheerfully submit." Dean Simon also writes that Taney knew of the Buchanan-Grier exchange (source not cited).

When the Booth cases were argued (U.S. v Booth was the other Booth case) in 1859, "the justices heard only one side of the argument – that of Attorney General

Jeremiah Black...Neither Booth's lawyer or the State of Wisconsin appeared in the courtroom to contest the Federal Government's case. By their prior words and actions, the defendant and the Wisconsin Supreme Court demonstrated that they did not recognize the jurisdiction of the U.S. Supreme Court to render a final judgment on the issues before them." (Can you imagine anything like this today?)

The Booth cases recalled the Nullification Crisis of 1832. In Dean Simon's words, "Impassioned states' rights advocacy, long the political preserve of the South, had been transported to the northern state of Wisconsin." A federal slave commissioner had arrested abolitionist Sherman Booth for assisting in the escape to Canada of a fugitive slave. Booth applied to the Wisconsin Supreme Court for a writ of habeas corpus, claiming the Fugitive Slave Law was unconstitutional. An Associate Justice, "ignoring Circuit Court opinions by justices of the U.S. Supreme Court affirming the constitutionality of the Fugitive Slave Law, asserted a state court's right to nullify the federal statute, which he pronounced unconstitutional. ...the Wisconsin Supreme Court upheld their colleague's nullification decision."

Taney, speaking for a unanimous Court, "resoundingly affirmed federal judicial authority to interpret the nation's laws." Dean Simon writes that "Taney's opinion...was the very antithesis of his Dred Scott ruling. His language was restrained, his tone somber. Where his Dred Scott opinion was filled with tendentious arguments, his Booth opinion was carefully reasoned and securely anchored to the text and history of the Constitution."

The most personal confrontation between Taney and Lincoln, in re Merryman, is described in detail. (Lincoln had suspended habeas corpus in the Baltimore-Philadelphia corridor, and jailed John Merryman for pro-Confederate activities. Merryman then sought a writ of habeas corpus in order to gain his freedom.) Throughout the book, the author is not just a reporter of facts; he weighs in with analysis, support and criticism of the principals. In his discussion of Merryman, he notes that Taney's opinion "proves that the Chief Justice, well into the ninth decade of his life, was still capable of writing a formidable piece of judicial advocacy...Even with Taney's lopsided analysis, there was much to admire in his opinion. It was a clarion call for the president, and the military forces under his command, to respect the civil liberties of American citizens." Foreshadowing his discussion of subsequent executive-judicial struggles, he also notes that "No wartime U.S. president has ever accepted the impotent constitutional role that Taney assigned to Lincoln."

Dean Simon discusses General Ambrose Burnside's impulsive (he never consulted Lincoln) arrest of the notorious Copperhead Clement Vallandigham in 1863, and its political and judicial fallout. He describes Lincoln's famous letter to Erastus Corning ("Must I shoot a simple-minded soldier boy who deserts, while I must not touch a hair of a wily agitator who induces him to desert?") in response to the "Albany Resolves," a Democratic protest against military tribunals, one of which had convicted

Vallandigham. The Supreme Court ruled in February, 1864 (Taney was ill and did not participate) that it "did not have the authority to review the judgments of military commissions either on direct appeal or by petition of writ of habeas corpus." (The *ex parte* Milligan decision of 1866, which condemned military tribunals when civilian courts are functioning, is mentioned, but only briefly, since Taney and Lincoln were dead by then.) Dean Simon asserts that "Lincoln's constitutional position was less defensible" regarding Vallandigham than it was regarding Merryman: "Merryman was arrested for his actions, Vallandigham for his words – an important distinction under the Constitution."

He recalls that "After Taney had condemned the President's actions in his Merryman opinion, Lincoln issued his famous rejoinder that the framers did not intend for the president to sit idly by (with Congress adjourned) and allow the nation to be torn to pieces by rebellion...It is difficult to challenge his pragmatic judgment. This cannot be said for his later, widespread suspension of the writ, giving license to local military commanders to arrest and try U.S. civilians before military tribunals." On the other hand, "Lincoln is the only president who faced a rebellion that threatened the very existence of the United States." Clearly, this has been a continuing controversy throughout our history, going back to the Alien and Sedition laws.

In the epilogue, Dean Simon reviews other wartime presidents, including Wilson and Roosevelt, and dissenters such as Eugene Debs and Fred Korematsu. He quotes Justice Sandra O'Connor's *Hamdi v. Rumsfeld* opinion in 2004: "We have long since made clear that a state of war is not a blank check for the president when it comes to the rights of the nation's citizens." Few have said it better.

U.S. Grant: American Hero, American Myth By Joan Waugh

Joan Waugh, Professor of History at UCLA, has written two books in one. The first 164 pages comprise a good, concise biography of Grant from his birth in 1822 to the end of his presidency in 1877. This foundation is necessary for the remaining 144 pages, an examination of the adulation showered on Grant at the end of his life and after his death. It is difficult for today's public to believe that Grant was once included with Washington and Lincoln as one of our greatest presidents. On August 8, 1885, a million and a half people gathered in New York City to view Grant's funeral procession and burial ceremonies. On the day his monument (Grant's Tomb) was dedicated, April 27, 1897, "One of the most popular souvenirs proved to be cheap copies of an official medal struck for the occasion. One side of the medal showed the newly built tomb, while the other side depicted the familiar profiles of three presidents – Washington, Lincoln, and Grant. The motto below the profiles read: "Father, Savior, Defender." Most Americans of that day would have agreed with Gen. Horace Porter, who "listed the five traits that in his opinion defined Grant: 'Truth, Courage, Modesty, Generosity, and Loyalty.'"

Compare this with intelligent people today, with a superficial knowledge of American history, who think of Grant as a drunken general and a corrupt president.

In her introduction, Professor Waugh writes that Grant is "a case study of the fascinating ways in which historical memory is shaped, and then reshaped, to suit current needs." This case study is the second half of her book, and describes the national death watch during Grant's painful struggle to complete his memoirs; an examination of the memoirs [a huge best-seller, which is considered a classic today]; and the "vigorous debate over Grant's monument and the proper way in which his memory should be honored." Professor Waugh shows how different constituencies reacted to Grant's death in 1885. The north celebrated his leadership of the Union armies. The south praised reconciliation, while expressing loyalty to the growing myth of the Lost Cause. African-Americans (who staged funeral marches in Memphis, Charleston, Atlanta, and cities all across the south) emphasized Grant's strong anti-slavery views and "embraced the emancipation memory." Professor Waugh doesn't mention his valiant, but unsuccessful attempts to enforce the weak civil rights laws of the day, which African-Americans must have appreciated also. (Josiah Bunting, author of an excellent biography of Grant in the American Presidents Series, believes that Grant did more for civil rights than any president between Abraham Lincoln and Lyndon Johnson.)

Professor Waugh notes that Grover Cleveland's election in 1884 "promoted a sectional harmony between North and South that reflected the South's full postwar position in the nation. The year 1885 was the perfect time for U.S. Grant, that symbol of a hard northern victory and a hard northern peace, to die, and to be commemorated by the whole country....Out of a newly forged political and cultural consensus came the first agreed-upon revisionist view of the Civil War. Northern and Southern whites agreed that secession was wrongheaded but honorable...Reconstruction was a failure, and a sordid page in the nation's history, best forgotten....One of the most pointed scenes of political reconciliation came when the newly installed President Cleveland (a Democrat).restored General Grant [a Republican] to the retired list, so that he could get his pension. This commission, passed by the previous Congress, was delivered to the White House by the previous administration's secretary of war, Robert Todd Lincoln. Grant's Tomb was both national in spirit (reconciliationist) and a remembrance of northern sacrifice and victory."

Professor Waugh tells the fascinating story of the site selection, fund-raising, construction, and dedication of the monument. New York City lobbied for the site, and offered to place the monument in Riverside Park, where it is today. A national campaign to raise \$1 million was begun, but the country's anti-New York attitude was, "You think you're a national city? Fine; pay for it yourself." After five years of dithering, Horace Porter, who had been Grant's aide-de-camp for the last year of the war and the President's private secretary from 1869 to 1873, took over, and the job was finished, with most of the money coming from New Yorkers: thousands from wealthy businessmen, and pennies from school children.

In describing the post-mortem tributes that flowed from all over the country, Professor Waugh notes that "within twenty-five years, most of the Union veterans would be dead." General William T. Sherman, "clearly reaching the limits of his capacity to withstand sentimental outpourings toward the South, huffed to his friend, Gen. Grenville Dodge, 'The line of Union and Rebel, of loyalty and treason, should be kept always distinct.' Dodge replied, 'As long as our veterans live it will be; but the tendency of the time is to wipe out history, to forget it, forgive, excuse and soften, and when all the

soldiers pass from this age it will be easy to skip into the idea that one side was as good as the other." And that is exactly what happened."

When citizens looked at Grant's Tomb, they saw a legacy preserved. Moreover, they expected that legacy to be preserved for future generations as well. It was not. Grant's legacy disappeared from popular memory with shocking rapidity. Indeed, the tomb's disrepair in the mid-twentieth century can be seen as a metaphor for Grant's declining reputation in the 1920s and 1930s....While Grant's military reputation languished, Robert E. Lee's popularity rose even higher than it had been during the war....The post-World War I generation feared, rather than celebrated, the endless sacrifices of the Civil War. In their minds, such sacrifice was associated with the seemingly mindless slaughter that had marked the First World War, and, memories fading, they tended to look unkindly on the kind of warfare "Butcher" Grant waged, as contrasted with the "gentlemanly" warfare of Lee. In the 1920s and 1930s the history of Reconstruction was dominated by scholars who mythologized the Confederacy and demonized Reconstruction, a grip not loosened until after World War II." [It should be noted that Lee's Army of Northern Virginia had a much higher casualty rate than any Union Army, Grant's or anyone else's.]

Readers who are familiar with Grant's Civil War activities will still enjoy Professor Waugh's clear, well-sourced biography. All readers, including those who don't know Chickamauga from Chickasaw Bluffs (and don't care!) will be interested in her descriptions of his funeral, her evaluation of his memoirs, and her regrettably too-short discussion of his roller-coaster reputation and the reasons why. Professor Waugh's excellent book leaves me eagerly waiting for Volume Two. I'd like to see her write a more detailed examination of Grant's fall from favor, and his reputation's current rebound. I hope she will write it soon.

I'd like to quote from a speech that Grant delivered in Hamburg, Germany on July 4, 1878, in which he responds to "his host's effusive remark that Grant had 'saved the country' during the American Civil War." To me, this demonstrates Grant's modesty, directness, and wisdom. If our country could be saved or ruined by the efforts of any one man we should not have a country; and we should not be now celebrating our Fourth of July. There are many men who would have done far better than I did under the circumstances in which I found myself during the war. If I had never held command; if I had fallen; if all our generals had fallen, there were ten thousand behind us who would have done our work just as well, who would have followed the contest to the end and never surrendered the Union. Therefore, it is a mistake and a reflection upon the people to attribute to me, or to any number of us who held high commands, the salvation of the Union. We did our work as well as we could, and so did hundreds of thousands of others. We deserve no credit for it, for we should have been unworthy of our country and of the American name if we had not made every sacrifice to save the Union. What saved the Union was the coming forward of the young men of the nation. They came from their homes and fields, as they did in the time of the Revolution, giving everything to the country. To their devotion we owe the salvation of the Union. The humblest soldier who carried a musket is entitled to as much of the credit for the results of the war as those who were in command. So long as our young men are animated by this spirit there will be no fear for the Union.

Reviews by M. Wolf March 2010