

Civil War worthy of our examination, remembrance

Bob Austin | Posted: Monday, June 6, 2011 12:00 am

As an amateur historian and descendent of several participants in the 1861 “War of Rebellion” (so deemed by several Federals), I was greatly pleased to read John S. Futini’s Your Turn article, “Memorial Day’s history dates back to Civil War,” in the Register’s May 30 edition.

Given that it has been 150 years since the initial full military engagement of the “war between the states,” it is fitful and right for all of us to review the American Civil War, which had a sweeping impact upon our country’s very definition of itself. (Although, as William Lloyd Garrison and Horace Greeley had it, the first shot was fired on Nov. 7, 1837, when anti-slavery editor Elijah P. Lovejoy was assassinated by a pro-slavery mob in Alton, Ill., across the Mississippi from the frontier’s biggest slave market in St. Louis, and his press thrown in the Mississippi River.) America was awakening to the fact that all its citizens, as well as “noncitizens” (as Justice Taney would have it in *Sanford vs. Dred Scott*, 1857, inter alia) were being held in bondage by the Byzantine intrigues and bumptious behaviors of the slave-ocracy.

Fort Sumter was the culmination of many pent-up disputes vested in imbalances of appeasement to the slave states, which Lincoln acknowledged, following the failed Crittenden Compromise Conference (late 1860–mid-1861 endeavors to avoid secession), “had been going on for more than 30 years.” Lincoln, whose name did not even appear upon 10 of the southern states’ ballots, was being gratuitous. The appeasement of the slave-ocracy began shortly after 1619, when the first 20 black “indentured servants” were purchased by some Virginia colonists. Under English law, indentured servants could earn their freedom by working off their bondage or by becoming converted to Christianity. It wasn’t long before the latter conditions changed. (Let us not forget that the Massachusetts Bay Colony legalized slavery in 1641, but as of the election of November 1860, all of the northern states were free states.) As Boredewich has encapsulated the events of the Civil War, “Make no mistake, the war was about slavery. It was not about legalistic arguments. It was not about economics. It was not about tariffs. It was fundamentally about slavery” (Smithsonian, April 2011).

Professor Futini’s article serves to give the reader a few mis-impressions that are deserving of elaboration. When Lincoln suspended habeas corpus on April 27, 1861 (Congress not in session), it was in response to more than a “riotous Baltimore crowd” of civilians impeding the travel of Union troops. Many of those amongst the Baltimore rioters were pro-Confederate, State of Maryland Militia, who had been given a treasonous, bushwhacking bent by one Lieutenant Merryman, who had also recruited and trained soldiers for the Confederate army. (Both the governor of Maryland and mayor of Baltimore requested that Lincoln not send further troops through that state.) Following the Baltimore riots, Merryman was also involved in cutting telegraph wires and burning bridges; he was arrested by General Cadwalader on May 25, and charged with treason. Merryman’s case was heard by Chief Justice Taney, acting as circuit court judge, who issued a writ of habeas corpus, finding that Merryman should be tried in a civilian court and that the president had no authority under the constitution to so suspend. Lincoln, in the tradition of Jackson, ignored the finding, relying upon his authority under the constitution’s war powers provisions.

Even when Congress assembled to support Lincoln’s writ (which had covered not just Maryland, but portions of Indiana and other Midwestern states that were becoming Balkanized with subversion — rebellion, riots, militia actions), Taney continued to cross swords with the administration for the duration of the war. It was rumored that Secretary Seward carried a warrant for his arrest in his coat pocket, to use at his discretion. As for Maryland becoming a “pro-union state,” remember where the Booth and other Confederate (the word stemming from the defunct “Articles of Confederation”) plots were hatched.

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