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.Meets @ Civic Center Library
.3839 N Drinkwater Blvd Scottsdale
.on the 3rd Tuesday of the month
6:45 PM—8:45 PM

.September thru May
.\$25 Annual Dues (Due every Sept)
.\$35 Annual Dues for Mr & Mrs.
.Everyone Welcome



JACK THOMSON

-presents-

Photographs of Charleston, S.C. During the Civil War

March 18, 2008

6:45 PM

Civic Center Library

Author of *Charleston At War*, Jack Thomson is a local historical consultant whose expertise has benefited many restoration projects and is an authority on the subject of the Civil War. A re-enactor since the 1960's, Jack's ability to live in the past times has rewarded him with several movie roles. Re-enacting has given him the capability of vividly narrating in first person so that you actually feel as if you have stepped back in time to experience Charleston, S. C. during the Civil War.

DID YOU KNOW?

.Surprised while preparing supper by a Union attack during The Battle of Spotsylvania on the night of May 9th, 1864, the men of the 3rd Arkansas nevertheless rallied rapidly and went into action behind their commanding officer, Colonel Robert S. Taylor, who led their counterattack wielding a frying pan.

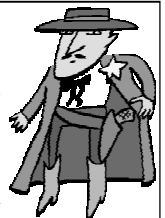
.Business opportunities in California were so good during the Gold Rush that in one leave of two months, First Lieutenant William T. Sherman managed to turn a \$6,000 profit in land transactions.

.At the end of the Civil War the U.S. had on hand so many knapsacks, canteens, haversacks and other miscellaneous items that they were offered free to any soldier who wanted to take them home.



FROM WES' DEN...

The "Trent Affair" in February drew 114 people. This little known but momentous event was well presented by one of our own, Howard Strouse, and was well received. Once more, I am begging for help concerning: 1) bring the books/magazines to each meeting and take them home. In Feb. this brought in over \$50. Just do this 8 times per year. 2) show a VCR (we have plenty) before each meeting, 6:15 to 6:45. The screen & projector are ready to go 3) tape record the speakers presentation 4) contact newspapers with meeting announcements. PLEASE VOLUNTEER Looking for something special? Go to Picacho Peak State Park on 3/8 or 3/9. See battle re-enactments and the camp sites and equipment of the 1860's. For information call 520-466-3183. The schedule is printed at www.azstateparks.com. Please wear your name badge. 2008 is the 200th anniversary of Jeff Davis' birth. You will hear mention of that from time to time. However, 2009 will be really active as every state celebrates Lincoln's 200th. Stamps and coins and lots of souvenirs!



I remain your most obedient servant..... *Wes Schmidt*

This Mighty Scourge: Perspectives on the Civil War

by James M. McPherson.

Published by Oxford University Press.

Notes, index. 2007. 260 pp. \$28.00

Reviewed by

Don Swanson, SCWRT Member

Reviewing a book written by the man many consider the pre-eminent Civil War historian of our time and the 1989 Pulitzer Prize for *Battle Cry of Freedom* can be a daunting task. The question “what if I don’t think much of it?” immediately comes to mind – especially when I remember that Pulitzer Prize winning book tough going at times. Who am I to tell *Grapeshot* readers that their time might be better spent between the covers of any one of the thousands of other Civil War books by less proclaimed authors? On the other hand, why not read the book and just pick another one to review if I don’t like it? Feeling this solution is the coward’s way out of this minor dilemma, and I like to think I would have made that charge on Little Round Top with others in the 20th Maine, I decide to forge ahead.

Of the 16 essays by Dr. McPherson that make up the book, only three are published here for the first time, although the rest have been revised and updated. The essays are divided into five unequal sections including “Slavery and the Coming of the War” in which he first discusses how slavery was, in fact, **the** underlying reason for the war and not the post-war (and more honorable) argument of right of secession. He then goes on to discuss the importance of the accomplishments of the “legendary Moses of her people” Harriet Tubman and the evolving characterization of John Brown – by some definitions a terrorist. “The Lost Cause Revisited”, the longest section with 6 essays, includes discussions of the Confederate strategies during the war, why Antietam prevented the foreign recognition that the Confederacy craved, Lee’s achieved objectives in the invasion of Pennsylvania, and a look at T.J. Stiles’ biography of the rebel (and certainly no Robin Hood) Jesse James who fought with the psychopathic killers William Quantrill and “Bloody Bill” Anderson. In “Architects of Victory” McPherson analyzes the relationship between Grant and Sherman, Sherman’s

march to the sea (“where he burned far fewer houses in reality than in Southern memory”), and Lincoln’s faith in Grant that led to success at Vicksburg. The final two sections cover the author’s perspectives on the Home Front and Lincoln. How Lincoln put his statement “as commander-in-chief I have a right to take any measure which may best subdue the enemy” into political and legal reality is the topic of the final essay and prompts one to compare it to this country’s present wartime situation.

This Mighty Scourge is not the book for readers looking for exciting battle accounts or perceptive tactical analysis. This book is for the reader wanting a master historian’s perspective on some of the greatest issues of the Civil War as well as some fascinating ones that receive far less attention. The essay collections of Gary Gallagher, Stephen Sears, Terry Winschel and Robert K. Krick over the past few years have done what good history writing should – make the reader want more insightful analysis of important Civil War issues. This exceptional book supplies such analysis and more.

I think I’ll go back to those tedious parts of *Battle Cry of Freedom* – it must have been me...

Please step forward and volunteer for the Round Table. Help is needed in several areas and we don’t want to draft you! Please volunteer....the soldiers did!

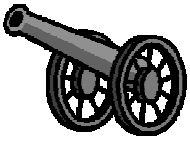


UPCOMING ROUND TABLES

Mar 18th...Jack Thomson...*Photographs Of Charleston, S.C. During The Civil War*

Apr 15th...Michael Kauffman...*The American Brutus*

May 20th...Frank O’Reilly...*Lee: Marching Out Of Step - From Lexington To Greatness*



THE CIVIL WAR LIBRARY

by Paul J. Buser,
Scottsdale Attorney &
SCWRT Member

The Author of the “Dred Scott” Decision – Chief Justice Roger B Taney

Roger Brooke Taney (pronounced “Tawney” as in tawny Port wine) served as Chief Justice of the United States Court from March 28, 1836 to October 12, 1864.

During those three decades, to many everyday citizens and to many politicians, both North and South, Taney was considered to be a fine vintage lawyer, experienced, intelligent, and thoughtful. During that time period his judicial rulings from the nation’s highest court addressed constitutional questions of the highest magnitude and order.

Taney’s reputation as a legal scholar first caught the attention of President Andrew Jackson, who nominated Taney to serve three different roles in the Jackson presidential administration: as his Attorney General, the country’s “top lawyer” (1831-1833), his Secretary of the Treasury (1833-1834), and as Chief Justice of the United States Supreme Court.

Since his service in judicial office over 150 years ago, some judicial observers have described Taney as a first rate constitutional specialist. Then and now those apologists have pointed to his leading opinions which still bear reading, reviewing and applying to current day issues of the nation; for example, presidential unilateral suspension of *habeas corpus* and the limits of the exercise of presidential war powers.

Taney was a creature of his own times. He was a slaveholder at the same time that he sat on the bench of the Supreme Court to decide cases about slavery. Consequently, notwithstanding his deserved reputation as a legal scholar, other court observers saw and still see twisted moral logic in Taney’s judicial opinions approving slavery.

Though during his tenure the constitutionality of slavery came before his Supreme Court on several occasions – in cases where other slave owners sought to maintain their legal property rights against runaway slaves – and though Taney, too, had purchased his own slaves to become his legal “property” rights, Taney would not recuse himself as a jurist in important slavery cases.

In today’s world, a judge’s professional ethics code – imposed by the judiciary itself – would prevent that same judge from deciding property cases where a decision against his or her own interest would cause the judge to lose that property.

In Taney’s world, he saw no moral or ethical compulsion to step down from the bench when the constitutionality of slavery was challenged before him. So, perhaps this second view of Taney, his legal scholarship came secondary to his twisted moral logic to justify the constitutionality of slavery, is well deserved.

With this introduction to the contradicting judicial characteristics of Taney, there is absolutely no question that few Chief Justices of the United States Supreme Court were challenged so much concerning the direction of our new nation as was Chief Justice Taney.

Even with the signing of the 1776 Declaration of Independence and the enactment of the United States Constitution in 1787, the moral and legal issue of slaveholding by a free people was never satisfactorily resolved at the conclusion of the American Revolution.

It was thus left to Taney, who became Chief Justice exactly 60 years after the signing of the Declaration of Independence, to face this most difficult of jurisprudence problems in a land where slavery had been in existence for over two hundred years.

The first major slavery case before Taney occurred in 1841, five years after he was appointed Chief Justice. It was called *The Amistad*, the name of a slave ship (and a few years ago, a popular U.S. movie by the same name). The *Amistad* was carrying 50 black Africans who by a Spanish slave trader were illegally taken from their homes in Africa and then were sailed to Havana, Cuba for sale.

Before the sale could occur, the slaves mutinied and were able to take over the ship and its steerage. They sailed north from Cuba to the coast of Connecticut, where they were intercepted by the U.S. Navy. The legal issue, when the ship was captured, was whether these formerly free Africans should be returned to the slave owner, who for himself would keep them in bondage or would sell them as forever slaves to the highest bidder.

The Supreme Court’s opinion was written by Justice Joseph Story, who said the blacks on *The Amistad* had been kidnapped in Africa and were claimed as slaves in violation of both Spanish and International Law.

Story said **“U.S. treaties with Spain provided only that slaves legally held (but escaped) should be returned to Spain.”** In this instance, he opined, **“the United States was forbidden from making a treaty with Spain or any other nation that deprived free blacks of their liberty.”** Chief Justice Taney joined this majority opinion, but he did not write his own concurring opinion.



1842, in *Prigg v. Pennsylvania*, the slavery issue came from land rather than the seascape of *The Amistad* decision. The issue was the constitutional right of United States slave holders to recover their runaway slaves in non-slave states. In this case, the slavery approving state of residence of the runaway slave was Maryland and the non-slaveholding state, to which Margaret Morgan ran, was Pennsylvania.

Again, Justice Story was the opinion writer for the majority and Chief Justice Taney concurred in the majority opinion:

“Pennsylvania law imposing detailed legal procedures on a slave owner before he could recover his runaway slaves was an unconstitutional impediment to the enforcement of the federal Fugitive Slave Law. . . . The state law was unconstitutional because its provisions interfered with the mandate of the federal statute that imposed a legal obligation to recover fugitive slaves.”

Though he supported the majority opinion, Taney also wrote his own special concurring opinion, which went one step further:

“Taney’s concurrence was devoted to the need for state laws to protect the property rights of slave owners. He challenged Story’s view that southern states were forbidden from passing their own laws that actually assisted in the recovery of runaway slaves. Nowhere did he consider the argument of abolitionists that it was morally wrong for one human being to own another. That argument, in Taney’s constitutional universe, was irrelevant.”

Nine years later, in 1851, the Supreme Court again faced the slavery issue. In *Strader v. Graham* three Kentucky slaves – who were encouraged by their owner/master to develop their musical skills by traveling performances in other states – went to Ohio, a non-slaveholding state, where they wished to stay. As a result, should they be legally freed under Ohio and Northwest Ordinance laws, which prohibited slavery, or do they remain slaves under Kentucky law?

In a unanimous opinion for the High Court, Chief Justice Taney wrote:

“The United States Constitution gave appropriate legal authority for the status of the slaves [who] resided in the individual states. The musicians remained slaves since they had voluntarily returned to Kentucky after their Ohio performance and were still governed by the slave laws of Kentucky.

“Taney’s opinion was consistent with his entire record as Chief Justice and, before that, as President Jackson’s

Attorney General. He had never wavered in his conviction that the framers had guaranteed the southern states the right to maintain the institution of slavery.”

Next month’s column will be devoted to Taney’s 1856 *Dred Scott* ruling, which helped cast the country into a War Between the States, and subsequent decisions that opposed President Lincoln’s war powers.

(The bold type quotations in this article are excerpted from James F. Simon, Lincoln and Chief Justice Taney – Slavery, Secession, and the President’s War Powers, ppgs 39-41, 92-93 (Simon and Schuster 2006), which is highly recommended reading regarding the legal and political debates of slavery leading up to and presenting themselves during the Civil War.)

Roger Brooke Taney

**12th United States Attorney
General**

In office

July 20, 1831 –

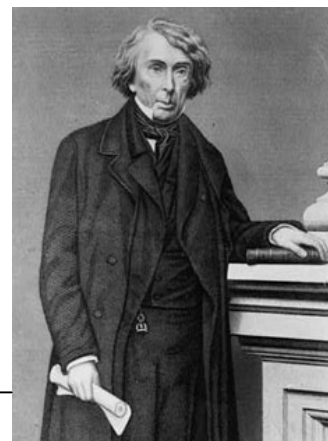
November 14, 1833

Preceded by:

John M. Berrien

Succeeded by:

Benjamin Franklin Butler



**12th United States Secretary
of the Treasury**

In office

September 23, 1833 – June 25, 1834

Preceded by: William John Duane

Succeeded by: Levi Woodbury

5th Chief Justice of the United States

In office

March 28, 1836 – October 12, 1864

Nominated by: President Andrew Jackson

Preceded by: John Marshall

Succeeded by: Salmon P. Chase

Born

March 17, 1777

Calvert County, MD, U.S.

Died

October 12, 1864 (age 87)

Washington, D.C., U.S.

Political Party:

Federalist, Democrat

Spouse:

Anne Arnold Phoebe Charlton
Key Taney

Alma Mater:

Dickinson College

Profession:

Politician, Lawyer, Judge