

THE CHARGER

January 2014

502nd Meeting

Vol. 35, #5

Tonight's Program:

**The Dick Crews Annual Debate
What Was the Most Important
Battle of the Civil War?**

Like the phoenix, the age old question rises from the ashes. Put any number of Civil War students in a room and this debate is inevitable. There are many worthy candidates. Over the years, many authors have suggested their own answers. Many of the names you have heard, some are not so well known. Antietam, Gettysburg, and Vicksburg are often named. Chickamauga and Atlanta are mentioned fewer times. Even Champion Hill has its champion (yes, the pun is intended).

Tonight we hear from five of our own, who will debate the question and convince us which is most important. Come one, come all, and add your voice. Help us decide What Was the Most Important Battle of the Civil War?

Tonight's Debaters:

Steve Pettyjohn - Vicksburg

Jean Rhodes - Atlanta

Doug Ely - Antietam

Pat Bray - Chattanooga

John Fazio - Spotsylvania

Moderator: William F. B. Vodrey

Date: **Wednesday, January 8, 2014**

Place: **Judson Manor
1890 E. 107th Street
Cleveland, Ohio**

Time: **Drinks 6 pm
Dinner 6:45 pm**

Reservations: **Please send an email to ccwrt1956@yahoo.com with your reservation, or call Dan Zeiser at (440) 449-9311 by 9 pm the Sunday before the meeting.**

Meal: **Entree, vegetable, salad, and dessert.**

**CLEVELAND
CIVIL WAR ROUNDTABLE
FOUNDED 1957**

President: **Jim Heflich** (216) 381-8833
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2000 **Bob Boyda**
1999 **Dick Crews**
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1976 **Milton Holmes**
1975 **Thomas Gretter**
1974 **Nolan Heidelbaugh**
1973 **Arthur Jordan**
1972 **Bernard Drews**
1971 **Kenneth Callahan**
1970 **Frank Schuhle**
1969 **Donald Heckaman**
1968 **Frank Moran**
1967 **William Schlesinger**
1966 **Donald Hamill**
1965 **Lester Swift**
1964 **Guy DiCarlo Jr.**
1963 **Paul Guenther**
1962 **Edward Downer**
1961 **Charles Clarke**
1960 **Howard Preston**
1959 **John Cullen Jr.**
1958 **George Farr Jr.**
1957 **Kenneth Grant**

President's Message

At the end of each program year the Roundtable typically makes one or more donations in the broad realm of Civil War preservation - whether battlefields, artifacts, education or some other well-deserving cause. By March we should know the year-end state of our treasury, and can plan ahead for these donations.

I would like members to start thinking of worthy donees now - so the Executive Committee can review them all by April, and the membership vote on them at our final May meeting. Knowing our members read and travel widely in the Civil War landscape, please send me your suggestions - my email address is below - and I will pass on the suggestions for review.

January's meeting is the Annual Dick Crews Debate - always a very lively affair. William Vodrey has a stellar lineup of debaters lined up to convince us all of the Civil War's most critical battle. Don't miss this fun-filled event - and best wishes to all for a very Happy New Year!

Respectfully,

Jim Heflich
laureldoc@gmail.com

CLEVELAND CIVIL WAR ROUNDTABLE

2013-2014 SCHEDULE

September 11, 2013



*A Species of Legal Fiction:
The Wheeling
Conventions and the
Creation of West Virginia*

**Dr. David T.
Javersak**

January 8, 2014

***The Dick Crews Annual Debate
What Was the Most Important Battle
of the Civil War?***

Moderator: William F. B. Vodrey

February 12, 2014

***The U.S. Navy
and the
Naval Battles of
Charleston 1863***

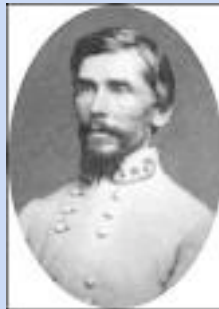
Syd Overall



October 9, 2013

***Slaves to Contradictions:
Patrick Cleburne's
Emancipation
Proposal***

Wilson R. Huhn



March 12, 2014

***The Battle of
Kennesaw
Mountain***

Dan Vermilya



November 13, 2013

***Zouaves:
America's Forgotten
Soldiers***
Patrick Schroeder



April 9, 2014

***Materials and
Processes in the
Manufacture of Civil
War Small Arms***

John Harkness



December 11, 2013

***"It was a terribly grand
scene..."
The Slaughter Pen and
Prospect Hill
at Fredericksburg***

Kristopher White



May 14, 2014

***Soldiers and the Homefront:
A Northern Community
Confronts the Civil War***

Nicole Etcheson



Civil War Bookshelf: *Justice in Blue and Gray* by Stephen C. Neff

By William F.B. Vodrey
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Every now and then I get into arguments with people about the law of war.

“There’s no such thing as the law of war,” they say (or words to that effect). “War is hell. Anything goes. The only thing that matters is winning.”

“Oh, really?” I reply. “So you’d have no problem with, say, an officer ordering his men to kill all the unarmed civilians in a foreign town they occupy after it surrenders? Or, as a matter of policy, to always shoot prisoners after they surrender? Or work them to death in a concentration camp? Or torture or rape them? That’d all be fine, right, because there’s no law of war?”

“Uh...no,” they reply.

Clearly there is a law of war – but just how widely observed it is, and just how effective it actually is, varies from war to war. In *Justice in Blue and Gray* (Harvard University Press 2010), Scottish legal scholar Stephen C. Neff explores the law of war as it existed and was honored, or more than occasionally breached, during the American Civil War.

Both the United States, as a republic under the rule of law, and the Confederate States, as a group of states attempting to secede from that republic and win independence in its own right, intended from the outset to wage war within the bounds of the law as it was then understood. Both wanted to maintain domestic support and win international backing, and being perceived as lawless or ruthlessly unprincipled would not be helpful in achieving those goals.

The most influential source on the law of war in 1861 was the Swiss writer Emmerich de Vattel. His 1758 book *The Law of Nations* was a key early statement of the law of war (including civil war) and international relations. Henry W. Halleck (yes, that Henry W. Halleck) wrote the treatise *International Law* in 1861, further refining and updating Vattel’s arguments. The Lieber Code, written at Halleck’s request by expatriate Prussian lawyer Francis Lieber, guided U.S. military legal policy during the Civil War, and it, in turn, had a major impact on the development of the Hague Rules, which to this day provide the framework for the international law of war.

Neff writes, “It is... interesting, and ironic, that neither side in the great struggle of 1861-1865 regarded the contest as a civil war. The North regarded it as a law-enforcement enterprise, as the subduing of a rebellion (albeit on a large material scale), rather than as a war. The South regarded it as a war, but not a civil war, since it saw itself as an independent nation...” The Provisional Confederate Congress actually passed a declaration of war on May 6, 1861, but the U.S. Congress never did.

On the legal front, at least, the U.S. had a somewhat schizophrenic approach to the war. President Abraham Lincoln, a skilled lawyer but with no previous experience in the law of war, would use his country’s belligerent rights, those arising under the international law of war, as he saw fit when



Francis Lieber

it was in the national interest to do so, but would also use its sovereign rights, those arising under the Constitution and the peacetime law of the land, when those best fit the situation. Neff writes, “On the field of battle, [the United States] acted as a belligerent. Off that field, however, it acted as a sovereign... and courts generally supported this stance.”

Neff is very thorough. He explores the prewar legal nature of the United States (was it, as George Washington wrote, “an indissoluble Union of the states... [bound] by a chain which never can be broken,” or, as secessionists argued, a compact which could be dissolved by any state which so desired?); the exercise of emergency powers; guerilla warfare, espionage and the targeting of civilian populations; the occupation of enemy territory, terrorism, reprisals, and the confiscation of private property, either to support one’s own military efforts or to punish foes; slavery and emancipation; and civil liberties, treason, martial law, habeas corpus, prisoners of war and military tribunals. The author notes that Andersonville commandant Henry Wirz was not, as is commonly thought, the only person tried for war crimes during the rebellion; Confederate guerilla Champ Ferguson (convicted and executed) and Brig. Gen. Hugh W. Mercer (tried and acquitted) also were. There’s a lot on Neff’s plate, including the many legal issues surrounding the Lincoln assassination conspiracy, but he handles it all clearly and concisely.

The author knows his stuff, and sprinkles interesting factoids throughout: The Empire of Brazil and the Kingdom of Hawaii both declared their neutrality during the Civil War. Robert E. Lee did not approve of Confederate partisan activity, which he said “gives license to many deserters and marauders [who] commit depredations on friend and foe alike.” Congress wrestled with whether or how to seat those elected from occupied, pro-Union areas of Southern states; two Congressmen from Virginia were refused their seats in the U.S. House of Representatives when it was learned that they had won with just 25 and 10 votes, respectively. Thomas “Stonewall” Jackson (at Harper’s Ferry, Va.) and Flag Officer David G. Farragut (at Donaldsville, La.) both ordered the widespread destruction of enemy property before Sherman ever did. In 1867, a man argued that he could not be tried for bigamy since his second wartime wedding had been under the pro-Confederate state government’s laws; the Supreme Court of Virginia said, in essence, “Nice try.”

The Civil War cast a long shadow over American law for many years to come. Claims for compensation for captured or abandoned property were presented decades after the guns fell silent, with the U.S. Supreme Court dealing with one such case as late as 1921. Pensions were paid to soldiers and their next of kin through 1958. And you may be surprised, as I was, to learn how many of the war’s legal questions are still not entirely answered; Neff notes how many of them gained new salience with the terrorist attacks of September 11, 2001 and the beginning of the War on Terror.

In the end, the verdict of the Civil War battlefield was more important than the pronouncement of any lawyer, magistrate or judge, and history has since largely vindicated what Neff calls the Lincoln Administration’s “legally adventurous” approach to the conflict. Despite too many typos and a handful of minor factual errors, *Justice in Blue and Gray* is an interesting and in-depth exploration of the war’s legal issues, and I recommend it.

Book Review: *The Spymistress*

by Dennis Keating

© 2013

Prolific writer Jennifer Chiaverini has been best known for her Elm Creek Quilts series. It includes two Civil War related books: *The Union Quilters* and *The Runaway Quilt*. Her Civil War novel (*Mrs. Lincoln's Dressmaker*) about Elizabeth Keckley, a former slave dressmaker in Washington City who became close to Mary Todd Lincoln (and President Lincoln), focused on the relationship of these two women.

The Spymistress (October 2013, Dutton Adult) is her twenty-second novel. It focuses on the amazing life of another woman – Elizabeth Van Lew. A Virginian born into a wealthy Richmond family opposed to slavery, she was educated at a Quaker school in Philadelphia. After the death of her father in 1843, the family privately freed their nine slaves. Living with her widowed mother in a prestigious Richmond neighborhood, both were pro-Union and disheartened by Virginia's secession in 1861. While Elizabeth's brother, John, was also pro-Union, he was married to an ardent pro-Confederate.

The novel follows Elizabeth and other pro-Union Richmonders who joined her in helping the Union, including the formation of a spy ring. Overcoming the opposition of Lt. David Todd, the jailor of the Libby Prison (and Mary Todd Lincoln's half-brother), Elizabeth carried food, medicine, and other materials to the imprisoned Union officers held in this former tobacco warehouse. She cultivated Gen. John Winder, in charge of the Richmond P.O.W. camps, on the grounds of providing Christian charity to Union captives whose conditions were horrific (despite Confederate disclaimers of abuse). This gained her an unfavorable reputation among her neighbors, which she tried to allay by showing a similar concern for wounded Confederate soldiers.

After gaining access to the jailed prisoners (often by either offering food or bribes to their guards), she began to smuggle information out of Libby Prison. This led to the formation of an underground spy ring to provide the Union army with important information about Confederate war policy and troop alignments. Van Lew scored her greatest success by planting Mary Bowser, a former servant, in the Confederate White House as a member of President Jefferson Davis's household staff. Gen. Ben Butler and later Gen. Ulysses Grant would praise Van Lew and her fellow pro-Union supporters as their best source of information from the Confederate capital.

This was a dangerous game, with an early Union spy whose identity was revealed by captured Pinkerton agents hung. Chiaverini provides a spy mystery account of Van Lew's adventures, including incidents threatening to uncover her pro-Union activities and the jailing of some members of her spy ring. This included her being denounced to the Confederate authorities by her estranged sister-in-law, whose husband, upon being forced into the Confederate forces defending Richmond against Grant's Overland campaign in 1864, deserted. Nevertheless, Van Lew persisted and not only gathered information, but helped Union prisoners to escape. However, she lost her access to Gen. Winder, who was reassigned to oversee the Confederate prison in Andersonville (and then died in early 1865).

The novel details some of the most dramatic events that occurred in wartime Richmond. These episodes include the explosion in March 1863 at the gunpowder factory that killed many of the women working there, the women's bread riot in April, 1863, the Libby Prison breakout of 109 Yankee officers on February 9, 1864 (with over half making it to the Union lines), the thwarted cavalry raid of March 1-2, 1864 that led to Ulric Dahlgren's death, and finally the fall of Richmond in April 1865, its burning, and the arrival of Abraham Lincoln. Perhaps the most intriguing is the successful effort of Van Lew and friends to recover the desecrated body of Dahlgren and its delivery to the Union army.

With the retreat of Robert E. Lee's Army of Northern Virginia and the flight of Jefferson Davis and the Confederate government, the Van Lews were the first to fly the Union flag in the former capital of the defeated Confederacy. Elizabeth then received the thanks of the Union for her underground work. Ostracized by hostile residents, the Van Lews fell on hard times with most of their previous wealth spent during the Civil War to aid their beloved Union. After his election in 1868, President Grant appointed Elizabeth Van Lew postmistress of Richmond. Despite her admirable record in this position, she was not reappointed by his successor, Rutherford B. Hayes, in 1877. Increasingly impoverished, she survived until her death in 1900 on an annuity provided by the family (none other than the Reveres) of a Massachusetts soldier she had helped while a prisoner in Libby Prison.

Chiaverini's novel mostly follows historical events. As she explains in an author's note, she rejected the image of "Crazy Bet" promulgated by some who have written about Van Lew, claiming that she acted as an eccentric to divert suspicion about her pro-Union activities. Chiaverini ends the book with the inscription on her headstone (provided by Boston admirers) in Shockoe Cemetery and her 1993 induction into the Military Intelligence Hall of Fame of the U.S. Army.

Her next Civil War novel, again featuring fascinating women, is about Mary Todd Lincoln and Kate Chase Sprague: *Mrs. Lincoln's Rival*. It will be published January 14, 2014 and Chiaverini will speak about it January 17 in Columbus at The Book Loft.

Additional Readings:

Blakely, Arch Fredric. *General John Winder*. C.S.A. University Press of Florida, 1990.

Ferguson, Ernest B. *Ashes of Glory: Richmond at War*. Knopf, 1996.

Leveen, Lois. *The Secrets of Mary Bowser*. William Morrow, 2012.

Lineberry, Cate. "Elizabeth Van Lew: An Unlikely Union Spy" *Smithsonian Magazine*

(May 5, 2011): <http://www.smithsonianmag.com/history-archeology/Elizabeth-Van-Lew-An-Unlikely-Union-Spy>

Varon, Elizabeth R. *Southern Lady, Yankee Spy: The True Story of Elizabeth Van Lew, a Union Agent in the Heart of the Confederacy*. Oxford University Press, 2005.

Wheelan, Joseph. *Libby Prison Breakout: The Daring Escape from the Notorious Civil War Prison*. Public Affairs, 2011.



Libby
Prison

NEXT MONTH

**THE U.S. NAVY AND THE NAVAL BATTLES
OF CHARLESTON 1863**

SYD OVERALL



For more information about the battles chosen by our debaters, check out the links below:

Vicksburg

<http://www.civilwar.org/battlefields/vicksburg.html>

www.civilwar.org/battlefields/vicksburg/maps/vicksburg-animated-map.html

www.historynet.com/battle-of-vicksburg

Atlanta

www.historynet.com/battle-of-atlanta

www.militaryhistory.about.com/od/civilwarinthwest/p/battle-of-atlanta.htm

www.aboutnorthgeorgia.com/ang/Battle_of_Atlanta

Antietam

www.civilwar.org/battlefields/antietam.html

www.civilwar.org/battlefields/antietam/maps/antietam-animated-map.html

www.history.com/topics/battle-of-antietam

www.nps.gov/anti/

Chattanooga

www.civilwar.org/battlefields/chattanooga.html

www.history.com/topics/battle-of-chattanooga

www.nps.gov/chch/index.htm

www.battlesforchattanooga.com

Spotsylvania

www.civilwar.org/battlefields/spotsylvania-court-house.html

www.nps.gov/frsp/spot.htm

www.civilwarhome.com/spotsylvaniacourthouse.htm