

**Notes on
The War That Forged a Nation
Why the CW Still Matters
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1 Why the CW Still Matters

The past is not dead; it is not even past Quote by William Faulkner, a southern novelist.

When America was first founded many Europeans and even Americans doubted it could last. Two of the issues were

1. Could America with all those different states and different ideas survive together? The CW answered that one: YES. Note that we still have that issue, though its more Rural vs Urban than state vs state. And there are even still some (crackpot) secessionist movements. But even Deep Red Texas voted 55-45 for Trump so its not that overwhelming.

There was even an important linguistic change. Pre-CW, *United States* means that we are a bunch of states that are united. Post-CW we were *THE Unites States*.

- (a) Lincoln's 1861 inaugural address he used the word *Union* 32 times and *Nation* 3 times.
- (b) In Lincoln's 1862 Horace Greeley (a newspaper editor) complained that Lincoln was not moving fast enough. Horace wanted slavery to be illegal. Lincoln's response was about preserving the union which he said he would do even if the slaves were not freed. He used the word *Union* 8 times and *nation* 0 times. The Emancipation. Proc. was already written at the time.
- (c) In Lincoln's 1863 Gettysburg address he used the word *Union* 0 times and *Nation* 5 times.

Before the CW the only NATIONAL agency was the Post Office (perhaps the Military as well). After the CW much more was. 11 of the first 12 amendments LIMIT the federal Gov. Most of the next 15 EXPAND the power of the Federal Government.

Misc: Before the CW Many presidents had been Southern slaveholders. After the CW the next southern prez was Lyndon Johnson. Before the CW 20 of the 35 Supreme court justices were from the south, and they always had a majority. After the CW only 5 of the 26 were. There are other examples.

2. Can America endure half-slave half-free. NO. The CW freed the slaves. But the country still had an immense Racial Divide. The Civil War took on more interest in the Civil Rights Movement of the 1960's which is said to have (tried to) finish what the Civil War started.

Upshot The CW settled (to some extent) these two important issues.

Economic Systems The North was Free-Labor Capitalism (workers could freely change jobs) while the South was Slavery. Ind of morality, Free-Labor Cap is a better system economically though (a) this was not clear at the time, and (b) even if people knew it, the sociology of the south and mindset might have kept slavery even after it was that profitable. The explosive growth of Cap after the CW was a mixed blessing- labor exploitation. But the south was impoverished because of the loss of slaves without compensation.

Causes of the CW It wasn't just that the South wanted to keep slavery. They wanted to EXPAND it to the new states coming in. There had been various compromises (Kansas-Nebraska act: all states above that line come in free, below that line come in slave) but the South wanted MORE- wanted to BREAK that agreement. OR take over Mexico and Cuba and carve them up into slave states.

Liberty Both sides claim to fight for it. This battle still goes on as States Rights vs Federalism. The Fugitive Slave Act makes the Souths claim to be for States Rights crap. Jefferson Davis had, before the CW, proposed a solution by making ALL states slave states. Again, NOT a states right person. But on other issues, NOW there is a reasonable debate about States Rights.

2 Mexico, California, and the Coming of the CW

History I did not know

1. Mexico won its ind from Spain in 1821. (Read elsewhere: This was done by War, but not the usual sort. It was more of a sequence of uprisings from 1810 to 1821). Mexico invited Americans to settle in the sparsely populated area now called Texas. *Conflict of Ideas* Mexico had outlawed slavery, but the Americans brought their slaves with them. There were other issues as well: Americans did not obey land-rights laws. In 1836 the Americans declared Texas Ind. Texas petitioned America to annex them (I find this unusual- usually when a country annexes another, the annexed-country doesn't like it.)
2. The notion of letting Texas in to the USA was controversial for three reasons:
 - (a) It would come in as a slave state. The *Wilmot Proviso* was introduced to congress which stated that there will not be slavery in the new land (if we win the war). One argument against the proviso was that slavery reached its *natural limits* — slavery made sense in East Texas but no further because of the arid climate. So no need to insult the south with this symbolic gesture!
 This ended up being false, very false, but I wonder if those who said it knew so at the time. So why insult the south
 The argument also went that the war was wicked and unnecess since there would be no slavery in most of Texas anyway.
 - (b) There was also a notion that American should not expand since we have enough troubles as a small country. Horace Greeley quote: *A nation cannot simultaneously devote its energies to the absorption of other's territories and improvements of its own.*
 - (c) It would mean War with Mexico (it did).
3. Polk was president and wanted to acquire more land (not just in Texas but also in the northwest- 54-40 or fight, though that dispute was settled peacefully). He send ambassador Trist to negotiate and end to the war with Mexico. Trist got an agreement, but then Polk thought he could get more, though Polk also wanted this ware to END so he finally took it. What I find interesting is that in those days a negotiator had to decide things *on the ground* and could even go against the presidents wishes. Now there is constant communication.

4. Gold in California in 1849 lead to the gold rush and the question of California becoming a state- and if so slave or free? It came in as a free state, but the politicians in it supported EVERY slave-friendly law the congress passed. Interesting in that I always thoughts states were SLAVE or FREE but there could be other categories. I do not think any slave-state supported any legislation against slavery. An analogy - there were Northerners who were pro-slavery. And today there are pro-gun people who don't own guns. Ones personal habits need not go with ones political believes.
5. Some southerners claimed that even if California was a slave state they wouldn't use slaves since they are not good for mining. I suspect this was a disingenuous argument.
6. To offset California as a free state there was a notion to buy Cuba and make it a slave state. Spain didn't want to sell so a private American army attacked Cuba- but got their butts kicked, so that cooled the debate.
7. 1858-Minn comes in as a free state. 1859-Oregon comes in as a free state. Kansas had internal wars over what to make it, though the books says that by 1859 it was not a slave state. It entered as a free state in 1861.

So by 1959 there were more free states then slave states, though California was a funny case. This lead to some southerners being in favor of succession.

8. *The first shot of the Civil War* David Broderick was a California anti-slavery politician. David Terry was a pro-slavery politician. Both were in California. After a lot of stuff (its on Wikipedia, not the book) Terry challenged Broderick to a duel. Terry selected hair-trigger guns which Broderick was unfamiliar with. Broderick fired first, wild, and then Terry killed him.

This lead to a disgust at the pro-slavery party from which California never recovered.

This was the last notable American Duel.

This also shows why Dueling is stupid.

Two people disagree and have a duel The winner is a better dueler (or lucky) but this does not make him right about the point being raised.

3 A Just War?

There are two aspects of this:

1. Is the cause just?
2. Conduct of the war.
 - (a) *Proportionality* If (say) they kill 1 of your men, you don't kill 10,000 of theirs. You act in proportion. And hopefully it does not get out of hand.
 - (b) *Discrimination* Fighting soldiers is okay, but fighting civilians is not.

I've always wondered how to enforce any of this. If one side violates this and wins what can you do? If both sides violate this then the winner can accuse the loser of war crimes for violating this.

3.1 Is the Cause Just?

We say YES of course because of Slavery.

1. Both sides fought for freedom: The freedom to have slaves vs the Freedom of slaves. There were a few other minor issues as well.
2. Both sides thought God was on their side. Abe Lincoln noted this. What do you do if you think God is on your side but then you lose?
3. The North initially said the war was about Union but it really was about Slavery and later they said as much.
4. In a later chapter it says that at the time America was the only democracy and that Abe Lincoln was concerned that if America lost then the democratic experiment would be over.
5. The South succeeded, but the North fired on Fort Sumter. Hard to say *who started it*.

6. Stout, a historian who McPherson is arguing with, says that for Black Soldiers had a better cause than white soldiers.
7. Some revisionist historians blame the war on Evangelicals for making abolition a really big deal and mixing religion with politics. McPherson destroys the argument.

3.2 Conduct of the War

1. Brutality. In a Just war Soldiers fight Soldiers and there is respect for civilians. The war started that way, but over time the distinction between soldier and civilian got blurred.
 - (a) Some Southern Civilians formed guerrilla outfits, so attacking them is fine.
 - (b) The crops and livestock and slaves of the south were being used to supply soldiers. So FINE to destroy crops and free slaves
 - (c) If civilians are killed as collateral damage vs killed for its own sake that seems to make a difference for Just War. I am not sure I agree.
 - (d) POWs: Southerners killed black POW's outright.
 - (e) A Just war- compared to what? WW II was very unjust in terms of civilian casualties. And note that the Holocaust was terrible but is irrelevant to Just War theory.
 - (f) Stout claims that the south not preventing the murder of Black soldiers is morally equivalent to the North pillaging cities. McPherson disagrees in that the pillaging was still aimed at destroying the South's ability to make war so it was a legit target. And the civilians killed by such were killed by accident. I think these are hard questions.

4 Death and Destruction in the CW

How bloody was the civil war.

1. Sherman's march only targeted property and stuff that could help the Southern Military. It did not target people.

2. Other conflicts that were much worse:
 - (a) The 30 years war (1600's).
 - (b) The scorched earth policy of Phillip the 2nd of Spain against the Dutch. (1500s's)
 - (c) Britain's policy in Ireland in the 1600's
 - (d) Mexican-American war (1840's) *American Volunteers in the MA war committed atrocities: Murder, Robbery, Rape* Why? They perceived Mexicans as being sub-human.
 - (e) Massacres of the American Indian.
 - (f) France send troops to Mexico in 1864 to install an emperor and killed anyone who got in their way. Brutal. The French withdrew in 1866.
 - (g) WW II- both sides (1940's)
3. Some Confed soldiers hated the Union Soldiers (they invaded our land!). Some Union Soldiers hated Confed Soldiers though this was less a thing. Certainly the black Union soldiers hated the confed for killing black soldiers who had surrendered.
4. But the civil war was brutal on its own even if it was not as brutal as other wars.
5. The Civil war had LOTS of casualties both abs numbers and as a percent of Americans. This was initially a shock but people got used to death. Some found comfort in Religion as it meant that when they died there would be an afterlife.
6. There was no easy way to notify the next-of-kin about a death and no mechanism was set up for this in the north or the south. Over time they both got better at this
7. After the war there was a big and expensive project to dig up soldiers and identify them so you could notify the next of kin.
8. The war lead to national military cemeteries such as Arlington. Arlington cemetery land was actually where Robert E Lee lives. The gov purchased the land from him for \$150,000 in 1884. which was prob fair and fairer treatment of enemies than usual.

5 American Navies and British Neutrality During the CW

The countries of Europe had the following thoughts:

1. WANT THE WAR TO STOP: They imported cotton from the South. The North was blocking that. Napoleon asked England to help him in an effort to get the North and South to negotiate some sort of end to the war. I am surprised France and England got along well enough to even ask. The lack of cotton devastated English and French industries since clothes-making was one of them.
2. PRO SOUTH: They liked seeing America not last- that darn fool system of democracy. If it lasted it might give their own people some dangerous ideas!
3. PRO SOUTH (speculation): Were they concerned that America could become a major power OR is that Whiggish History.
4. PRO NORTH: They were against slavery.

So how did this all play out?

5.1 The Trent Affair

There was an action involving the navies of the three countries that loomed large: *The Trent Affair*.

1. *The Trent* was an English ship. England was neutral and was in the Caribbean going from one neutral country to another. So it should be left alone.
2. There were two confederates, James Mason and John Slidwell, aboard *The Trent* who wanted to get to England and France as dip. envoys. Likely the confederates wanted to convince England and France to recognize The Confederacy.
3. Captain Wilkes of the *San Jacinto*, a Northern ship, lead a boarding of *The Trent* and seized the men. He then let *The Trent* go. This was likely against international law.

4. Charles Sumner reminded Lincoln that the US fought England in 1812 for doing things to America that were similar to what America just did to England- seizing men off ships.
5. Lincoln was worried this might tilt England towards the South. Lincoln released a document saying that (1) Wilkes acting without authorization (which was true) and (2) America would release Mason and Slidwell and allow them to go to Europe.
6. Mason and Slidwell went to Europe and pleaded for England and France to recognize the Confederacy but this went nowhere.
7. What is relevant is that England was prepared to fight for its right to sail in Neutral waters.

5.2 Blockade

The North set up a naval blockade on the South so that the South could not trade with other countries. There is a debate about how effective it was since many ships got through. But it was effective:

1. Only Small Ships got through.
2. The Blockade itself was preventative- some ships didn't want to mess with it.

In the 1856 the European Countries had signed the *Declaration of Paris*. America had not signed it but was still influenced by it and might sign it. It had the following:

1. Outlawed Privateer-ing: making ordinary ships into war ships and having other countries treat prisoners taken from one as soldiers, not pirates. America had used Privateers in the war of 1812 and thought they might again (they didn't) so they didn't sign it.
2. More relevant here- When should a neutral country be bound by a blockade? (e.g., England wanting to trade with The South) The treaty said that the blockade had to be effective in order for Neutral countries to not be allowed to break it. Hence the question of if the Northern Blockade on the south is relevant. Jefferson Davis claimed we only had a Paper Blockade, but this was false.

In 1862 the South stopped arguing that the blockade was ineffective and started arguing that since the South had been ind. for a year they should be recognized. Then they began losing battles so this never happened. (This went back and forth a bit.) In 1863 the Emancipation. Proc. made it impossible for any country to support the South.

BILL COMMENT: Its an odd thing- What seems to matter is whose winning, not whose right. In Ukraine now we have the same dilemma- some countries don't want to support Ukraine unless they have a chance to win.

5.3 England and France Building Ships for the South

It was illegal to sell ships of war to the South, but some in England got around this. They sold a lot of very effective ships.

6 The Rewards of Risk-Taking: Two CW Admirals

1. The Union Navy deserves more credit than it usually gets for helping to win the CW.
2. The Union Navy (and prob also the Army) ignored the usual rules of seniority and instead promoted people that are qualified even if they were younger. Gee- shouldn't the navy (and any organization) always do that?
3. There was a serious rivalry between Union Navy and Union Army for some operations.
4. Admiral David Farragut was a risk-taker. He is credited with the quote *Damn the torpedoes, full speed ahead.* The risks paid off.

7 How Did Freedom Come?

1. Was the war for Union or to end Slavery. They are too linked to separate them..

2. In 1864 there was pressure on Lincoln to end the war and allowing the South to keep their slaves. He declined partly because 100,000 black union soldiers had died. Here (and elsewhere) they mention the importance of black union soldiers. I did not know they were important.
3. Early on in the war the Union DID NOT free slaves. Later on they did with the argument that this will hamper the South's efforts. The phrase was *contraband of war* which seems like it means slaves are just property, but it came to be embraced as a reason to help slaves escape.
4. The war allowed many black to escape. This leads to the thought that the Emancipation. Proc. was merely codifying what was already happening.
5. The slaves experiences were very varied. There is a true story of a slave who kept getting whipped, escaped, caught, whipped, escaped, caught, many times. When he finally escaped to Northern Enemy Lines the soldiers helped him and treated him well. There are other stories where they are not treated well.

8 Lincoln, Slavery, and Freedom

1. Lincoln was always against slavery and voted that way when he had a chance to. That was before he became president. As president he had to adapt a more moderate stance.
2. Even before bring president he wanted some sort of gradual emancipation, and he wanted slavery to not spread to other states, but he was not for immediate abolition. He also wasn't sure what to do with these newly-freed people. See later item on this.
3. Early in the CW Northern soldiers were told to NOT free the slaves. Lincoln often said the war was about UNION not Slavery. As the war went on both of these changed.
4. The argument for freeing slaves was that they were used in the war effort and hence were contraband- a label that at first sounded like it equated slaves with property, but became a rallying cry for freeing slaves anyway.

5. Early on Lincoln wanted to convince the South to NOT leave so he was conciliatory. Also (a diff source) he really could not do that much legally to stop Slavery where it already was. But as the war went on and he realized he needed Europe to NOT support the South, he made it more about slavery, esp with the Emancipation. Proc.
6. SO as prez he had three choices about what to do with freed slaves.
 - (a) Free them and ship them to Liberia. Lincoln initially thought this was a good idea, but few wanted to go. Also, black soldiers impressed him into thinking they were maybe equals. (Side Note- some in the south wanted to Free some slaves to fight for them, but this would undermine the notion that black were inferior.)
 - (b) Free them but they would still be underlings- perhaps not even citizens. Lincoln thought this was a good idea, but again black soldiers and likely other factors convinced him otherwise. (Side Note- This is what happened in the South, de facto, when reconstruction failed.)
 - (c) Free them and give them equal rights. This had long been the abolitionists position. Lincoln grew to agree with it by 1864. He supported the 13, 14, 15 amendments which made it happen, at least on paper.
7. Lincoln's thinking on the subject evolved (legit- not the kind of evolution politicians claim now when they change their mind for political reasons) from send-them-to-Liberia to full citizenship. His advisers recommended he negotiate with the South and use Slavery as a bargaining chip. He refused.
8. Fredrick Douglass often condemned Lincoln for moving too slowly on the Slavery issue. The book says (and I agree, and later Douglass agreed) that Lincoln had to achieve what he could, and he did.
9. Lincoln seemed to agree with the South that Blacks were inferior and should not have the same rights as blacks. Hard to know if he took this moderate stance (Slavery-Bad, but Blacks-inferior) for political reasons or actually believed it. He later changed his mind on this and was for FULL civil rights for blacks. But it's hard to know when he believed what. Again- black Soldiers really had an affect on his thinking.

9 A. Lincoln, Commander in Chief

1. Lincoln did not know much about military stuff at the beginning of the war. By contrast Jefferson Davis was a graduate of West Point. But Lincoln learned a lot and was actually someone more hands-on in these matters than I would have thought. I can't imagine any recent president having an opinion on how to fight a war, except things like *keep civilian casualties low*
2. The book lists five functions in diminishing order for the commander-in-chief to deal with.
 - (a) *Policy* The decision to go to war and the goals of the war.
 - (b) *Na tonal Strategy* Diplomacy and if that fails then funding the war, draft or not, mobilizing the country to the war.
 - (c) *Military Strategy* Where to attack to achieve the political goals. For example, to what extent to attack non-military targets (The March through Georgia, The Bombing of Dresden).
 - (d) *Operations* The actual logistics and movement of armies.
 - (e) *Tactics* What to do in an actual battle.

Lincoln was of course more involved with the first few than the last few, but he was involved with some of the last few at times. Lincoln read up on military history so he learned a lot, plus some of his generals didn't do what he wanted them to do, and some were incompetent, so he had to step in. The general disagreement was that Lincoln wanted to move faster and be more aggressive than the generals wanted. The book does point out that going faster has its problems to (logistics of moving a big army) but that Lincoln was essentially right.

3. *Political Generals* In the first year of the war Lincoln made many people who were not qualified generals for political reasons. These were often of ethnic groups whose support he wanted during the war. Some ended up being good Generals, but most not. There was an Irish-brigade, a German-brigade, and others. This seems rather odd to us today- I can't imagine having an Irish general to encourage people from Ireland to want to fight. But it was a very different time: (This is my opinion, not from the book.)

- (a) Was was simpler then. Now we need very well trained generals.
 - (b) The connection to your heritage is much less now. In those days the Irish were just-off-the-boat. Now celebrating your heritage is more of a hobby.
 - (c) We have a volunteer army.
 - (d) There is one way there is still an inkling of this. West Point practices Affirmative Action and there is a notion that you want some black officers since (a) 16% of enlisted men are black, (b) 28% of enlisted women are black, (c) there has been outright prejudice against black soldiers, more recently then you would think, and the Army wants to counter that. (Side note: There may be an affirmative action lawsuit over West Point soon and if so the Supreme court is hard to predict: they dislike AA but they also often defer to the Military.) <https://www.statista.com/statistics/214869/share-of-active-duty-enlisted-women-and-men-in-the-us-military>
4. By the second year of the war Lincoln stopped appointing political generals.
 5. In he first year of the war Lincoln said soldiers should NOT free slaves. He changed his mind on this later. Also, it was his decision to have black soldiers. Some of this was strategy and some was a sincere change of mind about black people, but its hard to know how much of each.

10 The Commander Who would not Fight: McClellan and Lincoln

McClellan was a Northern general who did not want to take on the enemy. He would rather have them train then fight. He also had Southern sympathies, though it is not clear if thats why.

Lincoln seemed to guide the war far more than a current president would. War has gotten more complicated.

11 Lincoln's Legacy for Our Time

1. Lincoln thought highly of the Dec of Ind but saw it (correctly) as aspirational- *all men are created equal* should be aspired to.
2. Was the war about Slavery or about Disunion. The two cannot be separated.
3. Many northerners signed up to fight. Many recent immigrants realized that America was the only country with a democracy and this was worth preserving.
4. The French who were in favor of a republic looked to America as a model. (Though they avoided something as stupid as how we pick our prez candidates.)
5. Many European monarchs wanted the South to win so that this experiment in democracy would fail. But they also were against slavery, which was a conundrum. This may explain why, unlike many other civil wars, other countries didn't play much of a role. Another reason is of course the Atlantic and Pacific Oceans.
6. Two years after the CW England expanded who could vote. This is not a coincidence. More generally, the American Dem experiment may have helped England go (slowly) from a monarchy to a democracy.
7. The end of slavery in America was the death knell to slavery in the few places it still was: Cuba and Brazil. While slavery would have eventually gone away (everyone says that, I am not sure its true, see next note) it may have survived to the the 1900's.
8. (My thought) Many sources say that Slavery would have gone away anyway, though perhaps later. I am not so sure. It was profitable to the top 1% in the South and it kept the wages of the poor down since they had to compete with free Slave Labor. Plus it had a tradition and had become part of the culture. SO I wonder how long it would have lasted.

12 War and Peace in the Post-CW South

1. The civil war was 1861-1865 but one can also date it as having begun earlier with the fights in Kansas and continued with the KKK and other terrorist groups killing black people (this is a time when America let the terrorists win).
2. Andrew Johnson INITIALLY was for more draconian punishment for the south but changed into *they can rejoin the Union and not have slavery, but that's all* so no protection for the free blacks who would (and this did happen) be denied the vote (Johnson prob didn't want to give them the vote) and killed if they tried any kind of protest.
3. The South was listless and willing to accept any terms, but the North had a hard time agreeing with each other on the terms for the South. Should the leaders of the confederacy be punished? Should the free blacks be citizens? Should Northern troops be sent to the South to keep the peace? How many and for how long? The final result can be called a compromise: blacks are citizens with the right to vote, but the North didn't have enough troops to stop the terrorists, nor did they care to, and in 1876 they withdrew troops as part of the deal that gave Hayes the presidency. (In a book about Garfield on book notes I heard that the south was threatening another uprising if their man Tilden didn't get the presidency. So Hayes but withdraw troops was the compromise.)
4. Could ex-Confederates (insurrectionist) serve in the government. The book was written before this became a current issue. The 14th amendment saying *insurrectionists cannot serve* is maddeningly unclear. AT THE TIME they meant people who fought for or supported the Confed gov. They didn't have a mechanism to tell who they were since they didn't need one. That's why it's hard to apply now (I don't like Trump but I agree with the SCOTUS on this one, as do the *Liberals* on the court).
5. The North did pass laws to stop the KKK, but then they just did things more informally and locally so the laws didn't stop the terrorism.
6. The Northern citizens got tired of all of this and lost interest. The troops were withdrawn in 1876. The next time troops went to the

south to enforce Civil Rights was in the 1950's under Eisenhower. But thats a story for another day.