



THE "OLD LINER" NEWSLETTER

EDITOR'S NOTE

Nominations will be accepted at the October meeting for all offices of the Baltimore Civil War Roundtable. These include:

President, Vice-President, Secretary, Treasurer, Asst Secretary/Treasurer and three At-Large Board Members. Elections for all contested offices will be held at the November meeting of the BCWRT. Nominations for any the above positions should be provided to an officer of the Roundtable either prior to or at the October meeting.

Rare photo shows Robert E. Lee's slave, Selina Gray — the hero of Arlington House

By Michael E. Ruane, Washington Post, October 9 2014

When Robert E. Lee's wife, Mary, fled Arlington House at the start of the Civil War, she gave her personal slave, Selina Norris Gray, the keys to the mansion and responsibility for the grand house the Lees had lived in for 30 years.

Gray fulfilled her duties. She is famously credited with saving from marauding Union soldiers numerous heirlooms belonging to George

Washington that were stored in the house.

Now the National Park Service, which administers Arlington House, has acquired what it says is a rare and previously unknown photograph of Gray and, apparently, two of her eight children.

The photograph was spotted last month on the Internet auction site eBay by Park Service volunteer Dean DeRosa. The seller, in England, had found the photo in a box of "unwanted" pictures at a British version of a yard sale.

A Park Service statement said that its nonprofit partner, Save Historic Arlington House, bid on the photograph and, "against stiff competition," won.

"This is a big deal," National Park Service spokeswoman Jenny Anzelmo-Sarles said Thursday.



The photograph spotted on eBay shows Selina Norris Gray, right, who had responsibility for the Arlington House the Lees had lived in for 30 years. (National Park Service)

"It's incredibly rare to have photos of slaves that we can identify," she said. "Since slaves were property, it's really hard to identify the people in images like this. This is a priceless item to add to our collection."

She said the Park Service is sure the double image, which is identified on the back only as "Gen Lees Slaves Arlington Va," depicts Gray, the older woman in the picture, and probably her children.

The Park Service was able to compare the new photo with an identified photo of Gray already in its collection. Anzelmo-Sarles said the new photo is believed to have been taken outside Gray's slave quarters at Arlington.

Arlington House had Washington heirlooms because Mary Lee was the great-granddaughter of Martha Washington, the president's wife. And Mary Lee's father, George Washington Parke Custis, had been raised by the Washingtons.

The Union army took over Arlington on May 24, 1861, after Robert E. Lee joined the Confederacy and his family left the mansion, which contained Washington china, furniture, and art work.

Gray tried to keep track of Washington and Lee valuables in the house.

When Gray found that some of the heirlooms had been stolen, she confronted the soldiers and told them not to touch any of "Mrs. Lee's things," according to the Park Service.

Gray, whose parents had also been slaves, then complained to Union Gen. Irvin McDowell, and the remaining heirlooms were sent to the Patent Office for safekeeping and posterity.

"She had incredible courage," Anzelmo-Sarles said. "So we owe a lot to being able to tell the story of our first president to this enslaved woman."

Gray was freed in December 1862, according to the will of Custis, who ordered that his slaves be freed five



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years after his death, Anzelmo-Sarles said. He died in 1857.

Gray and her family bought land near Arlington and grew and sold vegetables. She died in 1907.

The Park Service said the photograph will be unveiled to the public at 2 p.m. Saturday as part of a special program on African American history at Arlington House.

Battlefield beacon shines once more

By Vanessa Pellechio, Gettysburg Times, October 9, 2014

Betty Jean Phillipi traveled from Harrisburg to see the re-lighting of the Eternal Light Peace Memorial at the Gettysburg National Military Park on Wednesday morning after the gas-fueled flame was out for nearly six weeks.

The 62-year-old was in Gettysburg when the light went out in the early 1970s, so she came back to see the infamous light again along Oak Hill's North Confederate Avenue at a special 30-minute program held in the morning.

On August 20, the igniter that re-lights the flame when it goes out stopped working properly, said Supervisory Park Ranger Christopher Gwinn.

Gwinn said the park staff fixed mechanical failures on the igniter, igniter enclosure and other wiring. "Our monument crews have an enormously complex job to do, Gwinn noted.

A new fall protection system was included to meet the standards of the Occupational Health and Safety Administration, which improved safety and access to the equipment. The equipment is 35 feet high inside the memorial shaft, according to park officials.

Gwinn said the light was turned off in the early 1970s because of a

gasoline shortage and was converted to electricity in the late 1970s. In 1988 the memorial was switched to natural gas.

When Gwinn flipped the switch at the program, the flame did not appear, due to high winds in the morning.

The park service "can't fight with nature," Phillipi said. "I give them credit for doing what they can with the restraints they have."

Park officials confirmed the Eternal Peace Light Memorial, dedicated in 1938, had the flame burning by 1pm. "It's iconic," Phillipi said. "When people think of Gettysburg, one of the images they get is the Peace Light Memorial."

The Death of Taney

By TIMOTHY S. HUEBNER, New York Times, October 15, 2014

On Oct. 12, 1864, President Abraham Lincoln must have breathed a bit easier.

Not because the war was over — it would last another six months. Not because he had been re-elected — the election remained nearly a month away. And not because Gen. William T. Sherman had begun his decisive march through Georgia — the general was still holding Atlanta. While much remained unsettled, Lincoln's achievements as president seemed more secure that autumn day because the president learned that his old nemesis Roger B. Taney, the Maryland-born chief justice of the Supreme Court, had died.

Ever since Taney had handed down the Supreme Court's decision in *Dred Scott v. Sandford* in 1857, he and Lincoln had been bitter rivals. Taney was a well-known defender of slavery, a bias he showed most famously in that case, when the court attempted to resolve, once and for all, the contentious issue of slavery in federal territories. Taney and six

other justices had done so by ruling squarely on the side of slaveholders; according to Taney, slaveholding was a constitutional right, one with which neither Congress nor a territorial legislature could interfere.

Lincoln, who by then had served in Congress but was now back in Illinois, working as a politically active lawyer, disagreed strongly with the decision, and his opposition to *Dred Scott* fueled his political rise in the North. When he ran for Congress the next year, he debated the matter fiercely with his Democratic opponent, Stephen Douglas. Lincoln strongly implied that Taney, Douglas and other leaders had conspired to spread slavery throughout the land. And in 1860, Lincoln ran on a Republican Party platform that denounced the *Dred Scott* ruling as "a dangerous political heresy."

Lincoln finally confronted Taney, whose own dislike of the new president was well known, at his inauguration. In what must have been one of the most awkward moments in American political history, on March 4, 1861, the 83-year-old chief justice (whom Andrew Jackson had appointed 25 years before) administered the presidential oath of office to Lincoln. What must they have been thinking?

With Taney seated nearby on the platform, Lincoln used his Inaugural Address to question the finality of decisions of the Supreme Court. The president argued that if important questions of national policy were left to unelected judges, "the people will have ceased to be their own rulers."

Despite the new president's jab at the justices, Lincoln soon learned that the Supreme Court could serve to advance his own positions. One vacancy on the court already existed at the time of Lincoln's inauguration,



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as Justice Peter V. Daniel of Virginia had passed away in 1860. Almost immediately after Lincoln assumed office, two more positions opened. In early April, Justice John McLean died, and just a few weeks later — after the war began — Justice John A. Campbell of Alabama resigned to serve the Confederacy.

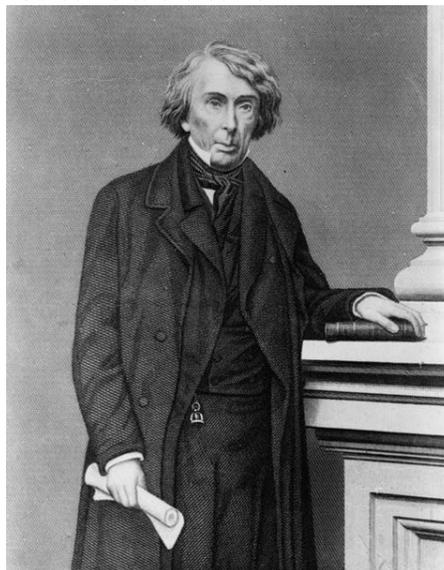
Lincoln made good use of these opportunities to fill seats on the court with those who supported his bold use of executive power to preserve the Union. Congress helped. In 1863, lawmakers added another circuit to the federal court system, and thereby added another justice to the Supreme Court. For the first and only period in its history, the Supreme Court would have 10 members (by 1869, the number had settled at nine). Lincoln's appointments — Noah Swayne of Ohio, David Davis of Illinois, Samuel Miller of Iowa and Stephen Field of California — gradually transformed the high court. Taney remained chief justice, but it was largely Lincoln's Supreme Court.

During the war, Lincoln's justices proved reliable friends of administration policy. Although Taney had continued to joust with Lincoln early in his term over the president's decision to suspend the privilege of the writ of habeas corpus, the increasingly Unionist and Republican court gave Lincoln an important victory in 1863 in a case involving the constitutionality of Lincoln's order blockading Southern ports.

By far the most revolutionary and controversial use of executive power exercised by Lincoln was the Emancipation Proclamation, which he signed on Jan. 1, 1863. Justified under the president's powers as commander in chief as "a fit and necessary war measure," the proclamation claimed to free all

slaves in those areas of the country "in rebellion against the United States."

A skilled lawyer, Lincoln thought that the president's power to end slavery rested on a more solid constitutional foundation than any act of Congress. But he could not be sure. Nor could he be assured of the fate of the proclamation when the war ended, for he had justified it as a war measure. Even in wartime, Taney surely would have attempted to strike down the Emancipation Proclamation, if a case had come to the court.



Chief Justice Roger B. Taney
Photo Credit Library of Congress

So when Lincoln learned that the aged chief justice had passed away, the president must have gained some peace of mind. A few days after Taney's death, Lincoln attended a simple funeral ceremony at the chief justice's rented home in Washington. But those who needed to worry less about appearances had already hailed the chief justice's passing. "Providence has given us a victory in the death of Chief Justice Taney," wrote Senator Charles Sumner,

Republican of Massachusetts, in a letter to Lincoln on the day Taney died. "It is a victory for Liberty and the Constitution."

Taney's death allowed Lincoln to nominate the longtime abolitionist-lawyer (and Lincoln's former Treasury secretary) Salmon P. Chase of Ohio to the chief justiceship. Although Chase and Lincoln had not always gotten along, the president was confident in Chase's rock-solid commitment to abolition. Chase's appointment meant that half of the court owed their positions to Lincoln, while only four justices remained from the seven-justice Dred Scott majority. Several weeks later, Lincoln would devote his efforts to passing the 13th Amendment, a "King's Cure," as he described it, for the evils of slavery. In the meantime, Lincoln had already managed to succeed in putting in place a backup plan in the event that the amendment failed: He had secured control of the Supreme Court.

Timothy S. Huebner is the Sternberg Professor of History and the chairman of the Department of History at Rhodes College.

When the Rebels Invaded Vermont

By *RICK BEARD*, New York Times,
OCTOBER 17, 2014

At about 3 p.m. on Wednesday, Oct. 19, 1864, a 21-year-old Kentuckian stepped onto the porch of the American Hotel in St. Albans, Vt., and announced, "In the name of the Confederate States, I take possession of St. Albans!" He wasn't joking. Lt. Bennett Young's bold action, backed by a brace of Navy Colt revolvers and 20 equally well-armed Confederate compatriots, began a half-hour "scare party" during which the rebels robbed three banks, shot three men, failed to set the town



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ablaze and stole enough horses to enable them to escape, just minutes ahead of two armed posses.

The St. Albans raid is often cast as a footnote in Civil War history – the northernmost Confederate action during the conflict – but it was intended to be much more. As one of the conspirators involved in planning the raid wrote, "St. Albans will merely be the starting point ... of a system of warfare which will carry desolation all along the frontier. There will be war to the knife and to the hilt. ... The towns will burn and be pillaged."

That it didn't play out that way – St. Albans was the group's first and last target – was not for a lack of serious planning on Young's part. For Young's raiders, a "war to the knife and the hilt" seemed nothing less than just retribution for the depredations of Maj. Gen. Philip Sheridan and his men in the Shenandoah Valley during the late summer and fall of 1864. As part of Gen. Ulysses S. Grant's plan to undermine the South's will to fight, by fall 1864 Sheridan's forces had burned more than 2,000 grain-filled barns and at least 70 mills filled with wheat and flour, seized over 4,000 head of livestock, and commandeered most of the horses in the valley.

Southerners burned for revenge. Robert Cobb Kennedy, who would later hang for his part in the November 1864 plot to burn New York City, captured the sentiment best. "We wanted to let the people of the North understand that there are two sides to this war," the former West Point cadet wrote. "In retaliation for Sheridan's atrocities in the Shenandoah Valley we desired to destroy property, not the lives of women and children, although that would of course have followed in its

train." The raid on St. Albans promised to do just that.

The raid had its origins in early 1864, when the Confederate Congress passed the Secret Service Act and appropriated \$1 million for clandestine activities, including incursions into the Union from Canada. In May, President Jefferson Davis dispatched Jacob Thompson to Canada to further the "interests of the Confederates." Clement Clay, James Holcombe and William Cleary soon joined Thompson in Montreal, where, as the group's leader, Thompson had \$650,000 to use to destabilize the North.

In August, Bennett Young joined Thompson and his co-conspirators. While still a teenager, Young had fought with John Hunt Morgan's raiders, and in late July 1863 had fallen into Union hands and been imprisoned at Camp Douglas, north of Chicago. After almost a year living in the midst of conditions so vile that one newspaperman declared "nothing but fire can cleanse them," Young escaped and made his way to Richmond, Va.

Expecting to rejoin Confederate forces in the field, Young was ordered instead to Canada, where he was to "collect together such Confederate soldiers who have escaped from the enemy, not exceeding twenty in number" to "execute such enterprises as may be indicated." Shortly after he arrived there, Secretary of War James Seddon ordered him to scout towns along the American-Canadian border. "It is right," Seddon mused, "that the people of New England and Vermont ... should have brought home to them some of the horrors of such warfare."

Working from Montreal, Young made several reconnaissance trips before settling on St. Albans, a town of 2,000

located just 17 miles south of the border, as the likely target. A Vermont market town that also boasted an important factory for threshing machines and other tools, the community was home to Vermont's governor, John Gregory Smith. On one of his scouting expeditions, the audacious Young visited with the governor and his wife, claiming to be a theology student from Montreal while surreptitiously gathering information about the town and its citizens.

Once sure of his target, Young recruited his raiding party, and in early October, with \$1,400 provided by Clement Clay to cover costs, he and his 20 men began infiltrating St. Albans in small groups. Posing as horse traders, vacationers, fishermen or members of a Canadian sportsmen's club, the Confederate raiders made themselves at home among the unsuspecting Vermonters. Their handsome leader even found time to woo Sarah Clark, a young woman who had come to St. Albans to find work in the mills.

The "Vairmont Yankee Scare Party," as the conspirators called it, was a well-conceived assault. Thirteen of the men would hit the town's three banks: five men at St. Albans, four each at Franklin and First National. Four more would steal horses for the group's escape; one would guard the townspeople on the village green; one would help out as needed; and two would set fire to key buildings with Greek fire, a liquid incendiary. The whole adventure was to last no more than 20 minutes.

Young had to delay the attack by a day, for the originally scheduled date, Oct. 18, was market day, an event that would bring hundreds of additional people to town. He also gained an unanticipated advantage,



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for many of the town's men were absent attending the legislative session in Montpelier or the court opening in Burlington.

Once Bennett Young made his announcement at the American Hotel, everyone on the town's streets was herded to the village green. Meanwhile, the three teams of bank robbers got to work. At St. Albans Bank, the raiders took more than \$80,000, but overlooked \$100,000 in cash and bank notes. A second team at Franklin County Bank stole \$75,000, and the third group absconded with \$55,000 from the First National Bank.

The raiders met with very little resistance: A local jeweler named Collin Huntington was wounded when he challenged Young, and a second, Elinus Morrison, was shot and later died. The plan to burn the town failed when the buildings proved too wet from the previous day's rain. By the time the raiders rode out of town, a number of townsmen had begun shooting at them, seriously wounding one rebel while groups of 40 and 50 men scrambled to give chase.

Riding north at breakneck speed, Young and his men abandoned plans to sack a second town and by nightfall had crossed into Canada. Word of the raid spread quickly. Governor Smith telegraphed Viscount Charles Stanley Monck, governor general of the North American Provinces, with word that a large party of raiders from Canada "have invaded this state, robbed all the banks in St. Albans, killed several citizens and are plundering and destroying property."

The governor also sent word to Maj. Gen. John Dix, commander of the Department of the East, who was attending a dinner party in New York with the British ambassador, Lord

Lyons. "Two of our citizens badly wounded at St. Albans by the Rebels, all three of the banks robbed, one hotel fired, and about \$150,000 taken," Smith reported. It was, he observed, "a most daring adventure." Dix quickly issued orders to "put a discrete officer in command and, if they [the raiders] cannot be found this side of the line, pursue them into Canada if necessary and destroy them."

Over the next few days, Canadian authorities captured 13 of the raiders. Bennett Young was caught in Canada by a St. Albans posse that reluctantly surrendered him to Canadian officials. Rumors of more raids agitated border residents for months afterward. "It was the prevailing opinion," one Vermonter observed, "that these marauders were but an advanced guard of an army from Canada ... marching through our State carrying all the horrors of war to our homes and fire sides."

On Nov. 5, Young and his men were brought to trial on seven charges before Judge Charles-Joseph Coursol, Montreal's police magistrate. The case hinged on whether the raid was a sanctioned military operation or a felonious enterprise to rob, burn and murder. The defense attorney, J. J. Abbott, won a postponement while the defendants unsuccessfully sought documentation from Richmond supporting their claim that they were acting as Confederate soldiers. On Dec. 13, Judge Coursol unexpectedly dismissed the case on the grounds that the warrants for the arrest of the raiders had been improperly drawn. The Montreal chief of police, Guillaume Lamothe, then helped the raiders retrieve \$90,000 of the money they had stolen and leave the city. There is little doubt that the judge and the chief of police were paid off,

probably by Abbott, to help the raiders; within weeks Monck fired Lamothe and suspended Coursol.

Responding to the ensuing diplomatic firestorm, the governor general ordered the rearrest of the Confederate conspirators, and on Dec. 27 a second trial commenced. The effort to gather records from Richmond was thwarted once more, this time by Abraham Lincoln, who argued that he didn't "think it's any part of my business to help them." On March 29, the Canadian court found no grounds for extradition, ruling that the attack on St. Albans "must be regarded as a hostile expedition, undertaken and carried out under the authority of the so-called Confederate States, under the command of one of their officers."

On April 8, Monck arrested those raiders still in Canada a third time, for violating Canada's neutrality laws. The next day Lee surrendered, effectively ending the war, and on April 10, Canadian officials released the raiders still in custody. Later that month the Canadian government paid \$19,000 to the First National Bank, \$20,000 to St. Albans Bank and \$31,000 to the Franklin County Bank as indemnification for their losses.

While dramatic, the Confederate raid accomplished little. It diminished the South's cause in the eyes of many Canadians and led the Union to impose stringent new passport controls and abrogate an 1854 trade agreement that had eliminated tariffs on fish, raw materials and agricultural products. It also gave Secretary of State William Seward a diplomatic victory when Canada passed a stronger neutrality law.

But as a symbolic attack, the "Vairmont Yankee Scare Party" did succeed in one respect. For thousands of New Englanders, the



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Civil War would no longer be a distant conflict.

Rick Beard, an independent historian and exhibition curator, is co-author of the National Park Service publication "Slavery in the United States: A Brief Narrative History."

A Union Awash in Conspiracies

By *NICOLE ETCHESON*, New York Times, October 8, 2014

The Civil War era had its share of conspiracies – some real, some imagined – but few were as feared as the Knights of the Golden Circle, a shadowy pro-Confederate organization intent on leading an armed uprising in the Midwest.

The Knights were founded in the 1850s by George W.L. Bickley, a phrenologist and doctor who had relocated from Indiana to North Carolina in the 1840s. Originally, the organization promoted a Southern version of Manifest Destiny, the extension of a slave empire into Central America. The Knights, organized into local chapters called "castles," supported filibustering, or the armed invasion of Latin American countries to acquire slave territory for the United States, and secession. The historian David C. Keehn believes the Knights, who included lawyers, politicians and doctors, were involved in raising men and arms to help Southern governors seize forts in their states. In 1860-61, the Knights were, according to Keehn, the "strong arm of secession."

As the war progressed, the Knights took root among Midwesterners; Indiana was, according to the historian Jennifer Weber, the "hotbed" of the conspiracy. In Putnam County, Ind., men drilled at night in isolated rural areas. The local Republican newspaper called these "the midnight prowlings" of "the treasonable and

traitorous ... Knights of the Golden Circle," and accused the Knights of mobbing and intimidating draft officers. In July 1863, Bickley was arrested in New Albany, Ind., as a Confederate spy; he spent the rest of the war in prison, although he never came to trial.

Bickley's arrest didn't stop the Knights, though. In 1864, the Confederate government hoped to use them to set off an uprising to influence the Union presidential elections. The uprising was timed for late August so as to coincide with the Democratic National Convention, to be held in Chicago. Confederate agents had met in Canada with Midwestern members of the Knights; Capt. Thomas H. Hines, an officer in the Confederate Kentucky cavalry, was to lead the insurrection. The plan, which got into the advanced stages but was never carried out, called for coordinated uprisings in Illinois and Indiana, the liberation of Confederate prisoners from camps in Chicago and Indianapolis, and perhaps even the creation of a Northwest Confederacy — a separate Midwestern government that would ally with the South.

The Knights were not the only underground organization to gain notoriety in the Midwest. Early in the war another organization, the Sons of Liberty, emerged in parts of the Union in opposition to what they believed was a threat to civil liberties posed by the Lincoln administration. The Sons were strong in areas of the Midwest, such as Indiana and Illinois, which had been settled from the Upper South, but it is unclear whether sympathy for the South — the belief that abolitionist Republicans had brought on a war in order to emancipate the slaves — meant actual willingness to aid the

Confederate cause. Republican politicians used a fear of the Knights to place any organization that was critical of the war effort into the same treasonous column.

The line between the two groups was hard to discern. So-called mutual aid societies helped draft resisters, but so, allegedly, did the Knights and the Sons of Liberty. At the same time, a member of the Sons admitted that "It was the general idea that it was necessary to arm to resist the encroachments of the Administration." He left unclear whether resisting encroachments meant just obstructing the draft or went as far as an armed uprising against the United States government. Even the adjutant general of Indiana, W.H.H. Terrell, concluded that many members of the Sons "never knew the treasonable schemes into which they were intended to be driven." Still, Terrell insisted that among the rank and file, "there was not one who did not know that the object of the Order was to assist the rebellion and resist the Government."

That didn't stop politicians from fearing, and hounding, the Sons of Liberty. Gov. Oliver P. Morton of Indiana was convinced that the state was filled with armed traitors, and that the Sons intended to assassinate him. In particular, he targeted Harrison H. Dodd, a printer, active Democrat and the grand commander of the Indiana Sons of Liberty. Like many antiwar Democrats, Dodd argued that Republicans had shut down civil liberties, including harassing Democrats at the polls, in the name of the war effort. But while Indiana Democrats largely agreed with Dodd's assessment of the Morton and Lincoln administrations' tyranny, most were not prepared to



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engage in armed resistance. In early August 1864, after Dodd proposed such resistance at a meeting of the Sons, appalled Democratic Party leaders made him promise not to act. When authorities raided Dodd's office soon after, they discovered boxes labeled "Sunday-school books" that contained revolvers and ammunition. Dodd and six other Democrats were arrested: J.J. Bingham, editor of *The Indianapolis Sentinel*; Dr. William A. Bowles, the founder of the first Knights castle in Indiana; Horace Heffren, editor of *The Salem Democrat*; Stephen Horsey; Andrew Humphreys, a former state legislator; and Lambdin P. Milligan, a lawyer. Morton insisted that the imminent threat of an uprising required the arrests.

In mid-September, a military commission convened to try Dodd. He protested, to no avail, that as he was a civilian, the court lacked the authority to try him. A few days before the state elections in October, Dodd escaped and fled to Canada. Gen. Henry Carrington, the commander of the military District of Indiana, announced that by escaping, Dodd had confessed his guilt, and instructed Hoosiers to "rebuke this treason. The traitors intend to bring war to your homes. Meet them at the ballot-box, while Grant and Sherman meet them in the field." Dodd was found guilty in absentia and sentenced to hang.

Bingham, however, was released after agreeing to testify for the prosecution. Heffren also was freed. Bowles, Horsey and Milligan were convicted and sentenced to death. Andrew Humphreys was also convicted but sentenced to imprisonment and hard labor.

Many historians believe that the arrests were largely political in nature;

Governor Morton, running for election, certainly exploited the Sons for political capital by tying them to the much more dreaded Knights. Morton's Democratic opponent was a former state attorney general, Joseph E. McDonald. While Morton admitted that his old friend McDonald was not a member of the Sons, he charged that half the Democratic ticket and most of McDonald's supporters were members. Morton was so confident of success that he traveled to other states to campaign for their candidates. He won the election by 20,000 votes.

Having done so much to secure the convictions of the conspirators, Morton now asked for mercy. In 1865 he sent John U. Pettit, the speaker of the Indiana House of Representatives, to Washington to request that President Andrew Johnson commute the sentences. On Morton's behalf, Pettit argued that the war was over, the civil courts were functioning and Indiana did not want to be the first state to carry out a military execution. "The rebellion had been put down," Morton explained. "The great peril had passed by."

Lambdin P. Milligan became the most famous of the convicted conspirators. Although his life had been spared, his attorneys brought his trial by a military commission before the United States Supreme Court, which found, in *ex parte Milligan*, that a civilian cannot be tried by a military court in a jurisdiction where the civil courts are still in operation. The prisoners were released in April 1866. Milligan sued for damages and, in 1871, a jury awarded him \$5.

Ex parte Milligan has been hailed by some as a bulwark of civil liberties, protecting citizens from arbitrary trial by military authorities. In practice, the

Milligan decision has not been broadly used.

More recently, most of those tried before military commissions in the war on terror were not American citizens, and therefore did not come under *ex parte Milligan*. Even in ruling that Yaser E. Hamdi, an American citizen captured in Afghanistan, had the right to challenge his detention, Justice Sandra Day O'Connor distinguished between prisoners taken in a war zone and Milligan's civilian status.

Historians have long debated the seriousness of the Sons' conspiracy, and even the threat posed by the Knights themselves. Emma Lou Thornbrough concluded that Dodd and the other conspirators were engaged "in a treasonable, if harebrained plot," but suspected that Morton and the Republicans exaggerated the danger for political effect. Frank Klement went the farthest in impugning Republican motives, insisting that Morton and Carrington built "KGC aircastles" in order to rally voters to the Union cause, and that the Sons "existed more on paper" — especially the papers Carrington issued — "than in practice." But recently, that conclusion has been rolled back, a bit, and historians such as Robert H. Churchill, Stephen E. Towne and Jennifer Weber have argued that the Sons of Liberty posed a real threat. Weber points out that reports of the 1864 uprising were so prevalent throughout the Midwest, and came from sources without political interests, that "it is nearly impossible to believe something was not afoot."

Nicole Etcheson is a professor of history at Ball State University and the author of the prize-winning "A Generation at War: The Civil War Era in a Northern Community."