



# The Courier

Newsletter of the Sam Davis Camp No. 1293 SCV

\*Sons of Confederate Veterans\* \*May, 2020\*

"..the resulting "union" was absurd."

## A review of "Lincoln, The Man" by Edgar Lee Masters

"The political history of America has been written for the most part by those who were unfriendly to the theory of a confederated republic, or who did not understand it. It has been written by devotees of the protective principle [i.e. a tariff], by centralists, and to a large degree by New England."  
- Edgar Lee Masters

"The American people, North and South, went into the war as citizens of their respective states, they came out subjects of the United States." - H. L. Mencken

"No war ever raging in my time was to me more foolish looking." - Thomas Carlyle

Both the propaganda wing of the Democratic Party and the intellectual wing of the Republican Party (insert joke here) want you to love Abraham Lincoln. If you're like me, this is enough to convince you that you almost certainly don't love Abraham Lincoln. There is, perhaps, no better tour guide on an anti-Lincoln journey than Masters.

Masters' Lincoln is the first truly modern statesman (that is to say a wonderful politician, but not an actual statesman in the sense that he's not leader and doesn't have a governing philosophy). Lincoln lacks vision, conviction and any philosophical foundation. He says what needs to be said to please the crowd he's in front of and what he says changes to fit the crowd. He has no fixed principles and no view of how government should work. He seeks to achieve and retain

power. Perhaps that's why he's worshipped by both American political parties today. But, we're getting ahead of ourselves . . .

The book is really about why the Civil War was fought. There are basically three competing theories: 1) ending slavery; 2) preserving the Union; and 3) ending federalism. The third is, of course the Southern position, and it's Masters'.

Every other civilized country ended slavery without resorting to civil war, let alone one that ended with the death of roughly 2.5% of the country's population (something like 7.5 million deaths in today's population). As Masters puts it:

It seems clear now that slavery was doomed by economic laws, and that there was only need to let the peaceful process of time work out the problem. But there is a dangerous kind of mind which raises moral issues where they were better kept out; and this mind, possessed of emotional states and communicating them to others by a sort of mob psychology, makes reasonable adjustments impossible by furiously urging forward, in the name of God, or morality, immediate changes.

Lincoln's was such a mind, or at least (and perhaps worse) it was a mind that was willing to use such minds to attain power.

If you demand union, surely you must believe that there are better ways to unite than war? There are, after all, better ways to get a woman to marry you than by raping her.

The reason wars are fought must be judged not by propaganda uttered by the winning side during (and a century after) the

fighting but by the peace process that follows. After all, wars fought for the consequences. Did the US fight WWII to give Russia a dominant position in Europe and Asia? That's not why anyone went to war, but that is what happened, hence the war must be judged in that light.

So, what was the result of the Civil War? As Shelby Foote has said:

This country has two grievous sins on its hands. One of them is slavery — whether we'll ever be cured of it, I don't know. The other one is emancipation — they told 4 million people, you're free, hit the road, and they drifted back into a form of peonage that in some ways is worse than slavery.

Or as Masters says: "If the war then was about slavery, did not the Thirteenth Amendment, acquiesced in by the conquered states, settle everything? If the North meant to keep faith on the Andrew Johnson resolutions in the Senate of July, 1861, as to the purpose of the War, and as to its ceasing when the seceded states were brought back into the Union, why did not all controversy cease when the states were brought back? The reason is that the master minds of the Republican Party, the offshoots of Hamiltonism, had further purposes, seeing the capitalistic advantages that now revealed themselves. They cared nothing for the Union compared to what they cared for money and power. They turned out to be the only

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Samuel Davis

# Next Camp Meeting: Thursday, May 28th Oglesby Community Center, 7:00 p.m.

## Confederate Calendar

### Meeting News & Notes

We will be holding our Sam Davis Camp meeting this month on Thursday, May 28th. Our guest speaker will be Steve Ford, showing and commenting on his outstanding DVD, "The Battles of Chattanooga". Steve is an outstanding artist who wrote and illustrated the book "Life and Times of Old Bedford". He will have copies of his DVD and books at the meeting.

No food or snacks will be provided, but there will be cold drinks and plenty of room to spread out at the Oglesby Center.

We will discuss at the meeting the possibility of moving our Confederate Memorial Day service on Saturday, June 6th, from the capitol grounds to Winstead Hill since everything in the government is still shut down. ~ Gene Andrews

**May 28th** ~~ Sam Davis Camp meets at the Oglesby Community Center, 6.00 p.m. The Center is adjacent to the Woodson Chapel Church of Christ on Edmondson Pike, 1/2 block South of the intersection of Edmondson Pike and Old Hickory Blvd.

**June 20th** ~~ Annual Forrest Homecoming at the boyhood home in Chapel Hill.

**June 25th** ~~ Sam Davis Camp meets at the Oglesby Community Center, 7.00 p.m.

**August 21st & 22nd** ~~ Tenn. Division Reunion in Greeneville.

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disunionists, inasmuch as they were willing to fight and to destroy the federal system and principle."

The army had said that the states were back in the Union; the Johnson war resolution said that the states were back in the Union;

the courts, some of them at least, held that the states were back in the Union. Thaddeus Stevens and his conspirators declared that the states were out of the Union.

If you follow Masters, the war wasn't about slavery and it wasn't about union. It was about the triumph of the Federal government (as Mencken noted above). This suggestion coincides nearly perfectly with the actual outcomes of the war.

Did Lincoln really believe that unlimited bloodshed was justified to end slavery? Did he even support ending it? It's unclear.

As last as 1858 . . . [Lincoln] was not in favor of giving the negro the vote, or of allowing him to sit on juries, or of intermarrying, or of associating with white people. He called the negro an inferior being, and he said that there was a physical difference between the white and the black race, which would forever forbid the two races living together upon terms of social equality, and that he was in favor of the superior position being assigned to the white man. Yet all men were created equal. But that equality was fulfilled when the negro was permitted to work for wages.

If Lincoln fought the war to end slavery – to paraphrase his words, to change the pay structure of slaves and nothing more – surely, he is among history's greatest butchers.

It's worth pausing from our story to examine a specific point in detail – the Dred Scott decision. In Masters' telling it was a fake decision. Scott was bought and sold by abolitionists who only wanted to get the case before the Supreme Court.

It was a prearranged plan from the first. Dred Scott, therefore, appealed to the Supreme Court and for his appeal a bond was signed by a son of the man who had sold Dred

Scott to Dr. Emerson years before. This was a moot case through and through; and if the Supreme Court had known that it was such there would not have been any Dred Scott decision to trouble the Lincoln and Douglas debates.

Attorneys on both sides "were in the hands of the abolition political friends of Lincoln." Taney's decision stated that: "There is certainly no power given by the Constitution to establish or maintain colonies bordering on the United States or at a distance, to be ruled and governed at its own pleasure; nor to enlarge its territorial limits in any way except by the admission of new states. . . ."

That the states would become all slave or all free was a forecast that entered the mind of no man of judgment. It was confined to the vaporings of radicals; and to Lincoln's speech of "the house divided against itself."

In other words, Dred Scott stated that the federal government couldn't prohibit a slave owner from taking his slave into a territory. However, it didn't prohibit a territory or a municipality in that area from outlawing slavery.

Having not gotten their way in the Court, the abolitionists turned to alternative methods, which Lincoln (in certain settings) was happy to oblige:

He was now telling the hustings that the Supreme Court of the United States had conspired with politicians to make a false decision, untrue historically, and unsound in point of law, and for the purpose of nationalizing slavery. In the old days Jefferson had accused Marshall of twistifying the Constitution in order to favor the bank; but never before had the Supreme Court been arraigned before popular assemblies.

Basically, the war is, for Masters, an appeal above and beyond the Court. The triumph of



the North means that might does indeed make right.

It's worth dwelling a moment on the "house divided against itself cannot stand" line. What is federalism but a series of houses divided against the collection of all of them? Must abortion be all outlawed or allowed? Must gun ownership be all outlawed or all allowed?

By this time [i.e. at the end of the war] the Constitutional doctrine of admitting a state with such a constitution as it chose to adopt had been thrown aside. Utah had to give up polygamy before being received into the holy family of the states [religious sarcasm is almost certainly intended]. Arizona could not enter without discarding her provision for the recall of judges, an expedient which had been conceived out of the vast tyranny and corruption of the American judiciary.

What of the war itself? In it, we see the beginnings of a new Executive power to wage war without Congressional approval and without any Constitutional restraints. Another case of might making right and rewriting the Constitution.

For in six weeks he was to inaugurate a war without the American people having anything to say about it. He was to call for and send troops into the South, and thus stir that psychology of hate and fear from which a people cannot extricate themselves, though knowing and saying that the war was started by usurpation. Did he mean that he would bow to the American people when the law was laid down by their courts, through which alone the law be interpreted as the Constitutional voice of the people? No, he did not mean that; because when Taney decided that Lincoln had no power to suspend the writ of habeas corpus, Lincoln flouted and trampled the decision of the court.

The maneuvering that Lincoln resorted to to provoke South Carolina to fire the first shot was copied by our army, which plotted the killing of Filipino sentries, by American sentries, and then when Filipino sentries retaliated raised the hypocritical cry that Aguinaldo

had fired on the United States flag.

By the time Congress convened, "he had an army at his back . . . He was thus an emperor with full despotic power and his rightful masters had had no word to say about it."

"It was at this time that Seward told Lord Lyons: 'I can touch a bell on my right hand and order the arrest of a citizen of Ohio. I can touch the bell again and order the arrest of a citizen of New York. Can Queen Victoria do as much?'"

Lincoln even went so far as to engage in Putin-esque jailing of the opposition.

Whether or not you agree with Masters so far is, in my opinion, beside the point. We must judge Lincoln by the consequences of the war. For Lincoln to triumph, something absolutely incredible must have been achieved to justify the death toll, the erosion of liberties, and the return to de facto slavery.

There is no such incredible outcome. Sometimes this is blamed on Lincoln's death, but that's unfair, as Masters puts it: "If [Lincoln] had been a Napoleon with desire to reconstitute the Union as it was, or a Jefferson who would have had that desire at heart in the circumstances, he would have set down with swift hands and clear thinking some definite plan. As it was he bequeathed to the mad age about to dominate the country a few metaphors, and a few suggestions for reconstruction."

And so the mad age ensued. Everyone discovered, as "Douglas had discovered, if he did not know it before, that the cause of the people is a devil's cause."

Perhaps Lincoln would have been fine with this terrible outcome: "The Calvinistic fatalism is the poisonous doctrine which justifies human cruelty. There was such a thing as pagan cruelty. It was honest. This is Christian cruelty, which is dishonest and irresponsible. It does what it would and then throws the burden upon an anthropomorphic deity."

Such logic justifies refusing prisoner exchanges and Sherman's march, while simultaneously stating that it has "malice toward

none." If this be not malice . . .

Let's end with more Masters, for if the book doesn't convince to dislike Lincoln, it's at least beautifully written:

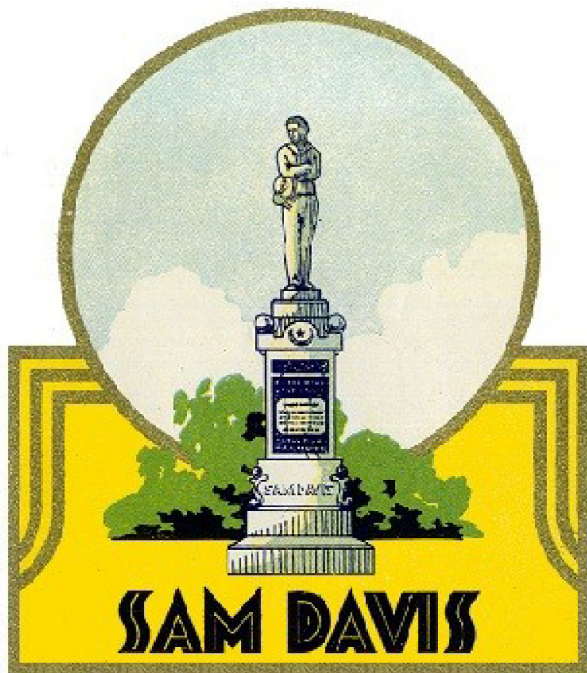
The War between the States demonstrated that salvation is not of the Jews, but of the Greeks. The World War added to this proof; for Wilson did many things that Lincoln did, and with Lincoln as authority for doing them. Perhaps it will happen again that a few men, deciding what is a cause of war, and what is necessary to its successful prosecution, may, as Lincoln and Wilson did, seal the lips of discussion and shackle the press; but no less the ideal of a just state, which has founded itself in reason and in free speech, will remain.

I should probably end there – that gives a reasonable flavor of Masters' thinking. I can't resist saying a bit more about Masters though.

I think Masters explanation for why the war was fought is better than most. As I said, we must judge wars based on their outcomes, not based on propaganda. By that metric, the slaves weren't free and the resulting "union" was absurd. The South was no more united with the North than occupied France was united with the Third Reich. If you kill enough people, you get a union of some kind. To Masters' point, there certainly was no union on the legal terms that prevailed prior to the fighting. In both cases, it's impossible for the resulting outcome to justify the loss of life and the level of destruction.

Yet Masters' view of what the US really was seems a bit naive. If the country really was teetering on the edge so precariously that a few men who believed they were the instruments of God's will could bring it all down, then how long could it survive? Nevertheless, the US that emerges from the war sounds familiar: foreign interventions justified on religious grounds, a central government beholden to business interests, increasing centralization of all policy, nearly unlimited executive powers in wartime and so on. ~~ article by "Foseti"





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## Why No Supreme Court of the Confederacy?

The Confederacy never organized a Supreme Court because her founders generally interpreted the US Constitution strictly. Over the years they had seen that the U. S. Supreme Court tended to make rulings, and assume jurisdictions, that strengthened and enlarged the Federal Government. As a component of that Government they realized that the Court had a natural tendency to increase its authority. Along with some of the best informed founders of the 1789 Federal Union, however, they believed that the Supreme Court was only intended to be the final authority on matters pertaining to the powers specifically enumerated in the U. S. Constitution. None of the three Federal branches—President, Congress and Judiciary—were intended to have final authority over the rights reserved for the states.

The conflict became obvious when President John Adams pushed through the 1798 Sedition Act, making it a crime to speak ill of the President or Congress. Since it was harshly enforced for some of the mildest criticisms, strict constructionists respond. Among them was future President James Madison who is known as the Father of the Constitution. He denied that the Supreme Court was the ultimate authority on States Rights. This can be seen from the 1798 Virginia and Kentucky Resolutions he helped write with Thomas Jefferson condemning the Sedition Act as unconstitutional.

Calhoun would build upon the Resolutions to formulate his nullification theory that South Carolina invoked in 1833 to nullify the 1828 Tariff of Abominations. Calhoun argued that the tariff was not uniform in terms of geographic economic impact and therefore unconstitutional. When the Federal Government crossed over constitutional lines, a state could take action as the final authority of constitutionality in its borders, not the Supreme Court. All states could only be forced to conform to such a law by passing a new amendment specifically making it constitutional.

That actually happened in 1795 with the Eleventh Amendment. When a 1793 Supreme Court ruling held the state of Georgia at fault in a suit brought by a South Carolina resident, Georgia denied the Court's jurisdiction. After the adverse ruling ten other states joined Georgia to ratify a new (11th) Amendment specifying that individuals outside an applicable state could not sue that state without the state's permission. The Amendment's prompt ratification indicates a widespread belief that the Court was unexpectedly and quickly overstepping its authority.

Before forming a Supreme Court the Confederacy was trying to figure out how to ensure that the Court would not overstep its jurisdiction. Otherwise the fight for the Senate approval of nominees might degenerate into fanciful allegations intended to assassinate the character of a candidate by opponents wanting to extend the Federal Government's power over the states. Seem familiar? ~ Phil Leigh