



**Volume 58, No 9  
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# Battle Cry

Founded 1961,  
Newsletter of the Sacramento Civil War Round Table  
P.O. BOX 254702  
Sacramento, CA 95865-4702  
<http://sacramentocwrt.com/>



## President's Message

Once again, Larry Tagg gave us an outstanding presentation. This time on the Battle of Shiloh. His emphasis on how green all the participants were from the top down was fascinating. The impact of the high losses shocked the whole nation.

At a time when Civil War monuments are being brought down, it is interesting to read about one being designed now for installation in early 2019. Paul Ruud loaned me his copy of the West Point Association of Graduates publication. In it, there was an article that a bronze statue of General Ulysses S. Grant will be installed on the West Point Plains. When you consider the Plains now contains statues to several famous West Point graduates: Douglas MacArthur (Class of 1903), George Patton (Class of 1909), and Dwight Eisenhower (Class of 1915). I am amazed that there is not a monument to General Grant. A strong case can be made that Grant is the most important graduate in the history of the Academy.

I am really looking forward to Sherrie Patton's presentation on, "Latinos Were in the Civil War." This is a new topic I have never heard addressed.

**Dennis Kohlmann, President**

**MINUTES**  
**SACRAMENTO CIVIL WAR ROUND TABLE**  
**Wednesday, August 8, 2018**  
**HOF BRAU RESTAURANT, 2500 WATT AVENUE, SACRAMENTO**

**ATTENDANCE – 29**

**MEMBERS – 23:** Dennis Kohlmann, President; Barbara Leone, Secretary; George Foxworth, Treasurer; Silver Marvin Program Director, Roy Bishop, Harvey & Marsha Cain, Arnd Gartner, Ron Grove, Chris Highsmith, Jane Jackson, James Juanitas, Arnold Kunst, Alejandro & Jaime Lizarraga, Grace Long, Michelle Matalone, Bernard Quinn, Nancy Samuelson, Roxanne Spizzirri, Michael Werner, Dan Wolfe, John Zasso.

**GUESTS – 6:** Esther Boeck, Serena Short, Tim Smith, Larry Spizzirri, Richard Spizzirri, Larry Tagg.

1. Dennis led the Pledge; John Zasso conducted the raffle. Silver introduced Larry Tagg who discussed his book *The Generals of Shiloh*. It is about what was going on in the first year of the War, especially in the West.
2. In April 1861, there were 16,000 American military personnel with only five generals. Adding thousands of soldiers required additional generals. An Illinois Congressman, Elihu B. Washburne, heard about U.S. Grant in Galena. He was very impressed especially after learning Grant had been to West Point. He asked Grant to take 100 men to Springfield to start their training. Lincoln asked Washburne to name a general; Grant was his choice. Eventually, he had about 12,000 men. He had them raiding into Missouri, not Kentucky. Kentucky would remain neutral even though it was a slave state. That meant no troops could march across it so Tennessee didn't have to protect it's Northern border. The rivers of the West belonged to the Union because it had the ironclads, the men, and the technology to maintain them.
3. The wealth of the country was concentrated in the Mississippi River Delta area. The value of slaves was worth more than all the industrialization, livestock, real estate, etc. combined.
4. The Confederate General Leonidas Polk made one of the biggest errors of the War. His army in Memphis, Tennessee was guarding the Delta. He decided to take Columbus, KY without checking with the Governors of KY, TN, MO, or even Jefferson Davis. Thus, the South had invaded KY causing it to go to the Union.
5. If Polk and General Albert Sidney Johnston had attacked Grant at Fort Donelson, he would have been destroyed but they were afraid of the gunboats. Instead Grant captured 23,000 men at Fort Donelson without losing a man.
6. The purpose of the Northern Army of the Ohio headed by General Don Carlos Buell was to keep the slaveholders happy. It was important to keep Kentucky on the Union side. Buell was a protege of McClellan and thus conservative. When the War was over, life would resume as it had been and that included slavery. The Army was well drilled but had no target practice and had not fought.
7. The Battle was fought at Shiloh because of its location near Corinth Mississippi, a center for railroad connections. Once Corinth was taken, so Memphis would be. Beauregard was assertive, Albert S. Johnston wasn't. Beauregard directed the Confederate troops to go where the fighting was the loudest, the Hornet's Nest. By percentage, more generals were wounded than privates. Johnston was one of them and he died.
8. Technically the Union won, but it was a draw. The real significance was the effect the loss of life had on both sides. The casualty numbers of 23,000 wounded and killed was overwhelming. General George McClellan was especially impressed. He was determined to win by maneuver and strategy in the Peninsula Campaign and march into Richmond. Plans do not always play out as imagined.
9. The next Board Meeting will be Wednesday, September 12, 2018, 10:00 AM at Brookfield's Restaurant.

**Barbara Leone, Secretary**

**Treasurer's Report**

The cash balance following the August 8th meeting was \$6,628.72. Thanks to John Zasso, other members, and guests, the raffle brought in \$39.00.

**George W. Foxworth, Treasurer**

# Coming Programs for 2018 & 2019

Date	Speaker	Topic
September 12th	Sherrie Patton	"Latinos Were in the Civil War"
October 10th	Tad Smith	"Fort Sumter, From the Southern Perspective"
November 14th	Joe Maxwell	"Union Cavalry"
December 12th	Nicholas Scivoletto	"Civil War Quiz"
January 9th	Ted Savas	"The War Outside my Window"
February 13th	Jim Lane	To Be Determined
March 13th	Bernie Quinn	"Engagements of Hiram Berdan's Sharpshooters"

## **2019 Membership**

The 2019 membership renewal is due as of January 1, 2019. The dues are \$20.00 and you can renew at a monthly meeting or send to the Treasurer through the mail. For all checks, make them payable to **Sacramento Civil War Round Table** and send them to

George W. Foxworth  
 9463 Salishan Court  
 Sacramento, CA 95826-5233

Remember, you can also pay at any monthly meeting.

## **NEWSLETTER CIVIL WAR ARTICLES**

Civil War articles/book reviews are welcome. The submission deadline is the 1<sup>st</sup> of each month for that month's **Battle Cry**. However, you can submit articles at anytime. Please submit your items in Microsoft Word or regular email to:

[gwfoxworth@sbcglobal.net](mailto:gwfoxworth@sbcglobal.net)

Do not submit files that I cannot edit.

The **Battle Cry** is the monthly newsletter of the Sacramento CWRT. Submissions are subject to availability of space and size limitations. Submissions do not necessarily reflect the views of the organization or the Editor. The official address of this organization is: Sacramento Civil War Round Table, Post Office Box 254702, Sacramento, CA 95865-4702. <http://www.sacramentocwrt.org> is the web site address. Check the web for past newsletter editions and information about the group.

# A hungry congressman didn't get the breakfast he ordered. So he shot the waiter.

by Robert Mitchell, June 23



The historic Willard Hotel in Washington. (Jahi Chikwendiu/The Washington Post)

Philemon T. Herbert sauntered into the Willard Hotel in search of breakfast. Then things got weird.

It was a little after 11:00 AM on May 8, 1856, when the famished congressman, a first-term Democrat from California, strolled into the Hotel's dining room. After ordering breakfast, Herbert left to buy a couple of newspapers. When he returned, he found part of the meal he ordered but was told the Hotel office would have to approve serving a complete breakfast at that hour, according to the *Washington Evening Star*.

Described by a San Francisco newspaper as a gambler who turned to politics "to better his position," the compact, muscular Herbert exuded menace. On this day, hunger apparently pushed him over the edge. Infuriated, Herbert launched a stream of invective at the lad who served him.

"Clear out, you Irish son-of-a-b—," Herbert yelled, according to the *Star*. Then he turned and challenged Thomas Keating, one of the waiters in the dining room. "And you, you damned Irish son-of-a-b—, clear out too!"

Name-calling quickly gave way to violence. Fists and plates flew as Herbert's companion struck Keating's brother, who also worked at the Hotel, with a chair. Herbert grabbed Keating by the collar, produced a Derringer and held the gun at Keating's chest.

The lawmaker pulled the trigger. The bullet pierced Keating's lungs, and the waiter died within minutes as Herbert and his fellow diner fled out the Hotel's 14th Street exit, the Star reported.

Political tension is particularly taut these days on Capitol Hill, but it is nothing like the volatile world of pre-Civil War Washington, where lawmakers routinely dueled and brawled. Even then, the shooting of a waiter by a member of Congress was regarded as beyond the pale. "Of course there is no excuse for the murder in the circumstances of the case," the New York Tribune declared.



Philip Barton Key. (Courtesy of the Library of Congress)

It may have been inexcusable, but it was a sign of the times. The incident occurred weeks before a more notorious confrontation in which South Carolina Representative Preston Brooks beat Senator Charles Sumner of Massachusetts senseless on the Senate floor after Sumner called Southerners flocking to support slaveholders in Kansas the "drunken spew and vomit of an uneasy civilization." Anti-immigrant sentiment, manifested in a secret society whose members pledged to say they "know nothing" about its activities, was rampant.

In the wake of the shooting, the Northern press reported that Herbert was an "Alabama-born blueblood and an avid secessionist" who had been expelled from the University of Alabama after he stabbed a fellow student, according to Guy Gugliotta, a former Washington Post reporter and author of a [book](#) on pre-Civil War Washington and construction of the U.S. Capitol. That a hotheaded, highborn Southerner killed a working man confirmed Northern fears about the intemperate behavior of Southern defenders of slavery, according to Gugliotta.

Charged with the task of prosecuting Herbert was Washington District Attorney Philip Barton Key, the son of "Star-Spangled Banner" author Francis Scott Key. The elder Key was a pillar of the community, but his son was cut from a different cloth.

Key “evinced no religious inclinations whatsoever, was a friend to some of Washington’s most avid secessionists, and, instead of being one of the pillars of the community, was known as a popular society figure about whom a constant whirl of gossip flowed,” Nat Brandt wrote in “[The Congressman Who Got Away With Murder](#).” Ironically, two years later Key himself would be [killed by a congressman](#) — Daniel Sickles of New York — after Key’s affair with the Congressman’s wife was discovered.

Regarding Herbert, Key’s case seemed clear-cut. At a preliminary hearing at the jail, and later in court, witness after witness described Herbert’s tirade and attack on Keating.

Nevertheless, Key failed to get a conviction. The presiding judge endorsed jury instructions written by the defense. Incredibly, Key registered no objections, according to the Star, and the trial ended in a hung jury. In a second trial before the same judge — with a jury composed of as many as 11 anti-immigrant Know Nothings, who were likely to excuse the murder of the Irish waiter — the jury received the same directive and quickly acquitted the lawmaker, the Star said.

The indifference of the juries was shared by much of official Washington. “Violence was simply a part of the City’s daily operation and was often a by-product of morally lenient behavior, including the consumption of alcohol, gambling, womanizing, and other misdeeds,” historian Rachel A. Sheldon has [written](#).



The Willard Hotel in the mid-19th century, around the time of the failed pre-Civil War Peace Conference. (Library of Congress.)

The House seemed to have been similarly nonchalant. Herbert continued to serve in Congress while charges were pending — much to the amazement, as Gugliotta notes, of [Montgomery Meigs](#), the Army engineer assigned to supervise construction of the dome at the U.S. Capitol. “How he can sit there with the guilt of murder upon his hands, in the face of his fellow men, I do not see,” Meigs wrote in his journal on May 15.

Herbert did not stay in Washington for long. Taking no chances, he left town after his acquittal. He returned to California but did not seek reelection. In October 1856, a delegation of San Francisco residents confronted him at one of the City’s hotels and demanded he depart the City.

The San Francisco Bulletin cheered the exit of the notorious figure it dubbed the “Mariposa monte dealer.” Herbert was unrepentant — and before he left town, he composed a lengthy defense of his conduct published in the New York Herald in which he claimed he was being unfairly pilloried for partisan purposes.

“All the vile passion fanaticism could incite, and all the learning and ability money could command, were arrayed against me, and when the circumstances of the affray were fully investigated before as intelligent a jury as ever sat as the arbiters of human life, I was justified in my conduct, and awarded a triumphant acquittal,” Herbert wrote. “Still, I am denounced by a portion of the press as a ‘murderer.’”

Herbert eventually left California for El Paso, according to his brief [congressional biography](#). When the Civil War broke out, he enlisted in the Confederate Army — and encountered a foe better equipped to defend itself than an unarmed waiter. Herbert died July 23, 1864, of wounds sustained in April at the Battle of Mansfield, Louisiana.

**Submitted by Silver N. Marvin**

# 2018 WEST COAST CIVIL WAR CONFERENCE

## November 9 - 11, 2018



**WYNDOM GARDEN HOTEL, 5090 East Clinton Way, FRESNO, CA 93727-1506, (1-559-252-3611 or 1-866-238-4218), \$99.00 per night, or [wyndhamguestreservations.com](http://wyndhamguestreservations.com).**

### **“THE TRANS-MISSISSIPPI THEATER: THE NOT SO GLAMOROUS STEP-SISTER OF CIVIL WAR HISTORIANS.”**

HOSTED BY THE SAN JOAQUIN VALLEY CWRT AND THE INLAND EMPIRE CWRT.  
For more information, see Website: [SJVCWRT2.com](http://SJVCWRT2.com)

#### **SPEAKERS:**

**Thomas Cutrer, Ph.d.**, Theater of a Separate War  
**Richard Hatcher III**, Park Ranger (Retired), Wilson’s Creek  
**General Parker Hills**, Red River Campaign Tour Guide  
**Jim Stanbery MA.**, Professor (Retired)  
**Dr. Brian Clague, MD**

**TOPICS: Wilson’s Creek, Pea Ridge, Prairie Grove, Red River, Sibley’s Campaign, & others.**

**Ron Vaughan, MA** (Conference Coordinator: [ronvaughan@prodigy.net](mailto:ronvaughan@prodigy.net))

**ATTENDEE REGISTRATION: \$200.00 PER PERSON** for Weekend, including meals.

**Dinner Entrees: ( )Beef, ( )Chicken, ( )Fish, ( )Veggie**

\_\_\_\_\_ Spouse Friday Dinner \$35.00; \_\_\_\_\_ Spouse Saturday Dinner \$35.00

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone(s) \_\_\_\_\_

Email \_\_\_\_\_

Address Check to **San Joaquin Valley CWRT.**

Send Check and Registration to: **Ron Vaughan, 730 East Tulare Avenue, Tulare, CA 93274-4336.**