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September, 2023

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Battle Cry

Founded 1961,
Newsletter of the Sacramento Civil War Round Table
P.O. BOX 254702
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President's Message

Greetings everyone, I hope you are all doing well.

During World War I, most of the soldiers died from Artillery Fire. Does anybody know what killed the most soldiers during the Civil War?

The answer is Dysentery or Diarrhea.

The treatment used at the time was quinine and opium. Calomel, blue mass, strychnine, castor oil, turpentine, silver nitrate, and ipecac were also popular treatments for Dysentery and Diarrhea, but they all had extreme side effects.

Somehow knowing this information makes the Civil War less glamorous.

James C. Juanitas, President

MINUTES
SACRAMENTO CIVIL WAR ROUND TABLE
Wednesday, August 9, 2023
DENNY'S RESTAURANT, 3520 AUBURN BOULEVARD, SACRAMENTO

ATTENDANCE – 0:

MEMBERS – 0: No meeting and no Members.

GUESTS – 0: No meeting and no Guests.

1. No meeting.
2. The next Executive Board Meeting is Wednesday, September 13, 2023 at 10:00 AM, Brookfields near Madison and I-80.

George W. Foxworth for Vacant, Secretary

Treasurer's Report

The cash balance on August 9th was \$5,014.12. No meeting and no raffle.

George W. Foxworth, Treasurer

Coming Programs for 2023 & 2024

Date	Speaker	Topic
September 13th	"Arnd F. Gartner"	"Liberty Denied to the Man that Laid the Foundation for Liberty"
October 11th	"To Be Determined"	"To Be Determined"
November 8th	"To Be Determined"	"To Be Determined"
December 13th	"To Be Determined"	"To Be Determined"
January 10th	"To Be Determined"	"To Be Determined"
February 14th	"To Be Determined"	"To Be Determined"

2024 Membership

The 2024 membership renewal is due on January 1, 2024. The dues are \$30.00 and you can renew at a 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

NEWSLETTER CIVIL WAR ARTICLES

Civil War articles/book reviews are welcome. The submission deadline is the first day 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

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.

Friends of Civil War Alcatraz

The Friends of Civil War Alcatraz (FOCWA) is a group of individuals interested in the Civil War history of Alcatraz island. We are made up of teachers, veterans, historians, and others who like to research and read about how Alcatraz became an important Fort for the protection of San Francisco during the Civil War.

Some of our members are also National Park Service volunteers who assist the rangers in giving public programs, in uniform, about the Union soldiers stationed on the Island and interesting events that occurred there between 1859 and 1865. We publish a newsletter every month, which can be found on our website www.friendsofcivilwaralcatraz.org.

We also visit schools and organizations to tell that early history of the Island, long before it became the notorious Federal prison. And we conduct living history days twice a year, in conjunction with the American Civil War Association, to give the public an idea of what the Island was like as a Union Fort.

Submitted by Steve Johnson

Martin Van Buren Bates

John Wallace Bates wed his first wife, Lavinia Light, in 1803. They had four children but Lavinia never took to married life. After she ran off, John took a second wife, Sarah Waldrup in 1815. He never bothered to get a divorce from his first wife.

Martin Van Buren Bates was born on November 9, 1837 in Whitesburg, Kentucky. He was the youngest of 12 children, a mixed brood of siblings and half-siblings. His father, John Bates, stood six feet two inches and Mother Sarah a mere five feet. The rest of the family was of normal stature for the times. When Martin reached his full growth, he measured 7'9" tall and weighed over 400 pounds. He was known in the family as "Baby" but everyone else called him, "The Kentucky River Giant."

Martin was educated at Emma-Henry College in Washington, Virginia. After graduation, he began a career as a schoolteacher. One of his pupils said that he was so big, his "voice rumbled like a bull bellowing." When the Civil War began, he left his students and enlisted in F Company, Fifth Kentucky Infantry in the Confederate Army. His brothers Uriah, James, Jesse, Henderson, and Robert all enlisted along with him.

The Yanks said that Bates was "as big as five men and fought like 50." He sported two enormous pistols which he wore in black leather holsters strapped across his chest. They had been made to order for him at Tredegar Ironworks. His saber was 18" longer than the usual size. It hung at his side when he rode the huge Percheron horse that he had taken from a German yeoman in Pennsylvania. During most of 1862 - 1863, he led his men in breaking up bands of marauding guerillas, soon rising to the rank of Captain.

Bates was captured and imprisoned after being badly wounded while fighting in the Cumberland Gap area. As a prisoner en route to Camp Chase, Ohio, he was observed astride a small mule, his "feet sweeping the ground" Though captured several times during the War, he always was able to escape and return to service.

On the 30th of April, 1862, Martin heard that his brother, Uriah, was listed as "sick and in hospital." Uriah died of measles at Camp Wilson in Gate City, Virginia on May 12. Another brother, Henderson, died little by little of injuries he had received while serving with the Confederate Army, managing to survive until September 1870. Brother James was captured by eight men of the Union Home Guard on April 1, 1864 while he was home on furlough. The Home Guard soldiers had once been neighbors and friends of the Bates Family. James was tied to a tree and tortured with bayonets until he was dead, his family and neighbors forced to watch.

Bates gathered his men and hunted down the soldiers who had murdered his brother. Some of them were found hiding in caves and others in the hills. If they were at home, Bates and his men found them and dragged them from their beds. When he had gathered them all, a log was fashioned for them to stand on. Then eight nooses were hung from a pole that was placed between two trees. He delayed hanging them until he had their wives, parents, grandparents, children, and babes in

their mothers' arms standing by to watch. When Bates gave the signal, the log was pulled out from under the murderers' feet. Bates listened to their necks crack with satisfaction. The townspeople were forbidden to bury the bodies. They were told to let them "...turn to skeletons until the giant returns."

Martin Van Buren Bates left town knowing that he could never come home again. "Enemies had been made in this War that won't die for 100 years."

After the War, Martin joined the John Robinson Circus in Cincinnati, Ohio. He was the main attraction in their "cabinet of curiosities." In 1871, the Circus was in Halifax, Canada. That was where Martin met his future bride, another member of the troupe, Anna Haining Swan, "The Giantess of Nova Scotia."



Anna and Martin were billed as, "The Tallest Couple Alive." Martin refused to admit that Anna stood two full inches taller than him. They traveled to England and on June 7, 1871, were married in Saint Martin-in-the-Fields Church in Trafalgar Square. Thousands came to see them wed. They were received by Queen Victoria who presented them with gold and diamond watches and supplied the 100 yards of satin and 50 yards of lace for Anna's wedding gown. The only snide remark made about then came from *Harper's Weekly* who sniffed that Martin's tie was "exceedingly blue."

Though international celebrities, they refused to be "displayed." Instead they sat with the Circus patrons, served tea, performed skits, sang and discussed literature which they were both very fond of.

A baby girl was born to them in 1872. She weighed 18 pounds and died before taking her first breath. The body of "Sister" was donated to science so research on the causes of giantism could be begun. Years later, the couple heard rumors of a skeleton of a giant baby on display in London Hospital. They fervently prayed that it was not their daughter.

Anna and Martin continued to tour Europe until 1874. Upon their return to the U.S., they bought a 130-acre farm in Seville, Ohio. They stocked it with cattle, draft horses, and a pair of Clydesdale mares. Their home was scaled to accommodate their size. They would finally physically be at ease. The doors were eight and a half feet high and the ceilings were 14 feet high.

The costs of buying and stocking the farm and having furniture specially made forced them to go on the road again. They toured with the W.W. Coles Brothers Circus and Menagerey (sic) from 1878 - 1880 throughout Europe. Their son was born on January 19, 1879, weighing 23 pounds and 12 ounces. They were awarded the Guinness World Record as his birth weight was the highest ever recorded for a newborn. Sadly, the baby died after being on this earth only 11 hours.

Anna passed away quietly in her sleep on August 5, 1888 at 39 years old. Her funeral had to be delayed. A normal sized coffin had been sent, the coffin maker thinking the size written on the order had been a mistake. After that debacle, Martin ordered his special sized coffin built and kept it stored in a neighbor's barn. Too isolated on the farm, he moved into town and tried to live a normal life. After ten lonely years, he remarried. His new wife, Annette Lavonne Weatherby, stood about five feet seven inches tall. People said they were a good match.

Martin enjoyed sitting on his porch and watching the townspeople pass by. As he aged, he grew argumentative. If anyone gawked at him, he would spit a wad of tobacco juice at them. People began to say he was dangerous, a huge man with a "violent temper." His once good neighbors turned their backs on him.



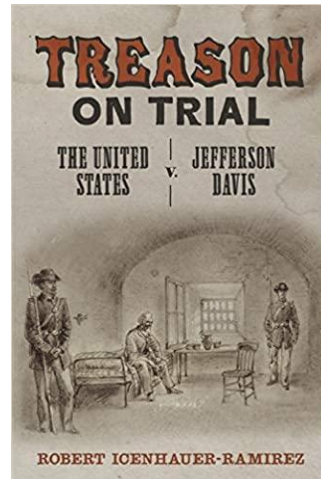
Martin Van Buren Bates died of myocardial failure, following an attack of bronchitis complicated by nephritis on January 7, 1919, age 81. He was buried in the coffin that had been built for him after Anna's death and had been waiting to receive him all these years. He rests beside Anna and their son in Mound Hill Cemetery, Seville, Ohio.

Submitted by Judith Breitstein

Treason on Trial: The United States v. Jefferson Davis

By Robert Icenhauer-Ramirez. Baton Rouge, Louisiana State University Press, 2019. 376 pp. \$55.00 (cloth), ISBN 978-0-8071-7080-9.

Reviewed by Thomas C. Mackey (University of Louisville). Published on H-CivWar (January, 2021). Commissioned by David Carlson



Jefferson Davis was certainly a president within the United States even if his tenure was shorter than expected and his cause disputed then and now. But was Davis a traitor to the United States or the patriotic leader of the Southern insurgency? If patriot, then the creation of the so-called Confederacy through secession was a legitimate and valid act of self-government in response to alleged repression by the Northern and Midwestern states led by Abraham Lincoln and the ascendant Republican Party; therefore, Davis committed no treason. On the other hand, if Davis waged war on the United States, sought to break the bonds of the 1787 Constitution, sought to establish a separate government and country in North America, and secession was an illegitimate constitutional theory (as Lincoln stated in his first inaugural address, the "essence of anarchy"), then Davis committed treason. Whether Davis led an insurrection or led a freedom movement depends more on perspective than is often recognized. Lincoln himself held no doubts and said so publicly. In his December 6, 1864, Annual Message to Congress, Lincoln reaffirmed his iron commitment to pursue the War against the insurgency. He wrote, "The public purpose to re-establish and maintain the national authority is unchanged, and, as we believe, unchangeable." Was a negotiated settlement possible? Not for Lincoln. He continued, without directly naming Davis, "On careful consideration of all the evidence accessible it seems to me that no attempt at negotiation with the insurgent leader could result in any good. He would accept nothing short of severance of the Union--precisely what we will not and cannot give." President Lincoln went on: "He cannot voluntarily reaccept the Union; we cannot voluntarily yield it. Between him and us the issue is distinct, simple, and inflexible. It is an issue which can only be tried by war, and decided by victory." Lincoln had no doubt that the

"insurgent leader" would not yield; that the "insurgent leader" had waged War on the Union, the Constitution, and the nation; and that the War would only cease when one side or the other achieved victory on the battlefield. That "insurgent leader" was Jefferson Davis.

So, the conundrum: was Davis a patriot to the Southern cause and a version of constitutional theory--the Compact Theory of the Union--that allowed secession and separation, or a traitor to the 1787 Constitution and the permanent Union/nation recognized by the 1787 Constitution? From 1865 to 1869, from the capture of Jefferson Davis to the dismissal of the treason indictments against him, this conundrum was not a "thought problem" for political theorists but an ongoing, lived political, legal, and constitutional problem for the Andrew Johnson administration, for Jefferson Davis, and--the ultimate focus of this work--for the lawyers who became enmeshed in the subtle and overlapping arguments and legal dilemmas of trying Davis for treason.

Recently, this tangle of legal and constitutional arguments has drawn the attention of scholars, most notably in Cynthia Nicoletti's 2017 award-winning book, *Secession on Trial: The Treason Prosecution of Jefferson Davis*. In that challenging and important work, Nicoletti argues that rather than endow secession with any sort of legitimacy by having Davis's defense team raise the issue in court, a trial by battle that the Southern insurgency lost, the Federal prosecutors and the Johnson administration preferred to allow the issue to trail off over time, content that the issue of secession had been settled at Appomattox Court House and capped off by the 1869 decision of the United States Supreme Court in *Texas vs. White*. She contends that they decided to deny the precedent of secession and, by neglect, kill the idea even if no definitive judicial decision had been reached on the issue of secession and constitutionalism.

Attorney and University of Texas at Austin history PhD Robert Icenhauer-Ramirez finds Nicoletti's arguments "unconvincing" (p. xii). As a result, and with a lawyer's critical eye for each and every detail of each and every argument proposed by each and every attorney involved with the litigation, Icenhauer-Ramirez crafts an argument that, at its base, is a story of incompetent counsel on behalf of the United States. As Icenhauer-Ramirez states his thesis, "While national politics had a role in the direction of the case, it was the actions and decisions of lesser-known men and women that ultimately bear responsibility for the failure to try Davis for treason" (p. ix). From his deep and wide reading in the sources, Icenhauer-Ramirez notices that throughout the treason trial process the United States got outlawyered, from the decision to bring an indictment in the first place to the pressures and pushes to drop the indictments. As a result, this work recounts the story, again, of a major state trial that did not occur, of the dogs who did not bark, and the failures of the Government attorneys tasked with running, overseeing, and prosecuting the treason trial of Jefferson Davis.

Icenhauer-Ramirez spreads the blame for the failure to try Davis around to a variety of persons. He places the "primary responsibility" (p. 298) at the feet of Lucius Chandler, the United States Attorney for Virginia. Chandler lacked the self-confidence and the political and litigation skills needed to bring and prosecute such a case with such major

implication. The task overwhelmed him. Icenhauer-Ramirez argues that Chief Justice Salmon P. Chase lacked the will and stomach to support the Davis prosecution out of fear that it would hurt his own political calculations. Chase avoided Richmond whenever his presence might have advanced the judicial process of trying Davis and obfuscated in his responses and guidance issued to Chandler and others on how and why to proceed with the Davis treason trial. In fact, Chase met with Davis's attorney's "about the charge and gave them advice on how to proceed--three times going so far as to suggest avenues of approach to prevail against the government" (p. 299). Icenhauer-Ramirez also targets and blames President Andrew Johnson for the failure to try Davis for treason. While Johnson told his cabinet that he wanted Davis tried, he also delegated the task to legal professionals--his Attorneys General and Chandler--and then took an out-of-character hands-off approach to the actual process of bringing Davis to trial. A stronger President, a Thomas Jefferson, speculates Icenhauer-Ramirez, citing the earlier Aaron Burr treason trial, would have pushed harder for Davis's trial. But, given the turmoil surrounding the Johnson Administration and that Johnson himself was in over his head as President at that historical moment, something had to fall to the wayside, and the Davis prosecution faltered for lack of legal talent and political will and commitment.

Contrary to this list of who failed the prosecution, Icenhauer-Ramirez credits the Davis defense team, especially New York City Attorney Charles O'Connor, with all of the talent and motivation necessary to defend their client that the prosecution team lacked. O'Connor's long-term strategy of delay, of building legal and political allies, and of changing the public's perception of Davis and secession paid dividends. While the four years of imprisonment and separation from family no doubt taxed Davis, his family, and his supporters, O'Connor concluded that he could not only get bail granted for Davis, but succeed in avoiding a treason prosecution against his client all together. Father Time, O'Connor came to understand, was on his side when faced with the legal mediocracies and the political hesitations of the United States' legal team and leaders.

Less concerned with high public policy implications and constitutional theory than Nicoletti's earlier book and more concerned with the nuts-and-bolts problems associated with the lawyers and bureaucratic issues involved in bringing and prosecuting a charge of treason against so notable a person as Jefferson Davis, Icenhauer-Ramirez's book fleshes out the complex and, at times, nonlinear, progress of the prosecution, or, rather, non-prosecution, of Davis. Not deciding to prosecute was still a decision, and Icenhauer-Ramirez's work analyzes the multiple layers of lawyers, legal ideas, and political motivations in the effort to try David for treason. His impressive digging in the primary sources becomes evident though the sheer amount of detail provided in each chapter, and, based on his evidence, Icenhauer-Ramirez makes a cogent argument about the unexpectedly difficult task of prosecuting Davis. While the evidence can be overwhelming, perhaps daunting at times, to consume as a reader, Icenhauer-Ramirez has produced a book that any future investigators of the treason trial of Jefferson Davis will both build on and be enriched from mastering.

Submitted by Bruce A. Castleman, Ph.D.

2023 WEST COAST CIVIL WAR CONFERENCE

November 3 - 5, 2023



WYNDHAM GARDEN HOTEL, 5090 East Clinton Way, FRESNO, CA 93727-1506, (1-844-208-0446, 1-559-494-4992, or 1-559-252-3611), \$112.00 per night with Group Block ID# 141218, (Fresno Airport).

“160th Anniversary of the Vicksburg Campaign.”

HOSTED BY THE SAN JOAQUIN VALLEY CWRT. For more information, see Website: SJVCWRT2.com

SPEAKERS & TOPICS:

General Parker Hills; Author & Civil War Tour Guide; Various topics on Vicksburg. General U.S. Grant (Dr. Curt Fields); Grant Interpreter; Grant at Vicksburg. Jim Stanbery; Educator & Historian; Grant vs Pemberton. Ron Vaughan; San Joaquin Valley CWRT; Battle of Milliken's Bend & The Adventures of Bowen's Missouri Troops in the Bayous.

Friday Night Dinner Begins at 5:30 PM.

Ron Vaughan, MA.; (Conference Coordinator: ronvaughan@prodigy.net).

EARLY BIRD REGISTRATION: \$225.00 PER PERSON for Weekend, including meals until October 1, 2023. After October 1, \$250.00. Breakfast on your own. Coffee, water, and pastries provided during the Conference.
(Non participants who wish Dinner Friday or Saturday nights: \$35.00 each meal.)

Name _____

Address _____

Phone(s) _____

Email _____

Member of which CWRT/ORG _____

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

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