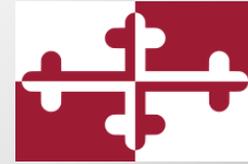
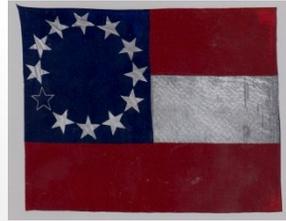


# Maryland and the Confederacy



**Don Evans**

**Major George W. Littlefield Camp #59, Sons of Confederate Veterans**



## Maryland and the Confederacy: Outline of Presentation

Why this topic?

Some background information on Maryland before the War

The election of Lincoln and the Secession Winter of 1860-1861

Events leading to war and Maryland's place in them

THE QUESTION: If not occupied by Northern troops, would Maryland have seceded?

The War and its Aftermath in Maryland

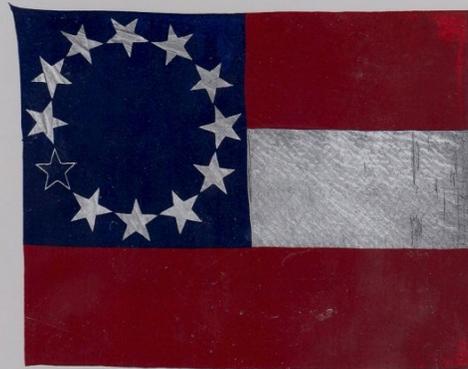


Maryland Flag with the Calvert and Crossland Arms, adopted 1904

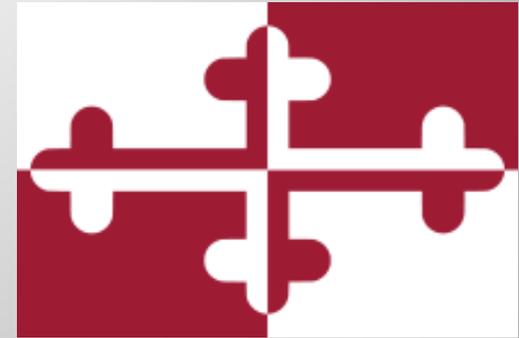
# A Southern Star For Maryland

*Maryland and the Secession Crisis*

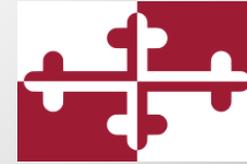
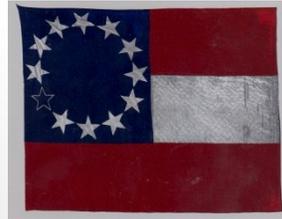
LAWRENCE M. DENTON



Denton Book Cover, 1995, showing the flag used by Marylanders comprising Company H of the 21st Virginia Infantry Regiment, one of the Army of Northern Virginia's most distinguished units. Note the "ghost" thirteenth star



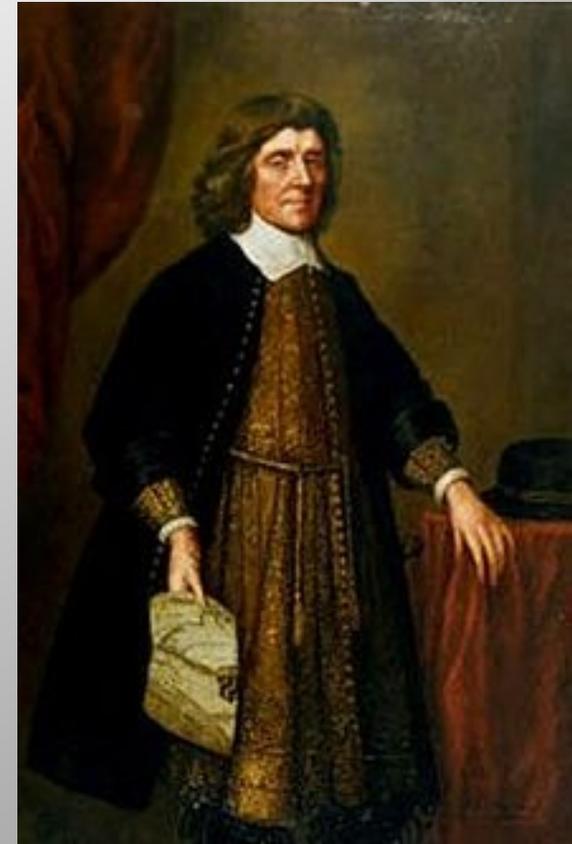
Crossland Banner with Bottany Cross used by Maryland Confederate Troops 1861-1865



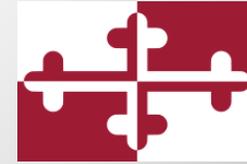
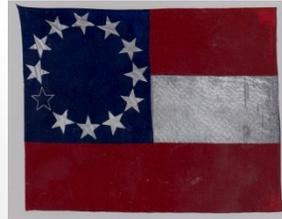
## Maryland: Some Background Facts

First settled in 1633 as a Proprietary Colony of Great Britain under the control of Cecil Calvert, Second Baron Baltimore

Calvert, a Catholic seeking to found a haven for his fellow Catholics who were second-class citizens at home, did not impose restrictions on his colonists on the basis of religion. This was, however, replaced in 1649 by a policy guaranteeing freedom of religion only to persons who expressed belief in the Trinity (good for Catholics and Protestants, not so good for Unitarians and Jews).



Cecil Calvert, 2<sup>nd</sup>. Baron Baltimore

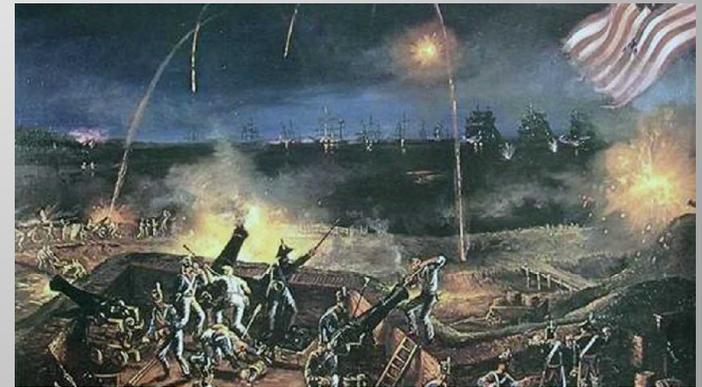


## Maryland: Some Background Facts

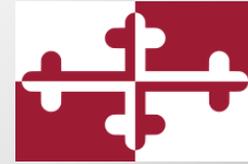
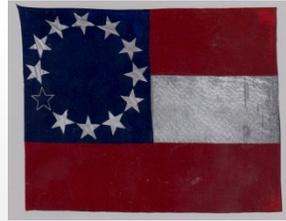
Maryland became the seventh state to ratify the U.S. Constitution (1788)

Baltimore is the home of the National Anthem, written by Francis Scott Key during the 1814 bombardment of Ft. McHenry in Baltimore Harbor

Economy in 1860: Maryland was extensively and closely linked with the Northern and Southern economies. It had a mix of shipping, agriculture and manufacturing interests, and was well supplied by railroads, including the nation's first railroad, the Baltimore and Ohio (B&O) which opened for business in 1830



Bombardment of Ft. McHenry,  
1814



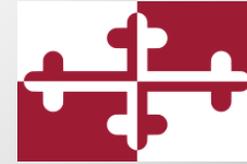
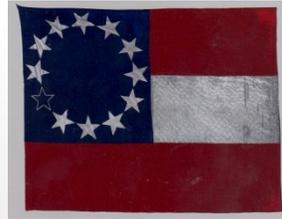
## **Maryland: Some Background Facts**

Demographics in 1860: Maryland was one of fifteen states in the Union where slavery was legal in 1860. Out of a total population of 690,000, 25% were black, of whom half were slave and half were free. Maryland had the largest population of free blacks in the country. Only 12% of Maryland families owned slaves, the lowest percentage of any slave state except Delaware (3%)

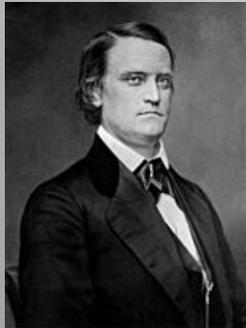
As did many Virginians, many Marylanders freed their slaves in the decades following the Revolution. After 1810 they began selling them in increasing numbers to rapidly growing economies in the newer Southern states

Slave ownership was concentrated in agriculture-intensive areas in the south and eastern shore portions of the state, and was much less common in the more mountainous western counties. Abolitionist and former slave Frederick Douglass grew up on the Eastern Shore and in Baltimore, from whence he escaped in 1838





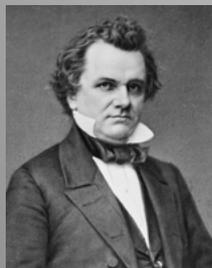
## The Presidential Election of 1860, 92,502 votes cast



Winner: John C.  
Breckinridge (Kentucky),  
Democrat (Southern)  
42,482 votes 45.9%



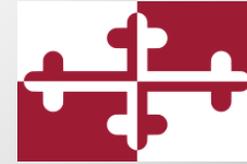
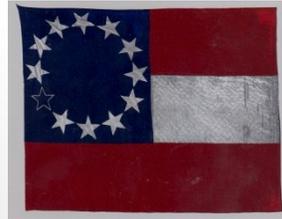
John Bell (Tennessee),  
Constitutional Unionist,  
41,760 votes, 45.1%



Stephen A. Douglas  
(Illinois), Democrat  
(Northern) 5,966  
votes, 6.4%



Abraham Lincoln (Illinois),  
Republican, 2,294 votes, 2.5%



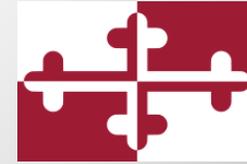
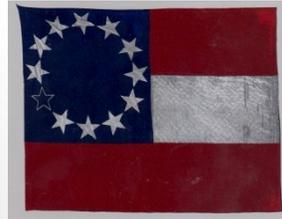
## The Presidential Election of 1860: Conclusions (from Denton)

Maryland's results were virtually identical to those of the Upper South states. The "extremist" Southern candidate (Breckinridge) and the moderate Southern candidate (Bell) together won 91% of the vote; the extremist Northern candidate (Lincoln) and the moderate Northern candidate (Douglas) together won only 9% of the vote

"As across the upper South, much of Maryland's slaveholding oligarchy voted for the moderate Bell, and much of the non-slaveholding middle class voted for the extremist Breckinridge" (Denton, p.37)

Maryland's vote was very similar to that of states that later decided to secede from the Union, especially Virginia

Analysis of the election results supports the conclusion that only about 20% of Marylanders were **unconditional Unionists** (i.e., supporters of the Union even if the right of secession was denied). Subsequent events support this analysis



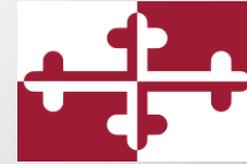
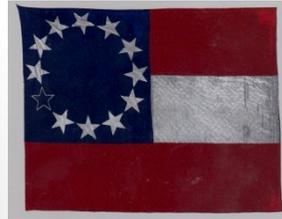
## Events and the Maryland Response

**March 4, 1861:** Abraham Lincoln assumed office. By then, seven southern states (South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana and Texas) had seceded from the Union

In the eight remaining states where slavery was legal the predominant hope was that the secession of seven states would **not** lead others to follow their example and that peaceful measures would succeed in averting any resort to violence. This view was shared by prominent Northerners as well, including Lincoln, Seward and Douglas



*Lincoln's Inauguration March 4, 1861*



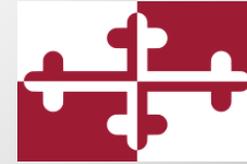
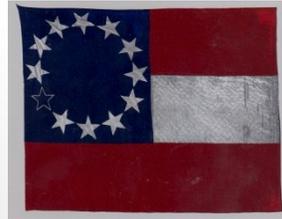
## Events and the Maryland Response

**March 4, 1861:** Abraham Lincoln assumes office.

In his inaugural address Lincoln began with a strong assurance that his administration had no intention whatsoever of interfering with slavery in the states where it existed. He emphasized that he had neither the right nor inclination to do so.

He followed this with an assertion from the Republican platform: “We denounce the lawless invasion by armed force of the soil of any State or Territory, no matter what pretext, as among the gravest of crimes. I now reiterate these sentiments ... that the property, peace, and security of no section are to be in any wise endangered by the now incoming Administration.”





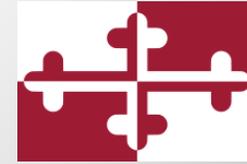
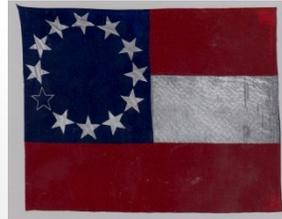
## Events and the Maryland Response

**March 4, 1861:** Abraham Lincoln assumes office.

While the platform plank Lincoln quoted and reaffirmed was clearly a response to the John Brown raid in 1859, its general principles did express Lincoln's long standing public sentiments.

Despite this seemingly conciliatory beginning, it became immediately clear that despite the secession of seven states who had in fact *already formed a government of their own* (Davis had been inaugurated two weeks prior to Lincoln) Lincoln pretended in effect that nothing had happened. He insisted it was *impossible* for states to leave the Union without the consent of the other states, and therefore secession *had not in fact occurred*.



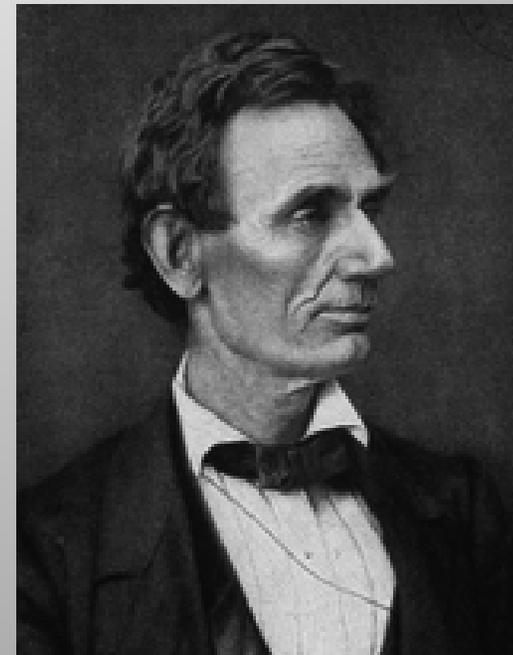


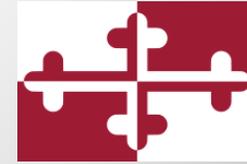
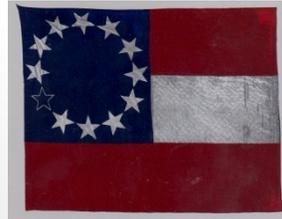
## Events and the Maryland Response

**March 4, 1861:** Abraham Lincoln assumes office.

After a short excursus into history where he claimed that “the Union is much older than the Constitution” a claim so palpably absurd that not even the Lincoln priesthood tries to defend it, he then declared “I therefore consider that in view of the Constitution and the laws, *the Union is unbroken.*”

Since the Confederacy did not, indeed *could not* exist, he pledged that “The power confided to me will be used to hold, occupy, and possess the property and places belonging to the Government and to collect the duties and imposts; but beyond what may be necessary for these objects, there will be no invasion, no using of force against or among the people anywhere.”

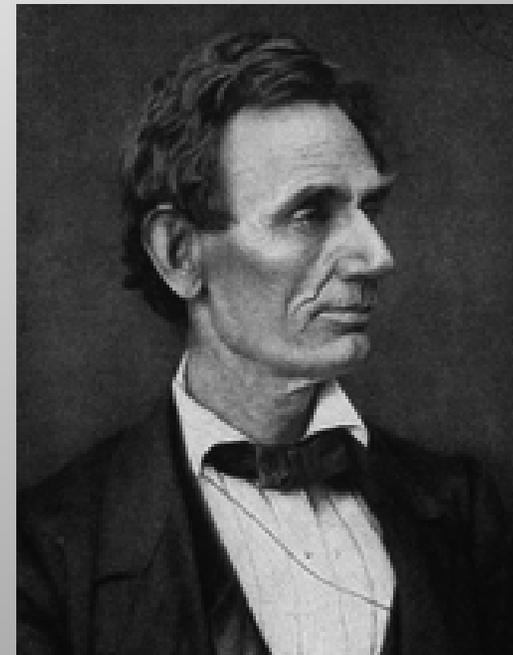


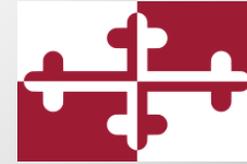
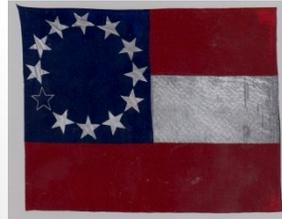


## Events and the Maryland Response

**March 4, 1861:** Abraham Lincoln assumes office.

Despite the fact that secession was a concept as old as governments themselves, had been exercised in America's separation from British control, had been discussed intensely in America for at least sixty years prior, had been threatened by many in the North and South over various issues, and now had finally occurred, Lincoln could not accept it even as a political *possibility*, independent of the question of its rightness or wrongness

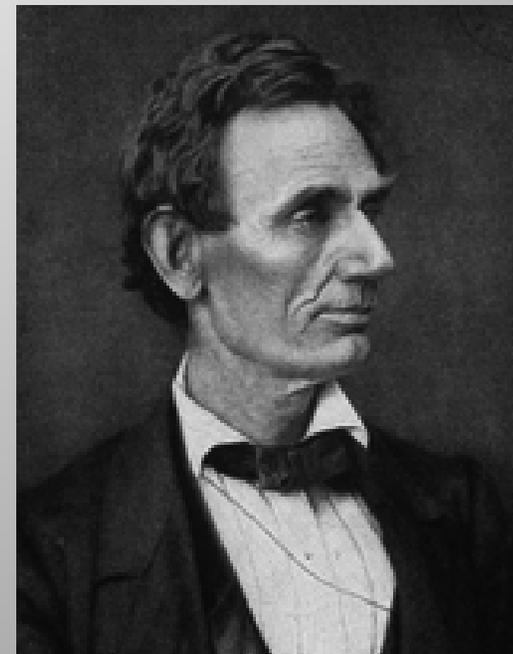


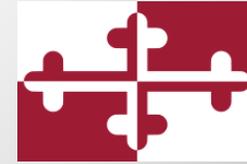
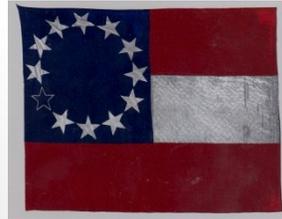


## Events and the Maryland Response

**March 4, 1861:** Abraham Lincoln assumes office.

The reason for this is that in Lincoln's quasi-mystical "metaphysical" concept of the Union, the *only* alternative to Union was rebellion, anarchy and the total collapse of government. This view is amply documented in his speeches and writings both before and during the war, including the Gettysburg Address





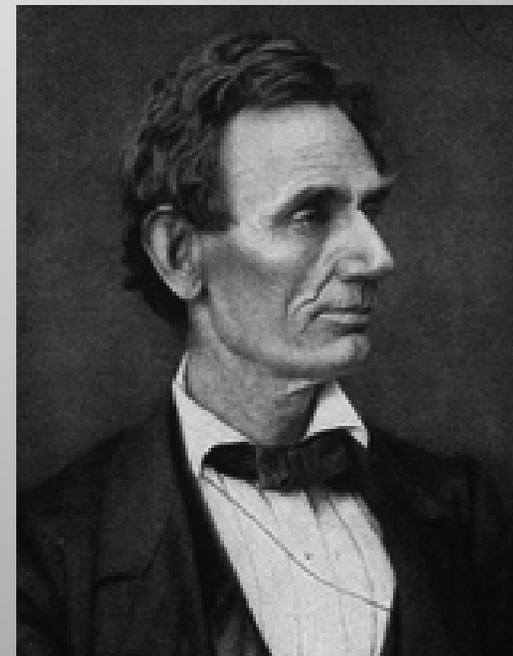
## Events and the Maryland Response

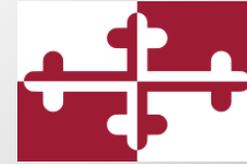
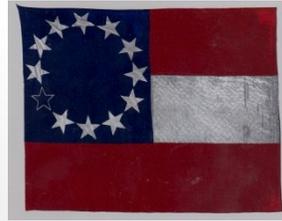
**March 4, 1861:** Abraham Lincoln assumes office

Reaction to Lincoln's inaugural was very mixed in Maryland, but no one was in favor of "rocking the boat" by pressing for secession. Probably most thought the whole thing would blow over somehow without violence.

In the next few weeks conventions in Arkansas, Missouri and Virginia soundly rejected Secession, Virginia by a *two to one* vote. Marylanders never even considered calling a convention

The majority sentiment in Maryland was to follow the lead of Virginia. If Virginia stayed in the Union, Maryland should also, if not....





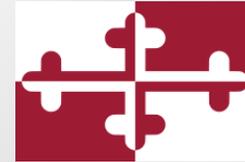
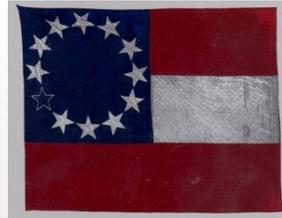
## Events and the Maryland Response

### Meanwhile, Back in the Confederacy...

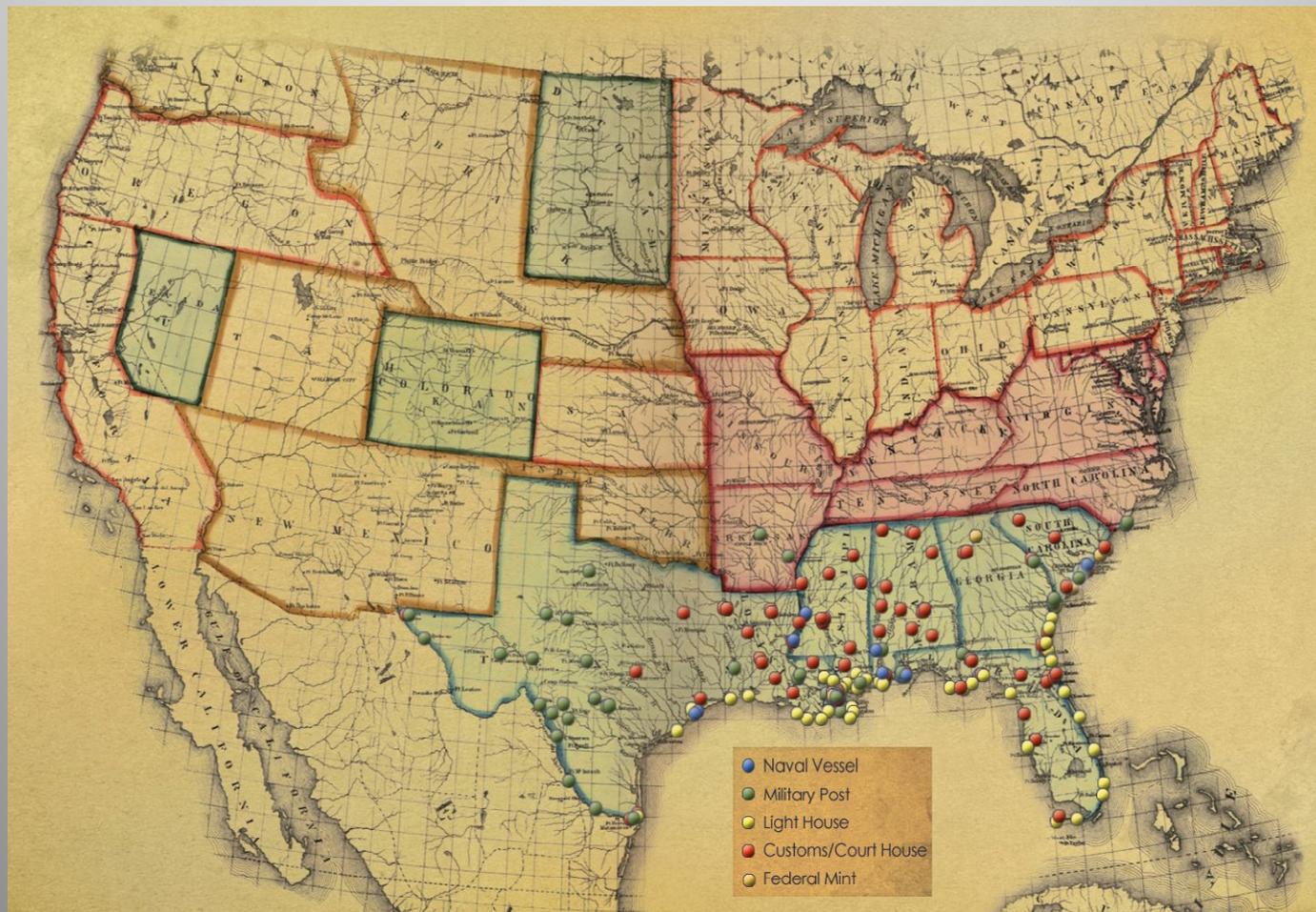
Starting with South Carolina, the other Confederate states moved quickly to seize Federal property and installations within their borders, even before the organization of the Confederacy

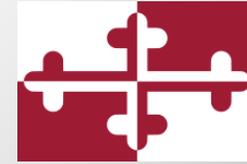
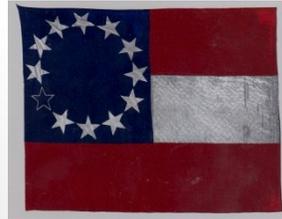
By Lincoln's inauguration Confederates had taken over **36** Federal installations. These installations were "held, occupied and possessed" by agents of State and National (Confederate) governments

Despite this obvious fact, Lincoln implied that these installations were *still* the Federal government's to "hold occupy and possess." His predecessor, President Buchanan declared he had no authority to resist these confiscations and did nothing to stop or reverse them. Lincoln sharply reversed this policy by attempting to resupply one of the very few Federal installations in the Confederacy that had *not* been confiscated: Fort Sumter.



## Events and the Maryland Response: Confederate Confiscations





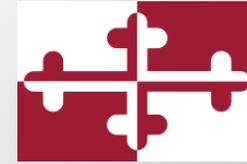
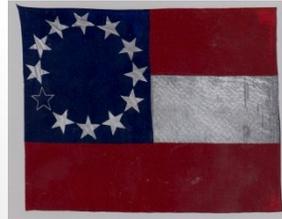
## Events and the Maryland Response

**April 12-13:** Fort Sumter Surrendered to Confederate Forces

After weeks of pussyfooting with Confederate representatives (led mainly by Secretary of State Seward, who repeatedly insisted that Ft. Sumter would soon be evacuated) Lincoln decided to resupply the fort, resulting in the Confederacy's deciding that permitting that to happen would make a mockery of their claim to independent nation status.

Even then, the non-seceding slave holding states took little action beyond seizure of the arsenal at Harper's Ferry and the Gosport Navy Yard (April 19-21) by Virginia partisans, an extra legal action condemned by their legislature





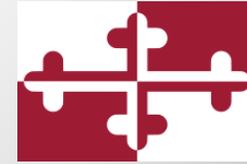
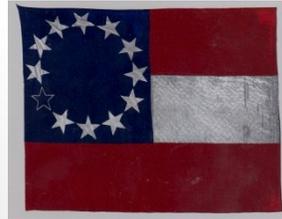
## Events and the Maryland Response

**April 15: Lincoln issued a call for 75,000 volunteers to invade the South** and suppress by military force “combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by law.”

(Note the continuation of the surreal world of the First Inaugural: Although there was no such thing as secession, the “combinations” representing the democratically determined wishes of the people of seven states must be forcibly suppressed)

Basically, **this** is the action that started the war It convinced many fence sitters and Unionists that the Federal government was **insistent** on denying the Constitutional right of self-government to a large portion of its citizens





## Events and the Maryland Response

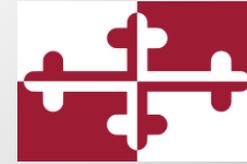
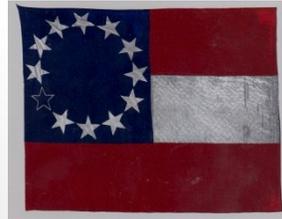
### April 15: The call for 75,000 volunteers

“But it was really all about slavery, right?....”

*Wrong!* Mentions of slavery, let alone discussions of it, are conspicuous by their absence in the secession Winter period. Northern historians acknowledge this, saying Lincoln’s whole purpose was “to save the Union,” echoing Lincoln’s refusal to recognize that **the old Union was dead**.

The only “Union” that could be “saved” was that of the **North** and the **unseceded** slave states. Lincoln’s call for invasion pushed the latter to secession





## Events and the Maryland Response

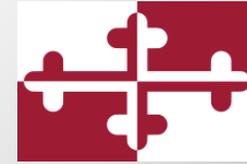
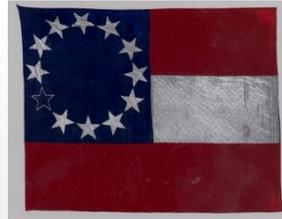
### April 15: The call for 75,000 volunteers

But did Lincoln have any alternatives?

**YES!** Rather than invade Lincoln could have opened negotiations with the Confederacy to address compensation for confiscated Federal property, trade, monetary issues and mutual defense. This could arguably have prevented the war, without doubt it would have delayed it

**BUT** this would require the services of a *statesman*, not the two-bit prairie lawyer that Lincoln was





## Events and the Maryland Response

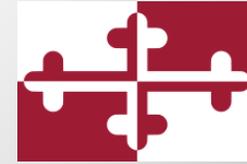
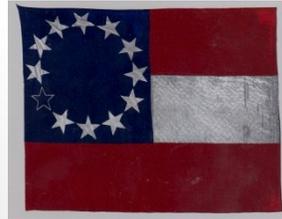
### April 15: The call for 75,000 volunteers

But did Lincoln have any alternatives?

To be fair, Lincoln could hardly open negotiations with an entity that he had declared a few weeks earlier *could not possibly* exist! In doing so he may have been impeached by his party, many of whom wanted blood. Lincoln followed the line of least resistance, hoping a strong show of force would restore the old Union

The evidence is overwhelming that had Lincoln opened negotiations *no further states* would have seceded at that time





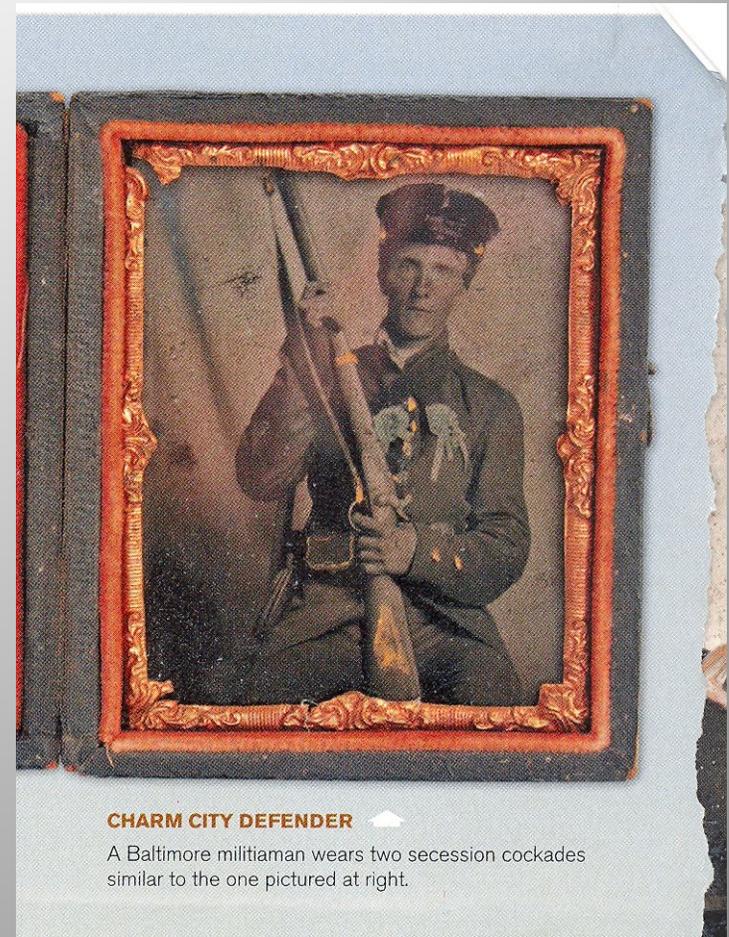
## Events and the Maryland Response

### April 15: The call for 75,000 volunteers

In response to Lincoln's call, two days later the Virginia convention reversed its two to one vote of two weeks prior *against* secession and voted two to one *for* secession. By June, North Carolina, Arkansas and Tennessee also seceded

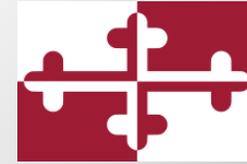
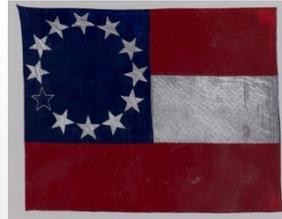
Maryland, along with other Border states firmly repudiated Lincoln's call and moved towards secession themselves

The issue was not slavery (legal in 15 states) or even Union vs. Disunion, but **Coercion**: The United States was not a country to allow one group of states to invade another for *whatever reason*



**CHARM CITY DEFENDER** 

A Baltimore militiaman wears two secession cockades similar to the one pictured at right.



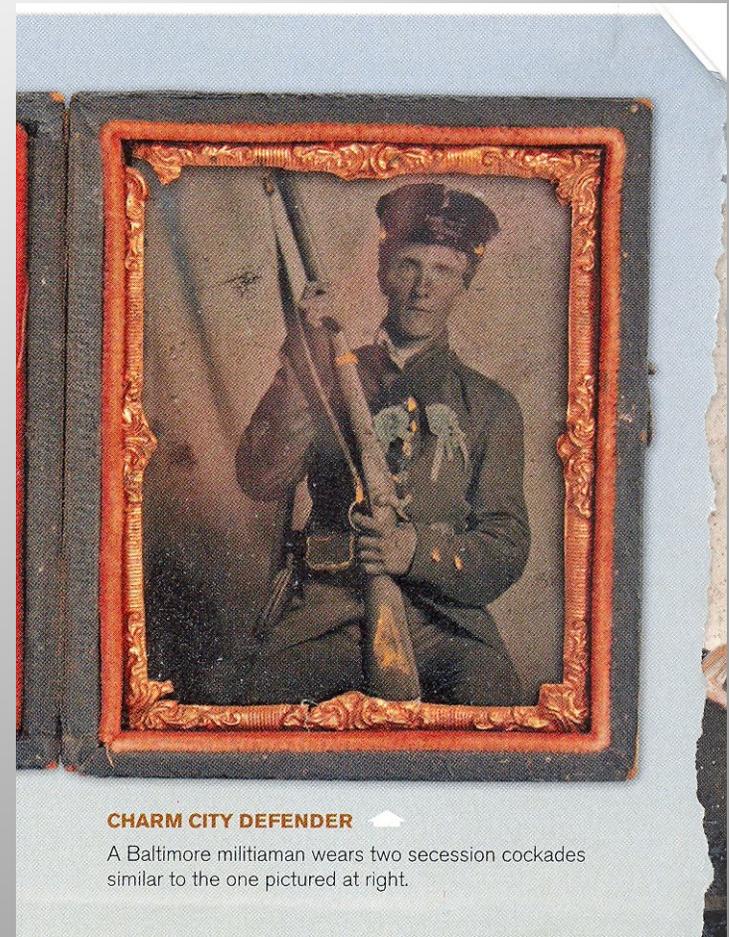
## Events and the Maryland Response

### April 15: The call for 75,000 volunteers

“We denounce the lawless invasion by armed force of the soil of any State or Territory, no matter what pretext, as among the gravest of crimes I now reiterate these sentiments ... that the property, peace, and security of no section are to be in any wise endangered by the now incoming Administration. “

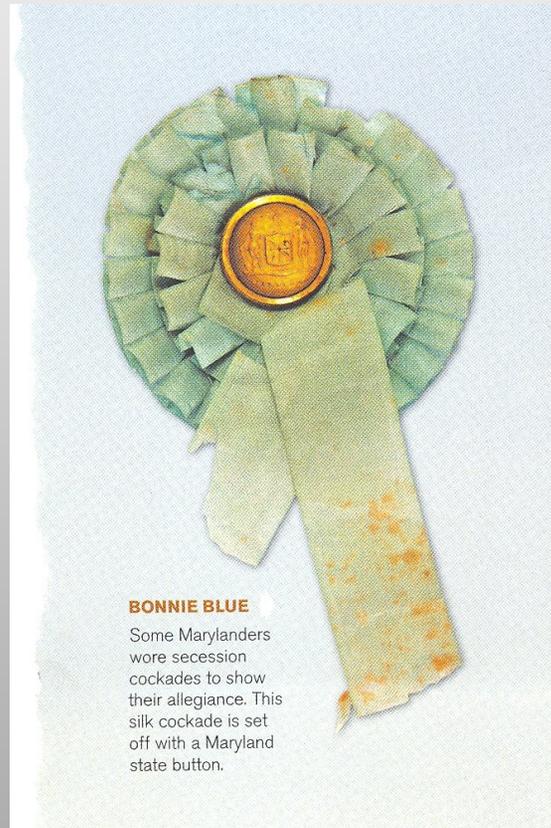
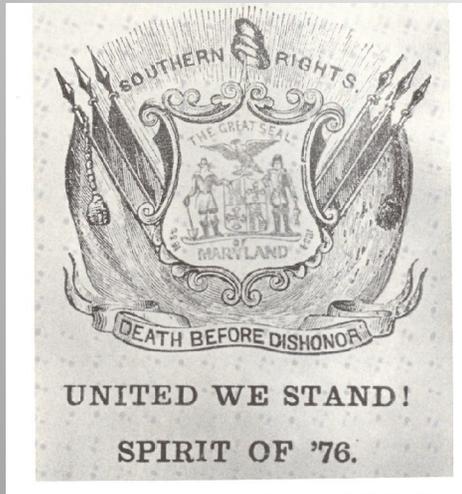
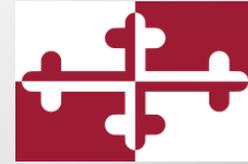
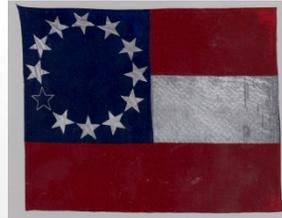
---Lincoln, Inaugural Address, March 4, 1861

Border State Unionists now came to believe that Lincoln had *stabbed them in the back!*



**CHARM CITY DEFENDER** 

A Baltimore militiaman wears two secession cockades similar to the one pictured at right.



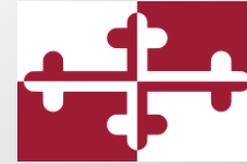
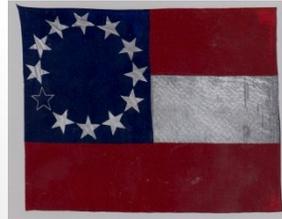
**BONNIE BLUE**

Some Marylanders wore secession cockades to show their allegiance. This silk cockade is set off with a Maryland state button.



*During the secession winter and spring of 1861, Maryland secessionists printed posters and broadsides to promote their cause. (Courtesy Daniel D. Hartzler.)*

Maryland pro-Confederacy broadsides and cockade, 1861

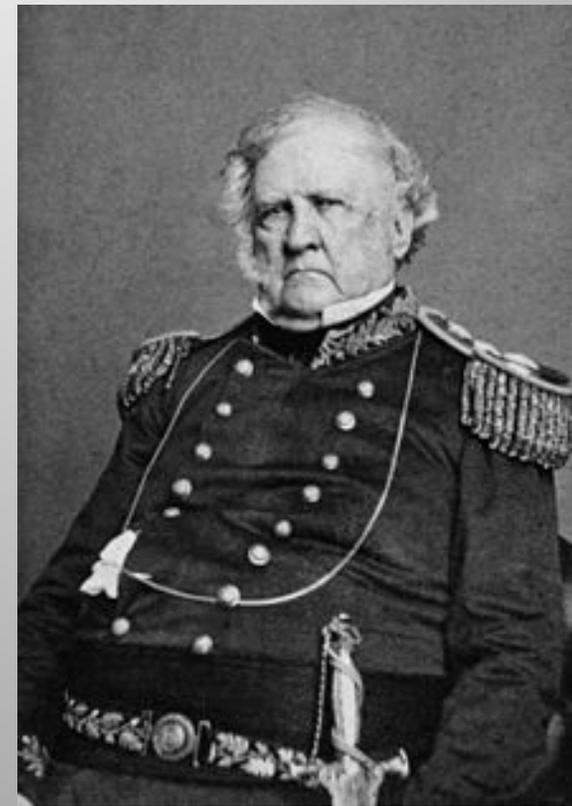


## Events and the Maryland Response

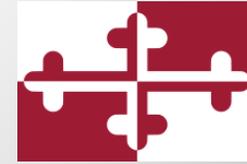
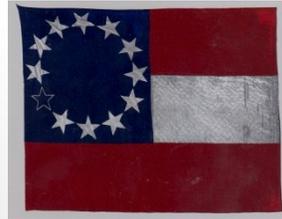
### April 15: The call for 75,000 volunteers

The Federal government and Maryland were well aware of the stakes: If Maryland seceded, or even resisted Federal authority, Washington D.C. would be *surrounded* by states potentially hostile to it: this *could not* be permitted.

In sharp contrast to its vacillating approach to the Ft. Sumter issue, the Federal government, led by General Winfield Scott, took immediate and effective steps to prevent Maryland's secession and/or any attempt to block Federal troops from the defense of Washington



General Winfield Scott "Old Fuss and Feathers" (1786-1866)



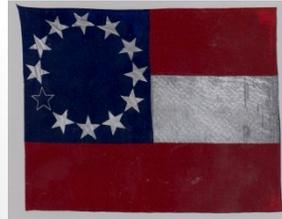
## Events and the Maryland Response

### April 15: The call for 75,000 volunteers

By this time the North had become increasingly alarmed at the potential economic effects of a serious economic competitor to its South, one that proposed very low tariffs on imports (ruinous to the North), one that could impose a stranglehold on commerce on the Mississippi, and one that could invite and quite possibly succeed in getting foreign governments including Britain, France and Spain to come to its aid, diplomatically and militarily. Near panic was in the air: ***something*** must be done at all costs!

On April 18 and 19 events in Baltimore, a city with a strong reputation for mob violence, got out of hand...

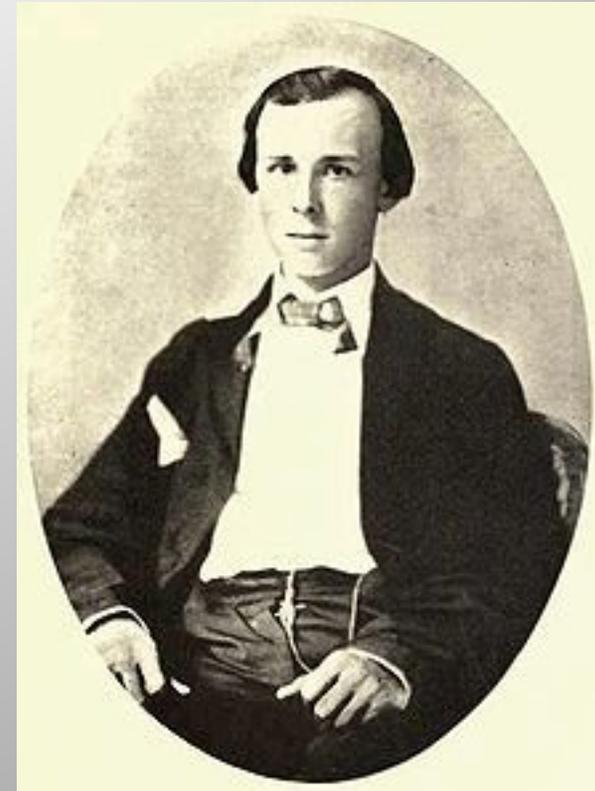




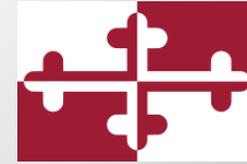
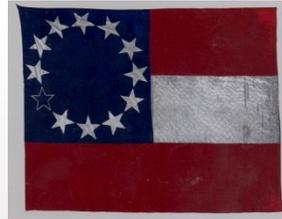
### **April 26, 1861: The Maryland State Song is Born**

The despot's heel is on thy shore,  
Maryland! My Maryland!  
His torch is at thy temple door,  
Maryland! My Maryland!  
Avenge the patriotic gore  
That flecked the streets of Baltimore,  
And be the battle queen of yore,  
Maryland! My Maryland!

I hear the distant thunder-hum,  
Maryland! My Maryland!  
The Old Line's bugle, fife, and drum,  
She is not dead, nor deaf, nor dumb-  
Huzza! she spurns the Northern scum!  
She breathes! she burns! she'll come! she'll come!  
Maryland! My Maryland!



James Ryder Randall (1839-1908),  
Author of *Maryland My Maryland*

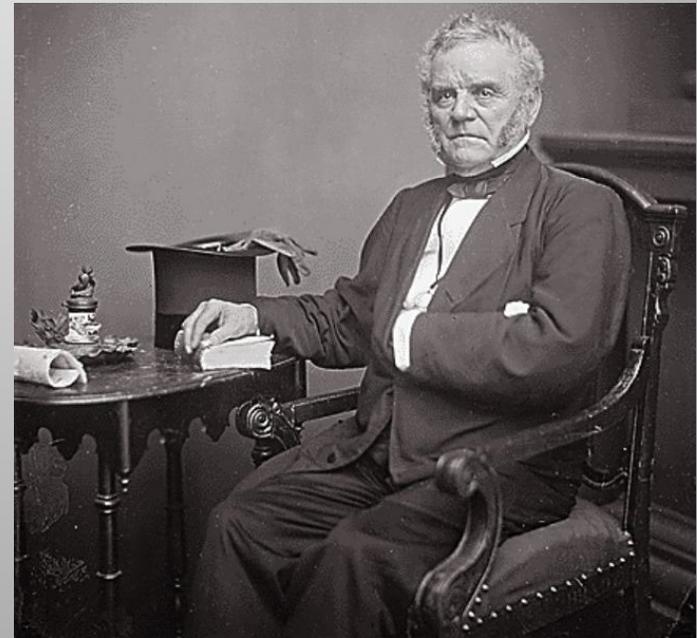


## Events and the Maryland Response

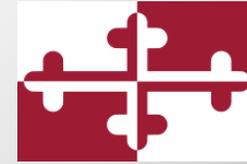
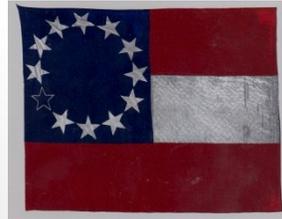
### April 20: Maryland Resists Federal Troops

As a large contingent of Pennsylvania troops approached within ten miles north of Baltimore, Maryland State Militia troops burned railroad bridges into Baltimore with the collusion of Governor Thomas H. Hicks and Baltimore Mayor Thomas Brown

Hicks pleaded with Lincoln not to send more troops through Maryland, and Brown met with him in the White House . A compromise was reached whereby Lincoln agreed to abandon attempts to send troops through Baltimore, choosing instead to land them at Annapolis



Maryland Governor Thomas H. Hicks



## Events and the Maryland Response

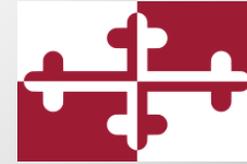
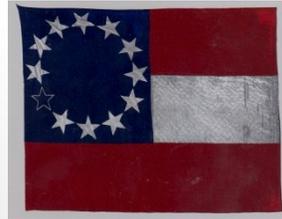
### April 20: Maryland Resists Federal Troops

At this point, the desire of a majority of Marylanders was for *neutrality*: They were very sympathetic with Virginia and did not want to aid in its suppression by allowing troops to use Maryland as a staging area for invasion, but they also did not want to be invaded and suppressed *themselves*

Unfortunately, the burning of railroad bridges and resistance to troop transports in Baltimore was an open invitation to Federal invasion



Baltimore Mayor George W. Brown



## Events and the Maryland Response

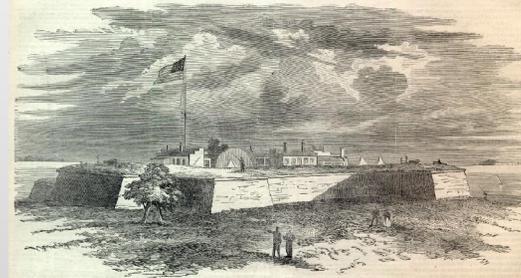
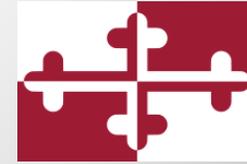
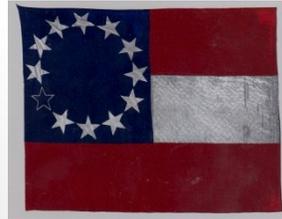
### April 21: Annapolis Occupied by Federal Troops

While Lincoln ordered the Pennsylvania troops blocked from Baltimore to return home, newly minted Brigadier General Benjamin Butler occupied Annapolis, and with subsequent help from New York troops, restored rail service between Annapolis and Washington and instituted martial law

On May 13, Butler entered Baltimore by rail with 1,000 troops. He was unopposed, setting up artillery on Federal Hill and threatening to shell the city if resistance was shown



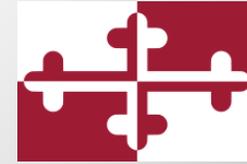
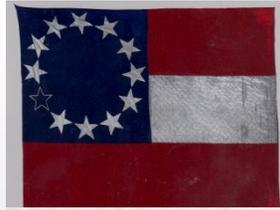
General Benjamin F. "Beast" Butler



Fort McHenry, Baltimore

Beginning in April, 1861 dozens of journalists, politicians, civic officials and ordinary citizens opposed to Federal tyranny, or just *thought* to be opposed to it were jailed without trial and in some cases deported to prisons out of state

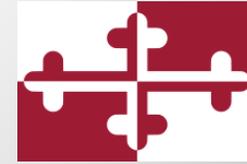
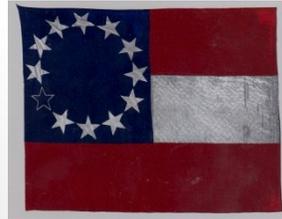
Mayor Brown of Baltimore, sitting U.S. Congressman Henry May, all the police commissioners of Baltimore, and the entire city council were imprisoned without trial. Frank Key Howard, editor of Baltimore's *Daily Exchange* newspaper, was arrested without warrant and initially confined to Ft. McHenry, the same fort his grandfather Francis Scott Key watched the a British bombard during the War of 1812.



Frank Key Howard, 1826-1872

Howard wrote a book *Fourteen Months in American Bastiles* on his experiences as a political prisoner. It was completed in December 1862 and published in 1863. Two of the publishers selling the book were then arrested. Howard commented on his imprisonment:

"As I stood upon the very scene of that conflict, I could not but contrast my position with [my grandfather's], forty-seven years before. The flag which he had then so proudly hailed, I saw waving at the same place over the victims of as vulgar and brutal a despotism as modern times have witnessed."

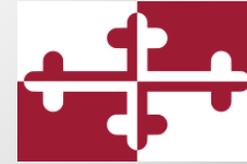
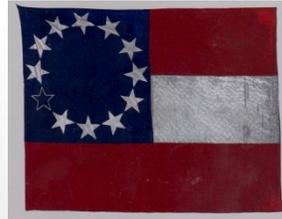


## Events and the Maryland Response

### May and June: Maryland Occupied by Federal Troops

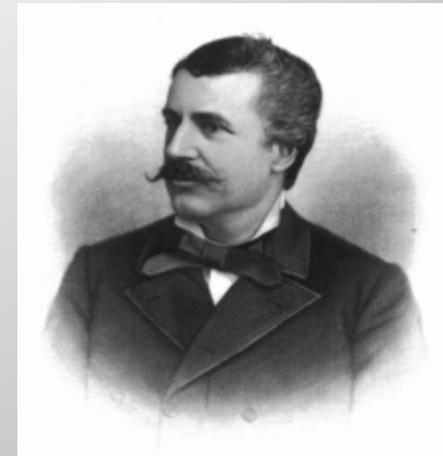
In July, 1861, the State Legislature (General Assembly), in a last act of defiance issued the following declaration:

*Be it resolved, that the Senate and House of Delegates of Maryland, in the name of and behalf of the good people of the state, do accordingly register this their earnest and unqualified protest against the oppression and tyrannical assertion and exercise of military jurisdiction within the limits of Maryland over the persons and property of her citizens, by the government of the United States, and do solemnly declare the same to be subversive of the most sacred guarantees of the Constitution, and in flagrant violation of the most fundamental and most cherished principle of American free government.*

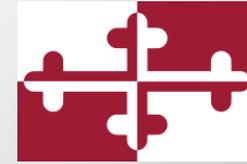
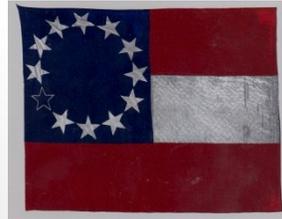


## May and June: Maryland Occupied by Federal Troops

Distinguished Maryland historian and former officer of the 1<sup>st</sup> Maryland Infantry, CSA, J. Thomas Scharf commented on this as follows in his 1873 *History of Maryland*:



*Thus did the Legislature of the State of Maryland remonstrate against the indefensible conduct of the United States Government. It displayed a spirit of heroism worthy of her liberty-loving people. Sitting in a city surrounded, occupied, and threatened on every side by Federal bayonets, speaking for a sovereign State which the mandates of a Federal Executive had hoped to silence, unawed by threats of violence and unmoved by apprehensions of personal harm ... its calm, dignified voice of protest rose like the utterances of Senates and Consuls of classic days, and as worthy as they to be recorded in history.*



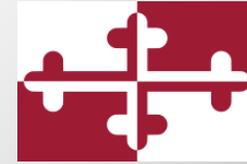
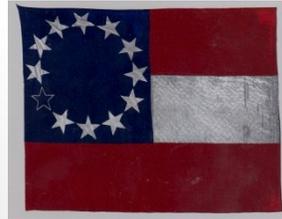
## May and June: Maryland Occupied by Federal Troops

But didn't the Federals *have* to take decisive action to prevent Maryland from aiding the Confederacy?

**Yes**, but this did not *require* turning Maryland into a police state governed by martial law. Once again, if a statesman rather than a prairie politician had been in charge, Marylanders would have supported legitimate efforts to defend the Capital provided the basic rights of citizens (freedom of the press, assembly, freedom from arbitrary arrest, *habeas corpus*, etc.) were maintained

**But on the contrary** actions by the Federal government, endorsed, aided and abetted by Lincoln insured that most Marylanders would come to see themselves as a *conquered people* under the heel of a ruthless tyrant

And the best illustration of this----

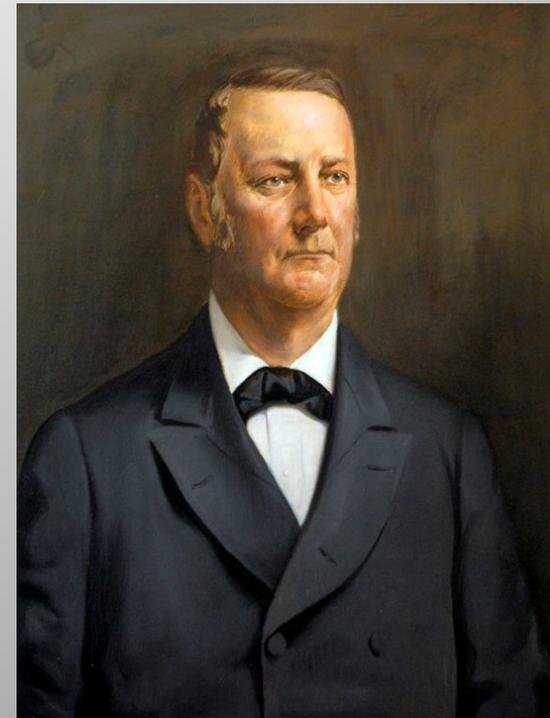


## May 25: John Merryman Arrested

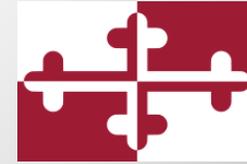
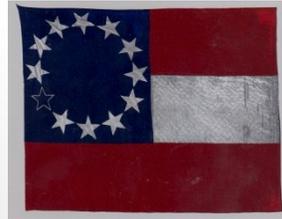
John Merryman, a lieutenant in the Baltimore County Horse Guards militia, was implicated in the destruction of railway bridges leading to Baltimore

He was arrested by occupying troops on May 25 and imprisoned in Baltimore's Ft. McHenry. The charge: **Treason** as a commissioned officer in an organization engaged in armed hostility against the government of the United States

A Federal District Court Judge, W. F. Giles, issued a writ of *habeas corpus* to the Commandant of Ft. McHenry, Major W.W. Morris



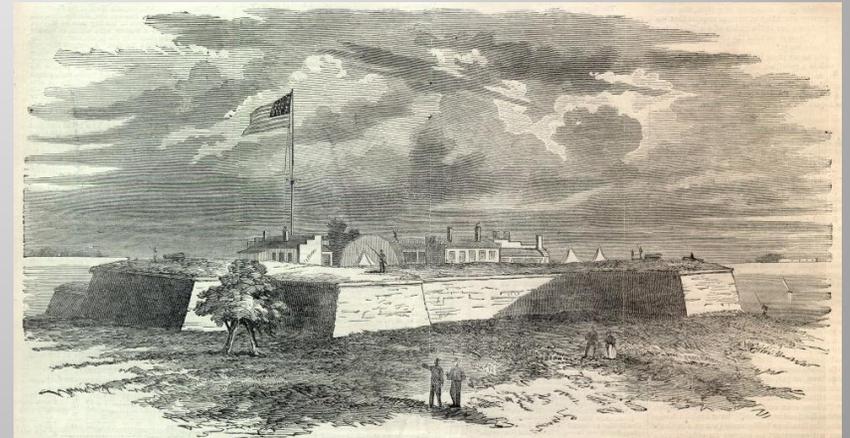
John Merryman 1824-1881



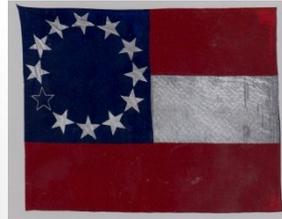
## May 25: John Merryman Arrested

Major Morris refused to release Merryman for trial, using Baltimore's resistance to Federal authority as an excuse

Merryman's lawyers then promptly secured a writ from Roger Taney, who was Circuit Judge for the District of Maryland as well as the Chief Justice of the United States. This writ was addressed to General George Cadwalader, Military Commander of Maryland and directed Cadwalader to bring Merryman before him for disposition according to law



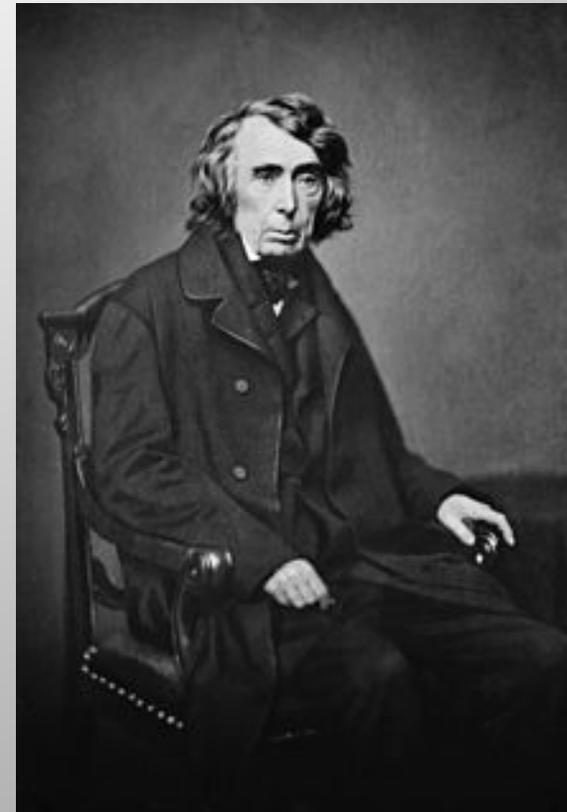
Fort McHenry, Baltimore



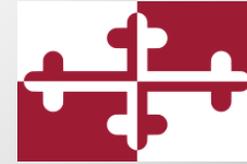
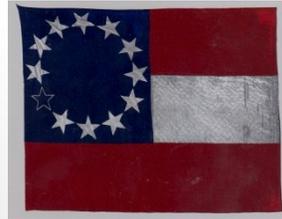
## May 27: Lincoln Suspends the Right of Habeas Corpus

Cadwalader also refused to release Merryman, citing similar reasons to Morris, and requesting time to get a ruling from Lincoln

Taney, convinced that only *Congress* could suspend *habeas corpus* then held Cadwalader in contempt and issued a writ of attachment ordering a federal marshal to bring Cadwalader before him immediately



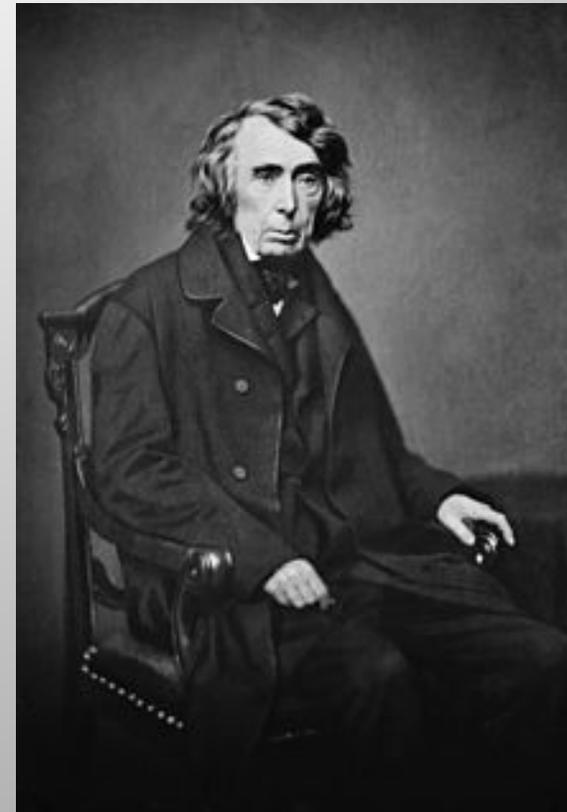
Roger Taney 1777-1864



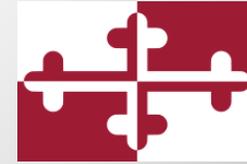
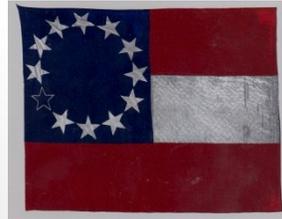
## May 27: Lincoln Suspends the Right of Habeas Corpus

The federal marshal sent to arrest Cadwalader was refused entrance to the fort on Lincoln's authority

On June 1, Taney issued a scathing indictment of Lincoln's refusal to allow justice to take its course:



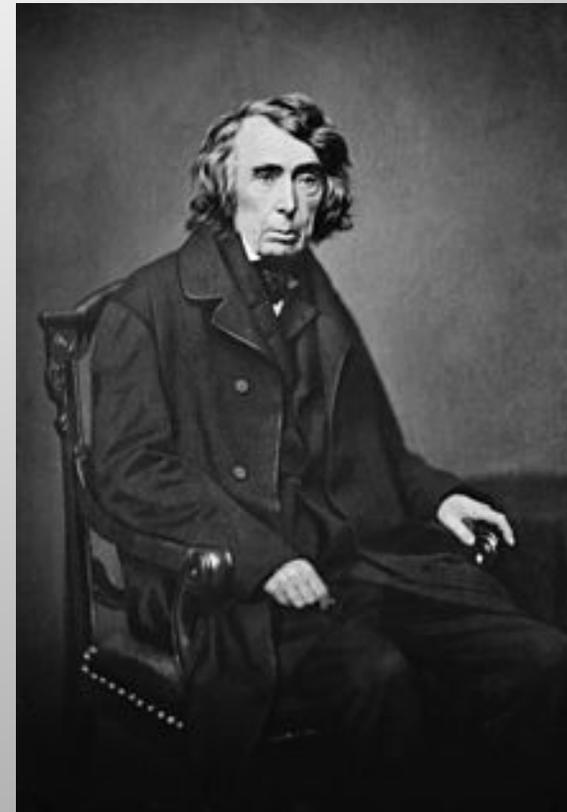
Roger Taney 1777-1864



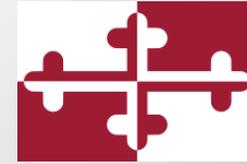
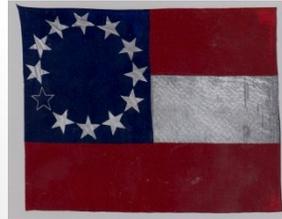
## Events and the Maryland Response

### June 1: In an official opinion, Taney stated

“These great and fundamental laws, which Congress itself could not suspend, have been disregarded and suspended, like the writ of *habeas corpus*, by a military order, supported by force of arms. Such is the case now before me, and I can only say that if the authority which the Constitution has confided to the judiciary department and judicial officers, may thus, upon any pretext or under any circumstances, be usurped by the military power, at its discretion, the people of the United States are *no longer living under a government of laws, but every citizen holds life, liberty and property at the will and pleasure of the army officer in whose military district he may happen to be found*”



Roger Taney 1777-1864



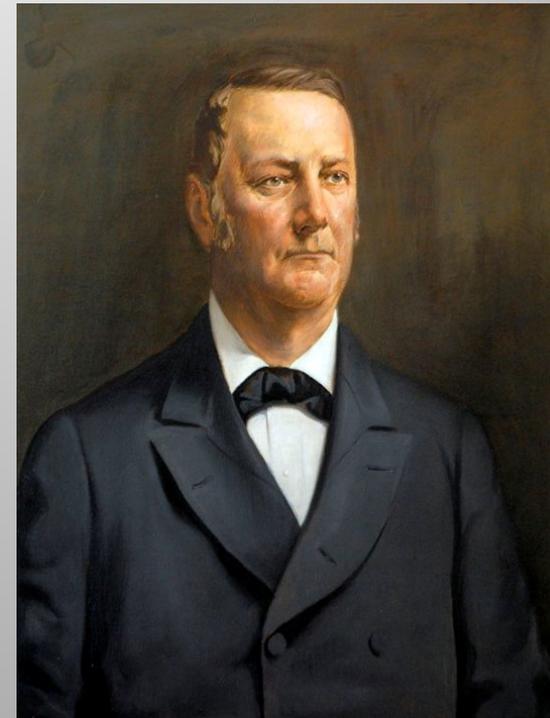
## July 10: Merryman Indicted for Treason

On July 10 Merryman and seven others were indicted for treason for destroying railroad bridges and resisting Federal authority

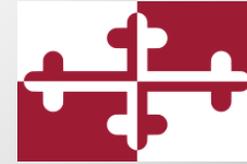
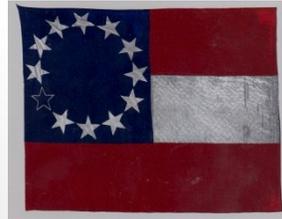
Rather than being brought to trial, which could have resulted in a death sentence, Merryman was released on \$20,000 bail

Since the trial would have been in a Federal court presided over by either Justice Taney or Judge Giles, Lincoln declined to press it and Merryman was never brought to trial. He remained free

By this time Maryland was fully under the heel of the despot, and nothing could be gained by prosecuting Merryman, who was just following orders from his superiors



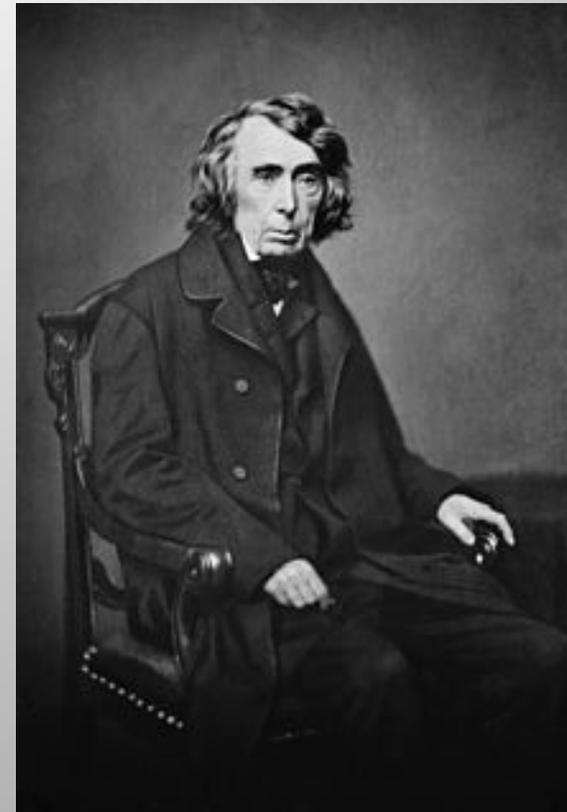
John Merryman 1824-1881



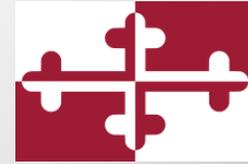
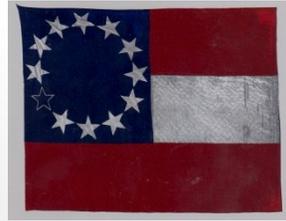
*Ex parte Merryman* has taken its place alongside the Dred Scott case (also presided over by Taney) as one of the most famous in American Constitutional law. It is still being debated today

Taney, a Marylander and one of America's most distinguished jurists, was appointed Chief Justice by President Andrew Jackson and served the Court and country with distinction in that capacity for 28 years.

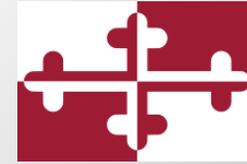
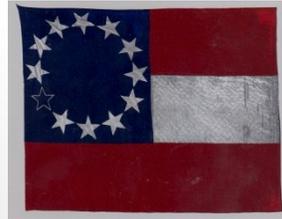
A legend to the effect that Lincoln considered issuing a warrant for Taney's arrest at this time, but this is now universally discounted by scholars for lack of persuasive evidence



Roger Taney (1777-1864)



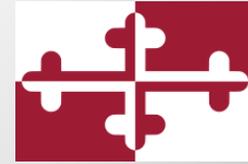
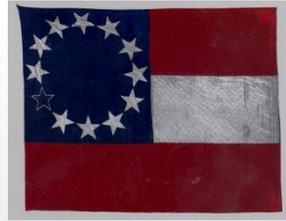
**THE QUESTION: If not occupied by Northern troops,  
would Maryland have seceded?**



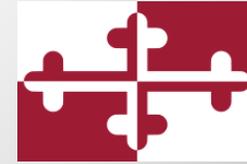
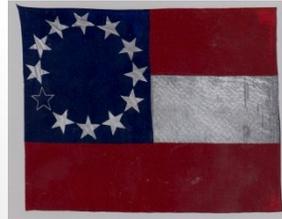
## **THE QUESTION: If not occupied by Northern troops, would Maryland have seceded?**

In my opinion and that of others, the evidence shows that in respect to Maryland secession:

1. There was little or no concern about the fact that a Republican had been elected President as far as it applied to Maryland itself. There were no calls for a secession convention and basically no interest in it
2. The evidence shows that while Marylanders would not have seceded given the chance *before* Lincoln's call for invasion, they certainly considered it *after* that call. But with Federal troops occupying the state and making wholesale arrests of anyone they thought suspicious this was something the Federal government would not permit them to do and they knew it!
3. The conclusion must be that while Marylanders were not in a position to secede after they were occupied by the Federal government, their sympathies lay very strongly with the seceding states



# The War and its Aftermath



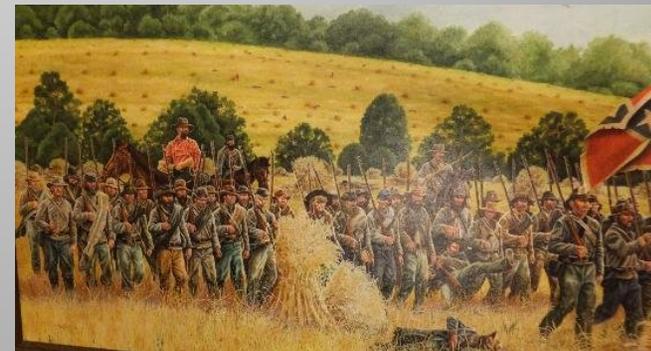
## The War and its Aftermath

The largest battle of the war fought on Maryland soil was the **Battle of Sharpsburg (Antietam)** on September 17, 1862. This was a *partial* Union victory (Lee's Army remained to fight another day), but, being the first real Northern success of any kind since the war began, it persuaded Lincoln to issue the Emancipation Proclamation, largely a last gasp effort to stave off what seemed a very possible loss of the War

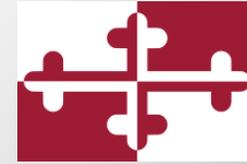
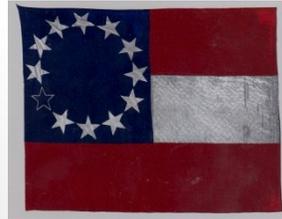
On July 9, 1864, Union General Lew Wallace (later to write *Ben Hur*) stalled General Jubal Early's threat to Washington at **Monocacy**. Early, despite winning the battle, returned to Virginia soon after in the face of rising Federal reinforcements



The Battle of Sharpsburg (Antietam)  
September 17, 1862



The Battle of Monocacy, July 9, 1864



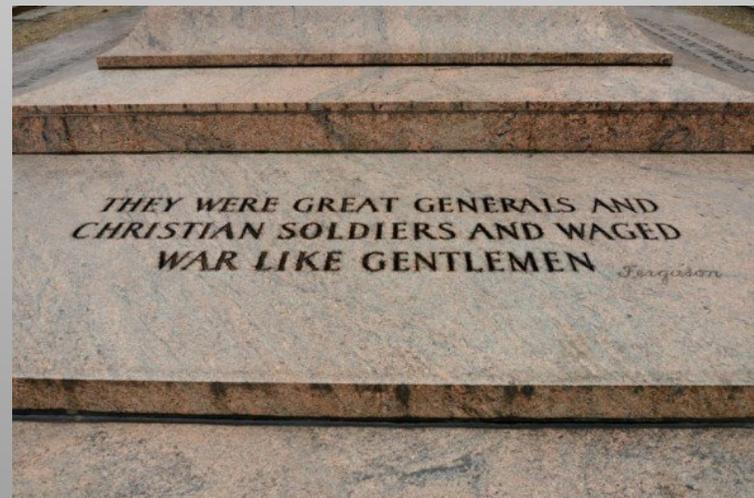
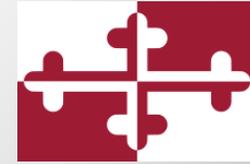
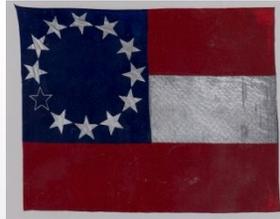
## The War and its Aftermath

Today, dozens of monuments to Confederate valor are found in the State. As might be expected, most if not all are under attack by the forces of political correctness

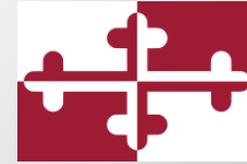
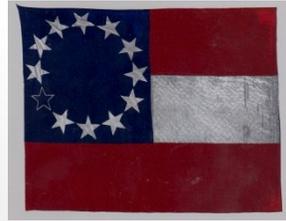
My former Camp, Colonel H.W. Gilmer Camp #1388 in Baltimore upholds the Charge with frequent memorial events, as do nine other active Maryland camps



Lee Jackson Monument, Baltimore, 1948 with Members of the Gilmer Camp Color Guard



Baltimore's Lee Jackson Monument, 1948

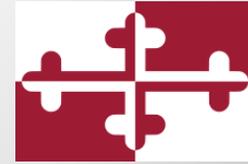
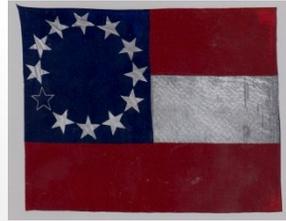


## In Conclusion

Some may say that since Maryland did not secede it “remained loyal” to the Union. This is like saying Poland “remained loyal” to Nazi Germany after its military occupation in 1939

While Maryland’s geography virtually forced Federal occupation, Marylanders unquestionably remained mostly pro-Southern in their attitudes, as amply demonstrated by their conduct during and after the war

In 1864 a new State Constitution was forced on Maryland by the occupiers. It abolished slavery in advance of the 13<sup>th</sup> Amendment and disenfranchised thousands of Marylanders who had aided the “rebellion.” In early 1867, once the troops had left, this highly unpopular Constitution was replaced with another which restored the vote to Marylanders *without* requiring them to denounce their past resistance to Federal authority. This passed by a two to one vote,

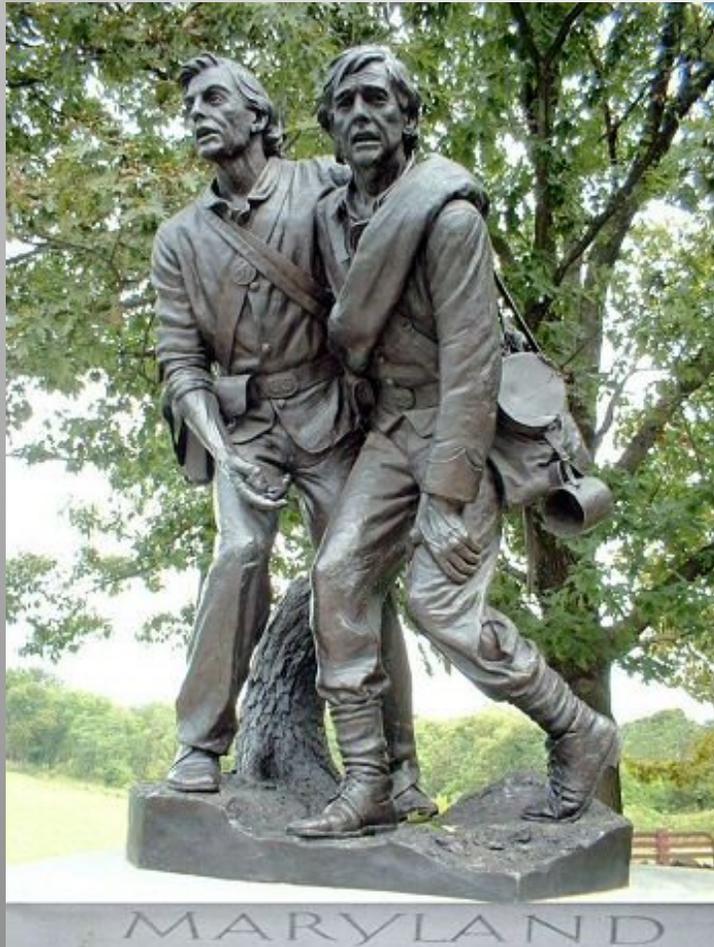
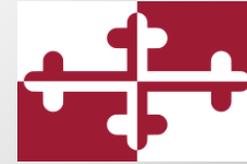
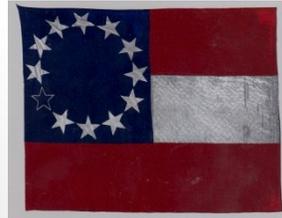


## In Conclusion

Maryland became the only State outside the Confederacy to establish a Confederate Soldiers Home supported by State appropriations. It continued to operate until 1931, eventually becoming a training center for the Maryland State Police. My SCV Camp met there until 2006, when it was asked to leave when a trainee objected to seeing *that flag* in our meeting room (the Camp has peacefully met at the Baltimore County Historical Society ever since)

After the war Maryland continued overwhelmingly to elect pro-Southern leaders, including many former Confederate officers

In 1994, the State erected a long-overdue monument to its sons on both sides who fought at the battle of Gettysburg:

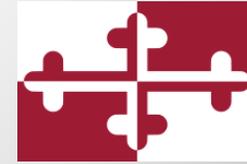
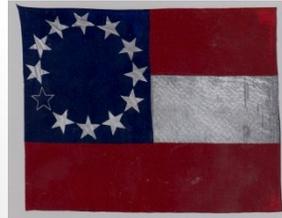


*“The two figures, one Confederate and one Union, emerge from the chaos of the rubble-strewn battlefield in a search for shelter from the turmoil around them. The Confederate soldier holds his torn left leg in a tight grip, grimacing in pain, looking outward for respite.*

*The Union soldier, even though his right arm is bandaged and useless, is helping support the struggling Confederate soldier by gripping his belt with his left hand. The Union soldier is obviously in shock and is being encouraged by the helping right hand of the Confederate soldier that is placed gently on his back. . . .*

*I have tried to show, through the dependent attitude of both men on the other the symbolism of the eventual healing of the wounds caused by the waging of war of Americans upon their brothers.”*

Lawrence Ludtke of Houston, TX, Sculptor, 1994

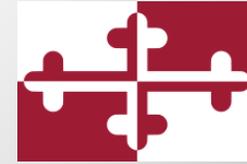
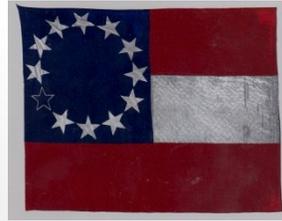


Inscription on the Rear of the Monument:

***A Final Tribute***

*More than 3,000 Marylanders served on both sides of the conflict at the Battle of Gettysburg. They could be found in all branches of the army from the rank of private to major general and on all parts of the battlefield. Brother against brother would be their legacy, particularly on the slopes of Culp's Hill. This memorial symbolizes the aftermath of that battle and the war. Brothers again, Marylanders all.*

*The State of Maryland proudly honors its sons who fought at Gettysburg in defense of the causes they held so dear.*



# Maryland and the Confederacy



**Don Evans**

**Major George W. Littlefield Camp #59, Sons of Confederate Veterans**