

**Jonathan W. White.** *Abraham Lincoln and Treason in the Civil War: The Trials of John Merryman*. Baton Rouge: Louisiana State University Press, 2011. xiii + 191 pp. \$18.95, paper, ISBN 978-0-8071-4346-9.



**Reviewed by** Joshua Camper

**Published on** H-War (March, 2012)

**Commissioned by** Margaret Sankey (Air University)

Abraham Lincoln's tenure in the White House during the American Civil War is one of the most studied presidencies in U.S. history. From the writings of historian James McPherson alone, who has spent his scholarly career meticulously combing through Lincoln's life, one has to wonder what is left untouched about the nation's sixteenth president. In his first book, Jonathan W. White, an assistant professor of American Studies and a fellow at the Center for American Studies at Christopher Newport University, has admirably done just that by exploring the topic of Lincoln's handling of habeas corpus during the Civil War.

Before the outbreak of the Civil War, Union officials arrested John Merryman for being a pro-secessionist who burned important railroad lines around Baltimore, Maryland, to hamper the defense of Washington DC. Imprisoned at Fort McHenry, Merryman called upon Chief Justice Roger Tanney to issue a writ of habeas corpus, which he did, and which President Lincoln ignored. This act of defiance led to a heated discus-

sion over constitutional rights and the power of the government during national emergencies.

White argues that historians who have studied the Merryman case do not fully understand the man or his arrest. This claim is mounted on the basis that historians and political scientists have relied too heavily on the official records and on published reports in the federal cases instead of the original manuscript court cases. His framing questions for the book are centered around better understanding who John Merryman was, how his actions harmed the Union, and how his case affected Lincoln's policies during the Civil War.

The book is divided into five thematic chapters along with an introduction and an epilogue. Chapter 1 describes the importance of Maryland in the early months of the Civil War as a border state to Washington DC. The violence against Union troops moving through the state by Southern sympathizers, and Lincoln's quick response to keep Maryland secure are the major highlights of

the chapter. Chapter 2 is narrower in focus as White traces Merryman's arrest and the rising tension between Lincoln and Taney over the arrest and detainment of suspected Maryland Confederate sympathizers. In chapter 3, White diverges into the often overlooked and extraordinarily complicated aspects of the legal history of the Civil War. Chapter 4 examines Congress's failed Habeas Corpus Act, which allowed Lincoln to suspend the writ to protect public safety and to protect the rights of detained civilians. Chapter 5 and the epilogue explore the Merryman case's influence on Lincoln's Reconstruction policies and end the biographical aspect of the book.

White's analysis of Lincoln and treason during the Civil War is not for the faint of heart. The general Civil War enthusiast probably will not appreciate the subject matter because it is not a traditional approach to an already overworked field. This book is also not geared toward introducing the Civil War to novices. It is, however, the perfect book for graduate students or upper-division students in U.S. history. White shows with great inventiveness how one can develop new research questions about an already well-studied topic. He has taken a very specific topic in Civil War history and demonstrated how it is important to U.S. history overall. Students would also do well to pay attention to White's introduction and how he lays out his argument within a well-developed historiographical context. Writing historiographical papers is one of the most difficult assignments to accomplish correctly and White has provided an extraordinary blueprint that should be helpful to anyone struggling with this task. Students and professional historians interested in legal history will find White's analysis of interest, particularly chapters 2 and 3, which examine the significance of Merryman's case in the context of legal precedence.

White's book complements areas already addressed by McPherson in his book *Tried By War: Abraham Lincoln as Commander in Chief* (2008).

While White's book is not geared entirely toward retelling Lincoln's struggle to keep the Union together, he does approach the topic indirectly through the legal conflict concerning the detention of Southern sympathizers and Lincoln's efforts to protect Washington. White also seems to be taking part in a recent surge of scholarly activity regarding the Merryman case. Recently, Brian McGinty's *The Body of John Merryman: Abraham Lincoln and the Suspension of Habeas Corpus* (2011) treads the same ground as White to the point that these two books are almost identical. McGinty also explores the constitutionality of the Merryman case and the conflict that this ushered in between Lincoln and Taney.

One area that might be of concern to readers is the meticulous detail White gives to the law. For those not well versed in legal terminology or legal history, certain areas of the text may be cumbersome, as when White explains Roger Taney's jurisdiction rights as a circuit court judge and Supreme Court justice, and exactly how he was presiding over the case. This is not a weakness, but something to keep in mind as the reader journeys through the pages.

White has produced a well-researched book based on numerous primary sources that include archival, manuscript, and published sources, newspapers, constitutional and congressional documents, music and poetry, official state documents, and pamphlets. He has fashioned these sources into a readable and engaging narrative that adds wonderful insights into an area of history that is difficult to find new and exciting topics to write about.

If there is additional discussion of this review, you may access it through the network, at  
<https://networks.h-net.org/h-war>

**Citation:** Joshua Camper. Review of White, Jonathan W. *Abraham Lincoln and Treason in the Civil War: The Trials of John Merryman*. H-War, H-Net Reviews. March, 2012.

**URL:** <https://www.h-net.org/reviews/showrev.php?id=34710>



This work is licensed under a Creative Commons Attribution-Noncommercial-No Derivative Works 3.0 United States License.