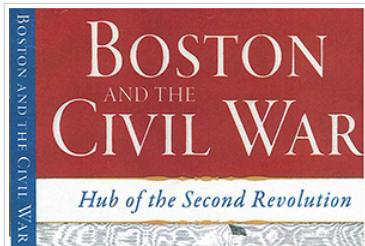


Revisiting Boston's role in Civil War in wake of recent events

By: Renée M. Landers July 30, 2015



In the midst of events in 2014 and 2015 marking the sesquicentennial of the conclusion of the U.S. Civil War, encounters between local police and black males in Ferguson, New York City, Baltimore and Cleveland, to list just a few examples, served as tragic reminders that while the Civil War ended slavery, achieving the nation's aspirations of equality for all remains a work in progress.

Those events catalyzed a much-needed national examination of bias in the justice system: approaches to police-community relations, the use of law enforcement to produce revenue, and the problems created by the incarceration of more than 2.2 million people in the nation's correctional facilities.

More recently, the photographs of Dylann Roof, who is charged with the murders of nine members of a black church in Charleston, South Carolina, posing with the Confederate flag, have catalyzed a movement to remove the flag from displays connected to public buildings, and several national retailers have determined to stop selling items displaying the symbol.

The South Carolina Legislature voted, at the request of Gov. Nikki Haley, to remove the Confederate flag from the grounds of the state capitol, and it has been removed.

In an unrelated development, even the state of Texas was successful in arguing to the U.S. Supreme Court that it could refuse to issue special motor vehicle license plates depicting the Confederate flag.

"Verily the world moves," as William Nell wrote in the last issue of William Lloyd Garrison's *The Liberator*, reflecting on the results of the abolitionist movement centered in Boston after the adoption of the 13th Amendment ending slavery.

Barbara F. Berenson chose Nell's statement to conclude her examination of "Boston and the Civil War: Hub of the Second Revolution." Published last fall, her book anticipated the anniversaries of the end of Civil War hostilities and the assassination of President Abraham Lincoln, but is worthy of renewed interest in light of recent developments in the nation's continuing efforts to address the legacy of slavery and racial discrimination imbedded in the Constitution at the time of the founding.

At just 172 pages, it offers a comprehensive, yet manageable, account of the contribution of Boston and Bostonians to the Civil War and the goal of ending slavery. *Boston and the Civil War* is a more extensive treatment than Berenson, a senior attorney with the Supreme Judicial Court, initially presented in "Walking Tours of Civil War Boston: The Hub of Abolitionism," now in its second edition.

Boston's role in the American Revolution secured its primacy in the history of the United States. Iconic events such as the Boston Massacre, the Boston Tea Party, and the midnight rides of Paul Revere and William Dawes inspire schoolchildren and visitors to Boston with the myths and aspirations of the nation's founding. Many Bostonians figured prominently in events important to the revolutionary effort and in framing the intellectual underpinning on which the Revolution rested.

Despite the rhetoric in the Declaration of Independence, the new nation failed to respect the notion that all people are created equal. Conspicuously omitted from this vision of humanity were slaves and women. The work of aligning formal legal rights with these aspirations of universality dominated the nation's political discourse and the violence of the Civil War addressed the slavery question.

Berenson persuasively documents the leadership role Bostonians — including numerous descendants of principal actors in the first Revolution — played in the effort to create "a more perfect union" in the years before the Civil War and in the conduct of the conflict itself.

The book is scholarly but accessible. Berenson shares Ulysses S. Grant's view that the Confederate cause was not

admirable. She documents that Confederate leaders such as Alexander Stephens, who was imprisoned after the war at Fort Warren in Boston Harbor, and Robert E. Lee, perpetuated through writings and public statements the myth that insulating states from federal interference, not protecting slavery, was the South's concern.

Berenson situates the narrative in the parallels to Boston's role in the Revolution and in the context of Boston's uneven history of attending to issues involving race, such as ending slavery and desegregating schools, and in the national conversation about the uneasy accommodation of slavery in a union of states ostensibly dedicated to liberty.

While the overall tone of the book celebrates the abolitionist sympathies of Bostonians, she makes note of the complicity of Boston's "conservatives" in advocating for the status quo to protect access to cotton for the Massachusetts textile industries and to promote respect for federal power even in the form of enforcing the Fugitive Slave Law.

The tension between the ideals of liberty and the economic and other values of union, she acknowledges, was bitterly divisive in Boston. Of course, that conservatism is at the root of Boston's 20th and 21st century divisive struggles with matters relating to race.

One of the interesting techniques Berenson uses is to intersperse a host of elegant and informative biographical sketches of the protagonists along with detailed descriptions of the political events and intellectual underpinnings of the ideas that advanced the anti-slavery cause.

Figures profiled include notables such as William Lloyd Garrison, Frederick Douglass, and Sarah and Angelina Grimké. Especially interesting are the profiles of people whose names should be more ingrained in the national and local consciences such as black lawyer Robert Morris; black printer Benjamin Roberts, who brought an early and unsuccessful challenge to Boston's segregated schools; escaped slaves Ellen and William Craft, Shadrach Minkins and Thomas Sims; poet Lydia Maria Child; and suffrage advocate Lucy Stone.

Berenson's account appreciates the physical and social courage required to advance the abolitionist goals and the intersection of advocacy for abolition with other causes such as the women's suffrage and transcendentalist movements.

The willingness of so many advocates to risk their reputations and to defy societal expectations concerning the public roles of blacks and women to achieve the end of slavery was remarkable.

The narrative structure allows the reader to understand the interplay between advocacy and events, particularly advocacy through literary appeals to popular sentiment. In that vein, she notes the impact of publication of Harriet Beecher Stowe's "Uncle Tom's Cabin," Frederick Douglass' autobiography, and Solomon Northrup's "Twelve Years a Slave." The literary works extended the influence of Garrison's *The Liberator* and the work of abolitionist organizations.

Berenson is not reluctant to connect the reader to relevant references to contemporary popular culture, noting that the film based on Northrup's account won the 2013 Academy Award for best picture and that the 1989 award-winning film "Glory" celebrated the heroism of the Massachusetts Fifty-fourth Regiment of black troops led by Robert Gould Shaw at the battle for Fort Wagner, South Carolina.

Just as the Missouri Compromise and the Supreme Court's decision in the Dred Scott case failed to "solve" the issue of slavery in the nation that arose from the first Revolution against England, recent events have served to remind us that the Civil War — the Second Revolution — has not absolved the nation of responsibility for making the ideal of equality a reality.

Understanding the Civil War, what it accomplished, and the agenda it left unfinished is essential to appreciating the significance of current debates over the display of the Confederate flag and memorials to leaders of the rebellious states, and how to ensure fairness in the justice system and in the daily lived experience of people of all races.

Refreshing one's recollection of Civil War history by reading Berenson's account of Boston's connection to that history and taking the measure of the places associated with Boston's role using Berenson's carefully conceived tours are important activities for this summer for lawyers and all citizens interested in the role of history in framing current debates about the law.

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