accomplished the enormous task of suppressing the greatest threat to the Republic, southern secession, and bringing about the end of the nation’s colossal blemish—slavery.” That he could have done so without the cooperation, or at least the acquiescence, of the border states is unimaginable.

**Lincoln and the Triumph of the Nation**

By Mark E. Neely Jr.


In *Lincoln and the Triumph of the Nation*, Mark E. Neely Jr. examines the demands placed on the U.S. Constitution during the years of the American Civil War. The book’s first section covers the well-trod ground of Abraham Lincoln’s reaction to secession, his suspension of habeas corpus, and his issuance of the Emancipation Proclamation. Indeed, Neely has already won a Pulitzer Prize for raising these issues in *The Fate of Liberty* (1991). Of greater significance are this volume’s second and third sections, in which Neely examines the history of the Constitution in the courtroom and in the Confederacy. Neely concludes that constitutional history during the war (and the first two-thirds of the nineteenth century) was “more concerned with power than with individual liberty” (p. 199). In this struggle for power, the appeal of nationalism easily won.

In treating the courts, Neely moves quickly past the U.S. Supreme Court, largely because it had very few opportunities during the war to comment on constitutional issues. After *Ex parte Merryman* (1861) in which Chief Justice Roger Taney criticized Lincoln for suspending habeas corpus, the exceptions proved rather tangential: the *Prize* cases (1863) took up the question of ships captured during the blockade but decided only narrowly that there was a war and that the president did not need Congress to declare it; *Gelpie v. Dubuque* (1864) dealt with municipal bonds to fund railroad building; and *Ex parte Vallandigham* (1864) ruled that the court could not review the decision of a military commission—a question of jurisdiction not substance. Even if one were to take a longer view of the constitutional crisis of the war, the Supreme Court never ruled on nullification in the 1830s, on federalism during the War of 1812, or on the Alien and Sedition Acts. Moving beyond the Supreme Court, Neely writes that he had hoped to find “so much having to do with great nation-
al issues of war and freedom” but instead found “so little that concerned anything outside the ordinary realm of a prewar lawyer’s practice” (p. 166). Soldiers who found their way into courts brought with them disputes about underage service and challenges to conscription.

The final section on constitutional issues during the Confederacy is most enlightening. Examining the Confederate constitution, state constitutions, and political pamphlets, Neely provocatively concludes that the Confederacy did not establish a government based upon the master-slave relationship so prevalent in Confederate society. Instead, the Confederate constitution mimicked the U.S. Constitution—a necessity that arose out of the political effort to alleviate fears and to entice other states to join. Neely describes secession as “deratification” of the U.S. Constitution and compares this twenty-nine-year process of public debate over state rights to the comparatively quick and quiet debates over ratification in 1787-89.

Lincoln and the Triumph of the Nation entertains an extended and open-ended analysis. Discursive at times and wide-ranging throughout, Neely challenges, engages, tweaks, and revises the work of dozens of constitutional and civil war historians—Daniel Farber, Drew Gilpin Faust, Michael Les Benedict, George Rable, William Cooper, Stephanie McCurry, Emory M. Thomas, Frank Owsley, and Harold M. Hyman. The volume provides both an overview of the field and thoughtful lines for further inquiry. Indiana readers will note his observation that Lincoln “imbibed” nationalism while growing up on the Indiana frontier (p. 30). The Hoosier state also warrants notice for its prohibition of African American settlement via the requirement of a $500 bond after 1831 and constitutional prohibition in 1851—Illinois set the bond at $1,000 two years before Indiana and Iowa and Oregon joined with constitutional restriction as well.

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Baring the Iron Hand
Discipline in the Union Army
By Stephen J. Ramold

The critical word in Steven J. Ramold’s title is “discipline.” Baring the Iron Hand is a study of discipline—in both senses of the word—