War Begins in Missouri

Era: Civil War and Reconstruction (1850-1877)

Background:

The crisis over slavery that precipitated the Civil War was years in the making, yet when war broke out on April 12, 1861, many Americans did not anticipate its length, or the effect it would have on their lives. During the spring and summer of 1861, Vermont native Asa S. Jones, the newly appointed U.S. Attorney for the District of Missouri, struggled to craft an appropriate response to the developing political crisis in Missouri. As U.S. Attorney, Jones was responsible for choosing whether to pursue cases in his district on behalf of the Federal government, and representing the United States in court.

In letters to U.S. Attorney General Edward Bates, himself a native Missourian, Jones reported local developments and often asked for guidance on matters of policy. As war began and Missouri tilted toward secession, Jones had to decide whether to prosecute cases of treason and other Federal crimes against prominent Missourians, including Governor Claiborne F. Jackson.

As a lawyer and prosecutor, Jones tended to view the secession crisis in terms of treason by individuals. He was anxious to discourage the rebellion, but his letters reveal frustration over the prevalence of what he called "moral treason" and increasingly worried over the potential consequences of legal action. Missouri's population tended to sympathize with the goals, and even the actions, of the Southern states: attempts to prosecute men like the Governor could add fuel to the fire, but would failure to prosecute them embolden others to treason? Jones' eventual decision to prosecute the ringleaders was largely robbed of effect when Governor Jackson and most of the others chose to flee the state as Federal forces advanced on the state capitol.

Missouri was ultimately kept within the Union through military force. Though it did not secede, over 1,000 military engagements were fought within its boundaries, and guerilla warfare plagued western Missouri in particular. Constant tension existed between Union authorities and the many citizens who sympathized with and sometimes aided the rebels. Federal prosecutors ultimately focused on confiscating goods and real estate of rebels, while military courts handled prosecutions of treasonous and disloyal acts.

9-12

Suggested Teaching Activities for all letters:

1. Create a timeline of 1861 with the events of the letters on the topside and national events on bottom. Events from the letters should include the seizure of the steamer at Napoleon, dates of letters. National events should include the secession of states, major battles, and local (Missouri) battles.

Letter 1 – Jones to Bates, 4 May 1861

Suggested Teaching Activities for Letter 1:
Pass out copies of the first letter to the students. Have students read the letter.

1. Ask the following questions:
   - Knowledge: Who is this letter's author and who is the intended audience? What was Jones's motive in wanting to prosecute "prominent parties"? What effect did he think it would have on loyal men? What effect would it have on "thoughtless" men?
   - Comprehension: Summarize the letter in your own words.
   - Application: How is the seizure of the steamer at Napoleon related to the economic situations that the North and South were in at the onset of the war?
   - Analysis: Examine some possible consequences of seizing and of not seizing the telegraph.
   - Synthesis: Construct a telegram from the unknown party in St. Louis to the rebels encouraging them to seize the stores of the steamer.
   - Evaluation: If you could read Bates's response to Jones, what would you be most interested in finding out?

Letter 2 – Jones to Bates, 25 May 1861

Suggested Teaching Activities for Letter 2:
Pass out copies of the second letter to the students. Have students read the letter.

1. In the first paragraph, Jones refers to lead operations at Potosi. What could you infer the author is writing about? Was there another rebel raid like the one at Napoleon?
2. Why might Jones have thought that it would be "impossible to serve" the warrant on Governor Jackson?

Letter 3 – Jones to Bates, 25 June 1861

Suggested Teaching Activities for Letter 3:
Pass out copies of the third letter to the students. Have students read the letter.

1. Jones refers to moral treason as an alternative form to overt treason. In an essay, compare the two forms and give possible examples of each. In the essay, describe why Jones probably didn't want to prosecute moral treason.

Letter 4 – Jones to Bates, 5 August 1861

Suggested Teaching Activities for Letter 4:
Pass out copies of the fourth letter to the students. Have students read the portion of the letter beginning with "Judge Mills" through "he would commit the party under that charge."

1. This section deals with a prisoner's right under Habeas Corpus. If the prisoner was a prisoner of war, he would be remanded. What does that mean? If, however, the charge was conspiracy, the federal judge would hear the Habeas Corpus case. Why was there such a distinction involving prisoners of war? Research the 1861 court case *Ex Parte Merryman* as well as *Ex Parte Milligan* (1866). Then research the more recent *Hamdi v. Rumsfeld* (2004). Conduct a class debate on wartime Habeas Corpus rights.

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Letter 1 – Jones to Bates, 4 May 1861

Suggested Teaching Activities for Letter 1:
Pass out copies of the first letter to the students. Have students read the letter.

1. Ask the following questions:
   - Knowledge: Who is this letter's author and who is the intended audience? What was Bates's title? In what branch of the government was Bates? Why did Jones want to prosecute "prominent parties"? What effect did he think it would have on loyal men? What effect would it have on "thoughtless" men?
   - Comprehension: Summarize the letter in your own words.
   - Application: Consider the economic situations that the North and South were in at the onset of the war. How would the seizure of the steamer at Napoleon benefit the South?
   - Analysis: Bates wanted to seize the telegraph at St. Louis. What might have happened if this was not done?
   - Synthesis: Construct a telegram from the unknown party in St. Louis to the rebels encouraging them to seize the stores of the steamer.
   - Evaluation: If you could read Bates's response to Jones, what would you be most interested in finding out?

Suggested Teaching Activities for Letter 2:
Pass out copies of the second letter to the students. Have students read the letter.

Letter 2 – Jones to Bates, 25 May 1861

1. In the first paragraph, Jones refers to lead operations at Potosi. What could you infer the author is writing about? Was there another rebel raid like the one at Napoleon?
2. Why might Jones have thought that it would be "impossible to serve" the warrant on Governor Jackson?

Letter 3 – Jones to Bates, 25 June 1861

Suggested Teaching Activities for Letter 3:
Pass out copies of the third letter to the students. Have students read the letter.

1. Jones refers to moral treason as a different form than overt treason. Based on the context of the letter, write possible definitions for both types of treason and list 3 examples of each. In an essay, compare the two forms using those examples. In the essay, describe why Jones probably didn't want to prosecute moral treason.

Letter 4 – Jones to Bates, 5 August 1861

Suggested Teaching Activities for Letter 4:
Pass out copies of the fourth letter to the students. Read the portion of the letter beginning with "I have acted very cautiously…" through "personal knowledge little."

1. Jones has complained that he has been criticized by many who feel he should prosecute what he calls moral treason. Write a fictitious letter to the editor from the viewpoint of one such critic.

5-6

Letter 1 – Jones to Bates, 4 May 1861

Suggested Teaching Activities for Letter 1:
Pass out copies of the first letter to the students. Have students read the letter.

1. Ask the following questions:
   Who wrote this letter? To whom did he write it? What was Jones's job? What was Bates's job? In what branch of the government were Jones and Bates? Why did Jones want to prosecute "prominent parties"? What effect did he think it would have on loyal men? What effect would it have on "thoughtless" men?
2. Find St. Louis and Napoleon on a map. The steamer left St. Louis and was headed for a Ft. Smith but was seized at Napoleon. Find the absolute location of Napoleon using latitude and longitude. Describe the relative location of Napoleon in relation to Kansas

City, Bates City, the Missouri River, and Excelsior Springs. Using the scale on the map, about how many miles is it between St. Louis and Napoleon?

Letter 3 – Jones to Bates, 25 June 1861

Suggested Teaching Activities for Letter 3:
Pass out copies of the third letter to the students. Read the letter to the class starting with "My office has been literally flooded…" through "Union men."

1. Ask what effect the Grand Jury had on possible traitors.
2. The U.S. Attorney's job is to prosecute criminals. Jones here seems to have a different idea. Why would he think just calling the Grand Jury would solve some of his problems?