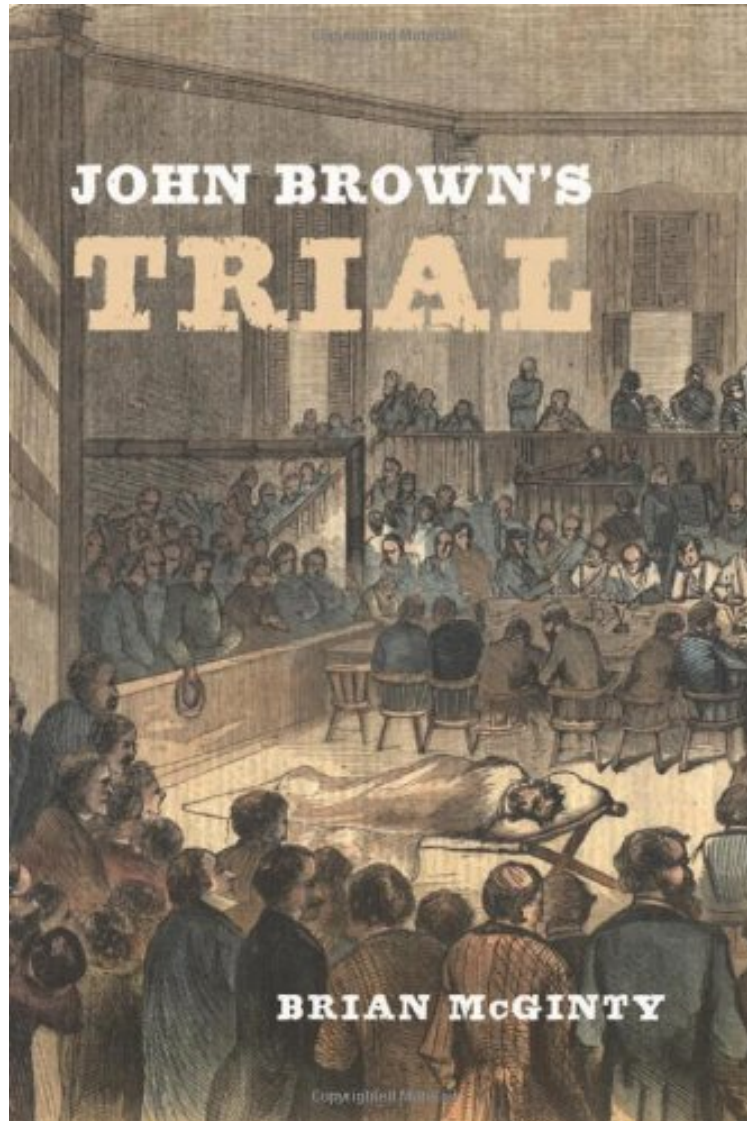


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John Brown's Trial

Brian McGinty

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Brian McGinty : John Brown's Trial before purchasing it in order to gage whether or not it would be worth my time, and all praised John Brown's Trial:

0 of 0 people found the following review helpful. Great read in that it provides an account of the ...By William TGreat read in that it provides an account of the American hero John Brown, who fought the slave owners and gave his life for humanity. History records that he was more sane than the crazed racists that hung him.3 of 3 people found the following review helpful. John Brown's trial for the novice.By Scott M. WindleIf you are even mildly interested in the

trial of John Brown, this book will make you an expert, not only in the mechanics, but also in the sentiment of that troublesome era in American History. 2 of 3 people found the following review helpful. A Prophet's Death By Norman A. Pattis I love John Brown. I have for a long, long time. Indeed, one of the best books I have read in the past decade is about the abolitionist. Russell Banks's fictional biography, *Cloudsplitter*, is what fire would be like if it could be compressed into two dimensions. My mind burned as I read that book. Brian McGinty's recent book, *John Brown's Trial*, gave me another reason to love the man. It is a reconstruction of Brown's trial for the raid on Harpers Ferry, Virginia, in 1859. (Note to the trivia collectors out there: The correct contemporary spelling of the town is the plural, not possessive, of Harper.) This is the man who together with a band of some 20 ragtag followers seized a federal armory. There was bloodshed and death. Brown had hoped his act of daring would spark rebellion among slaves. He came to Virginia armed with pikes; he took weapons. He made his stand, and was quickly subdued by federal authorities. None other than Robert E. Lee led the federal charge, accompanied by J.E.B. Stuart. When he was executed for his crime, Lincoln's assassin, John Wilkes Booth, was in the audience. God walked the Earth, trampling out the vintage where the grapes of wrath were stored. After Brown had been convicted and before he was sentenced to inevitable death, he stood in the well of courtroom, looked Judge Richard Parker in the eye, and said, among other things: "This Court acknowledges, too, as I suppose, the validity of the law of God. I see a book kissed, which I suppose to be the Bible, or at least the New Testament, which teaches me that all things whatsoever I would that men should do me I should do even so to them. It teaches me, further, to remember them that are in bonds as bound with them. I endeavored to act up to that instruction. I say I am yet too young to understand that God is any respecter of persons. I believe that to have interfered as I have done, as I have always freely admitted I have done, in behalf of His despised poor, is no wrong, but right. Now, if it is deemed necessary that I should forfeit my life for the furtherance of the ends of justice, and mingle my blood further with the blood of my children and with the blood of millions in this slave country, ... I say let it be done." John Brown died, his neck snapped by a Southern noose after swinging from a rope for some 40 minutes, with a clear conscience. I wonder how many of us can say as much when we come to the end of our ropes. The dust jacket on McGinty's book reflects that he is a lawyer. I have searched for some evidence of what sort of law practice he maintains online and have found nothing. He is the author of some seven books, however. I'll be reading his book on Abraham Lincoln and the courts next. Whether he practices as a lawyer is beside the point. McGinty brings a lawyer's education to the rendering of this account of Brown's trial. His discussion of jurisdictional issues raised by the trial - were the defendants properly tried in a Virginia court despite the fact their offenses took place in a federal enclave? - is nuanced and satisfactory from a practitioner's view point. From time to time, however, he resorts to anachronisms that don't suit a discussion of an era long-since passed. I am not sure what purpose is served by referring a reader to the current Federal Rules of Evidence when the term hearsay first rears its head. And McGinty's discussion of a jury's power, extant in Virginia at the time of trial, to decide both questions of fact and law is uneven. If jurors could decide fact and law, as McGinty writes, then why wonder aloud, as he does, whether Brown's jury really felt it had the power to override an opinion of the attorney general of the United States? On balance, however, this is a fantastic book. McGinty is a lawyer with an historian's eye for idiosyncratic detail. His account of the trial raises troubling questions about fairness. By contemporary standards, there is no question that Brown was denied a fair trial. His counsel's request for time to prepare was denied. When counsel quit mid-trial, new lawyers appeared, who did not even have a transcript of what had transpired before they arrived to guide them in closing arguments. Brown was compelled to stand trial while recovering from bayonet wounds he sustained when subdued: a cot was set up for him in the courtroom so that he could recline when too weary, or in too much pain, to sit. None of this would stand today. Yet, Brown did not complain about the fairness of his trial. He welcomed martyrdom, recognizing his death would do more to galvanize abolitionists than his failed raid on Harpers Ferry had done. But I suspect he died wondering why the insurrection he had hoped to inspire never took place. It is a question reading this book had me pondering when I recalled the riots in Detroit in 1967. A nation divided against itself cannot stand, Lincoln warned the nation; yet long after abolition there are still serious divisions along racial and class lines in this country. And we are still standing, and still wondering, as we did at the time of John Brown, whether this angry prophet was just a touch, or perhaps more, insane. I love John Brown, even as I scour the headlines looking for another Jeremiah or Isaiah to rain heaven's scorn down upon us. He died a prophet's death.

Mixing idealism with violence, abolitionist John Brown cut a wide swath across the United States before winding up in Virginia, where he led an attack on the U.S. armory and arsenal at Harpers Ferry. Supported by a "provisional army" of 21 men, Brown hoped to rouse the slaves in Virginia to rebellion. But he was quickly captured and, after a short but stormy trial, hanged on December 2, 1859. Brian McGinty provides the first comprehensive account of the trial, which raised important questions about jurisdiction, judicial fairness, and the nature of treason under the American constitutional system. After the jury returned its guilty verdict, an appeal was quickly disposed of, and the governor of Virginia refused to grant clemency. Brown met his death not as an enemy of the American people but as an enemy of Southern slaveholders. Historians have long credited the Harpers Ferry raid with rousing the country to a fever pitch of sectionalism and accelerating the onset of the Civil War. McGinty sees Brown's trial, rather than his

raid, as the real turning point in the struggle between North and South. If Brown had been killed in Harpers Ferry (as he nearly was), or condemned to death in a summary court-martial, his raid would have had little effect. Because he survived to stand trial before a Virginia judge and jury, and argue the case against slavery with an eloquence that reverberated around the world, he became a symbol of the struggle to abolish slavery and a martyr to the cause of freedom.

From Publishers Weekly You'd think little new could be said about one of the most famous trials in American history. But McGinty (*Lincoln and the Court*) comes to his work as attorney as well as historian. The result is a fresh perspective on the trial of John Brown, a work that adds appreciably to our understanding of the coming of the Civil War. Brown's trial, after his 1859 attack on the federal arsenal in Harper's Ferry, Va., caused a sensation for its bold challenge to slavery. McGinty makes clear that it was Brown's conduct and words during the trial itself, for treason against Virginia, more than his armed assault that made him a hero for many Northerners, and even some Southerners admired his courage. McGinty takes us carefully, if sometimes tediously, through the short trial. The author's legal knowledge illuminates the proceedings' intricacies and shortcomings, and reveals how Brown's brief closing statement, considered among the most eloquent words in the nation's history, had a more lasting impact than his armed raid. Brown's statement, writes McGinty, transformed his public image from that of a violent fanatic into one of a public hero. McGinty makes a strong and plausible case. 19 bw illus. (Oct.) Copyright © Reed Business Information, a division of Reed Elsevier Inc. All rights reserved. John Brown's Trial is an important book on an important subject. Brian McGinty's impressive research sheds much new light on a crucial--and previously underappreciated--event in American legal history. (Steven Lubet, author of *Murder in Tombstone: The Forgotten Trial of Wyatt Earp*) There have been many books about John Brown, but none provides as comprehensive an account of the famous trial as does McGinty's. His well-written narrative is compelling and lucid. I especially appreciated his analysis of whether Brown received a fair trial. Here is another winner from the author of *Lincoln and the Court*. (Frank J. Williams, former Chief Justice of the Rhode Island Supreme Court and founding chair of The Lincoln Forum) McGinty casts the spotlight on one of the great courtroom dramas of the nineteenth century, the trial of John Brown. This is Brown as we have never seen him before--not the martyr, nor the fanatic, but a man in complete control, who manages to transform his treason trial into a searing indictment of slavery in America. (Thomas J. Craughwell, author of *Stealing Lincoln's Body*) You'd think little new could be said about one of the most famous trials in American history. But McGinty comes to his work as attorney as well as historian. The result is a fresh perspective on the trial of John Brown, a work that adds appreciably to our understanding of the coming of the Civil War. Brown's trial, after his 1859 attack on the federal arsenal in Harper's Ferry, Va., caused a sensation for its bold challenge to slavery... The author's legal knowledge illuminates the proceedings' intricacies and shortcomings, and reveals how Brown's brief closing statement, considered among the most eloquent words in the nation's history, had a more lasting impact than his armed raid. (Publishers Weekly 2009-08-03) McGinty has written an important account emphasizing Brown's trial rather than the raid itself as a significant turning point in the struggle between North and South prior to the Civil War. Recommended for all readers interested in the Civil War. (Stephen L. Hupp Library Journal 2009-08-15) [McGinty] so judiciously arrays the facts and law of the four-day trial in a Western Virginia courtroom, we are given a fresh perspective on the meaning of John Brown... McGinty's narrative is not confined to the trial and the legal issues of his argument. All the fascinating details are here, from Brown's background to the poetic legacy... Worth reading. (Doug Cumming Roanoke Times 2009-09-27) About the Author Brian McGinty is an attorney and writer specializing in American history and law.