

# THE LINCOLN FORUM BULLETIN

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## “BUD” ROBERTSON: A CIVIL WAR LIFE WELL LIVED

By Harold Holzer

Appearing on C-SPAN's weekly interview series Q & A this past July, veteran historian James I. Robertson, Jr.—known universally as “Bud” to friends and admirers—received an unexpected question from host Brian Lamb: “You’re a Southerner by birth and have lived in Virginia. Are we better off as a country that the North won [the Civil War]?”

For those who expected the author of the definitive biography of “Stonewall” Jackson (now in its 13<sup>th</sup> printing) to answer nostalgically, rather than realistically—with an eye only at the past, not the present—Robertson's reply may have come as a surprise. And it came without a millisecond of hesitation.



“Oh, of course, absolutely,” replied the 86-year-old scholar. “The right side won...I mean, there’s no question about that.” While Robertson concedes that had he lived at the time of secession he would have fought for the South—for his beloved home state of Virginia—he quickly points out: “If the South had won, we would have become the Balkans of the Western Hemisphere. The Union had to be perpetual, just as Lincoln said. It would have been disastrous for the [divided] nation to try and continue to exist.”

Ironically, as Robertson argues in his familiar voice—strong and steady, Virginia-accented, and with just the hint of an emotional quaver—“the notion of patriotism arose only when the nation divided. We had no country to be patriotic about,” he says, “until we fought ourselves. If you doubt that, go to a national cemetery, where men who loved their country more than they loved life itself now lie.” Then he slyly adds: “If I can make a class cry, I’ve succeeded.”

This November 18, Robertson returns to the Lincoln Forum for his second stint as a dinner speaker—his first as the keynote orator on the final evening of the symposium. At his debut performance a few years ago, Robertson earned one of only three standing ovations that have greeted lecturers during the Forum's twenty-year history. Of course, he also made the audience cry. Expect more of the same in 2016.

At age 86, and retired now from his beloved Virginia Tech after teaching Civil War history and Reconstruction there to some 22,000 students over more than four decades, Robertson remains as focused and energetic as ever. “I am more active than I was when I was teaching,” he says proudly. This, despite having taken a bad fall at his home just a few days before he was originally scheduled to head to Washington, and C-SPAN, to promote his latest book, *After the Civil War: The Heroes, Villains, Soldiers, and Civilians Who Changes America* (National Geographic). While working away at his upstairs desk at home, a doorbell interrupted his concentration and, as he puts it, he “impatiently” went “bounding” down the steps and “went airborne.” When he landed, he broke his left elbow, which was subsequently repaired on the operating table, so successfully that he kept his aborted date at C-SPAN after only a brief raincheck. He calls himself “fortunate” to have rebounded so quickly. (Envious full disclosure: when it comes to quick and complete left-side bone-surgery recovery, **continued on page 10**



## MESSAGE from the CHAIR

# LINCOLN'S RELEVANCE: THEN AND NOW

As the turmoil and trivia of the 2016 election campaign reminded us, we unfortunately live in a world in which a heroic narrative, like the story of Abraham Lincoln, is becoming more elusive and disrespected than ever. In this atmosphere, courage comes up empty and political history is largely ignored.

What is worse, in our modern hubris, we believe we find flaws in Lincoln and our other American heroes. We are constantly told the Lincoln legacy is irrelevant, his legacy tarnished, his greatness overstated. Yet, as evidenced by our first 20 years as a national organization, The Lincoln Forum adheres to the tried and true in judging our 16<sup>th</sup> president—not only in the context of his time but for our time, looking both back at the past and ahead to the future. We believe that Abraham Lincoln's ever-relevant legacy continues to burnish. We witness this through the lens of the many presentations, panels and camaraderie of those who attend and participate in our annual conferences. Our 21<sup>st</sup> symposium strives again for truth and perspective, not only in assessing the man we honor but of those events and people who surrounded him. This overview now also extends to the Reconstruction period that followed Lincoln's tenure.

This year's Forum will continue to focus on new books and scholarship, and will cover Lincoln's personal life and family as well as his early career—the grounding that led to his leadership and statesmanship. Of course, we will continue the discussion on Reconstruction and black freedom, issues that remain as relevant today as in Lincoln's time.

By perpetuating and expanding both our historical inquiry and our multi-faceted emphasis, we continue to discover a real and genuine Lincoln—whose example stands as a stark contrast to the discord and lack of civility confronting us today.

Though a creature of politics—proudly and passionately—Lincoln rose to the level of distinguished statesmanship when the need arose. If our current leaders studied Lincoln as assiduously as we do, we might not be facing a “House Divided” today. We will never agree with each other all the time, but our discussions at the Forum show that we can indeed disagree with civility—that we can and must summon “the better angels of our nature.” 📖

Frank J. Williams  
Chairman

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## FORUM ANNOUNCES STUDENT SCHOLARSHIP WINNERS FOR 2016

The Lincoln Forum is pleased to announce The Lincoln Forum Student Scholarship winners for 2016: Jacob Brejcha, a senior at Plainfield High School in Plainfield, Indiana; Sahil Sangwan, a sophomore at Ward Melville High School in East Setauket, New York; and Michaela Wietes, a senior at Union Grove High School in Union Grove, Wisconsin. The student scholarships will enable the three winners to attend The Lincoln Forum when it meets on November 16-18 in Gettysburg, Pennsylvania.

This is the fifth year the Forum has awarded student scholarships, which provide support to grade school and high school students with an interest in Abraham Lincoln and the Civil War to attend the annual meeting in Gettysburg. This year's winners were chosen by a selection committee comprised of Thomas Horrocks, chair; Paul Ellis-Graham; Thomas Mackie; and John Marszalek. Full profiles of the scholarship recipients, and a report on their Forum experiences, will appear in the spring 2017 *Bulletin*.—Tom Horrocks. 📖

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## ...AND NAMES TEACHER SCHOLARS FOR FORUM XXI

Now in its eighth year, the Teacher Scholarship Initiative of the Lincoln Forum is pleased to announce the recipients of this year's four, all-expense paid scholarships to attend the annual symposium in Gettysburg. The 2016 winners are: Joren Anderson of Auburndale, Wisconsin (Auburndale High School); Winifred Anderson of St. Cloud, Minnesota (Sauk Rapids Rice High School); Jennifer Connolly

of The Bronx, New York (Preston High School); and Cathy Fratto of Pittsburgh, Pennsylvania (Oakland Catholic High School). The three-member selection committee was comprised of Ruth Squillace, coordinator, Ron Keller, and Ken Childs, Esq. More information on the scholarship winners—and their experience at Forum XXI—will similarly appear in the next issue of the *Bulletin*.—Ruth Squillace.. 📖



# FROM “BROADWAY” TO GETTYSBURG: DID EDWIN FORREST INFLUENCE ABRAHAM LINCOLN?

By David Carlyon

“Threescore years and two have now elapsed since our fathers ventured on the grand experiment of freedom.” So said America’s great actor Edwin Forrest in 1838, at the beginning of a Fourth of July address he delivered in New York’s Broadway Tabernacle. What might seem a simple resemblance to the memorable “Four score and seven years ago” of Abraham Lincoln’s 1863 Gettysburg Address expands into remarkable rhetorical correspondences between the two speeches. Politics binds them closer, as the speakers presented opposing views of the meaning of America, yet framed them similarly. Together, the evidence suggests Forrest influenced Lincoln one score and five years later.

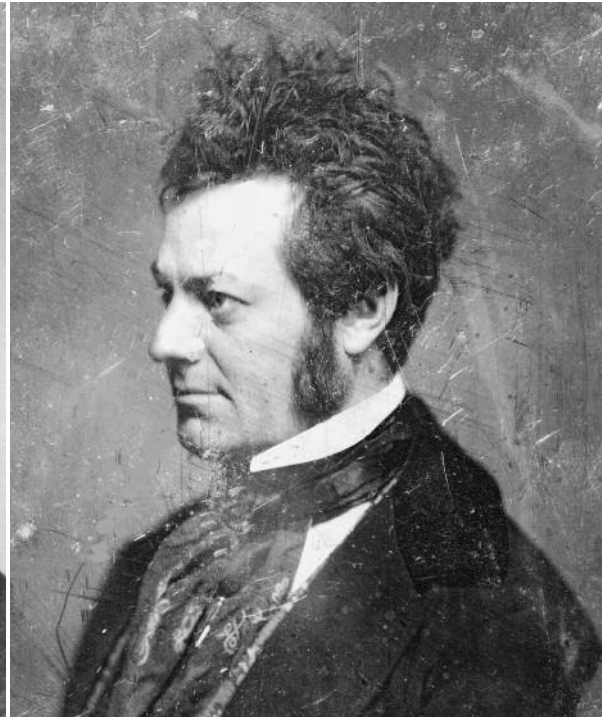
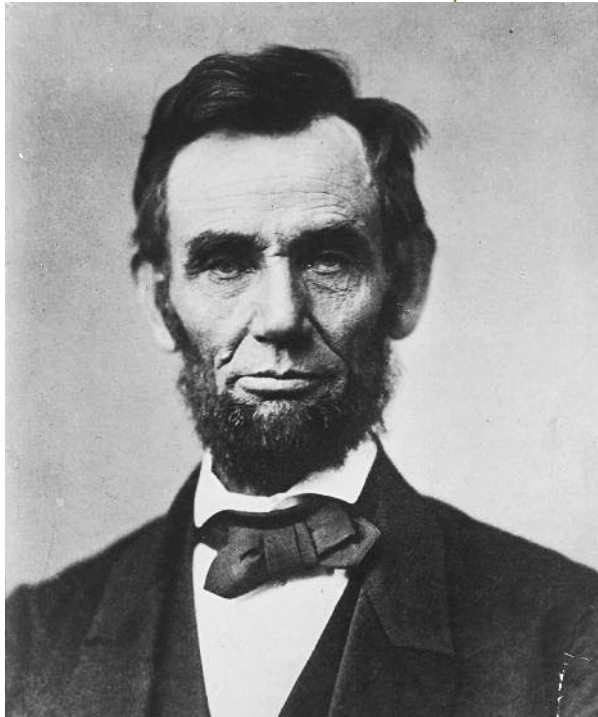
At first glance, the suggestion seems outlandish. Why has this possible connection gone unnoticed before, considering Lincoln has been written about more than any other American? What case for influence can be made when Lincoln in Illinois wouldn’t have heard Forrest’s speech, and the published version can’t be definitively placed in his hands? Yet Lincoln’s political avidity, his keen interest in theater, the extensive newspaper coverage of Forrest’s speech, and the intertwined politics of their speeches combine to make a strong case for the influence of Forrest’s address on Lincoln’s.

The full argument, complete with 109 footnotes, can be found in the article, “From the Broadway Tabernacle to the Gettysburg Battlefield: Did Edwin Forrest Influence Abraham Lincoln?,” *Theatre Survey* 56.1 (January 2015): 71-94, by David Carlyon. This piece is an abstract of that new contribution to Lincoln studies.

Phrase by phrase, and in virtually the same order, Lincoln’s address echoes the first two and final three paragraphs of Forrest’s ninety-minute oration. Start with “score.” Historians have found many uses of “score” Lincoln might have read, as they sought to discern what might have prompted him to begin his address with an already-archaic word, but no other use found so far is set in a phrase as similar as Forrest’s. Then, as the article explains, Lincoln’s phrasing follows Forrest’s in a steady march, concluding in matching three-part celebrations of the people. The president’s now famous “of the people, by the people, for the people” echoed the actor’s “A hundred millions of happy people! A hundred millions of co-sovereigns, recognizing no law, but the recorded will of a majority; no end of law, but mutual and equal good;...” Lincoln was a better writer so Forrest’s triad is less succinct but the *meanings* correspond closely: each started with “of,” Lincoln’s reference to government “by

the people” matches Forrest’s “co-sovereigns;” and Forrest makes clear explicitly, Lincoln implicitly, that all is “for the people,” for their “equal good.” Like “score,” Forrest’s concluding triplet matches Lincoln’s more closely than any other cited use.

The rhetorical connections expands into politics. The Democratic Republicans, later called Democrats, had invited Forrest to speak to the party faithful as a possible candidate for Congress, and he played the party game. It was July 4th, so he extolled America’s grand civic holiday as the occasion demanded, but he also responded to Whig attacks. Attacks like Lincoln’s. Six months earlier, speaking to the Springfield Lyceum in January 1838, Lincoln



**Abraham Lincoln—who authored and delivered the Gettysburg Address—and actor Edwin Forrest, who may have inspired it.**

repeatedly condemned the danger to the country in “mobs,” meaning Democrats. Though Forrest would not have known an obscure lawyer’s talk in what was then backwater Illinois, the actor used his speech to combat what all knew were standard Whig attacks.

This political connection has lain hidden in plain site because Forrest’s Fourth of July address and the Gettysburg Address, like Lincoln’s earlier Lyceum Speech, have usually been treated as non-political. Historians consider the Lyceum Speech, one of Lincoln’s first public expressions, a modest effort to gain speaking experience, with no politics involved, or only vague reference to political opponents. However, repeatedly condemning “mobs,” he was indulging what we now call talking points, implicitly peddling the standard Whig attack on Democrats as lawless Jacksonian “mobs.” Meanwhile Forrest biographers, little interested in a candidacy that didn’t develop, either skip his talk’s politics or declare it had none. But the context shows him powerfully fighting against Whig scorn, while presenting a Democratic vision of the country’s meaning. The Gettysburg Address is America’s civic prose poem, seemingly above mere politics, yet Lincoln was political at Gettysburg too, articulating Republican **continued on page 9**

# PRESIDENT LINCOLN AND THE SLEEPING SENTINEL: A STORY OF CIVIL WAR REDEMPTION

By Jonathan W. White

On August 29, 1861, Pvt. William Scott of the 3rd Vermont Infantry volunteered to take picket duty for a friend near the Potomac River in Georgetown. The next night he had to serve on picket again. Two nights without sleep proved to be too much for the 22-year-old private. Sometime between 3 and 4 A.M. on the morning of August 31, Scott was found asleep at his post near Camp Lyon. He was immediately arrested.



Private William Scott

At 10 A.M. on Tuesday, September 3, Scott was arraigned before a court-martial for falling asleep at his post. He pleaded innocent to the charge but offered no defense. The court quickly found him guilty and sentenced him to be shot to death on September 9.

Nearly 200 officers and enlisted men submitted a petition to the commanding general asking for clemency. On September 8, Gen. George B. McClellan wrote to his wife, "Mr. Lincoln came

this morning to ask me to pardon a man that I had ordered to be shot, suggesting that I could give as a reason in the order that it was by request of the 'Lady President.'"

On the morning of September 9, the 3rd Vermont and several other regiments were drawn into a hollow square to witness Scott's execution. A firing squad of twelve men—reportedly including one of Scott's brothers—took its position, and the unfortunate prisoner stood awaiting the execution of his sentence. One witness wrote, "He was deadly pale and shook from head to foot and was almost unable to sustain his weight."

As the assembled troops stood watching, something unexpected happened. Rather than read the sentence of execution, an officer read a pardon. It stated that President Lincoln had "expressed a wish that as this is the first condemnation to death in this army for this crime, mercy may be extended to the criminal." The pardon noted Scott's "inexperience" as well as "his previous good conduct and general good character." But the message underscored that this act of mercy would not be a precedent for future cases because sentinels must be made to realize that sleeping at their posts could endanger the whole army.

The troops who witnessed this event gave a cheer for Lincoln that "made the land of Dixie ring for miles around." One Democrat even pledged "to vote for 'Abe' if he is ever [a] candidate again." Newspapers throughout the country published stories praising Lincoln's wise decision, and Scott's father even travelled to Washington to personally thank the president.

For his part, Private Scott is reported to have said, "I will show President Lincoln that I am not afraid to die for my country." Sadly, he did just that a few months later. In April 1862, he fell in a small skirmish of the Peninsula Campaign, reportedly saying as he died, "Tell President Lincoln that I thank him for his generous regard

for me, when a poor soldier under the sentence of death." He is buried in the Yorktown National Cemetery.

Upon dying, Scott's star soared in the American firmament. In 1863, Francis De Haes Janvier published "The Sleeping Sentinel," a poem that instantly gained a wide readership throughout the North. On January 19, 1863, "the celebrated elocutionist" James E. Murdoch read "The Sleeping Sentinel" before an audience at the White House, which included the president and first lady. Later that day, Murdoch read the poem in the Senate chamber at the U.S. Capitol, again with Abraham and Mary Lincoln in attendance.



The grave site of William Scott  
(Photo: Jonathan White)

The poem exulted in the "patriot armies" of the North that "swept forth . . . to make our country truly free." It traced Private Scott's life from the pure mountain air of Vermont where he patriotically enlisted to the wearisome night when he "sank, exhausted, at his post . . . a sentinel, asleep, upon the ground!"

Comparing the fatigued young soldier to the devoted but weak disciples of Christ who had fallen asleep in the Garden of Gethsemane shortly before the crucifixion, the poet noted, "Yet, Jesus, with compassion moved, beheld their heavy eyes, / And, though betrayed to ruthless foes, forgiving, bade them rise!"

The poem then shifted to the White House, where Lincoln, in a dark, secluded room, paced back and forth, contemplating the "civil discord" that was destroying the country. His heart was burdened with grief as the entire nation suffered. And yet, despite the cares of the world being upon his shoulders, Lincoln "heard the plaintive cry" of "that poor soldier, as he lay in prison, doomed to die!"

The poem then drew readers to the army camp, where a manacled, trembling and ashamed Private Scott awaited his execution. As the firing squad readied to send him to his "nameless grave," he stood there thinking of the "hopeless grief" his parents must be feeling. "Then suddenly and unexpectedly—the president arrived!"

He came to save that stricken soul, now waking  
from despair;

And from a thousand voices rose a shout which  
rent the air!

The pardoned soldier understood the tones of  
jubilee,

And, bounding from his fetters, blessed the hand  
that made him free!

*continued on page 9*



# THE LINCOLNS' MOVE TO INDIANA IN 1816: WHAT THE HISTORIANS SAY

By John Elliff

This year marks the bicentennial of the Lincoln family's move from Kentucky to Indiana in 1816. It was in the Hoosier State that Abraham Lincoln matured from childhood through adolescence to become an adult. He arrived in the same year Indiana achieved statehood. Lincoln's father had made the decision to move during a visit to his Uncle Josiah in southern Indiana, and the transfer was part of a migration from Kentucky across the Ohio River to Indiana after the War of 1812.

Lincoln recalled the journey in two autobiographical accounts he wrote as he campaigned for the presidency. In the "little sketch" he gave to Jesse Fell in December 1859 for publication in a Chester, Pennsylvania, newspaper (and reprinted elsewhere), Lincoln said his father "removed from Kentucky to what is now Spencer County, Indiana, in my eighth year," adding: "We reached our new home about the same time the State came into the Union. It was a wild region, with many bears and other wild animals still in the woods. There I grew up."

In a longer narrative provided to newsman John L. Scripps, who was preparing a campaign biography in June 1860, Lincoln said his father moved the family to Indiana "in the autumn of 1816" and inserted an explanation: "This removal was partly on account of slavery; but chiefly on account of the difficulty of land titles in Ky." Biographer Scripps speculated that Thomas Lincoln "realized in his daily experience and observation how slavery oppresses the poorer classes, making their poverty and social disrepute a permanent condition through the degradation which it affixes to labor." Another 1860 campaign biographer, Joseph H. Barrett, described Thomas as "turn[ing] his back forever on a State that tolerated slavery, to seek a new home where free labor had been sacredly assured exclusive rights and honors."

Biographies written in the year after Lincoln's death repeated this theme. Henry Raymond of the *New York Times* wrote of Thomas's "determination to abandon Kentucky and try his fortunes where his energies were not checked and repressed by the obstacles which slavery constantly thrust in his way." J.G. Holland offered a less admirable interpretation: Kentucky "was already the home of an institution which branded labor with disgrace, and made the position of poor whites a hopeless one. He could see nothing in the future, for himself or his boy, but labor by the side of the negro, and degradation in his presence and companionship."

After Lincoln's death his cousin Dennis Hanks denied that Thomas left Kentucky because of slavery and said, "He movd [sic] off to better his Condition." According to Lincoln's friend Leonard Swett, Thomas moved in order "to better his situation in life."

Subsequent biographers have divided on the issue of whether to take seriously Lincoln's recollection that the family moved to Indiana "partly on account of slavery." There is evidence to support his memory that "the difficulty of land titles" was a motivation. But the evidence on the slavery issue is mixed. For example, the William Herndon-Jesse Weik biography discounted concern about slavery, relying on Dennis Hanks and a source in Kentucky who wrote to Herndon that there had been few slaves in Hardin County, Kentucky, where the Lincolns lived. Others have cited tax rolls that showed a substantial and growing number of slaves in the county, recollections that Thomas and Nancy had joined an antislavery Baptist church, and the geography of their Kentucky cabin near a main road where coffles of chained slaves would pass by.

The best-known Lincoln biography of the mid-20<sup>th</sup> Century was probably Carl Sandburg's *Abraham Lincoln: The Prairie Years* (1926). It portrayed slaves as a threat to Thomas Lincoln: "Poor white men were having a harder time to get along. Hardin County had been filling up with negroes, slave black men, bought and sold among the rich and well-to-do.... And it seemed that as more black slave men were brought in, a poor white man didn't count for so much; he had a harder time to get along...." When Sandburg condensed his work in 1956, he replaced this passage with a statement that "slavery was on the rise" in the county and the number on the 1816 tax lists. More recent biographers range across the spectrum from placing Thomas and Nancy in the midst of a Kentucky antislavery religious movement to presenting Thomas as simply interested in better economic prospects.

Regardless of his father's intentions the important fact is that, because of the move to Indiana where slavery had been prohibited by the Northwest Ordinance, young Lincoln grew up in a community where adult men could earn their living from the fruits of their labor. On this aspect of life the formative environment in Indiana was far different than it would have been in the slave state of Kentucky.

Barrett's campaign biography reported Lincoln's recollection of an additional detail that involved his mother Nancy and his younger brother Thomas who had died in infancy. According to Barrett, "Mr. Lincoln remembers to have visited the now unmarked grave of this little one, along with his mother, before leaving Kentucky." Probably accompanying them was his older sister Sarah. Within two years Nancy died from "milk sickness." Lincoln lived for the next two years without a mother and spent many months alone with his sister until Thomas brought a new family from Kentucky. Ten years later sister Sarah died in child-birth. In 1830 the twenty-one-year old Lincoln moved with the family to Illinois and would shortly strike out on his own.

The losses of his mother, sister, and Indiana friends seem to have weighed heavily on Lincoln when, after returning to his old Indiana neighborhood in 1846, he composed a poem which has two versions in *The Collected Works*. The first begins:

My childhood-home I see again,  
And gladden with the view;  
And still as mem'ries crowd my brain,  
There's sadness in it too.

The second begins:

My childhood's home I see again,  
And sadden with the view;  
And still, as memory crowds my brain,  
There's pleasure in it too.

The mixture of happiness and grief suggests the complexity of Lincoln's experience passing through adolescence and preparing for adulthood. There are few documentary records from the Indiana period beyond his father's property transactions, some church records, and arithmetic exercises given to Herndon by his stepmother. We depend on *continued on page 11*

## THE LINCOLN FAMILY AS IT NEVER WAS:

Sadly, the Lincoln Family never sat together for a keepsake photograph or a painting. In fact, the President never once posed with his wife, or with his sons Robert or Willie—although on two occasions late in the Civil War, the Brady, then the Gardner gallery, captured images of Lincoln with his youngest boy, Tad. So how was a grieving widow to re-create the lost paradise of her first year in the White House—before her beloved Willie died of typhus and her husband fell victim to an assassin?

To the rescue came artist Francis B. Carpenter, who had spent six months at the executive mansion in 1864 painting *The First Reading of the Emancipation Proclamation*. In 1866, Carpenter proposed to create a family portrait, and the widow threw herself into the project with enthusiasm. It was Mary who supplied a favorite photograph of Willie as a model for the canvas (cautioning, “even in *that* likeness...justice is not done him, he was a very beautiful boy”). She also suggested a preferred image of eldest son Robert. Not surprisingly, Carpenter turned to the already-famous dual portrait of Lincoln “reading” to Tad (actually gazing at a sample photo album) as the central model, but used a later picture of Willie as a model.

In what may have been her final demonstration of vanity, the former First Lady suggested that, for her own image, Carpenter consult what she called an “excellent painted likeness of me in black velvet” dating to 1861—when she had a much thinner face and form, made even leaner than she deserved by Brady’s generous re-touchers. Carpenter finished his black-and-white canvas exactly 150 years ago, and in 1867 it was shared with the public via an engraved reproduction. Perhaps not the most accurate portrait of the Lincolns—who seldom found time to gather together even during the first year of the war—it was surely how Mary wanted to remember her shattered family. (Photos: New-York Historical Society; Harold Holzer.) 📌



Brady photo of Mary, 1861—retouched then, adapted again in 1866.



Photo of Willie on which Carpenter ultimately relied.



Carpenter’s own copies of the Lincoln and Tad photo (center), along with photos of Willie and Tad (left, top and bottom) sent to the artist by Mrs. Lincoln.



## *MARY'S PARADISE LOST, REVISITED, 1866*



**Francis B. Carpenter's romanticized painting of the Lincoln Family in 1861.**

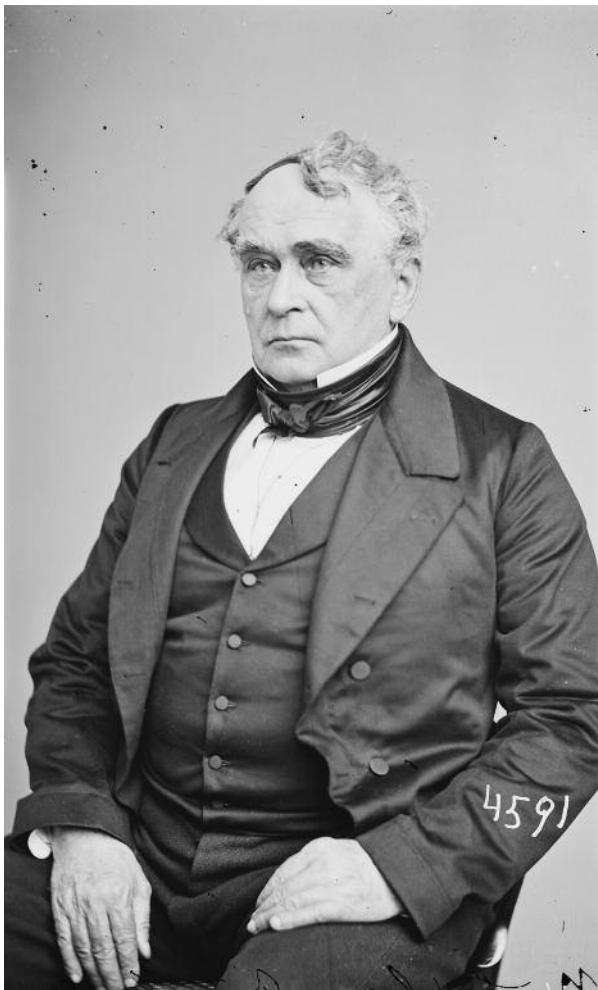


**J. C. Buttre's 1867 engraving updated Robert's likeness to showcase his recently grown moustache.**

# LINCOLN AND EX PARTE MILLIGAN: ITS RELEVANCE TODAY

By Frank J. Williams

Both international law and common law evolve. This year marks the sesquicentennial of the U.S. Supreme Court's 1866 decision in *ex parte Milligan*. Even after Abraham Lincoln's presidency forged the first American precedents in international law, that case retroactively set restraints on our domestic policies during wartime. It might be said that the debate over civil liberties in wartime crystallized under Francis Lieber, a German immigrant whose sons fought on both sides in the Civil War. Lieber, the first political scientist at what would later become Columbia University in New York City, worked with President Lincoln's Secretary of War to formulate the first humanitarian law of armed conflict for armies in the field. It would serve as the basis for the Geneva Conventions in the 20<sup>th</sup> century.



**Francis Lieber (whose code enshrined the laws of war) and Supreme Court Justice David W. Davis (whose majority opinion affirmed them).**

The Lieber Code, or what on occasion has been called the Lincoln Code, since America's 16<sup>th</sup> president implemented it, expanded further when "just following orders" was rejected at Nuremberg after World War II.

Moreover, though the Supreme Court typically stays out of politics during "wartime" as the only non-elected branch of government, it dramatically intervened to the chagrin of Harry Truman during the Korean War. *Youngstown Sheet and Tube Company v. Sawyer* (1952) struck down Truman's seizure of the nation's steel mills, though FDR had taken over private businesses

more than two score times during World War II—including Montgomery Ward.

Truman had become very unpopular as the Korean War dragged on, and even FDR and HST's own Supreme Court appointees turned against his undeclared war. Despite the unexpected capture of thousands of prisoners of war, the United States observed the Geneva Convention of 1949. Similarly, though often overlooked, the U.S. Army later scrupulously observed the Geneva Convention regarding POW camps in South Vietnam and allowed the International Committee of the Red Cross access to them. Records were maintained on every "detainee," whether in uniform or not, going beyond the requirements of the Geneva Conventions.

Based on this experience, it should not have surprised the public that in the 21<sup>st</sup> century, the Supreme Court again used *ex parte Milligan* as a precedent, this time to warn the Bush II Administration that it needed to follow international law during the Iraq conflict—especially since the United States had helped to pioneer the humanitarian law of armed conflict. The "unknown unknowns" for those who had never served in the military or only in the National Guard were well-known to every Judge Advocate General (JAG) officer. Though prisoner abuse at Abu Ghraib became a stain on America's reputation, too often overlooked is the courage that JAG officers showed in refusing to support "enhanced interrogation." The USA is not a rinky-dink "third world" nation. In fact, to the lasting credit of the retired JAG officers

association, it commissioned the first painting of Lincoln signing the Lieber Code as General Orders 100 in 1863.

In the tumult following September 11, 2001, the President George W. Bush administration determined that "enemy combatants"—citizens and non-citizens alike—be tried by a military tribunal.

This time, the U.S. Supreme Court chose not to go out to lunch. Instead, it sent repeated warnings to the Administration that it would review its prisoner policies. Though *ex parte Milligan* may be a relatively narrow precedent,

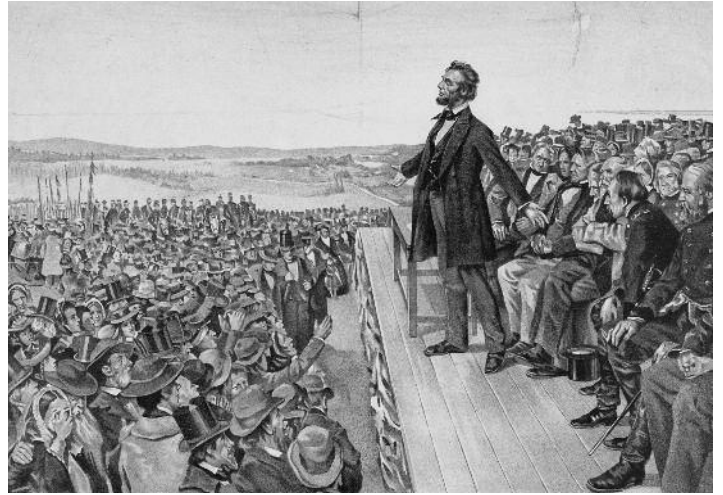
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## FROM BROADWAY TO GETTYSBURG: DID EDWIN FORREST INFLUENCE ABRAHAM LINCOLN?

*continued from page 3* precepts and contesting those of the South. His “Four score and seven years ago” harked back to 1776, invoking the Declaration of Independence, adopted that year, and its ideals of equality and liberty, an implicit but clear rebuke to slavery apologists. His celebration of “the people” highlighted that they had started the country in the Declaration, another political point as it directly contradicted the South’s stance that the *states* had formed the country by ratifying the Constitution. That’s why secessionists labeled theirs a Confederacy of states, and why Republicans like Lincoln believed “states rights” essentially meant the “right” to own human beings.

Lincoln did not suddenly improvise this position. Lincoln at the Lyceum, Forrest on the Fourth, and Lincoln at Gettysburg forged links in a political chain reflecting the continuing struggle over America’s meaning, and Lincoln’s part in that struggle. He had spent a career testing Whig / Republican ideas, digging into Democratic positions, and wrestling with his own conflict between abhorrence for slavery and reverence for the Constitution, though it allowed slavery. His ongoing exploration likely included Forrest’s speech. Though no direct evidence places it in Lincoln’s hands, he almost certainly knew what Forrest said. In an era of highly partisan newspapers, Lincoln’s habit of reading both sides would have led him to Whig complaints about Forrest’s speech in Whig papers, and Democratic praise in Democratic papers, and possibly to the speech itself, published in party newspapers. The Democrats also printed a widely distributed pamphlet (still available on eBay). A quarter century of profound thought propelled Lincoln to Gettysburg, where he incorporated Whig, Republican, and Democratic ideas — like Forrest’s — to pose the Declaration as the nation’s founding, and cast the Articles of Confederation, Constitution, and Bill of Rights as subsequent attempts to reach closer to America’s ideals.



Lincoln delivering the Gettysburg Address—as later imagined by an unknown artist

If the Gettysburg Address had come first, there would be no doubt that Forrest echoed it, so it’s reasonable to consider Lincoln’s echo of Forrest’s earlier address. Echo does not mean copy. Great writers, like Lincoln, find inspiration and ideas in their culture, then remold those cultural touchstones to offer people a new vision. Just as Mark Twain blended stories he’d heard and what he’d experienced into the masterpiece of *Huckleberry Finn*, so did Abraham Lincoln rework a quarter century of political thought as he crafted the masterpiece of the Gettysburg Address.

*(Dr. David Carlyon, an independent scholar, is adjunct professor at Iona College, is a specialist on 19<sup>th</sup>-century performance and culture. In addition to essays on subjects ranging from Shakespeare to Huckleberry Finn to the circus, he is the author of the award-winning Dan Rice; The Most Famous Man You’ve Never Heard of.)* 📖

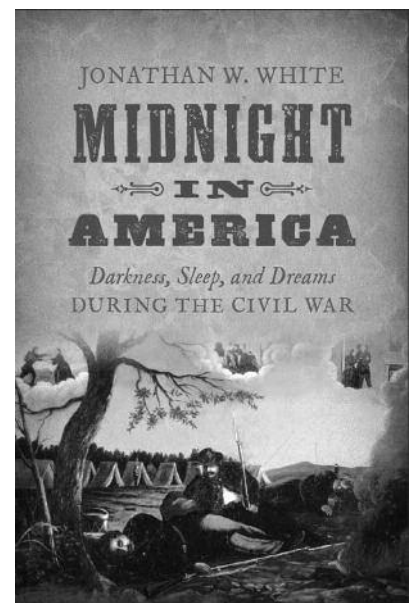
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## PRESIDENT LINCOLN AND THE SLEEPING SENTINEL: A STORY OF CIVIL WAR REDEMPTION

*continued from page 4* The final seven stanzas recounted Scott’s death on the Virginia peninsula. As he lay dying, he prayed to heaven “That God, with His unflinching grace, would bless our President!”

Americans who read or heard “The Sleeping Sentinel” encountered a story of redemption. Lincoln, as a Messianic figure, saves the penitent young sinner (although in reality he did not show up to the scene of the execution). The soldier eventually makes the ultimate sacrifice, achieving martyrdom, and praising his savior’s name as he expires. The lesson was simple and sweet: true comfort could be found in serving a cause that was greater than oneself. In many ways, the story mirrors the idea of Lincoln as the Great Emancipator—the president frees a man from his chains and then is blessed as a liberator. With Lincoln depicted as a Christ figure, the poem also eerily foreshadows the president’s eventual death on Good Friday two years later.

*(Jonathan W. White is associate professor of American Studies at Christopher Newport University and a life member of The Lincoln Forum, where he has appeared as a speaker. This article is adapted from his forthcoming book, Midnight in America: Darkness, Sleep, and Dreams during the Civil War. Copyright © by the University of North Carolina Press. Used by permission of the publisher. [www.uncpress.edu](http://www.uncpress.edu))* 📖



## “BUD” ROBERTSON: A CIVIL WAR LIFE WELL LIVED

*continued from page 1* the subject of this article plainly puts its author, nearly 20 years his junior, to shame.)

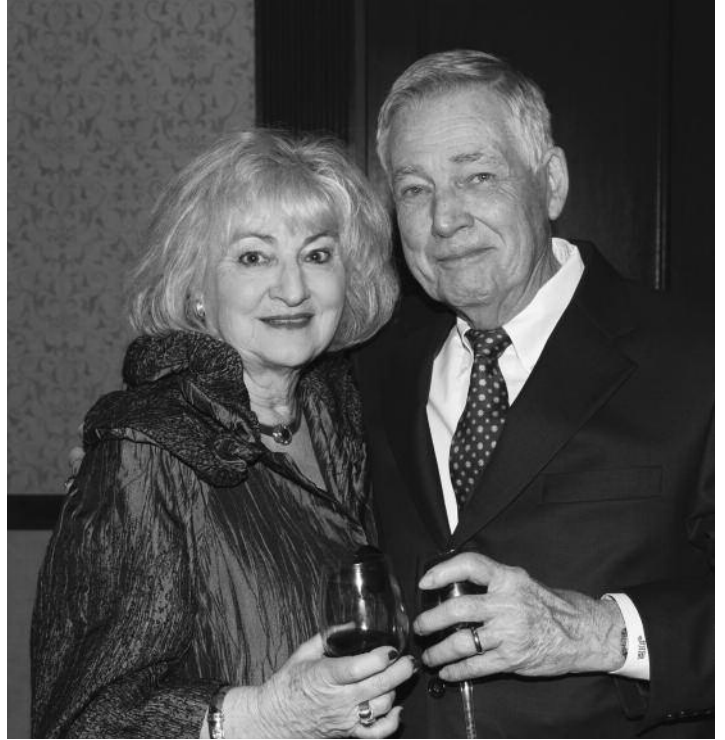
“I could have landed on my head, and I wouldn’t be here,” Robertson cheerfully told Brian Lamb. “It could have been my writing arm. I’m happy I’m alive.” So is his vast public, which remains hungry for more of his books. Robertson is determined to oblige them. In addition to *After the Civil War*, a beautifully published, lavishly illustrated study of 70 different survivors of the Rebellion, including several future presidents, he has already brought out another. It is a newly edited and annotated two-volume edition of a Civil War classic, the diaries of Richmond-based “Rebel war clerk” John B. Jones (University Press of Kansas). And he has returned to his desk at home in the Northern Virginia (which he shares with his wife Betty) to inquire away at still more book ideas—perhaps, he says, a history of the so-called Northern Neck, the remote peninsula lying between the Rappahannock and the Potomac, which he describes as “isolated during the war,” meaning he believes “there’s a good story to tell of suffering and isolation.”

Above all, Robertson has always been a master storyteller—an aspiration he may have absorbed from the man he ranks as the greatest all-time writer about the Civil War, Bruce Catton. “When he writes, you can smell the guns smoke and hear the screams. He taught me a lot about writing.”

Robertson fans universally believe that this latter-day Catton succeeds with his own vivid prose in much the same way. “Bud” studied under another Civil War giant, Bell I. Wiley, at Emory University, where he earned his Master’s degree in 1956 and Ph.D. in 1959. To help support himself, Robertson worked for a time as an ambulance driver at an Atlanta funeral parlor—a biographical tidbit that has not been included in his CVs or Wikipedia entries. “I can’t think of a quieter place to study than a funeral home,” he told C-SPAN. “I thoroughly enjoyed it.” Moreover, he adds, “I learned a lot of things about death, and I came away with a great respect for the wounded and dead” of 1861-1865—when some 750,000 soldiers and civilians lost their lives.

It should come as no surprise that Robertson went on to study and write frequently about Civil War medicine, practiced, he shakes his head, by “physicians” who took but one real year of training, emerging from their undemanding studies as no more than “trained pharmacists who had a bag load of pills,” but no real skill at wielding the scalpels they applied to thousands of wartime gunshot victims and amputees. He capped his interest in the subject between 1990 and 1992 by editing a new edition of the original, 1870-1888 *Medical and Surgical History of the War Rebellion*.

Robertson made his dramatic entrance into the Civil War world while still a young man. His first major contributions came only after President John F. Kennedy, soon after his 1961 inauguration, inquired about the status of the Civil War centennial, scheduled to fire its opening guns at Fort Sumter that April. Dissatisfied by what he heard, the president who had come into office precisely a century after Lincoln, demanded an overhaul of Commission staff. The great historian Allan Nevins came aboard as chairman, and Nevins recruited young “Bud” Robertson as executive director. Robertson set to work immediately, helping make sure that the sole African-American member of the commission would not be required to stay in a blacks-only Charleston hotel; organizing cogent educational materials for students and the public; and then, in a state of shock, working to find the whereabouts of the catafalque on which Lincoln’s body had rested in the White House after his assassination in 1865, so it could accommodate Kennedy’s remains after his murder in 1963. Robertson worked alongside the



**Betty and Bud Robertson at a recent Lincoln Forum.** (Photo: Henry F. Ballone)

Library of Congress’s chairman of American History, David C. Mearns, to research the surviving images of the East Room as it was decorated in mourning for Lincoln’s funeral—so the ambience could be replicated for the JFK rites.

Robertson’s greatest accomplishment during the Centennial was in bringing 34 state commissions, and 100 local ones, together to create a memorable hundredth anniversary—taking into account the dawn of the modern civil rights movement. In tribute to his enormous impact, Robertson was named a charter member of the Virginia Sesquicentennial Civil War Commission—50 years later!

Robertson went from Washington on to Virginia Tech, and during his long career there (ultimately as Alumni Distinguished Professor and Director for its Civil War Studies and Education Center) he went on to author or edit 20 more books. In addition to his Jackson work, considered not only his masterpiece but still the definitive “Stonewall” biography 19 years after its publication, he authored the classic *Soldiers, Blue and Gray* (1988), *Civil War! America Becomes One Nation* (2002), several handsome coffee table books, and the narrative for portfolio editions of the work of modern Civil War artist Mort Kunstler. Robertson also served as chief historical consultant to the Ron Maxwell film, *Gods and Generals*, starring previous Forum speaker Stephen Lang, and based on the author’s Jackson biography. In 2011 he worked with his Virginia Tech colleague William C. “Jack” Davis to produce the three-hour documentary, *Virginia in the Civil War: A Sesquicentennial Remembrance*. The pair also hosted annual sesquicentennial conferences and published five books of transcripts.

Along the way, Robertson served as a board member for the Museum of the Confederacy, sponsored an award in his name honoring scholarship in Confederate History, and, known for the appeal of his own work to young readers, saw a young reader’s literary award named in his honor by th

*continued on page 11*



# THE LINCOLNS' MOVE TO INDIANA IN 1816: WHAT THE HISTORIANS SAY

*continued from page 5* oral history recollections that are more distant than those from New Salem, as well as general evidence of how people lived in Southern Indiana.

Despite these challenges to the historian, Lincoln's life growing up in the wilderness of Indiana deserves more thorough examination. Louis A. Warren's study of *Lincoln's Youth: Indiana Years, 1816-1830* (1959) has much of the basic story, and William E. Bartlett collected many recollections in "There I Grew Up:"

*Remembering Abraham Lincoln's Indiana Youth* (2008). Valuable chapters appear in other biographies. Nevertheless, one of the leading authorities on the Illinois years, Douglas L. Wilson, has said in a personal conversation that much more can be learned—and should be written—about Lincoln in Indiana 200 years ago.

(John Elliff is president of the Lincoln Group of the District of Columbia and a graduate of DePauw University, Greencastle, Indiana.) 📖

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## "BUD" ROBERTSON: A CIVIL WAR LIFE WELL LIVED

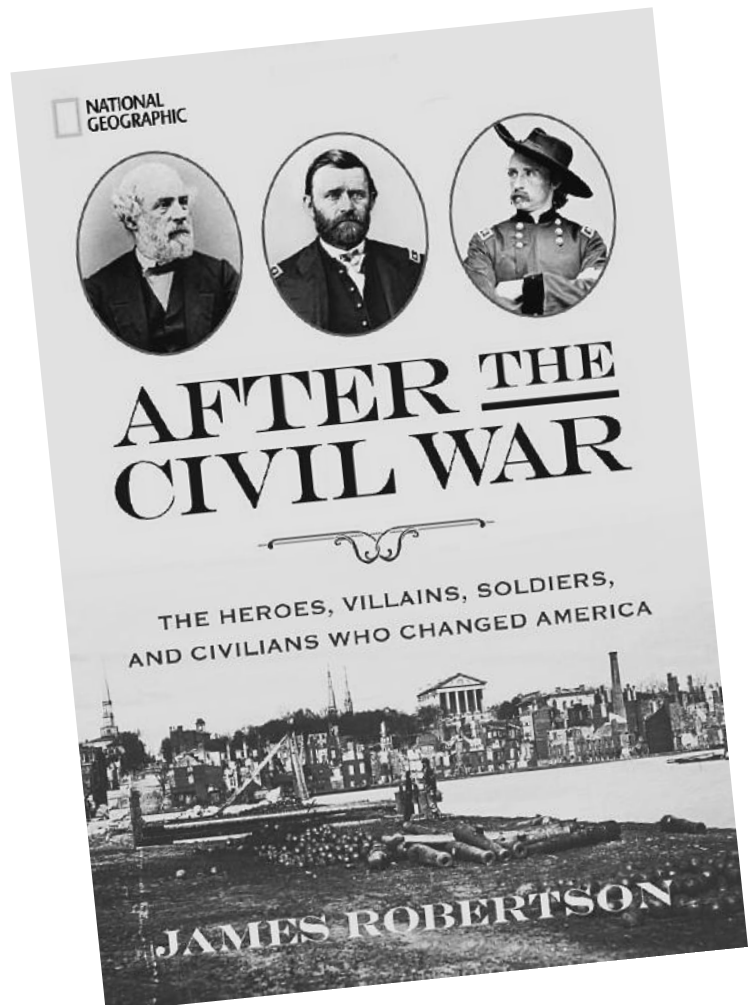
*continued from page 10* Civil War Round Table of New York, which has also given Robertson its lifetime achievement honor. He currently holds the title of Professor Emeritus at Virginia Tech, not to mention a place in the school's Sports Hall of Fame—which he earned after serving as an Atlantic Coast Conference football referee for 16 years. Of course he remains active on the lecture circuit, literally on land and sea (at battlefields and on history cruises alike). Last April, he delivered the major address at the 150<sup>th</sup> anniversary of Robert E. Lee's surrender to Ulysses S. Grant, a nationally telecast ceremony from Appomattox Court House, Virginia.

Uncomplaining and unassuming, Robertson's perennial good cheer never overcomes his dead-serious reverence for Civil War history—and the gods, generals, and common soldiers he has spent a lifetime studying and bringing to life. But Robertson is unafraid to use the past to look to the future, though he does not like what he currently sees. "It worries me considerably," he confesses. "I see in today's politics the polarization, the negativism and the chaos of a dysfunctional government. I see the 1850s all over again, and I'm truly alarmed by it." Robertson laments a system that shuns compromise, pointing out emphatically that "compromise and democracy are the same thing."

"What especially disturbs me," he concludes, cautioning that he truly "hates to get political," is that modern leaders "just don't know history. Harry Truman once said, 'the best news I get is the history I didn't know.'"

Today's leaders are just not like that," Robertson points out. "Politicians think of the next election. Statesmen think of the next generation."

(This article is based largely on Professor Robertson's C-SPAN interview, telecast nationally on July 20, 2016. The author is grateful to the network for permission to adapt quotes from the interview with Brian Lamb.) 📖



# LINCOLN AND EX PARTE MILLIGAN: ITS RELEVANCE TODAY

*continued from page 8* since it was handed down a year after the Civil War had ended, it remains a rebuke to both America's greatest president and the U.S. army for having conducted over 4,000 military commission trials on civilians while the traditional courts were still operating. There are limits on armed conflict in the civilized world

In the 1866 *Milligan* ruling, four justices concurred with the author of the decision, Associate Justice David Davis, a Lincoln appointee to the high bench who in earlier days had been the late president's trial judge on the Eighth Judicial Circuit in central Illinois. The justices focused on the claim that Congress, if it had wanted to, could have authorized the use of military commissions in areas in which the civil courts were still functioning. Implicitly, five justices of the *Milligan* majority rejected Lincoln's argument that military detention and trial could extend to those well behind the front lines who aided the rebellion. The majority also rejected any claim that the Constitution did not operate during the Civil War. "The Constitution," the majority declared, "is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances."

Justice Sandra Day O'Connor, writing for the majority of the Supreme Court in *Hamdi v. Rumsfeld* (2004), relied on *ex parte Milligan* in ruling that *Hamdi*, an American citizen, was entitled to a hearing before a neutral arbitrator as to facts justifying his detention.

In *Hamdan v. Rumsfeld* (2006) the Court held, in a 5-3 decision, that *Hamdan*, also an "enemy combatant" who was Osama bin Laden's driver, found that the government failed to follow the dictates of the Uniform Code of Military Justice (UCMJ) and the Geneva accords. Writing for the majority, Justice John Paul Stevens cited *ex parte Milligan* twice. While the majority of the Court refused to answer directly whether the President could convene military commissions without Congress's approval, it was clear that such approval was necessary as required by *Milligan*. Justice Stephen Breyer, concurring, indicated as much when he invited the administration to return to Congress for such authorization. In fall 2006, Congress attempted to fill this gap by enacting the Military Commissions Act.

Unlike the U.S. Supreme Court during the Civil War, the post-September 11, 2001 Court has not waited until the end of the war on terror to act. This has insured that issues relating to civil liberties and national security continue to be challenging, and in conflict, to this day. *Milligan* remains ever relevant.

(Hon. Frank J. Williams is not only founding chair of The Lincoln Forum and former Chief Justice of the Rhode Island Supreme Court; he also served as Chief Judge of the United States Court of Military Commissions Review to hear appeals from trials conducted in Guantanamo.) 📌

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## LINCOLN FROM BOTH SIDES NOW

"Chesterwood" in Stockbridge, Massachusetts—home and studio of Daniel Chester French, sculptor of the seated Lincoln at the Lincoln Memorial—was the scene for an August 10 staged reading of Harold Holzer's new program, *Lincoln Speaks*. Actors Jayne Atkinson (*House of Cards*), Dennis Krausnick, and Chris Tucci spoke the words of Abraham and Mary Lincoln. But the highlight was the finale: a reading of the final words of Lincoln's Second Inaugural by an unannounced, surprise guest—legendary folk singer Judy Collins, who then led an audience of 70, all crammed into French's restored workplace, in a singalong of "This Land is Your Land." After the program ended, Ms. Collins posed with Forum Vice Chairman Holzer before French's final, original, life-sized model for the Lincoln Memorial statue. Holzer and Collins previously did a Lincoln program together at New York's Cooper Union. (Photo: Louis Nelson) 📌



Judy Collins and Friend at Chesterwood

**The Lincoln Forum Bulletin welcomes contributions from members and historians—articles and photos alike. Send to editor Harold Holzer at [hh433@hunter.cuny.edu](mailto:hh433@hunter.cuny.edu). The editor particularly thanks the contributors to the current issue.**

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