

LINCOLN LORE

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LINCOLN'S LENIENCY WITH SOLDIERS A.W.O.L.

The attitude of Abraham Lincoln, as Commander in Chief of the Union Army during the Civil War, toward soldiers who were found asleep on sentry duty, has been illustrated by several specific incidents published in both prose and poetry. While "asleep at the post" was usually involuntary, desertion was more often premeditated and definitely planned. Lincoln's leniency toward this latter class of violations, also punishable by death, has not been so fully explored as the "sleeping" cases.

In the year 1863 there seems to have been an increasing number of "stragglers," "absentees," or "deserters" in the army, and measures were taken to remedy the deficiency. On March 10 Abraham Lincoln issued "a proclamation respecting soldiers absent without leave." In this proclamation the President not only ordered that "all soldiers now absent from their respective regiments without leave" report at one of the many rendezvous designated, but he set the day, April 1, 1863, as the time limit for the return of all men A.W.O.L. This proclamation was followed by orders which arranged for descriptive lists of all deserters to be systematically kept. A reward of \$5.00 formerly offered for the arrest of a deserter was raised to \$10.00.

Supplementing the move to reduce the number of absentees was an attempt on the part of the President to strike at the cause for many of these desertions. The third paragraph of the proclamation condemns "evil-disposed and disloyal persons at sundry places" who have "enticed and procured soldiers to desert and absent themselves from their regiments." An appeal then was made to "patriotic and faithful citizens to oppose and resist the aforementioned dangerous and treasonable crimes."

On May 16, 1863 three members of the 117th Ohio Volunteers Infantry were tried for desertion by a general court-martial, found guilty and sentenced "to be shot to death at such time and place as may be designated by the commanding officer of the department in which he may be serving, two thirds of the members concerning in the above sentence." On July 28, 1863 a private in Company A, 59th Volunteer was tried for desertion and given the death sentence which the President committed to "hard labor in camp with ball and chain for the period of six months." On August 4 a member of Company E, 44th Regiment of Ohio Volunteer Infantry was tried for desertion and was given the death penalty. The President disapproved the sentence "on account of irregularity in the proceedings." One court-martial on August 7th named six men to be tried for desertion. All were sentenced to death and all subsequently ordered by Lincoln to be released and returned to duty.

While these various trials were going on, a public meeting convening at Albany, New York, took occasion to protest to the President in writing about the arrest of Mr. Vallandigham of Ohio. In the famous letter which Lincoln wrote in reply to the complaint he made a personal application of the appeal which he had emphasized in his proclamation on desertion. He wrote in part:

"Mr. Vallandigham avows his hostility to the war on the part of the Union; and his arrest was made because he was laboring, with some effect, to prevent the raising

of troops, to encourage desertions from the army, and to leave the rebellion without an adequate military force to suppress it. . . .

"I understand the meeting whose resolutions I am considering to be in favor of suppressing the rebellion by military force by armies. Long experience has shown that armies cannot be maintained unless desertion shall be punished by the severe penalty of death. The case requires, and the law and the Constitution sanction, this punishment. Must I shoot a simple-minded soldier boy who deserts, while I must not touch a hair of a wily agitator who induces him to desert? This is none the less injurious when effected by getting a father, or brother, or friend into a public meeting, and there working upon his feelings till he is persuaded to write the soldier boy that he is fighting in a bad cause, for a wicked administration of a contemptible government, too weak to arrest and punish him if he shall desert. I think that, in such case, to silence the agitator and save the boy is not only constitutional, but withal a great mercy."

The shooting of a "simple-minded soldier boy" on the charge of desertion actually would have taken place just about the time Lincoln wrote this letter if the President had not intervened. Mr. Lincoln's reaction in this specific case to the death sentence is recorded in these words: "The sentence be remitted and the accused discharged from the service of the United States, a medical board having pronounced him insane."

Although the penalty for desertion was to be shot to death, the President apparently reviewed very carefully every case as the various notations and observations with reports clearly indicate. We have yet to find where Lincoln allowed the death penalty for desertion to be carried out unless there was some other violation of army regulations which supplemented the desertion charge. In place of the death penalty there follows a few of the sentences which Lincoln issued after remitting the order to be "shot by musketry."

"Forfeiture of all pay and confinement at hard labor on public works during the remainder of his enlistment.

"Making good the time lost by desertion.

"Forfeiture of all pay and allowances except necessary for food and clothing for the period of twelve months and to serve at hard labor for the period of six months.

"Remits the sentence and directs the prisoner return to duty.

"Hard labor on some government work during the remainder of his term with loss of pay.

"Loss of all pay, dishonorable discharge, and hard labor on the public works for the remainder of the prisoners term of enlistment.

"Hard labor in camp with ball and chain for the period of six months.

"Loss of six months pay.

"Released from arrest and returned to duty.

"Confinement at hard labor and forfeiture of ten dollars monthly pay for six months.

"Confinement for three months at hard labor and forfeiture of all pay and allowances due or to become due until the expiration of his sentence."