



Lincoln Lore

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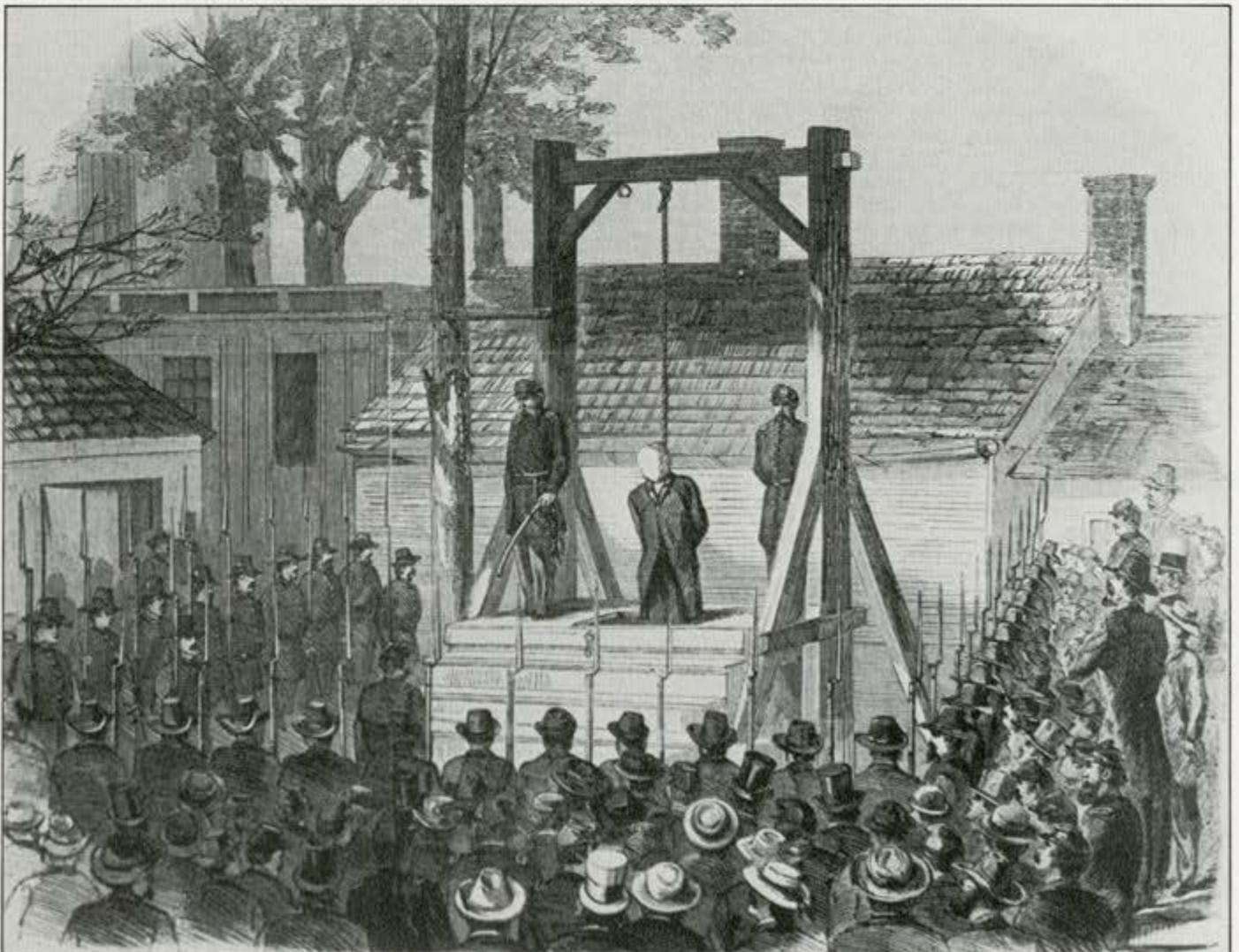
President Lincoln and the Insanity Defense

The preceding issue of *Lincoln Lore* showed that Abraham Lincoln, as a lawyer in Illinois, was quite familiar with the insanity defense. He lost the Wyant case when Leonard Swett successfully invoked the insanity defense for his client, and he soon thereafter recommended Swett to a friend in need of a lawyer to argue the insanity defense for his son.

When he became President of the United States, Lincoln did not leave such criminal matters behind him and devote his energies entirely to war and emancipation. Criminal justice was still an occasional concern for Lincoln because of the President's pardoning power. In such cases as came to his attention as President, Lincoln carefully saw to it that

defendants of questionable mental health were provided the opportunity to prove that their mental condition absolved them of responsibility for their crimes.

On August 3, 1863, Lincoln wrote Major General John G. Foster at Fort Monroe, Virginia, instructing him to send him the transcript of the trial of Dr. David M. Wright, if the doctor "has been, or shall be convicted." Within the week, Lincoln received a letter from Senator Lemuel J. Bowden, representing the loyal government of Virginia, asking the President to let him know when the transcript was received. Bowden wanted Lincoln then to fix a day when he and other Virginians "may appear before you and present the mass of testimony which has



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FIGURE 1. Hangings of civilians sentenced to death by military commissions were not uncommon in slave states.

been taken to prove the insanity of Doctor Wright, and also to present such statements in regard to the manner of conducting his trial, and to the facilities afforded him for making anything like a fair defense, as the facts of the case will justify." On the 28th Lincoln was "ready to hear them."

The gentlemen from Virginia apparently came to Washington right away, and what they told Lincoln must have been something like this. David M. Wright was a respected physician who had practiced in Norfolk, Virginia, since 1854. Born in North Carolina, he was a medical graduate from the University of Pennsylvania. He had a son in the Confederate service from whom he had not heard since the Battle of Gettysburg, July 1-3, 1863. On July 11th at 4:00 in the afternoon, Dr. Wright encountered Lieutenant Anson L. Sanborn on Main Street in Norfolk. The lieutenant was marching at the head of a column of the First U.S. Colored Volunteers. Wright ran to his home, got a pistol, and insulted the lieutenant. Sanborn declared the doctor under arrest, and Wright shot him twice at point-blank range. Sanborn died and the provost marshal arrested Wright. He was tried by a military commission which refused to allow an insanity defense, despite evidence that Dr. Wright was noted for giving very peculiar prescriptions for his patients, that he was under the strain of worry about his son, and that his very moderate political views were inadequate to account for his sudden decision to murder the leader of some black troops in Virginia. The commission convicted him of murder and sentenced him to hang.

President Lincoln was not about to condone an execution prescribed by a military commission which followed no prescribed laws and which denied the defendant one of the standard protections of the law. He thought immediately of getting Dr. Charles H. Nichols of the Government Asylum for the Insane, in Washington, to review the case, but Secretary of State William H. Seward informed the President on September 2nd that Nichols's "surroundings are so disloyal as to shake public confidence in himself." Seward recommended Dr. John P. Gray of Utica, New York, instead.

William H. Seward had a commendable record on issues involving insanity. As early as 1843, his interest in the plight of the insane was well enough known that Dorothea Lynde Dix, the famous reformer, came to Auburn, New York, Seward's home town, to seek advice on her campaign to improve the treatment of the mentally ill. In 1846 he defended Henry Wyatt, a Negro accused of murder, on the grounds that he was insane. He lost the case, and Wyatt was sentenced to hang. He also defended a more sensational murderer, William Freeman, also a Negro, who slayed four people in an innocent farmer's home in 1846. Seward also invoked the insanity defense in this case, and he and the opposing counsel, Democratic politician John Van Buren (son of the President), called numerous doctors to testify. The jury found Freeman guilty. The New York Supreme Court later overturned both verdicts.

Dr. John P. Gray was one of the most eminent specialists in mental medicine in the country. Seward knew him as the Superintendent of the Utica State Asylum and consultant to the state asylum for the criminally insane in Auburn, but he was also editor of the *American Journal of Insanity*, the official organ of the nineteenth-century equivalent of the American Psychiatric Association. He frequently testified in trials involving persons who claimed to be insane.

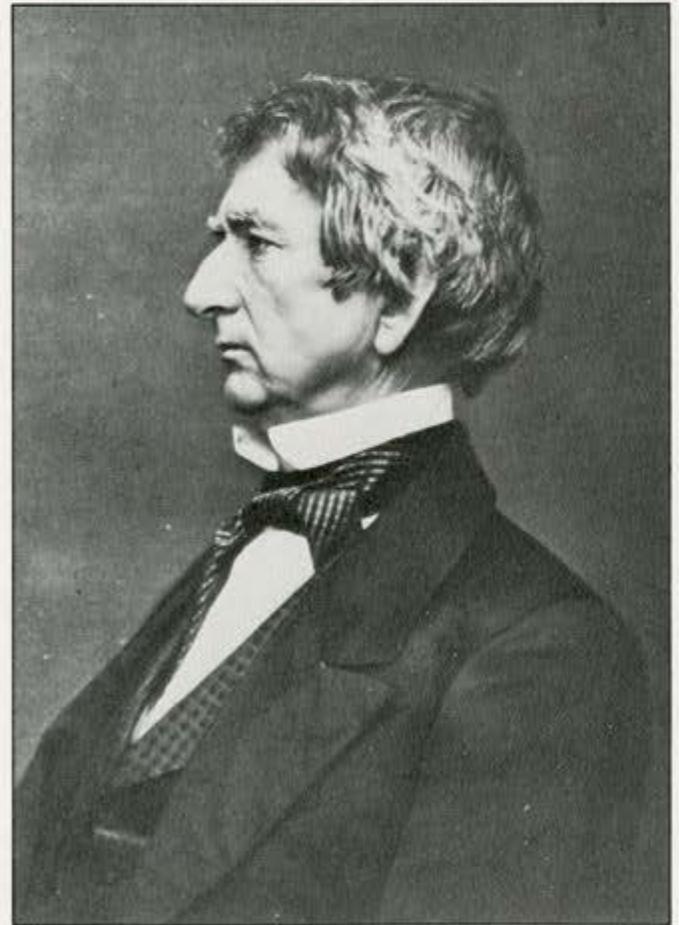
On September 10th President Lincoln assigned Dr. Gray his duties in the Wright case. The doctor was to go to Fort Monroe "and take in writing all evidence which may be offered on behalf of Dr. Wright and against him, and any, in addition, which you may find within your reach, and deem pertinent; all said evidence to be directed to the question of Dr. Wright's sanity or insanity, and not to any other questions; you to preside, with power to exclude evidence which shall appear to you clearly not pertinent to the question." The key phrase may well have been "you to preside"; Lincoln was giving this case strictly a civilian review. He did not want to follow the rules of a military commission. The commanding officer at Fort Monroe was to have an officer present to act "as Judge Advocate or Prosecuting Attorney," but otherwise he was to assist Gray

and be sure to notify Senator Bowden or one of his Virginia associates.

Dr. Gray called thirteen witnesses for Wright and thirteen for the government, and he interviewed Dr. Wright for about two hours. He learned a great deal about this curious murderer. As a boy, Wright had had a horror of blood and could not shoot birds; yet he became a physician. Early in his life, he had rather Northern ideas about slavery, especially for a man born and raised in North Carolina. He owned a few slaves himself but allowed them to select new masters and sold all of them.

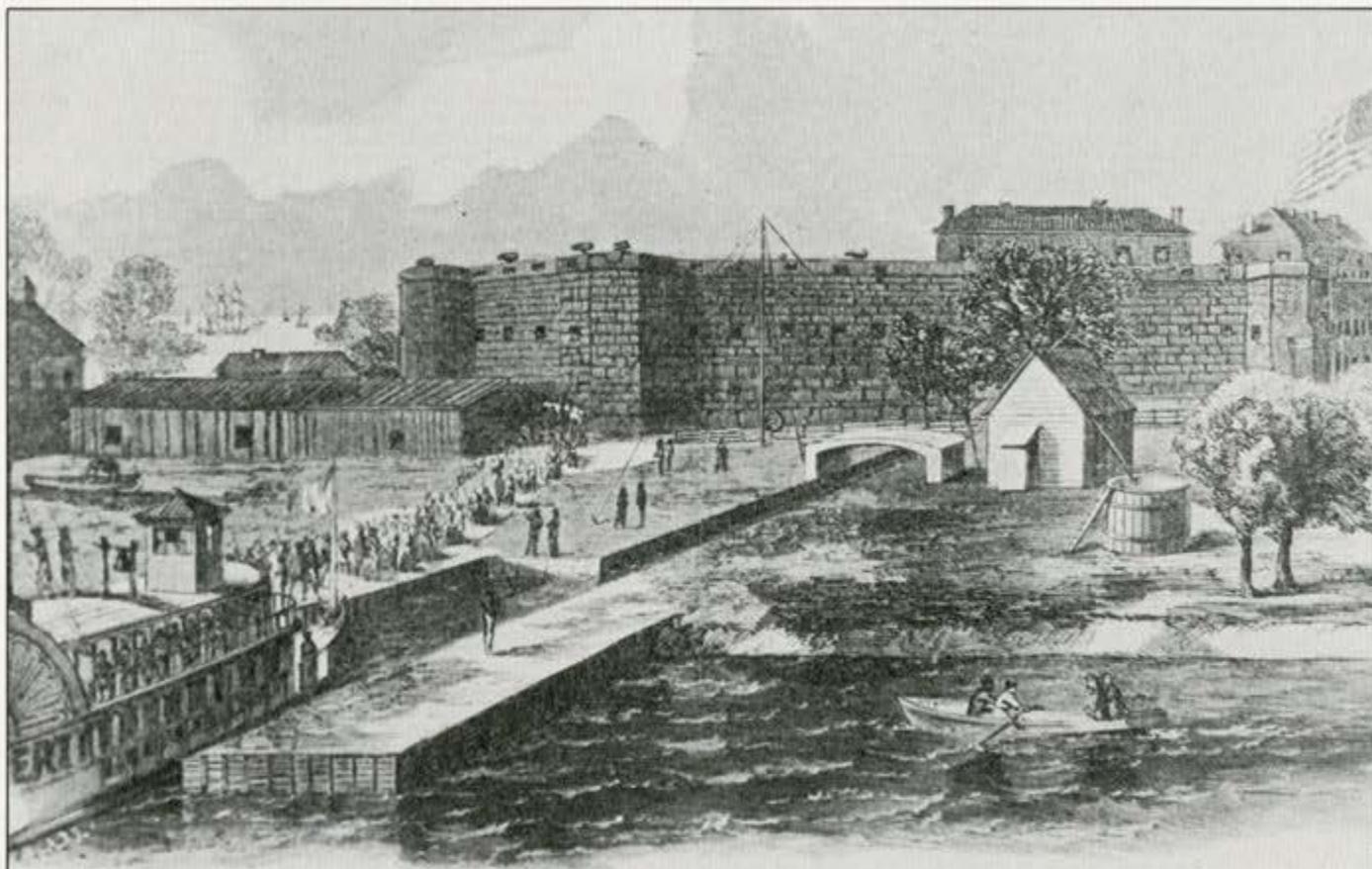
Later, Dr. Wright changed his mind, deciding that slavery was in accordance with the scriptures and best suited the true welfare of the black race. He had Negro servants by the time of the Civil War and a farm in North Carolina which was worked by slaves. He was consistently kind to his servants. When, because of the proximity of Federal troops, most servants were leaving their masters, Dr. Wright called his together, told them he could not really blame them for wanting to leave, and said that any who did not fare well on their own could come back to him. He had an agent give his superannuated housekeeper meat twice a week until she could maintain herself financially. His slaves in North Carolina chose to remain on the plantation as slaves.

In politics, Dr. Wright had been a Whig and was thought of in the 1850s as a Union man. Gradually he became more Southern in feeling and eventually voted for Virginia's secession, claiming that the act would save the Union by restoring it to its proper basis. When the Yankees took Norfolk, he counselled "dignified non-intercourse, and abstaining from all violence." He kept at his practice and showed no particular animosity toward black soldiers, though he thought arming the Negroes a great wrong.



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FIGURE 2. William H. Seward was among the most celebrated lawyers of Lincoln's day. His defenses of black clients should be famous not only for the color of the client but also for the use of the insanity defense.



*From the Louis A. Warren
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FIGURE 3. Fort Delaware was one of the infamous “Bastilles of the North.” Along with the occasional newspaper editors and Democratic politicians, they usually contained deserters, spies, blockade runners, and a few lunatics.

Dr. Wright had been on the way home to prepare for his daily patient visitation when he saw Lieutenant Sanborn and his black soldiers. He was seized with an “uncontrollable impulse” to kill Sanborn. After the deed was done, Dr. Wright attempted to help Sanborn medically and apparently expressed a wish that the soldiers would bayonet him for his deed.

Wright was not a church member, but he had long read prayers to his family. After his incarceration, he was baptised and received in the church.

Dr. Gray decided that Wright may have acted under an “uncontrollable” impulse but not under an insane impulse. He noted that a government chemist found nothing bizarre about the doctor’s prescriptions. Gray cited the facts that Wright had no hallucinations and no previous symptoms of insanity as evidence that the murder was a deliberate act. And Dr. Gray stated flatly that latent insanity which suddenly appears does not disappear immediately after the first insane act. Dr. Wright had appeared perfectly sane in his interview with Gray and throughout his confinement after the crime.

On October 23, 1863, David M. Wright was hanged. President Lincoln had done all he could.

It was not the last time Lincoln would consult Dr. Gray. On March 7, 1864, the President received the papers on the court martial of Lorenzo C. Stewart (alias Shear), a private in the Fourteenth New York Artillery. Stewart had been convicted of desertion and murder (poisoning soldiers). Lincoln asked Judge Advocate General Joseph Holt for a report on the case and on April 14th approved the execution, which was to occur on the 22nd. A petition for clemency from citizens of Elmira, New York, was apparently received in Washington on the 14th. It must have alleged insanity as a mitigating factor, and Lincoln apparently postponed the execution. On the 25th he wrote Dr. Gray again.

President Lincoln gave Gray precisely the same instructions

he had given in the previous case. The result for Private Stewart was different, however. On January 25, 1865, Lincoln commuted his sentence to imprisonment in the penitentiary at hard labor for ten years.

On his last birthday, President Lincoln again considered insanity as a mitigating factor in the case of a man sentenced by court martial, or, more likely, military commission. Dr. Edward Worrell, a citizen of Delaware, had been sentenced to imprisonment for one year for aiding a prisoner to escape from Fort Delaware, one of the notorious “Bastilles of the North.” The records are fragmentary, but, apparently, on evidence presented by Judge George P. Fisher that Dr. Worrell was “partially insane,” Lincoln had him discharged from Fort Delaware.

Abraham Lincoln was a good lawyer and a humane man, but he was not a philosopher of jurisprudence. He sought justice in the practical ways defined by existing laws. The insanity defense was a part of the legal system within which he practiced as an attorney and which he administered as President. With considerable vagueness and without, as yet, a great deal of philosophical exegesis, that legal system recognized the injustice, as William H. Seward put it in his rare eloquence in defense of William Freeman, “of trying a maniac as a malefactor.” Lincoln, as his law partner William H. Herndon recalled, “was a very patient man generally, but if you wished to be cut off at the knee, just go at Lincoln with abstractions, glittering generalities, indefiniteness, mistiness of idea or expression.” He “never undertook to fathom the intricacies of psychology,” and applied “his powers in the field of the practical.” Common sense told him that insane acts were innocent acts. As a lawyer he embraced the insanity defense when it seemed proper. He had more power as President, and he supplied an insanity defense when courts failed to. There was no other way to serve the cause of justice properly.

CUMULATIVE BIBLIOGRAPHY 1981-1982

by Mary Jane Hubler

Selections approved by a Bibliography Committee consisting of the following members: Dr. Kenneth A. Bernard, 50 Chatham Road, Harwich Center, Mass.; Arnold Gates, 168 Weyford Terrace, Garden City, N.Y.; Carl Haverlin, 8619 Louise Avenue, Northridge, California; James T. Hickey, Illinois State Historical Library, Old State Capitol, Springfield, Illinois; Ralph G. Newman, 175 E. Delaware Place, 5112, Chicago, Illinois; Lloyd Ostendorf, 225 Lookout Drive, Dayton, Ohio; Hon. Fred Schwengel, 200 Maryland Avenue, N.E., Washington, D.C.; Dr. Wayne C. Temple, 1121 S. 4th Street Court, Springfield, Illinois. New items available for consideration may be sent to the above persons or the Louis A. Warren Lincoln Library and Museum.

1981

COX, LaWANDA

Lincoln and Black Freedom: A Study in Presidential Leadership/by LaWanda Cox/(Device)/University of South Carolina Press/[Copyright 1981 by the University of South Carolina. Published in Columbia, South Carolina, by the University of South Carolina Press. First edition.]

Book, cloth, 9 1/4" x 6 3/16", xiii p., 254 (5) pp., price, \$17.95.

LINCOLN MEMORIAL UNIVERSITY

1981-21

Lincoln Memorial University Press/(Device)/Winter 1981/Vol. 84, No. 3/Lincoln Herald/A Magazine devoted to historical/research in the field of Lincolniana and the Civil War, and to the promotion of Lincoln Ideals in American/Education./[Harrogate, Tenn.]

Pamphlet, flexible boards, 10 1/16" x 7 1/8", 757-822 (2) pp., illus., price per single issue, \$5.00.

1982

ANDERSON, DWIGHT G.

1982-1

Abraham Lincoln/The Quest for Immortality/by Dwight G. Anderson/(Device)/Alfred A. Knopf/New York 1982/[Copyright 1982 by Dwight G. Anderson. All rights reserved under International and Pan-American Copyright Conventions. First edition.]

Book, cloth and hardboards, 8 5/8" x 5 7/8", viii p., 271 (9) pp., price, \$16.95.

BURGESS,**LARRY E., DR.**

1982-2

The Lincoln Memorial Shrine/Golden Jubilee: History Looking To Future / By Dr. Larry E. Burgess, Archivist/Head Of Special Collections/A.K. Smiley Public Library/Redlands, California/(Illustration)/The Lincoln Memorial Shrine as it appeared shortly after its dedication, February 1932. Note the absence of the later "fountain wings." / Photo by Floyd Faxon / February 7, 1982 / A Keepsake / Lincoln Memorial Shrine / Redlands, California/(Cover title)/[Printed at the Beacon Printery, Redlands, California.]

Pamphlet, paper, 8 1/2" x 5 7/16", 12 pp., printing on outside back cover. Copy No. 421 of limited edition of 500 copies.

DANIEL F. KELLEHER CO., INC.

1982-3

553rd Sale/Photos March 11, 1982/Autograph Letters, Documents And Signed Photos/Featuring Abraham Lincoln/(Illustration featuring four Abraham Lincoln signed carte-de-visite photographs)/Daniel F. Kelleher Co., Inc./(Cover title)/[Published by Daniel F. Kelleher Co., Inc., Stanley J. Richmond, Prop., Boston, Massachusetts 02109.]

Book, paper, 9 3/8" x 6 1/2", 94 (1) pp., illus., entire contents are illustrated, featuring 151 special sale items of 345 sale items from the collection of George Pollock, Beverly Hills, California.

DANIEL F. KELLEHER CO., INC.

1982-4

553rd Sale/March 11, 1982/Autograph Letters, Documents And Signed Photos/Featuring Abraham Lincoln/(Illustration featuring four Abraham Lincoln signed carte-de-visite photographs)/Daniel F. Kelleher Co., Inc./(Cover title)/[Published by Daniel F. Kelleher Co., Inc., Stanley J. Richmond, Prop.,

Boston, Massachusetts 02109.]

Pamphlet, paper, 9 7/16" x 6 5/8", 40 pp., entire text contains descriptive data on 345 sale items and suggested price listings along with information on the auction and bid sheets from the collection of George Pollock, Beverly Hills, California.

FARRAR, FLETCHER, JR.

1982-5

Living history hassles at New Salem P. 3/Robert Lincoln and the plot to steal Abe's bones P. 6/Why the Lincoln Home area is like a model train set P. 13/February 11-17, 1982/Vol. 7, No. 22/Illinois/Times/Downstate Illinois' Weekly Newspaper/Looking at the Legacy/Our annual Lincoln issue/(Illustration)/(Cover title)/[Copyright 1981 by Illinois Times, Inc. All rights reserved. Reproduction in any form without permission is prohibited.]

Pamphlet, paper, 15" x 11 1/4", 27 (1) pp., illus., price, \$0.25.

ILLINOIS STATE HISTORICAL LIBRARY

1982-6

Illinois/History/Volume 35/Number 5/February 1982/Abraham Lincoln/(Illustration)/Preparing for Politics in/New Salem — Support from/the Press — Lincoln's Use/of Power — Abraham Lincoln/as a Congressman — Guests/at Ford's Theatre — Duel/with James Shields — The/Stuart-Lincoln Law Firm/Lincoln and the Slavery Issue/(Cover title)/[Copyright 1982 by the Illinois State Historical Society. Published by the Illinois State Historical Library in cooperation with the Illinois State Historical Society, Old State Capitol, Springfield, Illinois 62706.]

Pamphlet, flexible boards, 9 15/16" x 7 1/4", 100-119 (1) pp., illus., price, 25¢.

McFARLAND,**HENRY B.**

1982-7

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Pamphlet, paper, 8 1/2" x 5 1/2", (4) pp.

MITGANG,**HERBERT**

1982-8

(Portrait)/Mister Lincoln/A drama in two acts/By Herbert Mitgang/Southern Illinois University Press / Carbondale and Edwardsville / [Copyright 1982 by Herbert Mitgang. All rights reserved. No part of this book may be reproduced in any form or by any means, . . . without permission in writing from the copyright owner.]

Brochure, cloth, 8 1/4" x 6 1/8", x p., 52 (2) pp., price, \$7.50.

NEELY,**MARK E., JR.**

1982-9

The/Abraham Lincoln/Encyclopedia/Mark E. Neely, Jr./McGraw-Hill Book Company/New York St. Louis San Fran-

cisco Auckland/Bogota Hamburg Johannesburg London/Madrid Mexico Montreal New Delhi/Panama Sao Paulo Singapore/Sydney Tokyo Toronto/[Copyright 1982 by McGraw-Hill, Inc. All rights reserved. Except as permitted under the Copyright Act of 1976, no part of this publication may be reproduced or distributed in any form or by any means, . . . without the prior written permission of the publisher. Published by McGraw-Hill Book Company, New York, New York. First edition.]

Book, cloth, 11 1/4" x 8 5/8", xii p., 356 pp., illus., price, \$45.00. Autographed copy by author.

STROZIER, CHARLES B.

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Lincoln's/Quest/For Union/Public and/Private Meanings/Charles B. Strozier/Basic Books, Inc., Publishers/New York/[Copyright 1982 by Basic Books, Inc. Designed by Vincent Torre.]

Book, cloth, 9 7/16" x 6 1/4", xxiii p., 271 (6) pp., illus., price, \$17.50.

