



FOR THE PEOPLE

A NEWSLETTER OF THE ABRAHAM LINCOLN ASSOCIATION

VOLUME 16 NUMBER 4

WINTER 2014

SPRINGFIELD, ILLINOIS

Banquet Performance: Frederick Douglass' *Eulogy to Lincoln* Re-enacted by Fred Morsell

Fred Morsell began to study Frederick Douglass in the fall of 1984. A black clergyman friend asked him to help develop alternative programs for inner city youth that would help them find a sense of self-respect and belief in themselves — an antidote to the environment of drugs and hopelessness in which they lived. Morsell read Douglass' *Narrative of the Life of Frederick Douglass, an American Slave*. He said the book "practically blew me away. It read like a screenplay, because Douglass' descriptions of the events of his life were so visually intense and dramatic. The images literally jumped off the page at me. I thought to myself, Wouldn't it be wonderful just to read Frederick Douglass' words to a group of nine or ten year kids, and see if they could become inspired to do



Fred Morsell

with their lives what Mr. Douglass did with his?"

Since then Morsell has performed his one-man, two-act play, *Presenting Mr. Frederick Douglass*, at Harper's Ferry, Gettysburg, the

Seneca Falls National Historic Parks, The Chautauqua Institute in New York State, colleges, civic groups, churches and regional theatres. He has toured the country with school versions of the full-length play for public, private and jail schools.

In 1994, Morsell delivered Frederick Douglass' last great speech, *The Lessons of the Hour* on the Bill Moyers Journal. The New York Times said of that performance, "Even 100 years later, sadly enough, the speech goes right to the very heart of the black experience in America. The standing ovation given to Mr. Morsell, whose sonorous voice stems in large part from his background as a lyric baritone, is clearly and deservedly heartfelt."

Original Entrance to Oak Ridge Cemetery Rededicated

On December 3, 2014, the recreated Original Entrance to Oak Ridge Cemetery was dedicated. The entrance replicates the entrance through which Abraham Lincoln's body was brought into Oak Ridge Cemetery on May 3, 1865. The Springfield Municipal Band played, the Mayor spoke, Headstart School children led those gathered in the pledge of allegiance, and those who had contributed to the project were recognized. For the ALA's contribution to the project was recognized as the Mayor presented a beautiful plaque to ALA representatives, Mary Shepherd and Guy Fracker. The plaque pictured here is made from the Witness Oak Tree that was present in Oak Ridge Cemetery at the time of Lincoln's funeral on May 4, 1865.



The Battle of New Market Heights

Reflections by Robert J. Davis
Abraham Lincoln Association Board Member
Historical Interpreter and Re-enactor
29th Inf. Reg. USCT



On

September 25, 2014, I departed Poplar Grove National Cemetery after kneeling at the graves of Union veterans who had fought and died at the Battle of the Crater. As I traveled in route to my ultimate destination, New Market Heights, Virginia, my mind drifted to the historic battle fought there at Chaffin's Farm on September 29, 1864. That battle was part of a wave of successful union attacks east of the City of Richmond. At Chaffin's Farm, a brigade of United States Colored Troops led the attack against Confederate positions. Members of this brigade from the 10th Army Corps, Army of the James, sustained heavy casualties, which included numerous white officers. The soldiers retreated and regrouped. Then with the aid of two other brigades of USCT, they attacked again. It was a fierce, bloody and determined attack, lead mainly by enlisted colored soldiers. "They fought with exceptional valor" and "eventually overwhelmed the Confederate defenders." Two white officers and fourteen African American enlisted soldiers were awarded the Medal of Honor for their heroism and leadership. ...It was a sacred moment.

After arriving at Chaffin's Farm and feeling as did many, honored by the opportunity to participate in the recreation of this historic battle, I ask myself

the question ask by others. Why did so many (men and women) travel so far at personal expense to re-enact a battle that occurred 150 years ago? The answer was given by a Sargent Major who quietly but passionately observed that, "You didn't have to come, but you did. And you know or should know why. You are here [at New Market Heights] to honor those that fought and died here ... and to tell their stories."It was a sacred moment.

Later that day, standing in battle formation and consumed in private thought, we prepared to re-enact this historic fight as the First Sargent quoted from a speech by Frederick Douglass reminding us of what was at stake. "...by every consideration which binds you to your enslaved fellow countrymen; ...by every aspiration which you cherish for the freedom and equality of yourselves and your children; by all the ties of blood and identity which make us one with the brave black men now fighting our battles in Louisiana and in South Carolina, I urge you to fly to arms, and smite with death the power that would bury the government and your liberty in the same hopeless grave." "Better [to] die free, than to live [as] slaves."It was a sacred moment.

Deeply moved, we broke into song, as did our ancestors. And spoke of what was to come, while singing "Let My People Go." Colored soldiers were expressing through song "raw emotion and gut wrenching feelings." We honored the sacrifices of the rebellious slaves, the passions of the abolitionist, and the vision, spirit and commitment of President Lincoln to the Nation's "new birth of freedom." We prayed and readied ourselves to re-enact this historic battle fought by our ancestors, who, knowing that for many of them, it would be their last charge. Standing there, reflecting in the quiet stillness of the moment, one could feel the spirit of freedom.It was a sacred moment.

As the sun creped over the horizon early that next morning, I could sense the spirit

of Lincoln and the flow of his powerful words, "...Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said "the judgments of the Lord are true and righteous altogether." Yes.It was a sacred moment.

The following soldiers received the **Medal of Honor** for their action during the battle at Chaffin's Farm. The fight showed in clear unmistakable terms that colored soldiers could lead in battle.

William H. Barnes: (1840 or 1845 – December 24, 1866) Sargent, 38th USCI Regiment
Powhatan Beatty: (Oct. 8, 1837 – Dec 6, 1916). 5th USCI Regiment.

James H. Bronson: (1838 – March 16, 1884) First Sargent, 5th USCI Regiment

Nathan Huntley Edgerton: (August 28, 1839 – October 27, 1932) Captain 6th USCI Regiment

Christian Fleetwood: (July 21, 1840– September 28, 1914) Sargent Major, 4th USCI Regiment

James Daniel Gardner: (September 16, 1839 – September 29, 1905) Sargent, 34th USCI Regiment

James H. Harris: (1828–January 28, 1898) Sargent, 38th USCI Regiment

Thomas R. Hawkins: (1840 – 1870) Sargent Major, 6th USCI Regiment

Alfred B. Hilton: (1842 – October 21, 1864) Sargent, 4th USCI Regiment

Milton M. Holland: (August 1, 1844 – May 15, 1910) Sargent Major, 5th USCI

Miles James: (Birth – Death Unknown) First Sargent, 26th USCI

Alexander Kelly: (April 7, 1840 – June 19, 1907) First Sargent, 6th USCI Regiment

Robert A. Pinn: (March 1, 1843 – January 5, 1911) First Sargent, 5th USCI

Edward Ratcliff: (February 8, 1835 – March 10, 1915) Sargent Major, 38th USCI Regiment

Charles Veale: (Birth – Death Unknown) Private, 4th USCI Regiment



Company I of the 36th Colored Regiment, which served in the Battle

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Abraham Lincoln Association**

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PRESIDENT ROBERT STUART

Dear Members of the Abraham Lincoln Association,

The 150th anniversary of the assassination of Abraham Lincoln, which concludes the five year commemoration of the Civil War is fast approaching. During these last five years we have partnered with the Abraham Lincoln Presidential Library and Museum and the University of Illinois Springfield to expand the Abraham Lincoln Association/Benjamin P. Thomas Symposium. We are extremely grateful for these partners.

I would also like to extend thanks to the ALA Symposium Chair for the past five years, ALA Board member Dr. Brooks Simpson. He has tirelessly labored to find and present outstanding speakers, which can be far more complicated than it appears.

Our 2015 Banquet will come alive as we bring Fred Morsell, a nationally renowned actor and Frederick Douglass presenter, who will reach all of us through his portrayal of Douglass' eulogy for President Lincoln. This will be an unforgettable evening.

We welcome our members and friends to join us for President Lincoln's 206th Birthday Celebration.

Sincerely yours,

Robert Stuart

NEW MEMBERS

We welcome 19 new members. They consist of
two from foreign countries and 17 from 10 states.

Carl Adams

Germany

Stephen S. Bowen

Glencoe, Illinois

Patrick Brady

Seattle, Washington

Reignette Chilton

Mount Arlington, New Jersey

Don Doyle

Columbia, South Carolina

Doug Gambrall

Peosta, Iowa

Jacob Hamric

Knoxville, Tennessee

Jonathon Lanphier

Westmont, Illinois

Richard Maiman

Portland, Maine

Frankie Mohammed

Humble, Texas

Jack and Pam Muirhead

Bloomington, Illinois

Donald H. Pearson

Springfield, Illinois

Charles Peters

West Caldwell, New York

Dr. J. Tracy Power

Newberry, South Carolina

Robert Sablotney

Springfield, Illinois

Sally Saunders

Freeport, Maine

Mark Shurtleff

Sandy, Utah

Daniel Stump

Normal, Illinois

Derek Talbot

London, United Kingdom

***If you have not renewed
your membership for
2015, please do so now.***

***Give a gift membership to
someone you think might
enjoy the ALA
A Great Holiday Gift!***

It is easy to do so by using the ALA website
at:

abrahamlincolnassociation.org

Or call the ALA personal shopper Mary Shepherd toll free at (866) 865-8500.



Chief Justice Taney's Non-Existent Draft Opinion Striking Down the Emancipation Proclamation

By Robert Fabrikant

Professor in the Practice, Howard University School of Law; Partner, Manatt Phelps & Phillips, Washington, D.C. .

One of the most irrepressible debates arising out of the Civil War is why Lincoln waited until January 1, 1863, approximately 22 months after his inauguration, to issue the Emancipation Proclamation. Many of Lincoln's admirers attribute the delay to his desire to fortify the EP from a legal standpoint to assure it would withstand Supreme Court scrutiny. Several



Chief Justice Roger Taney
George Peter Alexander Healy

adherents to this view rely upon an imagined draft opinion by Chief Justice Roger B. Taney striking down the Proclamation. The myth that Taney crafted a draft opinion striking down the Proclamation seems to have its roots in Carl Brent Swisher's 1935 biography, which still remains the classic account of Taney. Swisher speculated that "Taney must have so regarded [the Proclamation] as unconstitutional and would have struck it down 'at the first

opportunity'] and he may have spent long hours working out an opinion on this subject as well as upon others connected with the conduct of the war." Swisher refers specifically to draft opinions by Taney striking down the Conscription Act and the Income Tax Act, and specifically cites the physical location of those drafts. But Swisher does not identify a draft opinion by Taney striking down the EP, does not state he has actually seen such a draft opinion, and does not describe the location of such a draft. Swisher's use of the word "may" in connection with the Proclamation was surely well advised.

More than 25 years later, in 1978, Professor Don E. Fehrenbacher, a highly regarded Civil War historian, mirrored Swisher's prudential approach. In his famous book about the Dred Scott opinion, Fehrenbacher stated that Taney "wrote out gratuitous opinions that were never called into use, holding several acts of the federal government unconstitutional." In support of this statement Fehrenbacher cited Swisher's biography. But absent from Fehrenbacher is any reference to a draft opinion by Taney striking down the Proclamation.

Much more recently some Civil War historians have taken to citing, orally and in writing, a draft opinion by Taney striking down the Proclamation. I have asked several of these historians to provide me with a copy of the draft opinion. Only one historian deigned to respond. That scholar claimed to have seen a copy of the draft at the Library of Congress and thought he had retained a copy for his files. Despite my several requests, this scholar has not supplied me with a copy of the draft.

Upon being advised by this scholar that the draft opinion was at the Library of Congress, my research assistants scoured that Library and also the Law Library at Dickinson College, where Taney's papers are housed, in search of the elusive draft. Both of those fine institutions cooperated in our search, and confirmed that no such "draft" is in their papers, and that the relevant archivists have no knowledge of such an opinion. The archivist at Dickinson advised us further that if such a document did indeed exist it would be considered a "high profile" document, and he would surely be aware of it.

And so it is that I reiterate my request to the Civil War historical community at large: if you have a copy of a draft opinion by Chief Justice Taney striking down the EP please supply it at your earliest

Carl Brent Swisher, Roger B. Taney (1935).

Swisher, *supra* note 5 at 571-572 (emphasis added).

Swisher, *supra* note 5, at 570 nn. 15 & 17, citing the location of these two draft opinions, both being "[f]rom a manuscript copy in the New York Public Library, made by M.L. York from Taney's original manuscript." Taney's draft opinion on the Conscription Act is also discussed and specifically cited in David M. Silver, *Lincoln's Supreme Court* 127 n.17 (1956) (referencing Roger B. Taney, "Thoughts on the Conscription Law of the U. States, Rough Draft Requiring Revision," copied from the unpublished manuscript in his own handwriting by M.L. York for George Bancroft, May 7, 1886, Taney MSS., N.Y. Pub. Lib).

DON E. Fehrenbacher, *The Dred Scott Case: Its Significance in American Law and Politics*, (1978), 536.

Fehrenbacher, *supra* note 9, at 556 n. 15, citing Swisher, *supra* note 5, at 570-571.

RESERVATIONS REQUIRED FOR THESE THURSDAY, FEBRUARY 12, 2015 EVENTS

There are two events on February 12, 2015, that you will need reservations to attend:

1. **Luncheon: \$25 per person.** 1:00-2:00 p.m. Abraham Lincoln Presidential Library

2. **Banquet and Reception \$85 per person.**

Banquet Reception: 6:00 p.m. Presidential Ballroom Lobby, and

Banquet: 7:00 Presidential Ballroom, President Abraham Lincoln Hotel

Make your reservations now. Use the easy online reservation method or send your check.

Make your checks payable and mail to:

The Abraham Lincoln Association
P.O. Box 729
Bloomington, Illinois 61702

Online Reservations:

www.abrahamlincolnnassociation.org
Attention: 2014 Banquet Reservations

Questions? Contact Mary Shepherd,
Executive Manager at:

maryshepherd.ala@gmail.com
Or call toll free: 866-865-8500

Lincoln Home George L. Painter Looking for Lincoln Lectures

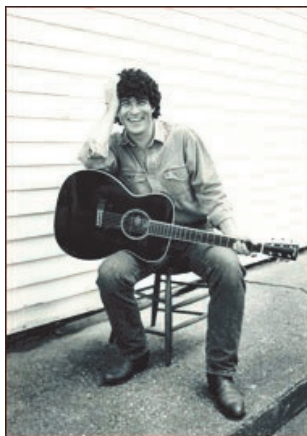
Lincoln Home National Historic Site invites the public to attend the George L. Painter Looking for Lincoln Lectures on Wednesday, February 12, 2015 at 8:30 a.m. at the Lincoln Home National Historic Site Visitor Center, 426 South Seventh Street, Springfield, Illinois. The Visitor Center will open one half hour early, at 8:00 A.M.

A Resident of Atlanta, Illinois Reflects on the Lincoln Funeral will be presented by Anne E. Moseley, Assistant Director of the Lincoln Heritage Museum in Lincoln, Illinois.



Anne E. Moseley

Also presenting this year will be acclaimed musician Chris Vallillo and *The Music of Lincoln's Life*.



Chris Vallillo

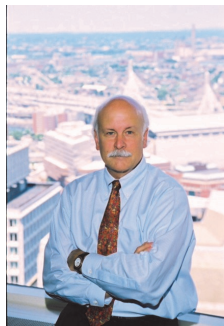
Anyone wishing to obtain further information regarding the Lectures is welcome to visit <http://www.nps.gov/liho/historyculture/painter-lectures.htm> or contact Lincoln Home National Historic Site at 217-391-3241.

President Lincoln Holds Press Conference in Quincy, Illinois



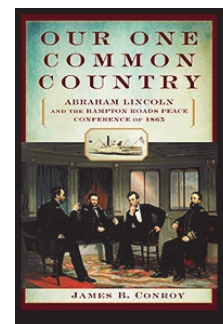
The Abraham Lincoln Association held a Presidential Press Conference featuring President Lincoln (portrayed by George Buss) and his loyal Press Secretary (portrayed by Bob Lenz). The ALA has sponsored many of these events in the last several years, but this event had a special twist. The press was portrayed by Quincy University Journalism students. The event was co-sponsored by the Quincy and Adams County Historical Society. The audience was very impressed with the excellent questions posed by the press, and even posed a few questions themselves.

The 2015 ALA Speakers



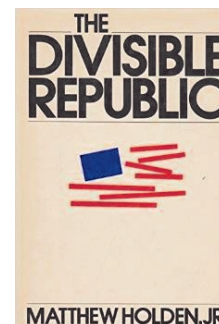
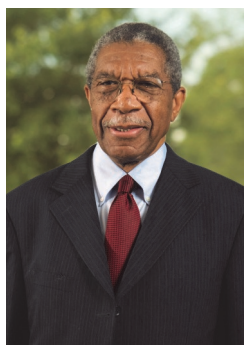
JAMES B. CONROY

James B. Conroy is the author of *Our One Common Country: The Hampton Roads Peace Conference of 1865*, the first book ever written on its subject. Published by Lyons Press in 2014, its publication prompted Mr. Conroy's election as a fellow of the Massachusetts Historical Society. Mr. Conroy has practiced law in Boston for 32 years and earned his J.D. degree at the Georgetown University Law Center. Before joining the bar, he served as a senior Senate and Congressional aide in Washington, D.C. He lives in Hingham, Massachusetts, where he has served as Assistant Moderator of the Hingham Town Meeting, a New England institution through which the Town has governed itself since 1635, well before his time.



MATHEW HOLDEN

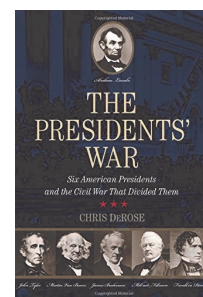
Dr. Matthew Holden, Jr., is the Wepner Distinguished Professor in Political Science at the University of Illinois Springfield. He comes to UIS from the University of Virginia. His wide-ranging scholarly interests, many of which are directly related to the legacy of Abraham Lincoln, include public administration and policy, public law, urban politics, and race and politics. His 1974 book, *The White Man's Burden*, was a classic in the early political scholarship on race and politics. His latest book, yet to be published, is titled *The World and the Mind of Isaiah T. Montgomery: The Greatness of a Compromised Man*, which examines the lone African American delegate in the Mississippi Constitutional Convention of 1890.



Holden has also taught at Wayne State University and the University of Wisconsin, Madison. He is the author of numerous articles, book chapters, and books, and served as president of the American Political Science Association in 1998-99. He is also a Fellow of the American Academy of Arts and Sciences, and a Senior Fellow of the National Academy of Public Administration. His public service work includes service on the Federal Energy Regulatory Commission and

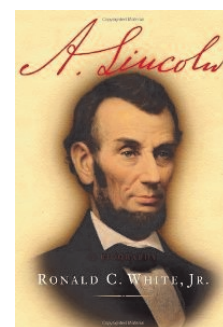
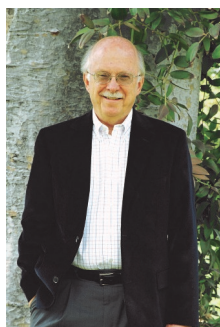
Chris DeRose

Chris DeRose is the bestselling and award winning author of *The Presidents' War: Six American Presidents and the Civil War That Divided Them*, *Congressman Lincoln: The Making of America's Greatest President*, and *Founding Rivals: Madison vs. Monroe, the Bill of Rights, and the Election That Saved a Nation*. He is a former professor of Constitutional law and political strategist who has worked on campaigns in five different states.



Ronald C. White, Jr.

Ronald C. White, Jr., is the author of *A Lincoln: A Biography*, a *New York Times* bestseller. *USA Today* said, "If you read one book about Lincoln, make it A. LINCOLN." He is also the author of *Lincoln's Greatest Speech: The Second Inaugural*, a *New York Times* Notable Book, and *The Eloquent President: A Portrait of Lincoln Through His Words*, a *Los Angeles Times* bestseller. He has lectured at the White House and been interviewed on the PBS News Hour. White earned his Ph.D. in Religion and History from Princeton University. He is a Fellow at the Huntington Library and a Visiting Professor of History at UCLA. He is writing a biography of Ulysses S. Grant that will be published by Random House in 2016.



1**Free and
Open to Public****Keynote Address****Wednesday, February 11, 2015****7:00 p.m. House of Representatives, Old State Capitol****Mathew Holden**

University of Illinois Springfield

*Fall of the House of Dixie: 1864 and the Beginning of the End***2****Free and
Open to Public****Lincoln Home National Historic Site****Thursday, February 12, 2015****8:30 a.m.-10:30 a.m. Visitor Center, Lincoln Home National Historic Site****George L. Painter Looking for Lincoln Lectures***The Music of Lincoln's Life and A Resident of Atlanta, Illinois Reflects on the Lincoln Funeral***3****Free and
Open to Public****ALA-Benjamin P. Thomas Symposium****Thursday, February 12, 2015****11:00 a.m.-12:30 p.m. House of Representatives, Old State Capitol****Chris De Rose and James Conroy****4****Reservations
Required \$25****Dr. Thomas F. Schwartz Luncheon and Lecture****Thursday, February 12, 2015****1:00-2:00 p.m. Abraham Lincoln Presidential Library****Ronald White***Lincoln's Greatest Speech: The Second Inaugural***5****Free and
Open to Public****Round Table Discussion With All Speakers Participating****Thursday, February 12, 2015****2:30-4:00 p.m. Abraham Lincoln Presidential Library***Brooks Simpson, Moderator***6****Reservations
Required \$85****ALA Banquet****Thursday, February 12, 2015**

President Abraham Lincoln Hotel

Fred Morsell, Dramatic Presentation

*Fredrick Douglass' Eulogy for Lincoln***Banquet Reception: 6:00 p.m. Presidential Ballroom Lobby, and****Banquet: 7:00 p.m. Presidential Ballroom, \$85 per person.**

FOR THE PEOPLE

The Abraham Lincoln Association
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Endowment Fund

Please consider a 2014 year-end gift to the Abraham Lincoln Association Endowment Fund. Continued growth of this fund allows the ALA to provide support for traditional as well as new projects. This year's income from the fund has allowed the ALA to make grants to the Papers of Abraham Lincoln and to Oak Ridge Cemetery Foundation's Restore the Lincoln Gate at Oak Ridge Cemetery Project.

Send your check made payable to the Abraham Lincoln Association Endowment Fund to:

The Abraham Lincoln Association
 1 Old State Capitol Plaza
 Springfield, Illinois 62701

Call Mary Shepherd toll free for more information: (866) 865-

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