The Presidential Pardon Records of the Lincoln Administration

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Stories abound of Abraham Lincoln’s kindness and mercy in pardoning condemned soldiers at the request of their poor, destitute wives. Often the most colorful accounts come down to us in memoirs and reminiscences.¹ A rich source of Lincoln’s approach to clemency, however, can be found in archival records. Soldiers’ petitions for clemency are most often located in court-martial records in Record Group 153 (Records of the Office of the Judge Advocate General [Army]) at the National Archives in Washington, D.C. Petitions from civilians who were tried by courts-martial or military commission are also found in these records.²

Under the U.S. Constitution, the president also has the “Power to grant Reprieves and Pardons” for civil offenses against the United States.³ In the nineteenth century there were very few federal crimes—these included treason, murder upon the high seas, mail robbery, and counterfeiting, the last of which happened to be the most commonly prosecuted federal crime before the Civil War. Because Congress legislated for the District of Columbia, convicts in Washington could also appeal to the president just as a person from a state might appeal to the governor.⁴

¹. For Lincoln’s handling of the famous “Sleeping Sentinel” case, for example, see Jonathan W. White, Midnight in America: Darkness, Sleep, and Dreams during the Civil War (Chapel Hill: University of North Carolina Press, 2017), 3–7, 121–24.
From the moment Lincoln took office, convicts began petitioning him for pardon. All of these letters went through the Office of the Attorney General, where a clerk reviewed each case and made a recommendation. If the attorney general believed that the convict was worthy of clemency he made a recommendation to the president. If he did not, then the president likely never saw the case. Lincoln often followed the advice of these subordinate officials.

The records of the Office of the Pardon Attorney are now in Record Group 204 at the National Archives at College Park, Maryland. The bulk of these records consist of case files, which include petitions for pardon; letters of recommendation; protests against the petitioner; correspondence from politicians or lawyers; reports from judges and U.S. attorneys regarding the facts of the case; trial transcripts; statements from prison wardens and physicians regarding the applicant’s character, behavior, and health; queries or other notations by the president; and the reports and recommendations of the pardon attorney and the attorney general.5

The records of the Office of the Pardon Attorney offer extraordinary insights into various types of history, such as social history and women’s history, as well as of how Lincoln, Attorney General Edward Bates, and Bates’s pardon clerks went about deciding whom to pardon and whom not to. They also can be invaluable sources for corroborating (or occasionally disproving) stories about Lincoln’s great reputation for mercy. Fortunately, the Papers of Abraham Lincoln (PAL) has digitized a large portion of the records of the pardon attorney from Lincoln’s presidency. In the process of working on two book projects, I went through every pardon case file scanned by PAL and found a number of gems, including touching letters from children or from families of soldiers who had been killed at Gettysburg.6

One of my projects, tentatively titled “Emphatically the Black Man’s President: African American Correspondence with Abraham Lincoln,” brings together more than one hundred letters by black men and women to Lincoln, most of which have never been published. One chapter of the book consists of letters and petitions from African American men and women requesting pardons.

One story of Lincoln pardoning a black convict comes down to us through a late-nineteenth-century recollection. In an 1896 political

5. For more on pardon records, see White, Guide to Research, 112, 141–42.
6. Researchers can keyword search PAL’s National Archives scans by name of sender or recipient, or browse by record group, at http://papersofabrahamlincoln.dataformat.com/. PAL numbers in these notes refer to the document identifiers given to the records by PAL in its PubMan digital records system.
stump speech, a Republican operative recounted overhearing several exchanges between Lincoln and White House visitors. In one, a Virginia slave owner came to the White House in late 1863 or early 1864 with a petition. “Well, my good friend, what can I do for you?” the president asked. The man presented the petition and explained it was a request for the pardon of a black man, “formerly belonging to himself,” who had been convicted of larceny in the District of Columbia. The petition stated that the convict “was a man of good character and had never been guilty of any offence before.” Lincoln asked what he had stolen. “Thirty dollars in silver,” replied the Virginian. “Why,” said the President, “where did he find so much silver these days. Surely the temptation was great, and, as you say, he is a good kind of fellow and he is not likely to be soon tempted in the same way again, I guess we will have to let him out.”

A story like this almost seems too cute to be true—especially when it comes from a political speech given more than three decades later. Yet the pardon records at the National Archives bear much of it out. On October 30, 1863, a man named Lambert A. Whiteley wrote a petition to Lincoln asking him to pardon a convict named Hamilton Anderson, “a young colored man” who, “upon his own confession,” was found guilty of larceny in the federal court in Washington and sentenced to a year imprisonment at the Albany Penitentiary. Whiteley told the president that Anderson had already served four months in jail, that he had never before committed a crime, and that he had “an excellent character.” If he was released, Whiteley believed Anderson would “become a useful member of society.”

Lincoln wrote on the back of the petition: “Inclining to believe that this boy has been sufficiently punished in the four months imprisonment he has already endured, I have concluded to say ‘Let a pardon be made out in this case.’” Lincoln dated this endorsement October 31, 1863—presumably the day that the Republican orator observed Whiteley at the White House. A few days later, on November 2, Lincoln granted the pardon.

8. L. A. Whiteley to Lincoln, October 30, 1863, RG 204 (Records of the Office of the Pardon Attorney), Entry 1a (Pardon Case Files, 1853–1946), National Archives, College Park, Md. (PAL 204673), Pardon Case File A-491 (subsequent notes simply list the pardon case file number and PAL identifier).
9. Lincoln endorsement on Whiteley to Lincoln, October 30, 1863; Lincoln pardon of Anderson, November 2, 1863, RG 59 (General Records of the Department of State), Entry 897, Presidential Pardons and Remissions, vol. 7, p. 487, National Archives, College Park, Md. (PAL 209170b) (hereafter Pardons and Remissions).
Only one small detail from the 1896 story does not align with the original records from 1863. While the reminiscence states that the convict stole thirty dollars of silver, the criminal case file in Record Group 21 at the National Archives states that Anderson stole fourteen dollars’ worth of silver coins and a pistol (valued at $7.50) from Whiteley.10 Perhaps the Republican orator misremembered the amount—which would be understandable given the lapse of time—or, more likely, he used poetic license to connect Lincoln’s redemption of this convict to Jesus Christ and Judas Iscariot (who betrayed Christ for thirty pieces of silver). Nevertheless, the 1896 story appears to be fairly reliable, and it is revealing on several levels. On the one hand, Lincoln’s endorsement is another example of how the president used some of the pejorative language of his day, referring to the convict as “a boy.” But more important, the case underscores the empathy Lincoln had for a black defendant, and his hope that this convicted ex-slave could rise above his circumstances.

At the other end of the spectrum were slave traders. I am presently writing a biography of a convicted slave trader named Appleton Oaksmith. In the process of placing Oaksmith within his broader historical context, I searched for any bit of evidence I could find regarding how Lincoln handled the cases of other slave traders.

Lincoln is famous today for superintending the execution of Nathaniel Gordon in February 1862—the only instance in American history in which a slave trader was executed for his crimes.11 When discussing the Gordon case, historians often quote a recollection by Congressman John B. Alley. More than twenty years after Lincoln died, Alley recollected a conversation in which Lincoln stated that he was “kindly enough in nature, and can be moved to pity and to pardon the perpetrator of almost the worst crime that the mind of man can conceive or the arm of man can execute,” but he concluded that he “never will pardon” any person “who, for paltry gain and stimulated only by avarice, can rob Africa of her children to sell into interminable bondage.” Such a fiend, Lincoln said, may “rot in jail before he will ever get relief from me.”12


According to Alley’s recollection, a number of citizens of his district had sent him a petition to present to the president, asking for the release of a man in the Newburyport Jail who had been sentenced to several years’ imprisonment and a one-thousand-dollar fine. The prisoner would not be released until he paid the fine, which would essentially turn his sentence into a life sentence.\textsuperscript{13}

In seeking to determine the authenticity of this recollection, I determined that Lincoln’s alleged statement had to have been made in connection with a sailor aboard the slaver Orion. The Orion had been captured off the coast of Africa on October 3, 1859, after having taken 1,023 Africans on board.\textsuperscript{14} Three imprisoned sailors of the Orion petitioned Lincoln for pardon. William Dunham, second mate of the Orion, had pleaded guilty at his trial in Boston in October 1860 and received a sentence of one year and nine months in prison at the Suffolk County Jail in Boston. In September 1861 several prominent citizens, including Massachusetts governor John A. Andrew, wrote to Lincoln urging pardon. Now Dunham claimed that he had believed the Orion’s voyage had been lawful when he signed on to sail with her and that he only learned of her real intentions after more than two months at sea. Dunham also claimed that he was becoming quite ill as a result of his imprisonment. The U.S. attorney was not convinced by these explanations, however, and said there was no reason to grant a pardon. Following this advice, Lincoln rejected Dunham’s petition on October 26, 1861.\textsuperscript{15}

Byron Chamberlain, first mate of the Orion, had been found guilty and sentenced to two years in prison at Salem, Massachusetts. On July 30, 1861, Chamberlain wrote to Lincoln, claiming that he had not known the real intention of the voyage until it was too late and that he had been “decoyed into employment.” He also told Lincoln that he would “gladly enlist in the naval service” of the Union if only Lincoln would pardon him. But again Lincoln chose not to act.\textsuperscript{16}

So far, the cases of the Orion seem to confirm Congressman Alley’s recollection—Lincoln refused to grant clemency. Yet the facts of the Dunham and Chamberlain cases do not align with Alley’s story. Only one convicted slave trader—Thomas Morgan—was held at the Newburyport Jail. Morgan had been captain of the Orion, and he was the

\textsuperscript{13} Ibid.


\textsuperscript{15} Pardon Case File A-338 (PAL 241793).

\textsuperscript{16} Pardon Case File A-381 (PAL 242066 and 242067).
person who had allegedly duped both Dunham and Chamberlain. At his trial, Morgan had pleaded guilty and was sentenced to two years imprisonment and a two-thousand-dollar fine. Between July 1861 and December 1862, Morgan submitted four petitions to Lincoln asking for pardon, as well as other documents attesting to his good behavior in jail and his inability to pay his fine. Morgan now claimed that prior to his involvement with the Orion he “had ever borne a honourable and unblemished reputation” and that he had become “the dupe of others and was misled, without criminal intention on my own part.” Yet the pardon attorney called Morgan’s case “a very plain one,” pointing out that Lincoln had refused to pardon Dunham and should do the same in this case.17

On one of Morgan’s petitions, Lincoln added a small notation: “The gentleman who brings me the letter says it is a ‘Slave-trade’ conviction, of a minor grade.” Morgan’s was hardly a “minor” case considering the large number of Africans found on board the Orion. Nevertheless, Lincoln remitted the sentence on March 11, 1863. Lincoln’s public rationale was that Morgan’s sentence had expired in October 1862 and that it was “endured by him in a humble and exemplary manner,” and that he was unable to pay the fine. In short, Lincoln showed mercy because Morgan’s inability to pay the fine was turning his two-year imprisonment into a life sentence.18 The very man Congressman Alley claimed that Lincoln said he could never show mercy to was, in fact, the one Lincoln released. In this case the pardon records undermine the veracity of the later recollection.19

In at least one instance a pardon record gives insights into Lincoln’s earlier law practice. The Papers of Abraham Lincoln has done a remarkable job of turning up documents related to the life and career of Abraham Lincoln. As is common with historical research, however, later discoveries sometimes lead to things that were missed before (at no fault of the project).

During the Legal Papers phase of the project, the staff of the Lincoln Legal Papers crisscrossed the state of Illinois, going through county courthouses and archives looking for documents from cases that Lincoln had handled as an attorney on the Illinois Eighth Judicial Circuit.

17. Pardon Case File A-358 (PAL 241888, 241889, 241890, 241891, 241892, and 241893).
19. To be precise, Lincoln’s action in Morgan’s case was a remission of sentence and not a full pardon. It is possible that Lincoln may have made these remarks to Alley during one of Morgan’s earlier petitions and that the president later chose to turn against his earlier emphatic language.
The researchers also went through the case files in Record Group 21—Records of the U.S. district and circuit courts—at the National Archives at Chicago. Through this prodigious research the Lincoln Legal Papers turned up 96,386 documents that describe 5,173 cases and 496 nonlitigation activities handled by Lincoln in the state and federal courts. Of course, PAL staff could only know with certainty that Lincoln had been involved in a case if he was listed as an attorney in the case file, the minutes, the docket book, or a published court opinion. Among the piles of requests for pardon that Lincoln received is one in which the convict reminded Lincoln that he had represented him in court, and that lawyer Lincoln had promised to help him get out of prison after half of his sentence had been carried out. Now, in 1862, Lincoln could do more than merely attempt to get the man out of prison—he had the literal power to set him free. So, the convict wrote to Lincoln.

Stories circulated in newspapers throughout the nation in 1858 about a deputy postmaster at the Anna, Illinois, post office named Newton F. Jones, who had been arrested for stealing money out of letters. “Near a bushel of letters which had been opened were found stuck around in out-of-the-way-places about the office,” reported the Cairo Gazette. “The amount known to have been stolen in this manner by Jones, is over $1,100.” Readers in nearby Indiana and Ohio were alarmed as newspapers reported that “this makes at least one hundred cases of Post-Office robbery, by Post Office incumbents or employees, the past year. Such a record of villainies was never presented by any Department of any Government before. The insecurity by mail is so great, that business men very generally seek the safe medium of Express Companies for the transmission of money letters.”

On January 12, 1859, a grand jury in the U.S. District Court for the Southern District of Illinois indicted Jones on four counts of mail robbery. The indictment stated that on September 17, 1858, Jones had opened other peoples’ mail and stolen items of value “contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.” Eight witnesses provided

20. For a searchable record of these materials, see the Law Practice of Abraham Lincoln website at http://www.lawpracticeofabrahamlincoln.org/.

21. A report that first appeared in the Cairo Gazette on September 24, 1858, circulated in newspapers throughout the nation. See, for example, Memphis Daily Avalanche, September 28, 1858, Nashville Union and American, October 6, 1858, and Washington (D.C.) States, October 9, 1858.

22. Indianapolis Journal, quoted in Cleveland Leader, October 11, 1858.
testimony. No attorney is listed for the defendant; William J. Allen is listed as the prosecutor. According to the case file, the jury found Jones guilty of only the third count.23

Newspapers throughout the country quickly announced the verdict. Jones could have received up to ten years in prison, but on February 12, 1859, U.S. district judge Samuel H. Treat sentenced him to eight years at hard labor at Alton, Illinois; a ten-dollar fine; and the costs of the prosecution.24

On February 14, 1862, more than one hundred citizens of Illinois sent Lincoln a petition asking for Jones’s release. He was “then quite young and the unexpired term is yet five years,” they informed the president, and “he is anxious to enlist for and during the War, and fight for the Constitution and Union under the flag of his Fathers.” They concluded, “We therefore humbly pray that he be pardoned and that he be permitted at once to enter the service of his country in Capt Samuel Hesses Company of the 60th Regt. Ills Vols.”25 Lincoln received thousands of requests for pardons during the war, but he must have been particularly tired of receiving them at this time, as this petition arrived in Washington near when notorious slave trader Nathaniel Gordon was to be executed (and also when Lincoln’s son Willie was dying).

It took several months for the pardon clerk to report upon this case:

ATTORNEY GENERAL’S OFFICE

AUGUST 7, 1862

SIR:

At the January Term, A.D. 1859, of the District Court of the United States for the Southern District of Illinois, one Newton F. Jones was convicted of robbing the mails and sentenced to the penitentiary for the period of eight years.

A petition, signed by about one hundred citizens of Illinois, is now presented in behalf of the said Jones, alleging that he was a very young man at the date of his offence, and that he is “anxious


25. Pardon Case File A-428 (PAL 242327). The documents cited in the following six notes all come from this case file.
to enlist for and during the war, and to fight for the Constitution under the flag of his fathers.”

Samuel K. Casey, Warden of the Joliet Penitentiary, writes that Jones has worked faithfully and conducted himself well since he has been in prison.26

Hon. W. J. Allen, in a letter to the President, reminds the latter of the trial of Jones—on which occasion Mr. Allen conducted the prosecution, and Mr. Lincoln the defence. Mr. Allen says that “the father of young Jones, since his conviction, has died, and it is represented that the family are in a state of destitution.”27

The documents on file present no other features of the case.

Very respectfully yours,
E. C. Stedman
Pardon Clerk

Hon. Edward Bates
Attorney General.

The following day—on August 8—Bates declined to issue a pardon to Jones.28

About a year later, Jones himself wrote to Lincoln, apprising him of his situation and jogging the president’s memory of their earlier interactions.

His Excellency
A Lincoln
Sir

Having been convicted at the Winter Term of the United States Court at Springfield, 1858, “Charge” ‘Mail Robbery’ and sentenced eight years in the Penitentiary “Joliet” you at the time being my Council is also aware of the facts connected with the whole case “Therefore further mention of them is unnessary,”

26. See Samuel K. Casey to Lincoln, March 3, 1862 (PAL 242330). Lincoln wrote on the back of this letter, “In addition to the within letter, I have personal knowledge of this case, and have concluded to ask the Attorney General to make out a pardon at once. I believe the sentence was for eight years.” Lincoln’s signature and the date have been clipped from this document. Based on subsequent events, Lincoln did not likely make this notation until 1863.

27. See W. J. Allen to Lincoln, July 15, 1862 (PAL 242329).

28. C. G. Herman to Edward Bates, August 7, 1862 (PAL 232324).
the object being to empress on your memory the conversation which occurred after that trial, in course of which, "between," you and myself, that after the expiration of one half my time you would as my lawyer do all in your power to obtain my pardon, providing my conduct justified you in so doing.

The inclosed recommendation will answer as to my part been fulfilled, trusting you have not forgotten yours I would also state since that time my Father having died, I am now left with an Aged Mother, who in her declining years will have to look to me for her future support

Having no person to whose influence I could apply I trust to your favorable consideration

I am Sir your obt. Sert

Newton F. Jones

A Lincoln

President United States

Jones enclosed the following statement from the warden at the prison regarding Jones’s character and conduct at the prison:

Ills State Penitentiary
Joliet Ills Sept 11 1863

Newton F Jones was received here February 16th 1859—I know nothing of his guilt or innocence—His conduct during the time he has been under my charge has been good & he has worked faithfully—

James M Pitman
Warden

Now a new pardon clerk wrote a report:

Attorney General’s Office
September 16th 1863

Sir,

In the case of N. F. Jones sentenced at the January term 1859 of the U.S. Dist. Court for the Southern District of Illinois to imprisonment for the term of Eight years, the Prisoner writes under date of August 27th 1863, to remind the President that he (Mr Lincoln) conducted the defence of said prisoner at the time of his trial, & declared his intention to do all in his power to obtain the pardon of said Jones on the expiration of one half of the term for which

29. Newton F. Jones to Lincoln, August 27, 1863 (PAL 242325).
30. Statement of James M. Pitman, September 11, 1863 (PAL 232324).
he was sentenced, provided the conduct of the prisoner should be such as to justify him in so doing.

He incloses a certificate from the Warden of the Penitentiary in which he is confined, that he has worked faithfully and conducted himself well—

Very respectfully
M. F. Pleasants
Pardon Clerk
Hon Edward Bates
Attorney General

On December 10, 1863, Lincoln pardoned Jones, writing that Jones had been “of immature age at the time of his conviction, and has now served four years of his term of imprisonment in an exemplary manner,” and since Jones “is now the sole dependence of an aged and widowed mother, and his pardon is earnestly requested by many respectable citizens.” Lincoln kept the promise he had made to Jones on February 12, 1859—Lincoln’s birthday—that after Jones had served half of his sentence he would do what he could to secure Jones’s release. Jones went on to join the Union army, serving first in the Quartermaster’s Department and then as a private in 2nd Wisconsin Cavalry. He was honorably discharged at Austin, Texas, on November 15, 1865, and died on December 26, 1919, at Oklahoma City. He is buried in Nashville, Illinois.

There is a great temptation in Lincoln scholarship to rely heavily on “recollected words” of Lincoln. Fortunately, the Papers of Abraham Lincoln is making available to the public many new written words of the sixteenth president. Lincoln scholars who wish to find how the president interacted with ordinary Americans—often in the direst of circumstances—will find remarkable stories buried within the pardon records of Record Group 204. The president who emerges in these records is one who sought to temper justice, law, and order with mercy.

33. Military service record of Newton F. Jones, RG 94 (Records of the Adjutant General’s Office), Entry 519, Records of the Record and Pension Office, Carded Military Service Records, 1784–1903, Civil War, 1861–1865, Carded Records, Volunteer Organizations, Civil War, NARA; pension record of Newton F. Jones, RG 15 (Records of the Department of Veterans Affairs), NARA.