

INTERNATIONAL CRIMINAL COURT  
JUDICIAL DISTRICT OF MODEL UNITED NATIONS

Case No. ICC 00-05-2016

International Criminal Court,  
Prosecutor

v.

Abraham Lincoln,  
Defendant

BRIEF IN SUPPORT OF ABRAHAM LINCOLN, DEFENSE

Calvin Coolidge, Westfield High School Delegation  
Herbert Hoover, Westfield High School Delegation  
Ronald Reagan, Westfield High School Delegation  
Woodrow Wilson, Westfield High School Delegation  
Attorneys for Defense

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a) A charge of genocide under the Rome Statute is any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- i) Killing members of the group.....Article 6 (a)
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**3) ABRAHAM LINCOLN SHOULD NOT BE CONVICTED OF WAR CRIMES FOR HIS ACTIONS AS COMMANDER IN CHIEF OF THE UNION ARMY DURING THE SAVANNAH CAMPAIGN**

a) A charge of war crimes under the Rome Statute is any of the following acts:

- i) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention.....Article 8(2)(a)

(1) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;

- ii) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts.....Article 8(2)(b)

(1) Intentionally directing attacks against the civilian population as such or against individual civilians not taking part in hostilities;

- (2) Attacking or bombarding, by whatever means, towns, villages, dwellings, or buildings which are undefended and which are not military objectives; Pillaging a town or place, even when taken by assault.

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## INTRODUCTION

Abraham Lincoln was born in a small town in Hardin County, Kentucky, but grew up in a frontier region of Indiana. He was born into poverty and worked for everything he accomplished in life. When he was not working on the farm, he was studying or reading because he aspired to be more than an illiterate farmer like his father was. When he was twenty-one, his family moved to Illinois, but about a year later, Lincoln decided to go and live on his own. He acquired a job as a clerk at the general store in New Salem, Illinois, his new town. He was a very well liked man on account of his humor, honesty, intelligence, and strength. He had always been interested in politics and declared his candidacy for a seat in the Illinois state legislature soon after he gained popularity in his town. However, soon afterward the Black Hawk War broke out. Lincoln immediately volunteered to defend his country and was elected captain among his fellow soldiers. When his service had ended, Lincoln returned home. The election had not occurred, but there was too little time before it to make himself well known among a large area. He lost the election, but continued to pursue his passion for government. He studied law and argued a variety of cases, all while attending political functions for the Whig party (*1*).

Despite this failure, he was starting to earn a reputation for himself. He was appointed postmaster of New Salem by President Andrew Jackson. He consumed himself in his work, and, when the time came, he ran for state legislature again. This time he won, and won three more consecutive times. Instead of giving speeches and making promises, Lincoln would shake hands and go to homes; he liked to have conversations and meet new people. After much time had passed in the Illinois legislature, Lincoln decided to run for the House of Representatives. When he was elected, he took a strong stand on the Mexican-American war that earned him a well-known name on the national scale. However, Lincoln decided not to run for Governor, Senate, or even the House of Representatives again when his term as congressman was complete. He went back to Illinois to practice law. After about five years, Lincoln decided to return to politics. He abandoned his position as a Whig, knowing that he would never get elected to any position if he ran as one, and joined the Democratic-Republican Party. Soon after, he was nominated for Vice President, but lost. Therefore, instead, he ran for the United States Senate, but lost that race too. However, both of these endeavors benefitted his career and made Abraham Lincoln a clear leader of the Republican Party. Two years later, he won the presidency. He assumed office in March of 1861, and the American Civil War began a month later. The war began because Lincoln believed that it was his duty to not allow the union to split apart when the southern states were seceding. A war was initiated, between two technically separate countries, about whether or not the former southern states would return to the United States of America. About two years after the war began, on April 24, 1863, Abraham Lincoln passed a set of

instructions called the Lieber Code. This Code outlined the way that all union soldiers must act. It set the boundaries between humanity and military necessity (2).

A short while later on November 16, 1864, after the Lieber Code was passed, “Sherman’s March” began. This was a campaign led by Major General William Tecumseh Sherman. It is his journey from Atlanta to Savannah, Georgia with his 62,000 soldiers. This happened to be a successful campaign for the Union soldiers in the end (3). However, when Lincoln first learned that Sherman was practicing a “scorched earth” policy, meaning he would burn whole towns, he immediately expressed his irritation and discontent with Sherman for not following the Lieber Code. He stated to Grant that “[A] misstep by General Sherman might be fatal” implying that his plan is extremely risky and wrong. He is disobeying the Lieber Code and putting everyday civilians at risk (4). Additionally, Lincoln, being the president of the United States, was extremely busy trying to mend a broken nation. Lincoln, consequently, put his trust in his second in command, General Grant, who Lincoln believed would punish Sherman appropriately for his blatant disregard of the law. Therefore, Lincoln should not be punished for the actions of his subordinates, due to the fact that he committed no crime and was not responsible for the man that did. Despite the fact that Sherman was never punished, he was no longer Lincoln’s liability, he was Grant’s (5).

## **CRIMES CHARGED**

The International Criminal Court is charging Abraham Lincoln with two counts of Genocide, one count of Crimes Against Humanity, and three counts of War Crimes as follows:

- Article 6(a)- Killing members of the group
- Article 6(b)- Causing serious bodily or mental harm to members of the group
- Article 7(1)(a)- Murder
- Article 8(2)(a)(iv)-Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly
- Article 8(2)(b)(ii)- Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly
- Article 8(2)(b)(v)- Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives

## STATEMENT OF FACTS

Abraham Lincoln succeeded James Buchanan as President of the United States of America (6) on March 4, 1861 (7), following Buchanan's retirement from the Presidency (8). Shortly after Lincoln assumed the Presidency, the American Civil War broke out, starting on April 12, 1861 (9).

On December 20, 1860, South Carolina became the first state to secede from the United States of America. They were followed in succession by Mississippi (January 9, 1861), Florida (January 10, 1861), Alabama (January 11, 1861), Georgia (January 19, 1861), Louisiana (January 26, 1861), Texas (February 1, 1861) (10).

On April 15, 1861, Lincoln asked the remaining states to send troops to help preserve the Union, which totaled around 75,000 troops. The Civil War truly broke out after the Battle of Fort Sumter, the first engagement between the Union and Confederate Armies, resulting in a Confederate victory (11). The loss of the Union at Fort Sumter prompted states such as Virginia, North Carolina, Tennessee and Arkansas to secede (12).

Around this time, a promising young man was quickly rising through the ranks of the Union Army. William T. Sherman graduated sixth in his class at the United States Military Academy. Although he did not see much combat for the first few years of his military career, he became a Colonel at the outbreak of the Civil War. He was appointed by Lincoln to Brigadier General. Later, he would be made Major General of All Volunteers in 1862. Finally, General Ulysses S. Grant would promote Sherman to Commander of All Troops in the Western Theatre. Grant was the one responsible for putting Sherman in charge of the troops he would utilize during the Savannah Campaign (13).

Two years later, in 1864, after a myriad of unsuccessful campaigns for the Union Army, Ulysses S. Grant was promoted to General of the Union army. The undeniably prodigal new General was victim to many vices, including a battle with alcoholism he fought throughout his entire life (14). The later Grant presidential administration was prone too many scandals, which erupted due to Grant's misguided judgment (15). However, during the Civil War, Grant was seen as a military genius, and the victories that followed his appointment led to the eventual success of the Union and President Lincoln's re-election (16).

Grant and Sherman forged a close partnership and alliance at the Battle of Shiloh in 1862. After Confederates ambushed the Union Army, Sherman and Grant struggled to prevent a retreat and tried desperately to ward off the Confederate presence. From that point on, the men would work together to secure the laurels of victory for the Union. At Vicksburg, Mississippi, Sherman helped win Grant one of the greatest victories of the war, breaking the Confederates' grip on the

Mississippi River. When Grant was appointed the commander of the entire Union Army and went east to Washington, he left Sherman as commander of the three armies of the Mississippi military division (17).

Despite his military prowess, Sherman, much like Grant, suffered from conditions that severely hampered his ability to make decisions in the war. Sherman suffered from paranoia and clinical depression, and possible bipolar disorder harking back to the dawn of his military career. During his first year of service, he was removed from his post of his own volition, citing “paralyzing depression” (18). He eventually returned to service, but he was forever a changed man. He repeatedly denied any inclination of wanting a leadership role in the military, going so far as to profess to President Lincoln an “extreme desire to serve in a subordinate capacity, and in no event to be left in a superior command” (19). Despite this, he was repeatedly promoted and eventually came into command of a large amount of troops. This behavior caused him to become increasingly nervous, and over the course of the war, Sherman’s fears only intensified. Subordinates routinely described Sherman as a tortured man suffering what can only be called an intense mania. Sherman talked incessantly while never listening, all the while repeatedly making “quick, sharp...odd gestures,” pacing the floor, chain-smoking cigars, “twitching his red whiskers — his coat buttons — playing a tattoo on the table” with his fingers. All in all he was “a bundle of nerves all strung to their highest tension.” Back at his hotel, other guests observed him pacing all night in the corridors, smoking and brooding, “and it was soon whispered about that he was suffering from mental depression” (20). He routinely would shut himself away from his men for days at a time, eating only enough to stay alive and would drink profusely. He would often relay to his wife that he felt as if he were alone and expressed the opinion that he was “in hell” (21).

The combination of these manic and depressive mood swings leads to the conclusion that Sherman suffered from bipolar disorder (22). Bipolar disorder is defined as a brain disorder that causes unusual shifts in mood, energy, activity levels, and the ability to carry out day-to-day tasks (23).

President Abraham Lincoln himself suffered from the demons faced by Sherman and Grant. Losing many family members at a young age, Lincoln suffered many bouts of “melancholy” throughout his life (24). Depression is defined as a serious disorder that affects how you feel, think, and handle daily activities, such as sleeping, eating, or working (25). Lincoln suffered from depression throughout his life, writing to his law partner, “I am now the most miserable man living. If what I feel were equally distributed to the whole human family, there would not be one cheerful face on the earth. Whether I shall ever be better I can not tell; I awfully forebode I shall not. To remain as I am is impossible; I must die or be better, it appears to me” (26). Lincoln often had suicidal tendencies remarking on more than one occasion that he usually did not carry a pocketknife with him due to the extreme bouts of depression he suffered

(27). Lincoln was seen in the public eye as relatively cheerful, but the reality was much different. Lincoln had seen many of his family members pass away at young ages, a common factor in many cases of depression (28). He often suffered nervous breakdowns, which severely hampered his ability to think clearly (29). In fact, difficulty making decisions is a core symptom of depressive illness (30). Lincoln suffered from major bouts of depression during his time in office. One of these bouts of depression coincided with General Sherman's and General Grant's decision to utilize the Scorched Earth Policy (31).

The Scorched Earth Policy, utilized during the Savannah Campaign (Sherman's March), was a military policy in which all the resources in an area are destroyed so that an enemy cannot use them (32). General Sherman practiced destructive war, but he did not do it out of personal cruelty. Instead, he sought to end the war as quickly as possible, with the least loss of life on both sides. He had for a long time hated the idea of having to kill and maim Confederates, many of whom had been pre-war friends. He wanted his army to win the war and thus preserve the Union, but he also wanted to curtail the battlefield slaughter. He knew that the war could drag on for many more years, resulting in thousands, if not millions, of more deaths. He was trying to end the Civil War with as little casualties on each side as possible. He sought to utilize destructive war to convince Confederate citizens in their deepest psyche both that they could not win the war and that their government could not protect them from Federal forces. And so, in Atlanta, Sherman instituted tactics later generations of American war leaders would use in World War II, Korea, Vietnam, Iraq, and Afghanistan (33).

Two months after capturing Atlanta, Sherman was ready to move out and decided to strip the city of its military infrastructure. From Atlanta, Sherman would set out across the Southern heartland toward the Atlantic Ocean, eventually turning north to pin Robert E. Lee's army between his troops and those of Grant. Sherman proposed to take 62,000 of his best troops on a destructive march. Lincoln and Ulysses S. Grant preferred for Sherman to destroy the Southern army first and then initiate his psychological war of destruction. But Sherman prevailed upon his commanding officer, who, in turn, convinced the president. Sherman received his orders from the president, but he then cut off any contact with his superiors, which enabled him to decide how he was to run his campaign without any need for approval from Lincoln or even Grant. Even so, the city was hardly burned to the ground, as one-third of the city's buildings were in ruins as a result of entrenchments dug by the Confederates and the detonation of ammunition performed as part of Hood's evacuation. Although Sherman's army had destroyed Atlanta's war-making potential and had used artillery to bombard the city before taking it, 400 houses were still standing when he left. Sherman wanted to keep his movements as secret as possible; he cut telegraph lines to prevent intelligence reports from reaching the enemy (or his superiors in Washington). Well known to Sherman from his study of the 1860 census, Georgia's fertile soil still held potential to feed the ravenous Confederacy. He knew that they could live off the Georgia land (34).

From the outset, Sherman's men destroyed tunnels and bridges, expending particular effort to make railroad tracks unusable. The army moved at a steady pace, covering as much as 15 miles a day. As the main columns had been marching all day, organized soldiers and others fanned out in all directions, looking for food and treasure. These foragers did the most damage to the countryside and provided the most food for the troops. Although many of the houses were damaged, others were left essentially untouched, an unpredictability that became a source of great fear. "No doubt many acts of pillage, robbery, and violence were committed by these parties of foragers . . .," Sherman acknowledged, but maintained that their crimes were generally against property, not individuals. "I never heard of any cases of murder or rape." Indeed relatively few charges of rape were made, and military medical records showed little sexual disease.

Although he personally considered them inferior to white men, Sherman treated the blacks he met with courtesies not widespread in the 19th century, shaking hands and carrying on conversations to glean their knowledge of the area. On December 9, 1864, Federals under the command of Maj. Gen. Jefferson C. Davis were crossing the flooded Ebenezer Creek on a pontoon bridge. The long line of fugitive slaves, some 650 of them, was ordered to await a signal before crossing. But as the last unit of Davis's rear guard, the 58th Indiana, reached the far side, the bridge was released. The slaves were unable to cross the deep water. Knowing that Confederate cavalry was nearby, the fugitives, fearful of being captured and killed or re-enslaved, panicked. They jumped into the water, frantically trying to swim across and evade Wheeler. Seeing their terror and desperation, the Union Army began throwing logs and anything else they could find toward the drowning people. Although some were saved on makeshift rafts or by soldiers who waded into the creek, a huge number drowned and others were captured by the arriving Confederate troopers (35).

The march ended in Savannah. Sherman's army reached the sea, took Fort McAllister and re-tied itself to a naval supply line. On December 21, Union forces captured Savannah; Sherman presented the city to Lincoln as a Christmas gift. Damage and destruction immediately ceased. Soldiers became model gentlemen, no longer foraging, but paying for what they wanted or needed. The March to the Sea demonstrates not that Sherman was a brute, but that he wanted to wage a war that did not result in countless deaths. He saw the destruction of property as less onerous than casualties. It is estimated that during the six-week March to the Sea fewer than 3,000 casualties resulted. Compared to the 51,000 killed, wounded and missing at Gettysburg in the three days of fighting there or the 24,000 in the two days at Shiloh, the month-long March to the Sea was nearly bloodless (37).

## ARGUMENT

### 1. ABRAHAM LINCOLN SHOULD NOT BE FOUND GUILTY OF THE CHARGES OF KILLING MEMBERS OF A GROUP UNDER ARTICLE 6(A) AND MURDER UNDER ARTICLE 7(1)(A) BECAUSE HE MADE SIGNIFICANT EFFORTS TO PREVENT CITIZEN DEATHS FROM OCCURRING).

Abraham Lincoln cannot be found guilty of the aforementioned crimes because he made a sincere, concerted effort to prevent the deaths of non-combatants during the Civil War and Sherman's March to the Sea. The exact wording of the Rome Statute in regards to these crime are: Article 6(a)- For the purpose of this Statute, 'genocide' means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group. Article 7(1)(a)- For the purpose of this Statute, 'crime against humanity' means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: (a) Murder. Clearly, this does not apply to Abraham Lincoln. Abraham Lincoln passed the Lieber Code on April 24, 1863. This code set the guidelines of the way all Union Soldiers must act toward civilians of the enemy state. Abraham Lincoln believed it was necessary to pass this set of laws in order to preserve the rights of the everyday civilians of the succeeded southern states. Some of the relevant rules set forth in this code are as follows: One- a sentence of death can only be issued if approved by the President of the United States, unless required by dire circumstances, then by his second in command (Article 12- Lieber Code), Two- military necessity does not allow cruelty against the civilians (Article 16- Lieber Code), Three- an unarmed citizen, along with their honor and property, will be spared, as long as it is not deemed as necessary to win the war (Article 22- Lieber Code), Four- religion, morality, and especially women, will be protected even during times of war; if not, the violators of this law will be punished greatly (Article 37- Lieber Code), Five- private property can only be seized by military necessity (Article 38- Lieber Code), and many other laws are included in the Lieber Code to protect the rights of civilians of the enemy state. If it was speculated that any soldiers disobeyed the code, they were to be court-martialed. If found guilty, various punishments could have occurred. These range from being thrown into jail to, in some cases, execution. These laws, and the punishments associated with these laws, put in place to protect the honor, belongings, and the people of the enemy state, illustrate Abraham Lincoln's want to protect peaceful citizens. Because of his passing the Lieber Code, and because he once was a poor farmer, he clearly had compassion for everyday people and had extreme moral opposition toward Sherman's actions during his march from Atlanta to Savannah. Because of Sherman's complete and blatant disregard of the Lieber Code, murder did occur; however, despite this, these laws, in action for over a year before Sherman's March began, prove Abraham Lincoln's innocence of killing

members of a group because he took all actions necessary to prevent these deaths from occurring.

**2. ABRAHAM LINCOLN SHOULD NOT BE FOUND GUILTY OF THE CHARGES OF ARTICLE 6(B) FOR CAUSING SERIOUS BODILY OR MENTAL HARM TO MEMBERS OF THE GROUP BECAUSE LINCOLN WAS UNABLE TO COMPREHEND THE TERRORS SHERMAN INTENDED TO COMMIT AGAINST CITIZENS OF THE SOUTHERN STATES**

The claims of the prosecution that suggest Abraham Lincoln ordered the complete destruction of the cities involved in the Savannah Campaign, with full knowledge of the scope and scale of the acts that were allegedly committed, are utterly false. It is not possible that President Lincoln could have known this, as General Sherman and General Grant were not in a position that they were able to inform him. General Sherman, two rungs below Lincoln on the chain of command, was afflicted with bipolar disorder. During the time of the Savannah Campaign, he was in a depressive episode that left him seeing the world as a bleak inhospitable place. This translated into his conversation with General Grant, in which Sherman exaggerated the state of his army, while simultaneously underscoring the destruction he intended to cause, in order to persuade Grant that he (Grant) should convince Lincoln that his march was a necessity. Even if Sherman had been in his right mind, the fact is that General Grant himself could not have properly relayed the facts to Lincoln. Due to emotional trauma suffered in his youth, Ulysses S. Grant had developed a propensity for alcohol that turned into full-blown alcoholism in his adult life. This alcoholism often clouded his judgment and caused severe neurological issues that would cause him to misrepresent facts and statements. This also caused him to obscure the more violent meanings of Sherman's already toned down version of his plan. Lincoln was not able to get a full sense of this from either Grant or Sherman, as they both were incapable of telling him the full scope of the plan. Article 28(a)(i) of the Rome Statute states that in order to prosecute Lincoln for this crime he “knew that the forces were committing or about to commit such crimes.” Given the disorders of his two subordinates, there is no way he could have known about the true intent of the Savannah Campaign. Also, Article 31(1)(a) of the Rome Statute States that “a person shall not be criminally responsible if, at the time of that person's conduct: The person suffers from a mental disease or defect that destroys that person's capacity to appreciate the unlawfulness or nature of his or her conduct, or capacity to control his or her conduct to conform to the requirements of law.” Abraham Lincoln suffered from depression, a certified mental disease that can impair judgment and can cause a bleaker view of the world. Abraham Lincoln saw the world in a much darker way due to a mental disorder, and thus cannot be charged with a crime.

Even if Sherman, Grant, and Lincoln had been able to comprehend the world around them, Lincoln still should be considered innocent as Article 6 defines genocide as “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.” The alleged acts committed by Lincoln were, if committed at all, committed against the Confederate States of America. This group was not a racial, ethnic, or national group. No international body, nor any sovereign nation, recognized it as a nation separate from the United States. They were seen as a rebel faction who were fighting for political freedom. Therefore, when the Savannah Campaign was initiated, it was against members of the United States, not a separate group.

These aforementioned facts, combined with the subpar mental state of the three main initiators of the Savannah Campaign, mean that Abraham Lincoln cannot be found guilty of this charge.

**3. ABRAHAM LINCOLN SHOULD NOT BE FOUND GUILTY OF THE CHARGES OF ARTICLE 8(2)A FOR BREACHES OF THE GENEVA CONVENTIONS OF 12 AUGUST 1949, NAMELY, ANY OF THE FOLLOWING ACTS: PERSON'S PROPERTY PROTECTED UNDER THE PROVISIONS OF RELEVANT GENEVA CONVENTIONS SUCH AS: (iv): EXTENSIVE DESTRUCTION AND APPROPRIATION OF PROPERTY NOT JUSTIFIED BY MILITARY NECESSITY AND CARRIED OUT UNLAWFULLY AND WANTONLY BECAUSE LINCOLN DID WHAT WAS NECESSARY TO END THE WAR**

If the war had prolonged any longer, there would be a copious amount of damage that would be difficult to fix. Abraham Lincoln needed to find a way to end the Civil War quickly. Evidently, the Union had to take some measures to put that plan into action. Lincoln appointed Sherman as a general, and Sherman's March was one of the only strategies that could be used to bring the war to a close. The destruction caused by the soldiers was justified, as they had to do what was done in order to win the war. A large number of the Confederacy's resources were destroyed due to his campaign. This made them unable to prosecute the war. Sherman's March was imperative to the Union's victory in the Civil War. Without it, the war would have been dragged on for longer than what it did. Lincoln should not be held accountable for extensive destruction, as it was justified by military necessity.

Under article 31(d) in the Rome Statute, Lincoln should be exonerated of the charge levied against him. He is not charged with the crime of responding to an imminent threat to himself or other people. This applies as long as the response is not as harmful as the threat itself. The threat of losing the war was at stake, which would cause many complications towards the future of the country. Lincoln had to do what was necessary in order to secure the future of the nation.

**4. ABRAHAM LINCOLN SHOULD NOT BE FOUND GUILTY OF THE CHARGES OF ARTICLE 8(2)B FOR OTHER SERIOUS VIOLATIONS OF THE LAWS AND CUSTOMS APPLICABLE IN INTERNATIONAL CONFLICT NAMELY, ANY OF THE FOLLOWING ACTS:**

**(i): INTENTIONALLY DIRECTING ATTACKS AGAINST THE CIVILIAN POPULATION AS SUCH OR AGAINST INDIVIDUAL CIVILIANS NOT TAKING DIRECT PART IN HOSTILITIES;**

**(v) ATTACKING OR BOMBARDING, BY WHATEVER MEANS, TOWNS, VILLAGES, DWELLING OR BUILDING WHICH ARE UNDEFENDED AND WHICH ARE NOT MILITARY OBJECTIVES; PILLAGING A TOWN OR PLACE, EVEN WHEN TAKEN BY ASSAULT BECAUSE THE ACTIONS UNDERTAKEN BY SHERMAN AND/OR HIS SOLDIERS WERE NECESSARY TO END THE WAR/ WERE CARRIED OUT WITHOUT APPROVANCE FROM LINCOLN**

Economic infrastructure fuels a nation, especially during times of war. Throughout history, wars have been won due to opposing side's economic infrastructure getting destroyed. Abraham Lincoln knew that in order to win the war and reunite the union, he had to destroy certain parts of the south economic infrastructure, which heavily depended on the agrarian-economy. This eventually crippled the south and ultimately helped end the war. During the Savannah Campaign, anything that helped support the Confederate economy and was part of the Confederate's economic infrastructure was considered a military objective and crucial in helping to end the war. The US Military was under the strict Lieber Code which prohibited any unethical treatment of civilians or unnecessary destruction of towns. Buildings that were destroyed and civilians who were harmed were done so by intoxicated soldiers celebrating their soon to be victory over the south or by vengeful soldiers. The soldiers who committed these acts were not under direct order from President Lincoln and/or they were acting on their own.

## CONCLUSION

Lincoln should be acquitted of the following charges:

- Article 6(a): Killing members of a group;
- Article 6(b): Causing serious bodily or mental harm to members of the group;
- Article 7(1)(a): Murder;
- Article 8(2)(a): Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention (iv): Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
- Article 8(2)(b): Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts; (i): Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities; (v) Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives; Pillaging a town or place, even when taken by assault.

Lincoln should be exonerated of all charges that are placed on him. To prevent the wrongdoings that soldiers could inflict, Lincoln implemented the Lieber code, and threatened the use of a court-martial to make sure everyone was following it. Despite the fact that Sherman disregarded it, Lincoln is innocent because he cared about the well-being of the citizens and tried his best to prevent all the atrocities from happening. He took all the measures that were necessary to prevent the harm of citizens.

Lincoln's depression also impaired his ability to recognize the wrongdoings of Sherman. He cannot be charged with a crime if he could not understand the misconduct that was being committed due to his mental state of mind. Because of his mental health, Lincoln was not able to comprehend the wrongdoings of General Sherman, and so he put his trust into General Grant to be responsible for Sherman if he blatantly disregarded rules that were already set in stone. However, Grant did not do so and trusted Sherman's assessment. Since Grant was in charge of Sherman, Lincoln should not be held responsible for Sherman's actions.

If the war had continued for any longer, there would be an insurmountable amount of damage. Destroying the economic infrastructure was necessary to end the war quickly. It hindered the South's ability to gather resources, which reduced their ability to continue the war (and win). The

soldiers who committed atrocious acts were acting on their own will, and not Lincoln's.  
Therefore, Lincoln should not be held accountable.

## Table of Authorities

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Rome Statute Article 6(a)  
Rome Statute Article 6(b)  
Rome Statute Article 7(1)(a)  
Rome Statute Article 8(2)(a)(iv)  
Rome Statute Article 8(2)(b)(i)  
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Rome Statute Article 25(3)(b)  
Rome Statute Article 28(a)(i)  
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