

Lincoln, Animals, Books and Animal Law

By James F. Gesualdi, Esq.¹

Nearly a century and a half after his assassination, examination of Abraham Lincoln's life continues to provide illuminating lessons. A recently published and beautifully illustrated children's book, Ellen Jackson's [Abe Lincoln Loved Animals](#), (illustrated by Doris Ettlinger), sympathetically weaves together accounts of Lincoln and animals. This storybook and the underlying reports, many of which can be discovered online, (see, e.g., <http://home.att.net/~rjnorton/Lincoln17.html> and <http://www.abrahamlincolnsclassroom.org/Library/newsletter.asp?ID=126&CRLI=174>), provide an opportunity of learning more about Lincoln's love of animals (and his interactions with them) as well as how those experiences and his wisdom generally can be viewed through the context of the growing field of Animal Law today.

Beyond Lincoln's immeasurable greatness and well-documented compassion for fellow humans, this review is worthwhile because of the diverse experiences and interactions Lincoln had with animals. During his abbreviated lifetime, Lincoln was exposed to animals in the wild, including those he and his family hunted (though he apparently refused to hunt again after witnessing the death of the first turkey he shot), many that he observed, and some that he rescued. Lincoln's family apparently had some animals on their farm. Lincoln "used" and provided great care for his beloved horse "Old Bob" as he rode circuit to visit his clients. After Lincoln married and raised his own family, the Lincoln household (including the White House) was filled with pets including cats, kittens, dogs and later a turkey and even goats. In short, Lincoln's experiences with animals were as varied as imaginable and broader-ranging than the manner most people relate to animals today.

In a Spring 2003 article in [For the People](#) (a newsletter of the Abraham Lincoln Association), Thomas F. Schwartz notes, "Most recollections that relate to Lincoln's treatment of animals indicate that he was repulsed by animal cruelty whether inflicted by humans or other animals."

The Experiences in "Abe Lincoln Loved Animals"

As noted, Lincoln and his family made "use" of animals for food, transportation and companionship. For the most part, these animals were apparently well cared for and treated humanely. Lincoln was certainly concerned about animal welfare. He was also moved by animal suffering such as the death of the first turkey he shot, and engaged in anti-cruelty measures when he intervened to remove hot coals fellow students had placed on a turtle's shell.

Lincoln is also reported to have rescued baby birds while horseback riding, and to have asked troops to care for orphaned kittens he encountered while visiting General Grant during the Civil War.

The Lincoln family's many pets were often treated as family members. Upon being elected President, Lincoln placed the dog Fido in a neighbor's custody on condition that they provide good care. This was supposedly occasioned by concerns about Fido not being able to withstand the rigors of transport to Washington, D.C. (and all the luggage the Lincolns had to handle themselves). Fido

¹ James F. Gesualdi, Esq. is a solo practitioner in Islip, Long Island. His practice is concentrated on animal welfare law. He can be contacted at (631) 224-4801 or by email at jfges@aol.com.

is also a historically significant animal in that he was the first presidential pet ever to be photographed.

During his presidency, Lincoln's son Tad adopted a turkey he named "Jack". Upon hearing Jack might be used for food, Tad apparently interrupted Lincoln who eventually issued the first presidential pardon of a turkey.

Other Recent Writings On Lincoln and Animals

An almost accidental look at a few different publications from the recent wave of bicentennial-timed Lincoln volumes showcases some other aspects or complexities of his interactions with animals. William Safire's article, "Lincoln Monuments", in the February 8, 2009 issue of The New York Times Book Review, notes:

A publishing industry chestnut is that the three fields readers are most interested in are: (1) Lincolnmania; (2) medical books and (3) books about the care of pets; therefore, one surefire best seller would be "Lincoln's Doctor's Dog".

Fred Kaplan's critically acclaimed Lincoln: The Biography of a Writer, seems to have a number of references to animals in Lincoln's life. In one passage Kaplan writes that Lincoln "... was attracted to animals: cats and dogs, for whom he had a special tenderness; farm animals, whose labor and blood helped make crops grow and satisfied stomachs ...". Kaplan presents a Lincoln penned poem of the men, dogs and a bear involved in a hunt culminating in the bear's death and petty human squabbling over the bear's remains.

Yet another perspective can be drawn from the 1963 Oklahoma Court of Criminal Appeals case, Lock v. Falkenstine, 380 P.2d 278. The case is found in the opening chapter of Animal Law: Cases and Materials (Third Edition) by Sonia S. Weisman, Pamela D. Frasch and Bruce A. Wagman, currently in use in many Animal Law classes. The Lock case involves gamecock fighting and recites the following account attributed to Lincoln:

This highly controversial subject has been discussed pro and con for centuries. It is reported that Abraham Lincoln said to a group of citizens, who wished to wipe out gamecock fighting by Federal Law: "As long as the Almighty permitted intelligent men, created in his image and likeness, to fight in public and kill each other while the world looks on approvingly, it's not for me to deprive the chickens of the same privilege."

Lincoln's Life and Words and Animal Law

There are doubtless many more things to discover or re-discover about Lincoln and animals. For now, in closing this very preliminary foray into the subject, two wonderful lines from more expansive writings from Lincoln himself offer a glimpse of wisdom to advance Animal Law:

I shall try to correct errors when shown to be errors; and I shall adopt new views as fast as they shall appear to be true views ...

I do the very best I know how – the very best I can; and I mean to keep doing so until the end.

American Bar Association President H. Thomas Wells' February 2009 ABA Journal column, "A Lawyer at Heart", similarly outlined several applicable lessons from Lincoln's life as practicing lawyer:

"The leading rule for the lawyer ... is diligence ... Leave nothing for tomorrow which can be done today. Never let your correspondence fall behind."

"Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser: in fees, expenses and waste of time. As a peacemaker, the lawyer has a superior opportunity of being a good man. There will still be business enough."

© 2008 James F. Gesualdi, Esq.²

² Not for distribution or further publication without the prior express written permission of the author. Permission has been granted by the author for limited use in conjunction with NYSBA Law Day related educational activities.