

The Magnificent Yankee': A Future Jurist Records His Disillusionment With War

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Review

'THE MAGNIFICENT YANKEE'

A future jurist records his disillusionment with war

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Holmes, Oliver Wendell and Howe, Mark De Wolfe. *Touched with Fire: Civil War Letters and Diary of Oliver Wendell Holmes, Jr.* Fordham University Press, 2000-05-01. ISBN 823220168

On March 8, 1931, associate justice of the United States Supreme Court Oliver Wendell Holmes turned 90. He concluded a short radio address on that occasion by quoting a Roman poet: "Death plucks my ear and says, Live - I am coming."

With those words, Holmes was not only celebrating his longevity but recognizing his survival in the Civil War. Leaving Harvard during his senior year, Holmes was commissioned in the 20th Massachusetts Volunteer Regiment, in which he rose to the rank of captain. He was thrice wounded - first, in the chest at Ball's Bluff, then in the neck at Antietam, and finally in the foot at Chancellorsville.

Touched with Fire contains all of the Civil War letters Holmes wrote to his parents and the complete text of the only wartime diary that was found among his personal papers by Mark De Wolfe Howe, a secretary to Mr. Justice Holmes from 1933 to 1934. First published in 1946, the letters and diary are now reprinted with a new and informative introduction by David H. Burton. As a reprint, the photo illustrations suffer, but Holmes's drawings remain as clear as ever.

The letters cover the period from May 1861 to July 1864, during which Holmes participated in the Battle of Ball's Bluff, the Peninsula campaign, Antietam, Fredericksburg, and Chancellorsville, and served as aide-de-camp to General Horatio Wright.

The routine details of Holmes's wartime experiences underscore the fervor, enthusiasm, barbarity, and boredom of war. In passage after passage, his regiment is depicted as constantly marching between battles, making camp in the harsh elements, confronting the enemy, and witnessing losses in the ranks. Yet to Holmes, the War seemed contained in the space around him without any broad meaning. An April 1864 letter to Charles Eliot Norton expressed doubt about whether the War was "a crusade in the cause of the whole civilized world."

Holmes's growth from raw recruit to battle-scarred veteran and his journey from patriotic citizen to doubting soldier are clearly articulated in **Touched with Fire**. It is the story of all veterans in all wars, and that is why this well-written little book is such a valuable resource. In a personal sense, the letters and diary describe Holmes's contemporary reaction to his Civil War experiences and helps explain the essential place of the Civil War in his life.

Initially, Holmes's regiment was assigned picket duty on the Maryland side of the Potomac River where it could observe Confederate soldiers on the Virginia shore. Holmes wrote his mother in September 1861: "It seems so queer to see an encampment & twig men through a glass & think they are our enemies & hear of some of our pickets talking across and so on." He added, "All these things gave reality to life but I don't expect any fighting for the present." In October, his regiment was among those that crossed the Potomac in the ill-fated excursion that ended with the Union debacle at Ball's Bluff. Shot in the chest, Holmes convalesced at home and did not return to the field until March 1862.

Next engaged on the Peninsula, his regiment participated in the siege of Yorktown. After two months of inactivity, General Joseph E. Johnston counterattacked on June 25. Seven days of hard fighting later, the regiment retreated from the south side of the Chickahominy River to Harrison's Landing. In a June 2 letter, Holmes wrote: "It is singular with what indifference one gets to look on the dead bodies in gray clothes wh[ich] lie all around. . . . As you go through the woods you stumble constantly, and if after dark, as last night on picket duty, perhaps tread on the swollen bodies already fly blown and decaying, of men shot in the head back or bowels." And in a July 5 letter he wrote with war fatigue: "I'm too tired that is too mentally inefficient to write well but I've sent 2 notes before including a leaf of my pocket book written some time to you in case I was ever killed."

In September 1862 the regiment prepared for fighting near Sharpsburg, Maryland. Holmes's September 17 letter to his parents noted that "we're in reserve & near to [the enemy] and may fight today. . . . All of us feel a deuced sight more like a fight than in that forlorn peninsula." Fighting began and the enemy broke through on the regiment's left. Retreating with his men, Holmes was hit in the back of the neck, the ball "passing straight through the central seam of coat & waistcoat collar coming out toward the front on the left hand side." He was evacuated several times, and his father, Dr. Oliver Wendell Holmes, set out in search of his son and located him in Harrisburg, Pennsylvania. As Dr. Holmes describes their meeting in *My Hunt After "The Captain,"* the father finds his son in the first railroad car. The father smiles and puts out his hand, "How are you Boy?" "How are you, Dad?" came the reply.

Wounded again at Chancellorsville, Holmes returned to duty as a staff officer during the spring 1864 campaign. On May 6 he wrote, "Our H.Q. [headquarters] were exposed all day to pretty sharp artillery practice from 3 different directions." On May 8 Holmes "found woods afire & bodies of Rebs & our men just killed and scorching." By May 16, he had had enough. "I have felt for sometime that I didn't any longer believe in this being a duty & so I mean to leave at the end of the campaign . . . if I'm not killed before."

It was during the abortive attempt by General Early to attack Washington, D.C., from the north at Fort Stevens that the most celebrated incident of Holmes's wartime service allegedly occurred. President Lincoln had visited the fort on July 11 and again on July 12. On the second day, according to later accounts, the president was told, "get down you damn fool," by Captain Holmes. However, there is no mention of this incident in his diary and the two eyewitness accounts fail to mention Holmes as the soldier who roughly ordered the president to get down.

Holmes's feelings about his war experiences can be summed up in a June 1864 letter to his mother. He had "started in this thing a boy [and] I am now a man." He had enlisted in a burst of enthusiasm, had been three times shot only to be returned to the front, had been hospitalized with dysentery, and had reached a point in his service when "nearly every regimental off[icer] I knew or cared for is dead or wounded." Holmes's decision to leave the service rather than reenlist was a combination of desperation at having endured so much carnage and conviction that he had earned in battle the right to say "enough."

The Civil War retained much significance for Holmes. Like many soldiers before and since, he constantly called attention in his correspondence to the dates of the battles at which he had been wounded. He adopted military themes and metaphors in his writings. As he became further removed in time from the War he incorporated the culture of the professional soldier as part of his general philosophy. He graduated from law school, entered law practice in Boston, became an editor of the *American Law Review*, published an edition of Kent's Commentaries, wrote the Lowell Lectures (which became *The Common Law* in 1881), accepted a professorship at Harvard Law School, and resigned that position in 1882 to become associate justice of the Supreme Judicial Court of Massachusetts.

After Memorial Day had been created to honor the valor and courage of the soldiers on both sides of the conflict, Holmes was asked in 1884 to deliver an address for it at Keene, New Hampshire. He concluded that the new holiday "embodies in the most impressive form our belief that to act with enthusiasm and faith is the condition of acting greatly. To fight out a war, you must believe something and want something with all your might. . . . Through our great good fortune, in our youth our hearts were touched with fire."

This is an essential reference work in depicting how that patriotic fire turned to ashes. Holmes's memories would transcend the War and become an essential element in the psyche of one of America's greatest jurists.

Frank J. Williams is an associate justice of the Superior Court of the State of Rhode Island and founding chair of The Lincoln Forum. During the Vietnam War, Judge Williams served as an infantry advisor and rose to the rank of captain.