

## Book Reviews

### GRANT AND SHERMAN: THE FRIENDSHIP THAT WON THE CIVIL WAR<sup>1</sup>

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*We can learn from history how past generations thought and acted, how they responded to the demands of their time and how they solved their problems. We can learn by analogy, not by example, for our circumstances will always be different than theirs were. The main thing history can teach us is that human actions have consequences and that certain choices, once made, cannot be undone. They foreclose the possibility of making other choices and thus they determine future events.*<sup>3</sup>

#### I. Introduction

“In *Grant and Sherman: The Friendship that Won the Civil War*, Charles BraceLen Flood effectively retells the remarkable story of these two men and their relationship during the Civil War.”<sup>4</sup> From the battles of Fort Donelson, Shiloh, Vicksburg, and Chattanooga through Sherman’s March to the Sea and Grant’s offenses at the Wilderness, Spotsylvania, and Petersburg, Flood illustrates the impact that Grant and Sherman’s friendship had on the Union war effort.<sup>5</sup> While a Civil War historian might find Flood’s descriptions of military strategy and tactics lacking, the casual reader can easily follow Flood’s battlefield descriptions. Flood also weaves in numerous excerpts from Grant and Sherman’s personal correspondence. These letters further illustrate that the “partnership between these two leaders was unique . . . [and their] way to victory . . . was built on the mutual trust that their friendship inspired.”<sup>6</sup> Both Flood’s thesis regarding the importance of human dynamics, and his descriptions of Grant and Sherman, provide leadership and legal lessons applicable to today’s brigade judge advocate (BJA).

#### II. Leadership Lessons for the BJA

##### A. “Delegation is not abdicating responsibility; it is escalating it exponentially.”<sup>7</sup>

For the majority of the Civil War, Sherman, even when holding a command position, served in a subordinate capacity to Grant.<sup>8</sup> Sherman excelled under Grant’s leadership style. Grant did not micromanage Sherman. Instead, Grant issued Sherman broad guidance and then allowed him to develop his own plans on how to best implement that guidance.<sup>9</sup> Additionally, Grant delegated to Sherman sufficient authority to execute each plan.<sup>10</sup> For example, in 1864, Grant’s guidance to Sherman “was to go for Joe Johnston” while Grant “was to go for Lee.”<sup>11</sup> Sherman developed a bold plan to march

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<sup>1</sup> CHARLES BRACELEN FLOOD, *GRANT AND SHERMAN: THE FRIENDSHIP THAT WON THE CIVIL WAR* (2005).

<sup>2</sup> U.S. Army. Written while assigned as a Student, 55th Judge Advocate Officer Graduate Course, The Judge Advocate General’s Legal Center and School (TJAGLCS), U.S. Army, Charlottesville, Virginia.

<sup>3</sup> GERDA LERNER, *WHY HISTORY MATTERS: LIFE AND THOUGHT* 205 (Oxford University Press 1998) (1997).

<sup>4</sup> Ethan S. Rafuse, Book Review, *CIVIL WAR NEWS*, <http://www.civilwarnews.com/reviews/bookreviews.cfm?ID=833> (last visited June 20, 2007) (reviewing CHARLES BRACELEN FLOOD, *GRANT AND SHERMAN: THE FRIENDSHIP THAT WON THE CIVIL WAR* (2005)).

<sup>5</sup> FLOOD, *supra* note 1.

<sup>6</sup> *Id.* at 6.

<sup>7</sup> BIL HOLTON, *LEADERSHIP LESSONS OF ULYSSES S. GRANT: TIPS, TACTICS AND STRATEGIES FOR LEADERS AND MANAGERS* 45 (2000).

<sup>8</sup> FLOOD, *supra* note 1, at 285. Sherman refused to accept any command that might cause friction in his relationship with Grant. *Id.*

<sup>9</sup> *Id.* at 231.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

through the South.<sup>12</sup> Despite Grant's initial reservations with parts of Sherman's plan, he ultimately agreed with and supported it.<sup>13</sup>

In addition to delegating necessary authority, Grant also provided support when Sherman's plans failed to yield the desired results.<sup>14</sup> In late 1864, Sherman drafted a set of overly lenient terms of surrender.<sup>15</sup> Although Grant had received orders to assume command of Sherman's unit, he did not.<sup>16</sup> Instead, Grant issued Sherman new, clear, concise guidance in private and allowed Sherman to renegotiate the terms of surrender.<sup>17</sup> The combination of Grant's leadership style and friendship gave Sherman the confidence to accomplish this difficult task.

Like Grant, BJAs must develop their own leadership style. After transformation, BJAs find themselves placed in a leadership position similar to that of a staff judge advocate (SJA), but on a smaller scale. Not only must BJAs provide legal services to the brigade combat team (BCT), but they must also develop junior judge advocates (JAs) and paralegals. Brigade judge advocates must learn to delegate both responsibility and authority in order to handle the numerous legal issues in a BCT. Furthermore, BJAs must expect and accept that mistakes will occur. The BJA who accepts responsibility for his subordinate's mistakes, who takes appropriate corrective measures to fix such mistakes, and who provides training to prevent future mistakes, will foster a positive work environment. Like Sherman, subordinates repay that style of leadership by being loyal, accepting greater responsibilities, and striving to overcome the most difficult of challenges.

## B. Remain Objective. Don't Go Native

Contrary to Flood's thesis that Grant and Sherman's friendship contributed to the Union's success, the Battle of Chattanooga illustrates how their relationship, at points, endangered Union forces.<sup>18</sup> By the Battle of Chattanooga, Grant's personal fondness for Sherman was obvious to Grant's staff. While Grant was typically businesslike with his subordinates, Grant's staff noted that when Grant "talked to Sherman, he was 'free, affectionate, and good humored.'"<sup>19</sup> This noticeable affection for Sherman may have contributed to Grant's "uncharacteristic hesitation" when he "indecisively delayed a major attack"<sup>20</sup> during the battle to give "Sherman the chance to win the day."<sup>21</sup> Sherman's forces were unable to take their objective<sup>22</sup> and countless Soldiers were either captured or killed.<sup>23</sup> When Grant finally allowed another Commander to attack, the Union forces prevailed.<sup>24</sup> In this battle, Grant's friendship with Sherman appeared to cause Grant to lose his objectivity to the detriment of the overall mission.

Like Grant, BJAs may find that personal attachments to the BCT can impair their objectivity. The BJA may be tempted to "go native." After transformation, the BCT, not the office of the staff judge advocate (OSJA), is responsible for providing

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<sup>12</sup> *Id.* at 238-39. Sherman's vision pushed the outer limits of Grant's guidance. *Id.*

<sup>13</sup> *Id.* at 263, 267. Sherman knew that he needed Grant's approval and support to win political approval for his plan. *Id.* at 265.

<sup>14</sup> *Id.* at 336.

<sup>15</sup> *Id.* at 335-38. The terms were signed shortly after Lincoln's assassination when the government was in a state of heightened concern. *Id.* Some political figures "denounced Sherman as a traitor" for the lenient terms he offered. *Id.* at 339.

<sup>16</sup> *Id.* at 340.

<sup>17</sup> *Id.* at 345.

<sup>18</sup> *See generally id.* at 209-20.

<sup>19</sup> *Id.* at 208 (quoting WILLIAM S. MCFEELY, GRANT: A BIOGRAPHY 118 (1981) (quoting O.O. Howard, *Grant at Chattanooga*, in MILITARY ORDER OF THE LOYAL LEGION OF THE UNITED STATES, NEW YORK COMMANDRY, PERSONAL RECOLLECTIONS OF THE WAR OF THE REBELLION 248 (1st series, New York 1891))).

<sup>20</sup> *Id.* at 209.

<sup>21</sup> *Id.* at 216.

<sup>22</sup> *Id.* at 214-16.

<sup>23</sup> *See generally id.* (stating that Sherman's men "came under withering fire" and five hundred men were captured).

<sup>24</sup> *Id.* at 217-19.

administrative and logistical support to the brigade legal team.<sup>25</sup> In other words, the BCT feeds, shelters, transports, evaluates, and provides camaraderie to the brigade legal team.<sup>26</sup> The brigade commander is the primary client. Situations may arise where the BCT and division have differing intents for a specific legal matter. The BJA may be tempted to advocate the BCT's position out of a sense of loyalty. However, the BJA should attempt to remain neutral and give consideration to the Division's viewpoint. Since the OSJA remains the legal advisor to the general court martial convening authority, the BJA who remains objective and understands the interests of both the brigade and division, will ultimately serve his client more effectively.

### III. Legal Lessons for BJAs

#### A. Military Justice: Be Prepared to Serve Commanders in the Field

Maintaining good order and discipline is fundamental to the success of any military unit. When Grant first assumed command of the Twenty-first Illinois Brigade, he had "eleven days in which to turn [the] insubordinate mob into a unit."<sup>27</sup> Several of Grant's first orders highlight his emphasis on military justice. General Orders No. 5 prohibited fraternization between officers and Soldiers.<sup>28</sup> General Orders No. 8 required all personnel to behave as Soldiers when in camp and as gentlemen when outside the camp.<sup>29</sup> Soldiers who violated acceptable norms were punished swiftly.<sup>30</sup>

The importance of good order and discipline remains a constant between Grant's tenure in command and today's military.<sup>31</sup> Therefore, military justice remains a primary duty for BJAs. Commanders expect JAs to resolve military justice matters swiftly and with minimal impact on their units.<sup>32</sup> To accomplish this task, BJAs must be able to process military justice actions as far forward as Soldiers are deployed.<sup>33</sup> However, BJAs cannot ignore the plethora of legal issues likely to arise from rear provisional units.<sup>34</sup> The BCT paralegal noncommissioned officer in charge (NCOIC) and the BJA must develop an internal manning plan that effectively divides both talent and personnel between forward and rear units. By ensuring that military justice matters, from both forward and rear units, are resolved efficiently, the BJA allows commanders to focus on other critical aspects of their mission.<sup>35</sup>

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<sup>25</sup> See generally U.S. DEP'T OF ARMY, FIELD MANUAL 3-90.6, THE BRIGADE COMBAT TEAM paras. 2-28, 2-30, 2-32, & 2-36 (4 Aug. 2006) [hereinafter FM 3-90.6] (identifying the roles and responsibilities of specific members of the brigade combat team staff).

<sup>26</sup> *Id.*

<sup>27</sup> FLOOD, *supra* note 1, at 45.

<sup>28</sup> *Id.* at 63.

<sup>29</sup> *Id.* at 46.

<sup>30</sup> *Id.*

<sup>31</sup> See generally MANUAL FOR COURTS-MARTIAL, UNITED STATES pmbl., para. 3 (2005) (discussing the purpose of military law).

<sup>32</sup> See generally CENTER FOR MILITARY LAW AND OPERATIONS, THE JUDGE ADVOCATE GENERAL'S LEGAL CENTER AND SCHOOL, U.S. DEP'T OF ARMY, FORGED IN THE FIRE: LEGAL LESSONS LEARNED DURING MILITARY OPERATIONS 1994-2006, at 270 (1 Sept. 2006) [hereinafter FORGED IN THE FIRE] (discussing military justice in a deployed environment).

<sup>33</sup> *Id.*

<sup>34</sup> E-mail from Major Karin Tackaberry, Student, 55th Judge Advocate Officer Graduate Course, TJAGLCS, U.S. Army, Charlottesville, Virginia, to author (May 22, 2007, 19:45:20 EST) (on file with author) (discussing her experiences in military justice when the 82nd Airborne Division deployed in support of Operation Iraqi Freedom).

<sup>35</sup> *Id.*

## B. Operational Law: In the Absence of Law, Understand Policy

Both Grant and Sherman realized that “military matters were intertwined with politics.”<sup>36</sup> By 1864, the U.S. civilian population was growing tired of the war and the ever increasing number of casualties.<sup>37</sup> Politicians understood the potential impact of anti-war sentiments on the upcoming presidential election.<sup>38</sup> Therefore, some strategic military decisions required political approval.<sup>39</sup> To be effective commanders, Grant and Sherman had to be cognizant of not only the close fight, which was engaging the enemy on the battlefield, but also of the deep fight, which was garnering and maintaining public support. Grant and Sherman spent time on the close fight, by developing plans, observing battles, and directing reactions to the enemy’s actions; and they spent time on the deep fight, by keeping abreast of news and current events.<sup>40</sup>

Operational law issues occasionally involve the implementation and interpretation of policy rather than the strict application of the law.<sup>41</sup> As a member of the commander’s personal staff,<sup>42</sup> the BJA serves as a counselor to the commander and is subject to rules of professional responsibility.<sup>43</sup> To provide counsel on operational law issues, the BJA must first be able to spot the issue, which requires being integrated with the brigade staff. Next, the BJA must be able to make appropriate recommendations. As a counselor, the BJA should consider the second and third order effects of each potential recommendation.<sup>44</sup> Recommending appropriate and effective solutions requires the BJA to take time, like Grant and Sherman, to keep abreast of current events from the local, national, and international levels.

## C. Administrative Law: Investigations and the Deployed BJA

By the time Sherman marched his unit through the South, from Atlanta to Savannah, most of his Soldiers were combat veterans.<sup>45</sup> Sherman used these Soldiers to wage “war upon everything in his path, [including] the countryside itself.”<sup>46</sup> At times, their actions may have blurred the line between lawful foraging and illegal pillaging.<sup>47</sup> While Sherman did support some of his unit’s destruction of civilian infrastructure, he also “drew a line” beyond which he considered conduct criminal. Some of the actions taken by his Soldiers became “the subject of endless argument and investigation.”<sup>48</sup>

Similarly, BJAs must always be attuned to the conduct of Soldiers within the BCT and be prepared to provide the commander with an honest, candid recommendation of when to initiate an investigation. While it is true that “99.9 percent, [of Soldiers] serve with honor, there are a small number of individuals who sometimes choose the wrong path.”<sup>49</sup> As the conflicts in Afghanistan and Iraq lengthen and individual Soldiers rotate through their second, third, or fourth combat tours,

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<sup>36</sup> FLOOD, *supra* note 1, at 61.

<sup>37</sup> *Id.* at 248.

<sup>38</sup> *Id.*

<sup>39</sup> *Id.* at 265.

<sup>40</sup> *See generally id.* at 175-76, 262, 348 (discussing times during the course of the war where Sherman and Grant were observed reading the newspaper).

<sup>41</sup> *See generally*, FORGED IN THE FIRE, *supra* note 32, at 39-46 (discussing the application of policy in detainee operations).

<sup>42</sup> FM 3-90.6, *supra* note 25, para. 2-32.

<sup>43</sup> U.S. DEP’T OF ARMY, REG. 27-26, LEGAL SERVICES: RULES OF PROFESSIONAL CONDUCT FOR LAWYERS (1 May 1992) (defining the role of a counselor as, “a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social, and political factors, that may be relevant to the client’s situation, but not in conflict with the law.” *Id.* Rule 2.1 at 17).

<sup>44</sup> *See generally* FM 30-90.6, *supra* note 25, para. 1-13 (recognizing that “[m]ost countries view US national will as its strategic center of gravity.”).

<sup>45</sup> FLOOD, *supra* note 1, at 268.

<sup>46</sup> *Id.* at 264.

<sup>47</sup> *Id.* at 269-72.

<sup>48</sup> *Id.*

<sup>49</sup> *See* Video Teleconference Interview by Bryan Whitman with Brigadier General Donald Campbell, Chief of Staff, Multi-National Corps—Iraq, in Baghdad (June 2, 2006) [hereinafter Campbell Interview] (transcript available at <http://www.defenselink.mil/transcripts/transcript.aspx?transcriptid=6>).

the potential for misconduct appears to increase.<sup>50</sup> Complete, thorough, and timely investigations serve as a shield to protect the majority of Soldiers who do the right thing and as a potential sword against the minority of Soldiers who commit misconduct. Brigade judge advocates should help foster a command climate that accepts investigations as a means of bringing transparency to the unit's activities. The BJA must be willing to question reports that appear inaccurate or implausible.<sup>51</sup> Finally, the BJA must maintain high standards so investigations, which can number one a day at the brigade level, are thorough enough to withstand scrutiny from superior commands, the media, and other JAs who may use the investigation as the basis for future adverse action.

#### D. Legal Assistance: Meaningful Work for the Deployed BJA

At times, it may be easy to forget that Soldiers, before they joined the military, while they are in the military, and after they retire, are members of a family other than the military.<sup>52</sup> Flood devotes several passages to portraying both Grant and Sherman as devoted husbands and fathers.<sup>53</sup> Both men had a son who was a frequent visitor to their respective front line headquarters.<sup>54</sup> Both leaders valued correspondence with their wives.<sup>55</sup> Family support provided each leader an additional measure of strength to confront and overcome professional challenges.<sup>56</sup>

Similarly, in today's military, family members can keep Soldiers grounded. While family support can help Soldiers remain mission-focused, the existence of legal issues at home "often [has] a negative impact on a service member's performance of duty and morale, regardless of rank."<sup>57</sup> Therefore, BJAs must provide accessible, responsive legal assistance to deployed Soldiers.<sup>58</sup>

#### IV. Conclusion

Understanding "history is a combat multiplier."<sup>59</sup> Flood illustrates that there is more to military history than strategy and tactics. Flood focuses on the impact that human dynamics and personal relationships can have on the battlefield. Amidst the other leadership and legal lessons in Flood's work, the basic premise of Grant and Sherman's friendship reminds the reader of the importance of friends and mentors. Having experienced the value of their friendship, both Grant and Sherman "knew that the other made him more than what he was before they met."<sup>60</sup> Therefore, at its core, this work reminds BJAs of the importance of developing a friend or mentor who will help them develop as a Soldier and lawyer.

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<sup>50</sup> See generally *id.* (identifying ongoing investigations into local national deaths in the villages of Haditha, Hamandiyah, and Ishaqi, Iraq).

<sup>51</sup> See generally Paul Von Zielbauer, *The Reach of War: Lawyers on Haditha Panel Peer into Fog of War*, N.Y. TIMES, May 16, 2007, at A1 (discussing the Article 32 hearing for Marine lawyer charged with dereliction of duty for failing to ensure the unit conducted an investigation into the deaths of twenty-four civilians in Iraq). This may include recommending initiation of investigations based on allegations raised by local nationals. See Campbell Interview, *supra* note 49.

<sup>52</sup> See generally, FLOOD, *supra* note 1, at 275, 277 (discussing the importance of family).

<sup>53</sup> *Id.* at 47, 49, 60, 82, 163, 181 (noting times Grant's son Fred visited his father to gain a greater understanding of Grant's role in the military); *id.* at 192, 197-201 (discussing Sherman's son William, who visited his father near the front lines, and was made an honorary sergeant of the Thirteenth Infantry battalion before his untimely death).

<sup>54</sup> *Id.*

<sup>55</sup> HOLTON, *supra* note 7, at 58 (stating that for Grant, "no pressure of official duties was ever permitted to interrupt" his correspondence with his wife) (quoting HORACE PORTER, *CAMPAIGNING WITH GENERAL GRANT* (1991)).

<sup>56</sup> See generally FLOOD, *supra* note 1 (referencing numerous letters between Ulysses S. Grant and Julia Grant; and between William Tecumseh Sherman and Ellen Sherman).

<sup>57</sup> FORGED IN THE FIRE, *supra* note 32, at 249.

<sup>58</sup> *Id.*

<sup>59</sup> *10th Mountain Division* (Military Channel television broadcast Sept. 1, 2006) (quoting Major General Lloyd J. Austin, Commanding General, 10th Mountain Division (Light Infantry), Fort Drum, New York).

<sup>60</sup> FLOOD, *supra* note 1, at 402.