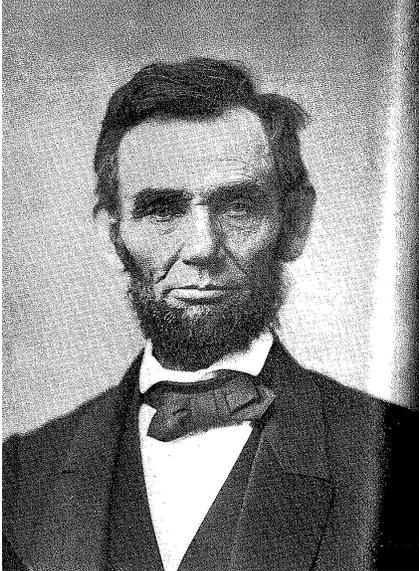


Abraham Lincoln and Our Constitution

by Honorable Stephen S. Trott
Judge, Ninth Circuit Court of Appeals



Every so often, a person of extraordinary character emerges during dark times in our nation to take the reins of our destiny and guide us to a brighter future. In modern times, Presidents Franklin Roosevelt, Harry Truman, Dwight Eisenhower, and Ronald Reagan were such leaders, as were General George Marshall, Martin Luther King, Jr., and Charles Hamilton Houston, the African-American Harvard Law School graduate who laid the groundwork for Brown v. Board of Education, the case that broke the legal chains of our past and paved the way for the election of our first African-American President, Barack Obama. We need such people if we expect to achieve our national aspirations, because our Constitution is not self-executing, and it requires a steady hand at the tiller of our ship of state.

In 1860, Abraham Lincoln stepped forward to assume this leadership role. He came from humble beginnings to avert the unthinkable possibility that free government of, by, and for the people might perish from the Earth. If George

Washington was our nation's Founder, Abraham Lincoln surely was its Savior.

In 1909, Leo Tolstoy, the great Russian literary figure and keen observer of history and human nature, described Lincoln to one of New York City's leading newspapers. This is what he said:

“The greatness of Napoleon, Caesar, or Washington is only moonlight by the sun of Lincoln. He was a humanitarian as broad as the world. His example is universal and will last thousands of years. . . . He was bigger than his country—bigger than all the Presidents together. . . . and as a great character, he will live as long as the world lives.”

—Leo Tolstoy, *The World*, New York, 1909

Some of the methods and consequences of Lincoln's monumental accomplishments, however, are hard to contemplate. He prosecuted a bitter and bloody unrelenting war against his countrymen -- our Civil War -- during which more than 620,000 Americans would die. Was the Civil War necessary? What did it accomplish? Was it worth the sacrifice and bloodshed? Some of his contemporaries complained that during the war Lincoln became a lawless tyrant. Were they correct? What does this history teach us about our nation today and about the type of leadership we need to get us through to tomorrow?

Let's begin our journey into this chapter of American history with Lincoln the man.

I



At 6'4" tall, Abraham Lincoln's arms were too long for his sleeves, and his pants too short for his legs. With his stovepipe hat, he towered over his contemporaries. When standing straight and letting his arms fall to his sides, the tops of his fingers would touch a point on his legs nearly three inches lower than was usual with other

persons. He never combed his hair, preferring instead just to brush it back with his fingers. The poet Walt Whitman said his face was "so awful ugly it becomes beautiful."

Lincoln loved to tell stories. When so engaged, his expression would brighten, his eyes would sparkle, and he would end with an unrestrained laugh in which everyone present, willing or unwilling, was compelled to take part. His charisma was unmistakable.

Many of his tales were in the style of parables, stories designed to make or to illustrate a point. He did so in a way that made his message impossible to forget. Once, to explain to a group of anxious admirers why he would not offer an answer in response to hypothetical "what if" questions, he said, almost as if it were a bedtime story,

Many years ago, when I was a young lawyer, and Illinois was little settled, I, with other lawyers, used to ride the circuit. Once, a long spell of pouring rain flooded the whole country, transforming small creeks into rivers. Ahead of us was Fox River, larger than all the rest, and we could not help saying to each other, 'If these small streams give us so much trouble, how shall we get over Fox River?' Darkness fell before we had reached that stream, and we all stopped at a log tavern, had our horses put up, and resolved to pass the night. Here we encountered the Methodist Presiding Elder of the circuit, who rode in all weather, knew all its ways, and could tell us all about Fox River. So we all gathered around him, and asked him if he knew about the crossing of Fox River. 'O yes,' he replied, 'I know all about Fox River. I have crossed it often, and understand it well. But I have one fixed rule with regard to Fox River: *I never cross it till I reach it!*'

Compare this to modern politicians, who simply say, “I don’t answer hypothetical questions.”

Lincoln reckoned that the aggregate of his formal schooling did not amount to one year. When confronted with a questionnaire asking him to list his education, he filled it out with one word: “defective.” Yet this remarkable self-taught lawyer, this rough specimen of a human being, born in Hardin County, Kentucky on February 12, 1809, who recited Shakespeare to learn elocution, and who taught himself Euclidean geometry, emerged from our rugged Frontier to save our young nation, and to preserve not only for us, but for all of humankind the cherished values upon which the United States was founded: liberty, self-government, the rule of law, human equality, opportunity, and recognition of individual rights.

II

In our Declaration of Independence, our forefathers proclaimed as self-evident truths that “all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and the Pursuit of Happiness.” The Founders asserted that “to secure the rights, governments are instituted among Men, deriving their just powers from the consent of the governed.” But, as a matter of political expediency and awful

compromise, lurking in our Constitution as an unlit fuse was a fundamental flaw, or birth defect, if you will, that would threaten to derail our ancestors' lofty aspirations. That malignant defect was our infant nation's acceptance of the enslavement of an entire race.

At the time of the adoption of the Constitution, our ancestors held 567,000 persons in bondage, a number that would grow to 4,000,000 by 1861 when Lincoln took office. In oblique but purposeful language, Section 9 of Article I of the Constitution permitted the continuation of the importation of slaves for at least twenty years after its enactment; and Section 2 of Article IV said, "No person held to service or labour in one state, under the laws thereof, escaping into another shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up on claim of the party to whom such service or labour may be due." Between the Declaration of Independence and its political embodiment in the Constitution twelve years later, the ideal of inalienable rights and the equality of all men had fallen by the wayside, leaving us with a serious moral contradiction at our core.

However, although slaves were excluded from social and political participation in the affairs of our country, Southerners used them not only to toil in their fields, but, with considerable irony, as a source of disproportionate voting

power in the federal government in favor of slave states. Southerners insisted during the convention in Philadelphia that slaves be counted in the determination by population of the number of representatives to which a state would be entitled in Congress, as well as in the Electoral College that chooses our President, albeit at a rate of one slave counting only as three-fifths of a free white person. Consequently, the three-fifths provision gave slave states 20 to 45 more representatives in the House than their voting population would support. With the allocation of two senators to each State regardless of population, the South had more voting power in the Senate than the South's smaller voting population alone would have justified. Moreover, combined representation in the House and the Senate gave slave states at least 30 more electoral votes for the Presidency than they would have been entitled based on their voting population. Look at it this way. A single slave owner who owned 200 slaves counted as 121 people in the determination of House as well as Electoral College representation.

Thus, Southerners and slave states created for themselves potent political power in our federal government that would enable them for 80 years to protect slavery and their way of life. As of 1854, out of twelve Presidents elected, only four were from the North, and five out of the nine justices on the Supreme Court were from the slave states, including Chief Justice Roger Taney, who wrote the

Dred Scott Decision in 1857, holding that Blacks were not citizens and had no rights at all, and that Congress had no power to ban slavery. The slave states were even able to get through Congress a law banning the sending of abolitionist material through the U.S. Mail.

III

In the beginning, slavery existed all across colonial America, but it slowly diminished in the North, mostly because it did not pay. Free labor was more productive than slave labor. By the end of the 18th Century, many Americans, North and South alike, considered that eventually slavery would go out of existence everywhere. But in 1793, the Yankee Eli Whitney invented the cotton gin -- a simple device which increased fifty fold the production of cleaned cotton, and the demand exploded for slaves to work the machines. The world just then was developing an almost limitless appetite for cotton, and in the deep South, enormous quantities of profitable cotton could be raised cheaply with slave labor. By 1860, the United States was producing 2.3 billion pounds of cotton a year, both for domestic use, and for export.

The numbers speak for themselves. In 1800, the United States had exported \$5,000,000 worth of cotton -- only 7 percent of the nation's total exports. By 1810 this figure had tripled, by 1840 it had risen to \$63,000,000, and by 1860,

cotton exports were worth \$191,000,000 -- 57 percent of the value of all American exports. Cotton was King. The South and its 75,000 cheap labor cotton plantations had become a cotton empire. Nearly four million slaves were employed, and slavery was an essential element in Southern prosperity. Some plantations specialized in the breeding of slaves, which was also a lucrative business. The dollar value of the slaves was estimated at \$2 billion. Slavery, human bondage, had become embedded in the economic fabric of our nation and had become the foundation of a distinctive social order. As a consequence, it took the bloodiest war then on record -- our Civil War -- to begin to extract slavery by its roots and to rescue us from that stain on our claim to republican democracy. More American men died in the Civil War than in WWI, WWII, and Korea combined, officially 623,026 -- not to mention just as many left blind, maimed, and disfigured, or the countless widows and orphans left in its bloody wake.

Incidentally, let us not fall into the trap that the South was solely to blame for slavery, and that the North was innocent. In fact, as the book "Complicity" demonstrates, northern states and Northerners promoted, prolonged, and profited greatly from the institution. Massachusetts was the first colony to give legal recognition to slavery, in 1641. New York, Boston, Providence, and New London, Connecticut were heavily involved in the importation of massive numbers of

slaves. Rhode Island alone launched nearly 1,000 voyages to Africa, carrying at least 100,000 captives back across the Atlantic. In 1776, 5,000 Africans were enslaved in Connecticut. John Brown who founded Brown University was a rich slave merchant. By 1860, New England alone was home to 472 cotton textile mills, which were the basis of its economy and dependent on raw material from the South. The Lehman Brothers in New York, until recently a prominent international financial institution, started out as cotton brokers in Alabama. J. Pierpont Morgan and John Jacob Astor got rich off of cotton. Charles Tiffany opened his store with cotton money from his father. Northern merchants, shippers, and financial institutions, many based in New York City, were crucial players in every phase of the cotton rage. In fact, our exploding national wealth and prosperity during the 19th Century can be directly traced to our cotton-driven economy. We were becoming a world power on the back of cotton, and on the backs of slaves. Lincoln was aware of this aspect of the problem, saying, "How unhesitatingly we all use cotton and sugar and share their profits in dealing with it." Slavery was an American institution, not just a southern one.

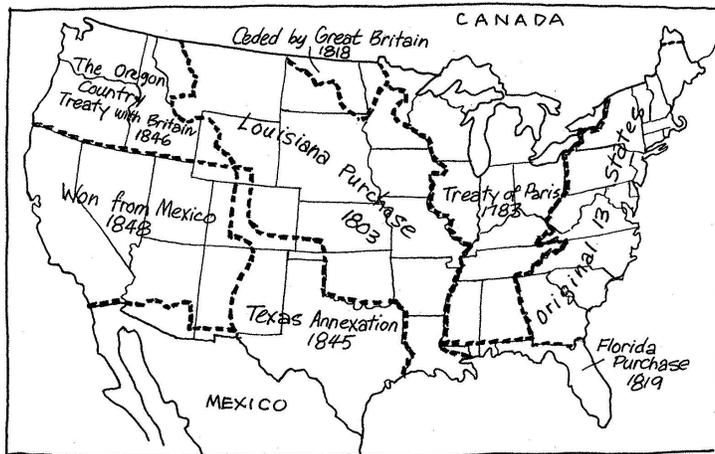
But, Abraham Lincoln and his followers -- and there were many -- came to our rescue, and by virtue of his uncommon personality, determination, and vision, and his wisdom, decency, skill, and humanity, he led the successful effort to win

the Civil War, to save the Union, and to end slavery and to preserve freedom.

Sadly, guns as well as ideas and moral principles had to complete the intellectual work of the Founders of our Nation.

Let us set the stage, for the Civil War, for Lincoln was a product of his time as well as the architect of the future.

IV



The fuse of the Civil War, which lay dormant in our Constitution from its ratification, was ignited in 1803 -- six years before Lincoln's birth -- when President Jefferson bought the

Louisiana Purchase from Napoleon and France for \$15 million, opening up vast new lands in the interior. Between 1803 and 1845, the United States would triple in size. Would new states admitted to the Union be free states, or would they be slave states? This became an incendiary national issue. Northern abolitionists fought for the former, but the South pushed for the latter to ensure that they protected their flank in Congress and thus their comfortable and lucrative social order and way of life. Political power in Congress was constantly in the balance.

The first political battle spawned by the Louisiana Purchase occurred in 1819 when Missouri asked for admission to the Union as a slave state. Senator Henry Clay of Kentucky temporarily solved the resulting dispute with his Missouri Compromise of 1820, which allowed Missouri's admission as a slave state, but divided the rest of the Louisiana Purchase along a line drawn at 36° 30' (36 minutes, 30 seconds) latitude, the southern border of that state. The Compromise stipulated that all new territories organized north of that line could be admitted to the Union only as free states, but all to the south could be admitted as slave.

The uneasy political calm brokered by the Missouri Compromise started to shatter in 1835 when American settlers in what is now the state of Texas precipitously declared independence from Mexico, creating for themselves an independent slave republic. Texas was then admitted to the Union in 1845 as a slave state, touching off a successful war with an angry Mexico in 1846. That conflict resulted in our forcible acquisition from Mexico of what is now New Mexico, Utah, Arizona, Nevada, parts of Colorado and Idaho, and California -- called the "Mexican Cession." The door to the greater Southwest was now open for slavery below 36° 30', all the way to the Pacific Ocean. If new states opted for slavery, as had Texas, the free states would be overwhelmed in Congress and the Electoral College.

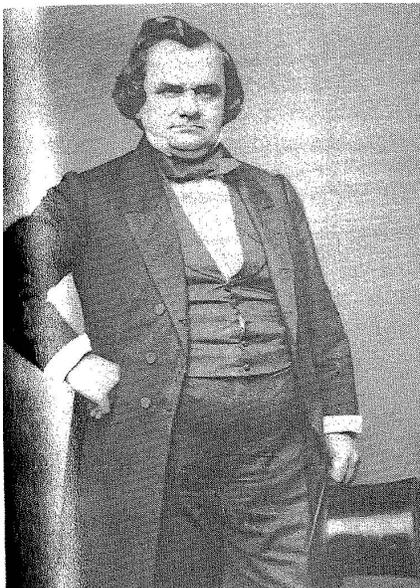
However, President Tyler stepped in and proposed that California and New Mexico be admitted as free states, igniting heated resistance from the South in Congress. Once again, a 72 year old Henry Clay stepped forward, this time with the Compromise of 1850, which did admit California as a free state, but left the rest of the Mexican Cession open to the people of those territories to decide whether to enter as free or slave. The facially attractive rationale behind this Compromise, championed in Congress by Illinois Senator Stephen Douglas, was “popular sovereignty” -- let the people themselves decide, a principle embraced and marketed since the Presidency of Andrew Jackson (1829 - 1837) as the great fundamental hallmark of self-government and political freedom. Of course, the slaves whose fate was being decided had no say on the issue.

CAUTION!!
COLORED PEOPLE
OF BOSTON, ONE & ALL,
You are hereby respectfully CAUTIONED and advised, to avoid conversing with the **Watchmen and Police Officers of Boston,**
For since the recent ORDER OF THE MAYOR & ALDERMEN, they are empowered to act as
KIDNAPPERS
AND
Slave Catchers,
And they have already been actually employed in **KIDNAPPING, CATCHING, AND KEEPING SLAVES.** Therefore, if you value your **LIBERTY,** and the *Welfare of the Fugitives* among you, *Shun* them in every possible manner, as so many **HOUNDS** on the track of the most unfortunate of your race.
Keep a Sharp Look Out for KIDNAPPERS, and have TOP EYE open.
APRIL 24, 1851.

At the same time Congress adopted the Compromise of 1850, they enacted also the Fugitive Slave Act of 1850, which was intended to appease the South. The Act made any federal marshal or official who did not arrest an alleged runaway slave liable to a fine of \$1,000, a huge amount of money in the 19th Century. A suspected slave could not

ask for a jury trial or testify on his or her own behalf. Any person aiding a runaway slave was subject to six-months imprisonment or a \$1,000 fine. Officers who captured fugitive slaves were entitled to a bonus for their work; and because free blacks had no right to defend themselves in court, the Act resulted in many free blacks in the North being kidnaped and sold into slavery.

The Fugitive Slave Act inspired Harriet Beecher Stowe to write “Uncle Tom’s Cabin,” a popular book that generated ardent support for the abolitionist movement in the North, and deep resentment in the South. With eight power presses in Boston running twenty-four hours a day, sales of the book roared past 300,000 copies by the end of 1853. “Uncle Tom’s Cabin” became the best-selling novel of the 19th Century, and the Century’s second-best selling book, second only to the Bible.



Emboldened by his legislative success with the Compromise of 1850, Senator Stephen Douglas, whose ambition it was to be President, then successfully introduced in Congress in 1854 a Bill known as the Kansas-Nebraska Act, which flatly repealed the Missouri Compromise of 1820 in the northern parts of the Louisiana Purchase, and

substituted in its place “popular sovereignty,” opening up the possibility of slave states in that territory, indeed everywhere in the Nation. The popular slogan again was, “Let the people decide!” In a flash, Douglas had reopened the fight over the balance of political power. The Kansas-Nebraska Act set the stage for a violent clash of extremists in that new territory, and for that matter, throughout the Nation. Two competing governments sprang up in Kansas, one slave and one free.

The demon slavery was on full march in the West. No longer might slavery be just a historical embarrassment, it threatened politically and permanently to prevail throughout the nation. Would the United States and the dream of democracy disappear? Was fate to write that popular government and its most hopeful experiment would perish from the Earth?

V

So, where was Lincoln during all of this terrible commotion? Where was the man who would step forward and save us from our darkest hour?

After his youth spent at manual labor in Kentucky and Indiana, Lincoln ended up in 1830 in Illinois where he worked as a flatboat pilot on the Mississippi River, opened a “whiskey shop” (which failed), became the postmaster in New Salem, and worked as a surveyor for the country road commission. Then at the age of 25, he successfully ran for Illinois state office as a representative. Along

the way, he began to study law, and he earned, without going to law school, his license to practice on September 9, 1836.

Ten years later, after becoming a successful lawyer and earning the nickname “Honest Abe,” Lincoln was elected to Congress, where he served one uneventful term. His brief early moment in the sun came when he challenged President Polk’s assertion that Mexican aggression started the Mexican War when Mexico invaded U.S. Territory, which Lincoln exposed as a pretext for imperial conquest. In truth, the Mexican War was no more than a land grab, justified by those responsible by the doctrine of “manifest destiny.” Yet another convenient slogan. Also, Lincoln introduced a failed bill designed to abolish slavery in the District of Columbia. But, Lincoln did not catch “Potomac Fever,” and by 1849, Honest Abe was back in Springfield, practicing law.

Lincoln’s nickname, “Honest Abe,” reflected his approach to his profession. In a lecture on the law, he wrote these compelling words:

There is a vague popular belief that lawyers are necessarily dishonest. I say vague, because when we consider to what extent confidence and honors are reposed in and conferred upon lawyers by the people, it appears improbable that their impression of dishonesty is

very distinct and vivid. Yet the impression is common, almost universal. Let no young man choosing the law for a calling for a moment yield to the popular belief – resolve to be honest at all events: and if in your own judgment you cannot be an honest lawyer, resolve to be honest without being a lawyer.

The source of Lincoln’s animosity towards slavery stemmed from his belief that slavery was not only immoral, but that it violated God’s law of the equality of humankind. Lincoln was not a churchgoing man, but he was as deeply religious as they come. He knew every line of the Bible. In a debate with Stephen Douglas on the morality of slavery, Lincoln asked Douglas if Douglas believed in God and the Bible. “Of course,” thundered, Douglas, “every word of it!” “Then,” said Lincoln, “I suppose you believe in the Golden Rule, ‘do unto others as you would have others do unto you’?” Douglas answered, “Yes,” to which Lincoln replied, “Then I suppose you are ready to become someone’s slave, as you would do unto him.” Douglas, known as the “little giant,” was silent. This exchange was among countless other statements Lincoln made on the subject, which reveal the religious source of his fierce determination to end this evil practice.

Lincoln not only talked the talk, he walked the walk, as demonstrated by his personal meetings with Frederick Douglass, a former slave and leader of black Americans. Douglass, a leading abolitionist, said of his encounters in the White House with the President,

I was never more quickly or more completely put at ease in the presence of a great man than in that of Abraham Lincoln, . . . He treated me as a man; he did not let me feel for a moment that there was any difference in the color of our skins. . . . In all my interviews with Mr. Lincoln, I was impressed with his entire freedom from popular prejudice against the colored race. In no instance did he remind me of the difference between himself and myself, of the difference of color. . . . He was the first President to show any respect for the rights of blacks as men.

The Kansas-Nebraska Act, shepherded through Congress by Senator Douglas, infuriated Lincoln, as had the companion Fugitive Slave Act. He strongly believed in our right to self-government, but not at the expense of a whole

race of human beings. To Lincoln, slavery was a basic moral and a religious issue, not something that could be countenanced either by human politics or decided at the ballot box.

Accordingly, Lincoln decided in 1855 to re-engage and to run again for the Senate for Illinois' other seat, not for the seat not held by Stephen Douglas, an election that would be held in the Illinois Legislature, as required at that time by the Constitution. Given the high stakes for the country, Lincoln wanted back in the game.

When Douglas showed up to support Lincoln's opponents, Lincoln followed a Douglas campaign speech in Peoria with a torchlight speech of his own a speech which invokes the Declaration of Independence and foreshadows what he said eight years later in 1863 at Gettysburg. He told his audience,

No man is good enough to govern another man without that other's consent. I say this is the leading principle – the sheet anchor of American republicanism, and the relation of masters and slaves is, pro tanto, a violation of this principle.

. . . Near eighty years ago, we began by declaring that all men are created equal; but now, from that

beginning we have run down to the other declaration that for some men to enslave others is a ‘sacred right of self-government.’ Instead of promoting slavery, it is time to admit that slavery violates the noblest political system the world ever saw.

Our republican robe is soiled, and trailed in the dust. Let us re-purify it. Let us turn and wash it white, in the spirit, if not the blood, of the Revolution. . . . Let us re-adopt the Declaration of Independence, and with it, the practices and policy which harmonize with it.

Lincoln lost the election in 1855, but he remained determined to fight slavery and to save the Union, which he believed was in dire jeopardy.

In the meanwhile, widespread violence broke out in Kansas, as a pro slavery army burned the anti-slavery capitol in Lawrence. The violence was so pronounced that Kansas became known as “Bleeding Kansas,” foreshadowing what was about to come to the nation. Popular sovereignty and the Kansas-Nebraska Act had proved to be a recipe for division, bloodshed, and disaster.

It was at this point that a southern dominated Supreme Court decided the infamous Dred Scott case, holding that Congress had no power to ban slavery in new territories, and withdrawing slaves from the protection of the Constitution. Slaves had neither legal rights nor standing. The decision was gasoline to the flame.

In 1858, Lincoln announced again for the Senate, this time for Douglas's seat. He immediately went on the offensive against (1) the Kansas-Nebraska Act, (2) the idea that popular sovereignty could spread slavery, and (3) against Douglas himself. It was here that he made his famous "house-divided" speech in Illinois at a convention of the newly formed Republican Party in which he said,

We are now far into the fifth year, since [the Compromise of 1850] was initiated with the avowed object, and confident promise, of putting an end to slavery agitation. Under the operation of that policy, that agitation has not only not ceased, but has constantly augmented. In my opinion, it will not cease until a crisis shall have been reached, and passed. A house divided against itself cannot stand. I believe this government cannot endure, permanently half slave and half free. I do

not expect the Union to be dissolved – I do not expect the house to fall – but I do expect it will cease to be divided. It will become all one thing, or all the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in course of ultimate extinction; or its advocates will push it forward, till it shall become alike lawful in all the States, old as well as new – North as well as South.

The Convention went wild. Some predicted that the speech would make Lincoln president, but others -- including virtually all Southerners -- saw it as a menacing prediction that war against the South was inevitable.

Lincoln immediately challenged Douglas to a series of debates -- seven in number, held in the various Illinois state congressional districts. These debates, known as the Lincoln-Douglas debates, propelled Lincoln to national recognition as well as prominence in the fledgling Republican Party, which was barely one-year old and which was forged in large measure to oppose slavery. In these three-hour engagements, Douglas vigorously defended popular sovereignty as a

hallmark of self-government and accused Lincoln of intending to wage war against the South. Lincoln responded with a ringing condemnation of slavery as a moral wrong that, if not extinguished, must be permanently contained at a minimum in the deep South. Sharing his working knowledge of history, he said,

That is the real issue. That is the issue that will continue in this country when these poor tongues of Judge Douglas and myself shall be silent. It is the eternal struggle between these two principles – right and wrong – throughout the world. They are the two principles that have stood face to face from the beginning of time; and will ever continue to struggle. The one is the common right of humanity, and the other the divine right of kings. . . . No matter in what shape it comes, whether from the mouth of a king who seeks to bestride the people of his own nation and live by the fruit of their labor, or from one race of men as an apology for enslaving another race, it is the same tyrannical principle.

Douglas was aghast at Lincoln's attempt to turn a debate on public policy into a forum on morality. Citizens in Douglas's view were simply individuals possessing the right to do as they pleased with what property they pleased as a matter of choice, slaves being property; and questions of whether their choices were moral or not were not the business of anyone outside the communities where they lived.

The partisan democrats prevailed in the Illinois Legislature, however, and Douglas was re-elected.

The debates may not have resulted in Lincoln's election to the Senate, but they were covered verbatim in Eastern newspapers. As a result, the newly-formed Republican Party invited Lincoln to speak to its members in February of 1860 at the fabled Cooper Union in New York City. In what has become known as the most important speech of his young political career, Lincoln pledged his commitment to the Union, but in so doing, he continued to condemn slavery as a terrible moral wrong. He attacked the Dred Scott decision as disgraceful and vowed his support for the survival of the nation.

The assembled crowd was moved. The New York Tribune announced that "No man ever before made such an impression on his first appearance to a New York audience."

VI

The presidential election of 1860 was just months away. A badly fractured Democratic party broke into irreconcilable pieces at its convention and ended up nominating three separate candidates: Stephen Douglas from the Northern wing, John Breckenridge of Kentucky from the Southern wing, and John Bell from Tennessee as a conciliation candidate.

The Republican Convention, held in Chicago, managed to maintain its unity. As was the custom of the day, candidate Lincoln did not attend. The favorites for the Republican nomination were distinguished and accomplished candidates with solid public records against slavery: New York Senator William Seward, Ohio Governor Salmon P. Chase, and Missouri's distinguished elder statesman Edward Bates. At first, Lincoln, regarded as more moderate on slavery than his rivals, was hardly mentioned. He knew he was a long shot, so he aimed to become everyone's second choice, hoping the front runners would deadlock and that he could slip into the vacuum. As the result of astute political maneuvering by his supporters, his plan worked like a charm, as described in a chapter in Doris Kearns Goodwin's book "Team of Rivals," called "Stardom in Chicago." The favored losers were astonished, beaten by a backwoods lawyer with no formal education, and who had lost two bids for the Senate from his own state no less,

after one undistinguished term in the House of Representatives. Each of Lincoln's rivals believed Lincoln would eventually fail, and each planned to take his place when he did.

As for the Presidential Campaign, Lincoln made no speeches and attended no large rallies. In fact, after his Cooper Union speech, he was silent until after the election.

Despite receiving only 40% of the popular vote, less than Douglas and the other democrats combined, Lincoln won 180 electoral votes -- not one from the South -- with 72 going to John Breckenridge, 39 to John Bell, and only 12 to Stephen Douglas. Abraham Lincoln was poised to be sworn in as the President of the United States, and on the basis of his well-publicized "house divided" speech, the South anticipated the worst.

The New York Herald, possibly the nation's most influential newspaper suggested in an editorial that Lincoln renounce his victory and simply go home to Illinois:

A grand opportunity now exists for Lincoln to avert impending ruin, and invest his name with an immortality far more enduring than would attach to it by his elevation to the Presidency. His withdrawal at this time from the

scene of conflict, and the surrender of his claims to some natural man who would be acceptable to both sections, would render him the peer of George Washington in patriotism.

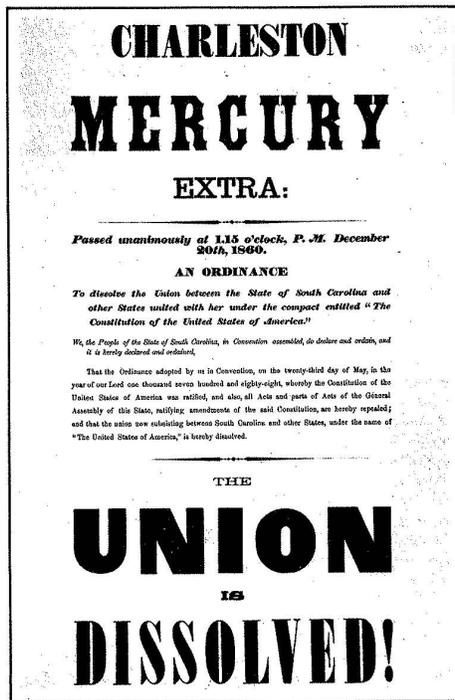
To this advice, the Herald attached this chilling warning:

If he persists in his present position, in the teeth of such results as his election must produce, he will totter into a dishonored grave, driven there perhaps by the hands of an assassin, leaving behind him a memory more execrable than that of Benedict Arnold -- more despised than that of the [Roman] traitor Catiline.

Lincoln's eerily prophetic reply was to the point:

I will suffer death before I will consent or advise my friends to consent to any concession or compromise which looks like buying the privilege of taking possession of the government to which we have a constitutional right.

VII



The militant South Carolina Legislature in particular had been expecting Lincoln's election and voted on December 20, 1860, little over a month after the election, to dissolve the Union and to create in its place a Southern Confederacy, described as: . . . "a great slaveholding confederacy, stretching its arms over a territory larger than any Power in Europe possesses." Part of the larger plan was to annex Cuba as a slave

state and aggressively to expand the Confederacy into Mexico.

Incidentally, this was not the first time South Carolina had threatened to defy the Union. In 1832, the South Carolina Legislature passed an "Ordinance of Nullification" with respect to a federal protective tariff, declaring the tariff null and void in South Carolina. President Andrew Jackson, infuriated by the Ordinance, ordered federal troops to Charleston to enforce the tariff, saying:

There is nothing I shudder at more than the idea of the separation of the Union. I tell you that if a single drop of blood is shed in defiance of the laws of the United States, I will hang the first man I get my hands on to the first tree I can find.

Fortunately, Henry Clay brokered a compromise in Senate, and the threat of disunion subsided -- for the time being.

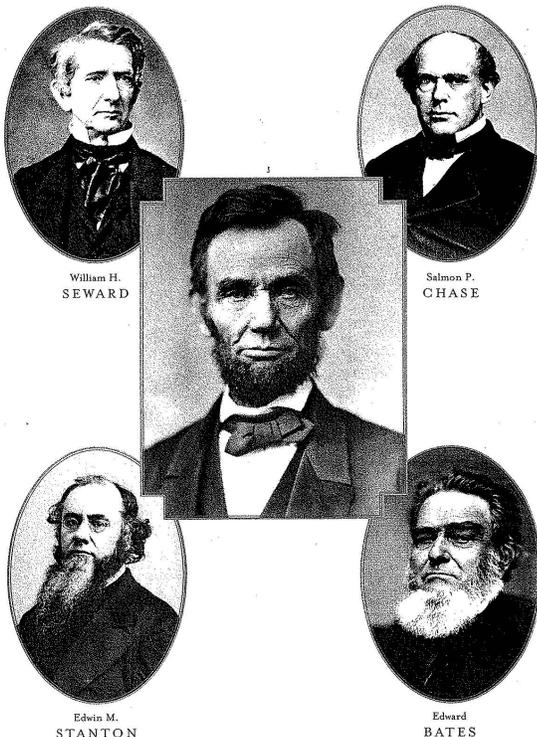
South Carolina's call for secession was welcomed (1) in Mississippi, whose secession convention voted on January 9, 1861, to withdraw from the Union; (2) in Florida, which bolted on January 10; (3) in Alabama, which followed the next day; and by (4) Georgia on January 19th, (5) Louisiana on January 26th, and (6) Texas on February 1st. In six weeks, all of the lower South had severed its ties to the Union; and on February 4, 1861, another set of commissioners from those states met in Montgomery, Alabama, to create a cooperative federation to be known as the Confederate States of America. By the summer of 1861, Virginia, Arkansas, North Carolina, and Tennessee would join. The overriding racist purpose of the Confederacy was to protect the right of its members to own slaves and to enforce white supremacy.

While still in office, a lame-duck President Buchanan, who owed his own election to solid electoral support from slave states, scurried around trying to persuade the South that Congress would take no action. He encouraged them to stay with the country. He was not convincing. Parenthetically, many in the North did not oppose secession, for two reasons. First, they did not want war, which they knew would be catastrophic; and second, because they believed slavery to be immoral and did not want to be associated with people who thought otherwise. "Just let them go," was a common sentiment.

Likewise, many in the South opposed separation. One of South Carolina's leading lawyers, James Pettigriu, when asked if he would join the secessionists, put it this way: "I should think not! South Carolina is too small for a republic, and too large for a lunatic asylum." As positions hardened, Pettigriu opined that "the whole country is a lunatic asylum and all the people are lunatics."

In what amounts to a temporary political misjudgment, Lincoln -- before taking the oath of office -- did not believe what he was hearing and seeing, believing instead that the secession furor would blow over. He opined that a "silent majority" in the South would never bolt from the Union, and he hoped for a peaceful reconciliation with the seceded states.

VIII



Lincoln's next move was as brilliant as it was unorthodox. In creating his cabinet, his team who would navigate the difficult and daunting shoals ahead, he appointed his arch political rivals for the Presidency: Seward became Secretary of State, Chase Secretary of the Treasury, and Bates Attorney General. The remaining top posts went to three former

democrats, Gideon Wells became Secretary of the Navy, Montgomery Blair Postmaster General, and Edwin Stanton Secretary of War. It was a savvy application of the maxim, “Keep your friends close, but keep your enemies closer.” To quote Doris Kearns Goodwin, “Every member of his administration was better known, better educated, and more experienced in public life than Lincoln.” Their presence in the cabinet might have threatened to eclipse a lesser man, but each soon came to recognize Lincoln’s greatness, and, instead of standing on the outside and criticizing his presidency, they worked hard on the inside to help him succeed, especially William Seward.

After slipping into Washington, D.C. in the dead of night to foil active assassination plots, Lincoln was inaugurated on March 4, 1861, one month after the birth of the Confederacy. He remained hopeful of avoiding hostilities, even going so far in his inaugural speech to offer to support a constitutional amendment that would promise the South that the federal government would never interfere with “the institution of slavery in the States where it exists.” He closed his speech with these conciliatory words:

In your hands, my dissatisfied fellow countrymen, and not in mine is the momentous issue of Civil War. The government will not assail you. You can have no

conflict without being yourselves the aggressors. . . . The mystic chords of memory . . . will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature.

The infant Confederacy was not impressed. A bullheaded Jefferson Davis announced, “No compromise!” Lincoln’s sincere attempt to avoid a terrible war fell short.

Parenthetically, Theodore Sorensen, President Kennedy’s great speech writer was once called on television “the Nation’s best speech writer of all time.” He quickly declined the compliment. When asked who he thought was the best, he said “Abraham Lincoln.”

IX

Two days later, the Confederacy called for 100,000 volunteers for an army; and on April 12, 1861, Confederate soldiers opened fire on the Union Garrison at Fort Sumter, South Carolina, located at the mouth of the Charleston Harbor. Lincoln responded by placing 75,000 state militiamen at the service of the federal government, which caused Virginia, North Carolina, Tennessee, and Arkansas immediately to secede and to join the Confederacy. Kentucky, Maryland,

Missouri, and West Virginia -- slave holding border states -- stayed with the Union, but it took every bit of skill Lincoln had to keep it so.

The line in the sand had been drawn: North against South, blue against gray, friend against friend, brother against brother. No longer did Lincoln talk seriously of allowing slavery to survive.

The ensuing war, which was far worse than anyone could have imagined, raged on for four gruesome years, for three and one-half of which, it appeared that the South would prevail, not so much by winning, but simply by not losing. A weariness of spirit pervaded the nation. In New York City, 50,000 people rioted against the draft. Many in the North were worn out by the war, shocked by the bloodshed, and dispirited by the Union Army's lack of success. As late as the Summer of 1864, it seemed certain that Lincoln would not be re-elected. Lincoln himself so believed and said so in a private writing to his Cabinet. He expected General McClellan, the most popular northern democrat and the most powerful symbol of opposition to Lincoln's war policies, to be the next president.

The McClellan Campaign, which was largely racist and billed itself as "the white man's party," hurled a barrage of slurs against the President:

Despot	Ignoramus Abe
Liar	Old Scoundrel

Thief	Perjurer
Braggart	Robber
Buffoon	Swindler
Usurper	Tyrant
Monster	Fiend
Pirate	Butcher
Ape	Tortoise
Gorilla	Filthy-Storyteller

Robert E. Lee and other Southern Generals consistently outwitted and outmaneuvered Northern Generals, causing a frustrated Lincoln to replace one commander after another, looking for a winning combination. McClellan, Halleck, Pope, Burnside, Meade, and Hooker all rose in the ranks, only to fail and be replaced. Finally, Generals Grant and Sherman began to show their grit and talent on the battlefield, and fueled by the success of the Union Army at the Battle of Antietam in Maryland, and by Meade's resounding defeat at Gettysburg of Lee's attempt to invade the North, the tide began to turn, militarily and thus politically for Lincoln.

Lincoln still needed a fresh General-in-Chief, and he suggested Grant to his Cabinet. Grant, however, was well-known to be a heavy drinker. When Lincoln

was warned for this reason not to put him in charge of the Union effort, he said, “Find out what Grant drinks so I can give some of it to my other Generals.” “What I want, and what the people want, is Generals who will fight battles and win victories. Grant has done this, and I propose to stand by him.” General Sherman was pleased, saying, “General Grant is a great General. He stood by me when I was crazy, and I stood by him when he was drunk.” Calling Grant a bulldog, Lincoln named him Commander-in-Chief of the Federal Armies. Lincoln and Grant understood that it would take total war and military annihilation to subdue the Confederacy.

Lee retreated to the South after failed battles at Antietam in Maryland and Gettysburg. Lee’s defeat at Gettysburg in combination with Grant’s resounding Union victories at Shiloh and Vicksburg in the West, and at the Wilderness, Spotsylvania, and Cold Harbor in the South, propelled Lincoln to re-election in November of 1864. Without the South participating, Lincoln’s popular vote majority of half a million translated into an electoral win of 212 to 21. With the South pulling out of the federal government, Lincoln had essentially no well-organized opposition, in the election or, for that matter, in Congress. This lack of opposition also helped Lincoln in 1864, to shepherd the 13th Amendment through Congress and ratification, banning slavery as a matter of constitutional principle.

On April 9, 1865, immediately after the fall of the Confederate Capitol at Richmond, Virginia, and after General William Tecumseh Sherman had burned Atlanta and brutally conquered Georgia, South Carolina, and North Carolina, leaving a wide path of total destruction in his wake, Lee surrendered to Grant at Appomattox Courthouse. Sherman's tactics coined the term, "scorched earth." The South had literally been crushed by superior forces and resources.

The war was over on April 12, 1865. Proud Union troops raised the stars and stripes again over Fort Sumter where the hostilities had started four years earlier.

Two days later, on Good Friday, April 14, 1865, John Wilkes Booth assassinated Lincoln in the Ford Theater in Washington, D.C. One of Booth's co-conspirators attempted simultaneously to kill Secretary of State Seward; another was sent to kill Vice President Johnson. Thankfully both failed. Lincoln had given his life so that the United States of America and what it stands for might live. General Grant was a pallbearer at his funeral.

Although the war was over, an equally daunting challenge remained: How to reintegrate the Confederate States into the Union? Would Confederate leaders be hanged as traitors, as many in Congress demanded? Would the South be obliterated as Rome had destroyed Carthage after the Punic Wars, as suggested by

others? Or would it be a soft peace with malice towards none and charity towards all, as wished by Lincoln? The long path towards reconstruction and reconciliation, towards one Nation under God, indivisible, with liberty and justice for all lay ahead. Unlike the aftermaths of most civil wars, ours was ultimately successful, but that's another story.

X

Lincoln had three interrelated purposes in prosecuting the war. The first was (1) to preserve the Union, the second (2) to end slavery and to resurrect the aspirations expressed in our Declaration of Independence that failed to make it into our Constitution. The third was (3) to save for humanity the idea that free people can govern themselves without kings and queens and tyrants and enjoy ordered liberty under the Rule of Law. As he said in a message to Congress in May of 1861,

What is the war for? Why are men going out to kill?

On the side of the Union it is a struggle for maintaining in the world that form and substance of government whose leading object is to elevate the condition of men – to lift artificial weights from all shoulders; to clear the paths of laudable pursuit for all; to afford all an

unfettered start, and a fair chance in the race of life.

Yielding to partial and temporary departures, from necessity, this is the leading object of the government for whose existence we contend. . . . It is now for them [our people] to demonstrate . . . that when ballots have fairly and constitutionally decided, there can be no successful appeal back to bullets. . . . Such will be a great lesson of peace; teaching men that what they cannot take by an election, neither can they take it by a war; teaching all the folly of being the beginners of a war. And this issue embraces more than the fate of these United States. It presents to the whole family of man the question whether a constitutional republic, or a democracy -- a government of the people, by the same people -- can, or cannot, maintain its territorial integrity against its own domestic foes. [Or,] can discontented individuals, to few in numbers to control a demonstration break up their government and thus practically put an end to free government upon the Earth.

In this connection, he called the United States, “The last best hope on earth.”

Lincoln made these objectives clear again in 1863 in one of the greatest speeches ever made: The Gettysburg Address. His goal, as he expressed it in only 272 words in that important speech of only three minutes, was to honor the idea that all men are created equal, to remind us that our national business in that respect remained unfinished, and that a new day of freedom, true freedom for all, lay ahead. Listen to his opening words:

“Four score and seven years ago, our Fathers brought forth on this continent a new nation, conceived in Liberty and dedicated to the principle that all men are created equal. Now, we are engaged in a great civil war testing whether that nation, or any nation so conceived and so dedicated can long endure.”

Then, after elegant praise of those who fought the battle, he closed with these unequalled words of resolve: “that this nation, under God shall have a new birth of freedom, and that government of the people, by the people, and for the people, shall not perish from the earth.”

Democratic ideas like these had been pursued before, in Greece five centuries before the birth of Christ, and in Rome during the Roman Republic. But these ideas had been crushed by Kings and Emperors and totalitarians and tyrants for 1700 years, 17 centuries, until we boldly set out to try them again in 1776. Driven by these goals, Lincoln never faltered in his quest to end tyranny in favor of liberty. Little did he realize that within a year, some of the words he delivered in the Gettysburg Address would apply not just to the fallen soldiers, but to him. He said, “From these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion, that we here highly resolve that these dead shall not have died in vain.” Amen.

XI

Lincoln’s prosecution of the Civil War raised daunting legal and constitutional issues, some of which are as pressing today after September 11, 2001, as they were 150 years ago: executive authority versus congressional or legislative prerogative; national security versus individual rights; and states’ rights or state sovereignty versus the power and authority of the federal government.

Did Lincoln usurp war powers and other powers allocated by the Constitution to Congress? Did he routinely trample on the Bill of Rights and the Rule of Law? Did he have the authority to stop the South from seceding from the Union?

Let's examine some of the controversial steps and measures Lincoln took when the South attempted by force to break its political bonds to the nation.

1) The Constitution in Article I, Section 8 specifically gives the power to declare war and to raise and support an army to Congress, not to the President. Yet, Lincoln blockaded the South, called up the militia, and organized a federal army to fight the Confederacy -- arguably declaring war, without first consulting Congress.

2) The Constitution says, "No money shall be drawn from the Treasury but in consequence of appropriations made by law." Yet, Lincoln unilaterally ordered his Secretary of the Treasury to advance \$2 million from the Federal Treasury to three private citizens to purchase arms and ships for the Union war effort.

3) The Constitution in Article III specifies that "the trial of all crimes, except in cases of impeachment, shall be by jury. Lincoln declared martial law throughout the nation and arrested and detained 13,000 American citizens in military courts, without jury trials.

4) The Bill of Rights protects free speech and the right to assemble and the right to petition the government for a redress of grievances. Lincoln restricted all speech against the war and arrested those who violated these restrictions.

When he got wind of a secessionist movement in the Maryland Legislature, he ordered the immediate arrest and detention of nine members of the Maryland House of Delegates plus ten members-elect of the legislature, the Mayor of Baltimore, a federal congressman, and two editors of newspapers. Lincoln cited “public safety of persons in complicity with those in armed rebellion” as the cause for the arrests and detention. He could not afford to have a state to his North join the Confederacy.

5) The Constitution allows for the suspension of the Writ of Habeas Corpus in case of rebellion when the public safety may so require, but this authority is in Article I covering Congress, not Article II pertaining to the President. The Writ empowers any person arrested by the government to go to court to challenge the government’s right to hold him in custody. Lincoln unilaterally suspended the Writ of Habeas Corpus throughout the entire Country, including the North, when people he was arresting for speaking against the war attempted to use the writ to challenge the legality of their detention. When courts ruled his suspension illegal, he ignored the courts’ orders, as he did whenever they ruled against his restrictive wartime measures.

6) The Constitution provides that no private property can be taken from private persons for public use without due process of law and without just

compensation. Slaves were considered property. Yet, Lincoln declared them emancipated, with no process of law and no compensation at all. He took similar action when, without statutory authority, he seized rail and telephone lines running into Washington, D.C.

Martial law? Military tribunals? Suspension of Habeas Corpus? Detention without trials? Suppression of civil liberties and free speech? Invocations of inherent executive authority? Extraordinary war powers exercised by the Commander in Chief? Enemy combatants? Sound familiar? Do you doubt that Lincoln would have wiretapped American citizens had the technique been available?

Lincoln's actions did raise serious constitutional problems. The Constitution generally makes political leaders and officials subservient to the rule of law, not instruments of unchecked power free to do what they deem appropriate and proper under the circumstances. Yet time and time again, Lincoln took charge and ran the war, consulting Congress and obtaining its concurrence only after the fact, or not at all.

Does this mean that Lincoln was a lawless president who simply ignored the Rule of Law and the Constitution whenever he felt it expedient? Did he crassly believe that the ends justifies the means? Far from it. In fact, Lincoln, a lawyer by

training and experience, believed fervently in the Rule of Law. Listen to his own words on this subject:

Let reverence for the laws be breathed by every American mother to the lisping babe on her lap. Let it be taught in schools in seminaries, and in colleges. Let it be written in primers, spelling books, and in almanacs. Let reverence for the laws be preached from the pulpit, proclaimed in legislative halls, and enforced in the courts of justice. And, in short, let it become the political religion of the nation.

So where in the Constitution did President Lincoln find the legal authority to take the unprecedented actions that he did? First and foremost, he found it in the unique words of the Presidential Oath the Constitution required him to take: “I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my ability [and here’s the key language], preserve, protect, and defend the Constitution of the United States.” All other government officials -- including judges -- must take an oath prescribed by the Constitution, but the wording of that oath or affirmation requires only that

they will “support” the Constitution. Only the President must vow to “preserve, protect, and defend” it. Lincoln believed, and correctly so, that the South had no right to secede from the Union, and that the slave states’ attempt to do so by starting a war was a direct threat to the Constitution, which he was honor bound to “preserve, protect, and defend.”

Our Supreme Court had said in 1849 that is the inherent right of every government to “use its military power to put down an armed insurrection too strong to be controlled by the civil authority.” The court called this power “essential to the existence of every government” and “essential to the preservation of order and free institutions.”

The Constitution makes the President the Commander in Chief of the Army and Navy of the United States, and of the Militia of several states, when called into the actual service of the United States. . . .” Lincoln said, “as Commander in Chief of the Army and Navy, in time of war, I suppose I have a right to take any measure which may best subdue the enemy.” “Existing exigencies demand immediate and adequate measures for the protection of the National Constitution and the National Union.” “I conceive that I may in our exigency do things on military grounds which cannot be done constitutionally by Congress.”

As far as the power to declare war specifically allocated pursuant to Article I to Congress, Lincoln differentiated between affirmatively declaring war, on one

hand, and responding to and defending against a war started by someone else, on the other. His distinction in this respect was upheld by the Supreme Court in a series of cases decided in 1863 -- called the Prize Cases -- in which the legality of his blockade of the South and the Union's seizure of foreign vessels came into question. The Court said, "If a war be made by invasion of a foreign nation, the President is not only authorized but bound to resist by force. He does not initiate the war, but is bound to accept the challenge without waiting for any special legislative authority." Whether the hostile force is a foreign invader or a rebellious state, "it is none the less a war."

In an explanation to Congress in 1861 of his suspension of the Writ of Habeas Corpus, Lincoln put it this way:

Are all the laws but one, habeas corpus, to go unexecuted, and the government itself go to pieces? Would not the official oath be broken, if the government should be overthrown, when it was believed that disregarding the single law, would tend to preserve it? But it was not believed that this question was presented. It was not believed that any law was violated. The provision of the Constitution that "The privilege of the

writ of habeas corpus, shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require it, is equivalent to a provision – is a provision – that such privilege may be suspended when, in cases of rebellion or invasion, the public safety does require it. It was decided that we have a case of rebellion, and that the public safety does require the qualified suspension of the privilege of the writ, which was authorized to be made.

A master of metaphor, Lincoln argued that by general law, both “life and limb must be protected, yet often a limb must be amputated to save a life, but a life is never wisely given to save a limb.” He highlighted the absurdity of saving the Constitution at the expense of the destruction of the Nation.

In sum, where national security in war time was truly at stake, President Lincoln believed that the Constitution gave him not only the authority, but also the responsibility to act to protect it. As demonstrated by his re-election in 1864, the public agreed, as did a Congress dominated by free state allies.

Somewhat unexpectedly, Lincoln's bold actions and explanations find support in the early nineteenth-century words of Thomas Jefferson sometimes called the apostle of strict construction. In 1807, Jefferson wrote, "On great occasions, every good officer must be ready to risk himself in going beyond the strict line of law, when the public preservation requires it." Three years later, in 1810, he returned to this subject:

A strict observance of the written laws is doubtless one of the highest duties of a good citizen, but it is not the highest. The laws of necessity, of self-preservation, of saving our country when in danger, are of higher obligation . . . To lose our country by a scrupulous adherence to written law, would be to lose the law itself, with life, liberty, property and all those who are enjoying them with us; thus absurdly sacrificing the end to the means.¹

This doctrine, however, carries with it great risk: the creation of potentially dangerous precedents that might be used to justify or to rationalize lawless behavior, such as the adventures of President Nixon now referred to as Watergate.

¹ "Lincoln the War President," Gabor S. Borritt, a collection of essays, Essay #6, "War and the Constitution: Abraham Lincoln and Franklin D. Roosevelt," Arthur M. Schlesinger, Jr.

Ultimately history and the people will judge the use by a President of extraordinary means. By this measure, President Lincoln used the correct approach to the dire threat to our nation that he faced. In large measure, his success is attributable to his purpose: to protect, preserve, and to defend the Constitution, our Nation, and the Rule of Law, not to alter anything or to supplant it with something else.

XII

Lincoln's objectives were fulfilled -- only partially I might add -- by the ratification in 1865 of the 13th Amendment banning slavery; by the 14th Amendment enacted in 1868 -- after his death -- prohibiting states from denying to any person life, liberty, or property without due process of law, and guaranteeing equal protection of the laws to everyone; and by the 15th Amendment enacted in 1870 extending the right to vote to persons regardless of race, color, or prior condition of servitude.

We were now for the first time the "United States," as a singular noun, not just the states united as before.

I say "only partially fulfilled" because the same Supreme Court that decided the Dred Scott case later held in 1896 in Plessy v. Ferguson that state laws that compelled racial apartheid satisfied equal protection guarantees, so long as the

separate status mandated by such laws was “equal” -- which it never was and never could be. Plessy, a disgraceful case if ever there was one, remained on the books as “good law” until we came belatedly to our senses in 1954 with Brown v. Board of Education. The Civil War and the three Civil War Constitutional Amendments physically freed the slaves, but they soon discovered that they had been placed by the Supreme Court in the prison of enforced total segregation. “Yes, you are free,” was the message, “but only as second-class citizens, and not to participate in the economic and social life of the nation.” Who was the lawbreaker? Lincoln? Or the Supreme Court? Throughout the South, state legislatures -- supported by the Klu Klux Klan -- invented ways to deny the vote to black citizens: poll taxes and literacy tests, to name but a few.

XIII

Lincoln’s indomitable sense of purpose sustained him through the disintegration of the Union and through the darkest months of the war, when he was called upon again and again to rally his disheartened countrymen, soothe the animosity of his Generals, and mediate among members of his contentious administration. The target of innumerable assassination threats hatched by disgruntled democrats, southern sympathizers, and unhinged crackpots, he never wavered and his resolve never lessened.

Lincoln's elegant address to the nation on the occasion of his second inauguration and shortly before his untimely death gives us another striking measure of this great statesman. He said, in part,

On the occasion corresponding to this four years ago, all thoughts were anxiously directed to an impending civil war. All dreaded it—all sought to avert it. While the inaugural address was being delivered from this place, devoted altogether to *saving* the Union without war, insurgent agents were in the city seeking to *destroy* it. . . . Both parties deprecated war; but one of them would *make* war rather than let the nation survive; and the other would *accept* war rather than let it perish. And the war came.

One eighth of the whole population were colored slaves, not distributed generally over the Union, but localized in the Southern part of it. These slaves constituted a peculiar and powerful interest. All knew that this interest was, somehow, the cause of the war. To strengthen, perpetuate, and extend this interest was the object for which the insurgents would rend the Union,

even by war; while the government claimed no right to do more than to restrict the territorial enlargement of it. Neither party expected for the war the magnitude or the duration, which it has already attained.

Fondly we do hope—ferverently do we pray—that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue, until all the wealth piled by the [slaves’] two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the [overseer’s] lash, shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said “the judgments of the Lord, are true and righteous altogether.”

With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation’s wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just, and a lasting peace, among ourselves, and with all nations.

Lincoln was a living definition of a statesman. He operated from bedrock principles, and he had an unerring moral compass, a will of steel, a vision, and the ability to forge a consensus behind his vision and to make it a reality. It is fair to say that he is the man who saved the United States from extinction.

Lincoln's legacy belongs not only to America, but to the ages and to humankind, to be revered and sung throughout all time.



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This work represents an accumulation of information shamefully garnered without specific attribution from the list of books attached to it, for which I am most grateful. The authors listed have done us a great service with their scholarship and writings.

Recommended Reading

Miller, Wm. Lee	“President Lincoln: The Duty of a Statesman” (2008)
Goodwin, Doris Kearns	“Team of Rivals” (2005)
Stewart, David O.	“The Summer of 1787”
Farber, Daniel	“Lincoln’s Constitution” (2003)
Holzer, Harold	“Lincoln at Cooper Union” (2004)
Holzer, Harold	“Lincoln President Elect” (2008)
Wills, Garry	“Lincoln at Gettysburg” (1992)
White, Ronald C.	“Lincoln’s Greatest Speech” (2002)
McPherson, James M.	“Battle Cry of Freedom” (1988)
McPherson, James M.	“This Mighty Scourge” (2007)
Guelzo, Allen C.	“Lincoln and Douglas” (2008)
Guelzo, Allen C.	“Abraham Lincoln” (1999)
Catton, Bruce	“The Civil War” (1960)
Shaara, Michael	“The Killer Angels” (1974)
Longacre, Edward G.	“Joshua Chamberlain” (1999)
Smith, Jean Edward	“Grant” (2001)
Sandburg, Carl	“Abraham Lincoln: The War Years” (1939)
Boritt, Gabor S.	“Lincoln the War President” (1992)
Lang, Joel	“Complicity” (2006)
Wheeler, Tom	“Mr. Lincoln’s T-Mails” (2006)

Recommended Viewing

Burns, Ken	“The Civil War” PBS DVD (1990)
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