

Lincoln: The Constitution and the Civil War

Exhibit script

[1.A.4]

Lincoln: The Constitution and the Civil War

Back in 1787, the Framers of the Constitution left some basic questions about America unanswered:

- Was the “United States” truly one nation, or was it a confederacy of sovereign and separate states?
- How could a country founded on the belief that “all men are created equal” tolerate slavery?
- In a national crisis, would civil liberties be secure?

By 1860 these unresolved questions had become ticking time bombs, ready to explode. In that year Abraham Lincoln’s election brought the nation to the brink of civil war.

Even before he was sworn in, seven states renounced their allegiance to the United States, forming “The Confederate States of America.”

This exhibition traces Lincoln’s struggle to resolve those basic questions at the most perilous moment in the nation’s history. The answers would reinvent the Constitution and the promise of American life.

[1.S.1]

The Inaugural Bible

The Bible was originally purchased by William Thomas Carroll, Clerk of the Supreme Court, for Lincoln's swearing-in ceremony on March 4, 1861. The Lincoln family Bible was unavailable as it had been packed with other belongings that were traveling from Springfield.

The oath of office was administered by Chief Justice Roger Brooke Taney. As the author of the infamous "Dred Scott" decision of 1857, which held that Congress did not have the power to exclude slavery from the territories, Taney was clearly no friend to Lincoln or the cause of emancipation. In the Inaugural Address which followed, President Lincoln appealed to his countrymen to follow "the better angels of our nature."

Courtesy of Library of Congress, Rare Books Collection

[1.B.1]

Meet Mr. Lincoln

[I]t is a great piece of folly to attempt to make anything out of my early life. It can all be condensed into a single sentence... The short and simple annals of the poor. – Lincoln’s remark to John L. Scripps, 1860

Abraham Lincoln was elected president in November 1860 with less than 40 percent of the vote. On the eve of his inauguration, most Americans knew little about him.

Most Northerners hoped he was no Buchanan – the weak outgoing president. They knew that Lincoln advocated standing up to slavery. But how? This one-term congressman from Illinois had held no military command, no leading position in industry. He had done well as a lawyer. He was a canny politician, but he had been influential only in his home state.

Most Southerners viewed Lincoln with distrust. But everybody sought clues to his character. The same week that Lincoln was sworn in, *Frank Leslie’s Illustrated Newspaper* tried to help, offering “the only correct portrait yet given to the public.”

[1.B.3]

Lincoln takes the constitutional oath

I, Abraham Lincoln, do solemnly swear that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States. – Lincoln’s constitutional oath, March 4, 1861

It was March 4, 1861. Abraham Lincoln was about to be sworn in as president. Americans were worried. Would their president-elect let the Southern states leave the Union? Would he risk civil war to sustain the Union?

As thousands watched, Lincoln began to speak. His words mixed conciliation and firmness. The government would not attack the South if the Union was not attacked. But he was about to take a solemn oath “registered in heaven” to “preserve, protect and defend” the Constitution and the Union it served. He warned both sides to take note.

When he concluded, he placed his hand on the Bible, raised his right hand, and repeated the oath. Almost before he finished, the cheering began.

But a howl arose in the South. What Southerners heard were not words of moderation, but a declaration of war.

[1.B.4]

[First Inaugural Artifact Label]

“We are not enemies”

Lincoln carried drafts of his inaugural address with him from Springfield and continued to revise and edit the speech with advice from friends and colleagues. Lincoln's next-to-last draft closed with a challenge to secessionists: "With *you*, and not with *me*, is the solemn question of 'Shall it be peace, or a sword?'"

But his final text concluded: "I am loath to close. We are not enemies, but friends ... Though passion may have strained, it must not break our bonds of affection ... The mystic chords of memory ... will yet swell the chorus of the Union when again touched ... by the better angels of our nature."

Courtesy of The Gilder Lehrman Institute

[1.S.2]

[Stovepipe hat Artifact Label]

The Distinctive Hat

This "stovepipe" hat is the one Lincoln wore when he left Illinois, headed to Washington for his inauguration. The stovepipe hat became Lincoln's trademark. He liked that it accentuated his already great height, making him an even more imposing figure.

Courtesy of Museum of American History, Smithsonian Institute

[2.A.3]

Are we a single nation, or a confederacy of sovereign and separate states?

We are striving to maintain the government and institutions of our fathers ... and transmit them to our children and our children's children forever. -- Lincoln's remarks to 148th Ohio Regiment, August 31, 1864

It was an important occasion – the first public flag-raising ceremony in Washington since the war began.

When Lincoln hoisted the Star-Spangled Banner, it hung limply. Suddenly, a breeze unfurled the flag, and Lincoln smiled. "We hope that the same breeze [will swell] the glorious flag throughout the *whole* nation."

But that flag no longer flew over the whole nation. Secession by the Southern states, Lincoln said, was not only unconstitutional, it was undemocratic. Majority rule – the bedrock principle of democracy -- was at stake. To permit a discontented minority who had lost an election to "break up their government" would prove for all time that government by the people could not survive.

So secession could not stand. The South must be brought back. Even if it meant war.

[2.S.1]
[SC Secession ordinance artifact label]

Secession and state sovereignty

Copies of South Carolina's ordinance of secession were distributed to delegates after a convention voted to repeal the state's ratification of the Constitution and withdraw from the Union. The eighth state to ratify the U.S. Constitution in 1788, South Carolina became the first to secede.

Credit:
Courtesy of The Gilder Lehrman Institute

[2.B.2]
Union or Confederacy? Fort Sumter puts the question to the ultimate test

"[N]o choice was left but to call out the war power of the Government; and so to resist force, employed for its destruction, by force for its preservation." --
Lincoln's Message to Congress, July 4, 1861

On the President's first day, a message from the commanding officer at Fort Sumter was waiting on his desk. Provisions would soon run out. The fort was in Charleston harbor – one of the last places the U.S. controlled in the Deep South. Unless the fort was re-supplied, it would have to be surrendered.

In his inaugural address Lincoln had promised to avoid "bloodshed or violence" unless it was forced upon him. But he had also pledged to "hold, occupy, and possess" federal properties. That included Fort Sumter.

The President weighed the conflicting advice of his cabinet in his administration before making the fateful decision. He would re-supply the fort.

On April 12, the re-supply attempt was made. The Confederates attacked Sumter. And the country was at war.

[2.B.3]
Charleston Extra Image

On December 6, 1860, the people of South Carolina voted for delegates to a convention whose decision was a foregone conclusion. The convention assembled in Charleston and voted unanimously for secession from the United States. Within minutes of its passage the ordinance appeared as a Charleston *Mercury* extra edition.

Courtesy of the Chicago History Museum

[2.S.2]

[Blockade order artifact label]

The legal start of the Civil War

Lincoln's signature on this document in the earliest days of the war imposed a blockade of Southern ports. Some feared that the Supreme Court would say he had exceeded his powers. By a 5-4 vote, the Court in 1863 upheld Lincoln's action.

Courtesy of The Raab Collection

[2.C.1]

Lincoln takes charge

[T]he Constitution invests its Commander-in-Chief with the law of war, in time of war. – Lincoln to James C. Conkling, August 26, 1863

The Constitution makes the president commander-in-chief of the armed forces. But only Congress can authorize the resources for war.

Congress had adjourned in March, and when Fort Sumter was attacked in April, Lincoln knew every second counted. So he acted:

- He summoned 75,000 state militiamen and urged volunteers to enlist.
- He released millions of dollars from the treasury to help private citizens purchase military equipment.
- He authorized martial law.
- He ordered a blockade of southern ports.

No president had ever used war powers like this. Had Lincoln exceeded his constitutional authority? Although he hadn't consulted Congress, he believed it would authorize what he'd done. Eventually it did, but critics still accused him of acting more like a dictator than a president.

[2.C.2]

An agonized President remains resolute

If you can find, any person anywhere professing to have any proposition of Jefferson Davis in writing, for peace, embracing the restoration of the Union and the abandonment of slavery ... he may come to me with ... safe conduct. – Lincoln to Horace Greeley, July 9, 1864

The war had not gone well. There were defeats. Even after Union armies won battles, they seemed unable to sustain any momentum. The death-toll was staggering.

Only in 1863 did the tide seem to turn. Even then, Southerners fought so stubbornly and courageously that many Northerners urged an armistice and negotiations. Lincoln

doubted he'd be reelected in 1864, but he stood firm. Good news from the battlefield saved him.

Now that victory was in sight, Lincoln finally agreed to meet with Confederate leaders. Early in 1865 he went to Virginia to discuss peace terms with Confederate Vice President Alexander Stephens. Lincoln was blunt and to the point:

- National authority under the Constitution must be recognized by *all* the states.
- The South must accept fully the U.S. government's actions to end slavery.
- All hostilities must end.

Stephens probed for concessions, but Lincoln refused to budge. The fighting would continue for another three months.

[2.C.3]

The road to Union must also lead to freedom

Let us re-adopt the Declaration of Independence, and with it, the practices, and policy, which harmonize with it... If we do this, we shall not only have saved the Union; but we shall have so saved it, as to make [it] forever worthy of the saving.
– Lincoln's Speech at Peoria, Illinois, October 16, 1854

At last, the horror was over. The surrender of General Lee's Army of Northern Virginia at Appomattox signaled the end of four years of bloodshed and division.

Lincoln's beloved Union and its Constitution had been saved. War had settled the issue: the United States was a nation, not a confederacy of states.

But could the Constitution guarantee the freedom the nation stood for? For Lincoln the answer was "yes," but only if the nation rededicated itself to the values of the Declaration of Independence – "life, liberty, and the pursuit of happiness." Those were the ideals that the Constitution should serve.

[2.S.3]

[Flipbook label]

The Union's champion

In 1861, many Northerners expected a short war. This series of patriotic envelopes, likened the conflict to a boxing match between Abraham Lincoln and Jefferson Davis. In five short rounds, Lincoln humiliates Davis, routs the rebellion and restores the Union.

[3.A.3]

Can slavery be uprooted by constitutional means?

So I say in relation to the principle that all men are created equal, let it be nearly reached as we can – Lincoln debating Stephen Douglas at Springfield, Illinois, July 17, 1858

“I have always hated slavery,” Lincoln said. But slavery was deeply rooted in the Constitution. He had understood that it could not be uprooted overnight.

Lincoln had won the presidency in 1860 vowing to stop slavery from spreading. Free territories would one day ripen into free states, and slavery would be surrounded. With its roots choked off, slavery would eventually die out.

For much of his first year, Lincoln had focused on ending the Southern rebellion. Somehow, he had to address the root cause. The Constitution offered little help. It had left slavery in the hands of individual states.

But the war opened up new possibilities. Lincoln believed the Constitution allowed the President to do in wartime what he could never do in times of peace.

[3.S.1]

[Shackles artifact label]

Slavery and the Constitution

Shackles like these restrained enslaved Africans, who sought the equality promised in the Declaration of Independence but denied by the Constitution. The word “slave” was deliberately kept out of the Constitution. But the Constitution protected slavery, leaving it up to each state to abolish or keep it.

Courtesy of Ohio Historical Society

[3.B.2]

The President has a plan

I do not speak of emancipation at once, but of a decision at once to emancipate gradually. – Lincoln’s appeal to representatives of Delaware, Maryland, Missouri and Kentucky, July 12, 1862

In March 1862, Lincoln had invited abolitionist Wendell Phillips to the White House to hear about his plan to end slavery voluntarily -- the only way, Lincoln believed, the Constitution allowed.

First, the government would offer federal aid for states to compensate slave-owners. Second, it would pay to resettle free blacks who agreed to leave the United States.

If the slave states still in the Union could be convinced to move toward abolishing slavery voluntarily, then Southerners might be willing to return to the Union and adopt similar plans. But, Phillips objected, that would leave millions in bondage.

For months Lincoln lobbied congressmen from the loyal slave states. But they wanted nothing to do with abolition. By July, he concluded, slavery must be completely destroyed for the Union to survive.

[3.B.3]

The war leads Lincoln down a new path

[U]pon this act, sincerely believed to be an act of justice, warranted by the Constitution, upon military necessity, I invoke the considerate judgment of mankind, and the gracious favor of Almighty God. – Lincoln’s Final Emancipation Proclamation, January 1, 1863

The President had grasped so many hands on New Year’s Day, 1863, that he could hardly hold the pen. But slowly he signed the Emancipation Proclamation. “If my name goes into history,” he said, “it will be for this act.”

Emancipation would restore the spirits of those who wanted a moral crusade. It would electrify lovers of freedom. And it would open the way to recruit thousands of black soldiers clamoring to serve.

He told his Cabinet that emancipation was a “military necessity absolutely essential for the salvation of the Union.” On January 1, 1863, the war became a struggle for Union *and* freedom.

[3.B.3]

[EP Artifact label]

The Emancipation Proclamation

Abraham Lincoln signed this copy of the Emancipation Proclamation in June 1864, to sell at the Philadelphia Central Sanitary Fair as a fundraiser for wounded Union soldiers. Forty-eight copies were printed and signed. This rare document is one of only 21 known to survive.

Courtesy of National Museum of American History, Smithsonian Institute

[3.S.2]

[flipbook label]

“The Journey to Freedom”

In 1863, with the situation desperate, the Emancipation Proclamation announced that black men would “be received into the armed service of the United States.”

Lincoln had been unsure whether black men would fight. He soon learned better. Black soldiers fought “with silent tongue, and clenched teeth, and steady eye, and well-poised bayonet,” he wrote admiringly.

If they “stake their lives for us,” Lincoln insisted, their loyalty must be rewarded. “The promise of freedom being made, it must be kept.” The Emancipation Proclamation was not enough. The Constitution would have to be amended to safeguard this fragile new freedom.

[3.C.1]

The nation reacts to emancipation

Lincoln’s Emancipation plan had brought a torrent of denunciation from many white Northerners. They would fight to save the Union but not to free the slaves.

When news came that Lincoln had signed the final Proclamation, black Northerners filled churches, sang hymns, and danced in the streets.

But Lincoln’s critics charged him with going beyond his authority. And abolitionists complained that the Proclamation did not go far enough. They argued that it didn’t actually free a single slave.

Black Southerners had watched and waited as the day of emancipation drew near. Slaveholders tried to prevent slaves from learning about the Proclamation. But the word traveled from one plantation to another. By the end of 1864, nearly 500,000 enslaved people had left for Union camps.

[3C.2]

The Thirteenth Amendment transforms the Constitution

Neither slavery nor involuntary servitude...shall exist within the United States, or any place subject to their jurisdiction. – Thirteenth Amendment to the U.S. Constitution

The clerk announced the tally – 119 ayes, 56 nays. The resolution had passed with two votes to spare. History had been made this final day of January 1865: Congress had approved a constitutional amendment abolishing slavery and sent it to the states for ratification.

For a moment, there was a profound silence. Then the chamber erupted. Congressmen and visitors cheered, clapped, threw their hats in the air, embraced, wept, prayed. The next evening, the President addressed a crowd gathered outside the White House. The vote was a “great moral victory,” he said.

The Thirteenth Amendment transformed the U.S. Constitution. Ratified on December 6, 1865, eight months after his assassination, it is Lincoln’s greatest constitutional legacy.

[3.C.3]

[13th Amendment artifact label]

His signature registered his triumph

Even though the Constitution does not give the president a say on constitutional amendments, Lincoln was so elated that he signed the Thirteenth Amendment before it went to the states for ratification. Dismayed senators passed a resolution declaring that his action should not be taken as a precedent. But Lincoln had not been able to resist the opportunity. It was a momentous occasion.

Lincoln believed the Thirteenth Amendment would preserve for all time the emancipation he had ordered as a wartime measure. No piece of legislation received more of his attention. This is one of 13 copies he is known to have signed.

Courtesy of the Chicago History Museum

[3.S.3]

[pen and inkwell artifact label]

Who freed the slaves?

On January 1, 1863, President Lincoln dipped this pen into an inkwell to sign the Emancipation Proclamation. But freedom was not achieved with a stroke of a pen. It also involved the actions of Union military commanders, Congress and enslaved people themselves:

Inkwell: Courtesy of the National Museum of American History, Smithsonian Institute
Pen: Courtesy of Massachusetts Historical Society

[4.A.3]

Must civil liberties give way to save the nation?

[U]nder cover of "liberty of speech," "liberty of press," and "habeas corpus," they hoped to keep on foot among us a most efficient corps of spies, informers, suppliers, and aiders and abettors of their cause." – Lincoln to Erastus Corning, June 12, 1863

As the nation fell into civil war, Lincoln faced a sea of perils: Saboteurs blew up bridges; mobs blocked Union troops; spies lurked in Washington. Clearly the President had to respond.

To meet the crisis, Lincoln claimed extraordinary powers. He suspended the writ of habeas corpus -- the provision in the Constitution that protects citizens against arbitrary arrests. No president had done it before.

As military arrests mounted some Americans wondered, were their liberties being lost?

Lincoln didn't think so. Liberties legitimately suspended in wartime would still be safeguarded in times of peace, he maintained. But questions remained:

- How far could a president stretch his war powers without violating the Constitution?
- What were the appropriate limits of dissent in wartime?

Lincoln wrestled with those issues then; we still debate them today.

[4.S.1]

Lincoln justifies his civil liberties policy

Lincoln's civil liberties actions provoked a chorus of criticism. By mid-summer 1863 he felt he had to explain his policies to the public. Lincoln's response was a public relations success. His public letter was reissued as a pamphlet like this one.

Corning Pamphlet

Courtesy of the National Constitution Center

[4.B.2]

Strong measures in Maryland

Our men are not moles, and can't dig under the earth. They are not birds, and can't fly through the air. – Lincoln's reply to Baltimore Committee, April 22, 1861

The President needed to defend Washington: if the capital fell, the Union would be lost. But getting troops to Washington was treacherous. They had to come through Maryland, and Confederate sympathizers were bent on stopping them.

A week after the war broke out, a mob attacked Union troops in Baltimore. Four soldiers and a dozen citizens died in the rioting. In response, the mayor and police chief – both Southern sympathizers – ordered local citizens to obstruct troop movements.

Lincoln told General-in-Chief Scott to use "prompt and efficient means" to restore order. "In the extremist necessity," Scott might suppress the privilege of the writ of habeas corpus. On May 13 he did, by declaring martial law, and troops took control in Maryland. Union officers arrested hundreds thought to be disloyal.

[4.B.3]

What is a writ of habeas corpus?

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. – U.S. Constitution, Article I, Section 9

A *writ* means “something written”; *habeas corpus* means “you have the body.” When put them together “writ of habeas corpus,” is an order directing someone holding a person in custody to produce him before a court. This privilege entitles an imprisoned person to file a petition so that a judge can decide whether he or she is being held lawfully.

[4.S.2]

A Lincoln landslide

As late as August 1864, Lincoln thought war-weary voters would turn him out of office. But battlefield victories boosted spirits and turned the political tide. With ribbons, tickets and buttons like these, Republicans campaigned vigorously, and Lincoln won in a landslide.

1864 Campaign Button: Courtesy on New York Historical Society
Ticket: Courtesy of The Gilder Lehrman Institute
Ribbon: Chicago History Museum

[4.C.1]

More strong measures

[I]mbued with a reverence for the guaranteed rights of individuals, I was slow to adopt the strong measures, which by degrees I have been forced to regard as being within the exceptions of the constitution, and as indispensable to the public Safety. – Lincoln to Erastus Corning, June 12, 1863

With enthusiasm for war fading and enlistments drying up, Congress in March 1863 established a national draft – the first in U.S. history. It sparked an outcry. Thousands tried to evade it. In New York City, an anti-draft riot killed 105 people and caused enormous property losses.

The pace of military arrests quickened again as resistance to the draft grew. By 1863 thousands had been detained, mostly suspected draft dodgers and deserters.

Lincoln’s critics howled; even some of his supporters winced. But he refused to back down. “I think the time not unlikely,” he said, “when I shall be blamed for having made too *few* arrests rather than too *many*.”

[4.C.2]

Lincoln justifies his civil liberties policy

Lincoln's civil liberties actions provoked a chorus of criticism. By mid-summer 1863 he felt he had to explain his policies to the public. A written protest he received about the arrest and trial of a prominent opponent of the war gave him his chance.

Lincoln's response was a public relations success. His public letter was reissued as a pamphlet like this one. At least 500,000 copies were read by 10 million people.

In the pamphlet's most famous passage, Lincoln defended his duty to sustain the army by cracking down on those who encouraged desertion. "Must I shoot a simple-minded soldier boy who deserts," he asked, "while I must not touch a hair of a wily agitator who induces him to desert?"

[4.C.3]

How free a press?

[Y]ou will only ... suppress assemblies, or newspapers, when they may be working palpable injury to the Military in your charge; and, in no other case will you interfere with the expression of opinion in any form, or allow it to be interfered with violently by others. -- Lincoln to Gen. John M. Schofield, October 1, 1863.

The angry "committee" challenged the editor of the *Essex County Democrat*. Ambrose Kimball had published "treasonable speeches" and "violent articles in favor of Secession." Would he apologize? When he refused, they tarred and feathered him.

Scenes like this played out in many places. Groups of citizens, federal troops and local authorities cracked down on "rebel sympathizing" newspapers. Some "disloyal" editors simply got a warning, others were arrested, while some had their presses destroyed.

Had Lincoln ordered any of these actions? It's not clear. But he condoned the arrests, especially in the critical months of 1861. Still, he believed in freedom of the press. By 1863 he recognized that suppression of newspaper critics had backfired, and he told commanders to desist.

[4.S.3]

[Second Inaugural artifact label]

"With malice toward none; with charity for all"

This copy of Lincoln's Second Inaugural Address was printed as a souvenir in Washington on March 4, 1865. The war wasn't over, but it was drawing to a close. Lincoln meditated on its meaning and its terrible toll.

Slavery was not the fault of the South alone. It was the whole nation's "offence" and must be abolished to purge the United States of its sin.

As much preacher as president, Lincoln tried to carry the nation toward a new spirit of reconciliation. "With malice toward none; with charity for all," he said, "let us strive on to finish the work we are in."

Courtesy of Library of Congress, Prints & Photographs Division

[5.A.3]

Gettysburg Address

Seen here is the earliest known of the five drafts of what may be the most famous American speech. The Gettysburg Address was delivered by President Lincoln in Gettysburg, Pennsylvania, at the dedication of a national military cemetery on November 19, 1863.

Abraham Lincoln gave copies of the Gettysburg Address to each of his private secretaries, John Nicolay and John Hay. This document is presumed to be the only working draft and is commonly identified as the "Nicolay Copy" because it was once owned by John George Nicolay, Lincoln's private secretary.

Courtesy of Library of Congress, Prints & Photographs Division

[5.S.1]

Gettysburg Signature

An Autograph for the Ages

Abraham Lincoln signed these precious pages from an autograph book on the day he delivered his address at the dedication of the Gettysburg National Cemetery. He had been invited to deliver "a few appropriate remarks." But Lincoln's 272 eloquent words became a timeless expression of the American creed.

Autograph, November 19, 1863

Courtesy of Lewis Katz for the benefit of Ethan, Brooke, Taryn and Remi Silver

[5.B.1]

Lincoln's task ... and ours

It is for us the living ... to be dedicated here to the unfinished work.

– Lincoln's Address at Gettysburg, Pennsylvania, November 19, 1863

In a place where thousands died, Lincoln spoke about a birth.

At a site where brave men fought and died, he challenged *us* to continue *their* struggle.

The war was nearly three years old. Had it been worth it?

Here, in dedicating a cemetery at the Gettysburg battlefield, Lincoln made clear his vision of the Union: The United States was a *nation*. It was not created by the states; it was created by the people “four score and seven years ago” – in 1776, before the Constitution was even written.

For Lincoln, constitutional government was never an end in itself. The Constitution served the nation. And the nation -- “conceived in liberty, and dedicated to the proposition that all men are created equal” -- represented an *ideal* of freedom and democracy.

No one knew better than Lincoln that the United States had not yet lived up to the ideal. So he challenged future generations to take up that cause.

He had said it many ways before, but he never said it as well as this, and nobody would ever say it better.

[5.B.2]

Has America lived up to the ideals Lincoln fought for – equality, freedom, democracy?