

Abraham Lincoln's Just Proclamation

- **Compelling Question**
 - What does Abraham Lincoln's difficult pursuit of justice teach us how we can advance justice in our own lives?
- **Virtue:** Justice
- **Definition** – Justice is the capacity to determine and preserve our common rights.
- **Lesson Overview**
 - In this lesson, students will learn about Abraham Lincoln's Emancipation Proclamation. Students will specifically learn about how Lincoln's actions conform to the idea of justice and how they can apply this idea into actions in their own lives.
- **Objectives**
 - Students will analyze Abraham Lincoln's Emancipation Proclamation
 - Students will understand how they can just in their actions
 - Students will apply their knowledge of justice in their own lives
- **Background**
 - When President Abraham Lincoln was elected in 1860, he faced several significant dilemmas. The first was the general problem that while he abhorred slavery as a great moral evil, he recognized that the president and Congress had little power over slavery where it already existed. Lincoln was deeply committed to the rule of law and constitutionalism, and would not act unilaterally and unconstitutionally to ban slavery. Second, Lincoln's election caused many Southern states to fear that he would interfere with slavery and therefore proclaimed that they were seceding from the Union. Third, once the war began, he would have to decide the thorny issue of what to do with slaves that ran away to Union armies or were in areas captured by those armies.

Radical Republicans in Congress and several Union army officers tried to force the commander-in-chief's hand. In May 1861, only a month after the war began, Major General Benjamin Franklin Butler declared the slaves that ran to the Union-controlled Fort Monroe in Hampton, Virginia, to be contraband that could be seized and therefore liberated. In August, the president reluctantly signed a Confiscation Bill that allowed the federal government to seize slaves used by the Confederate military but did not enforce it, angering abolitionists. That same month, Major General John Charles Frémont, head of the Department of the West, declared martial law in Missouri with a proclamation freeing the slaves. Lincoln asked him to modify it, and when Fremont was defiant, the president ordered it. The Radical Republicans passed a Second Confiscation Act, allowing property including slaves to be seized without a jury trial but again the army ignored it, to their great dismay. Finally, in April 1862, Major General David Hunter declared martial law in the Carolina, Georgia, and Florida coasts freeing and arming the slaves. Lincoln furiously rescinded the order and informed all commanders they had no authority to free or arm slaves.

Lincoln even offered compensated emancipation to Border States such as Delaware and had to be careful to avoid any misstep that might make strategically-important Maryland, Kentucky, or Missouri join the Confederacy. Contrary to his contemporary and present-day critics, President Lincoln did not ignore the plight of four million slaves. He was acting prudently and sought to achieve the moral end of ending slavery through constitutional means. Lincoln settled on the presidential war power of abolishing slavery to damage the Confederate war effort. He understood that this power would be nullified by the end of the war. He also knew that a presidential proclamation and any of the efforts by his officers would be subject to the close scrutiny of the Supreme Court (which had issued the *Dred Scott v. Sanford* (1857) decision only a few years before stating that African Americans were not and could never be American citizens). A constitutional amendment would be necessary to end slavery forever in the United States. In the meantime, any proclamation guaranteeing the inalienable rights of slaves would have to be crafted with the greatest care to pass constitutional muster. That was why he sought to squash any previous attempt. The result was the Emancipation Proclamation.

- **Vocabulary**
 - Dilemma
 - Radical Republicans
 - Liberate
 - Martial Law
 - Emancipation
 - Border States
 - Intimated
 - Enshrined
- **Introduce Text**
 - Have students read the background and narrative, keeping the “Walk-In-The-Shoes” question in mind as they read. Then have them answer the remaining questions below.
- **Walk-In-The-Shoes Questions**
 - As you read, imagine you are the protagonist.
 - What challenges are you facing?
 - What fears or concerns might you have?
 - What may prevent you from acting in the way you ought?
- **Observation Questions**
 - What was Abraham Lincoln’s role in the Emancipation Proclamation?
 - Why did Abraham Lincoln structure the proclamation as he did?
 - What compromises have you made in your own pursuit of justice?
 - What does Abraham Lincoln’s tireless pursuit of justice say about his identity?
- **Discussion Questions**
 - Discuss the following questions with your students.
 - What is the historical context of the narrative?
 - What historical circumstances presented a challenge to the protagonist?
 - How and why did the individual exhibit a moral and/or civic virtue in facing and overcoming the challenge?
 - How did the exercise of the virtue benefit civil society?
 - How might exercise of the virtue benefit the protagonist?
 - What might the exercise of the virtue cost the protagonist?
 - Would you react the same under similar circumstances? Why or why not?
 - How can you act similarly in your own life? What obstacles must you overcome in order to do so?
- **Additional Resources**
 - Franklin, John Hope. *The Emancipation Proclamation*. New York: Doubleday, 1963.
 - Guelzo, Allen. *Lincoln’s Emancipation Proclamation: The End of Slavery in America*. New York: Simon and Schuster, 2004.

Handout A: Abraham Lincoln, the Emancipation Proclamation, and Justice

Background

When President Abraham Lincoln was elected in 1860, he faced several significant dilemmas. The first was the general problem that while he abhorred slavery as a great moral evil, he recognized that the president and Congress had little power over slavery where it already existed. Lincoln was deeply committed to the rule of law and constitutionalism, and would not act unilaterally and unconstitutionally to ban slavery. Second, Lincoln's election caused many southern states to fear that he would interfere with slavery and therefore proclaimed that they were seceding from the Union. Third, once the war began, he would have to decide the thorny issue of what to do with slaves that ran away to Union armies or were in areas captured by those armies.

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Narrative

On the morning of July 13, 1862, President Abraham Lincoln rode in a carriage with his Secretary of State William Seward and Secretary of the Navy Gideon Welles to the funeral of Secretary of War Edwin Stanton's infant son. During the bumpy ride over the rutted streets of Georgetown Heights, Lincoln undoubtedly dwelled morosely on the recent death of his own eleven-year-old son, Willie, as well as the frustrations of Union military reversals. However, Lincoln was ready to confide in the members of his Cabinet and took the opportunity to reveal a plan to free the slaves. Lincoln told Seward and Welles that he had "dwelt earnestly on the gravity, importance, and delicacy" of the subject. The president had concluded that freeing the slaves was a "military necessity absolutely essential for the salvation of the Union." He intimated that he would use presidential war powers to emancipate the slaves by "proclamation in case the Rebels did not cease to persist in their war." Seward and Welles were dumbfounded, and Seward interrupted that it was an issue with "vast and momentous" consequences and needed "mature reflection." Welles was uncomfortable discussing the subject while traveling to a funeral. But Lincoln persisted in talking about emancipation which was the "absorbing theme" of the ride. They would soon continue the conversation with the rest of the Cabinet.

Over the next week, Lincoln spent time alone in deep concentration in his library and drafted a preliminary Emancipation Proclamation. It might have seemed like an impossible task fraught with insurmountable difficulties.

He had to consider many questions and audiences. First of all, Lincoln had a deep reverence for the Constitution and laws of the United States and wanted to make sure that he was acting constitutionally rather than just acting on his own personal wishes. Secondly, he had to anticipate opposition to the measure—for very different reasons—from different audiences including the South, Border States in the North that had slaves, and northern Democrats, Radical Republicans, soldiers, and ordinary citizens. Besides these possible critics, Lincoln also wanted to keep the dreams of slaves and free African Americans alive for the end of slavery.

On Tuesday morning, July 22, Lincoln met with most of his Cabinet members in his office and shared his preliminary Emancipation Proclamation with them. He indicated that he welcomed their suggestions and even invited them to express their differences, but he “had resolved upon this step, and had not called them together to ask their advice” over whether he should issue the proclamation. He told them that he assumed full responsibility for the measure. Everyone was thunderstruck, and no one said a word. Lincoln let the silence hang in the air for several long minutes and proceeded to read his draft to them.

Lincoln’s Preliminary Emancipation Proclamation declared that under his constitutional war powers as commander-in-chief, he was “forever” freeing the slaves as a war measure to damage the Confederate war effort. The proclamation only applied to the states who were part of the Confederacy, and any state which renounced secession and returned to the Union by January 1, 1863 could keep their slaves. Moreover, the proclamation did not apply to the Border States of Maryland, Delaware, Kentucky, and Missouri because the Constitution gave him no authority over their slaves and they would join the Confederacy if he tried to free them.

Lincoln received a wide variety of opinions from his Cabinet—that it would lead to a race war, that it would have disastrous political fallout for the Republicans in the upcoming congressional elections and 1864 presidential election, that it would invite foreign intervention on the side of the Confederacy to protect cotton supplies, and that it would cause southerners to fight even harder to preserve their way of life and thereby lengthen the war. President Lincoln was not dissuaded in his pursuit of justice but the one piece of advice that he listened to was Stanton’s counsel to wait “until the eagle of victory takes his flight.” Lincoln concurred and stated that he would issue the proclamation only after a significant Union victory.

Meanwhile, Lincoln started to drop some subtle hints of his proclamation that can be seen as signposts pointing to emancipation. In a public letter to President Lincoln entitled “The Prayer of Twenty Millions,” *New York Tribune* editor Horace Greeley urged Lincoln to adopt an abolitionist stance and free the slaves. Lincoln replied and stated, “My paramount object in this struggle is to save the Union.” Although he would pursue that goal by freeing none or just some of the slaves, Lincoln held it out as a possibility that he would save the Union by “freeing all the slaves.” Although some interpret this letter to mean Lincoln made ending slavery secondary to the main goal of saving the Union, he tied the constitutional and moral causes of justice together. On August 14, the president met with five African American men and to their disappointment and Frederick Douglass’ outrage, Lincoln promoted the idea of voluntary colonization of free blacks outside the United States. What they (and present-day commentators) missed was the signpost that the conversation was predicated upon the idea that emancipation was forthcoming. A few weeks later, Lincoln told a group of clergymen mentioned that he felt like an instrument of God’s will and hinted at a “proclamation of liberty to the slaves.”

Meanwhile, the Union continued to lose on the battlefield, at the Second Battle of Bull Run in late August. Finally, on September 17, Union General George McClellan defeated General Robert E. Lee at the Battle of Antietam, still the bloodiest day in American history. Lee withdrew from Maryland back into Virginia, and while McClellan failed again to pursue the enemy, Lincoln had the victory he needed to issue the preliminary Emancipation Proclamation, which he did on Monday, September 22. He convened the Cabinet that day and told them, “When the rebel army was at Frederick, I determined, as soon as it should be driven out of Maryland, to issue a Proclamation of Emancipation. I said nothing to any one; but I made the promise to myself, and (hesitating a little)—to my Maker. The rebel army is driven out, and I am going to fulfil that promise.” He continued, “God had decided this question in favor of the slaves. He was satisfied it was right.” Lincoln read the four pages of the proclamation to his Cabinet, which quietly supported the measure, and it was published in the Washington papers the next day.

Lincoln had a long record of opposing the moral evil of slavery while supporting a constitutional republic. While he had little power over slavery where it existed, Lincoln determined that his war powers permitted him to interfere

with it in the rebellious states. Once he decided that it was the constitutionally and morally right thing to do, he freed the slaves and persevered in his course. In November 1862, he said he would “rather die than take back a word of the Proclamation of Freedom.” On January 1, 1863, none of the Confederate states returned to the Union, and the slaves were free. The Emancipation Proclamation was one of the country’s greatest political gambles and one of its greatest acts of justice. At the end of the war, the Thirteenth Amendment forever banning slavery in the United States was ratified and enshrined the Emancipation Proclamation into fundamental law.