

EMANCIPATION AT

150

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THE IMPACT OF  
THE EMANCIPATION  
PROCLAMATION

*A project co-sponsored by the United States Commission  
on Civil Rights and President Lincoln's Cottage,  
a Site of the National Trust for Historic Preservation*

January 1, 2013



*A Lincoln*

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PRESIDENT LINCOLN'S COTTAGE  
AT THE SOLDIERS' HOME



**National Trust *for*  
Historic Preservation**  
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*A Lincoln*

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PRESIDENT LINCOLN'S COTTAGE  
AT THE SOLDIERS' HOME

We are pleased to present "The Emancipation Proclamation at 150," an anthology of essays, cosponsored by the United States Commission on Civil Rights and President Lincoln's Cottage, a site of the National Trust for Historic Preservation.

President Lincoln developed the Emancipation Proclamation while living at the Cottage in the summer of 1862. For many years that fact was recognized and appreciated. A December 1936 article from *The Washington Post* described a woman's pilgrimage to the Cottage to "pay tribute" to Lincoln on the Proclamation's 74th anniversary. The woman, a Mrs. Thomas Chase, was 92 years old and had been born into slavery in Virginia. In the spring of 1862, after DC Emancipation was enacted, she escaped to the District to secure her freedom. She recalled seeing Lincoln riding out to the Cottage at the Soldiers' Home regularly. And she described the reaction she, and those around her, had — laughter and tears — when Lincoln issued his proclamation of freedom on January 1, 1863. Despite the deep emotional connection people had for this place, the significance of the Cottage faded from our collective memory due to restricted access and being set apart from the busy tourist center of downtown Washington. In 2000, the Cottage was declared a National Monument by President Clinton, igniting efforts to resurrect the story of President Lincoln's Cottage and the nation-changing events that took place here. In the eight years that followed, the National Trust for Historic Preservation undertook a comprehensive restoration and rehabilitation effort. The Cottage opened to the public for the first time on President's Day in 2008, offering Americans unparalleled insight into Lincoln's life and work, notably his evolving ideas on slavery and the Emancipation Proclamation.

This collection of anthologies provides a snapshot of expert opinion on the Emancipation Proclamation today, 150 years after it was issued. When Lincoln issued the preliminary Emancipation Proclamation on September 22, 1862, the reaction was immediate and mixed. Some newspapers declared that Lincoln had been "coerced by the radicals" or that the measure was unconstitutional, while others hailed the proclamation as a leap forward for greater freedoms. Still others suggested that the Proclamation was a good first step but did not go far enough. In the 100 days that followed, the Proclamation was debated and Lincoln pressed from all sides on what to do next. Ultimately, he enacted the Emancipation Proclamation — with a few key modifications — on January 1, 1863. And yet the debate over the meaning and impact of the Emancipation Proclamation continues to this day. This ongoing debate underscores the enduring significance of the Proclamation and supports its designation as one of the most influential documents in our nation's history. The Emancipation Proclamation paved the way for the 13th Amendment and marked a critical turning point in the evolution of civil rights in America. For this reason, we could

not imagine a more fitting co-sponsor for this anthology than the United States Commission on Civil Rights and are honored that they agreed to undertake this project with us. We are each doing our part to raise awareness about the history of our freedoms in this country and to encourage people to actively engage in discourse about our rights today.

*Erin Carlson Mast, Executive Director, President Lincoln's Cottage*



I am honored to Chair the U.S. Commission on Civil Rights as we observe the 150th anniversary of President Lincoln's issuance of the Emancipation Proclamation. I am also proud that the Commission has collaborated with President Lincoln's Cottage on this historic anthology and its companion symposium, commemorating the sesquicentennial of the Emancipation Proclamation.

These essays present contemporary examinations of the historical context that led to President Lincoln's issuance of the Emancipation Proclamation, as well as the evolution of the Proclamation's meaning over time and its significance today.

As we reflect on this important milestone in our nation's history, I cannot help but reflect on the Commission's role in documenting the progress of civil rights during the first century of the Proclamation in its 1963 Report entitled, "Freedom to the Free: Century of Emancipation 1863-1963." My predecessor, Commission Chairman John A. Hannah, wrote in the Report's Letter of Transmittal to President Kennedy, "Surely the Nation is at the threshold of a new birth of freedom." Chairman Hannah was right, for the following year the Civil Rights Act of 1964 would be passed, and the next year the Voting Rights Act of 1965 would become law. Both laws, as well as the Commission itself, are clearly the progeny of the Emancipation Proclamation.

As we look at the state of civil rights in the U.S. today, we see that the Emancipation Proclamation has brought to fruition the promise of this nation to so many over the last century and a half, yet much remains unfulfilled. When the African-American unemployment rate is twice that of White Americans, the promise of emancipation has yet to be fully realized. When African-Americans make up almost half of our country's prison population and are six times more likely than White Americans to be incarcerated, they are not "forever free," as promised by the Proclamation. When almost a third of African-Americans live in poverty and many attend schools that are substandard, underfunded and re-segregated, then we have much work yet to do as a nation.

President Lincoln said in his Gettysburg Address that, "It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced." Let us then in this, the 150<sup>th</sup> year since Emancipation, heed those words and rededicate ourselves to the unfinished work begun by President Lincoln on January 1, 1863.

*Martin R. Castro, Chairman, U.S. Commission on Civil Rights*

## Acknowledgements

President Lincoln's Cottage and the United States Commission on Civil Rights collaborated to produce *Emancipation at 150: The Impact of the Emancipation Proclamation*, and would like to acknowledge several partners for their assistance in making this publication possible. Special thanks to members of the joint committee, Roberta Ackenberg, Gale Heriot, Candice Shy Hooper, and Michael Kahn, for their expert guidance and leadership in shaping this program. We are especially grateful Sue Carruthers for generously volunteering her time to edit the anthology.

## **About President Lincoln's Cottage, the National Trust for Historic Preservation and the United States Commission on Civil Rights**

*President Lincoln's Cottage* is a non-profit historic site located on the historic grounds of the Armed Forces Retirement Home in Northwest Washington, DC. President Lincoln's Cottage opened to the public in 2008, providing Americans with unparalleled insight into the Emancipation Proclamation, which Lincoln developed while living there, as well as his visionary leadership and big ideas. The site is a National Monument, National Historic Landmark, and part of the National Trust for Historic Preservation. The Cottage's mission is to engage the public in an exploration of Abraham Lincoln's leadership and ideas, and preserve President Lincoln's Cottage to nurture reflection and discourse on liberty, justice and equality. For more information, please visit: [lincolncottage.org](http://lincolncottage.org).

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*The National Trust for Historic Preservation* is a private, nonprofit organization chartered by Congress by means of the National Trust for Historic Preservation Act of 1949 (16 U.S.C. 468-468c). The Trust's purpose is to promote the preservation of historic American sites, buildings, objects, and antiquities of historical significance, and to facilitate public participation in the preservation of sites, buildings, and objects of historical significance or interest. For more information, please visit [preservationnation.org](http://preservationnation.org).

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*The United States Commission on Civil Rights* was established as an independent, bipartisan, fact-finding federal agency by the Civil Rights Act of 1957. The Commission investigates allegations relating to deprivations because of race, color, religion, sex, disability, age or national origin; or resulting from any pattern or practice of fraud regarding the right of United States citizens to vote or to have votes counted. The Commission also studies and makes appraisals of alleged deprivations of voting rights and alleged discrimination based on race, color, religion, sex, age, disability, or national origin, or in the administration of justice. Further, the Commission serves as a national clearinghouse for information relating to such discrimination or denials of equal protection, and prepares public service announcements or advertising campaigns to discourage such discrimination or denials of equal protection. For more information, please visit: [www.usccr.gov](http://www.usccr.gov).

## Author Biographies

**Dr. David Blight** is the Class of 1954 Professor of American History at Yale University. As of June 2004, he is also the Director of the Gilder Lehrman Center for the Study of Slavery, Resistance, and Abolition at Yale. Professor Blight is the author of *American Oracle: The Civil War in the Civil Rights Era*, an intellectual history of Civil War memory, rooted in the work of Robert Penn Warren, Bruce Catton, Edmund Wilson, and James Baldwin, as well as *Race and Reunion: The Civil War in American Memory*, which received eight book awards, including the Bancroft Prize, the Abraham Lincoln Prize, and the Frederick Douglass Prize as well as four awards from the Organization of American Historians. Dr. Blight is a frequent book reviewer for the *Washington Post* Book World, the *Chicago Tribune*, the *Los Angeles Times*, the *San Francisco Chronicle*, the *Boston Globe*, Slate.com and other newspapers, and has written many books and articles on abolitionism, American historical memory, and African American intellectual and cultural history. He is one of the authors of the American history textbook for the college level, *A People and a Nation*.

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**Dr. Michael Burlingame**, holder of the Chancellor Naomi B. Lynn Distinguished Chair in Lincoln Studies at the University of Illinois at Springfield, is the author of *Abraham Lincoln: A Life*, which won the 2010 Lincoln Prize, for the finest scholarly work in English on Abraham Lincoln, or the American Civil War soldier, or a subject relating to their era. It also was a co-winner of the annual book prize awarded by the Abraham Lincoln Institute of Washington, D.C., and won the Russell P. Strange Book Award given annually by the Illinois State Historical Society for the best book on Illinois history. In addition, Professor Burlingame has edited over a dozen volumes of Lincoln primary source materials, and has received the Abraham Lincoln Association Book Prize (1996), the Lincoln Diploma of Honor from Lincoln Memorial University (1998), Honorable Mention for the Lincoln Prize, Gettysburg College (2001), and was inducted into the Lincoln Academy of Illinois in 2009. Originally from Washington, D.C., Professor Burlingame studied under David Herbert Donald at Princeton University and Johns Hopkins University, where he received his Ph.D. In 1968 he joined the History Department at Connecticut College in New London, where he taught until retiring in 2001 as the May Buckley Sadowski Professor of History Emeritus. He joined the faculty of the University of Illinois at Springfield in 2009.

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**Ambassador-at-Large Luis CdeBaca** was appointed by President Obama in May 2009 to coordinate U.S. government activities in the global fight against contemporary forms of slavery. He serves as Senior Advisor to the Secretary and directs the State Department's Office to Monitor and Combat Trafficking in Persons, which assesses global trends, provides training and technical assistance, and advocates for an end to modern slavery. Mr. CdeBaca formerly served as Counsel to the House Committee on the Judiciary, where his portfolio for Chairman John Conyers, Jr. included national security, intelligence, immigration, civil rights, and modern slavery issues. At the

Justice Department, Mr. CdeBaca was one of the country's most-decorated federal prosecutors, leading the investigation and prosecution of cases involving money laundering, organized crime, alien smuggling, official misconduct, hate crimes, and human trafficking. He was honored with the Attorney General's Distinguished Service Award for his service as lead trial counsel in the then largest slavery prosecution in U.S. history, which involved the enslavement of over 300 Vietnamese and Chinese workers in a garment factory in American Samoa. Additionally, he received the Department's highest litigation honor — the Attorney General's John Marshall Award — and the Director's Award from the Executive Office of United States Attorneys. He has received the leading honor given by the national trafficking victim service provider community, the Freedom Network's Paul & Sheila Wellstone Award, and has been named the Michigan Law School's Distinguished Latino Alumnus. He has convicted dozens of abusive pimps and employers, and helped to liberate hundreds of victims from servitude. Mr. CdeBaca's family settled in New Mexico in the 1500s. He was raised on a cattle ranch in Huxley, Iowa, and attended Iowa State University. Mr. CdeBaca received his law degree from the Michigan Law School, where he was an editor of the Michigan Law Review.

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**Dr. Allen Guelzo** is the Henry R. Luce Professor of the Civil War Era at Gettysburg College. He is the author of *Abraham Lincoln: Redeemer President* (1999), *Lincoln's Emancipation Proclamation: The End of Slavery in America* (2004), *Lincoln and Douglas: The Debates That Defined America* (2008), *Lincoln: A Very Short Introduction* (2009) and *Fateful Lightning: A New History of the Civil War and Reconstruction* (2012).

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**Dr. Lucas Morel**, the Lewis G. John Term Professor of Politics at Washington and Lee University (Lexington, VA), arrived at W&L in July 1999 from Siloam Springs, Arkansas, where he had taught from 1994 to 1999 at John Brown University. His teaching and research interests are American government, political theory, Abraham Lincoln, and black American politics. He also serves as a pre-law advisor for the undergraduate university at large. Dr. Morel is president of the Abraham Lincoln Institute, trustee of the Supreme Court Historical Society, and board member of the Abraham Lincoln Association. In the 2008-09 academic year, he was the Garwood Visiting Research Fellow at the James Madison Program in American Ideals and Institutions at Princeton University. He also teaches in the Summer Masters Program in American History and Government at Ashland University in Ashland, Ohio, where he also serves on the board of advisors. He has written for the *Los Angeles Times*, *Christian Science Monitor*, *First Things*, and *Richmond Times-Dispatch*, and is currently writing a book entitled *Lincoln, Race, and the Fragile American Republic*. He holds degrees from Claremont McKenna College and the Claremont Graduate School.

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**Dr. Steven Schlossman** is a social and policy historian at Carnegie Mellon University, specializing in a variety of topics in 19th and 20th century U.S. history, including juvenile and criminal justice and corrections; education, childhood, and parenting; and the politics of military recruitment. His current research in criminal justice focuses on the evolution of juvenile courts, juvenile reformatories, and patterns of delinquent behavior between the early 19th century and the present, and on tracking public perception shifts about juvenile delinquency through documentary and feature film. In the field of education, his current research centers on the impact of the early 20th-century behavioral sciences on changing ideals of "good" parenting, and on homework as a deeply divisive issue in the history of American schooling. And on military recruitment, his current work analyzes policy controversies surrounding the draft, the all-volunteer army, and the experiences of

gays, blacks, and women in the armed services. Before coming to Carnegie Mellon, Schlossman was on the research staffs of the RAND Corporation (Santa Monica), the California State Department of Justice, and the California State Assembly. He also taught previously at the University of Chicago, Harvard University, and UCLA. He received his Ph.D. from Columbia University.

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## **A Good Sleep or a Bad Nightmare: Tossing and Turning Over the Memory of Emancipation**

*David Blight*

“It is the innocence that constitutes the crime.”  
- James Baldwin, *The Fire Next Time*, 1963

Abraham Lincoln possessed a deep and abiding sense of history. He understood the United States and its place in history as a model, if sometimes failed, republic in world-historical terms. With seriousness and a sense of irony, he once referred to Americans as an “almost chosen” people. In December 1862, in his annual message to Congress — after announcing the Preliminary Emancipation Proclamation in September and just before signing the final version on January 1, 1863 — Lincoln famously declared that in this crisis of the Union and the fate of the slaves, Americans had to fundamentally change their course of history; they had to “disenthrall themselves.” Everything was at stake. “In giving freedom to the slaves,” he announced, “we assure freedom to the free, honorable alike in what we give, and what we preserve. We shall either nobly save or meanly lose the last best hope of earth.” This is language written from a mountaintop, sent down through the ages, and in the midst of a harrowing turning point in a massive civil war, the outcome of which was very much uncertain. We love to quote such lines from Lincoln as though they were meant directly for us, even predictive of our current conditions. His prose poetry, if we truly listen, does remind us of who we say we were or are, past or present, whether in our best or our worst moments as a people.

Collective memory of Lincoln, in America and abroad, will forever be inextricably linked to his role in the emancipation of four million slaves, and through that process, re-making the American republic. Over time, the views of Lincoln and his role in emancipation held by major African-American leaders and writers have always served as one important index not only of Lincoln’s evolving reputation, but of our society’s race relations more generally. And for African Americans, “getting right with Lincoln” is still a relevant subject – largely because the meaning and memory of emancipation itself (its great results in law, society, electoral politics, and national morality) are still so viscerally important. In this 150<sup>th</sup> anniversary season of the Emancipation Proclamation, it is highly instructive to revisit some transcendent black voices, past and present, on this matter.

Black reactions to Lincoln over time have ranged, of course, from suspicion and contempt to love and devotion. In the wake of Lincoln’s first inauguration, the firing on Fort Sumter, and the beginning of the Civil War in the late spring of 1861, Frederick Douglass, the former slave and greatest spokesman of his race as orator and newspaper editor, struggled mightily over whether to have any faith in the new Republican president. Douglass could not yet know how Lincoln might

grow on the issue of freeing slaves; his only certainty was that southern secession and the outbreak of a sanctioned war to force the Confederate states back into the Union provided the long-imagined chance to destroy slavery and slaveholders. But in those early months of armed conflict, the stated policy of the Lincoln administration was to raise troops to put down a rebellion, to sustain the Union, to return all fugitive slaves, as much as possible, to their legal owners, and not to make war on slavery.

Initially, Douglass blistered Lincoln with both satire and contempt. He lampooned the secretive, quiet way Lincoln had arrived in Washington D.C., in March 1861, likening the scene to the way the “poor, hunted fugitive slave reaches the North, in disguise... evading pursuers, by the underground railroad... crawling and dodging under the sable wing of night.” Douglass wondered how “galling” it must have been to the president-elect to feel like “a fugitive slave, with a nation howling on his track.” Douglass’s anger became fiercer yet in that first summer of the war. Lincoln’s acknowledgment of the South’s “right of property” in slaves seemed to this former slave only “weakness... and conciliation towards the tyrants and traitors.” Douglass demanded “rebuke” and not “palliations.” The embittered editor imagined Lincoln on bended knee to slaveholders, performing as an “excellent slave hound” and the “most dangerous advocate of slave-hunting and slave-catching in the land.”

As the scale of the war widened tremendously in 1862, Douglass kept up the criticism and pressure on Lincoln from his editor’s desk and on orators’ platforms. But when the President issued the Preliminary Proclamation five days after the battle of Antietam, on September 22, 1862, Douglass reacted with cautious hope, even joy. When Lincoln signed the great executive order on January 1, 1863, Douglass remembered that the actual legal language and “logic” of emancipation were not what he and so many in the abolition movement wanted to hear; they were “waiting and watching,” he recalled, for the “trump of jubilee to those now toiling millions.” They would worry later about logic, and instead celebrated, and then put their shoulders to the grindstones to push emancipation as far as they possibly could, helping all the way, they hoped, to make a new history along with Abraham Lincoln. By February 1863, while beginning the struggle to recruit black troops into the Union armies (authorized by the Emancipation Proclamation) Douglass delivered a speech at the Cooper Union in New York that shows how he and Lincoln had come by 1863 to speak almost from the same script. “We are all liberated by this Proclamation,” Douglass proclaimed. “Everybody is liberated. The white man is liberated, the black man is liberated, the brave men now fighting the battles of their country against rebels and traitors are now liberated.” Emancipation, Douglass argued, was bigger than any group or class of individuals; it was not merely freedom extended to slaves. “There are certain great national acts,” he declared, “which by their relation to universal principles, properly belong to the whole human family, and Abraham Lincoln’s Proclamation of the 1<sup>st</sup> of January, 1863, is one of these acts.” Emancipation, Douglass firmly believed, would now force, through blood, the re-making of the nation.

And so it was and is. But move a century ahead in time, to the centennial era of both the Civil War and emancipation, and we can find other black voices with equally troubled and poignant commentary on the importance of emancipation as well as its memory. From the late 1950s

through the mid-1960s, the official efforts to commemorate the Civil War centennial at the federal and state levels in the United States profoundly failed to incorporate the story of emancipation in any meaningful way into the countless anniversary recognitions of the war itself – of the glorious conflict between the Blue and the Gray, a white man’s war of noble sacrifice infused with Lost Cause traditions that in the end made the nation greater and stronger. In the midst of the Cold War and the civil rights revolution, civil rights and emancipation almost never occupied the same commemorative or even intellectual space as the Civil War. In segregated America, civil rights and the memory of the Civil War were like separate planets orbiting separate suns.

A major exception was James Baldwin, who by the late 1950s became the literary voice of the Civil Rights Movement. Born in Harlem in 1924, the oldest of nine children, and growing up in severe poverty, Baldwin nevertheless achieved a very good education in New York’s public schools. With devoted teachers encouraging his reading and early writing, Baldwin left Dewitt Clinton High School in the Bronx in 1942 and, because he had no money for college, went down to Greenwich Village to try to become a writer. Unable to finish his first novel, and struggling with his sexuality and against racism of various kinds, Baldwin left the United States in 1948 and went into a personal and literary exile to France. There over the next nine years he wrote his first two works of fiction, *Go Tell it on the Mountain* (1953), *Giovanni’s Room* (1956), and much of the third, *Another Country* (1962). But in 1957, as the civil rights struggle in the American South began to garner headlines, it also captured Baldwin’s conscience and imagination. He returned to his native country, well armed already with a growing list of nonfiction essays, and threw himself into the movement with a literary and oratorical fervor matched by few others.

In *Notes of a Native Son* (1955), *Nobody Knows My Name* (1960), and especially in *The Fire Next Time* (1963), Baldwin provided a lyrical, and often embittered, analysis of the country’s racism, as well as its unwillingness and inability to face its racial past. It is difficult to know precisely how Baldwin came by his historical knowledge and to the nature and philosophy of history. What is clear is that from his earliest writing he exhibited a keen and passionate, if sometimes inchoate, sense of history. For Baldwin, history was epic in its sweep, mythic in its power and substance. A sense of history emerged from and drove the narratives woven into the head and the heart, into action and art, into human nature as well as imagination, and into the best and worst in human affairs. History made people agents and victims, and often both at once. Given his childhood that was so dominated by an evangelical Baptist Christianity, he even shared in some ways the providential sense of a vaguely God-centered history that both Lincoln and Douglass embraced. Baldwin ventured bold and refreshingly brilliant claims to speak for and about the character of history, often converting the past into a kind of political-literary art. Baldwin worried intensely in his essays about how Americans remembered or forgot the Civil War, the Reconstruction era, and the agonizing past-present of the Jim Crow society. He constantly played the Jeremiah, calling his readers to wake up, face their past, and thereby try to imagine a new future.

From his earliest writings, Baldwin demanded that Americans reconsider ideas like “progress,” that they try to imagine a past that was realistic, genuinely tragic, and might not always make them feel good in their forgetfulness. Americans (by which he usually meant whites) loved

their history in the “sunlight in which they always seemed to be bathed.” Invoking Lincoln, without using his name, Baldwin further warned that “if it [the United States] is the last best hope, we had better find out more about it.” In “Many Thousands Gone,” an essay in the 1955 collection, Baldwin offered a stunning statement of the American habit of turning painful or embarrassing history into cheerful myth and progress. “Americans,” he said, “unhappily, have the most remarkable ability to alchemize all bitter truths into an innocuous but piquant confection and to transform their moral contradictions, or public discussion of such contradictions, into a proud decoration, such as are given for heroism on the field of battle.” Baldwin crafted countless such critiques of the American desire to make the past serve a triumphal present, no matter the extent of evasion or amnesia necessary to bring it about. Most poignantly of all, writing in 1962, Baldwin observed that as Americans conceived their past, “words are mostly used to cover the sleeper, not to wake him up.” They preferred a history that helped them sleep well at night, and did not jar or terrify them with nightmares. Unfortunately, for Baldwin the history of slavery, the War, emancipation, Reconstruction and Jim Crow were not the stuff of a good night’s rest. A nation that persistently converted its historical “contradictions” into “confections” was on a terrible collision course with itself. One reviewer of the *Fire Next Time*, Henrietta Buckmaster, aptly described Baldwin’s potential impact on readers: “No billowy sentiments... cushion the bounce we are given. It is a book for white readers.... We white people, in the confusion of our educated nonsense, have waited a long time for such a book and we had better not bungle our chances now or fail to grasp this tow rope to shore.”

Baldwin was hardly alone in this view in the 1960s, or since. After his magnificent novel, *Invisible Man* (1952), Ralph Ellison became a powerful and prolific essayist. His essays examined the meaning of race and identity in American society and culture with a unique probity and imagination. Oklahoma born in 1913, and a migrant to New York and Harlem, Ellison possessed a profound sense of history, but he only rarely addressed the Civil War specifically as an enduring marker in the nation’s past.

In the summer of 1953, while at a symposium held in Memorial Hall at Harvard University, which is physically one of the largest Civil War monuments in the United States, Ellison experienced what biographer Arnold Rampersad calls an “epiphany that overwhelmed him.” “My attention was drawn upward,” Ellison later remembered while wandering the majestic hallway outside Sanders Theater, “and I was aware of the marble walls, somber and carved with names.” Until then, at age 40, the Civil War had never fully captured Ellison’s fertile imagination. But suddenly, looking up at the names of the New England Harvard men, each of whom had given his life on the battlefields of 1861-65, as Rampersad puts it, “a tourist’s curiosity flamed into something harrowing” for Ellison. “I knew its significance almost without knowing,” Ellison recollected, “and the shock of recognition filled me with a kind of anguish. Something within me cried out ‘No!’ against that painful knowledge, for I knew that I stood in the presence of Harvard men who had given their young lives to set me free.” Emancipation of the slaves some ninety years earlier suddenly collided with and defined his own life’s story. As the author reflected on his 1953 revelation, he admitted to being “ignorant of their sacrifice,” and “I was ashamed of my ignorance.” Not only had he, the black Oklahoman who had grown up poor and dropped out of Tuskegee

Institute, “repressed” this story to which he now felt emotionally drawn, but the whole nation had also forgotten “the details of the shameful abandonment of those goals for which they had given up their lives.” As Ellison reflected later on this “betrayal of ideal and memory,” he did so in part by recalling the language and arguments in Abraham Lincoln’s Gettysburg Address. It would not be the only time he appealed to Lincoln’s elegiac masterpiece, nor imagined in his art the shocks and recognitions that lay waiting in Civil War memory. Never intending it, Ellison was about to have his own reckoning with Lincoln.

In June 1965, Ellison published an essay-story in the *Nation*, entitled “Tell It Like It Is, Baby.” He apparently began writing the piece in 1956 while living in Rome, Italy, on a writing fellowship at the American Academy. It was inspired by a letter from an old childhood friend from Oklahoma, who wrote to Ellison wondering if he had “read about those cracker senators cussing out the Supreme Court and all that mess” (a reference to Southern white resistance to the desegregation decision in *Brown v. Board* in 1954). The friend, “Virgil B,” wanted his “home-boy gone intellectual” to “tell a man how it is.” Ellison found this challenge “unsettling,” as he discovered “that there lay deeply within me a great deal of the horror generated by the Civil War and the tragic incident which marked the reversal of the North’s ‘victory,’ and which foreshadowed the tenor of the ninety years to follow.” Ellison then describes a dream he had one night in Rome, falling asleep after reading a book about literary tragedy and contemplating desegregation and the emergence of the Civil Rights Movement back home. The piece languished for nine years until he found further inspiration to finish it in 1965, the year of the Selma to Montgomery march, the Voting Rights Act, and the end of the Civil War centennial.

“Tell It Like It Is, Baby” is a startling allegory about the meaning and memory of emancipation and the Civil War, as well as one of the most original reflections on Lincoln ever crafted. Ellison begins with some musings about how racial “inequalities” in America seem to persist in an “atmosphere of dream-like irrationality”; he observes how competing “myth-image(s)” of Southerners, Northerners, Whites and Blacks, infest the American imagination like a “whirling nightmare.” Then, from the “Roman dark,” flows Ellison’s terrifying remembrance of his own nightmare like “a state of civil war, an impersonal and dreamlike chaos.”

The dream begins with misty images of a young man walking along a street in Oklahoma City, where Ellison was born and raised. He is “filled with expectation” because he anticipates seeing his father; just as he notices a “tall, familiar man,” he sees that he is a stranger who turns away, and not his father. In the dream, Ellison wanders into the center of the city, into the street car terminal with its noises and smells, and then out into the public square, dominated by “a tall, equestrian statue... the rider poised in full gallop... high in his stirrups flourishing a broad military hat with plume.” From this image of the unnamed Confederate monument, the protagonist suddenly descends back in time among a hostile crowd, “as though a book of 19<sup>th</sup>-century photographs had erupted into vivid life.” He is in the streets of Washington, DC, “flags and bunting” wave from buildings, and he is swept up by the “crowd moving with sweating excitement,” as they surge to see “a sheet-covered form being removed on a litter.” As readers, we quickly realize that Ellison is mixing a recollection of his own father’s death when the writer was

but three years old, a first memory, with a haunted, increasingly horrifying remembrance of the death of Abraham Lincoln.

What Ellison witnesses next in the dream is a hideous reversal of the history of Lincoln's funeral. He finds himself reverted to childhood as a "young slave" in a tunic, barefoot and forced into the mob that carries Lincoln's body not to a noble and majestic burial, but to an eternal desecration and defilement. Trapped, he "could not cry" and "could not scream," as he hears shouts of "Sic semper tyrannis!" He had "fallen out of time into chaos," Ellison writes, as "history book descriptions of the event flickered through my mind in visual counterpoint... but nothing was going as it was written." There was "no escort of grieving high dignitaries" nor any "weeping, recently freed slaves forming an anguished second line..." In this "carnival," says the author, the mob shouts, "we've caught the old coon at last... COON! COON! COON!"

As the story ensues the mob sickened in its fury. They began to cut away parts of Lincoln's clothing; they "hacked" at his coat with "pieces of broken bottle," ripped away souvenir slices of his necktie, while "squawking like carrion crows." The "President's stovepipe hat" was thrown around amongst the feverish crowd. "A man grabbed it as it fell and, turning on his toes like a ballet dancer, jammed it on the head of a floozy, cotton-topped blonde, who wiggling wobbly... cutting a clumsy cakewalk... lurched... with a suggestion of bump and grind." Soon, "four ragged Negro men... kicked and pummeled as they stumbled along," were forced to carry the litter containing the "bony railsplitter's" half-naked body. The macabre parade turns into an ugly minstrel show, as "a short, fat man wearing a long, gray coat, and who resembled Edmund Wilson, turned from drinking beer from a tin bucket," threw back a final draught, and "jammed the 'growler' on the Great Emancipator's head, clamping the wire handle beneath the bearded chin." As the throng reached its destination, the Washington Monument, a hooligan pushed "the stem of a corncob pipe between the once so eloquent lips, twisting the bowl so that its contents spilled upon the shrunken chest."

Ellison, the young slave boy in the dream, is compelled to stay and watch this horror show, "forced to the front of the crowd" by an "invisible hand." In sheer terror, he then sees "a man wearing a voluminous opera cape, and who looked oddly like Mr. Justice Holmes," use his boot, "flipping the corpse into a grotesque attitude." The Holmes-like figure opens his cape and sticks his "long finger through a series of bullet holes" as the frenzied mob moves into to kick Lincoln's body into "fantastic positions... twisting it in the cordwood postures of Dachau, shouting and cursing all the while." The slave boy desperately wants the nightmare to end, but "no tears would flow to bring relief." This prolonged destruction of American freedom was beyond grief as it began to seem beyond understanding. The story seems like the bleakest of horrific tragedy with no resolution and no exit, not even tears to assuage the agony. The history one might believe in or desperately desire may be fated for a horrifying reversal.

Even as Ellison's readers may wish for relief, the story and the unbearable tension only worsen. The author refuses to believe Lincoln is dead, imagining the "desecration" as the Emancipator's "tragic duty of keeping the country unified even through an act of fratricidal war," a

terrible playing out of his “fated role.” Then Ellison remembers the dream in “accelerated tempo,” as the “corpse rebelled,” swelling to a “state of putrefaction,” and Lincoln’s “underwear” resembling “inner tubes that form the body of the figure in the Michelin trademark.” The mob continues to claw at Lincoln’s bloated limbs as Ellison lets the dream mercifully end in a scene of apocalyptic horror. The slave boy is pinned down against the wall of the Monument, as “slime-drenched birds burst up from the earth on swift metallic wings and attacked the onlookers with feet of fire.” The four Negro men reappear, carrying a black box and gleaming shovels in their hands. The whole scene, says Ellison, was now as if on a “movie screen”; he stands with the other blacks, peering down into a “great hole” in the ground, where he sees below “a multitude, some black faces among them, sitting at a table making a ghoulish meal of some frightful thing that a white sheet hid from view.”

Ellison awakes in a “cold sweat,” with a “nightingale singing” and the sound of the “lonely play of the fountain” in a Roman piazza beneath his window. In the voice of the essayist of 1965, Ellison recollects that he tried “exorcizing the dream” by “desperately” reciting the words of the Gettysburg Address. Might not Lincoln’s words yet overcome the fear and terror of the nightmare? He had once memorized the lines at “Frederick Douglass” High School in Oklahoma City, writes Ellison, and they had been “profoundly implicated both in my life and in the failure of my promised freedom.” But the “words had hidden themselves, become mute before the vivid mist of nightmare.” Stunningly, Ellison recollects the scene in the 1935 movie, *Ruggles of Red Gap*, in which Charles Laughton, playing the English butler-servant to a vulgar American nouveau riche family of oil barons during the Gilded Age, announces to his employer that he has decided to make a life of his own in the American land of opportunity. In a western bar full of ignorant bumpkins who cannot fathom any answers to “what did Lincoln say at Gettysburg,” Ruggles (Laughton) recites the Address in full in front of a room full of rapt drunks and American philistines. Lincoln’s words take over a room, force an extraordinary, rapt silence on a kind of mob of innocence and ignorance, and plant morality where had been none.

As Ellison ended his story, he did not allow this brilliant little piece of art to merely speak for itself; he interpreted his own dream. “I could not ignore the fact that no one tried to stop the mob,” Ellison said, “nor that I myself was a trapped and impotent observer – in fact, most infantile, my mind become an incongruous scene for historical horrors personalized.” He further suggests that his dream simply fit a “pattern of classical tragedy: the hero-father murdered (for Lincoln is a kind of father of 20<sup>th</sup> century America), his life evilly sacrificed and the fruits of his neglected labors withering some ninety years in the field.” In the end, Ellison reached for understanding in the “insights made available in the wisdom of tragedy.” He confessed “defeat” in ever fully knowing the personal meaning of his dream, but he was quite certain about the social and historical meanings. The deepest legacy of the Civil War for 90 dark years had been the betrayal of the promises of emancipation for blacks and of the expansion of liberty and equality for all Americans. The best approach to understanding that dark time, and whether a brighter era might be dawning, was one chastened and informed by a sense of tragedy. But the country, in its favored and official memories, had taken a holiday from seeing the deepest meanings in the Civil War era. “The last true note of tragedy was sounded,” Ellison concluded, “(and quickly muffled) in our land when the North

buried Lincoln and the South buried Lee, and between them cast the better part, both of our tragic sense — except perhaps the Negroes' — and our capacity for tragic heroism into the grave.” Ellison here demonstrated that true notes of tragedy, though almost buried in the recesses of American memory in the 1860s, had sprung to life again one hundred years later. If we look closely, the “corpses” of the Civil War still “rebel,” our “tears” do not yet bring enough “relief,” and we forever yearn to wake up. Rather than benignly celebrating the anniversary of Lincoln’s Emancipation Proclamation, transcendently important as it is, we would do well to remember that history is never over; alas, it always and forever keeps happening. When we least expect it, history may just cycle back around and snatch the covers from our slumber.

## Abraham Lincoln: Reluctant Emancipator?

*Michael Burlingame*

Some historians have maintained that Abraham Lincoln issued the momentous Emancipation Proclamation only in response to political pressure brought by abolitionists and Radical Republicans.<sup>1</sup> His heart was not really in the cause of black freedom, those scholars argue.

To help prove their case, they cite a reply Lincoln wrote in August 1862 to newspaper editor Horace Greeley, who had penned an editorial condemning the President for failing to chart a sufficiently aggressive antislavery course. Lincoln responded with a public letter in which he declared: “I would save the Union. I would save it the shortest way under the Constitution. . . . If there be those who would not save the Union, unless they could at the same time save slavery, I do not agree with them. If there be those who would not save the Union unless they could at the same time destroy slavery, I do not agree with them. My paramount object in this struggle is to save the Union, and is not either to save or to destroy slavery. If I could save the Union without freeing any slave I would do it, and if I could save it by freeing all the slaves I would do it; and if I could save it by freeing some and leaving others alone I would also do that. What I do about slavery, and the colored race, I do because I believe it helps to save the Union; and what I forbear, I forbear because I do not believe it would help to save the Union. . . . I have here stated my purpose according to my view of official duty; and I intend no modification of my oft-expressed personal wish that all men every where could be free.”<sup>2</sup>

Lincoln’s letter has been misunderstood by those who view it as a statement revealing his innermost belief about the aims of the war. Some deplored its insensitivity to the moral significance of emancipation. In fact, the document was a political utterance designed to smooth the way for the proclamation which he had already written and had read to his cabinet a month earlier. On the advice of his Secretary of State, William Henry Seward, he delayed making it public until the Union Army achieved a major victory. Lincoln knew full well that millions of Northerners as well as Border State residents would object to transforming the war into an abolitionist crusade; they were willing to fight to preserve the Union but not to free the slaves. As president, Lincoln had to make the mighty act of emancipation palatable to them. By assuring conservatives that emancipation was simply a means to save the Union, Lincoln hoped to minimize the white backlash that he knew would inevitably come. As he explained to a pair of Kentucky Unionists who lobbied for emancipation: “you are my friends – I can say and do what I please with you. But this other man I am in doubt about, yet it is important that I retain him in adhesion to our cause, so I go out of my way to please him, while I almost abuse you, who will stick by me, or the cause, come what will!”<sup>3</sup>

Lincoln welcomed the liberation of slaves as enthusiastically as any Radical Republican or any abolitionist. Often portrayed as antagonists, he and the Radical Republicans were in fact united

in their desire for emancipation and for a vigorous prosecution of the war; they differed only in temperament and in tactics.<sup>4</sup> In discussing the Emancipation Proclamation with Joshua Speed, his closest friend, Lincoln said: “I believe that in this measure my fondest hopes will be realized.”<sup>5</sup> Constitutional and political constraints had forced the President to delay issuing the document until the Civil War had been under way for nearly two years; if he had acted solely on his own convictions and inclinations, emancipation would have come about much sooner. Lincoln was not forced by political considerations to issue the Proclamation; on the contrary, such considerations compelled him to postpone doing what he had long wanted to do.<sup>6</sup>

As Frederick Douglass said of Lincoln, “in his heart of hearts he loathed and hated slavery.”<sup>7</sup> Lincoln’s hatred of slavery developed early in life, largely because his father had treated him like a slave.<sup>8</sup> There is ample evidence to support Lincoln’s claim, made in 1858: “I have always hated slavery, I think as much as any Abolitionist,” and his similar assertion, made six years later: “I am naturally anti-slavery. If slavery is not wrong, nothing is wrong. I cannot remember when I did not so think, and feel.”<sup>9</sup> At the age of 28, when serving in the Illinois House of Representatives, Lincoln drafted a formal protest against anti-abolitionist resolutions that had passed the House by a lopsided vote of 77 to 6. He managed to persuade only one colleague, Dan Stone, to join him in stating publicly “that the institution of slavery is founded on both injustice and bad policy.”<sup>10</sup>

To declare publicly that “slavery is founded on both injustice and bad policy” was a remarkably bold gesture for 1837, when antislavery views enjoyed little popularity in central Illinois or elsewhere in the nation. Several months after Lincoln and Stone issued their protest, the Governor of Illinois, Joseph Duncan, voicing the opinion of most of his constituents, denounced all efforts “to agitate the question of abolishing slavery in this country, for it can never be broached without producing violence and discord,” even in the Free States.<sup>11</sup>

Political leaders outside of Illinois held similar views. In 1843, Henry Clay, Lincoln’s “beau ideal of a statesman,”<sup>12</sup> condemned abolitionists as “extremely mischievous” firebrands who “would see the administration of the Government precipitate the nation into absolute ruin” and “nullify the Constitution.” He predicted that “if they are not checked in their progress,” the day would come “when the free States will have to decide on the alternative of repudiating them or repudiating the Union.”<sup>13</sup> In 1836, Massachusetts Governor Edward Everett urged the state legislature to outlaw abolitionists, arguing that “everything that tends to disturb the relations created by this compact [i.e., the Constitution] is at war with its spirit, and whatever by direct and necessary operation is calculated to excite an insurrection among the slaves has been held by highly respectable legal authority an offence against the peace of this Commonwealth.”<sup>14</sup> New York Governor William L. Marcy called abolitionists “sinister, reckless agitators,” then advised his legislature that it might behoove the Free States to provide “for the trial and punishment by their own judicatories, of residents within their limits, guilty of acts therein, which are calculated to excite insurrection and rebellion in a sister State.”<sup>15</sup>

Months after Lincoln and Stone lodged their protest, Springfield residents publicly condemned abolitionism. While the Presbyterian synod was meeting there, citizens banded

together to disrupt the proposed delivery of an antislavery sermon. Mob violence was averted, but some townspeople met and adopted the following resolutions: "We deprecate any attempt to sow discord among us, or to create an excitement as to abolition which can be productive of no good result . . . the doctrine of immediate emancipation in this country, (although promulgated by those who profess to be Christians,) is at variance with Christianity, and its tendency is to breed contention, broils and mobs, and the leaders of those calling themselves abolitionists are designing, ambitious men, and dangerous members of society, and should be shunned by all good citizens."<sup>16</sup> The Whig newspaper in Springfield, to which Lincoln often submitted anonymous contributions, rejoiced "that public opinion in the frontier states is likely to check at once the perfidy of these fanatical men [i.e., the abolitionists]." Westerners "could not be induced to visit upon the South such an accumulation of horrors as is embraced in the meaning of those two words – 'universal emancipation.'"<sup>17</sup>

In 1849, while the 39-year-old Lincoln was serving in the U.S. House of Representatives, he announced to his colleagues that he intended to introduce legislation abolishing slavery in the District of Columbia. At the time, the House was considering measures to outlaw slave trading in the District. Lincoln evidently agreed with the country's foremost abolitionist, William Lloyd Garrison, that the "abolition of the slave traffic . . . is impractical while slavery exists. There is no reason why slave-trading should be prohibited if slave-holding is justified and allowed."<sup>18</sup> Lincoln proposed that, starting in 1850, all children born to slave mothers in the District were to be free; that their mothers' owners would be responsible for supporting and educating those children; that the children in return "would owe reasonable service, as apprentices, to such owners . . . until they respectively arrive at the age of \_\_\_\_ years when they shall be entirely free"; that if owners emancipated slaves in the District, Congress would compensate them at full market value; and that fugitive slaves reaching the District would be extradited by municipal authorities. (Lincoln was evidently trying to mollify those who feared that abolition would make Washington a mecca for runaways.) The bill was to take effect only if a majority of the voters of the District approved it. Lincoln announced "that he was authorized to say, that among fifteen of the leading citizens of the District of Columbia to whom this proposition had been submitted, there was not one but who approved of the adoption of such a measure."<sup>19</sup>

When colleagues shouted out, "Who are they?" "Give us their names!" Lincoln did not reply. Two were Joseph Gales, co-editor of an influential newspaper, the *National Intelligencer*, and his partner William S. Seaton, the Mayor of Washington. A day earlier, Lincoln, along with the leading antislavery champion in Congress, Joshua R. Giddings of Ohio, had called on Seaton. Lincoln told an interviewer years later: "I visited [the] Mayor, Seaton, and others whom I thought best acquainted with the sentiment of the people, to ascertain if a bill such as I proposed would be endorsed by them . . . . Being informed that it would meet with their hearty approbation I gave notice in Congress that I should introduce a bill. Subsequently I learned that many leading southern members of Congress, had been to see the Mayor and the others who favored my bill and had drawn them over to their way of thinking. Finding that I was abandoned by my former backers and having little personal influence, I dropped the matter knowing it was useless to prosecute the

business at that time.”<sup>20</sup> Lincoln’s measure suffered the fate of earlier such proposals; between 1805 and 1862, none such resolutions ever reached a vote.

Some Southerners condemned Lincoln as an abolitionist.<sup>21</sup> At the opposite end of the political spectrum, the antislavery purist Wendell Phillips regarded Lincoln’s proposal to end slavery in the District as “one of the poorest and most confused specimens of pro-slavery compromise.”<sup>22</sup> Joshua Giddings, however, praised Lincoln’s bill, which he had helped draft. On January 8, 1849, the Ohio antislavery militant recorded in his diary: “Mr. [John] Dickey of P[ennsylvania] and Mr. Lincoln of Illinois were busy preparing resolutions to abolish slavery in the D C this morning. I had a conversation with them and advised them to draw up a bill for that purpose and push it through. They hesitated and finally accepted my proposition. . . . Mr. Lincoln called on me this evening and read his bill and asked my opinion which I freely gave.” Three days later, Giddings confided to his diary that “our whole mess remained in the dining-room after tea, and conversed upon the subject of Mr. Lincoln’s bill to abolish slavery. It was approved by all; I believe it as good a bill as we could get at this time, and am willing to pay for slaves in order to save them from the Southern market.”<sup>23</sup>

In March 1849, when Lincoln’s term as a congressman expired, he returned to Springfield. Summarizing his service in the House between 1848 and 1849, a *New York Tribune* correspondent called him “conspicuous in the last Congress – especially during the last session, when he attempted to frame and put through a bill for the gradual Abolition of Slavery in the District of Columbia. He is a strong but judicious enemy to Slavery, and his efforts are usually very practical, if not always successful.”<sup>24</sup> In addition to his proposed bill, Lincoln had shown his true colors by voting consistently for antislavery measures and resolutions.

In 1860, the eminent abolitionist Wendell Phillips triggered a lively debate by denouncing Lincoln as “the slave hound of Illinois” because his 1849 emancipation bill included a fugitive slave clause.<sup>25</sup> In a public letter to Phillips, Joshua Giddings defended Lincoln: “His conversing with the people of the District, the preparation of his bill, the avowal of his intention to present it, were important.” Such actions placed him among “those who were laboring in the cause of humanity. He avowed his intention to strike down slavery and the slave trade in the District; to strike from our statute book the act by which freemen were transformed into slaves; to speak, and act, and vote for the right.” He “cast aside the shackles of party, and took his stand upon principle.” Chiding Phillips, Giddings added: “You speak of that act with great severity of condemnation. I view it as one of high moral excellence, marking the heroism of the man. He was the only member among the Whigs proper [as opposed to the tiny handful of antislavery Whigs] of that session, who broke the silence on the subject of those crimes.”<sup>26</sup> Giddings also declared that while he and Lincoln were in Congress “they became intimately acquainted – boarding at the same house, and sitting opposite each other at meals; that he thought he knew the heart of Abraham Lincoln as well as any living man, and speaking from that knowledge, he believed that every beat of ‘honest Abe’s’ heart was a throb of sincerity and truth – in a word, that he is that noblest work of God – an honest man. He believed Lincoln’s loyalty to republican principles, and to the cause of freedom and humanity, was unquestionable and beyond suspicion.”<sup>27</sup>

Lincoln's long-standing and deep-seated hatred of slavery also impressed Frederick Douglass, who soon after the President's assassination said: "No people or class of people in the country have a better reason for lamenting the death of Abraham Lincoln, and for desiring to honor and perpetuate his memory, than have the colored people." Lincoln was, Douglass declared, "in a sense hitherto without example, emphatically the black man's President: the first to show any respect for their rights as men . . . . He was the first American President who . . . rose above the prejudice of his times, and country."<sup>28</sup>

For many years before Lincoln issued the Emancipation Proclamation, he had been indeed a "strong but judicious enemy to Slavery," and as president became an enthusiastic but judicious (not reluctant) emancipator.

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<sup>1</sup> Kevin Fields, 'Historiographical Trends and Interpretations of President Abraham Lincoln's Reputation and the Morality on the Slavery Question: Part I and II' Lincoln Herald 106 (2004): 150-167, and 107 (2005): 11-30.

<sup>2</sup> Lincoln to Greeley, Washington, 22 August 1862, Roy P. Basler, Marion Delores Pratt, and Lloyd A. Dunlap, eds., Collected Works of Abraham Lincoln (8 vols. plus index; New Brunswick, N.J.: Rutgers University Press, 1953-55), 5:388-89; Allen Thorndike Rice, ed., Reminiscences of Abraham Lincoln, by Distinguished Men of His Time (New York: North American, 1886), 525n.

<sup>3</sup> Washington correspondence, n.d., Springfield (Massachusetts) Republican, n.d., copied in the Providence Journal, 11 August 1862.

<sup>4</sup> Hans L. Trefousse, The Radical Republicans: Lincoln's Vanguard for Racial Justice (New York: Knopf, 1969), *passim*.

<sup>5</sup> Speed to William H. Herndon, Louisville, 7 February 1866, Douglas L. Wilson and Rodney O. Davis, eds., Herndon's Informants: Letters, Interviews, and Statements about Abraham Lincoln (Urbana: University of Illinois Press, 1998), 197.

<sup>6</sup> Some modern critics of Lincoln have missed this basic point. See Burrus M. Carnahan, Act of Justice: Lincoln's Emancipation Proclamation and the Law of War (Lexington: University Press of Kentucky, 2007), 139-44; Allen C. Guelzo, "How Abe Lincoln Lost the Black Vote," Journal of the Abraham Lincoln Association 25 (2004): 1-22; Barry Schwartz, Abraham Lincoln in the Post-Heroic Era: History and Memory in Late Twentieth-Century America (Chicago: University of Chicago Press, 2008).

<sup>7</sup> Douglass, "Oration in Memory of Abraham Lincoln, Delivered at the Unveiling of the Freedmen's Monument in Memory of Abraham Lincoln, Lincoln Park, Washington, D.C., April 14, 1876," Philip S. Foner, ed., Frederick Douglass: Selected Speeches and Writings (abridged and adapted by Yuval Taylor; Chicago: Lawrence Hill Books, 1999), 621.

<sup>8</sup> Michael Burlingame, The Inner World of Abraham Lincoln (Urbana: University of Illinois Press, 1994), 20-42.

<sup>9</sup> Basler, ed., Collected Works of Lincoln, 2:492, 7:281.

<sup>10</sup> Basler, ed., Collected Works of Lincoln, 1:75.

<sup>11</sup> Duncan to Gideon Blackburn, Jacksonville, 12 December 1837, Julia Duncan Kirby, Biographical Sketch of Joseph Duncan, Fifth Governor of Illinois (pamphlet; Fergus Historical Series, no. 29; Chicago: Fergus, 1888), 50-51.

<sup>12</sup> Basler, ed., Collected Works of Lincoln, 3:29.

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<sup>13</sup> Clay to Calvin Colton, Lexington, 2 September 1843, and to John Sloane, Lexington, 27 October 1843, James F. Hopkins et al., eds., The Papers of Henry Clay (11 vols.; Lexington: University Press of Kentucky, 1959-92), 9:852, 874.

<sup>14</sup> Paul Revere Frothingham, Edward Everett: Orator and Statesman (Boston: Houghton Mifflin, 1925), 132.

<sup>15</sup> Albany Argus, 7 January 1837, quoted in Lorman Ratner, Powder Keg: Northern Opposition to the Antislavery Movement, 1831-1840 (New York: Basic Books, 1968), 72; Marcy, message of 5 January 1836, quoted in Ivor Debenham Spencer, The Victor and the Spoils: A Life of William L. Marcy (Providence: Brown University Press, 1959), 104.

<sup>16</sup> Sangamo Journal (Springfield), 28 October 1837.

<sup>17</sup> Andy Van Meter, Always My Friend: A History of the State Journal-Register and Springfield (Springfield, Ill.: Copley Press, 1981), 30.

<sup>18</sup> The Liberator (Boston), 9 February 1849.

<sup>19</sup> Basler, ed., Collected Works of Lincoln, 2:20-22.

<sup>20</sup> James Quay Howard's notes of an interview with Lincoln, [May 1860], Lincoln Papers, Library of Congress.

<sup>21</sup> "Another Abolition Appointment by Taylor," [Vicksburg?] Sentinel, copied in the Yazoo Democrat (Yazoo City, Mississippi), 10 October 1849.

<sup>22</sup> The Liberator (Boston), 13 July 1860.

<sup>23</sup> Giddings diary, 8 and 11 January 1849, Ohio Historical Society, Columbus.

<sup>24</sup> Washington correspondence by C. B. A., 20 September 1849, New York Tribune, 22 September 1849.

<sup>25</sup> The Liberator (Boston), 30 June 1860.

<sup>26</sup> Giddings to Phillips, Jefferson, Ohio, 30 July 1860, Ashtabula, Ohio, Sentinel, n.d., copied in The Liberator (Boston), 24 August 1860.

<sup>27</sup> Speech of 22 May 1860 at Oberlin, Ohio, Springfield (Massachusetts) Republican, 28 May 1860.

<sup>28</sup> Douglass, speech delivered at Cooper Union, Manhattan, New York, 1 June 1865, manuscript, Douglass Papers, Library of Congress.

## The Lessons of Emancipation in the Fight Against Modern Slavery

*Ambassador Luis CdeBaca*

On September 25, 2012, President Obama stood before the meeting of the Clinton Global Initiative and reaffirmed his Administration's commitment in the fight against trafficking in persons. He explained the United States Government's success stories over the last four years and laid out a set of new initiatives to help move our effort forward. And he started by explaining the way we view this crime and why combating it is such a high priority:

“It ought to concern every person, because it is a debasement of our common humanity. It ought to concern every community, because it tears at our social fabric. It ought to concern every business, because it distorts markets. It ought to concern every nation, because it endangers public health and fuels violence and organized crime. I'm talking about the injustice, the outrage, of human trafficking.”

The U.S. Government uses “human trafficking” as an umbrella term to describe all of the conduct involved in reducing a person to — or holding that person in — a state of compelled service, whether for labor or commercial sexual exploitation. It victimizes men, women, and children. It affects every country in the world. And though the term “trafficking” suggests movement should be involved, at its core human trafficking is not about movement, but exploitation.

Trafficking may be the exploitation of a woman who took a job as a domestic servant, only to find herself trapped in her employer's home, never allowed to leave or contact loved ones. It may be the victimization of a man who signed a contract to work as a fisherman, but once aboard the boat was forced to work long hours for months on end, and beaten when he moved too slowly or tried to escape. It may be the prostitution of children in brothels, subjected to the worst forms of abuse imaginable. These are all very different scenarios, but they share a common thread: exploitation; the denial of freedom; the robbery of basic human dignity. That's why President Obama told the crowd gathered in New York that human trafficking is a crime “which must be called by its true name — modern slavery.”

The timing of the President's speech was appropriate. Three days earlier we had marked the 150th anniversary of the date another American President, Abraham Lincoln, announced what would become the Emancipation Proclamation, a document which today hangs in the Oval Office. As the President noted, 150 years after our nation made the promise of freedom — long after slavery's abolition was written into our Constitution and later recorded among nations in the Universal Declaration of Human Rights — a great deal of work still remains. Globally, as many as 27 million are victimized in modern slavery. This exploitation occurs every day in our cities and towns. It taints the global supply chains of the products we rely on every day. It tears apart families, undermines communities, creates instability, and threatens the rule of law.

The President called us to action: to advance this fight by drawing strength from our history of struggling against oppression and exploitation. And so, as we mark this anniversary, we look back and think about how that history must inform our struggle going forward.

So what do the Emancipation Proclamation and our history of slavery tell us today?

I made an effort to answer that question in two speeches I delivered in 2012 at President Lincoln's Cottage. Drawing from those two speeches, I'll offer here not a scholarly analysis or a policy paper, but rather some thoughts about the fight against slavery and our own history as we reach this important milestone.

First, we can see plainly that much has changed. Chattel slavery as it existed in the United States and modern slavery as it occurs around the world today are not the same thing. A wide chasm separates the legalized institution of slavery from the crime so many are committed to eradicating as part of the modern anti-trafficking movement. The obvious difference is that slavery is no longer a legal institution; it's a crime.

The Emancipation Proclamation, along with the 13th Amendment and the anti-slavery and anti-peonage laws that followed, were major factors in that change in the United States. For the first time in America's history, the runaway slave, the fugitive, had ceased to be the offender in the eyes of the law. Instead, it was the master who held others in bondage who became the criminal. But those documents and laws — while they laid the foundation of abolition as a policy of the United States government — were more indications of a movement that had reached a tipping point, rather than themselves catalysts of some seismic shift.

They represented the culmination of decades of advocacy and activism, of disagreement and debate, over slavery in the United States. They symbolized a moment when all the hard work of American abolitionists translated into the political will that drove Lincoln to put pen to paper, writing the words that had for so long existed only as an idea and an aspiration.

Arriving at that point was a long journey, one with many origins: the plantations of the South, where men and women born slaves fought their whole lives to secure their own freedom; the meeting houses and churches across the country, where religious devotees spoke out against a practice that assaulted basic human rights and dignity; the halls of government and rooms of power, where leaders and lawmakers fought a slow, uphill battle against an injustice that ran contrary to a young nation's most precious values.

Over time, those paths converged, and the advocates and survivors walking that journey grew stronger in numbers and conviction. On the battlefields of the Civil War, the ideals of the abolitionist movement met their greatest challenge, and the cost of moving forward was measured in blood spilled, families torn apart, and lives lost. In the rooms of President Lincoln's cottage, that movement gained its strongest ally, when a President changed course from so many of his predecessors — men who counseled compromise and accommodation — and instead threw the weight of the American government firmly behind the cause of ending slavery.

But that wasn't the end of the journey. And so another difference between the slavery of the Antebellum South and modern slavery is the progress those ideas have made. While it's true that we have anti-slavery laws now whereas we didn't 150 years, perhaps what's more significant is what the passage of those laws represented in the long, unfinished work of fighting slavery — and what was taking place in our country at the time they were passed.

A survey of the anti-trafficking movement would show that there isn't a uniform approach about how best to deal with this challenge. Robust debate goes on every day about where we should focus our resources, how we should regard victims and survivors, and what roles different stakeholders should play. But amid all the discussions, disagreements, and, at times, distractions in dealing with this issue, what simply doesn't exist anymore is a credible group claiming that slavery is tolerable, or even a good thing. While there's a constant need for more resources to deal with this problem, no one is saying we should bolster our economy by exploiting men and women as forced laborers.

The challenges we face in the struggle against modern slavery are considerable, and worthy of our attention. But they pale by comparison to the challenges the United States faced when Lincoln made his historic decision: country ripped apart by war, hundreds of thousands dead on the battlefield.

Viewing the movement to eradicate slavery through a long lens, from the origins of abolitionism, to the worst moments of the Civil War, to where we have arrived today, it's clear that we've come a very long way.

And yet, not everything has changed. We know this from the voices of those who lived and died to see the moment when the vision of Emancipation became a reality — whether they lived and died as slaves, as abolitionists, or as soldiers fighting to preserve our Union.

There's one voice that I learned about in the last year, from a letter housed in our nation's Archives. It was written by a freed slave named Spotswood Rice. Joining the Union Army, Rice began the march with his fellow soldiers back to Missouri, where he had been held as a slave for decades before buying his freedom. While on his way, he wrote a letter to the woman who had owned him, and who still had members of his family living under the yoke of slavery. "I want you to understand," he wrote, "that Mary is my child, and she is a God-given right of my own, and you may hold onto her as long as you can, but I want you to remember this one thing: that the longer you keep my child from me, the longer you will have to burn in Hell, and the quicker you'll get there.... I want you now to just hold onto her if you want to. If your conscience tells that's the road, go that road and what it will bring you to. Kitty Diggs, I have no fears about getting Mary out of your hands. This whole government gives cheer to me and you cannot help yourself."

What these words tell us is what must be the focus of our ongoing work to eradicate slavery.

First, they remind us that slavery — then as now — is not movements or policies. It's people. It's the exploitation of men, women, and children who are mothers and fathers, sons and daughters. In the past, slavery's victims were born into bondage. Today, traffickers prey on the vulnerabilities of those seeking a better life. Those who are enslaved today aren't any more helpless or pitiful than Spotswood Rice was. His letter rings with the conviction of a man determined to live a life of his own choosing, and to provide the same for his children. That's what survivors today want as well. Our work must be to put that opportunity within reach.

The other element that remains unchanged was the greatest weapon Spotswood Rice had, more powerful than his company of a thousand and his Springfield rifle. It was the promise made on January 1, 1863 and that has remained constant ever since. The whole government, giving him cheer.

Since that moment, the United State Government has said that our core values of freedom, justice, and democracy mean that we will come to the aid of anyone standing up for those values. Over the last century and a half, our response has been at times uneven. Different Administrations have treated this challenge with varying levels of enthusiasm. But in this most recent chapter, we have seen three Presidents and many Congresses come to this issue and come together — despite political differences — with drive and commitment.

It's our work now to keep up that momentum. No chapter in the history of fighting slavery has been easy, and the work that lies ahead in responding to modern slavery is daunting. But we must not shrink from the challenge. Rather, as President Obama has called us to do, we must summon strength from our past in order to carry on into the future. And so, as we look to complete the unfinished work of Emancipation, we reaffirm the notion that we will give cheer to those who fight for freedom. We look back at our own history as an inspiration for how to move forward. We recall the blood spilled and the lives lost, the generations who toiled in bondage. We remember the moments that were victories for freedom and justice. We reflect on all that we've accomplished since Lincoln wrote those words, and we consider how those words must continue to guide us. We listen to the voices — past and present — of those who have worked to end slavery and, most important, those who have endured it, to remind us of the costs if we fail to act. And driven by the conviction that fighting slavery is part of who we are as a nation, we must continue to move forward on the long journey to freedom — toward a world free from modern slavery.

## Views of Emancipation through the Eyes of the Enslaved

*Spencer Crew*

For Abraham Lincoln, the abolition of slavery was a thorny political problem. He was unsure whether under the Constitution he had the power as President to give the enslaved their freedom. He also worried about how ending slavery would be received among his Union supporters who were not enthusiastic about the idea.

What Lincoln did not have to worry about was the reception it would receive in the African-American community. Frederick Douglass and other African Americans had let him know they believed emancipation was the right and just thing to do. For them the abolition of slavery would better align the actions of the nation with the lofty ideals espoused in the Declaration of Independence and the Constitution. He also knew about the enthusiasm the enslaved had for freedom, as hundreds of individuals had flocked to Union encampments to escape slavery and embrace freedom. For them emancipation was the only morally correct choice. It would change the nation for the better and would improve the lives of African Americans throughout the United States.

Ending slavery, though, would impact various groups of African Americans differently. For free African Americans and fugitives who had fled enslavement and settled in the North, emancipation would release them from the nightmare of the Fugitive Slave Law. This statute allowed slave owners or their agents to accuse and carry off African-Americans living in the North with minimal proof. Abductions might happen as African-Americans walked to market, headed off to school, or slept in their homes. It made the lives of northern based African Americans a nightmare filled with uncertainty.

For African Americans held in bondage, emancipation would bring to an end the tyranny of slavery. Long, hard days of working from before sunrise until sundown without benefiting from the results of their toil would stop. Families would not be separated by sale. Whippings and other types of physical abuse would cease. Most importantly, they would gain greater control over their lives.

Thus, for all African Americans, emancipation would provide a life-altering opportunity, which is why Douglass and others so strongly urged Lincoln to move forward with its implementation. It also was the reason why African Americans across the North waited with such anticipation for midnight of December 31, 1862. That night their fondest dream was about to reach fruition, as the preliminary Emancipation Proclamation executed in September of 1862 became the Emancipation Proclamation. With the signing of this document, the destiny of both the enslaved and African Americans in the North was altered dramatically. As Frederick Douglass said about that

moment, “the effect of this announcement was startling beyond description, and the scene was wild and grand.”<sup>1</sup> A new day had dawned for African Americans.

But what in reality was the nature of this new day, this new beginning for African Americans? In what ways would their lives change and how significant would that change be in application? In particular, these were key questions with regard to the enslaved. The simple answer is that its impact unfolded differently depending on their location, the movement of Union troops, and the degree of resistance of slaveholders to the idea of emancipation. For example, in locations where Union troops controlled Confederate territory, places like Fort Monroe, Virginia, and New Bern, North Carolina, the impact of the Proclamation was immediate. Enslaved people encamped in these locations no longer had to worry about being returned to slaveholders who might appear to reclaim them. In the past, the response to these requests depended upon the point of view of the military leader in charge, but after the enactment of the Emancipation Proclamation discretion on this issue was taken away. Crossing Union lines now assured fugitives their freedom, and thousands of them took advantage of the opportunity.

But in territories under the control of the South, the impact was less tangible, as those residents did not readily embrace a law enacted by a government against which they were fighting. While these individuals recognized the intentions of the Proclamation, their preference was to ignore, delay, or resist its implementation. A very useful and informative source for following Southern reactions to the Emancipation Proclamation is in the slave narratives created by the Works Progress Administration during the 1930s. These interviews consist of conversations with elder African Americans who were enslaved in their younger years. In these interviews they provide their perspectives on enslavement and the uneven path to emancipation.

One of the reactions the interviews reveal is the decision by many slaveholders to protect their investment by relocating them further south, often to Texas. Their goal was to stay ahead of Union troops who brought freedom for the enslaved; slaveholders took them to areas they still controlled. Southerners saw Texas as the safest place to go, as they believed that even if the fighting went badly for the South, Texas would continue to have slavery long after other places were forced to end the institution. This process of relocating the enslaved often was referred to as “refugeeing” them to a new location. This was what happened to Fred Brown during the war as he was relocated from Louisiana: “Jus' befo' freedom come, de overseer heah f'om de Marster an' am 'structed to takes us to Texas. Hims takes weuns to Kaufman County, an' weuns are de refugees dere.”<sup>2</sup> Other interviewees talked about similar experiences as well. Smith Austin specifically noted that they were sent to Texas, “‘cause if slaves was freed 'twoud be a long time comin' to Texas.” The goal of slaveholders was to maintain control over their enslaved workers as long as possible, while the enslaved were pawns in these efforts to thwart the new decree.

As it turned out, the assumption driving the decision by slaveholders to refugee their enslaved help was accurate. As Union troops took control of Southern territory, announcements about emancipation soon followed. How the news was presented varied. In some instances slaveholders might gather their workers together and announce their new status. That was the case

with Irella Battle of Texas: “One mawnin' Mawster Washington told his house girl to go out and tell his slaves to come on up to de yard. He had a big paper and he read f'om it. All dat could go went up to de yard and listened. He den told us, ‘yo' folks is now free. Yo' is now free to live and free to die and free to go to de devil, if yo' want to.”

Other times the military took the occasion to create a very public event to inform the enslaved of their change in status. This was the way Eugene Smith in Georgia learned he was free:

The Northern soldiers come... playing Yankee Doodle... When freedom came, they called all the white people to the courthouse first, and told them the darkies was free. Then on a certain day they called all the colored people down to the parade ground. They had built a big stand, and the [illegible text] Yankees and some of our leading colored men got up and spoke, and told the Negros:

“You are free now. Don't steal. Now work and make a living. Do honest work, make an honest living to support yourself and children. No more masters. You are free.

Regardless of how they received the information, the most frequent reaction of the enslaved was not surprising: they were thrilled with the news. Many had imagined a life free from the oppression of slavery, but did not believe it would happen. When it actually came to fruition it was a joyous occasion. When Ed McCree got the news he said, “I runned 'round dat place a-shoutin' to de top of my voice.” On other plantations the reaction was also ecstatic. “When de marster done told us we was free we jumped up and down and slapped our hands and shouted ‘Glory to God!’ Lord child, dat was one happy bunch of niggers.” Their joy stemmed from the realization that their lives had changed forever. The rules and intimidation that had controlled their lives were gone. They could decide what they would do, when they would do it, and where they would go if they so desired. They had freedom of choice perhaps for the first time in their lives. As Lewis Favor of Georgia put it, freedom meant “...he could do as he pleased ...that he could do some of the things that he had always wanted to do.”

For Lewis and other people who had only known enslavement, this was an entirely new and wonderful time in their lives. They could not have been more pleased. When Lucy Barnes heard the news she was on her way to milk the cows: “Den ol' Marster sez, ‘You free, ever one, as I am.’ I wuz standin' thar with my milk pail an' I jest drap it on the groun' an' begin gettin' 'way. Missie hollar, ‘Lucy come back he'ah, and milk de cows.’ I kept runnin' an' hollar back, ‘Milk de cows yo'self! I didn't like it dere an' now I could go an' I did!’”<sup>3</sup>

But enslaved workers were not always happy about the news of the end of slavery. While enslavement took away many freedoms, it did not always result in a desire to change one's circumstance. On occasion, ties developed over the years between enslaved workers and the people for whom they worked. This especially might occur with skilled individuals or household servants and their bosses with whom they had regular and close contact. There were sometimes special privileges attached with these positions that these individuals loathed to relinquish. In the case of

Lucy Lewis, leaving her mistress was not a happy prospect: “I didn't want to be free, I was too happy with missy.” Lucy already had a life in which she felt secure and comfortable. The idea of leaving it for unfamiliar and possibly worse circumstances did not have the appeal for her that it had for others. All things considered, her life as an enslaved house worker was tolerable and Lucy was not eager to leave it.

Lucy Lewis was not unique in her preferences. There were other instances of enslaved people staying with their slaveholders for many years after gaining their freedom. They were technically free, but preferred not to break the bond they had with the family for whom they worked. When faced with the reality of severing those connections, there were times when neither party was happy about the change. Stephen Lewis' parents had that precise reaction when presented with their freedom:

When freedom comes to us colored folks, Mr. Dan tell us we is free to do what we want and he ask papa and mamma what they want to do. They tell him they don't want to do nothing 'cept stay with him and do jes' like they's been doing, and Mr. Dan tells 'em they won't never want for nothing long as they live, and they stay with Mr. Dan 'til mamma died in July 1870 and papa followed her 'bout three years after.

Fear of the unknown, emotional ties to their slaveholder, and a belief they would fare better staying in the same place were logical reasons that influenced many of these individuals to remain in the location where they had spent most of their lives.

Coercion was another reason other enslaved people did not relocate. Although they were told they were legally free, they also were informed that if they decided to exercise that freedom it would go badly for them. Legislation from Washington did not necessarily translate into freedom in Texas or other parts of the South. In Georgia, Addie Vinson's family stayed with their former slaveholder for three years after they learned of their freedom. Their decision was influenced in part by what happened on that day and the way in which their freedom was presented. “One day Old Miss called us togedder and told us dat us was free as jay birds. De Niggers started hollerin': 'Thank de Lawd, us is free as de jay birds.' 'Bout dat time a white man come along and told dem Niggers if he heard 'em say dat again he would kill de last one of 'em. Old Miss axed us to stay on wid her and dar us stayed for 'bout three years.” Other enslaved people faced similar situations with slaveholders who were not happy to lose the free labor which undergirded their economic well-being and actively discouraged the enslaved from leaving.

Slaveholders or other whites could be very direct in demanding that the newly freed workers remain with no real change in their status. George Womble and many others he knew had a particularly difficult experience after they learned they were free:

After the slaves were set free any number of them were bound over [illegible text] and kept, says Mr. Womble. He himself was to remain with the Womble family until he reached the age of twenty-one. When this time came Mr. Womble refused to [illegible]

text] him go. However, Mrs. Womble helped him to escape but he was soon caught one night at the home of an elderly white lady who had befriended him. A rope was tied around his neck and he was made to run the entire way back to the plantation while the others rode on horseback. After a few more months of cruel treatment he ran away again.

George Womble lived in Georgia but his experience was not unique to that state. In particular, Texas was one of the last locations to accept the reality of emancipation. It was not until 1865, when Union troops arrived in Galveston, that the enslaved population there learned of their freedom. As the Reverend Green remembered: "I was raised a slave and emancipated in January, but we didn't get cognisen' of it until June." Many enslaved people had been "refugeed" there expressly to keep slavery alive as long as possible. Elvira Boiles, born in Mississippi, was taken to Texas with other enslaved workers to prevent them from gaining their freedom. "We'se refugees, young mistress and masta brought us out. Boles our marster, sent us out by dem. Cum from Holmes County to Cherokee County in a wagon. We was a dodgin in and out, runnin from de Yankees. Marsa said dey was runnin us from Yankees to keep us, but we was free and didn't know it."

Once in Texas, the news of emancipation was kept from the enslaved as long as possible. According to Ms. Boiles, "Freedom was declared January first '65 but de slaves didn't know it till June 19." This delay in notification applied to most of Texas. Once made known, newly freed people celebrated across the state. These gatherings were the origins of Juneteenth celebrations, which commemorate the delayed arrival of the emancipation decree within Texas that are still celebrated to the present day. They are what one of the slave narrative interviewees, William Green, described as the "Negro Fourth of July celebration."<sup>4</sup>

Fortunately, the slave narratives reveal that the Texas experience was not the norm with regard to the spread of the news of emancipation. By the conclusion of the war, the vast majority of the enslaved knew they were indeed free. The challenge was learning what having freedom meant in application. While there was reason to celebrate, the narratives also highlight how hard that new life became in the face of continued white obstructions. Arkansas resident Cora Gilliam's testimony highlighted the challenges: "All I knowed worked on shares. I never heard of none of them being given anything. They were all working, using the white people's things... The colored people were turned loose with nothing at the end of the war, and there was n't nothing to do but for them to work on shares."

As Cora Gilliam's words illustrated, emancipation, while a positive action, was only the first step in a much longer and difficult process in the lives of the formerly enslaved. Many years of struggle lay ahead for freed men and women and their succeeding generations. Attacks by the Ku Klux Klan, growing segregation and discrimination, and economic struggles provided major impediments to their forward progress. Even with these struggles, the interviewees in the slave narratives were emphatic about their preferences. The words of Belle Caruthers from Mississippi were clear and strong: "Some colored people say slavery was better because they had no

responsibility. It is true, they were fed, clothed and sheltered, but I'm like the man that said, 'Give me freedom or give me death!'" Her words and the slave narratives are important reminders of the significance of the Emancipation Proclamation, and that while many problems continue to plague the nation, important steps have taken place which we should not undervalue.

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<sup>1</sup> P 273 The African American Odyssey.

<sup>2</sup> Fred Brown Texas, Series 2 volume 2. Texas N p. 224.

<sup>3</sup> Lucy Barnes, Texas ibid, p. 90.

<sup>4</sup> William Green, Texas, Ibid, volume 5, part 4, p. 73.

## Lincoln's "Paramount Object"

*Joseph R. Fornieri*

In 2013 we commemorate the sesquicentennial of the Emancipation Proclamation. The occasion provides an opportunity for civic reflection upon the momentous act that freed more than three million people and changed American history. How then should we remember the Emancipation Proclamation? And what should we teach the next generation of students about it?

As a former high school teacher, I was struck by the paucity of questions about the Civil War on the New York State United States History and Government Regents Exam, which students take their junior year. Little to nothing was mentioned about the Emancipation Proclamation. An inspection of the Regents Exam over the past five years — 2007-2012 — shows that not much has changed. Out of 18 exams administered three times annually over the past five years, there was not a single Part I question on the Emancipation Proclamation, though there were quite a few on the Homestead Act. The closest question relating to the Emancipation on Part I was from August 17, 2012, which read:

In his first inaugural address, President Abraham Lincoln stated that his main goal for the nation was to

- (a) Use the vote to resolve the conflict over slavery
- (b) Free all the slaves in the United States
- (c) Uphold the Dred Scott decision
- (d) Preserve the Union

If you chose answer (d) Preserve the Union, you are correct!

The question is problematic, however. It fails to capture the moral meaning of the Union as envisioned by Lincoln. Given the lack of context and the paucity of questions about the Civil War on the rest of the exam, it leaves students with the impression that slavery was not really part of Lincoln's agenda. This, in turn, lends credence to the view that the Civil War was primarily a conflict over states' rights versus national unity and only incidentally related to slavery. It reinforces the verdict of historian Richard Hofstadter that the Emancipation Proclamation had "all the moral grandeur of a bill of lading."

To help remedy misconception, I wish to show the extent to which the Emancipation Proclamation was linked to a broader moral vision of the Union dedicated to the principles of the

Declaration of Independence. Students should learn that the Emancipation Proclamation was more than just a pragmatic measure designed to save the Union (though it certainly was that); it was also the fulfillment of a moral aim that made the Union worth saving! Indeed, Lincoln himself regarded the Emancipation as his “greatest act,” further noting: “If my name ever goes into history, it will be for this act, and my whole soul is in it.”

It cannot be emphasized enough that Lincoln saw the aims of preserving the Union and ending slavery as related. The Emancipation Proclamation was the culmination of his relentless antislavery politics, as when he proclaimed in 1858: “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.” Most importantly, Lincoln had consistently maintained that preserving the Union meant preserving the principles for which it stood — namely, the principles of the Declaration. He thus stated: “The theory of our government is Universal Freedom. ‘All men are created free and equal,’ says the Declaration of Independence. The word ‘Slavery’ is not found in the Constitution.” By pointing out the fact that the word slavery does not appear in the Constitution despite euphemistic references to those “held to service or labor,” Lincoln interpreted the document’s concessions to the institution as necessary compromises under the federal division of power, not as national or moral imperatives. The motto of Lincoln and the Republican Party was “freedom national, slavery local.”

Lincoln maintained that the Constitution should be read through the lens of the Declaration’s principles as much as possible. In a stirring speech at Peoria in 1854 against the Kansas-Nebraska Act, he called for a return to the principle of equal consent in the Declaration, adding: “If we do this, we shall not only have saved the Union; but we shall have so saved it, as to make, and to keep it, forever worthy of the saving.” Indeed, Lincoln viewed equality as the “central idea” of the American regime and the “father of all moral principle.” He explained that the “principles of Jefferson were the axioms and definitions of free society” and equal consent “the leading principle — the sheet anchor of American republicanism.” After repeating the Whig motto of “Liberty and Union, now and forever, one and inseparable” at Bloomington in 1856, he proclaimed that “the Union must be preserved in the purity of its principles as well as in the integrity of its territorial parts.” This moral vision of the Union dedicated to the principles of the Declaration of Independence was made explicit in the Republican Platform of 1860: “That the maintenance of the principles promulgated in the declaration of independence and embodied in the federal constitution, ‘That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed,’ is essential to the preservation of our republican institutions; and that the

federal constitution, the rights of the states, and the Union of the states, must and shall be preserved.” Anyone who read the Republican Platform in 1860 could tell that preserving the Union meant preserving principles that condemned slavery.

On the eve of the Civil War, in a revealing private letter to Alexander Stephens of Georgia, who had voted against his state’s secession, Lincoln used a biblical metaphor from Proverbs 25: 1 — “A word fitly spoken is like apples of gold in pictures of silver” — to convey his vision of the Union in terms of the complementary roles of the Declaration and Constitution in safeguarding liberty and equality. Describing the Declaration’s assertion of equality as the moral centerpiece of the Union, he explained: “The assertion of that principle, at that time, was the word, ‘fitly spoken’ which has proved an ‘apple of gold’ to us. The Union, and the Constitution, are the picture of silver, subsequently framed around it. The picture was made, not to conceal, or destroy the apple; but to adorn, and preserve it. The picture was made for the apple — not the apple for the picture. So let us act, that neither picture, or apple shall ever be blurred, or bruised or broken. It will become all one thing, or all the other.”

Part of the difficulty in seeing emancipation as something more than a pragmatic means to save the Union is what Lincoln himself said in his letter to Horace Greeley on August 22, 1862. Greeley, an editor of the *New York Tribune*, had recently criticized Lincoln in that newspaper for delaying the emancipation of the slaves. Lincoln carefully replied with an editorial that he knew would be scrutinized by the public: “My paramount object in this struggle is to save the Union and is not either to save or to destroy slavery. If I could save the Union w/out freeing any slave, I would do it; and if I could save it by freeing all the slaves, I would do it; and if I could save it by freeing some of the slaves and leaving others alone, I would do it.”

The word “paramount” is the key to understanding Lincoln’s reply. The letter to Greeley was part of a public relations campaign to gain support for the forthcoming Emancipation Proclamation. Lincoln always chose his words carefully, especially in regard to his public letters. Before the age of mass media, he cleverly used these letters as a vehicle to communicate his policies to the public. Notably, Lincoln chose the word “paramount,” which means “first” or “foremost,” not “exclusive” or “sole.” Although the immediate preservation of the Union took precedence over the immediate freeing of the slaves, the goals of preserving the Union and ending slavery were by no means mutually exclusive. Indeed, the South had seceded because of the Republican Party’s insistence on containing the spread of slavery in the territories and its further determination to place the institution on a path of ultimate extinction. The New York State Regents question fails to mention Lincoln’s unwillingness in his First Inaugural to compromise on these questions, nor does it mention his willingness to extend the rights of citizenship, in defiance of Dred Scott, to blacks under the Privileges and Immunities Clause of Article 4 sec. 2. Constitutional law scholar Herman Belz has described this latter inquiry by Lincoln “as an advanced civil rights position.”

In hindsight, we know that Lincoln had already introduced a preliminary draft of the Emancipation Proclamation to his cabinet a month prior to his letter to Greeley. Lincoln's actions in regard to slavery were constrained by a variety of circumstances that help place his remarks in context. Foremost among these circumstances was the reaction of the Border Slave States like Kentucky and Maryland, who were in the anomalous position of remaining loyal to the Union while still having slaves. Testifying to the strategic importance of the Border States, Lincoln once said that "to lose Kentucky is to lose the whole game." Thirdly, though they were a necessary part of the war coalition to defeat the Confederacy, the Border Slave States like Kentucky and Maryland opposed emancipation as an extreme measure. This faction wanted to return to the antebellum status quo. Whereas Lincoln saw liberty and Union as inseparable, the Border States, in effect, envisioned "a Union without liberty."

Lincoln defined his objective in the broadest terms to keep the Border States part of the war coalition to defeat the Confederacy, without which the question of black freedom would be moot. Freed from the moral embrace of the Union, the South would be able to spread and perpetuate slavery with impunity, turning its imperial eye to Cuba and the Caribbean for new slave colonies.

As a statesman, Lincoln had to consider a number of circumstances that constrained his actions in regard to freeing the slaves. The federal division of power under the Constitution prohibited the federal government from interfering with the existing institution of slavery in the states. As an elected official sworn to uphold the Constitution, Lincoln could not do this without violating his oath. The territories, however, were another matter since they fell under federal authority. Here Lincoln and the Republicans pledged to contain the institution and place it on a path of ultimate extinction.

Moreover, an act freeing the slaves was vulnerable to judicial review. Roger B. Taney, the Chief Justice who had handed down the infamous Dred Scott opinion, still presided over the Supreme Court. Taney had already challenged Lincoln's broad use of executive power in suppressing the rebellion in *ex parte Merryman*. The military was yet another factor to be considered. The success of emancipation depended upon the army's support. Notably, Lincoln's General-in-Chief George B. McClellan was a War Democrat who opposed any measures towards freeing the slaves. In 1862, McClellan submitted a letter to the president warning him that such steps would dissolve the army: "Military power should not be allowed to interfere with the relations of servitude, either by supporting or impairing the authority of the master. . . . A declaration of radical views, especially upon slavery, will rapidly disintegrate our present Armies." McClellan could not be easily cashiered since he was a popular general, and despite his arrogance, was instrumental in organizing the Union army.

Secretary of State William Seward had counseled Lincoln to wait for a Union victory to crown the act, lest it be perceived as the “last measure of an exhausted government, a cry for help...our last shriek on the retreat.” To make things worse, the Union army suffered a terrible defeat at Second Bull Run less a week after Lincoln’s reply to Greeley. The Emancipation Proclamation would have to wait.

Finally, public opinion was another factor to be considered. Given widespread racism in both the North and South, would the country as a whole support emancipation of the slaves? Was an interracial society really possible in 1863? If left unattended, one of these circumstances alone or a combination of them could have led to the unintended consequence of the Confederacy winning the war. In that case, the question of black freedom would have been moot.

Lincoln’s Emancipation Proclamation prudently addressed each of these circumstances. Though it is often confused with shrewdness or cunning, prudence is the classical virtue or excellence of harmonizing principle to practice. In Lincoln’s case, this meant extending the principles of the Declaration to the African American, given the social, political, and constitutional constraints of the time. Unlike moral idealism or utopianism that seeks to apply principles in their abstract purity without regard to the limits of politics or a pragmatism that subordinates principles to practical success, prudence involves the consideration of both moral principles and the circumstances.

Though the Constitution prohibited the government from interfering with the existing institution in time of peace, the Emancipation Proclamation could be constitutionally justified in times of war under the president’s authority as commander-in-chief. It would strike at the cause of the war and deprive the Confederacy of its use of slave power in sustaining the rebellion. It would also encourage runaways to seek the approaching Union armies. As a war measure, the Emancipation Proclamation was less vulnerable to judicial review. Traditionally the Court had exercised deference to the president’s war power as commander-in-chief. Moreover, as a war measure, it did not apply to the Border States who remained loyal to the Union. This enabled the Border States to remain part of the coalition. Since coercion was both imprudent and unconstitutional in regard to freeing the slaves in the Border States, Lincoln sought other means. He proposed a scheme of gradual compensated emancipation whereby the federal government would purchase their slaves. The measure required the consent of the Border States, which opposed it. When this failed, Lincoln supported the Thirteenth Amendment, which abolished slavery throughout the country and ensured the permanency of the Emancipation Proclamation. Lincoln answered Seward’s concern by waiting to issue the proclamation after the Union victory at the Battle of Antietam on September 17, 1862. After McClellan performed his service in this battle, Lincoln cashiered him. As Commander-In-Chief, he ensured the support of the army without surrendering his policymaking authority to generals in the field.

The final Emancipation Proclamation included a surprise that immeasurably enhanced the practical survival of the Union and its moral promise of equality: the enlistment of black soldiers. As Frederick Douglass had well understood, and had no doubt made clear to the President, military service was a traditional avenue of citizenship: “Once let the black man get upon his person the brass letters U.S.; let him get an eagle on his button, and a musket on his shoulder and bullets in his pocket and there is no power on earth which can deny that he has earned the right to citizenship in the United States.”

In the process of saving the Union, ending slavery, and perpetuating an interracial democracy, Lincoln provided one of the clearest expressions of the American Dream of equal opportunity: “I want every man to have the chance — and I believe a black man is entitled to it — in which he can better his condition — when he may look forward and hope to be a hired laborer this year and the next, work for himself afterward, and finally to hire men to work for him! That is the true system.” Given the continuity, it was no coincidence then that Martin Luther King delivered his celebrated “I Have a Dream” speech before the Lincoln Memorial the centennial year of the Emancipation Proclamation. Perhaps in commemoration of the sesquicentennial of the Emancipation Proclamation, the New York State Regents would consider including the following question:

According to Abraham Lincoln, preserving the Union meant

- (a) Allowing the extension of slavery
- (b) Capitulating to the South’s demands
- (c) Ignoring the slavery question in the long term
- (d) Preserving the principle of equality for all human beings in the Declaration

If you answered (d) “Preserving the principle of equality for all human beings in the Declaration,” you are correct. Most importantly, you understand Lincoln’s moral vision of the Union and the true meaning of the Emancipation Proclamation as an integral part of it.

## Four Roads to Emancipation: Lincoln, the Law, and the Proclamation

*Allen Carl Guelzo*

To stand in the presence of Abraham Lincoln's Emancipation Proclamation is to be in the company of an extraordinary document in American history. It is the single most sweeping presidential action in American history — greater in its impact on the lives of more people in one generation than any before it, and still alive with consequence for every generation after it. Lincoln's Proclamation dwarfs in scope the Louisiana Purchase, the New Deal, the Panama Canal, and the Great Society; it achieved the reversal of the single greatest oversight of the Constitutional Convention, and that was the Constitution's failure to deal directly with slavery. It was the Emancipation Proclamation that lopped off its head, and made it possible, two years and one month later, to drive a stake, in the form of the Thirteenth Amendment, through its vampire heart.

All honor, then, to Abraham Lincoln, as the Proclamation's author. "He was happy in his life, for he was the restorer of the republic," said the premier among American historians in 1865, George Bancroft: "He was happy in his death, for his martyrdom will plead forever for the Union of the States and the freedom of man." William Cullen Bryant, the poet and editor, added this laurel:

Thy task is done—the bond are free;  
We bear thee to an honored grave,  
Whose noblest monument shall be  
The broken fetters of the slave.<sup>1</sup>

There are, in fact, many ways in which Lincoln almost made the task of emancipation look too easy, and we might well wonder, if a presidential proclamation was all that was needed to paralyze slavery, why he waited twenty-two months into his presidency to issue it.

The most obvious reason is Lincoln's acute sense of what was politically possible. Eleven states of the American Union loved slavery so much that they had seceded, formed a Southern Confederacy to protect it, and plunged the nation into civil war. But the remaining twenty-four states of the Union did not hate slavery so much that they were willing to fight for its end; four of the most important — Kentucky, Maryland, Missouri and Delaware — actually kept legalized slavery in their statute books. And they did not mind telling Lincoln that emancipation proclamations of any sort would be the signal for them to desert to the Confederate side. As Lincoln himself bluntly explained to Senator Orville Hickman Browning, "the very arms we had furnished Kentucky would be turned against us."

Nor was that the only objection. Entirely apart from the practical considerations of stampeding Missouri or Kentucky into the arms of the Confederacy, Joshua Speed, his oldest

friend, reminded Lincoln that Federal proclamations, whether from presidents or generals, on the subject of slavery were “directly against the spirit of the law.” The laws of slavery in Kentucky, as elsewhere, were state laws: “Our Constitution & laws both prohibit the emancipation of slaves among us — even in small numbers,” and proclamations from Lincoln or any other federal authority had no constitutional power to override state statutes.<sup>2</sup>

Speed was, unhappily, right. Not only did Lincoln have “in ordinary civil administration” no constitutional authority to “practically indulge my primary abstract judgment on the moral question of slavery, it was not clear that he had any authority under the wider umbrella of the so-called “laws of war” to emancipate slaves, or at least no precedent. “The modern usage” of war, wrote the soldier-turned-lawyer, Henry Wager Halleck, in his 1861 textbook on international law, “is, not to touch private property on land.” Slaves were chattel property; ergo, the title of slaveowners to their slaves should not be re-written. “Even where the conquest of a country is confirmed by the unconditional relinquishment of sovereignty by the former owner, there can be no general or partial transmutation of private property, in virtue of any rights of conquest.”

For three hundred years, European jurists writing on international law had struggled to defang the potential of war for barbarity and unlimited destructiveness by limiting the right of going to war to sovereign states, and making the legitimacy of war rest on satisfying certain formal conditions between the combatants, without regard to considerations of religion, justice, truth or purity (which, it was feared, tended to inflame what was already a potentially brutal affair). American jurists shared this worry, and even prided themselves on keeping American warfare an affair of professional soldiers so as to “soften the extreme severity of the operations of war by land.” So, when it came to property in war, the U.S. Constitution specifically banned bills of attainder (Article 1, section 3) — “bills of pains and penalties” — which alienated even the property of traitors. And no one less than John Marshall declared in 1814 that “the modern usage of nations is to abstain from confiscating the debts due to an enemy, or his property found within the territory at the breaking out of war.”

When property falls directly into the hands of a belligerent, “the right to the debts and the property is only suspended during the war, and revives with the return of peace.” Even property directly used in the making of war — “contraband of war” — could be seized only for use, not for ownership. “War gives the right to confiscate,” Marshall added, “but does not itself confiscate the property of the enemy.” This included slave property: from the time of Hugo Grotius, the most celebrated of all international jurists, in the 17<sup>th</sup> century, it was understood that, in war, “a slave also, who has fallen into the hands of an enemy, upon his release from thence, returns to the service of his former master.” And Americans confirmed this by the time they devoted to securing the rendition of slaves who fled to British armies in both the Revolution and the War of 1812. Twenty-three of Thomas Jefferson’s slaves ran away during the Revolution; he succeeded in obtaining the return of at least five of them, whom he promptly re-enslaved. The Treaty of Ghent explicitly guaranteed the rendition of “Slaves or other private property” in 1814, and deliberations over rendition dragged on until 1826, when the British finally settled all claims for \$1.2 million in cash.<sup>3</sup>

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The twin cliffs of the Constitution and the laws of war did not, therefore, present Lincoln with many options for pursuing an emancipation agenda, and given the added restraint imposed by the chilliness Northern whites manifested toward the practical consequences of emancipation, the wonder is that Lincoln ever bothered to give the subject a second thought. It is certainly imaginable that he might have taken the low road, and never introduced the subject of slavery and emancipation into the Civil War at all, since there were so many short-term incentives for him to have done just that. But in fact he did. His revulsion at chattel slavery sprang from sources deeply embedded in the man. “I am naturally anti-slavery. If slavery is not wrong, nothing is wrong. I cannot remember when I did not so think, and feel” he wrote in 1864. Slavery was something “founded in the selfishness of man’s nature,” a “monstrous injustice” that “deprives our Republican example of its just influence in the world — enables the enemies of free institutions, with plausibility to taunt us as hypocrites,” and indistinguishable from the tyranny of kings.<sup>4</sup> Only convictions of such a depth could have overcome the manifest disincentives to pursue an emancipation policy.

And, despite the disincentives, there were, as it turned out, four roads that might be taken toward emancipation; the problem for Lincoln was that each of them entailed certain risks, with no guarantee of success, and their path ahead disappeared into a murk of legal uncertainty. The first of these roads to emancipation was one that Lincoln himself had always favored: a gradual emancipation program, sweetened by the offer of compensation to slaveowners, and authorized by state legislative action; or, as he put it in a letter to Horace Greeley in the spring of 1862, a plan with “three main features -- gradual -- compensation -- and [the] vote of the people.” Plans for gradual, compensated emancipation had been both successful and peaceful in many of the Northern states — Pennsylvania, New York, New Jersey — in ridding those places of slavery; what was more, gradualism had minimized the social shock of emancipation in ways that generated no noticeable racial hostility from the surrounding white populations. “In my judgment,” Lincoln explained, “gradual, and not sudden emancipation, is better for all.” It would allow slave states to “adopt some practical system by which the two races could gradually live themselves out of their old relation to each other, and both come out better prepared for the new.”<sup>5</sup>

This would, of course, be small consolation to the slaves, since it held out a promise of freedom rather than freedom itself. And lingering in the shadow of gradual emancipation plans was the not-very-discreet hint that much of this emancipation could be attached to plans for the transportation and colonization of the freed slaves somewhere outside the United States, like to west Africa (where there were already two sizable but not very attractive freedmen’s colonies in Liberia and Sierra Leone). Lincoln himself had given a perfunctory endorsement to colonization in his 1852 eulogy for Henry Clay, and in speeches in 1854, 1857 and 1858 in Peoria, Springfield and Edwardsville (although it has never been clear how serious Lincoln was about colonization; surely, if he had been as deeply racist or as enthusiastic about colonization as his critics sometimes suggest, it is peculiar that he put so little energy into making colonization happen).

But this, as Lincoln said, “is a world of compensations” — of trade-offs, so to speak — rather than absolutes or either/ors, and if the trade-off for emancipation was to be gradualism and compensation, he would take the trade-off. By the fall of 1861, he had already devised a compensated emancipation plan for the Border slave state of Delaware. Slaves born in Delaware after adoption of the plan would be automatically free, as would any slaves older than 35; all others would become free as they reached the 35-year mark, and the Delaware legislature would be provided with \$719,200 in 6% United States bonds to buy out the slaveowners’ interest. Depending on the timetable the Delaware legislature adopted, slavery would cease to exist in Delaware not later than 1872. With that example in place, the same plan could then be offered to the other three Border States; that would take so much wind out of the Confederacy’s sails that the rebellion itself would collapse and the process begun throughout the South. “If Congress will pass a law authorizing the issuance of bonds for the payment of the emancipated Negroes in the Border States,” Lincoln explained, “Maryland, Kentucky, and Missouri will accept the terms,” and gradualism would bring slavery “to an end.” And, he might have added, they would do it as a purely civil procedure, originating within the states, thus neatly sidestepping any accusations of Federal over-reach.<sup>6</sup>

Congress, however, had its own ideas about the road to emancipation. In late May 1861, three fugitive slaves showed up at the gates of Fortress Monroe, the last surviving toehold of Federal authority in Confederate Virginia. Their master was a Confederate officer; they had been put to work constructing Confederate fortifications, and wanted refuge. The commandant at Fortress Monroe, Benjamin Butler, was a Massachusetts Democrat who had quixotically supported Jefferson Davis for the presidency in 1860; but when the slaves’ owners demanded their return, Butler declared the slaves to be “contraband of war,” and refused. The notion that slaves could be considered contraband was a nice joke at the expense of their Confederate owner. (Hadn’t the slaveowners all along insisted that slaves were property? Very well, Butler would treat them the same as any other war-making property, and confiscate them as contraband.)<sup>7</sup>

After the debacle of the Union forces at Bull Run in July, it was too tempting for Congress not to leap onto the back of this idea and expand it into the First Confiscation Act, providing that slaveowners who allowed their slave “property” to be used in “promoting... insurrection or resistance to the laws” would make that property “lawful subject of prize and capture” and “forfeit all right to such service or labor.” This was followed eleven months later by a Second Confiscation Act, which expanded the application of confiscation to include “every person who shall hereafter commit the crime of treason against the United States.” Confiscated slaves, moreover, “shall be declared and made free.”<sup>8</sup>

Nor was Butler alone among soldiers who were tempted to lay a hand on slavery. Among them was a former Republican candidate for the presidency, Major General John Charles Fremont. Placed in charge of the Department of Missouri, Fremont quickly showed an extraordinary lack of military competence, but a finely honed sense of the political, and in August 1861, Fremont imposed martial law, first on St. Louis, and then on the rest of the state. Violators of the decree would suffer the seizure of “property, real and personal,” and “their slaves, if any they have, are

hereby declared free men.” Butler had merely confiscated the slaves who knocked at his door; Fremont, purely by the authority of martial law, cut out the middleman of Congressional statute and declared slaves free. Others, lacking Fremont’s recklessness, looked the other way when fugitives sought out their camps, and then pretended that they had seen no such evil when angry slaveowners demanded rendition of their property. Finally, in April 1862, the new commandant of the occupied districts along the Carolina coast, Major General David Hunter, declared his own version of martial law, and not only declared all slaves within his district free, but enlisted five hundred of them as the First South Carolina Volunteers.<sup>9</sup>

Finally, it has to be said that, in addition to Lincoln’s plan of gradual emancipation, and Congress’s and the generals’ plans for confiscation, the slaves themselves had their own plan for freedom, which was to use the distraction of the war, and the diversion of so much of the South’s white male population, as the opportunity simply to run away, usually into the arms of an increasingly compliant U.S. Army. “Slaves seized their chances to escape,” wrote Secretary of War Edwin Stanton, “discontent and distrust were engendered, the hopes of the slave and the fears of the master, stimulated by the success of the Federal arm, shook each day more and more the fabric built on human slavery.” Everywhere across the South, but especially wherever the Union armies marched, “hundreds of colored people obtained passes and free transportation to Washington and the North, and made their Escape to the Free States. Day after day the slaves came into camp and everywhere that the ‘Stars and Stripes,’ waved they seemed to know freedom had dawned to the slave.” Slaveowners in the inaptly named Georgia county of Liberty complained to their local Confederate commandant that “from ascertained losses on certain parts of our Coast, we may set down as a low estimate, the number of Slaves absconded & enticed off from our Seaboard as 20,000 & their value as from \$12 to 15 millions of Dollars, to which loss—may be added the insecurity of the property along our borders & the demoralization of the negroes that remain....” Although the sheer transience of the fugitives makes it difficult to peg the actual number of runaways with accuracy, it is very likely that between 200,000 and 250,000 slaves bolted from slavery.<sup>10</sup>

After all this, it then becomes a very interesting question to ask which of all these roads finally ended up being the one which led most directly to emancipation. And the answer is, as in so many maddening historical answers, all of them — and none.

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Vincent Harding was the first, in 1981, to articulate what has become known as the “self-emancipation” thesis — that the slaves freed themselves, by resistance and by flight. It has become a popular thesis ever since, and no wonder: it has a rattlingly revolutionary ring to it, derived in part from its long-term connections with Marx’s declaration (in the Critique of the Götha Program in 1875) that “the emancipation of the working class will be the task of the working class itself,” as well as satisfying a need to see emancipation as an object which African-Americans seized, rather than a gift bestowed by white people who would thereafter demand unending gratitude for their generosity. According to the self-emancipation thesis, these self-freed slaves, along with their white

abolitionist allies, in turn exerted such pressure on Lincoln that he was compelled to end his long hesitation over emancipation and issue the Proclamation on January 1, 1863.

Ironically, there is more than a little truth to the idea that the slaves exerted pressure for emancipation — ironically, because it was not the slave fugitives who were doing the pressuring, but the still-enslaved black laborers in the Confederate armies. By performing the logistical and fatigue duties which in the Union armies were performed by white soldiers, Confederate slaves were making a direct contribution to the Southern war effort which even the most flint-hearted Northern racists were willing to see undercut by emancipation.<sup>11</sup>

But the fundamental problem with imputing this “pressure” to the fugitives and “contrabands” lies in these two considerations. First, even free blacks in the Northern states lacked access to the ballot box (or many other civil freedoms, for that matter), and without it, it is hard to imagine what pressure fugitives and “contrabands” were in a position to exert on Lincoln or anyone else. Second, while it is true that fugitive slaves could free themselves by running away, the freedom they achieved was only *de facto* freedom — the temporary freedom any fugitive from law or power enjoys — not *de jure* freedom, the freedom that enables one to stand up in civil society without fear or trembling as a citizen. And if, for any reason, the Union decided to come to the negotiating table with the Confederacy at any point, the past record of demands for rendition of fugitives would certainly have set off an unholy pursuit of the “contrabands” by their quondam Northern protectors, especially if rendition was made a *sine qua non* of peace. That sort of freedom would require something of much greater impact than mere flight, no matter how heroic.<sup>12</sup>

It would not come, however, from the generals and martial-law proclamations of freedom, if only because there was no effective jurisprudence on the nature of martial law in American legal history. “Martial law is a thing not mentioned by name, and scarcely as much as hinted at, in the Constitution and statutes of the United States,” admitted Caleb Cushing, one-time Attorney General, in 1856. “I say, we are without law on the subject.” The generals might have declared a suspension of the writ of habeas corpus (since suspension of the writ is a key assumption in imposing martial law), but suspending the writ did not extend to its executors the power to alter title to property; besides, there was already a substantial amount of contest going on between Lincoln and Chief Justice Roger Taney about suspending the writ of habeas corpus, without odds-and-ends of generals muddying the waters.<sup>13</sup>

It did not improve Lincoln’s peace of mind, especially in Fremont’s case, to be told that “The proclamation of Genl. Fremont is most inopportune for the Union party,” warned Kentucky senator Garrett Davis. “The general principle of the martial law is...so far modified by the constitution as to have no effect for a longer time than the life of the rebel.”<sup>14</sup> Lincoln revoked Fremont’s proclamation, and then relieved him of command in Missouri; he did likewise to Hunter the following spring. Something of the same problem attached to the Confiscation Acts. Although Lincoln signed both of them, he did so with ill-concealed reluctance, and (in the case of the Second Confiscation Act) not until Congress passed a resolution affirming that confiscation would not function as a permanent attainder. Congress could pass as many confiscation acts as it liked, but

Lincoln had to keep an eye on the likelihood that they would be challenged as unconstitutional. In that case, the challenge would be handled, in the end, by no less than Roger Taney, who would have been only too happy to have put a permanent blockage in the path of emancipation, just as he had put one on keeping slavery out of the western territories in the Dred Scott decision in 1857.

But Lincoln's cherished gradual emancipation plan actually fared no better. Inducing the legislatures of slave states like Delaware to do the work of emancipation themselves in exchange for a Federal buyout made perfect sense to a lawyer like Lincoln. But white slaveowners in Delaware and elsewhere preferred racism to profit, and all of the gradual emancipation schemes he proposed for the states were thrown back in his face. Only in the District of Columbia, where Congress had direct constitutional jurisdiction, was a compensated emancipation plan finally hatched, and successfully. Elsewhere, Lincoln was tartly informed to mind his own business. "Confine yourself to your constitutional authority," the Border State congressmen told him on July 14, 1862. "Confine your subordinates within the same limits; conduct this war solely for the purpose of restoring the constitution to its legitimate authority."<sup>15</sup>

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There was yet one more road to emancipation, but it was one only Lincoln himself could walk, and that reluctantly. Whatever else the Constitution prevented Lincoln from doing, it did empower him in at least one key respect, and that was to designate him Commander-in-Chief of the Army and Navy of the United States — when called into the actual Service of the United States. It had never been very clear what powers this title actually conferred on the President, but as early as the 1830s, John Quincy Adams had announced that they included a presumed set of wide-ranging "war powers" which would include emancipating slaves if a war emergency required it. With every other tool breaking in his hand, one week after being told by the Border State delegations that he had no business thinking about emancipation, Lincoln submitted to his cabinet the first draft of an emancipation proclamation, predicated on these "war powers" as Commander-in-Chief.

He knew that he had no direct precedent for this, and this meant taking a terrible constitutional risk. "I think [the Proclamation] is valid in law, and will be so held by the courts," but whether "war powers" proclamations "are binding or not will be a question for the courts." This is why, when he issued the preliminary Emancipation Proclamation on September 22, 1862, he headed the rationale for it as "by virtue of the power in me vested as Commander-in-Chief...and as a fit and necessary war measure." This is also why he added such a lengthy list of exceptions to the application of the Proclamation when he signed the final version of it on January 1, 1863, because the areas he exempted — thirteen parishes in Louisiana and the city of New Orleans, seven counties and two cities in Virginia, and the whole of West Virginia — had been returned to the civil jurisdiction of the United States and were no longer subject to his "war powers."<sup>16</sup>

This is also why, above all, the Proclamation is written in such deadeningly legalistic terms — because, on top of all the questions of justice, policy and timing, he had a hostile Federal

judiciary to deal with, with the scarecrow Taney at its head, and one false legal step would allow Taney to expose the Proclamation in a fashion that might set emancipation back for another generation. It is easy to jump to the conclusion that, coming from a president capable of such rhetorical gems as the Gettysburg Address or his two inaugural addresses, the woodenness of the Proclamation somehow reveals a man whose heart was only half in the project, if that much. But this was certainly not Lincoln's own estimate. Once the Proclamation took effect, Lincoln remarked, "the character of the war will be changed. It will be one of subjugation and extermination." Emancipation "will be pushed after the 1<sup>st</sup> [of January 1863] with all the power left in the federal arm," he added, and thereafter, he would shape "his policy" in a direction "more radical than ever." So would the character of slavery, for the slaves who fell within the ambit of the Proclamation are, and henceforward shall be, free. Not merely loose, or at large, or on the run, but free — legally and forever.<sup>17</sup>

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It takes nothing away from the struggles of the slaves to say that freedom came to them as the act of a white man; moreover, Lincoln did not issue the Proclamation as a white man — handing out gifts to people who could thereafter be resented if they did not behave as humble children — but as the President of the United States and the Commander-in-Chief. The slaves themselves certainly had no problem linking their fortunes to Lincoln's. The African-American war correspondent Thomas Morris Chester wrote that the Proclamation "ends the days of oppression, cruelty and outrage, founded on complexion, and introduces an era of emancipation, humanity and virtue, founded upon the principles of unerring justice." It "protects the sanctity of the marriage relationship...justifies the natural right of the mother over the disposition of her daughters, and gives to the father the only claim which Almighty God intended should be exercised by man over his son." When freedmen were interviewed by a congressional committee on Reconstruction in 1866, and asked when they considered themselves free, the answers were unanimous: "When the proclamation was issued," and "I have been a slave from my childhood up to the time I was set free by the emancipation proclamation" and "Under the Proclamation of the President of the United States, I consider myself a Free Man."<sup>18</sup>

There was, in the end, nothing easy about the Emancipation Proclamation. It involved numerous false hopes and false starts, and the fourth and final road Lincoln adopted in order to reach emancipation, through a "war powers" proclamation, was itself ripe with legal dangers, some of which remain with us. We are dismissive of a regard for legal dangers; in an age of humanitarian justice, we are inclined to look cynically upon law as merely the tool of the powerful. But law is lasting, while power is not, and Lincoln's anxiety to connect the Proclamation with law, even at great risk, is a hallmark of statesmanship, not hesitancy. The passage of a century and a half has reduced our vision of those risks, but they were real ones all the same at the time. Yet, even in the face of those risks, Lincoln was adamant: "I think I shall not retract or repudiate it. Those who shall have tasted actual freedom I believe can never be slaves, or quasi-slaves again." Or ever would.

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<sup>1</sup> Hon. George Bancroft's Oration: Pronounced in New York, April 25, 1865, at the Obsequies of Abraham Lincoln (New York: Schermerhorn, Bancroft & Co., 1865), 13.

<sup>2</sup> Mosby, *The Memoirs of Colonel John S. Mosby*, ed. C.W. Russell (Boston: Little, Brown, 1917), 19; Speed to Lincoln (September 1, 1861), *Abraham Lincoln Papers*, Library of Congress; "To Orville Hickman Browning" (September 22, 1861, in *Collected Works of Abraham Lincoln*, eds. Roy P. Basler et al (New Brunswick, NJ: Rutgers University Press, 1953), 4:532.

<sup>3</sup> Halleck, *International Law: Or, Rules Regulating the Intercourse of States in Peace and War* (New York: D. van Nostrand, 1861), 456-457; John Fabian Witt, *Lincoln's Code: The Laws of War in American History* (New York: Free Press, 2012), 32, 77, 199; *Armitz Brown v. The United States* (1814), in *Condensed Reports of Cases in the Supreme Court of the United States* (Philadelphia: John Grigg, 1831), 3:60; Grotius, *The Rights of War and Peace: Including the Law of Nature and of War*, ed. A.C. Campbell (Pontefract: B. Boothby, 1814), 3:262-263.

<sup>4</sup> "Speech at Peoria, Illinois" (October 16, 1854) and "To Albert G. Hodges" (April 4, 1864), in *Collected Works*, 2:271, 275, 7:281.

<sup>5</sup> "Message to Congress" (March 6, 1862) and "To Horace Greeley" (March 24, 1862), in *Collected Works*, 5:144, 169.

<sup>6</sup> H. Clay Reed, "Lincoln's Compensated Emancipation Plan and Its Relation to Delaware," *Delaware Notes* 7 (1931), 36-39; "To Henry L. Pierce" (April 6, 1859) and "Drafts of a Bill for Compensated Emancipation in Delaware," in *Collected Works*, 5: 29-30; Lincoln to David Davis and to Gilbert Greene, in *Recollected Words of Abraham Lincoln*, eds. D. & V. Fehrenbacher (Stanford: Stanford University Press, 1996), 132, 182.

<sup>7</sup> Edward Pierce, "The Contrabands at Fortress Monroe," *Atlantic Monthly* 8 (November 1861), 626-627; Adam Goodheart, 1861: *The Civil War Awakening* (New York: Knopf, 2011), 295-340.

<sup>8</sup> "Confiscation," in *The Political History of the United States of America During the Great Rebellion*, ed. Edward McPherson (Washington: Philp & Solomons, 1864), 195-196.

<sup>9</sup> Fremont, "Proclamation" (August 30, 1861), in *O.R.*, series one, 3:466-467; Edward A. Miller, *Lincoln's Abolitionist General: The Biography of David Hunter* (Columbia, SC: University of South Carolina Press, 1997), 94-100; "General Orders No. 11," in *O.R.*, series one, 14:341.

<sup>10</sup> George Congdon Gorham, *Life and Public Services of Edwin M. Stanton* (Boston: Houghton Mifflin, 1899), 2:221; John M. Washington, in *A Slave No More: Two Men Who Escaped to Freedom, Including Their Own Narratives of Emancipation*, ed. David Blight (Orlando, FL: Houghton Mifflin, 2007), 198; Patricia C. Clink, *Time Full of Trial: The Roanoke Island Freedmen's Colony, 1862-1867* (Chapel Hill: University of North Carolina Press, 2001), 231; R.Q. Mallard and others to Hugh Mercer (August 1, 1862), in *Free At Last: A Documentary History of Slavery, Freedom, and the Civil War*, eds. Ira Berlin et al (New York: New Press, 1992), 62.

<sup>11</sup> Glenn David Brasher, *The Peninsula Campaign and the Necessity of Emancipation: African Americans and the Fight for Freedom* (Chapel Hill: University of North Carolina Press, 2012), 103-123.

<sup>12</sup> Ira Berlin, "Who Freed the Slaves? Emancipation and Its Meaning," in *Union and Emancipation: Essays on Politics and Race in the Civil War Era*, eds. David Blight & Brooks Simpson (Kent, OH: Kent State University Press, 1997), 108-110.

<sup>13</sup> Cushing, "Martial Law," in *Official Opinions of the Attorneys General of the United States* (Washington: W.H. & O.H. Morrison, 1872), 358.

<sup>14</sup> Garrett Davis to Salmon Chase (September 3, 1861) in "Diary and Correspondence of Salmon P. Chase," *Annual Report of the American Historical Association for the Year 1902* (Washington: Government Printing Office, 1903), 2:502-503.

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<sup>15</sup> “The President’s Appeal to the Border States,” in McPherson, *Political History*, 217.

<sup>16</sup> Duff Green, in *Recollected Words*, p. 182; “To Stephen A. Hurlbut” (July 31, 1863), in *Collected Works*, 6:358.

<sup>17</sup> T.J. Barnett to Samuel Barlow, Fall 1862, December 17, 1862, and December 30, 1862, in *Samuel Barlow Papers*, The Huntington Library, San Marino, CA.

<sup>18</sup> Richard Hill, Edmund Parsons and William Thornton in *Report of the Joint Committee on Reconstruction at the First Session, Thirty-Ninth Congress* (Washington: Government Printing Office, 1866), 55, 59, 53.

## Emancipation and its Complex Legacy as the Work of Many Hands

*Chandra Manning*

On September 22, 1865, more than one thousand black men, women, and children gathered in a park in Brooklyn to commemorate the anniversary of the Preliminary Emancipation Proclamation. They cheered marching black veterans and political leaders, listened to celebratory speeches reminding them that “freedom for all mankind was joined and perpetuated in the hearts of the American people,” and concluded the day with dancing.<sup>1</sup> Eighteen years later, citizens of Rochester, New York, marked the twenty-first anniversary of the Preliminary Emancipation Proclamation and the fiftieth anniversary of West Indian emancipation, which had occurred the previous month. The main speaker of the day, Frederick Douglass, congratulated the assembled crowd for “show[ing] your appreciation of the great blessings thus brought to you, to your country, and to the world.” Yet if the Rochester crowd hoped for easy, uncomplicated celebration, then “I certainly have no business here,” Douglass cautioned. Instead, he continued, “our business here is not mainly with pleasure, nor with the past, but with the present and the future,” in which “the colored man . . . is still on trial both as a man and a citizen . . . excluded, by his color, from nearly all profitable employments, and forced to pursue only such labors as those by which he gets barely enough to supply his bodily wants.” In short, Douglass’s address gave listeners more to contemplate than to celebrate.<sup>2</sup>

The contrasting tone of the two celebrations poses an important question. Which tone should we emulate today? The celebratory or the somber? Which matters more: the issuing of a presidential proclamation that distanced the United States government from the institution of slavery which it had protected since the founding of the country, officially made the destruction of slavery a Union war aim, and represented a critical step down the long and winding road toward emancipation? Or do the limitations within the Proclamation matter more? After all, the Proclamation exempted certain areas already under Union control, and it continued to pay lip service to the prospect of colonizing freed slaves outside of the United States. Or should we concentrate on the ways in which the results of emancipation fell short of the potential and the hopes that surrounded slavery’s destruction?

Paying close attention to how the Emancipation Proclamation came about, where it fits in the larger story of the Civil War and of emancipation, and especially to the cast of thousands that it took to bring about the end of slavery in the United States, can help achieve the most balanced and useful tone in our commemorations. Emancipation came about when large numbers of black Americans and the U.S. government came into direct contact with each other for the first time. That wartime contact was often riddled with conflict and suffering, but it also irrevocably destroyed slavery and fundamentally remade the relationship between black people and the United States government. It reminds us of the shortcomings and limitations to the emancipation story, as

well as the dramatic achievements. It shows us how black men, women, and children, together with members of the Union Army and leaders of the U.S. government, forged a new nation, a new understanding of national citizenship, and new identities for all Americans.

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Emancipation was hardly a new idea in 1862. From the very beginning, enslaved men and women had fought their own enslavement in subtle daily ways, and in some big, dramatic ways, ranging from Nat Turner's Rebellion in 1831 to the failed efforts of dozens of slaves in 1848 to escape from Washington, D.C. on a schooner called the Pearl. Black abolitionists like Frederick Douglass had spent decades applying the thunderous weight of eloquent testimony to the institution and to the many ways in which U.S. national power undergirded it. White abolitionists like William Lloyd Garrison had long hoped that impassioned appeals to individual slaveholders' consciences would peacefully unravel slavery, while in 1859 John Brown had proven willing to use violence to uproot the institution. And even though national politics had by and large done its best to duck the divisive slavery issue, in 1849 a freshman Congressman from Illinois named Abraham Lincoln had tried and failed to get the House of Representatives to pass a bill banning slavery in the District of Columbia.<sup>3</sup> Black efforts, white efforts, ran parallel. Yet in many concrete ways, none of those efforts had made much of a dent. In fact, restrictions on slaves and free blacks in the nation's capital were tighter in 1860 than they had been when Congressman Lincoln first arrived in the 1840s, just as the institution of slavery in the United States was stronger, worth more money, and more powerful in 1860 than it had ever been. So what was different in 1862?

The obvious answer is the Civil War. But what about the Civil War made the truly revolutionary destruction of human slavery in the United States possible? Certainly a number of factors contributed, including the absence of white southern lawmakers from Congress after secession and the powers that fell to the president and the Congress in time of war. But one of the most important factors was that the war brought the United States government into direct contact with individual people in new ways, including, for the first time, large numbers of black people.

That contact was most likely to take place in locations known as contraband camps, or refugee camps for fleeing slaves that sprang up wherever the Union Army went. Camps lined the Mississippi River, dotted Tennessee, Kentucky, and Missouri, and huddled along the Gulf and Atlantic Coasts. There were two such camps in Washington, D.C., and several more within easy reach in such places as Alexandria, Virginia, and on the grounds of Robert E. Lee's family estate at Arlington.

Contraband camps provided Union Army soldiers the opportunity to interact with, and often come to rely on, the African Americans in the camps. When they did so, Union soldiers confronted not just the abstract issue of slavery, but the real lives of enslaved men, women, and children. Such interactions led enlisted men to begin demanding an end to slavery as the only way to win the war and avoid fighting it all over again, even before policy caught up and emancipation

became an official war aim. The men, women, and children in contraband camps, in other words, shaped both how and why the Civil War was fought, and they also shaped its impact.

The contraband camp story, and therefore the story of wartime emancipation, begins at Fort Monroe in Hampton, Virginia. In May 1861, three slaves ran to the Union Army encampment at Fortress Monroe, commanded by Union Army General Benjamin Butler. The Confederate colonel who owned the men and planned to put them to work building Confederate fortifications demanded their return. Butler refused, calling the bondmen “contraband of war.” He claimed that the rules of war gave him authority to confiscate enemy assets. The term “contraband” stuck, which was why the ad-hoc refugee camps that appeared wherever slaves flocked to Union Army encampments came to be known as contraband camps. One of the two in Washington, D.C., was at Duff Green’s Row, adjacent to Capitol Hill. Members of Congress on their way to or from the Capitol were never very far from it. They could not ignore it. By simply occupying it, black people literally put themselves on the agenda of a Congress ready to enact change when it gathered in 1862.

Contraband camps varied so widely from each other in every conceivable detail that they defy easy summation. Some camps were absolute pits of overcrowding and neglect. Others were the sites of outright fraud and abuse. Disease ran rampant in many camps, where poor hygiene and overcrowding turned sites of refuge into deadly breeding grounds for pathogens that killed thousands of former slaves before they had any opportunity to enjoy the freedom for which they risked everything. The camps in Washington, D.C., lacked fresh water supplies, and Union officials were constantly arguing over whether it made more sense to dig wells, or to move camp inhabitants to Freedmen’s Village at Arlington, where conditions were better.<sup>4</sup> Many Union soldiers and officials were sympathetic to the plight of fugitive slaves, but others were indifferent or even downright hostile. Yet whatever the conditions in camps, former slaves flocked to the camps by the tens of thousands, and they gave them names like “Freedom’s Fort.” They were not naïve or dumb to do so. Instead, they were putting their finger onto something important.

For one thing, the very presence of a camp to which bondpeople could run weakened slaveholders’ grasp on their human property. Two men, S.H. Bostwick and Thomas Hood, investigated contraband camp conditions and sent a report to Congress which was brutally honest about the hardship, suffering, and abuse in some of the camps. And yet the report underscored that no matter what the conditions inside a camp were, the presence of a camp “greatly weakened and almost broke the bonds of the slave . . . The master knows his slave has the power to leave him and to reach this camp . . . and consequently the tasks and punishments he has been accustomed to exact, or to inflict, are greatly reduced and ameliorated.”<sup>5</sup>

The phenomenon that Hood and Bostwick were talking about was plainly visible in the seat of the national government. By the second year of the war, slaveowners all over Maryland and Virginia complained that their slave property was no longer secure, because all a slave had to do was run to Washington, D.C., or to Alexandria or Arlington. And indeed thousands did: as the Union Army made its way through northern Virginia, thousands of black men, women, and

children made their way to Union lines and then were transported by Union forces to Washington, Alexandria, or Arlington.

But former slaves did more in camps than just run to them. Once there, black men, women, and children came into direct contact with white Union Army soldiers who often had little to no contact with black people before the Civil War. Even the most routine transaction, such as a soldier buying berries from black women in Tennessee or eggs from black children in Washington, D.C., created opportunities for Union soldiers to converse with black men and women as fellow human beings, and not as abstractions. Like soldiers, former slaves had hopes and aspirations for themselves, and especially for their children. Grasping such a basic fact had a real impact on the Union men in blue. Constant Hanks was a soldier from New York who does not appear to have given slavery much thought before the Civil War, but who had a good friend who believed slavery to be a beneficent institution. At first, Hanks served in Washington, D.C. where his interactions with former slaves began to make him see the question of slavery, and the relationship of slavery to the war, much differently. His progression continued when his regiment moved to Fredericksburg, Virginia, and he served on the picket lines where as many as 80 former slaves a day escaped to Union lines to be transported to Washington. On one such day, Hanks met an elderly slave grandmother running away with her three-year-old granddaughter because the little girl's mother had been sold, and the grandmother was about to be. The story of the feeble old woman who would rather risk the unknown than leave her granddaughter with no family "started the apple sauce out of my eyes," admitted Hanks. How could anyone who missed his own family help but ask himself, "suppose that was your mother and little one, instead of poor miserable" slaves?<sup>6</sup>

In addition to demonstrating their basic human dignity, countless inhabitants of contraband camps went even further to provide direct aid to the Union military effort. It is well known that nearly 200,000 black men served in the Union armed forces as soldiers and sailors, but tens of thousands more, including women and children who could not enlist in the Army or Navy, directly participated in the Union war effort. Quartermaster departments in every theater of the war from Florida to North Carolina to the Mississippi River, and all points in between, depended on the labor of black men, women, and children to make Union Army supply and logistics operations possible.<sup>7</sup> Black men and women regularly spied for the Union Army. Union Army hospitals depended on the work performed by black women who served as nurses.<sup>8</sup> In Alexandria, Virginia, for example at least ninety black women appeared "on the pay roll of" a hospital in the city, while twenty-four were "employed at the hospital at Fairfax Seminary," just outside city limits.<sup>9</sup>

In Washington, D.C., the very safety of the nation's capital benefited from collaboration between black people and the Union Army. In the fall of 1862, rumors of a Confederate raid on Washington, D.C., sent waves of panic through the District. Troops defending the city had to be redeployed in order to concentrate forces at the spot where the attack was most likely to come, but any such redeployment risked leaving large sections of the city unprotected. That risk was fended off in part because by the fall of 1862, more than four thousand slaves who had fled to Washington, D.C., were available to provide a temporary guard. As one Union Army officer explained, news of

the armed guard of black men defending Washington traveled “through the rebel states like electricity” and “excite[d slaves] to renewed efforts for freedom.”<sup>10</sup>

Such contributions had an impact — not everywhere, not all at once, and not even once and for all — but had a noticeable impact nonetheless. As early as October 1861, a Wisconsin soldier whose regiment had encountered former slaves in contraband camps wrote to tell his hometown newspaper that “the rebellion is abolitionizing the whole army.” “You have no idea of the changes that have taken place in the minds of the soldiers in the last two months,” he argued. “Men of all parties seem unanimous in the belief that to permanently establish the Union, is to first wipe [out] the institution” of slavery.<sup>11</sup> Throughout the rank-and-file, as enlisted soldiers interacted with the slaves who fled to their lines, they decided that only the destruction of slavery could end the rebellion and prevent its recurrence. And they did not remain quiet. They believed that their outlook should influence how the war was fought, and they wrote letters saying so to their families, to their local newspapers, to their elected officials, and even to President Lincoln. And so it was partly with those voices, black and white, in his mind, that the same man who had tried by his own efforts to introduce a law banning slavery from the nation’s capital in 1849, signed a bill abolishing slavery in Washington, D.C., on April 16, 1862, and signed the Second Confiscation Act liberating slaves owned by Confederates in July 1862.

But of course the long road to the end of slavery in the United States did not end in 1862. Former slaves continued to flock to camps wherever the Union Army was, and they continued to flock to Washington, D.C. By the summer of 1862, the contraband phenomenon had literally hit home for Lincoln. That summer, the President and his family lived not in the White House, but in a cottage on the grounds of the Soldiers’ Home on the outskirts of the city. Every day, Lincoln commuted between the Soldiers’ Home and the White House, riding right past one of the camps. His family’s hired cook, Mary Dines, had passed through that very camp on her journey from slavery to freedom.<sup>12</sup> His wife’s dressmaker, Elizabeth Keckley, worked for an aid organization known as the Contraband Relief Association in Washington. Keckley convinced Mary Lincoln to lobby the President to channel some war relief funds toward blankets and other supplies for slave refugees in Washington.<sup>13</sup> Simply put, former slaves gave Lincoln little choice but to take them seriously, and to continue the trajectory of treating slavery less as an abstraction and more as a concrete reality that needed addressing.

And so additional steps followed. In September 1862, the Preliminary Emancipation Act vowed to emancipate slaves in territories in rebellion against the U.S. government by January 1 1863, and on that day, the Final Emancipation Proclamation was as good as its word. In 1864, Lincoln ran for re-election on a platform pledged to a constitutional amendment abolishing slavery unconditionally throughout the United States, and a 13<sup>th</sup> Amendment doing exactly that was added to the United States Constitution in December 1865.

The changes that began to come about when black men, women, and children interacted directly with the United States government in wartime contraband camps did not end immediately after the war. The soldiers who had relied on former slaves in camp would go home and elect

representatives to the state legislatures that three years later would ratify the 14<sup>th</sup> Amendment, an amendment extending equal citizenship not just to black men who had served in the Union Army but to black women and children as well, the very black women and children whom Union soldiers had depended upon for the labor, intelligence, property, and sometimes lives they had contributed to the Union cause over and over in contraband camps throughout the war.

When we think about the 14<sup>th</sup> Amendment we are brought back to a juxtaposition similar to the juxtaposition between the celebratory tone of the 1865 Emancipation Day gathering and the somber tone of Frederick Douglass's 1883 Emancipation Day speech. For on the one hand, the 14<sup>th</sup> Amendment was a dramatic — even revolutionary — turnaround. Through it, individuals whom the Dred Scott decision of 1857 had declared to be ineligible for citizenship and entitled to no rights were redefined as members in a body politic of individuals entitled to call upon the United States government for the protection of equal rights. Yet on the other hand, we know that the fulfillment of that Amendment has fallen far short of its promise. And so as we commemorate the 150<sup>th</sup> anniversary of the Emancipation Proclamation and what it meant for the United States, are we better off celebrating the radical changes that the Proclamation was part of? Or are we better off drawing attention to the suffering that took place in the contraband camps that provided the backdrop to the entire emancipation process, suffering too great, some people say, to serve any worthwhile purpose or to have any meaning? Or are we better off reminding ourselves of the practical limits inherent in the Emancipation Proclamation, and still present in our own imperfect realization of the 14<sup>th</sup> Amendment?

I think our job is to cultivate proper respect for all of the above. It is crucial that we recognize and honor the collaboration between white and black, and between the United States government and individuals, especially formerly enslaved ones, that it took to make every step of emancipation happen, and to change the United States into a nation that came closer to realizing its own stated ideals. At the same time, it is crucial that we not allow ourselves to forget the astonishing human suffering that accompanied the destruction of slavery and the promise of equal citizenship. And it is incumbent upon us to remain attentive to the shortcomings, suffering, and human need that still attend our ongoing battles about freedom, equality, and the relationship between the United States government and every one of its citizens.

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<sup>1</sup> "Second [sic] Anniversary of Emancipation Proclamation," *The New York Herald*, Sept. 23, 1865, p. 5, Accessed via ProQuest Civil War Era, May 10, 2012.

<sup>2</sup> Frederick Douglass, "Speech on Emancipation Day, Rochester, NY," Sept. 22, 1883, Frederick Douglass Papers, Library of Congress, Manuscript Division, accessed via The Frederick Douglass Papers at the Library of Congress, <http://memory.loc.gov>, May 10, 2012. Quotations from typescript p. 7, 27, and 35.

<sup>3</sup> Abraham Lincoln, "A Bill to Abolish Slavery in the District of Columbia," January 1849, The Abraham Lincoln Papers at the Library of Congress, Series 1, General Correspondence, 1833-1916, Accessed via Abraham Lincoln Papers Home, <http://memory.loc.gov> May 11, 2012.

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<sup>4</sup> See RG 92, **Records of the Office of the Quartermaster General** Entry 225, Consolidated Correspondence, Box 663.

<sup>5</sup> S.W. Bostwick and Thomas Hood, Report upon the Condition and Treatment of Colored Refugees in Kentucky, Tennessee, and Alabama, 1864, Senate Reports, 38<sup>th</sup> Congress, 2d Session, Ex. Doc. No. 28, p. 10.

<sup>6</sup> Private Constant Hanks, 20th New York Militia, to mother, Aug. 8, 1862, Fredericksburg, VA, Constant Hanks Papers, Special Collections, Perkins Library, Duke University.

<sup>7</sup> For Florida: Nathaniel Paige, Special Correspondent of New York Tribune, testimony to American Freedmen's Inquiry Commission (AFIC) about Fernandina and St. Augustine Florida (though filed with AFIC testimony about Louisiana), Records of the American Freedmen's Inquiry Commission, File 11, Louisiana Testimony, RG 94 Letters Received by the Office of the Adjutant General (Main Series) 1861-1870 1863-328-0, Microfilm 619 Reel 201, Frame 595-96, NARA. For North Carolina: See Vincent Colyer on "the women and children" who "consider it a duty to work for the U.S. government & though they could in many cases have made more money" in other ways devoted their efforts to "washing, ironing, cooking, making pies, cakes, &c for the troops." Vincent Colyer, Report to the AFIC, May 25, 1863, Records of the American Freedmen's Inquiry Commission File IV, RG 94 Letters Received by the Office of the Adjutant General (Main Series) 1861-1870 1863-328-0, Microfilm 619 Reel 200, Frame 444-447, NARA. For the Mississippi River, see practically every page of John Eaton's Report to the Office of the General Superintendent of Freedmen, Department of the Tennessee, April 29, 1863, Memphis, TN, Records of the American Freedmen's Inquiry Commission, File 6, RG 94 Letters Received by the Office of the Adjutant General (Main Series) 1861-1870 1863-328-0, Microfilm 619 Reel 200, Frames 569-625, NARA.

<sup>8</sup> See, for example, Register of Colored Nurses Under Contract [Department of the East], 1863-1864, RG 94 Records of the Office of the Adjutant General, Entry 591, Box 1, Vol. 1, NARA.

<sup>9</sup> J.R. Bigelow to James M. McKaye, May 8, 1863, Alexandria, VA, James Morrison MacKaye Papers, Library of Congress.

<sup>10</sup> For numbers in D.C. contraband camps, see Testimony of Superintendent D.B. Nichols, 1863 (by that time the number in camp was 4,939), p.1, and for testimony about black men guarding D.C. in anticipation of the Stonewall Jackson raid, see Nichols' testimony p. 16 in Records of the American Freedmen's Inquiry Commission, Testimony File I District of Columbia p. 1-16, RG 94 Letters Received by the Office of the Adjutant General (Main Series) 1861-1870 1863-328-0, Microfilm 619 Reel 200, Frame 106 and 120-21, NARA. For the Union officer who reported that news of the camp spread "through the rebel states like electricity," see LT. M.G. Raymond Testimony in File I District of Columbia, p. 28 in Records of the American Freedmen's Inquiry Commission, Testimony File I District of Columbia p. 28, RG 94 Letters Received by the Office of the Adjutant General (Main Series) 1861-1870 1863-328-0, Microfilm 619 Reel 200, Frame 133, NARA

<sup>11</sup> "Enlisted soldier" 3 WI, to Wisconsin State Journal, Oct. 1861, near Harper's Ferry, VA, E. B. Quiner Correspondence of Wisconsin Volunteers, Reel 1, Vol. 1, p. 176, State Historical Society of Wisconsin.

<sup>12</sup> For the Washington, D.C., contraband camp, see RG 92, the Consolidated Correspondence File of the Records of the Quartermaster, NARA. For the map of Lincoln's routes between the Soldiers' Home Cottage and the White House, see Matthew Pinsker, *Lincoln's Sanctuary: Abraham Lincoln and the Soldiers' Home* (New York: Oxford University Press, 2003) Map 1, p. 6. For Mary Dines, see Pinsker, pp. 16, 66-68.

<sup>13</sup> Mary Lincoln to "My Dear Husband," New York, Nov. 3, 1862, in Harold Holzer, ed., *Dear Mr. Lincoln: Letters to the President* (Reading, Mass.: Addison-Wesley, 1993), p. 313.

## The Emancipation Proclamation at 150

*Edna Greene Medford*

If the sesquicentennial commemoration of the Civil War has taught us anything, it is that the man who presided over the national crisis of 1861-1865 remains relevant to our time. Far more than a subject of historical inquiry, his name is often invoked as we meet today's challenges and as we struggle to reconcile our national self-image with reality. If he sometimes seems to be all things to all people, perhaps it is because Americans of many persuasions claim him. Even neo-Confederates have attempted to appropriate his memory by interpreting his action (or inaction) in the first weeks and months of the war as evidence of pro-slavery leanings. Such is the fate of the man who is larger than life in our collective conscientiousness.

Lincoln, doubtlessly, would be surprised at all the attention he has received over the last century and a half. In a letter to Kentucky newspaper editor Albert Hodges in the spring of 1864, he had suggested that his actions were less certain and deliberate than we imagine today. "I claim not to have controlled events," he told Hodges, "but confess plainly that events have controlled me."<sup>1</sup> Perhaps he was right, at least as concerns slavery. Although he recognized that the Emancipation Proclamation was "the central act" of his administration and "the great event of the nineteenth century,"<sup>2</sup> he certainly had not begun his presidency with any aim to destroy the institution — quite the contrary. He claimed not to have constitutional authority to touch slavery and declared emphatically that he was not inclined to do so. Yet less than two years later, he would issue an emancipating decree that promised freedom to more than three million enslaved people. It was this promise that more than anything else elevated his stature in the pantheon of presidents.

Lincoln's opposition to forced, uncompensated labor and his interpretation of the founding fathers' intentions toward it destined him to be an important participant in the debates over slavery. Throughout his lifetime, Americans had either vigorously defended or opposed the idea that one man (or woman) should have the right to own another. Lincoln saw the practice as both a moral issue and as an impediment to America honoring its democratic principles. Yet he declined identification with the abolitionists, whom he viewed as dangerously radical. Choosing instead to take a more moderate approach, he advocated a policy of containment, declining to touch slavery where it already existed, but insisting that it not be allowed to expand. "We want [the territories] for the homes of free white people," he declared. "This they cannot be ... if slavery shall be planted within them."<sup>3</sup> Once contained, he believed, the institution would die a natural death, as the founding fathers had intended. Gradual, compensated emancipation, approved by the citizens of each state, would ensure an orderly, constitutionally sound transition. Colonization of the newly freed to a suitable location—Central America, West Africa, or Haiti, for instance—would allay the fears of white men and women that a free black presence would endanger the republic.

Of course, Lincoln's election to the presidency in 1860 after having campaigned on an anti-slavery platform sparked disunion. Before he even took the oath of office, seven states had withdrawn from the national compact. Yet the president-elect maintained his stance on expansion. In a letter to his friend, fellow Republican and U.S. senator from Illinois, Lyman Trumbull, Lincoln was resolute: "Let there be no compromise on the question of extending slavery," he wrote. "If there be, all our labor is lost, and, ere long, must be done again. The dangerous ground — that into which some of our friends have a hankering to run — is Pop[ular] Sov[ereignty]. Have none of it. Stand firm. The tug has to come, & better now, than any time hereafter."<sup>4</sup> And in a letter to Secretary of State Designate William Seward, Lincoln reiterated that he was "inflexible" and would not compromise with any plan that would allow slavery's extension. Other issues involving slavery were negotiable as long as "what is done be comely, and not altogether outrageous."<sup>5</sup>

The coming of war and the secession of four additional states altered Lincoln's thinking on what was now exclusively the South's "peculiar institution." A failed strategy of conciliation and appeasement in the early months of the war and a less than satisfactory record of military achievements prompted Lincoln to consider an alternate route to preserving the Union. The president clearly understood the enslaved laborers to be the South's most formidable weapon—they continued to grow the food that fed the Confederate military, cultivated its staple crops, threw up breastworks and fortifications, and supplied myriad other kinds of military labor that gave the South advantage. He recognized that the solution to weakening the Confederate war effort was abolition. Hence, immediacy replaced gradualism, while compensation and consent of the citizenry became acceptable casualties of the exigency of war.

While Congress pursued its own plan of attack against slavery, Lincoln sought to convince the ostensibly loyal slaveholding states (Maryland, Kentucky, Missouri and Delaware) to take action within their own borders. Their refusal to do so led him to take charge of the emancipation process. The resulting edict—the Emancipation Proclamation — promised freedom to more than three million enslaved people residing in the Confederacy and paved the way for the ultimate extinction of slavery throughout the nation by means of the Thirteenth Amendment.

For African Americans, Lincoln's decree was more than an emancipatory document; it elevated the enslaved from chattel to human beings, from objects of oppression to individuals of hope and agency. As one contemporary saw it, the proclamation enabled the legitimization of black marriages, restored parental authority to mothers and fathers, empowered black men to be men, allowing them to provide for and protect their families, and it enabled black women to maintain their virtue.<sup>6</sup> In both the free born and those whose lives had been impacted by slavery, it generated hope for greater accessibility to America's promise. A marginalized people now saw the potential for full inclusion in the society of their birth. Social justice, economic independence, and political rights became the goal of men and women who heretofore held no expectation of such.

After donning the Union blue to secure the proclamation's promise of freedom — more than 180,000 would serve — African Americans began the long, tortuous struggle for equality and fair treatment. As predominantly rural residents, they pressed to enter the ranks of independent

farmers, combining meager resources to purchase tracts of land that were out of the reach of a single buyer. They agitated for the elective franchise, recognizing that they could protect neither person nor property without a political voice. And they sought to educate their children as worthy recipients of that citizenship.

For a time, America appeared on the path to securing black rights. After challenging Andrew Johnson (a poor substitute for Lincoln), so-called Radical Republicans were able to disfranchise enough former Confederates to seize control of Congress and push through the Reconstruction Amendments, which legislated citizenship and voting rights for black men. With the aid of philanthropic groups, freed men and women established schools that aimed at alleviating the damage done by centuries of imposed ignorance. The great failure of this period, however, was the unwillingness of the victors to secure black economic independence. The nation made no provisions for these newly emancipated, who had had no opportunity under their previous condition to acquire wealth or any economic advantage that would enable them to sustain themselves. This disadvantage left them vulnerable to myriad challenges to their freedom. Violence and intimidation hindered the Reconstruction Amendments and fixed upon the freed people a subordinate status, and eventually, through the complicity of the United States Supreme Court, sanctioned disparate treatment in the *Plessy v. Ferguson* decision. The plight of African Americans in the closing decades of the nineteenth century led Frederick Douglass to judge emancipation “a stupendous fraud...one which paralyzes [the freedman’s] energies, suppresses his ambition, and blasts all his hope.”<sup>7</sup>

As black fortune collapsed, Lincoln’s proclamation was appropriated in an effort to promote black progress. African-American leaders reminded the freed people and the nation at large that the president had placed America on the right path. It was the responsibility of the freed to live up to his faith in them—to improve their lives through industry and moral uplift. The rest of the nation was obligated to see the promise of the proclamation fulfilled. In an effort to advance the race, one black leader after another, in the words of Frederick Douglass, “fasten[ed] [them]selves to a name and fame imperishable and immortal.”<sup>8</sup> The late nineteenth-century African-American leader and educator, Booker T. Washington, reminded black people and white why Lincoln remained relevant to their time. “What Lincoln so nobly began, the philanthropy and wealth of this nation, aided by our own efforts, should complete,” he declared. The vast majority of freed people were still suffering from the consequences of slavery; they lacked education and adequate diets and the skills needed to advance. Washington encouraged African Americans to pattern themselves after Lincoln’s life and character, to imitate his “patience, long suffering, sincerity, naturalness, dogged determination, and courage... to avoid the superficial... to persistently seek the substance instead of the shadow.”<sup>9</sup> Another leader of the black community, African Methodist Episcopal Zion Church Bishop Alexander Walters, urged African Americans to honor Lincoln by “finish[ing] the work which he so nobly began,--the lifting up of the Negro race to the highest point of civilization.” And he urged white Americans to “unloose further the fetters which bind the black man.”<sup>10</sup>

Despite impassioned appeals to fairness and goodwill, the nation refused to honor what African Americans perceived to be Lincoln’s promise. Jim Crow legislation, race riots, and lynch

laws compromised avowed American principles. These assaults on black freedom were not effectively challenged until World War II, when African Americans launched a “double-V” campaign—victory against the Axis powers in Europe and against unrelenting racism at home. The momentum generated by the achievements of the war years and shortly thereafter encouraged black men and women to fight on and facilitated the civil rights gains of the 1950s and 1960s.

During this long struggle, Lincoln’s stature diminished in the African-American community. The crushing poverty of the Great Depression had left formerly enslaved people wondering whether they had been better off in bondage and whether Lincoln deserved to be credited with their liberation. When the last of the freedpeople were interviewed in the 1930s as a part of the Works Progress Administration program, some expressed ambivalence.<sup>11</sup> One Mississippi resident complained that “[T]hey went and turned us loose, just like a passel of cattle, and didn’t show us nothin’ or give us nothin’. [There] was acres and acres of land not in use, and lots of timber in dis country. [They] should have given each one of us a little farm and let us get out timber and build houses.”<sup>12</sup> Another criticized Lincoln directly. “Lincoln got the praise for freeing us, but did he do it?” Thomas Hall asked. “He give us freedom without giving us any chance to live to ourselves and we still had to depend on the southern white man for work, food and clothing, and he held us through our necessity and want in a state of servitude but little better than slavery.”<sup>13</sup> Observers of and commentators on the African-American condition in the twentieth century encouraged black men and women to reassess their obligation to honor “the Great Emancipator,” especially as the Republican Party increasingly embraced the white supremacist mindset that pervaded the South. African Americans, who traditionally displayed the president’s likeness in their modest homes, were counseled by Pittsburgh Courier editor Robert Vann to “go turn Lincoln’s picture to the wall” because the debt had been paid.<sup>14</sup>

Yet the mystique of the man and his decree did not fade completely. When the noted historian Carter G. Woodson sought to institute a national program that highlighted the achievements of African Americans, he chose the month of February because it represented the birthdays of Lincoln and Frederick Douglass. Nor was it coincidental that the Civil Rights Movement chose the Lincoln Memorial as a site for protests and demonstrations. Whether it was Marian Anderson’s performance in 1939 after being rebuffed by the Daughters of the American Revolution, or the Prayer Pilgrimage of May 1957, or Dr. King’s use of the venue in 1963 for the culmination of his March on Washington for Jobs and Freedom, the site symbolized the nation’s recommitment to a better freer America as Lincoln had envisioned.<sup>15</sup>

The Emancipation Proclamation serves as a powerful reminder that there was a time when human beings occupied positions as chattel, with no authority over themselves or over those to whom they gave life. Lincoln challenged the basic idea that human freedom should be forfeited for the profit of another. That he did it during a time of crisis and would have preferred an alternate path in no way diminishes its significance as America continues to struggle to perfect itself. This is what the world recognizes in its regard for Lincoln. Because of the Proclamation, the nation has been seen by people beyond our borders as a place of promise. It is not that they envision a perfect

America, but rather one that is capable of reassessing where it is and how it might change course for the good of all.

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<sup>1</sup> Abraham Lincoln to Albert G. Hodges, April 4, 1864, in *The Collected Works of Abraham Lincoln*, edited by Roy P. Basler, 8 vols. (New Brunswick, N.J.: Rutgers University Press, 1953), 7:282. Hereinafter cited as *Collected Works*.

<sup>2</sup> Francis B. Carpenter, *Six Months at the White House with Abraham Lincoln: The Story of a Picture* (New York: Hurd and Houghton, 1866), 90.

<sup>3</sup> "Speech at Peoria, Illinois," October 16, 1854, in *Collected Works*, 2:268.

<sup>4</sup> To Lyman Trumbull, December 10, 1860, *Collected Works*, 4:149-150.

<sup>5</sup> To William H. Seward, February 1, 1861, *Collected Works*, 4:183.

<sup>6</sup> Speech of T. Morris Chester, Esq. of Liberia, in the Cooper Institute, New York, January 20, 1863," in *The Anglo-African* (February 7, 1863), microfilm.

<sup>7</sup> Frederick Douglass, "Speech on the Occasion of the Twenty-Sixth Anniversary of Emancipation in the District of Columbia," Washington, DC, April 16, 1888, in *Frederick Douglass: Selected Speeches and Writings*, edited by Philip S. Foner, abridged and adapted by Yuval Taylor (Chicago: Lawrence Hill Books, 1999), 715.

<sup>8</sup> Frederick Douglass, "An Oration in Memory of Abraham Lincoln," April 14, 1876, in *Frederick Douglass: Selected Speeches and Writings*, edited by Philip S. Foner, abridged and adapted by Yuval Taylor (Chicago: Lawrence Hill Books, 1999), 624.

<sup>9</sup> Booker T. Washington, "An Address on Abraham Lincoln," February 12, 1909, before the Republican Club of New York City, in *Selected Speeches of Booker T. Washington*, edited by E. Davidson Washington (Garden City, New York: Doubleday, Doran and Company, 1932), 193.

<sup>10</sup> Alexander Walters, "Abraham Lincoln and Fifty Years of Freedom," in Alice Moore Dunbar-Nelson, *Masterpieces of Negro Eloquence: The Best Speeches Delivered by the Negro from the Days of Slavery to the Present Time* (1914), 332, 334.

<sup>11</sup> Doubtless, the answers of the freedmen and women to the standard questions about slavery and the Civil War were influenced by the race of the interviewer. African Americans residing in the South at that time are not likely to have felt comfortable in giving candid answers. Yet, given the conditions under which they were then living, it would not be surprising if some compared their past and present and found the latter wanting.

<sup>12</sup> Interview of Henri Nécaise, in Norman Yetman, *Life under the Peculiar Institution: Selections from the Slave Narrative Collection at the Library of Congress* (New York: Holt, Rinehart and Winston, 1970), 238.

<sup>13</sup> Interview of Thomas Hall, in *The American Slave: A Composite Autobiography*, edited by George Rawick, 19 vols. (Westport, Conn: Greenwood Press, 1972 - ), 14:361-62.

<sup>14</sup> Robert Vann, quoted in Nancy Weiss, *Farewell to the Party of Lincoln: Black Politics in the Age of FDR* (Princeton, NJ: Princeton University Press, 1983).

<sup>15</sup> For a discussion of the significance of the Lincoln Memorial to the civil rights movement, see Scott Sandage, "A Marble House Divided: The Lincoln Memorial, the Civil Rights Movement, and the Politics of Memory, 1939-1963," *Journal of American History*, vol. 80, no. 1 (June 1993), 135-167.

## **“Lincoln, Emancipation, and the New Birth of Freedom: On Remaining a Constitutional People”**

*Lucas E. Morel*

When Lincoln called for “a new birth of freedom” at Gettysburg, it was his only allusion that day to his momentous decree of January 1, 1863—the Emancipation Proclamation. Lincoln delivered his most famous speech in the Year of Jubilee, which is easy for us to forget since his Gettysburg Address made no direct reference to emancipation or slavery. His audience, however, could not mistake his meaning or intention when he opened his speech with the Psalmist’s tones of “Four score and seven years ago,” thereby dating the country’s birth not to the framing of the Constitution but to the signing of the Declaration of Independence. In Lincoln’s mind, what signaled the birth of America was not a structure of government but a principle of humanity.

So in the middle of a civil war, when Americans disagreed about what their common Constitution permitted or required regarding slavery, Lincoln harkened the nation back to its founding charter and its claim that “all men are created equal.” Whereas his first inaugural address, delivered before the war began, made no mention of the Declaration of Independence or the principle of human equality, his Gettysburg Address, uttered “on a great battle-field of that war,” reclaimed the equal rights of humanity as the central motive of the American regime. Lincoln did not want the war to end with the Constitution intact but untethered from the principles of the Declaration of Independence.

At Gettysburg, Lincoln thus committed the country to a way of life not unrelated to its original mission, but more complete in its scope and application. He called for “a new birth of freedom” meant to fulfill the original promise to protect the equal rights of all the governed. Having emancipated most of the slaves in the Union, Lincoln asked his countrymen to finish a war whose beneficiaries would now include millions of black freedmen. White Americans would now have to see that saving the American union, and therewith “government of the people, by the people, for the people,” entailed saving a constitution for blacks as well as whites. Lincoln’s emancipation of black Americans would require a corresponding emancipation of white Americans—the former from the bondage of unequal laws, the latter from the bondage of unequal minds. Lincoln’s wartime efforts to inform public opinion would achieve their greatest victory if whites were persuaded to accept blacks as full members of the American social and political order. His fame as the Great Emancipator would have taken on its greatest significance if Lincoln had served out his second presidential term in an effort to cultivate this American change of heart. An assassin who feared as much made sure he would never get the chance. Lincoln proclaimed freedom to American slaves, but did not live to see their rights fully secured.

And yet there remains some doubt as to what exactly Lincoln's Emancipation Proclamation accomplished. Some argue that his words did not free the slaves; the slaves freed themselves. Without rehearsing the various interpretations on this score among academics today, we do well to consider the text of what Lincoln called "the central act of my administration and the great event of the nineteenth century." The Proclamation's language is fairly clear. After announcing what states (and parts of states) the people thereof were "in rebellion against the United States," Lincoln proclaimed:

And by virtue of the power, and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States, and parts of States, are, and henceforward shall be free; and that the Executive government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

Leaving aside for now the important questions of what "power" and "purpose" he appealed to as the basis for this unprecedented executive proclamation, the president declared that persons held as slaves in the designated rebellious areas were free and would be protected in their freedom by the federal government. Despite the Fugitive Slave Act of 1850, the notorious enforcement mechanism of the fugitive slave clause of the Constitution, as a matter of law these erstwhile slaves would no longer be considered escaped slaves under the Constitution, but be secure from legal challenges to their personal freedom.

Of course, when the Proclamation states that the president "will recognize and maintain the freedom of said persons," the question arises, what freedom? Lincoln took care to repeat an important passage from his Preliminary Emancipation Proclamation of September 22, 1862. That proclamation said the federal government would protect the freed slaves, adding that it would "do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom." So we see that Lincoln's final Emancipation Proclamation depended upon slaves in the rebellious areas of the Union making efforts "for their actual freedom," efforts they would now find seconded by the federal government. What had long been viewed as "servile insurrection" was now pronounced a legal action by the president of the United States.

To be sure, Lincoln "enjoin[ed] upon the people so declared to be free to abstain from all violence," but hastened to add, "unless in necessary self-defense." In short, the Great Emancipator fully expected that his proclamation of freedom to slaves of rebels would require that they exercise their freedom by leaving their putative owners for more secure climes. Lincoln himself acknowledged, after Congress passed the 13<sup>th</sup> Amendment, that its precursor—the Emancipation Proclamation—"only aided those who came into our lines."

To that end, if someone did not respect the freedom of those slaves fleeing from the designated Confederate-held territory, "the Executive government of the United States, including the military and naval authorities thereof," now pledged to take their side in a fight. Thomas Jefferson had pronounced that if "a revolution of the wheel of fortune, an exchange of situation"

between masters and slaves, were to transpire “by supernatural interference,” “the Almighty has no attribute which can take side with us in such a contest.” For his part, Lincoln made sure the federal government would be on the side of the angels.

The measure of Lincoln’s commitment to securing the freedom of blacks, and expectation that they would do their share in pursuit of that freedom, could also be found in something not mentioned in his Preliminary Emancipation Proclamation. His final proclamation declared “that such persons of suitable condition will be received into the armed service of the United States.” If his initial proclamation sought to accustom white Americans to the idea of mass, uncompensated emancipation, his final proclamation took the additional step of officially opening the federal military to the freedmen. The president publicly invited blacks to use their newfound freedom to help put down the rebellion. It would be a commitment Lincoln would return to when he delivered what would become his last public address. On April 11, 1865, he suggested that the reconstructed state of Louisiana give blacks the vote: as he put it, to “the very intelligent, and on those who serve our cause as soldiers.” Although he did not have authority as president to dictate who should vote, he made a point to include blacks as he thought out loud about the future of Louisiana. Given that Louisiana had already adopted a free-state constitution, established public schools for blacks and whites, “empower[ed] the Legislature to confer the elective franchise upon the colored man,” and ratified the 13<sup>th</sup> Amendment, he hoped their emancipatory efforts would point the way for the rest of the states as the nation debated over how to restore “their proper practical relation with the Union.”

Another source of doubt about the Emancipation Proclamation is its predominantly legalistic wording and tone, leading some to infer that Lincoln’s heart was not in it. These critics remind us that the Proclamation freed slaves only in those areas still in rebellion on January 1, 1863. Lincoln’s own Secretary of the Treasury, the rock-ribbed abolitionist Salmon P. Chase, complained in the summer of 1863 that Lincoln should have emancipated slaves in areas of Louisiana and Virginia exempted from the Proclamation. But Lincoln replied that he could do so only “without the argument of military necessity, and so, without any argument, except the one that I think the measure politically expedient, and morally right.” He added: “Would I not give up all footing upon the constitution or law? Would I not thus be in the boundless field of absolutism?” Lincoln reminded Chase that even the morally righteous act of restoring freedom to slaves required, under a republican form of government, a constitutional exercise of authority.

This meant that Lincoln could act only within the limits set forth by the American people in the Constitution. Folks then and now confuse what Lincoln had authority to do and the power at his disposal as President and Commander-in-Chief. Those critics who view him as a reluctant emancipator thought Lincoln foolish for freeing slaves where he did not have power and keeping them as slaves where he did. But they mistake power for authority, forgetting that as the president of the United States of America, he possessed constitutional authority throughout every state of the Union, which included those areas in rebellion. Therefore, in his Emancipation Proclamation, Lincoln carefully spelled out the origin of his power, the purpose for its exercise, and the circumstances that gave it rise:

Now, therefore I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as Commander-in-Chief, of the Army and Navy of the United States in time of actual armed rebellion against the authority and government of the United States, and as a fit and necessary war measure for suppressing said rebellion, . . . do order and declare that all persons held as slaves within said designated States, and parts of States, are, and henceforward shall be free.

Lincoln committed the federal government to protecting slaves escaping from rebellious territory, protection without which no “self-emancipation” by the slaves would last for long, let alone be legally binding. And so Lincoln’s Emancipation Proclamation was no dead letter, but a substantive commitment to securing their liberty in a manner consistent with the president’s authority as commander-in-chief during wartime.

On the flip side, those who thought the Proclamation too limited in its scope argue that because Lincoln possessed military power in the four slave states that remained loyal to the federal government, he should use it to free the slaves in Missouri, Kentucky, Maryland, and Delaware. But this argument implies that what Lincoln should have done regarding slavery concerned only military might, and not constitutional right. Lincoln omitted the so-called “border slave states” of Missouri, Kentucky, Maryland, and Delaware from the Emancipation Proclamation because they were not in rebellion against the federal government. Therefore, the president owed its citizens the full protection of their constitutional rights, which included their property in slaves. Simply stated, to free the slaves of these loyal citizens would be to seize property without warrant under a constitution that recognized chattel slaves as property if local laws deemed them so, as part of the founding compromise that preserved the American union. In sum, it would not be “a fit and necessary war measure for suppressing said rebellion”; in fact, it would undermine the overriding purpose of the war. As Lincoln explained in his preliminary emancipation proclamation, “hereafter, as heretofore, the war will be prosecuted for the object of practically restoring the constitutional relation between the United States, and each of the states, and the people thereof, in which states that relation is, or may be suspended, or disturbed.”

He repeated this, in so many words, throughout the War. He did so most famously in his reply to a public letter by New York Tribune editor Horace Greeley, which preceded his Preliminary Emancipation Proclamation by exactly one month:

My paramount object in this struggle is to save the union, and is not either to save or to destroy slavery. If I could save the Union without freeing any slave, I would do it; and if I could save it by freeing all the slaves, I would do it; and if I could save it by freeing some and leaving others alone I would also do that.

The president would lead the nation through all three scenarios by the time of his second inauguration, at which point the 13th Amendment had been approved by Congress and en route to state ratification, which occurred in December 1865. Lincoln closed his public letter by stating that it contained “my view of official duty” with regards to emancipation’s connection to the war effort,

a view which bore “no modification of my oft-expressed personal wish that all men every where could be free.”

Lincoln’s devotion to the constitutional union took precedence over the abolition of slavery, but in a way that not only put the nation back on course to ridding itself of slavery, but also on course to acting again as a constitutional people. By deliberately composing his Emancipation Proclamation in dry legalese, the president was calling attention to the constitutional propriety of the act, trusting that its moral propriety would be manifest to all. He did incorporate Salmon Chase’s suggestion that the proclamation include some mention of the momentous justice being served. The closing sentence reads: “And upon 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.” Here was Lincoln’s “bottom line,” as it were. He accommodated Chase, but made sure that the Proclamation’s moral claim on the American conscience would not eclipse what he believed was most important for the nation to recover in the midst of civil war: the rule of law, where “the Constitution” stood as the nation’s fundamental law of the land, and “military necessity” the circumstance calling forth the president’s authority under that law. A just end, like the liberation of a race, had to be achieved in a just way if both the liberated and liberators intended to rule themselves in a constitutional manner. Lincoln had to turn a moral end into a constitutional means—that is, emancipation had to become a war measure—in order to be justified under the Constitution.

We can excuse Lincoln for not proclaiming liberty to America’s captive race with the soaring rhetoric of his Gettysburg Address or Second Inaugural Address. Subsequent generations of Americans have been so impressed by his orations that they forget the Emancipation Proclamation was not a speech but a presidential order. As such, the Proclamation had real work to do and therefore had to be written in such a way as to accomplish that work. There would be time enough for the president to wax eloquent on its significance, which famously occurred later that year upon the dedication of the nation’s first official cemetery for its war dead. Although not all Americans were persuaded by Lincoln that his Emancipation Proclamation was constitutional, he was at pains to present the rationale for his executive order in the text of the act itself, thereby teaching the nation where to look for a standard by which his conduct, or that of any federal officer, should be found: the Constitution.

By way of summation, let me return to the title of my remarks, “On Remaining a Constitutional People.” What do I mean by this, and how did Lincoln’s Emancipation Proclamation further this objective? To be a constitutional people is to be a self-governing people, a people who exercise their freedom in a reasonable manner. This means that they establish and operate under a form of government that gives reason rather than passion the greatest opportunity to promote the common good. Part of this involves slowing down political decision-making so that public policies bear the imprint of deliberation—what the Federalist Papers referred to as “reflection and choice” and “the cool and deliberate sense of the community.”

But in addition to constitutional mechanisms, the people themselves—most especially—must possess and maintain a particular character and mindset to make self-government work for the good of all. Here is where statesmen, the best of our politicians, have an opportunity to do the most good. Their measure can be taken by how well they not only follow the Constitution but also guide popular sentiment to do the same, teaching citizens not just to obey the Constitution but also why it is worthy of their obedience. What makes Abraham Lincoln’s Emancipation Proclamation an example of constitutional statesmanship is how it taught Americans both what he as president intended to do about slavery and why he thought he could and should do something about it.

After issuing the Proclamation, Lincoln followed it with speeches that continued to inform the public about how emancipation furthered the Union war effort and reinforced the meaning of American self-government. This was most evident in his address at Gettysburg, where he took the occasion of the dedication of a national cemetery to remind the nation why they were fighting and why it was worth the cost—as he put it, “the last full measure of devotion.”

At Gettysburg, Lincoln called the American Civil War a test: namely, “whether that nation, or any nation so conceived and dedicated can long endure.” The permanency of the American political union, “conceived in Liberty, and dedicated to the proposition that all men are created equal,” was being challenged by members of its own political family. If any question can be considered the abiding theme of Lincoln’s political career, it is the question of how to perpetuate America’s political institutions. How do a free people keep democracy going? Gettysburg found Lincoln speaking of “the unfinished work” and “the great task remaining before us” as the nation considered how to incorporate former slaves (and former masters) so that “government of the people, by the people, for the people, shall not perish from the earth.” His exhortation to his generation of Americans turns out to be a call to every generation of Americans—every generation of free people—to rise to the challenge of self-government. As his political heirs, our “great task” will always be a steadfast adherence to what Lincoln called the principle of “Liberty to all” as a guide to ruling ourselves according to a Constitution that calls forth “the better angels of our nature” as long as we have ears to hear.

## Emancipation Moments

*Matthew Pinsker*

Late in December 1936, a 92-year-old woman from Washington, D.C., walked a couple of miles from her residence on T Street to the Soldiers' Home, a federal retirement facility for combat veterans. Anna Harrison Chase made that long, cold walk because she regarded the site as the birthplace of emancipation. "Mother" Chase, as she was known in the local black community, remembered the Soldiers' Home from when she had just been a young "contraband," or runaway slave, in the District, staying at one of the nearby contraband camps. Chase had always heard that President Abraham Lincoln had written the first drafts of the Proclamation during the summer of 1862 while residing in a cottage on the grounds of the Home. Now she wanted to see the sacred place before she died. The unexpected visit by a former slave caused a small stir, and soon the Washington Post sent a reporter over for an interview. "I used to see Mr. Lincoln almost every day riding out to the Soldiers' Home that summer," she recalled proudly. "Of course, we did not know what he was doing, but he was such a great man. And I can remember how we laughed and cried when he set the slaves free."<sup>1</sup>

When 18-year-old Anna Harrison "laughed and cried" on January 1, 1863, she was experiencing emancipation on its most human terms. Mother Chase's abiding memory illustrates the visceral power of that emancipation moment and suggests the need for anniversary celebrations of the policy in order to take personal testimony of its impact more seriously. How did people—especially slaves and masters—actually experience emancipation during the war itself? Answering that question also helps explain several of the nuances that complicate—and humanize---the grand story of slavery's destruction.

First, as Anna Harrison's recollections suggest, there was emancipation before Emancipation. She and her family escaped from Caroline County, Virginia, in early summer 1862, as the chaos of war descended on their master's household. "Our old master and missus were dead, and we heard that our young master had been killed in the war," she told the reporter. "So we hitched up the ox carts and I led my family away to the Free State." Like thousands of other freedom-seeking slaves during that first year of the conflict, Harrison and her family sought refuge behind Union lines ("the Free State") by taking their master's oxcarts across the Rappahannock River and then traveling by train from Fredericksburg. In August 1862, photographer Timothy O'Sullivan captured a now-famous image of escaping slaves, called "Fugitive African Americans Forging the Rappahannock," which depicts what the Harrisons must have experienced as they made their way toward the District.<sup>2</sup>

Contrabands were not simply fugitive slaves. By invoking international laws of warfare, anti-slavery Union generals such as Benjamin Butler, John Fremont, and David Hunter were

building serious legal arguments that helped pave the way to emancipate these human “contraband of war.” Although Lincoln curtailed some of these early emancipatory actions, both the War Department and Congress took several steps in 1861 and 1862 — with the president’s approval — that protected contraband freedom. Most notably, Congress passed two “confiscation” acts (August 6, 1861 and July 17, 1862) that promised to punish rebels by seizing and explicitly freeing their slaves. The Congress also adopted an Article of War on March 13, 1862, which forbade the Union Army from returning fugitives. Local courts could still attempt to enforce fugitive slave laws on behalf of loyal masters, but such efforts became increasingly futile.

Nobody knows exactly how many slaves achieved freedom under these conditions, but the numbers were astounding—and sometimes infuriating—for those who lived through it. James Rumley was a North Carolina slaveholder who experienced Union occupation along the Outer Banks. “Slaves are now deserting in scores from all parts of the country,” he confided to his diary in May 1862, “and our worst fears on this subject are likely to be realized.” Rumley particularly condemned the March 13 Article of War, claiming that it “enables these fanatics to make their quarters perfect harbors of runaway negroes,” while also noting, “the soldiers go, without hesitation, into the kitchens among the negroes and encourage them to leave their owners.” By June, Rumley was complaining that “the mask” of Union occupation, which had “concealed at first the hideous features of fanaticism,” was now entirely “thrown off.”<sup>3</sup> Slavery around Beaufort, North Carolina, was essentially dead. Rumley’s account matters because it illustrates a point made by historian John Hope Franklin in his classic book, *The Emancipation Proclamation* (1963). Regardless of widespread concerns about cultivating loyal slaveholders, according to Franklin, “when Union forces won control of an area[,] slavery merely ceased to exist.”<sup>4</sup>

Franklin did not mean that all slaves achieved freedom right away, but that slavery as an institution collapsed soon after masters such as Rumley lost their monopoly of force and law. This new reality was most evident by 1862 along the coastal regions of the Carolinas and Georgia, especially in South Carolina, where Federal occupiers created a “rehearsal for reconstruction,” as historian Willie Lee Rose once put it, by turning over abandoned plantations on the Sea Islands to ex-slaves and by inviting abolitionists to organize freedmen’s schools.<sup>5</sup> The Federal army in the Department of the South also commandeered part of a cotton plantation owned by John Joyner Smith in Port Royal and began experimenting with training black soldiers.

Prince Rivers, a former slave from Beaufort, South Carolina, rushed to join the fight. Rivers had been a coachman for Henry M. Stuart, a prominent Beaufort planter, and, like Anna Harrison, he took advantage of the war’s chaos to “borrow” his master’s horse and flee toward Union lines. The nearly 40-year-old ex-slave was also literate and quickly earned an appointment as a sergeant in what eventually became the First South Carolina Volunteers of African Descent. On August 1, 1862, General David Hunter provided Rivers and hundreds of other men in the regiment (which was being temporarily disbanded) with what might be termed their own private emancipation proclamations:

The bearer, Prince Rivers, a sergeant in First Regiment S.C. Volunteers, late claimed as a slave, having been employed in hostility to the United States, is hereby agreeably to the [First Confiscation] law of 6th of August, 1861, declared free forever. His wife and children are also free.<sup>6</sup> Hunter's action came as much out of pique as principle. The fiercely anti-slavery general was angry because his efforts against slaveholders were being undermined by civilians back in Washington. President Lincoln himself had rescinded Hunter's most sweeping emancipation edict in May and now the War Department was refusing to pay the black men in "Hunter's Regiment" because he had never been authorized to enlist them.<sup>7</sup> Though the administration would shortly reverse its decision and endorse Hunter's experiment with black troops, it was a difficult period for unionists, filled with bad news from the war and increasing signs of political division over the slavery issue. There was no consistency in the implementation of military policies regarding slavery, and no clear sense that either the president or the Congress was in charge (or even in agreement) over the emancipation issue.

During this summer of Northern discontent, which culminated with a very tense public exchange between New York Tribune editor Horace Greeley and President Lincoln, abolitionists invoked Prince Rivers as a model for what freedom could accomplish.<sup>8</sup> During an extended visit to Port Royal, Pennsylvania abolitionist James Miller McKim had asked Rivers if blacks would "fight" when "they had a chance." "Yes, sah," Rivers apparently replied, "only let 'em know for sure--for sure mine you—dat de white people means right; let 'em know for sure dat dey's fighting for demselves, and I know dey will fight."<sup>9</sup> McKim then arranged to bring both General Hunter and Sergeant Rivers to the North for a few weeks of lobbying on behalf of emancipation in cities such as Philadelphia and New York.

The lingering uncertainty helps explain why President Lincoln's emancipation announcement on September 22 represented such a political thunderbolt. Lincoln's proclamation, issued following the Union victory at Antietam, specified that all previous congressional measures against slavery were to be fully enforced and that the commander-in-chief would go well beyond those measures, starting on January 1, 1863, by emancipating all slaves throughout the rebel areas. The clarity and scope of the new policy was stunning. White House aide John Hay reported in his diary that when some cabinet members gathered after the announcement at the residence of Secretary of Treasury Salmon P. Chase, they seemed almost giddy. The 24-year-old Hay observed that "the old fogies . . . gleefully and merrily called each other and themselves abolitionists," noting they now "breathed freer" because, as he put it wisely, "the Pres[idential] Proc[lamatio]n. had freed them as well as the slaves."<sup>10</sup>

From his perch on the Outer Banks, slaveholder James Rumley felt anything but free. He hated the proclamation and dreaded its consequences. On January 1, however, Rumley appeared almost baffled, admitting that the proclamation "has taken effect today . . . without producing a ripple on the face of the waters." He had expected the September announcement to produce bloody slave insurrections, like the ones at St. Domingo or Haiti in the 1790s. Instead, all was quiet. "That the shackles should suddenly fall from the hands of thousands of slaves," he noted in his diary, "as silently as snowflakes fall upon the earth . . . was not to be believed." Rumley attributed the relative

peace to the occupation of the Federal army, which “by their conduct towards the slaves, anticipated the Proclamation and virtually set them free.” He also observed with shrewd insight that “the slaves may not be entirely certain that their freedom is permanent, and may have some secret dread of the approach of Confederate power.”<sup>11</sup>

The great value of Rumley’s foreboding emancipation account is how it demolishes a common misunderstanding about the proclamation. Lincoln’s executive order did free some slaves immediately, with the stroke of a pen—“thousands” of them in the Outer Banks and tens of thousands more in Union-occupied areas along the Atlantic Coast and across the Mississippi Valley in places such as Corinth, Mississippi. Yes, there were some notable exceptions to the policy carved out in the January 1 decree—such as certain parishes in Louisiana, “forty-eight counties designated as West Virginia,” and parts of the Union-occupied peninsula in Virginia— but Rumley and many other slaveholders did not benefit from those limitations. While praying that the Proclamation with its “diabolical purpose” and “astounding stretch of power” would never break the “wall of southern bayonets” still guarding the rest of the Confederacy, the professional clerk also acknowledged that, “here [in Beaufort, North Carolina] this paper has, for the present, all the force of a constitutional legislative act.”<sup>12</sup> It is tempting to brush aside those thousands of emancipation moments in places such as the Outer Banks, while millions more still remained in bondage elsewhere, but that single day on January 1, 1863, witnessed more individual acts of freedom than any other date in American history.

If there had been a center of gravity that day for emancipation, it might have been at Port Royal, South Carolina, not Washington, D.C. While President Lincoln was inside his White House office trying to steady his hand before signing the final proclamation at around 2 p.m., a remarkable ceremony on the site of Smith’s former cotton plantation was just then drawing to a close—the largest single gathering in the South of people actually being freed. At what they now called Camp Saxton, the Federal army had organized an official ceremony and celebratory feast for several hundred men of the First South Carolina Volunteers and hundreds more of their contraband guests from around the Sea Islands. The black men stood at attention in specially designed uniforms that included standard-issue blue frock coats and bright scarlet pants. The visitors gathered in a beautiful live-oak grove with just “a glimpse of the blue river” visible, according to Colonel Thomas Wentworth Higginson, a writer and former ally of John Brown, who now sat on the speaker’s platform and served as commanding officer of the regiment.<sup>13</sup>

The three-hour ceremony included a few too many speeches and presentations, but it was stirring nonetheless. William H. Brisbane, a former South Carolina planter-turned-abolitionist, read Lincoln’s September proclamation, since the final version was not yet available — “a South-Carolinian addressing South-Carolinians,” as the Massachusetts-born Higginson framed it. The cheers were loud. But the excitement reached a crescendo following presentation of new regimental colors, which included a beautiful hand-sewn silken U.S. flag containing the phrase, “The Year of Jubilee has come!” Yet before Higginson could formally accept the colors, a lone voice rose from the crowd of freed people, singing “America” (1832), and soon many of them joined in this patriotic hymn:

My country, 'tis of thee,  
Sweet Land of Liberty....

“I never saw anything so electric,” Higginson exclaimed afterwards. The regimental surgeon reported, “Nothing could have been more unexpected or more inspiring.” Another observer noted that when some of the whites around the platform began to correct the lyrics, Higginson remarked quietly, “Leave it to them.”<sup>14</sup>

Higginson finally addressed the assembly, received the colors, and called Sergeant Prince Rivers from Company A to his side. He warned Rivers that as color sergeant he was now “chained” to this flag and must be willing to defend it to his death. “Do you understand?” the colonel barked. “Yas, Sar,” the sergeant replied. Higginson then presented a second bunting flag to Corporal Robert Sutton, and, in a scene brilliantly captured by a sketch artist from Frank Leslie’s *Illustrated Newspaper*, the two black men offered inspiring remarks while holding aloft their colors. Rivers said “he would die before surrendering [the flag] and that he wanted to show it to all the old masters.” Sutton went even further, stating that “he could not rest satisfied while so many of their kindred were left in chains,” vowing that they would one day “show their flag to Jefferson Davis in Richmond.” The correspondent from the *New York Tribune* described both men as “natural orators.” Later in the war, Higginson claimed that Rivers had “more administrative ability” than any white officer in the regiment, adding, “if there should ever be a black monarchy in South Carolina, he will be its king.”<sup>15</sup>

Without doubt, that ceremony at Port Royal was the grandest emancipation moment of the Civil War, but it was by no means the last. For most of the next three years, the Federal army spread word of the proclamation state by state, sometimes plantation by plantation, as it struggled to restore the Union. Eyewitness testimony is harder to come by for these more isolated moments, but it does exist. There was, for example, a remarkable diary kept by James T. Ayers, who served as a recruiting agent for black soldiers in the Tennessee Valley. The 57-year-old lay Methodist preacher from Illinois had a number of dramatic “adventures” as he spread the “good news” of emancipation.<sup>16</sup> Ayers recorded one encounter in May 1864 at the John M. Eldridge plantation near Huntsville, Alabama, which offers as vivid a window as any into the process of Civil War-style liberation.

Ayers described riding along, encountering a “black patch in a cornfield” and determining from the field hands that he was on the Eldridge plantation. Then he asked, “Are you all his slaves?” “Yes, massa,” came the answer. “Is he good to you?” Ayers wondered. “Not mighty good, massa.” Then Ayers asked if Eldridge was a “Union man or secessionist.” The answer, even with the dialect, was clear: “Oh Godamighty! Master, him cusses de yankees all de time [and] says day come here to kill us all and carry us away and sell us all and dat massa Lincum gwiin send us all Clean off.” Ayers then showed the Eldridge slaves a broadside which many recruiting agents carried that depicted an image of “Freedom to the Slave” on one side and an abridged, two-sentence version of the Emancipation Proclamation on the other. They were curious, but unmoved.<sup>17</sup>

So Ayers directed them to gather their things and follow him to the plantation house where he was going to confront the master. By the time Ayers arrived, however, John Eldridge knew all about him. The 54-year-old planter was a native Virginian and descendant of Pocahontas, who had about 25 slaves ranging in ages from 4 to 76, according to the 1860 census, and was absolutely determined to keep them. “My niggers say you Come into the field and set them all free,” Eldridge snarled. “Yes, sir,” Ayers replied coolly. “Well I would like to know how you got the authority to do so, sir,” said Eldridge. “By the War Department, sir, I get my Authority,” Ayers replied, adding wryly, “the very best of Authority, aint it?” Ayers continued to argue with Eldridge and one of his bolder daughters before he finally drew a revolver and closed the debate.<sup>18</sup>

Ayers departed Huntsville with four new recruits for the Union army and several other newly freed people following along, but not all of the slaves he encountered at the Eldridge plantation ended up leaving. James Rumley had predicted the sad truth a year earlier. Many slaves were just not “entirely certain” that their “freedom” was “permanent” and dared not risk their families’ lives on the word of men like Ayers, Higginson, Rivers or even Abraham Lincoln. The best-remembered accounts of emancipation, such as Booker T. Washington’s *Up From Slavery* (1901), highlighted the deep anxiety that freedom often unleashed. “Was it any wonder,” Washington wrote, “that within a few hours the wild rejoicing [following emancipation] ceased and a feeling of deep gloom seemed to pervade the slave quarters?”<sup>19</sup>

Freedom did prove hard, but most adjusted to the new realities. James Ayers became disenchanted with his recruiting work, and tried to reinvent himself as an army chaplain before dying from disease not long after the war ended. James Rumley regained his government job but never his “property,” and lived until 1881. Prince Rivers mustered out of the Union army as a hero and became a politician in Reconstruction-era South Carolina. He was dragged into the Hamburg Massacre of 1876, one of the period’s worst acts of terror against blacks. Denied a chance to secure justice and then driven out of politics altogether, Rivers was finally forced to find work---once again---as a coachman before he died in 1887. White House aide John Hay became a diplomat, editor of the *New York Tribune*, and eventually secretary of state before his death in 1905. Mother Chase died two years after making her pilgrimage to the Soldiers’ Home, at the age of 94. She was buried next to her husband, Thomas W. Chase, who had also once been enslaved. The two had met and fallen in love during the Civil War, in “the Free State.”

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<sup>1</sup> “Contraband Remembers Summer of Emancipation,” Emancipation Digital Classroom, House Divided Project at Dickinson College, <http://goo.gl/K0keu>, James J. Cullinane, “Mrs. Thomas Chase Visits House Where Lincoln Wrote Act,” *Washington Post*, December 27, 1936, p. M5.

<sup>2</sup> *Washington Post*, December 27, 1936. Mathew Pinsker, *Lincoln’s Sanctuary: Abraham Lincoln and the Soldiers’ Home* (New York: Oxford University Press, 2003), 66. “African Americans Forging the Rappahannock Photograph, August 1862,” Virginia Memory, Library of Virginia, <http://goo.gl/x9XlJ>.

<sup>3</sup> Diary entries, May 1862 and June 7, 1862, “North Carolina Slaveholder Comments on Emancipation,” Emancipation Digital Classroom, House Divided Project at Dickinson College, <http://goo.gl/F5SMU>. See also Judkin Browning, *The Southern Mind Under Union Rule: The Diary of James Rumley, Beaufort, North Carolina, 1862-1865* (Gainesville: University Press of Florida, 2009), 36-9.

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<sup>4</sup> John Hope Franklin, *The Emancipation Proclamation* (Garden City, NY: Doubleday, 1963), 115.

<sup>5</sup> Willie Lee Rose, *Rehearsal for Reconstruction: The Port Royal Experiment* (orig. pub. 1964; Athens: University of Georgia Press, 1999).

<sup>6</sup> Reprinted in Frank Leslie's *Illustrated Newspaper*, August 30, 1862. August 1 was often celebrated by American blacks as "Emancipation Day," to commemorate the abolition of slavery in the British Empire (August 1, 1834). Hunter's choice of date was no coincidence.

<sup>7</sup> Daniel W. Crofts, "Runaway Masters" in "Disunion," *New York Times*, June 22, 2012, <http://opinionator.blogs.nytimes.com/2012/06/22/runaway-masters/>.

<sup>8</sup> Horace Greeley, "The Prayer of the Twenty Millions," *New York Tribune*, August 19, 1862. Abraham Lincoln to Horace Greeley, Washington, DC, August 22, 1862. This was the exchange that produced Lincoln's famously slippery line: "My paramount object in this struggle is to save the union and is not either to slave or to destroy slavery," even though he had already decided a month earlier to destroy slavery. For one of the best accounts of the Greeley-Lincoln exchange, see Chapter Six, "Public Opinion," in Douglas L. Wilson, *Lincoln's Sword: The Presidency and the Power of Words* (New York: Alfred A. Knopf, 2006), 143-61.

<sup>9</sup> "The Freed Blacks of South Carolina," *The Liberator*, August 8, 1862; see "General Hunter 'Confiscates' Prince Rivers," Emancipation Digital Classroom, House Divided Project, <http://goo.gl/XjECu>.

<sup>10</sup> Diary entry, September 24, 1862, in Michael Burlingame and John R. Turner Ettliger, eds., *Inside Lincoln's White House: The Complete Civil War Diary of John Hay* (Carbondale: Southern Illinois University Press, 1997), 41.

<sup>11</sup> Diary entry, January 1, 1863, "North Carolina Slaveholder Comments on Emancipation," Emancipation Digital Classroom, House Divided Project at Dickinson College, <http://goo.gl/F5SMU>. See also Browning, 49-50.

<sup>12</sup> Diary entry, January 1, 1863, "North Carolina Slaveholder Comments on Emancipation," Emancipation Digital Classroom, House Divided Project at Dickinson College, <http://goo.gl/F5SMU>. See also Browning, 54.

<sup>13</sup> For the fullest account of the day's events, see Stephen V. Ash, *Firebrand of Liberty: The Story of Two Black Regiments That Changed the Course of the Civil War* (New York: W.W. Norton, 2008), 13-30. For an abbreviated selection from nearly a dozen different eyewitness accounts of the ceremony, see "Emancipation Among Black Troops in South Carolina," Emancipation Digital Classroom, House Divided Project, <http://goo.gl/U7Dq0>.

<sup>14</sup> Comments from Higginson, Dr. Seth Rogers, and observer Harriet Ware are available at "Emancipation Among Black Troops in South Carolina," Emancipation Digital Classroom, House Divided Project, <http://goo.gl/U7Dq0>.

<sup>15</sup> For image and reporting, see Frank Leslie's *Illustrated Newspaper*, January 24, 1863, and *New York Tribune*, January 14, 1863, p. 8:2-3. For quotations, see entries from Mansfield French and Harriet Ware, "Emancipation Among Black Troops in South Carolina," Emancipation Digital Classroom, House Divided Project, <http://goo.gl/U7Dq0>. For Higginson's assessment of Rivers, see "General Hunter 'Confiscates' Prince Rivers," Emancipation Digital Classroom, House Divided Project, <http://goo.gl/XjECu>.

<sup>16</sup> John Hope Franklin, ed., *Civil War Diary of James T. Ayers* (Springfield: Illinois State Historical Society, 1947). Historian James Oakes has helped rediscover the value of Ayers' depiction of emancipation in action; his book offers the most penetrating account of Union emancipation policy. See James Oakes, *Freedom National: The Destruction of Slavery in the United States, 1861-1865* (New York: W.W. Norton, 2012).

<sup>17</sup> For excerpts from the Ayers diary, see "Union Recruiting Agent Spreads the 'Good News,'" Emancipation Digital Classroom, House Divided Project, <http://goo.gl/3YAYb>.

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<sup>18</sup>“Union Recruiting Agent Spreads the ‘Good News,’” Emancipation Digital Classroom, House Divided Project, <http://goo.gl/3YAYb>.

<sup>19</sup>Booker T. Washington, *Up From Slavery: An Autobiography* (New York: Doubleday, 1901), 19-20, <http://www.bartleby.com/1004/1.html>.

## **“Knock[ing] the Bottom Out of Slavery” and Desegregation: Some Comparisons between President Lincoln’s Emancipation Proclamation (1863) and President Truman’s Executive Order to Desegregate the Military (1948)**

*Steven Schlossman*

As a historian and policy analyst, and as a participant in the pioneer pedagogical venture led by Harvard’s Richard Neustadt and Ernest May in the 1980s (*Thinking in Time*) to suggest how policy makers might better use historical information in decision making, I have long been intrigued by the uses of historical analogy in addressing current policy issues. Analogical reasoning, whether knowingly or unknowingly, has always been a staple of policy thinking, in both domestic and international affairs. Neustadt and May warned against inappropriate resort to “irresistible analogies,” yet they also insisted that the more “possibly relevant analogues” the better in any policy deliberation -- as long as likenesses and differences between circumstances in the past and present were fully spelled out.<sup>1</sup> I too remain positive about juxtaposing loosely comparable historical events in order to shine new light on each of them.

I have been asked to analogize between the two most famous executive orders that American presidents have ever issued on matters of race: President Lincoln’s Emancipation Proclamation on January 1, 1863 and President Truman’s directive to desegregate the military on July 26, 1948 (Executive Order 9981). It is an appropriate assignment, as the very reason I am expert on the subject of military desegregation is because I accepted a challenge from the RAND Corporation in 1993 to analogize between President Truman’s executive order and the draft executive order that President Clinton was then formulating – later substantially modified into the “Don’t Ask, Don’t Tell” policy -- to end military “discrimination on the basis of sexual orientation.”

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Not surprisingly, I concluded from my historical research that reasoning by analogy was inadequate to resolve such hotly debated controversies in the early 1990s as whether race or sexual orientation is more fundamental in defining human identity. Still, I also concluded that several aspects of the military desegregation experience did speak directly to prospects for integrating gays and lesbians into the military on terms of equality: for example, the negative public opinion (63% in a Gallup poll in June 1948) toward military desegregation that President Truman had to confront; the key, collaborative roles played by civilian and military leadership in implementing 9981; and the various efforts within the military, between 1944 and 1954, to assess whether black and white troops could work together effectively in battlefield situations, and whether it was possible to change how racially biased white troops behaved toward black troops, even if their underlying racial attitudes changed very little.<sup>3</sup>

Perhaps the most decisive finding of my study was that, contrary to a common misreading of history, the desegregation of the armed forces in the mid-20<sup>th</sup> century was anything but simple and straightforward. Instead, military integration was a long, convoluted, and highly politicized process that inspired much initial resistance from the armed forces. Many of the strong emotional reactions that the prospect of integrating homosexuals into the military elicited from service members and the general public in the early 1990s were equally evident in the build-up and implementation of military desegregation in the 1940s and 1950s.

My task today is to analogize not forward but backward in time -- to compare and contrast Executive Order 9981 and the Emancipation Proclamation as historic milestones in extending civil rights to African Americans. Viewed together, I do see each executive order in a new light, especially in demonstrating how central a change agent the military has been in race relations throughout American history, and how important the ability to serve freely in the military has been in breaking down barriers of prejudice and extending civil rights to previously shunned minority populations -- whether African Americans, women, or LGBT service members today.

Let me briefly identify four common elements in the histories of the Emancipation Proclamation and Executive Order 9981 that, I believe, benefit from analogical comparisons.

1. The first analogy I would draw between EP and 9981 is how often both are misleadingly portrayed in popular discourse as having instantaneously solved the enormous “problems” they tackled. Lincoln freed the slaves and Truman desegregated the military; in both instances, presidential initiative and courage, guided by moral imperative, were supposedly sufficient to uproot generations of institutionalized prejudice and discrimination, in one fell swoop.

In no way, I believe, does it diminish EP or 9981 as exemplars of presidential leadership to point out how little each executive order actually achieved in the short term. President Truman issued 9981 in July 1948, but in the months leading to the presidential election in November he did little to publicize or enforce the order, or to call attention to other civil rights legislation he had brought to Congress earlier in the year. His political reasoning was complex, given his immediate need to cultivate southern Democrats’ votes to support renewal of Selective Service and approval of the Marshall Plan to bolster Europe’s economic and political recovery. Moreover, military desegregation had already been incorporated into the Republican platform; calling special attention to 9981 would have done little to differentiate him from his challenger, Thomas Dewey, who arguably had as strong a civil rights record as Truman.

After Truman’s surprise re-election, he focused considerable energy on desegregating the military, but his implementation strategy was long term, piecemeal, and largely conciliatory. He refused to impose a one-size-fits-all solution. Instead, he negotiated with each military service, almost as if it were a separate nation state. Through an executive oversight group that he appointed (the Fahy Committee), Truman sought both to prod and accommodate each military service. From the start, he proved ready to tolerate a fair degree of stonewalling and outright deception. Though he declared himself ready, as necessary, to “knock somebody’s ears down,”<sup>4</sup> he remained steady in

trying to maximize buy-in to changes in personnel policy so that they would not be seen as threatening to each service's distinctive traditions. Despite President Truman's best efforts, however, two years after 9981 the Army and the Marines remained virtually as segregated as during World War II, and they showed little inclination to do more.

As Civil War scholars are quick to point out, EP immediately freed no more than 50,000 of the nation's nearly 4 million slaves. Additional slaves would only be freed (unless they managed to run away) as the Union soldiers liberated each of the Confederate states – a prospect that was far from certain following the disastrous battle at Fredericksburg a few weeks before the EP was announced. Moreover, the EP did not apply to the 500,000 slaves in the border states that had remained loyal to the Union (Missouri, Kentucky, Maryland, Delaware). Nor did the EP apply to the 300,000 slaves scattered in various localities (e.g., New Orleans) already under Union military control.

Much as President Truman chose to deal delicately with the military services in negotiating a mutually-agreed path to desegregation, so President Lincoln chose not to dictate but to defer to the prerogatives of loyal states and critical political allies (like Andrew Johnson, the military governor of Tennessee) that did not want the EP to apply to them -- at least, not right now. Obviously, the immediate consequences of this decision were dire for the black men, women, and children already under Union authority who remained enslaved until the end of the Civil War (and afterward). Still, the President chose the path of political delicacy in the interest of achieving long-term, consensual support for the abolition of slavery after hostilities ended.

In short, the EP, not unlike 9981, was more a long-range plan than a guarantee of instantaneous freedom -- even where President Lincoln arguably had sufficient authority to dictate otherwise. For both presidents, political and practical considerations required a measured pace of change. At high cost, blacks had little choice but to wait patiently for each president's civil rights game plan to unfold.

2. The flip side of the popular historical tendency to portray Presidents Lincoln and Truman as omnipotent change agents is to view African Americans as passive beneficiaries of executive initiative, and to discount their agency in propelling each president's decision. In my judgment, nothing could be further from the truth. Both the EP and 9981 were, in fact, the culmination in public policy of long-term and systematic political agitation, as well as vigorous personal persuasion, of both presidents by black (and white) civil rights leaders, starting long before the issuance of each executive order.

In the 1850s and 1860s, Frederick Douglas was only the most prominent of the free blacks who sought to make the Civil War one of liberation for slaves everywhere, not just those in the rebellious states; and who, furthermore, took deep insult in President Lincoln's plan to colonize freed slaves in Latin America. In the 1930s and 1940s, A. Philip Randolph was only the most prominent of the black civil rights leaders that had fought for years to integrate the military. Failing to persuade President Roosevelt, they were adamant once peace returned that President Truman

desegregate the military -- even playing political hardball by threatening to rally African Americans to resist the draft if Truman failed to deliver (Randolph cancelled his civil disobedience plans shortly after the President announced his executive order).

Again, it does not in the least slight the political courage it took for Presidents Lincoln and Truman to act when they did, to recognize that much of the public voice and initiative for eliminating slavery and desegregating the military derived first and foremost from African Americans themselves.

3. Third, let me offer a brief analogy regarding the place of public opinion in the genesis of both the EP and 9981.

Both Presidents Lincoln and Truman showed their political cards early, long before issuing their historic executive orders: Lincoln starting in the summer of 1862, most notably in his public repartee with Radical Republican newspaper editor Horace Greeley; Truman in the 1947 report of the Committee on Civil Rights (*To Secure These Rights*), and in the civil rights package that he submitted to Congress in February 1948. Both presidents were clearly trying to prepare and shape public opinion for a radical shift in American racial policies -- one that would inevitably stir great political controversy.

At the time they issued their executive orders, both presidents were cautiously confident that public opinion was shifting in their direction. But they were also well aware that they were taking a major political risk that could jeopardize their re-election. However often historians (like me) offer pragmatic reasons to explain the limited scope of both the EP and 9981, there is no denying both presidents' political perspicacity in choosing to impose their will on the polity -- via executive order -- in the expectation that Americans would soon validate their position at the voting booth.

4. My final analogy returns to the interpretive point I introduced earlier regarding African Americans as agents in shaping their own history. I do so by focusing on the key roles African Americans played as battlefield soldiers during both the Civil War and the Korean War: roles that would have been impossible without the moral leverage embodied in both executive orders.

The most immediate effect of the EP on slaves was to provide a huge incentive for young men to run away from their masters, and to seek freedom behind Union lines. Earlier in the War, some slaves had successfully sought refuge with the nearest Union armies -- although not all military commanders were happy to see them, or certain what to do with them. But once the EP made freedom a federal guarantee for slaves in the Confederate states, Union commanders increasingly welcomed the escapees.

Most importantly, the EP -- as "a military necessity," in Lincoln's strategic words -- authorized field commanders to incorporate escaped slaves into their units as full-fledged (albeit segregated) soldiers. Some 200,000 ex-slaves fought for the Union Army and Navy in the last half

of the Civil War. Contrary to what some field commanders feared (perhaps Lincoln did too), most evidence suggests that ex-slaves craved the opportunity to fight for the Union: both to ensure permanent freedom for themselves and their loved ones, and to make an implicit case for full citizenship after hostilities ended. As Eric Foner has observed: “black soldiers played a crucial role not only in winning the ... War but also in defining its consequences.... Black military service put the question of postwar rights squarely on the national agenda.”<sup>5</sup>

Much evidence also suggests that the ex-slaves fought bravely and well. Moreover, while bringing ex-slaves into Union ranks produced some desertion by whites, it occasioned little overt discord or violence. Indeed, the infusion of large numbers of black troops into the Union armies -- at a time when recruitment of northern whites had become highly controversial and slowed to a trickle -- may have been decisive in the Union’s ultimate military victory. (The Confederacy, by contrast, did not allow slaves to fight on its behalf until shortly before the War ended.)

African Americans in 1941 were equally desirous to prove their merit as soldiers by fighting against the Axis forces -- only to have blacks assigned mainly to service rather than combat units, opportunities restricted to serve overseas, and, most obviously, separation of black and white units strictly maintained.

Shortly after the War, the Navy and Air Force chipped away at segregation and expanded blacks’ opportunities for combat. The Army and Marines, however, remained segregated, hostile environments for blacks in uniform. As indicated earlier, despite President Truman’s issuance of 9981, neither the Army nor Marines was clearly on a path to desegregation two years later, when the Korean War began.

And then, a revolution in military race relations occurred on the ground in Korea – a revolution that was clearly traceable to Executive Order 9981.<sup>6</sup> Remarkably, within a year after hostilities began, three-fifths of the Army’s line infantry companies were racially mixed, and nearly one-fifth of black soldiers were serving in integrated units.

The switch toward integration on the battlefield did not begin at the top. Indeed, when the Far East Command in Tokyo learned in early 1951 about how much integration had occurred, it tried to halt, even to reverse, the trend. But the decisions of experienced Army officers on the ground continued to flout official racial policy. In short order, those ground-level decisions undermined the official policy logic of segregation.

Desegregation of the Army began when several field commanders, confronted by personnel shortages due to high casualties in the War’s brutal early months, responded by combining white and black soldiers in the same units. Integration evolved out of the normal process of troop replacement. Blacks formed a substantial part of the available pool of replacements, as the number of black soldiers arriving in Korea often exceeded the needs of the segregated units stationed there. Some Army officers concluded that the logical thing to do was to use some of the incoming blacks

as ‘fillers’ in under-strength white combat units, rather than trying to fit them into the existing segregated system.

Despite initial resentment by some white troops, the newly integrated units performed well in the field; moreover, as had occurred during the Civil War, the incorporation of blacks stirred little overt racial division or violence. Evidence collected by the Army indicated that black soldiers who served in mixed units were invigorated by the opportunity to fight in an integrated military, both as individuals and – continuing the spirit of the Double-V campaign in World War II -- as representatives of their race. Evidence also suggested that the need to work together on the battlefield increased mutual respect between black and white soldiers. Strong military leadership further reinforced the growing civility between white and black soldiers, as commanders refused to tolerate displays of prejudice that threatened unit cohesion.

To be sure, racist attitudes and suspicions -- by black and white soldiers alike-- shifted less surely or quickly than did actual behavior. But as the pace of integration accelerated, new levels of inter-racial understanding gradually became evident at the attitudinal as well as the behavioral level. As Brigadier General John H. Michaelis succinctly put it: “There is NO color line in a foxhole. Apparently, the white soldier has no objection of serving under a Negro NCO, if the NCO has proved himself in battle. . . .”<sup>7</sup>

The dismantling of racial integration proceeded rapidly once General Matthew Ridgeway replaced General MacArthur as head of the Far East Command. With relatively little fanfare, by 1954 -- the year of *Brown v. Board of Education* -- the American military had essentially been integrated worldwide.

Like the slaves whom the EP freed to fight for the Union cause, black soldiers in the Korean theater made the best of the opportunity that 9981 had set in motion. They served with valor and played an important role in turning the tide of battle. President Truman’s executive order was not the immediately decisive factor that enabled integration in the Army; it was the ground-level dynamics of the Korean War itself that destroyed segregation. But without the moral leverage and legal authority embodied in President Truman’s executive order, the opportunity for field commanders in Korea to take matters into their own hands, and to integrate black and white soldiers on the battlefield, would have been inconceivable.

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<sup>1</sup> Richard E. Neustadt and Ernest R. May, *Thinking in Time: The Uses of History for Decision Makers* (New York: Macmillan, 1986), pp. 56, 89.

<sup>2</sup> See Chapter 5, “Potential Insights from Analogous Situations: Integrating Blacks into the U.S. Military,” in National Defense Research Institute, *Sexual Orientation and U.S. Military Personnel Policy: Options and Assessment* (Santa Monica, CA: RAND, 1993), pp. 158-19. The research for this part of the NDRI project, which also included historical studies of women and gays in the military, was a collaborative venture by Steven Schlossman, Sherie Mershon, Ancella Livers, Tanjam Jacobson, and Timothy Haggerty, all of Carnegie Mellon University.

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<sup>3</sup> These initial findings were substantially elaborated in Sherie Mershon and Steven Schlossman, *Foxholes and Color Lines: Desegregating the U.S. Armed Forces* (Baltimore and London: The Johns Hopkins University Press, 1998).

<sup>4</sup> Quoted in Mershon and Schlossman, *Foxholes and Color Lines*, p. 190.

<sup>5</sup> Eric Foner, *The Fiery Trial: Abraham Lincoln and American Slavery* (New York: W.W. Norton & Company, 2010), p. 253.

<sup>6</sup> In January 1950, the Fahy Committee had succeeded in negotiating some changes in Army regulations that laid a legal framework for enabling desegregation to occur on the ground in Korea. The Army had agreed, first, to abandon the 10 percent quota on black soldiers that had been instituted during World War II; second, it had agreed to assign skilled personnel without regard to race. These changes were the administrative-law equivalent of an enabling act, permitting desegregation to begin but not defining desired results or a timetable. Members of the Fahy Committee remained quite pessimistic about what these changes might actually accomplish. As Committee Executive Secretary Edwin Kenworthy observed, “the army intends to do as little as possible towards implementing the policy which it adopted and published.” Letter of E. W. Kenworthy to Charles Fahy, 25 July 1950, quoted in Donald R. McCoy and Richard T. Ruetten, *Quest and Response: Minority Rights and the Truman Administration* (Lawrence, KS: University Press of Kansas, 1973), p. 233.

<sup>7</sup> Quoted in Mershon and Schlossman, *Foxholes and Color Lines*, p. 225.

## The Great Event of the Nineteenth Century: Emancipation During the Civil War

*Manisha Sinha*

Abraham Lincoln called emancipation “the central act of my administration, and the great event of the nineteenth century.”<sup>1</sup> Behind this “great event” lies a complex process that involved many historical actors, not the least of whom were the slaves themselves, the Union Army, black and white abolitionists, Radical Republicans in Congress, and the president. Like all important world historical events, emancipation was a multi-causal phenomenon.

Emancipation then was not just a singular event made possible by the stroke of a pen or the issuing of the Emancipation Proclamation by President Lincoln on January 1, 1863. It had long roots stretching back into the antebellum period. Even before the start of the Civil War, the abolition movement had agitated for an end to slavery for thirty years, and southern slaves had run away and, occasionally, rebelled against slavery. Fugitive slaves had exacerbated sectional tensions between the Slave and Free States leading up to the war and called into question the national legitimacy of slavery. They seeded the movement of the thousands of slaves who defected to the Union army and pressured the Lincoln administration to act on emancipation during the war.

Slaves, especially those who started streaming into Union lines from the early days of the Civil War, saw the Union army and Lincoln as their liberators before Lincoln and the Union army saw themselves in that role. This is the argument that has been brilliantly recapitulated by the historians involved in the Freedmen and Southern Society Project and their richly documented multivolume Freedom series. It would be misguided to derisively dismiss their work as the “self-emancipation thesis” or as endangering the place of Abraham Lincoln in the history of black emancipation and in American history generally.<sup>2</sup> Rather, they have added nuance and fullness to a complicated story.

African Americans were not passive recipients of the gift of freedom. In fact, their struggle against slavery can be dated back to the moment of their enslavement. With the start of the Civil War, black actions helped put slavery on the national political agenda. In the first year of the war, the Lincoln administration, concerned with retaining the loyalty of the border slave states and northern conservatives, made preservation of the Union rather than abolition its war aim. President Lincoln revoked the emancipation orders of abolitionist-minded Union generals, like General John C. Fremont in Missouri and General David Hunter in South Carolina, as overstepping their constitutional and military authority. But Lincoln and the federal government would soon be forced to deal with the issue of slavery.

The Civil War itself, noted Karl Marx from London, created a revolutionary situation leading inexorably to the abolition of American slavery.<sup>3</sup> The slaves who fled to the Union

presented a logistical dilemma to Union Army field commanders and a legal one for the Lincoln administration. Should the federal government enforce the Fugitive Slave Law and return runaway slaves to the Confederacy? Abolitionists like William Lloyd Garrison, Wendell Phillips, Frederick Douglass, and Radical Republicans like Charles Sumner answered with a resounding no. Though Lincoln promised to uphold the Fugitive Slave Law in his first inaugural address, Congress eventually repealed it. This change in Union policy showcases how the slaves themselves helped make the war for the Union into a war against slavery.

In fact, if slaves fleeing for freedom had not seized the initiative, the process of emancipation would not have unfolded precisely in the manner that it did eventually. In the beginning, the War Department adopted the makeshift policy first employed by General Benjamin Butler of Massachusetts in Fort Monroe, Virginia. Butler declared escaped slaves “contraband of war” or enemy property that could be legitimately confiscated. The contraband policy, still recognizing slaves as property in principle, led to the liberation of those slaves who managed to make their way to Union army lines. While a few Union officers had earlier returned escaped slaves to the tender mercies of their Confederate masters, now most of them refused to do so. For many northern soldiers, encounters with contraband slaves were their first introduction to the horrors of southern slavery. Slaves who had braved enemy fire and their masters’ wrath converted many a Midwestern farm boy to abolitionism. Their scarred backs bearing the telltale marks of whippings bore silent witness to the harrowing stories told by fugitive slaves and abolitionists before the war. Moreover, many of these slaves, particularly those who had escaped from the front lines of the war and had been employed to dig trenches for the Confederate Army, brought useful military information about Confederate location and strength with them. The Union would soon reap the benefits of their knowledge and labor while the Confederacy would suffer a severe loss of labor in battle as well as the home front. As historian Armstead Robinson first argued: “A war fought to protect slavery ended in its destruction and slaves whose permanent servitude was to be the Confederacy’s triumphant reward helped deny slaveholders the fulfillment of their most cherished dream.”<sup>4</sup>

Soon “contraband camps” became a ubiquitous part of Union encampments, and contraband slaves, as they came to be widely known, were employed in military labor, and the women, especially, in laundering and cooking. Susie King Taylor, an escaped slave and ardent advocate of black equality, left a memoir of her days as a laundress for a Union Army regiment. Even Harriet Tubman, the “Moses of her people,” who had helped hundreds of slaves escape, performed menial chores like doing the soldiers’ laundry. Using skills acquired as a “conductor” in the Underground Railroad, Tubman also acted as a scout for the Union army in the South Carolina low country. After the war, she would repeatedly petition for a government pension for the services she had rendered. Mary Todd Lincoln’s dressmaker, Elizabeth Keckley, helped form the Contraband Relief Association in Washington, D.C., and enlisted the Lincolns’ help for her efforts. Many black women abolitionists, some of them former slaves themselves like Harriet Jacobs and Sojourner Truth, were active in contraband relief.

Besides the growing number of contraband slaves, abolitionists and Radical Republicans in Congress insisted on the abolition of slavery from the very start of the Civil War. Garrison formed an Emancipation League in Boston in 1861, Douglass demanded abolition as well as black enlistment into the Union Army, Phillips and the young Anna Dickinson lectured for emancipation, and women's rights activists like Susan B. Anthony formed the National Women's Loyal League, flooding Congress with petitions. In enacting the first Confiscation Act in 1861, which confiscated all slaves used by Confederates for military purposes, and the second Confiscation Act in 1862, which confiscated all slaves of rebel masters, Republicans in Congress stole a march on the President. Congress also abolished slavery in the western territories and fulfilled a longstanding abolitionist demand, the abolition of slavery in the District of Columbia. Despite some reservations, Lincoln signed these laws against slavery. African Americans viewed abolition in the nation's capital as a portent of general emancipation. Bishop Daniel Payne of the African Methodist Church met with the President to celebrate the occasion. This would be one of the first in a series of historic meetings between Lincoln and black leaders during the war.<sup>5</sup>

By the summer of 1862, Lincoln had decided to issue an Emancipation Proclamation. Abolitionist agitation and pressure from radicals within his own party pushed Lincoln to higher antislavery ground. As the war dragged on and the need for manpower increased, emancipation became sound military strategy. And the longer the Confederacy maintained its independence, the more likely it became that it would gain international recognition. By tying the cause of the Union with that of emancipation, the Lincoln administration nipped in the bud all talk of recognition of the Confederacy by European nations, especially Britain. The demise of the "second serfdom" in Russia and Eastern Europe, which like modern racial slavery was born with the expansion of early capitalism, and the abolitionist examples of Western European countries, starting with Britain, were important precedents for Lincoln. All these factors, domestic and foreign, and the still uncertain status of contraband slaves moved the President to act. Lincoln's own antislavery sentiments and his failure to convince the border Slave States in the Union to accept gradual, compensated emancipation also played a role in his final decision to abolish slavery.

Though the President had confessed to hating slavery as much as any abolitionist, black and white abolitionists had been critical of his slowness to act against slavery and his revocation of the emancipation orders of Fremont and Hunter. Douglass and Phillips in particular were vocal in their criticism of the President's tardiness and the failure of the federal government to enlist black men into the Union Army. Tubman argued that God would not let Lincoln win the war unless he did the right thing and abolished slavery. When Lincoln issued his preliminary Proclamation in September 1862, announcing his intent to issue an Emancipation Proclamation next year, the very nature of the war changed. It became a revolutionary war for freedom — what African Americans, slaves, abolitionists, and Radical Republicans had long demanded — making the Civil War a "Second American Revolution." In Lincoln's memorable words, the war had given rise to "a new birth of freedom" in the United States.<sup>6</sup>

The significance of the Emancipation Proclamation lies in the fact that it sounded the death knell of slavery. Arguments that attack the Proclamation for its lack of moral sentiment or that

portray it merely as an act of military necessity not only miss out on the larger significance of what all acknowledged as a historic event and a turning point in the war, but they also do not do justice to the language and content of the Proclamation itself. Indeed, historian Richard Hofstadter famously dismissed it as having all “the moral grandeur of a bill of lading” for its legalistic tone.<sup>7</sup> The legal, military, political, and moral causes of the Proclamation were, however, interconnected because that was precisely the way contemporaries, including Lincoln, viewed it. Constitutionally Lincoln could legitimately evoke his war powers to free the slaves, an eventuality that John Quincy Adams had predicted, and that abolitionist William Whiting’s popular wartime pamphlet had advocated. Contrary to the common misperception, the Emancipation Proclamation did not simply replicate the Second Confiscation Act, which freed the slaves of only rebel slaveholders. Instead, it freed all slaves in areas officially designated as being in rebellion, whether they belonged to secessionist or unionist masters. In this sense its purview was wider, but it still left out slaves in the Union’s Border States and in Union-occupied Confederate territory. But everyone knew that if slavery was abolished in the Deep South it would not last long in the border slave states, with their far smaller enslaved population. Lincoln spent his last days trying to secure the passage of the Thirteenth Amendment, which enshrined emancipation in the United States Constitution, not susceptible to being overturned by subsequent administrations.

The language of the Proclamation, though guided by legal convention and constitutional scruples, does rise to the occasion. Lincoln tried to establish black freedom permanently in emphatic words, “are and henceforward shall be free,” and on Salmon Chase’s suggestion, labeled it an “act of justice.” The Proclamation, like the Declaration of Independence, evoked the “judgment of mankind” and divine favor. As John Hope Franklin in his slim book on the Emancipation Proclamation published on its centenary argued, viewed from the *longue duree*’ it also seeded the notion of black equality.<sup>8</sup> In calling for black enlistment in the Union Army and Navy, Lincoln acted not only out of military necessity, but also laid out the path for African-American male citizenship. Ironically, even as Lincoln abjured freed slaves to “abstain from all violence” except in self-defense, he invited them to don the Union uniform and take up arms against their masters. The enlistment of black soldiers legitimized the notion of slaves using violence to free themselves by vesting it with state authority. This could happen only in a wartime situation, where slaveholders had taken the first step in defining themselves as enemies of the state. The Emancipation Proclamation allied black freedom with the powers of the federal government and the Union cause.

Perhaps the most important symbol of the emancipatory nature of the Civil War was the presence of black soldiers in the Union Army. In 1863 Congress passed the Militia Act, which established the Bureau of Colored Troops and provided the mechanism for the enlistment of African-American men into the Union Army. Former abolitionists like George Luther Stearns, a supporter of John Brown, recruited black abolitionists like Douglass, Martin Delany, Henry Highland Garnet and others to enlist black soldiers. John Andrews, the abolitionist Governor of Massachusetts, formed the all-black Fifty Fourth and Fifty Fifth Massachusetts regiments, and Hunter formed all-black regiments in Union-occupied parts of low country South Carolina, officered by abolitionists like Thomas Wentworth Higginson. A majority of black Union soldiers were former slaves, particularly from the border slave states, who fought to gain their own and

their families' freedom since they were excluded from the purview of the Proclamation. In taking up arms against the Confederacy, black soldiers helped make emancipation a reality. The Confederacy's desperate decision to arm slaves in its dying days came too late and challenged the *raison d'être* of its existence.

On the other hand, black service in the Union Army and Navy became a powerful argument for African-American citizenship and equality. Though they served in segregated regiments and units such as the United States Colored Troops, black soldiers and their abolitionist and radical allies in Congress waged a successful battle for equal pay and access to officer ranks. Around 180,000 black men served in the Union Army and another 20,000 in the Union Navy. Black heroism and daring in the battles of Fort Wagner, Milliken's Bend, and Port Hudson convinced some skeptical northerners of the wisdom of emancipation. The exploits of the former slave Robert Smalls of South Carolina, who delivered a Confederate battleship to Union hands and was destined to become a leading black politician during Reconstruction, was widely read about in the North. In his first meeting with Douglass, who came to protest unequal pay and rank for African Americans in the Union Army, Lincoln noted that while he was slow to act, he would not step back from emancipation. Before his death, Lincoln conceded that black soldiers as well as those who were educated deserved the rights of citizenship. In endorsing partial black suffrage, Lincoln had traveled a long way from his plans to colonize freed slaves out of the country, a program that most African Americans and abolitionists had rejected since the formation of the American Colonization Society in 1816. The failure of some of his schemes to colonize black people in Haiti and Panama, along with strong African-American and abolitionist protest, finally made Lincoln abandon colonization as a viable option for black Americans after emancipation. As black abolitionist H. Ford Douglas argued, the war "educated" Lincoln out of his colonization views. When Lincoln made an impromptu speech advocating voting rights for some black men on the eve of his death, John Wilkes Booth was in the audience. His assassin reportedly said, "that means nigger citizenship. . . That will be the last speech he will ever make."

African-American and abolitionist demands helped define the meaning of black freedom. As early as 1864, the National Black Convention called for the right to vote, arguing that if black men were good enough for "bullets," they were good enough for the "ballot." They insisted that emancipation be accompanied by black civic equality. In many ways, their views and that of their Republican allies in Congress helped shape the agenda of Reconstruction, when the Fourteenth (1868) and Fifteenth (1870) Amendments to the United States Constitution made black citizenship a cornerstone of Radical Reconstruction. The old understanding of the Union, built on constitutional compromises over slavery, lay dead in the battlefields. The new understanding of the Union was one that even Garrisonian abolitionists, whose antebellum motto was "No Union with Slaveholders," could fervently support.<sup>9</sup>

Emancipation gave meaning and purpose to the war as a war for simply the Union never could. It was a defining event of the war and one with world historical significance. It has become fashionable of late to see death and dying rather than black freedom as the central meaning and legacy of the Civil War. Recent estimates have dramatically revised upwards the casualties in the

war from around 620,000 to 750,000, making this point moot. New work on African-American mortality has drawn attention to immense black suffering at the moment of freedom.<sup>10</sup> But enslavement rather than emancipation is associated with the metaphor of death in black history and memory. Despite its horrific cost, African Americans awoke to new life and freedom during the war.

African Americans and their abolitionist allies were less successful in their fight for economic autonomy. During the war, former slaves occupied land abandoned by slaveholders in Union-held areas, most famously in the South Carolina and Georgia sea islands, where former abolitionists — “Gideonites” — opened schools for the freed people. The Freedmen’s Bureau, especially in areas where local agents had antislavery leanings, settled former slaves on abandoned lands. During his famous march through the south, General William T. Sherman and Secretary of War Edwin Stanton met with local black ministers in Savannah, Georgia; they defined emancipation as freedom from slavery as well as economic independence from their former masters. In his famous 1865 Field Order No. 15, Sherman divided Union-occupied land into forty-acre lots, settling contraband slaves trailing his army on them and giving each family a mule. But the slogan “forty acres and a mule” never became a reality, when President Andrew Johnson, a staunch opponent of the Freedmen’s Bureau and black rights, revoked all such wartime grants. Except for some abolitionists and a few radicals like Thaddeus Stevens and Sumner, the idea of confiscating land from slaveholders and redistributing it among ex-slaves did not gain much traction in Congress.

After the overthrow of Reconstruction in 1877, African-American ideas about the meaning of freedom were deferred until the Civil Rights Movement led to the passage of new laws to implement black citizenship. But even during the racial nightmare of sharecropping, debt peonage, disfranchisement, segregation and lynching, African Americans and their allies continued to struggle for a more complete freedom. Land ownership among former slaves rose slowly in the most adverse circumstances, and with the great black migrations to northern cities, many left the land of their oppression. After emancipation, African Americans reconstructed their families, communities, churches, and schools, which were staging grounds for the long black struggle for equality.

Emancipation was a defining event in the nation’s history. Not only did the country witness the demise of racial slavery, but the war and its aftermath also gave birth to enduring debates on citizenship and black rights, the powers of the federal government and states’ rights, constitutional and legal innovation, and, most importantly, the attempt to perfect America’s interracial democracy, issues that still bedevil us today.

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<sup>1</sup> Lincoln is quoted in Benjamin Quarles, *Lincoln and the Negro* (New York, 1962): 236.

<sup>2</sup> Ira Berlin, Barbara J. Fields, Stephen F. Miller, Joseph P. Reidy, and Leslie S. Rowland, *Slaves No More: Three Essays on Emancipation and the Civil War* (New York, 1992); James M. McPherson, *Drawn with the Sword: Reflections on the American Civil War* (New York, 1996): Chapter 13.

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<sup>3</sup> Richard Enmale ed., *The Civil War in the United States* (New York, 1937).

<sup>4</sup> Glenn David Brasher, *The Peninsula Campaign and the Necessity of Emancipation: African Americans and the Fight for Freedom* (Chapel Hill, NC, 2012); Armstead L. Robinson, "Day of Jubilo: Civil War and the Demise of Slavery in the Mississippi Valley, 1861-1865," (Ph.D. Dissertation, University of Rochester, 1977): 571.

<sup>5</sup> Manisha Sinha, "Allies for Emancipation?: Lincoln and Black Abolitionists," in Eric Foner ed., *Our Lincoln: New Perspectives on Lincoln and His World* (New York, 2008): 167-196.

<sup>6</sup> James M. McPherson, *Abraham Lincoln and the Second American Revolution* (New York, 1991).

<sup>7</sup> Richard Hofstadter, *The American Political Tradition and the Men Who Made It* (New York, 1948), 131.

<sup>8</sup> John Hope Franklin, *The Emancipation Proclamation* (New York, 1963). Compare with Allen C. Guelzo, *Lincoln's Emancipation Proclamation: The End of Slavery in America* (New York, 2004).

<sup>9</sup> Sinha, "Allies for Emancipation," 167-196.

<sup>10</sup> Drew Gilpin Faust, *This Republic of Suffering: Death and the American Civil War* (New York, 2008); J. David Hacker, "A Census-Based Count of the Civil War Dead," *Civil War History* 57 (December 2011): 307-348; Jim Downs, *Sick from Freedom: African-American Illness and Suffering During the Civil War and Reconstruction* (New York, 2012).