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## Lincoln's Battle for the Founders' Declaration

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Abraham Lincoln once said that public opinion “always has a ‘*central idea*,’ from which all its minor thoughts radiate.” He thought that in America, that idea “at the beginning was, and until recently has continued to be, ‘the equality of men.’” He made that comment in December 1856, following the defeat of the Republican Party’s first candidate for president, John C. Frémont. Given that the Democratic candidate, James Buchanan, won with barely 45 percent of the popular vote in a three-man race that also included former Whig President Millard Fillmore, Lincoln remained hopeful that the founding principle of equality would regain its political sway. Buchanan’s election, Lincoln argued, “was a struggle, by one party, to discard that central idea, and to substitute for it the opposite idea that slavery is right.” If not opposed, he believed it would produce “the perpetuity of human slavery, and its extension to all countries and colors” rather than the “steady progress towards the practical equality of all men” that had marked the development of American self-government.<sup>1</sup> Over the next four years, Lincoln would battle rhetorically for the mantle of the American founders, seeking to reclaim human equality as the central idea of the American Revolution.

Not all Americans defined equality the same way. Believing that dealing with slavery correctly depended on defining equality correctly, Lincoln found guidance by turning to the American founders. There was no greater influence on Lincoln’s statesmanship than the leading men and the leading ideas of the American Revolution and the nation’s constitutional formation.

But weren’t the founders slaveholders and therefore racists? What kind of help can that old generation provide modern-day Americans? Lincoln

saw in the American Revolution a people forged in the crucible of British resistance to their attempt to rule themselves. In that process, they established principles and institutions based on human equality, individual rights, and government by consent of the governed. To be sure, in the midst of fighting for their right to govern themselves, they did not abolish slavery right away. Lincoln argued that when Americans fought for independence and then framed the Constitution, they were “in a certain sense compelled to tolerate” slavery. “It was a sort of necessity.”<sup>2</sup> However, they viewed it as “an evil not to be extended”<sup>3</sup> and within the federal system sought “the peaceful extinction of slavery.”<sup>4</sup> As Lincoln explained in 1858,

I think that was the condition in which we found ourselves when we established this government. We had slavery among us, we could not get our Constitution unless we permitted them to remain in slavery, we could not secure the good we did secure if we grasped for more, and having by necessity submitted to that much, it does not destroy the principle that is the charter of our liberties.<sup>5</sup>

That charter was what Lincoln called “that old Declaration of Independence,” from which he consistently quoted its statement “that all men are created equal.” To lose sight of this principle would “tend to rub out the sentiment of liberty in the country,” Lincoln warned, and would “transform this Government into a government of some other form.”<sup>6</sup>

The idea of getting right with the founders was not unique to Lincoln. In fact, the two main alternatives to the Republican Party during the pivotal 1860 presidential campaign and the ensuing secession winter each appealed to the American founders to support their respective policies. Northern Democrats supported Lincoln’s longtime rival, Illinois Senator Stephen A. Douglas. He argued that “our Revolutionary fathers” were unconcerned about the future of slavery in America. Douglas claimed the founders endorsed what he called “Popular Sovereignty.”<sup>7</sup> As he declared in his first formal debate with Lincoln in 1858, “Our fathers intended

that our institutions should differ," adding that "Washington, Jefferson, Franklin, Madison, Hamilton, Jay, and the great men of that day, made this Government divided into free States and slave States, and left each State perfectly free to do as it pleased on the subject of slavery."<sup>8</sup> Douglas touted this policy as a form of "diversity":

The fathers of the Revolution, and the sages who made the Constitution, . . . well understood that the great varieties of soil, of production and of interests, in a Republic as large as this, required different local and domestic regulations in each locality, adapted to the wants and interests of each separate State.<sup>9</sup>

On the other hand, "uniformity in local and domestic affairs would be destructive of State rights, of State sovereignty, of personal liberty and personal freedom. Uniformity is the parent of despotism the world over, not only in politics, but in religion." Douglas argued that Lincoln sought "one consolidated empire" in his insistence on racial equality.<sup>10</sup>

A month after Southern Democrats split from their Northern counterparts and nominated sitting Vice President John C. Breckinridge of Kentucky as their presidential candidate, Breckinridge said, "The Government our fathers gave us" enshrined "equality of the States of the Union" as "the great fundamental principle" of the Constitution. "That Constitution," he continued, "was framed and transmitted by the wisest generation of men that ever lived." Moreover, "the principles upon which it was originally framed" comprised not only state equality but also "equality of the rights of the citizens in their persons and property," which included property in slaves.<sup>11</sup> In a September 1860 campaign speech, Breckinridge argued that "the common Territories of the Union" were "open to the common settlement from all the States," insisting on the right of Southern slave owners to settle in federal territory with their slaves.<sup>12</sup> The first plank of the Southern Democratic Party platform reinforced this view, stating, "All citizens of the United States have an equal right to settle with their property

in the Territory, without their rights, either of person or property, being destroyed or impaired by congressional or territorial legislation.”<sup>13</sup>

Adhering to Chief Justice Roger Taney’s notorious 1857 opinion in *Dred Scott v. Sandford*, Breckinridge claimed that “between slave property and other property, no distinction exists.” Therefore, Congress has “the power, coupled with the duty, of guarding and protecting the owner in his rights” in federal territory.<sup>14</sup> Although the speech was designed to get Douglas to withdraw from the presidential race, Breckinridge did not forget the Republican candidate. He said Lincoln “represents the most obnoxious principles in issue in this canvass.” Breckinridge claimed that these principles were “clearly unconstitutional” because they disregarded Taney’s ruling in *Dred Scott*, which interpreted the Fifth Amendment’s due process clause to guarantee a federal right to property, including slaves.<sup>15</sup>

Southern Democrats had rejected Douglas as their party’s nominee for president because he would not endorse a federal law guaranteeing the right to enslave black people in the territories. They eventually tried to secede from the United States and drew language from the Declaration to justify their attempt to form an independent Southern nation. They even modeled their Confederate Constitution after the United States Constitution, with the distinction that the former contained explicit guarantees of “the right of property in negro slaves.”<sup>16</sup> James Thornwell, a slave-owning preacher from South Carolina, insisted that secessionists were “upholding the great principles which our fathers bequeathed” and “the very liberty for which Washington bled, and which the heroes of the Revolution achieved.”<sup>17</sup>

And so the election of 1860 was essentially a referendum on *whose* interpretation of the American founding was correct. Near the start of that election year, Lincoln exhorted Americans to “HAVE FAITH THAT RIGHT MAKES MIGHT.” He defended the Republicans as the founding’s true heirs because of their commitment to stopping the spread of slavery:

*As those fathers marked it, so let it be again marked, as an evil not to be extended, but to be tolerated and protected only because of and*

*so far as its actual presence among us makes that toleration and protection a necessity.*<sup>18</sup>

Lincoln believed that during his contentious times, looking back to the founding could actually help Americans move forward. He did this most famously in his 1863 Gettysburg Address. That speech opens at the nation's beginning: "Four score and seven years ago our fathers brought forth on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal."<sup>19</sup> Lincoln takes his audience back not to the Constitution but to the Declaration—not to the body but to the soul of the nation.

### The Original Idea

Lincoln delivered his Gettysburg remarks in the Year of Jubilee, the year of the Emancipation Proclamation. Union soldiers and sailors were now charged by the president to protect the freedom of liberated former slaves in the rebelling states. In his speech, Lincoln did not announce a new principle of freedom but affirmed an old one—one he learned from the founders when they declared independence. What Lincoln called at Gettysburg "a new birth of freedom" was directly tied to the old, original birth of freedom, our *first* emancipation proclamation—the Declaration of Independence. Its central idea that "all men are created equal" described the equal possession of rights by every human being. Lincoln spoke on the battlefield of "the unfinished work" to which all living Americans could dedicate themselves. The survival of "government of the people, by the people, for the people" would now benefit over three million newly freed black men and women. By defending the Union and its founding vision of human equality, Americans could honor the men who fought and died at Gettysburg—those "who here gave their lives that that nation might live."<sup>20</sup>

Lincoln went on to explain that the Civil War was a test of America's purpose: as he put it, "whether that nation, or any nation so conceived

and so dedicated, can long endure.”<sup>21</sup> With Americans shooting not at a foreign enemy but at each other, clearly there was some confusion about the meaning of America. This is why as president-elect, Lincoln called Americans God’s “*almost* chosen people.”<sup>22</sup> (Emphasis added.) He believed Americans were undergoing an identity crisis, divided as they were in their understanding of why the nation existed and over its highest aims and purposes. Lincoln thought the nation would benefit from looking to its past. Americans needed a reminder of why the nation was founded in the first place and therefore why the union of American states was worth saving.

This was no Civil War epiphany of Lincoln’s. In February 1861, as he headed to the nation’s capital to be inaugurated as president, he stopped in Trenton, the capital of New Jersey, and told the state senate, “I am exceedingly anxious that this Union, the Constitution, and the liberties of the people shall be perpetuated in accordance with the original idea for which that struggle was made.”<sup>23</sup> A nation devoted to the principle of human equality needed to endure.

In the decade leading up to the 1860 presidential election, Lincoln’s appeal to the American founding was not directed at slave-owning *Southerners*. They had long rejected the view that slavery was a necessary evil. Lincoln’s main concern was that white *Northerners* would be tempted by Douglas’s theory of popular sovereignty because it was neutral on the slave question. In reference to the enslavement of black people out West, Douglas said, “I don’t care whether it be voted up or down.”<sup>24</sup> He did not think his position as a United States senator should have any influence, let alone any authority, over whether slavery was permitted in the federal territories. Douglas believed that whites at the local level had the right to decide the question without interference from Congress.

However, Douglas’s definition of popular sovereignty implied that slavery’s expansion or restriction in the United States would be determined not by a majority of all American citizens but by a very small majority of those who settled in the Western territories. This indicated to Lincoln that the greatest obstacle to stopping the spread of slavery in

the United States was Douglas persuading white Northerners to join him in ignoring the plight of black people in the federal territories. As Lincoln put it:

They tell us that they desire the people of a territory to vote slavery out or in as they please. . . . The question arises, “slavery or freedom?” Caring nothing about it, they let it come in, and that is the end of it. It is the surest way of nationalizing the institution. Just as certain, but more dangerous because more insidious; but it is leading us there just as certainly and as surely as Jeff. Davis himself would have us go.<sup>25</sup>

What made Douglas’s “don’t care” policy so “insidious” was that for slavery to become nationalized, no politician *north* of the Mason–Dixon line needed to argue in its favor. Simply getting white Americans *in the free states* not to care whether the enslavement of black people became legal in federal territory sufficed. Once slavery was accepted as a constitutional right in the territories, it would soon become a federal right in the free states regardless of what their laws or constitutions said. If white Northerners agreed with Douglas that Congress did not have authority to regulate the domestic institutions of the territories, then Douglas’s “*declared indifference*” would actually represent, in Lincoln’s words, “*covert real zeal for the spread of slavery.*”<sup>26</sup>

Lincoln therefore called on Americans as early as 1854 to “re-adopt the Declaration of Independence.” In so doing, they would “not only have saved the Union” but in his words “so saved it, as to make, and to keep it, forever worthy of the saving.”<sup>27</sup> Americans needed to follow the example of the founders, who banned slavery in the Northwest Territory—first under the Articles of Confederation and then under the Constitution. A country worthy of saving needed to be a country that limited the spread of slavery as a first step to securing its eventual demise.

### A Standard Maxim

A year after the *Dred Scott* decision, stopping the spread of slavery in the United States became the focus of Lincoln's 1858 Senate campaign against the incumbent, Douglas. Lincoln advanced a pro-freedom interpretation of the American founding to counter alternative interpretations promoted by influential figures such as Taney and Douglas. Unlike Lincoln, Taney and Douglas thought the Declaration of Independence's principles were true only for white people. They read the Declaration that way to defend the slaveholding founders from charges of hypocrisy. In his 1857 *Dred Scott* opinion, Taney wrote,

The enslaved African race were not intended to be included, and formed no part of the people who framed and adopted this declaration; for if the language, as understood in that day, would embrace them, the conduct of the distinguished men who framed the Declaration of Independence would have been utterly and flagrantly inconsistent with the principles they asserted.<sup>28</sup>

Douglas echoed this reading of the Declaration a year later during his debates with Lincoln in Illinois:

Are you willing to have it said—that every man who signed the Declaration of Independence declared the negro his equal, and then was hypocrite enough to continue to hold him as a slave, in violation of what he believed to be the divine law? And yet when you say that the Declaration of Independence includes the negro, you charge the signers of it with hypocrisy.<sup>29</sup>

Douglas inferred, plausibly enough, that if Lincoln's reading black people into the Declaration was correct, the founders

were bound, as conscientious men, that day and that hour, not only to have abolished slavery throughout the land, but to have conferred political rights and privileges on the negro, and elevated him to an equality with the white man.<sup>30</sup>

He then contended that their decision not to free their slaves “shows that they did not understand the language they used [in the Declaration] to include any but the white race.”<sup>31</sup>

The social context shaped how Lincoln and Douglas appealed to the Illinois citizenry. White supremacy was not the exception but the rule in the free state of Illinois. The few blacks who resided in that state possessed few civil rights and no political rights. According to the 1848 constitution, only white males could vote or serve in the state militia.<sup>32</sup> Illinois statutes barred blacks from serving on juries and offering testimony against whites in courts.<sup>33</sup> In 1853, as authorized by the 1848 constitution, the state legislature passed an act “to prevent the immigration of free Negroes into this state.”<sup>34</sup> Douglas routinely exploited the racial animus of white Illinoisans by calling Lincoln’s political party the “Black Republican party” or “Abolition party.”<sup>35</sup>

Lincoln responded by tying the future security of the rights of white people to the present insecurity of the rights of black people. Given the color prejudice of most white Illinoisans and given that no blacks were allowed to vote in 1858, it is extraordinary that Lincoln kept bringing up the natural rights of blacks during the debates and explicitly reading the black man into, not out of, the Declaration. Even when he appealed to the self-interest of bigoted white Illinoisans, he never did so without showing them the true basis of their rights—namely, the Declaration’s principle of human equality. In this way, he hoped white prejudice would eventually yield to claims of common humanity regardless of color.

In his critique of Taney’s *Dred Scott* ruling, Lincoln elaborated on the meaning of equality in the Declaration. He said the founders

did not mean to assert the obvious untruth, that all were then actually enjoying that equality, nor yet, that they were about to

confer it immediately upon them. In fact they had no power to confer such a boon. They meant simply to declare the *right*, so that the *enforcement* of it might follow as fast as circumstances should permit.<sup>36</sup>

Lincoln understood the founders not as hypocritical politicians but as prudent revolutionaries. They recognized that in addition to long-standing prejudice and economic self-interest, circumstances like a war with Great Britain and a potential war between the races would prevent immediate and mass emancipation in any state, especially those with a significant slave population.

Simply put, at the time of the founding, Americans did not believe they could free both themselves and their slaves. To do so would jeopardize their efforts to secure and maintain their independence from England. The success of the American Revolution would require a united effort by the American states, a unity the states continued to see as essential once independence was achieved. Lincoln believed that to establish a viable government—“to form a more perfect Union,” as the Constitution notes in its preamble<sup>37</sup>—the founders had to make compromises. In their minds, liberty required independence, independence required unity, and unity required allowing slavery to survive in the states where it already existed.

Lincoln also observed that the founders’ inaction regarding enslaved *blacks* in America was similar to their inaction toward free *whites*. While it was obvious that equality was not secured for black people on American soil, Lincoln pointed out the less obvious fact that the founders “did not at once, *or ever afterwards*, actually place all white people on an equality with one another.”<sup>38</sup> For example, in the early decades following American independence, states employed property and religious qualifications to limit the right to vote.<sup>39</sup> This meant that not all white people were made equal in their civil or political rights. Equality as a political reality would come by fits and starts, even for white Americans. Lincoln surmised that the Declaration

set up a standard maxim for free society, which should be familiar to all, and revered by all; constantly looked to, constantly labored for, . . . and thereby constantly spreading and deepening its influence, and augmenting the happiness and value of life to all people of all colors everywhere.<sup>40</sup>

While natural rights were the birthright of every person, the vesting of civil and political rights would depend on the political sentiments of a given community. Lincoln strove to keep equality in the forefront of the public mind so that it would continue to inspire Americans to bring it to political fruition.

Between the Kansas-Nebraska Act of 1854, which Douglas helped pass, and the *Dred Scott* decision, Lincoln believed the expansion of slavery was gaining ground. As he warned in his “House Divided” speech in June 1858,

Another Supreme Court decision, declaring that the Constitution of the United States does not permit a *state* to exclude slavery from its limits . . .

. . . is all that slavery now lacks of being alike lawful in all the States. . . .

. . . We shall *lie down* pleasantly dreaming that the people of *Missouri* are on the verge of making their State *free*; and we shall *awake* to the *reality*, instead, that the *Supreme* Court has made *Illinois* a *slave* State.<sup>41</sup>

What Lincoln and the founders called a “self-evident” truth—“that all men are created equal”—Douglas called “a monstrous heresy.”<sup>42</sup> Douglas would eventually appeal to white supremacy as a Union-saving measure after Lincoln’s surprising election to the presidency in 1860—an election that provoked South Carolina to dissolve its union with the rest of the American states. To his credit, Douglas remained a staunch unionist. But he thought the way to keep slaveholding states from following South Carolina was by writing the color line into the Constitution.

On December 24, 1860, Douglas proposed two constitutional amendments. A 13th Amendment would block Congress from making any laws regarding slavery in the territories. His proposed 14th Amendment stated: “The elective franchise and the right to hold office, whether federal, State, territorial, or municipal, shall not be exercised by persons of the African race, in whole or in part.”<sup>43</sup> The contrast between Douglas’s 14th Amendment and the one that passed during Reconstruction could not be more striking. Where the later 14th Amendment speaks of “the equal protection of the laws,”<sup>44</sup> Douglas sought a constitutional ban against black Americans voting or holding political office at any level throughout the United States. If anything distinguishes Lincoln’s approach to the problem of slavery in America from Douglas’s, it is Lincoln’s consistent attempt to get white Americans to acknowledge what they had in common with black Americans—the equal possession of natural rights.

### The Apple of Gold

A year before he was first elected president, Lincoln was invited to speak in Boston to mark the anniversary of Thomas Jefferson’s birth. Since he couldn’t make the trip, he sent a letter extolling Jefferson’s achievement in drafting the Declaration of Independence. He wrote that “the principles of Jefferson are the definitions and axioms of free society.”<sup>45</sup> Lincoln drew from his study of Euclid’s geometry to picture the Declaration’s principles as the building blocks of democracy. But Lincoln acknowledged that even self-evident truths can be “denied, and evaded,” as tolerance of Southern slavery demonstrated in 1859. Nevertheless, he insisted: “This is a world of compensations; and he who would be no slave, must consent to have no slave.”<sup>46</sup> Alluding to Jefferson’s critique of slavery in *Notes on the State of Virginia*, Lincoln added that “those who deny freedom to others, deserve it not for themselves; and, under a just God, can not long retain it.”<sup>47</sup>

These were astounding words for Lincoln the Republican and former Whig to utter, given the success that states’ rights Democrats achieved in

donning the mantle of Jefferson, one of the founders of the Democratic Party. Still, Lincoln declared:

All honor to Jefferson—to the man who, in the concrete pressure of a struggle for national independence by a single people, had the coolness, forecast, and capacity to introduce into a merely revolutionary document, an abstract truth, applicable to all men and all times, and so to embalm it there, that to-day, and in all coming days, it shall be a rebuke and a stumbling-block to the very harbingers of re-appearing tyranny and oppression.<sup>48</sup>

In celebrating Jefferson, Lincoln looked back to a founding generation that put the principles of self-government in writing—principles that he invited fellow citizens to recognize as the true source of their rights and that obligated them to eliminate slavery as fast as circumstances should permit.

After Lincoln's election in the fall of 1860, he received a letter from Alexander Stephens, a Georgia Democrat, who had been a Whig colleague of Lincoln's during Lincoln's one term in Congress, in the late 1840s. Before Georgia's secession from the Union, Stephens wrote in December 1860 asking Lincoln to speak to the nation before his March 4 inauguration "to save our common country." Quoting Proverbs 25, Stephens suggested to Lincoln that "a word fitly spoken by you now would be like 'apples of gold in pictures of silver.'"<sup>49</sup>

Lincoln mulled over that Bible verse and jotted a note to himself—a reflection on what he called the "philosophical cause" of American prosperity. He had long revered the Constitution and saw the union of the American states as essential to the republic's success. "Even these, are not the primary cause of our great prosperity," Lincoln wrote.

There is something back of these, entwining itself more closely about the human heart. That something, is the principle of

“Liberty to all”—the principle that clears the *path* for all—gives *hope* to all—and, by consequence, *enterprize*, and *industry* to all.<sup>50</sup>

Lincoln then alluded to the line from Proverbs that Stephens had cited, but focused on the principle of “Liberty to all”:

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.<sup>51</sup>

Contrary to what Stephens wanted from Lincoln, what the country needed was not a new word from its new president but old words from fathers of old expressed in the Declaration. Lincoln saw the Declaration’s principle of “Liberty to all”—the equal rights possessed by all human beings—as the moral compass of the Constitution and the union of American states, even if it had been misinterpreted or broken in defense of the right to enslave human beings.

By the time Lincoln was inaugurated president, on March 4, 1861, seven slaveholding states had declared their “secession” from the American union and formed a confederation whose constitution protected “the right of property in negro slaves.”<sup>52</sup> Despite having argued against Georgia’s secession, Stephens was elected vice president of the Confederate States of America. On March 21, 1861, he argued that the new Confederate Constitution was an improvement over the old one Lincoln was trying to preserve. It was better not simply because it protected slavery by mentioning it explicitly, where the original Constitution never even used the word. There were plenty of countries throughout history that practiced slavery. But Stephens argued that the Confederacy had distinguished itself by being the first to base its slave society on white supremacy.

What set Stephens apart from most Confederates was his view that the American founders believed “that the enslavement of the African was in violation of the laws of nature; that it was wrong in principle, socially, morally, and politically.”<sup>53</sup> Here he fully agreed with Lincoln’s understanding of the founders. However, Stephens differed from Lincoln by arguing that the Confederate Constitution was better than the founders’ Constitution because it was

founded upon exactly the opposite idea; its foundations are laid, its corner-stone rests, upon the great truth that the negro is not equal to the white man; that slavery subordination to the superior race is his natural and normal condition.<sup>54</sup>

His was a categorical rejection of the founders’ declaration that all men are created equal. Stephens proclaimed, “This, our new government, is the first, in the history of the world, based upon this great physical, philosophical, and moral truth.” Stephens argued that the antislavery principles of the founding “were fundamentally wrong. They rested upon the assumption of the equality of races.” Founding the American republic on human equality was “an error” and “a sandy foundation,” unlike the new and improved constitution he helped draft for the Confederate States of America. To demonstrate the superiority of the Confederate Constitution over the United States Constitution, Stephens looked back to the founders to reject their claim about the equality of all human beings.<sup>55</sup>

In contrast, Lincoln turned to the founders to affirm human equality as the only legitimate basis for self-government. But that very equality imposed on Americans a moral obligation to abolish slavery in a manner consistent with the consent that was the flip side of equality’s coin. For government simply to “do the right thing” by exercising powers not delegated to it by the governed would violate the consent of the people. Lincoln’s respect for the consent of the governed, what he called “the sheet anchor of American republicanism,”<sup>56</sup> governed his approach to emancipation. As he put it late in the Civil War,

If slavery is not wrong, nothing is wrong. I can not remember when I did not so think, and feel. And yet I have never understood that the Presidency conferred upon me an unrestricted right to act officially upon this judgment and feeling.”<sup>57</sup>

Lincoln believed that a government based on consent could not act simply according to personal conviction and moral principle; it could only do so under duly granted constitutional authority.

He made the distinction between “*official duty*” and “*personal wish*” most famously in a letter to *New-York Tribune* editor Horace Greeley published in August 1862. With a draft of the Emancipation Proclamation already written and shared with only his cabinet the month prior, Lincoln said to Greeley:

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.<sup>58</sup>

Because emancipation remained controversial as an exercise of federal power, Lincoln tied it to the noncontroversial end of saving the Union. He would eventually justify his presidential proclamation in his role as commander in chief “in time of actual armed rebellion,”<sup>59</sup> buttressed by Congress’s Confiscation Act of July 17, 1862.

As president, Lincoln turned a humanitarian end—the liberation of enslaved black Americans—into a constitutional means, “a fit and necessary war measure for suppressing said rebellion,” as he put it in his Emancipation Proclamation.<sup>60</sup> Or, as Frederick Douglass observed, “The slaves’ liberation is the country’s salvation.”<sup>61</sup> In this way, the liberation of chattel slaves by the president of the United States would be not only “an act of justice” but also “warranted by the Constitution, upon military necessity.”<sup>62</sup> By finding a constitutional way to liberate slaves, Lincoln sought

to make both his means and his ends a faithful expression of the consent of the American people on behalf of human equality.

### **Worthy of Saving**

Lincoln's campaign for president in 1860 was the culmination of efforts begun in 1854 to teach the American people the true basis of their rights and the constitutional path to the abolition of slavery. His speeches as a citizen and president, as well as actions that both saved the Union and emancipated slaves, were the primary reason white supremacy did not become a "systemic" part of American self-government at the national level.

By electing and then reelecting Lincoln and his interpretation of the Declaration of Independence, the American people rejected both the "positive good" argument for the enslavement of black people and the toleration of the spread of racial slavery under the auspices of Douglas's popular sovereignty. Lincoln understood the Declaration as enshrining the principle of human equality, "an abstract truth, applicable to all men and all times."<sup>63</sup> He referred to it as "the 'equality of man' principle" and believed that it "actuated our forefathers in the establishment of the government" and "that slavery, being directly opposed to this, is morally wrong."<sup>64</sup>

As a student of the American founding, Lincoln became its greatest defender. He not only fought—and fought successfully—to preserve the American union but also explained in words yet to be surpassed why America was "worthy of the saving." By reclaiming equality as the central idea of the nation's birth and key driver of American social and political progress, Lincoln helped Americans recover their political identity. In doing so, he taught subsequent generations the true principles of self-government. These can still help Americans find common ground for promoting a common future as both a free and united people.

## Notes

1. Abraham Lincoln, "Speech at a Republican Banquet, Chicago, Illinois," December 10, 1856, in *The Collected Works of Abraham Lincoln*, ed. Roy P. Basler, vol. 2, 1848–1858 (Rutgers University Press, 1953), 385.

2. Abraham Lincoln, "Speech at Springfield, Illinois," July 17, 1858, in *The Collected Works of Abraham Lincoln*, 2:50. He observed,

We had gone through our struggle and secured our own independence. The framers of the Constitution found the institution of slavery amongst their other institutions at the time. They found that by an effort to eradicate it, they might lose much of what they had already gained. They were obliged to bow to the necessity.

3. Abraham Lincoln, "Address at Cooper Institute, New York City," February 27, 1860, in *The Collected Works of Abraham Lincoln*, vol. 3, 1858–1860, 535. Lincoln said of the Founding Fathers, "As those fathers marked it, so let it be again marked, as an evil not to be extended, but to be tolerated and protected only because of and so far as its actual presence among us makes that toleration and protection a necessity."

4. Abraham Lincoln to George Robertson, August 15, 1855, in *The Collected Works of Abraham Lincoln*, 2:318. Lincoln lamented, "That spirit which desired the peaceful extinction of slavery, has itself become extinct, with the *occasion*, and the *men* of the Revolution."

5. Abraham Lincoln, "Speech at Chicago, Illinois," July 10, 1858, in *The Collected Works of Abraham Lincoln*, 2:501.

6. Lincoln, "Speech at Chicago, Illinois," 2:488–89, 499–500.

7. *The New York Times*, "Mr. Douglas in His Native State—His Speech at Burlington, Vt.," August 2, 1860, <https://www.nytimes.com/1860/08/02/archives/mr-douglas-in-his-native-state-his-speech-at-burlington-vt.html>.

8. Stephen A. Douglas, "First Debate with Stephen A. Douglas at Ottawa, Illinois," August 21, 1858, in *The Collected Works of Abraham Lincoln*, 3:8, 12.

9. Stephen A. Douglas, "Speech of Stephen A. Douglas: Chicago, July 9, 1858," in *The Lincoln–Douglas Debates of 1858*, ed. Robert W. Johannsen (Oxford University Press, 1965), 29.

10. Douglas, "Speech of Stephen A. Douglas," in Johannsen, *The Lincoln–Douglas Debates of 1858*, 30.

11. John C. Breckinridge, "Speech of Mr. Breckinridge at Frankfort," *The New York Times*, July 25, 1860, <https://www.nytimes.com/1860/07/25/archives/politics-in-kentucky-speech-of-mr-breckinridge-at-frankfort-mr.html>.

12. John C. Breckinridge, "Speech of Hon. John C. Breckinridge [. . .]" (Washington, DC, 1860), 6, <https://archive.org/details/speechofhonjohncoobrec/page/n1/mode/2up>.

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19. Abraham Lincoln, "Address Delivered at the Dedication of the Cemetery at Gettysburg," November 19, 1863, in *The Collected Works of Abraham Lincoln*, vol. 7, 1863–1864, 23.
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26. Abraham Lincoln, "Speech at Peoria, Illinois," October 16, 1854, in *The Collected Works of Abraham Lincoln*, 2:255.
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33. Rodney O. Davis and Douglas L. Wilson, ed., *The Lincoln–Douglas Debates* (University of Illinois Press, 2008), 325–26.
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35. Douglas, "First Debate with Stephen A. Douglas at Ottawa, Illinois," 3:4; Stephen A. Douglas, "Second Debate with Stephen A. Douglas at Freeport, Illinois," August 27, 1858, in *The Collected Works of Abraham Lincoln*, 3:56; Stephen A. Douglas, "Third Debate with Stephen A. Douglas at Jonesboro, Illinois," September 15, 1858, in *The Collected Works of Abraham Lincoln*, 3:106; Stephen A. Douglas, "Fourth Debate with Stephen A. Douglas at Charleston, Illinois," September 18, 1858, in *The Collected Works of Abraham Lincoln*, 3:176; Douglas, "Fifth Debate with Stephen A. Douglas, at Galesburg, Illinois," 3:215; Stephen A. Douglas, "Sixth Debate with Stephen A. Douglas,

at Quincy, Illinois,” October 13, 1858, in *The Collected Works of Abraham Lincoln*, 3:261; and Stephen A. Douglas, “Seventh and Last Debate with Stephen A. Douglas at Alton, Illinois,” October 15, 1858, in *The Collected Works of Abraham Lincoln*, 3:296.

36. Abraham Lincoln, “Speech at Springfield, Illinois,” June 26, 1857, in *The Collected Works of Abraham Lincoln*, 2:406.

37. US Const. pmb.

38. Lincoln, “Speech at Springfield, Illinois,” June 26, 1857, 2:405.

39. See Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States*, rev. ed. (Basic Books, 2009).

40. Lincoln, “Speech at Springfield, Illinois,” June 26, 1857, 2:406.

41. Abraham Lincoln, “A House Divided”: Speech at Springfield, Illinois,” June 16, 1858, in *The Collected Works of Abraham Lincoln*, 2:467.

42. Douglas, “Fifth Debate with Stephen A. Douglas, at Galesburg, Illinois,” 3:216.

43. Robert W. Johannsen, *Stephen A. Douglas* (Oxford University Press, 1973), 816–17; and S. 52, 36th Cong. art. 14, § 1 (1860).

44. “Nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” US Const. amend. XIV, § 1.

45. Abraham Lincoln to Henry L. Pierce and Others, April 6, 1859, in *The Collected Works of Abraham Lincoln*, 3:375.

46. Lincoln to Pierce and Others, 3:375–76.

47. Lincoln to Pierce and Others, 3:376. Compare Thomas Jefferson, “Manners,” query 18 in *Notes on the State of Virginia*, in *The Portable Thomas Jefferson*, ed. Merrill D. Peterson (Penguin Books, 1975), 215.

And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God? That they are not to be violated but with his wrath? Indeed I tremble for my country when I reflect that God is just: that his justice cannot sleep forever.

48. Lincoln to Pierce and Others.

49. Alexander H. Stephens, quoted in Abraham Lincoln to Alexander H. Stephens, December 22, 1860, in *The Collected Works of Abraham Lincoln*, 4:161n1.

50. Abraham Lincoln, “Fragment on the Constitution and the Union,” ca. January 1861, in *The Collected Works of Abraham Lincoln*, 4:168.

51. Lincoln, “Fragment on the Constitution and the Union,” 4:169.

52. Confederate Const., art. I, § 9, cl. 4. As president, Lincoln never conceded a right of any American state to separate from the federal union under a constitutional or legal principle of “secession,” calling it a “sophism” and “rebellion thus sugar-coated.” See Abraham Lincoln, “Message to Congress in Special Session,” July 4, 1861, in *The Collected Works of Abraham Lincoln*, 4:433. In his most pointed criticism of the alleged right to secession, Lincoln described it as “the essence of anarchy” at his first inauguration

as president. See Abraham Lincoln, "First Inaugural Address—Final Text," March 4, 1861, in *The Collected Works of Abraham Lincoln*, 4:268.

53. Alexander H. Stephens, "Cornerstone Speech," speech, Savannah, GA, March 21, 1861, American Battlefield Trust, <https://www.battlefields.org/learn/primary-sources/cornerstone-speech>.

54. Stephens, "Cornerstone Speech."

55. Stephens, "Cornerstone Speech."

56. Lincoln, "Speech at Peoria, Illinois," 2:266.

57. Abraham Lincoln to Albert G. Hodges, April 4, 1864, in *The Collected Works of Abraham Lincoln*, 7:281.

58. Abraham Lincoln to Horace Greeley, in *The Collected Works of Abraham Lincoln*, vol. 5, 1861–1862, 388–89.

59. Abraham Lincoln, "Emancipation Proclamation," January 1, 1863, in *The Collected Works of Abraham Lincoln*, vol. 6, 1862–63, 29.

60. Lincoln, "Emancipation Proclamation."

61. Frederick Douglass to Samuel J. May, January 28, 1863, in *Measuring the Man: The Writings of Frederick Douglass on Abraham Lincoln*, ed. Lucas E. Morel and Jonathan W. White (Reedy Press, 2025), 82.

62. Lincoln, "Emancipation Proclamation," 6:30.

63. Lincoln to Pierce and Others, 3:376.

64. Lincoln, "Speech at Hartford, Connecticut," 4:3.