LINCOLN LORE

Bulletin of the Lincoln National Foundation - - - - - - Dr. Louis A. Warren, Editor
Published each week by The Lincoln National Life Insurance Company, Fort Wayne, Indiana

NUMBER 1369 FORT WAYNE, INDIANA JULY 4, 1955

LINCOLN VIEWS THE CONSTITUTION

It seems almost disloyal for any American publication to allow a July 4th to pass without some comment on our fundamental state paper—the Constitution of the United States. Much controversy has arisen over the Constitution and this anniversary day of the nation's birth might offer the proper atmosphere for presenting some of Lincoln's references to the important document of the founders.

One of Lincoln's most famous early addresses was made at Springfield, Illinois on January 27, 1838 before the Young Men's Lyceum. He was then but twenty-nine years of age and as far as we know made his first public statement about the significent writing. He exclaimed, "To the support of the Constitution and Laws, let every American pledge his life, his property, his sacred honor. . . ."

Ten years later on the floor of Congress at Washington, Lincoln made a speech on Internal Improvements in which he made some rather interesting observations on the Constitution. He said in part: "I wish now to submit a few remarks on the general proposition of amending the constitution. As a general rule, I think, we would (do) much better (to) let it alone. No slight occasion should tempt us to touch it. Better not take the first step, which may lead to a habit of altering it. Better, rather, habituate ourselves to think of it, as unalterable. It can scarcely be made better than it is. New provisions, would introduce new difficulties, and thus create, and increase appetite for still further change. No sir, let it stand as it is. New hands have never touched it. The men who made it, have done their work, and have passed away. Who shall improve, on what *they* did?"

It was not until 1854 that Lincoln began to comment on the Constitution as it related to human bondage and possibly his first conclusion is revealed in the October Springfield speech that year when he remarked, "The word slavery is not found in the constitution." Later in the same month of October at Peoria he complained about the representation in Congress in ratio to the population of the states in these words: "It is in the constitution and I do not, for that cause, or any other cause, propose to destroy or alter, or disregard the constitution. I stand to it, fairly, fully, and firmly."

In the debates with Douglas, Lincoln refers to the document and states that all Union loving men "ought to rally under the Stars and Stripes in defense of the Constitution as our fathers made it." During this same speech at Jonesboro, Ill. Lincoln said: "Can you, if you swear to support the Constitution, and believe that the Constitution establishes a right, clear your oath, without giving it support?" It was also during the debates that he chose an expression which he was often to use thereafter in which he referred to the document as "The supreme law of the land."

At Cooper Institute in New York, Lincoln's entire address was based on a constitutional question with respect to slavery in the territories and introduced his speech with this rhetorical question, "What is the frame of government under which we live?" and his answer, "The Constitution of the United States." One especially important statement about his attitude towards the Constitution is found in this paragraph within the speech.

"I do not mean to say we are bound to follow implicitly in whatever our fathers did. To do so, would be to discard all the lights of current experience—to reject all progress—all improvement. What I do say is, that if we would supplant the opinions and policy of our fathers in any case, we should do so upon evidence so conclusive, and argument so clear, that even their great authority, fairly considered and weighed, cannot stand."

On the way to Washington for the Inaugural and especially at Independence Hall, Lincoln had occasion to mention the work of the founding fathers. At Buffalo he said, "When I shall speak authoritatively I hope to say nothing inconsistent with the Constitution." Upon reaching Philadelphia he was welcomed by the mayor and after observing the "consecrated walls where the Constitution of the United States . . . was originally framed", Lincoln replied to the mayor in these words: "All my political warfare has been in favor of the teachings coming forth from that sacred hall."

The First Inaugural Address was almost exclusively an address on constitutional procedure. After a few remarks in the form of salutation Lincoln launched into his argument with these introductory words: "I take the official oath today, with no mental reservations, and with no purpose to construe the Constitution or laws, by any hypercritical rules. . . . I hold, that in contemplation of universal law, and of the Constitution, the Union of these States is perpetual. . . . Continue to execute all the express provisions of our national Constitution, and the Union will endure forever."

It was not until the war broke that Lincoln was confronted with an entirely new problem of executive power with which no other President had been obliged to grapple. None of his predecessors had established precedents in this field and no Supreme Court had labored over the full extent of the power of the President in time of rebellion. The suddenness with which the insurrection occurred, the inability of Lincoln to deal with it in the embryonic stage, or until he was inaugurated President, made the task of decision more difficult and thereby more widely open to criticism.

In a letter written to Erastus Corning and others on June 12, 1863 Lincoln stated:

"I can no more be persuaded that the government can constitutionally take no strong measure in time of rebellion, because it can be shown that the same could not be lawfully taken in time of peace, than I can be persuaded that a particular drug is not good medicine for a sick man because it can be shown to not be good food for a well one."

In this same letter the President put in as concise a form as possible his position with respect to the famous instrument: "The Constitution is not, in its application, in all respects the same in cases of rebellion or invasion involving the public safety, as it is in times of profound peace and public security."

The following year in a letter to a Kentuckian he wrote: "It was in the oath I took that I would, to the best of my ability, preserve, protect, and defend the Constitution of the United States. I could not take the office without taking the oath. Nor was it my view that I might take an oath to get power. . . . I did understand, however, that my oath to preserve the constitution to the best of my ability, imposed upon me the duty of preserving, by every indispensable means, that government—that nation—of which that constitution was the organic law."

Possibly James R. Randall in his book on *Constitutional Problems Under Lincoln* presented in his conclusion as brief and yet as adequate a deduction about Lincoln's views of the Constitution as might be presented. He states that under Lincoln "the constitution, while stretched, was not subjected."