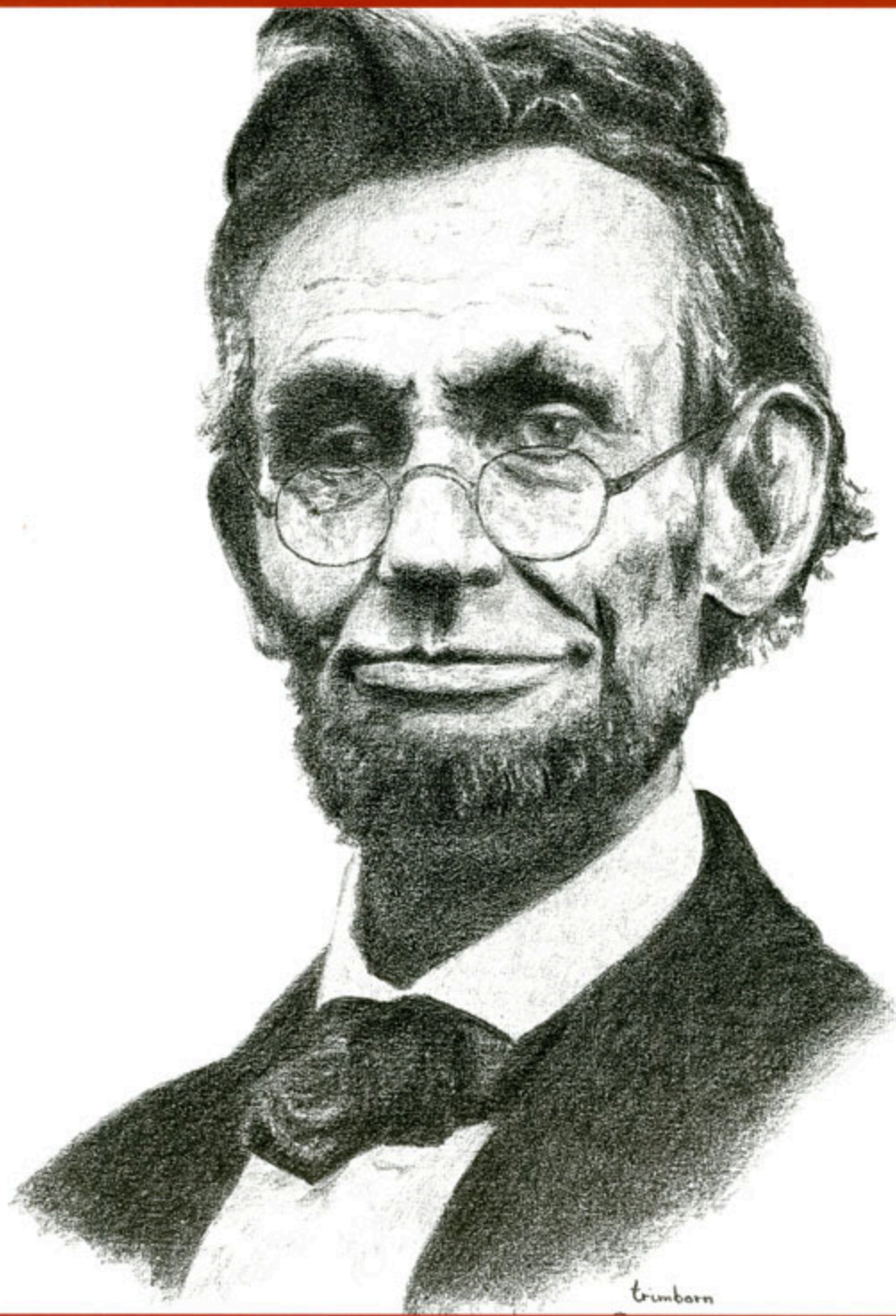


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Dred Scott v. Sandford: The Case that Made Lincoln President

By Paul Finkelman

In 1854 Abraham Lincoln was a successful lawyer in Illinois who had once been a mid-level state politician. He was barely known outside his state, and was, in fact, a fading political star within his state. Six years later, in the most miraculous rise in the history of American politics, Lincoln would be swept into office with a huge victory in the electoral college and a plurality of the popular vote in a four way contest. Many factors contributed to Lincoln's victory in 1860, but before winning that election, he first had to get the nomination from the newly created Republican Party. Again, numerous factors led the Republicans to choose Lincoln. It would be foolish to argue that any single factor was the essential one. Geography surely helped; so too did Lincoln's reputation as a moderate, in contrast to the antislavery radicalism of his most serious opponents, Senator William H. Seward of New York and Governor Salmon P. Chase of Ohio. Lincoln's reputation for integrity—"Honest Abe"—gave him a huge advantage over the powerful but corrupt Senator Simon Cameron of Pennsylvania. Lincoln's campaign manager, David Davis, was also a huge plus.

But, in order to get the nomination, the unknown Lincoln of 1854 had to become the well-known Lincoln of 1860. One factor, more than any other, contributed to Lincoln's rise to fame: his brilliant, although ultimately unsuccessful, campaign for the U.S. Senate against the incumbent Democrat, Stephen A. Douglas. Key to that race, and to the rise of Lincoln as a spokesman for his party, was Lincoln's critique of the Supreme Court's decision in *Dred Scott v. Sandford*.¹ That case dominated the senatorial race of 1858 and to a great extent the presidential race of 1860. A large majority of northerners hated the decision. Many politicians denounced it. But no one did a better job than Lincoln of explaining to northerners why the decision was wrong, why it was legitimate to attack it, and why the decision was a threat to all of the free states. Lincoln managed to attack the decision over and over again, but in doing so did not appear to oppose the rule of law, the Constitution, or even the general principle that the Supreme Court could lawfully interpret the Constitution. Chief Justice Taney doubtless believed his decision would destroy the Republican Party. The party's main plank was a repeal of Kansas-Nebraska and a ban on slavery in the Territories. But, under *Dred Scott* Congress no longer had the power to ban slavery in the territories. Thus, under Taney's decision the Republican Party would have no reason to exist. Ironically, the decision gave the Republicans their greatest issue and catapulted a virtually unknown candidate from Illinois into the White House.

Lincoln and Politics to 1854

By 1854 Lincoln had all but retired from politics. He had served a number of terms in the state legislature and from 1847 to 1849 he served a single term in the U.S. House of Representatives. He did not seek reelection, having previously made an agreement with another Whig in his district that he would give up his seat after one term. When his term ended Lincoln remained in Washington for a few months, hoping that the new Whig president, Zachary Taylor, would appoint him to some federal office. When that did not materialize, Lincoln left Washington in disgust and returned to Springfield, where he concentrated on his law practice. There a disappointed Lincoln ceased to engage in active politics for the only time in his adult life. In the next five years Lincoln avoided the political bug as he built up his practice and earned a handsome living.

On the cover: "Meet Mr. Lincoln" by Thomas Trimborn in *Encounters with Lincoln*, Truman State University Press, 2005.

In 1854 the Kansas-Nebraska Act changed all this. For Lincoln, the Act was a betrayal that bordered on unpatriotic blasphemy. Since the passage of the Missouri Compromise in 1820, the nation had balanced the demands of the South for new slave territories with northern opposition to new slave territories. Lincoln, like many northerners, considered the 1820 Compromise to be virtually a sacred promise, almost equivalent in stature to the Declaration of Independence, the Northwest Ordinance, the Constitution, and the Bill of Rights. The Compromise had brought Missouri into the Union as a slave state, despite the fact that a majority of the House of Representatives opposed this. But the sacred bargain admitting Missouri as a slave state included an agreement that there would be no new slave states in the area north and west of Missouri. The Kansas-Nebraska Act broke that agreement and within months of the law a new political party had emerged. Initially called the "Anti-Nebraska Party," it soon became known as the Republican Party.

His revulsion over the Kansas-Nebraska Act brought Lincoln back into politics and he quickly became a leading spokesman for the Republican Party in Illinois. Lincoln began to neglect his law practice as he threw himself into speaking for the new Party. Within a few months he had emerged as a leader of the new Party and as the man to challenge the incumbent U.S. Senator, Stephen A. Douglas, in the election of 1858. Lincoln, a little "engine of ambition," as his law partner Herndon called him, now had a goal and a cause. In 1856 the Republicans were stunningly successful, taking state legislatures, seats in Congress, and governors' offices all over the North. Hostility to Kansas-Nebraska spread like a prairie wild fire. The Party had not existed at the beginning of 1854. Two years later, running the famous explorer John C. Frémont, on the radical slogan "Free Soil, Free Labor, Free Speech, Free Men," the Party carried eleven northern states and nearly won the presidency.

But, the Party did not carry Illinois, and Lincoln's chances of defeating Douglas in 1858 were hardly promising. Douglas was a powerful Senator who brought prestige and patronage to the Prairie State. Kansas-Nebraska may have been a betrayal of the principle against the extension of slavery—dating from the Northwest Ordinance—but it had a certain "democratic" value to it. Popular sovereignty, which *sounded* democratic, allowed the people to decide on their own institutions. Even as northerners attacked the new law they organized to out-settle and out-vote Southerners. They did not anticipate that they might also have to out-gun the Southerners, but when forced to, they organized to do that as well.

Dred Scott's Case

While all this was happening, an obscure case that would change everything was slowly making its way through the American legal system. Dred Scott was born a slave in Virginia around 1800, taken by his master to Missouri in 1830 and then sold to an Army surgeon, Dr. John Emerson. Dred Scott accompanied his master when the Army sent Captain Emerson to Fort Armstrong, in Illinois, and later to Fort Snelling, in what is today Minnesota, but at the time was part of the Wisconsin Territory. The Illinois Constitution prohibited slavery in that state and the Missouri Compromise of 1820 banned slavery in the Wisconsin Territory. Under well accepted

legal doctrine, Dred Scott became free when his master voluntarily took him to those free jurisdictions. When his master died, Scott sued for his freedom, and in 1850 a jury of twelve white men in St. Louis, following nearly thirty years of Missouri precedents, found in his favor. Irene Emerson, Dr. Emerson's widow, appealed to the Missouri Supreme Court. The newly elected justices, who were avidly proslavery, ruled against Scott, rejected the older precedents because they were no longer consistent with the politics of the age. Reflecting the aggressively proslavery ideology of much of the South, the justices justified their rejection of Missouri's own precedents by blaming northern opponents of slavery for undermining sectional harmony.

Times are not now as they were when the former decisions on this subject were made. Since then, not only individuals but States have been possessed with a dark and fell spirit in relation to slavery, whose gratification is sought in the pursuit of measures, whose inevitable consequence must be the overthrow and destruction of our Government. Under such circumstances, it does not behoove the State of Missouri to show the least countenance to any measure which might gratify this spirit. She is willing to assume her full responsibility for the existence of slavery within her limits, nor does she seek to share or divide it with others.²

At this point Scott's quest for freedom should have ended. Under existing rules Scott could not appeal to the federal courts. However, an unexpected change in circumstances offered a new opportunity. Mrs. Emerson remarried a physician who lived in Springfield, Massachusetts. Before moving she transferred ownership of Scott to her brother, John F. A. Sanford, who lived in New York City, but had extensive business interests in St. Louis. Rosewell Field, a transplanted New Englander practicing law in St. Louis, came up with an ingenious strategy to get Scott's case into the federal courts.

The U.S. Constitution allowed citizens of one state to sue citizens of another state in federal court. This was known as diversity jurisdiction because there was "diversity" of state citizenship between the two parties. Field marched into the Federal Circuit Court in St. Louis and initiated a lawsuit for assault and battery and false imprisonment on behalf of Scott, his wife, and their two daughters, asserting that Scott was a "citizen" of Missouri who had been wronged by Sanford, a "citizen" of New York. Sanford responded that no black, even a free black, could ever be a citizen of Missouri. The federal judge in St. Louis, Robert Wells, rejected this argument, asserting that *if* Scott was free he could be considered a "citizen" for purposes of diversity jurisdiction. After a trial, however, Wells ruled that he had to apply Missouri law to the case, and thus Scott would remain a slave.

The case was then appealed to the U.S. Supreme Court, with Montgomery Blair taking over from Field.³ The Court heard arguments on the case in early 1856, but refused to decide the case at that time, and instead ordered re-argument for the December, 1856 term. Thus the Court avoided rendering a decision on the eve of the 1856 presidential election, in which the new Republican Party ran on a platform of banning slavery in the federal terri-

ories. Lincoln and other Republicans would later claim that the Court deliberately delayed issuing an opinion in the case to avoid giving the Republicans a campaign issue that might have led them to victory. Lincoln argued this was part of a larger conspiracy to nationalize slavery. This was just one of the ways that Lincoln would capitalize on *Dred Scott*.

The Court had at least two avenues for disposing of the case simply and quickly. First, it could have ruled that since free blacks were not actually citizens of Missouri, Dred Scott had no standing to sue in federal court. This would have avoided all issues, as the Court dismissed the case. The Court might also have held that under an existing precedent, *Strader v. Graham* (1851)⁴ the status of a person was entirely a state issue, and since Missouri had determined that Dred Scott was a slave, the Supreme Court had no power to reverse that holding. Had the Court taken either of these routes, the case would be virtually unknown today, and Abraham Lincoln might never have been nominated to run for president in 1860. But the Court did not take this route.

Chief Justice Taney's Opinion

Initially the Court planned to reaffirm Dred Scott's status on the basis of *Strader v. Graham*, and Justice Samuel Nelson of New York drafted a relatively short opinion along these lines. However, the four southern associate justices convinced Chief Justice Roger B. Taney that a more elaborate approach was in order. Taney responded with a massive opinion—almost sixty pages long—in which he held three things.

First, Taney held that blacks, whether slave or free, could never be citizens of the United States. Elaborating on these themes, he argued that “at the time of the Declaration of Independence, and when the Constitution of the United States was framed and adopted” blacks “had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit.”⁵ Having reached this conclusion, Taney held that since blacks could never be citizens of the United States, that even if Dred Scott were a free black under state law, he was not entitled to sue in “diversity” in federal court. In his dissent Justice Benjamin R. Curtis pointed out that free blacks had voted in a number of states at the time of the ratification of the Constitution, and thus were surely “citizens” of the nation. Taney, on the other hand, supported his position by pointing out the massive discrimination against blacks that could be found in all of the colonies. He further claimed that free blacks were not equal under the law in any American state from the time of the Revolution to the adoption of the Constitution in 1788.

Second, Taney held that the Constitution did not allow Congress to pass laws to regulate the territories. He reached this conclusion through a tortured reading of the Constitution's provisions for governing the territories. Taney wrote that Dred Scott:

has laid much stress upon that article in the Constitution which confers on Congress the power “to dispose of and

make all needful rules and regulations respecting the territory or other property belonging to the United States;” but, in the judgement of the court, that provision had no bearing on the present controversy, and the power there given, whatever it may be, is confined, and was intended to be confined, to the territory which at that time belonged to, or was claimed by, the United States, and was within their boundaries as settled by the treaty with Great Britain, and can have no influence upon a territory afterwards acquired from a foreign Government. It was a special provision for a known and particular territory, and to meet a present emergency, and nothing more.⁶

This bizarre conclusion flew in the face of scores of federal statutes passed to govern the territories acquired since 1787. Under this portion of Taney's opinion, Congress had lacked the power to regulate and pass laws for all of the Louisiana Purchase, Florida, Texas, the Mexican Cession, and the Gadsden Purchase. Taney, however, argued that if Congress could govern the territories, then the territories were being treated like colonies, and this surely could not have been the intent of the American colonists who revolted against England.

Taney's third conclusion was his most powerful and most persuasive. This conclusion had three parts. He began by arguing that the Constitution protected all property through the Fifth Amendment, but that the Constitution also had specific and special protections for slave property. Therefore American citizens must have a right to carry their constitutionally protected property into the federal territories. Thus, Congress had no power to ban slavery from the territories.

Second, Taney argued that any law freeing slaves merely for bringing them into a federal territory would constitute a “taking” of private property for a public purpose without just compensation, and would therefore violate the Fifth Amendment. Thus, the Missouri Compromise was an unconstitutional taking of private property. His third point also focused on the Fifth Amendment. He argued that a law which took property—especially slave property—away from citizens merely because they had entered a federal territory denied the slaveowners due process of law. He asserted that “an act of Congress which deprives a citizen of the United States of his liberty or property, merely because he came himself or brought his property into a particular Territory of the United States, and who had committed no offence against the laws, could hardly be dignified with the name of due process of law.”⁷

Thus, Taney held that blacks could never be citizens of the United States and that, for a variety of reasons, Congress lacked the power to ban slavery from the federal territories. Thus, the Missouri Compromise, the lynchpin of sectional harmony and western expansion since 1820, was unconstitutional.

Reaction to *Dred Scott*

Responses to *Dred Scott* varied by region and political parties. Not surprisingly, most southerners applauded the decision. Despite their glee, extreme states' rights fanatics were skeptical of its long

term value. The *Charleston Mercury*, for example, correctly predicted that the decision would encourage abolitionists to redouble their efforts. More common, however, was the reaction of the *New Orleans Picayune*, which asserted that Taney's decision gave "the sanction of established law, and the guarantees of the constitution, for all that the South has insisted upon." The paper also gloated that the decision was "a heavy blow to Black Republicanism and its allies."⁸

Northern Democrats also saw the decision as a key to undermining, even destroying, the new Republican Party. The main plank of that party was to prohibit slavery in the Territories, but under *Dred Scott* this was impossible. Thus, Republicans would be forced to either abandon their principles upon which their party was based or advocate a position of semi-anarchy, arguing that the Congress could ignore a Supreme Court decision. This would be the persistent theme of Stephen A. Douglas's support for the opinion and his attacks on Lincoln in their 1858 debates.

Republicans considered the opinion to be the worst in the history of the Court. Horace Greeley's *New York Tribune*, the important Republican paper, declared that the decision was "entitled to just so much moral weight as would be the judgment of a majority of those congregated in any Washington bar-room. It is a *dictum* prescribed by the stump to the bench—the Bowie-knife sticking in the stump ready for instant use if needed."⁹

The rhetoric of Greeley played well with committed Republicans and abolitionists, but it could not persuade moderate voters, former Whigs who were essentially without a viable party, or even conservative Republicans. The task for Republican leaders was how to attack *Dred Scott*, and undermine Taney's opinion, without appearing to be anarchists. Institutionally the Supreme Court had a great deal of support in the North, even among Republicans, even if many northerners were appalled by the *Dred Scott* decision. Abraham Lincoln was one of the many Republicans who responded to this challenge. No one in the party would be more successful at this task.

Lincoln's Initial Response to *Dred Scott*

Lincoln would respond to *Dred Scott* in two quite different ways. The first response, articulated in June 1857, was a careful attack on the decision that, for the most part, avoided any attack on the Court per se. Lincoln argued that the decision was wrong in so many ways, that it could not be good law. He also argued that the Court was not the only branch of the government that could interpret the Constitution. These were the arguments of a good lawyer trying to undermine a bad decision. His second response came in his famous House Divided Speech in June 1858. This was a more mature, sophisticated, and politically savvy attack on the decision. Here Lincoln personalized the attack, focusing on Chief Justice Roger B. Taney, Senator Stephen A. Douglas, President James Buchanan, and the previous president, Franklin Pierce. He alleged a conspiracy among these men to not only open up the territories to slavery but to force slavery on the North as well.

On June 26, 1857, nearly four months after the decision was announced, Lincoln gave a major speech in Springfield in response

to one given by Senator Stephen A. Douglas two weeks earlier. This was the opening salvo in Lincoln's campaign to get the Republican senatorial nomination in 1858 and then unseat Douglas. Like Douglas, in this speech Lincoln focused on Utah, Kansas, and *Dred Scott*. Strategically, he turned to *Dred Scott* after disposing of these other issues. *Dred Scott* was now *the* issue of the moment and so it was the climax of this speech.

Lincoln disputed Douglas's claim that "all who question the correctness of the decision" were "offering violent resistance to it." Lincoln asked, "who resists it?" No one, he asserted "resisted the authority of his master over" *Dred Scott*, which of course was the narrow holding in the case. Lincoln not only denied that Republicans offered resistance to the decision, but emphatically asserted that Republicans "believe...in obedience to, and respect for the judicial department of government" and that the court's "decision on Constitutional questions, when fully settled, should control...subject to be disturbed only by amendments to the Constitution."¹⁰ This set of arguments was carefully designed to head off Douglas's claim that Lincoln was attacking a venerable institution—the Supreme Court. Indeed, as a Whig lawyer, Lincoln was personally and professionally unlikely to attack the Court or any other branch of government. Lincoln profoundly respected the Constitution and the institutions it created.

But, if Lincoln could not attack the Court, how could he attack its decision? His response was a bold assertion that the decision was "erroneous" and made by a Court that had "often over-ruled its own decisions." Lincoln claimed the only goal of the Republicans was to "do what we can to have" the Court "over-rule this" one. He chipped away at the decision, noting that it was not unanimous, and that it had been made with "apparent partisan bias," and that it was based "on assumed historical facts which are not really true."¹¹

Before offering a detailed critique of *why* Taney's decision was wrong, Lincoln turned the tables on Douglas on the matter of criticizing a Supreme Court opinion. As a fairly orthodox Jacksonian Democrat, Douglas had long been a supporter of President Jackson's bank war, and thus a critic of Chief Justice John Marshall's opinion in *McCulloch v. Maryland* (1819)¹² upholding the constitutionality of the Bank. Thus, Lincoln quoted, at length, from Jackson's veto of the re-charter of the Second Bank of the United States¹³ In that veto Jackson argued that the Bank was unconstitutional, despite Chief Justice Marshall's opinion in *McCulloch* to the contrary. In his veto Jackson asserted that "Mere precedent is a dangerous source of authority, and should not be regarded as deciding questions of constitutional power, except where the acquiescence of the people and the States can be considered as well settled." Jackson further argued that a Supreme Court opinion did not necessarily control the other branches of the government, and that the "Congress, the executive and the court, must each for itself be guided by its own opinion of the Constitution." Lincoln pointed out that "again and again" he had heard Douglas "denounce that bank decision, and applaud Gen. Jackson for his disregarding it." Lincoln's point was that if Jackson could ignore a Supreme Court decision, so too could Republican members of Congress and perhaps eventually even a Republican president.¹⁴

There was, of course, a significant difference between ignoring the holding in *Dred Scott* and Jackson's bank veto. In *McCulloch v. Maryland* Chief Justice Marshall did not require the Congress or President to take any action for or against the bank. Marshall simply asserted that the bank was constitutional. This left it up to Congress and the President to decide if there ought to be a bank. Jackson opposed a national bank, and thus was fully within his rights to veto a bill re-chartering the Bank. But, the issue of *Dred Scott* was different. Here the Court had held that Congress lacked the power to do precisely what Lincoln and the Republicans wanted to do, which was to ban slavery in the territories. However, Jackson's theory of constitutional law—that a precedent needed the support of the people—was directly applicable to Lincoln's critique of *Dred Scott*. If Lincoln and his party could win an election by running *against* the decision, then under Jackson's theory of the Constitution—a theory that Douglas endorsed—the Republicans could claim a mandate to ignore the decision's limitations on federal power to regulate slavery. Similarly, a Republican administration might recognize black citizenship—by giving blacks passports for example—and thus successfully ignore Taney's claims that free blacks could never be citizens of the United States.¹⁵

Having made the point that opposition to a decision was not a threat to the Constitutional order, Lincoln set out to explain why *Dred Scott* was wrong and why it should be ignored. Here he disputed Taney's factual assertions, especially Taney's claim that blacks were not citizens of the United States at the time of the Founding. Relying on the dissent of Justice Benjamin R. Curtis, Lincoln pointed out that in five states blacks voted at the time of the ratification of the Constitution, and therefore they must have been citizens.

In his opinion Taney had also argued that, at the time of the Founding, blacks had fewer rights than they did in 1857. He did this to support his claim that blacks were not entitled to the rights of "life, liberty, and pursuit of happiness" proclaimed in the Declaration of Independence and that they were not citizens at the time the Constitution was ratified. Taney's tactic was shrewd. In 1857 blacks could vote on the same basis as whites in only 5 northern states. This was less than one-sixth of the states. Indiana banned free blacks from entering its state, as did most southern states. Free blacks could not testify against whites in any southern state and three northern states.¹⁶ Blacks in the South had almost no rights and in the North they faced significant discrimination. If readers of Taney's opinion actually believed that blacks were better off in 1857 than 1776 or 1787, then they would surely accept his claim that blacks had no rights at the Founding, because they seemed to have so few rights in 1857. Taney shrewdly used American views of "progress" and continuous cultural advancement to support his unenlightened understanding of the rights of free blacks.

Lincoln disputed Taney's claim that blacks were better treated in the 1850s than they had been at the Founding. Taney had argued that conditions for blacks were better in 1857 than they had been in 1776 or 1787. Lincoln declared that Taney's "assumption is a mistake." He admitted that since the founding, the change in the condition of blacks, far from improving, "is decidedly the other way." Frankly, and boldly, Lincoln declared that "it is grossly incorrect to

say or assume, that the public estimate of the negro is more favorable now than it was at the origin of the government."

This was a complicated rhetorical move for Lincoln. By taking this position he argued against his whiggish notions of "progress"—that America was always improving. He also was forced to accept—even if he did not endorse—the pervasive racism in parts of the North. This surely cut against Lincoln's own more progressive views on race, and it also had offended a significant number of Republicans who were racial egalitarians. But, this strategy further allowed Lincoln to undermine Taney's ruling, and at the same time offer a promise that would later become the dominant theme of his administration: that the Republicans would redeem the hope and promise of the Declaration of Independence by bringing blacks under the protection of that document and of the Constitution. Indeed, Lincoln was able to finesse the complexity of this issue by wrapping his view of racial fairness (although not racial equality) in the cloak of the Founders. This also enabled him to, in effect, condemn Taney and Douglas for betraying the Founders. Part of his argument rested on Lincoln's view, supported by a majority of Northerners, that the Founders expected slavery to wither away and disappear. Thus, he ended this speech by asserting unequivocally, and in the face of *Dred Scott*, that Republicans believe that "the negro is a man; that his bondage is cruelly wrong; and that the file of his oppression ought not to be enlarged."¹⁷

Lincoln, *Dred Scott*, and the House Divided Speech

A year after his Springfield speech on *Dred Scott*, Lincoln gave one of the most important and powerful addresses of his career, "The House Divided Speech," which formally launched his campaign for the U.S. Senate. The entire theme of this speech was the extension of slavery into the territories. This had been the issue in *Dred Scott*, and before that, in the fight over the Kansas-Nebraska Act.

Here Lincoln abandoned the sophisticated analysis of his 1857 speech. He no longer tried to talk about the Bank of the United States and the manner in which President Jackson's rejection of *McCulloch v. Maryland* paralleled his rejection of *Dred Scott*.¹⁸ This was clearly too complex an argument for a stump speech. Lincoln's genius was in his ability to relate to the voters, and his new arguments did that brilliantly.

Lincoln set out a conspiracy by his opponent, Stephen A. Douglas, in cahoots with Presidents James Buchanan and Franklin Pierce and Chief Justice Taney, to nationalize slavery. There were three steps in the conspiracy, and the first two were in place. First, there was the Kansas-Nebraska Act, which repealed most of the Missouri Compromise and opened most of the existing federal territories to slavery. That law was the brainchild of Douglas. Next was the *Dred Scott Decision*, which not only allowed slavery in all the remaining federal territories, but furthermore prohibited Congress or the territorial governments from ever banning slavery in the territories. The third piece would be a nationalization of slavery by the Supreme Court. He warned:

Welcome, or unwelcome, such decision is probably coming, and will soon be upon us, unless the power of the present political dynasty shall be met and overthrown. 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.¹⁹

Central to this conspiracy was *Dred Scott*. Lincoln's goal here was not to parse the constitutional arguments, or even to dispute Taney's logic, as he had a year earlier. Such arguments were too subtle and too complex for the political stump. Rather, Lincoln's goal here was to eviscerate the opinion by portraying it as a credible threat to freedom in the North. Thus, Lincoln offered a devastating analysis of the history of the case.

The notion that an actual conspiracy existed to nationalize slavery seems farfetched. Stephen A. Douglas may not have cared, as he put it, if slavery was voted up or down in the territories, but he certainly had no political interest in seeing it spread into the North. Franklin Pierce and James Buchanan were the ultimate doughfaces—northern men with southern principles. But, neither would they have had any reason to want a nationalization of slavery, unless it was necessary to placate the South. Taney clearly wanted to nationalize slavery. Had he done so, it is likely that Pierce and Buchanan, and probably Douglas, would have accepted the outcome and tried to live with it. More importantly, as Lincoln sketched out the history of the previous four years, since 1854 Douglas, Pierce, and Buchanan had all implemented policies that set the stage for opening up the territories to slavery and to the eventual nationalization of slavery.

Lincoln began his *House Divided Speech* by setting out the nature of the conspiracy. He noted "We are now far into the fifth year since a policy was initiated with the avowed object, and confident promise, of putting an end to slavery agitation." But rather than ending the agitation, the crisis over slavery in the territories had worsened. Lincoln was convinced that the problem would not be solved—the agitation would not cease—"until a *crisis* shall have been reached and passed." He then set out the nature of the crisis in a series of short statements:

"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.

It will become *all* one thing, or *all* the other.

Either the *opponents* of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction; or its *advocates* will push it forward, till it shall become alike lawful in *all* the States, *old* as well as *new*—*North* as well as *South*."

Lincoln ominously asked: "Have we no tendency to the latter condition?"²⁰

Lincoln then set out the conspiracy that was leading to this tendency. The first part was the Kansas-Nebraska Act, authored by Senator Douglas. This law had repealed a good deal of the Missouri Compromise and allowed slavery in the territories west and northwest of Missouri. Lincoln noted that the act contained the following language: "*It being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom; but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.*"²¹ He also noted that while the Kansas-Nebraska Act specifically allowed settlers in the territories to establish slavery, the supporters of the bill refused to include a provision "to expressly declare that the people of the territory *may* exclude slavery."²² Lincoln spent comparatively little time denouncing Kansas-Nebraska. That had been done for the past four years by every Republican. Moreover, by 1858 the debate over slavery in Kansas had been more-or-less settled because northerners had poured into the territory faster than southerners and would soon control Kansas. The debate was not whether northern votes could stop slavery in Kansas, but whether it was meaningless to do so because the Supreme Court would overturn any territorial law banning slavery there.

In the *House Divided Speech* the Kansas-Nebraska Act was not a focus of attention for its own sake, but rather Lincoln discussed it as a piece of a larger conspiracy to nationalize slavery. That was the essence of *Dred Scott*, the second part of the conspiracy. Lincoln noted that *Dred Scott* was decided by a federal circuit court in the same month, May 1854, that Congress passed the Kansas-Nebraska Act. This was an ominous coincidence.

Dred Scott's appeal went to the Supreme Court in the December term, 1855, but when that term ended in the spring of 1856, the case had not been decided. As Lincoln noted, "the *decision* of it was deferred until *after* the election." The implication of this observation was that the Court deliberately avoided making a decision because it did not want to inflame northern voters, who would then support the new Republican Party. Even without *Dred Scott* to help it, the new party did extremely well, running on a slogan of "Free Soil, Free Labor, Free Speech, Free Men." Promising to repeal Kansas-Nebraska and prevent any more slave states, John C. Frémont, the hero of western exploration, carried eleven northern states, running as the candidate of a Party that was barely two years old. Northern Republicans were swept into Congress, state legislatures, and governors' mansions. The new Senate had 20 Republicans while the House had 90 Republicans, including the entire delegations of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Iowa, Wisconsin, and Michigan, as well as more than half of the New York and Ohio delegations and just under half of the Illinois, Indiana, and Pennsylvania delegations. Had *Dred Scott* been decided, it is likely the Republicans could have won even more seats in Congress, and perhaps even carried sufficient northern states to take the White House. Thus, Lincoln implied that the Court had deliberately withheld its decision in order to prevent a Republican victory in 1856.

While *Dred Scott* was pending before the Supreme Court, Senator Lyman Trumbull, a Republican from Illinois, asked Stephen A. Douglas whether, under his theory of popular sovereignty, the people of a territory had the power to power to ban slavery. This had been the theory of popular sovereignty on which the Kansas-Nebraska Act was based. Douglas had always said he personally did not care if slavery was voted "up or down," but only wanted the settlers of the territory to make the decision. But, Lincoln noted that Douglas now responded that this was "a question for the Supreme Court."²³ The implications for Lincoln were clear. Either Douglas did not really believe in popular sovereignty, or at least did not believe that it was constitutional. Or, Douglas knew how *Dred Scott* would be decided, but did not want to reveal this. It is unlikely that Douglas had any insight into the outcome of the case, because in fact it had not yet been decided. But, this does not really matter, because Douglas's reply, and the unfolding of subsequent events, played into Lincoln's conspiracy theory. Whether Douglas was knowingly laying the ground work for a nationalization of slavery, he had, in Lincoln's mind done so. Under this analysis, Douglas was either a knave or a fool, or both.

Next Lincoln noted that even after Buchanan won the presidency the Supreme Court, still did not decide the issue of slavery in the territories. Meanwhile, President Pierce gave his annual address, endorsing Kansas-Nebraska, and further laying the ground work for *Dred Scott*. Then came Buchanan's inauguration, and "still no decision of the court."²⁴ But, as Lincoln noted, in his inaugural address Buchanan "fervently exhorted the people to abide by the forthcoming decision, *whatever it might be*. Then, in a few days, came the decision."²⁵

Lincoln now tied up all the loose ends. He reiterated that the Kansas-Nebraska Act had stated that: "the people of a State as well as Territory, were to be left 'perfectly free,' 'subject only to the Constitution.'" Lincoln asked "why mention a State? They were legislating for Territories, and not for or about States. Certainly the people of a State are and ought to be subject to the Constitution of the United States; but why is mention of this lugged into this merely Territorial law? Why are the people of a Territory and the people of a State therein lumped together, and their relation to the Constitution therein treated as being precisely the same?"

The answer was now clear. Kansas-Nebraska undermined the Missouri Compromise, and prepared the nation for accepting the idea of slavery in the territories. President Pierce endorsed all of this in his last message to Congress. Meanwhile, Kansas-Nebraska implicitly deferred to the Supreme Court to decide what was "constitutional" as far as territories regulating slavery, but subtly also noted that the Supreme Court might also tell the states how they could regulate slavery. Then President Buchanan publicly endorsed the outcome of the *Dred Scott* decision in his *Inaugural Address* before it was announced. How could he have done this, Lincoln implied, without knowing what the outcome was? This answer, of course, was that Buchanan, in league with Taney, must have known. At his inauguration Buchanan and Taney briefly whispered to each other, in full view of the public, right before Buchanan gave his inaugural address. Many people, including Lincoln, believed that in that brief conversation

Taney told Buchanan how *Dred Scott* would be decided. In fact, Buchanan already knew the outcome, because his Pennsylvania ally and friend, Justice Robert Grier, had told him the outcome of the case earlier. So, although Lincoln was in effect missing one of the conspirators—Grier—he was right that there had been inappropriate communication between the incoming President and the Court.

This was the conspiracy. Lincoln did not have all the details, but the project was clear. He told his fellow Republicans:

We cannot absolutely *know* that all these exact adaptations are the result of preconcert. But when we see a lot of framed timbers, different portions of which we know have been gotten out at different times and places and by different workmen—Stephen, Franklin, Roger and James, for instance—and when we see these timbers joined together, and see they exactly make the frame of a house or a mill, all the tenons and mortices exactly fitting, and all the lengths and proportions of the different pieces exactly adapted to their respective places, and not a piece too many or too few—not omitting even scaffolding—or, if a single piece be lacking, we see the place in the frame exactly fitted and prepared yet to bring such a piece in—in *such* a case, we find it impossible not to believe that Stephen and Franklin and Roger and James all understood one another from the beginning, and all worked upon a common plan or draft drawn up before the first blow was struck.²⁶

But, how could such a monstrous conspiracy actually play out in the end? How could people go to bed thinking Missouri would become a free state and "awake to the reality instead, that the Supreme Court has made Illinois a slave State."²⁷ The answer came both from the implications of Taney's decision, and from the end of Justice Samuel Nelson's concurring opinion.

Lincoln notes that Taney did not decide "whether the holding a negro in actual slavery in a free State, makes him free, as against the holder." This had certainly been the rule in the free states since the time of the Revolution, although some of the states had made exceptions for visiting masters.²⁸ The status of people as slave or free had been strictly a matter for the state courts or state legislatures to decide. However, Lincoln noted that *Dred Scott* had in fact lived in the free state of Illinois, and yet both the federal court in Missouri and the U.S. Supreme Court held that he was a slave. Thus, there was a "logical conclusion that what *Dred Scott's* master might lawfully do with *Dred Scott*, in the free State of Illinois, every other master may lawfully do with any other *one*, or one *thousand* slaves, in Illinois, or in any other free State."

And how might the Court reach such a decision? That was found at the very end of Justice Nelson's concurring opinion. There he wrote:

A question has been alluded to, on the argument, namely: the right of the master with his slave of transit into or through a free State, on Business or commercial pursuits, or in the exercise of a Federal right, or the discharge of a

Federal duty, being a citizen of the United States, which is not before us. This question depends upon different considerations and principles from the one in hand, and turns upon the rights and privileges secured to a common citizen of the republic under the Constitution of the United States. When that question arises, we shall be prepared to decide it.²⁹

This was an ominous paragraph, because as all active Republicans knew, a case involving precisely these issues, *Lemmon v. The People*,³⁰ was making its way through the New York Courts. If that case reached the Supreme Court, it seemed likely that the Court would hold that a master had a right to travel through New York with his slaves. This would be the opening wedge for imposing slavery on the North. Thus, Lincoln warned, "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."³¹

Beyond the House Divided

Thus, Lincoln explained to his party in Illinois, and to all northerners, the real danger of *Dred Scott*. It was not in the territories – distant and remote from most northerners. It was not that Kansas or Nebraska might become slave states, however awful that would be. Rather, it was that the next *Dred Scott* decision would affect the free states. In his concurring opinion, Nelson said that the northern states were free to regulate slavery "except in cases where the power is restrained by the Constitution of the United States, the law of the State is supreme over the subject of slavery within its jurisdiction." Lincoln noted that completed the conspiracy:

...in what cases the power of the States is so restrained by the United States Constitution, is left an open question, precisely as the same question, as to the restraint on the power of the Territories, was left open in the Nebraska act. Put this and that together, and we have another nice little niche, which we may, ere long, see filled with another Supreme Court decision, declaring that the Constitution of the United States does not permit a State to exclude slavery from its limits. And this may especially be expected if the doctrine of 'care not whether slavery be voted down or voted up,' shall gain upon the public mind sufficiently to give promise that such a decision can be maintained when made.

He warned: "Such a decision is all that slavery now lacks of being alike lawful in all the States." The threat was real, and Lincoln warned, "Welcome, or unwelcome, such decision is probably coming, and will soon be upon us." Thus he believed, "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."³²

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Endnotes

- ¹ 60 U.S. (19 How.) 393 (1857).
- ² *Scott v. Emerson*, 15 Mo. 576, 585 (1852).
- ³ In 1861 Blair would become Lincoln's Postmaster General.
- ⁴ 51 U.S. (10 How.) 82 (1851).
- ⁵ *Dred Scott v. Sandford*, 60 U.S. (19 How.) 393, at 407.
- ⁶ *Ibid.*, 432.
- ⁷ *Ibid.*, 450.
- ⁸ Both editorials are reproduced in Paul Finkelman, *Dred Scott v. Sandford: A Brief History with Documents* (Boston: Bedford Books, 1995) 130-133.
- ⁹ Greeley quoted in Don E. Fehrenbacher, *The Dred Scott Case* (New York: Oxford University Press, 1978), 417.
- ¹⁰ "Speech at Springfield, Illinois," June 26, 1857, *Collected Works of Abraham Lincoln*, ed. Roy P. Basler, hereinafter referred to as *CW* (New Brunswick, New Jersey: Rutgers University Press, 1953-55), 2:401.
- ¹¹ *Ibid.*, 2:401.
- ¹² 17 U.S. (4 Wheat.) 316 (1819).
- ¹³ Ironically, that veto had been drafted by Jackson's attorney general, Roger B. Taney. Lincoln, however, did not make this point.
- ¹⁴ *CW*, 2:402.
- ¹⁵ In fact, during the Civil War the Lincoln administration would issue passports to blacks, something that every administration since Andrew Jackson's had refused to do.
- ¹⁶ The three northern states were Indiana, Illinois, and California. Until 1849 this was true for Ohio as well.
- ¹⁷ *CW*, 2:409.
- ¹⁸ In later speeches he would quote Jackson's arguments about the different branches interpreting the Constitution, but without the heavy constitutional analysis. See for example, "Speech at Chicago, Illinois," July 10, 1858, *CW*, 2:496.
- ¹⁹ "A House Divided": Speech at Springfield, Illinois," June 16, 1858, *CW*, 2:467.
- ²⁰ *Ibid.*, 462-63.
- ²¹ *Ibid.*, 462.
- ²² *Ibid.*, 462.
- ²³ *Ibid.*, 463.
- ²⁴ *CW*, 2:463.
- ²⁵ *Ibid.*
- ²⁶ *Ibid.*, 465-66.
- ²⁷ "A House Divided": Speech at Springfield, Illinois," June 16, 1858, *CW*, 2:467.
- ²⁸ See generally, Paul Finkelman, *An Imperfect Union: Slavery, Federalism, and Comity* (Chapel Hill: University of North Carolina Press, 1981).
- ²⁹ *Dred Scott v. Sandford*, 60 U.S. (19 How.) 393 (1857) at 468.
- ³⁰ 26 Barbour (NY) 270 (1857), later decided by the New York Court of Appeals and reported at 20 NY 562 (1860).
- ³¹ "A House Divided": Speech at Springfield, Illinois," June 16, 1858, *CW*, 2:467.
- ³² *CW*, 2: 466-67.



DEATH OF PRESIDENT LINCOLN.
 AT WASHINGTON, D.C. APRIL 15TH 1865.
 THE NATION'S MARTYR.

Currier & Ives, *Death of President Lincoln*, 1865. (TLM #32)

The Better Angels of Our Nature: The Transfiguration of Abraham Lincoln

By Lawrence Weber

On the night of April 14, 1865, Good Friday, Abraham Lincoln was assassinated at Ford's Theatre in Washington, D.C. Mortally wounded by a single gunshot to the back of the head, Lincoln lingered unconscious overnight. At approximately 7:22 a.m. on the morning of April 15, 1865, Abraham Lincoln, the 16th President of the United States, died.

The period following the death of Abraham Lincoln was marked by great emotion and uncertainty from the American public, both North and South. People from all across the nation remembered the president through stories, letters and eulogies. Perhaps the first eulogy for the slain president came from Secretary of War Edwin M. Stanton when he proclaimed moments after Lincoln had died, "Now he belongs to the Ages." That simple yet profound sentiment captured the emotion of the moment and succinctly established Lincoln's immortality.

Soon after, information regarding the death of President Lincoln began to filter out of Washington, D.C., reaching many Americans by Easter Sunday, April 16, 1865. Large groups of people first heard about Lincoln's death on Sunday while attending church services. Pastor O. E. Daggett of the First Congregational Church in Canandaigua, New York, gave his Easter homily, "A Sermon on the Death of Abraham Lincoln, April 15, 1865", to a congregation of stunned parishioners on the morning of April 16, 1865. "Abraham Lincoln rose to his high position from the utmost obscurity, by virtue of native intellectual power, and indomitable moral energy. He was an eminently wise and good man, strong in his integrity, faithful to his high obligations, devoted to his country's good, patient in his toils, true to his friends, lenient to his enemies, hopeful and firm in the face of disaster, magnanimous in the hour of triumph."¹

Some areas of the country received information regarding the assassination at a later date. Eliza Frances Andrew, an upper class woman from Wilkes County, Georgia, wrote of Lincoln's death for the first time on Friday, April 21, 1865. "Lincoln's been assassinated! We had heard so many absurd rumors that at first we were all inclined to regard this as a jest. But soon the truth of the report was confirmed. Some fools laughed and applauded, but wise people looked grave and held their peace. It is a terrible blow to the South, for it places that vulgar renegade, Andy Johnson, in power, and will give the Yankees an excuse for charging us with a crime which was in reality only the deed of an irresponsible madman."²

The period following the assassination of Abraham Lincoln and leading up to his interment at Oak Ridge Cemetery in Springfield, Illinois, on May 4, 1865, was arguably the greatest outpouring of tributes and eulogizing that the country had seen up until that point in its young history. Much of what has been said and written during this period helped to create and shape the collective memory and legacy of Abraham Lincoln. Some of this material however, has unfortunately been insufficiently examined. The focus of this essay will be to examine Lincoln through the words of two notable ministers of the 19th century: The Reverend Phillips Brooks, an Episcopal minister whose sermon in Philadelphia upon the death of Lincoln remains arguably one of the greatest orations and tributes to Lincoln ever given, and The Reverend Bishop Matthew Simpson, a Methodist Episcopal minister and close friend of President Lincoln, who was selected to give the oration at Lincoln's funeral in Springfield.

At six feet four inches tall and over 300 lbs. Phillips Brooks cut an imposing figure. Best known for authoring the Christmas carol "O Little Town of Bethlehem," Brooks was regarded by many people as the greatest preacher of the 19th century. Born to Massachusetts parents in 1835 and educated at Harvard University, Brooks graduated 13th in a class of 66 in 1855. After an unsuccessful stint as a teacher, he enrolled at the Virginia Theological Seminary at Alexandria, Virginia. Graduating from the Seminary in 1859, Brooks began his pastoral career as an ordained deacon and was sent to Philadelphia's Church of the Advent to serve as rector. In 1860 he was ordained a priest and by 1862 he had become rector of the Church of the Holy Trinity in Philadelphia. It was during this time that his reputation as an excellent and powerful preacher grew.

When the Civil War broke out in 1861, Brooks spoke out in favor of the Union cause and gave passionate speeches against the institution of slavery. In discussing what he referred to as the two characters of America, slavery and freedom, he said "The one was ready to state broad principles of the brotherhood of man, the universal fatherhood and justice of God, however imperfectly it might realize them in practice; the other denied even the principles, and so dug deep and laid below its special sins the broad foundation of a consistent, acknowledged sinfulness. In a word, one nature was full of the influence of freedom; the other was full of the influence of slavery."³

Upon the death of President Lincoln, Brooks began to craft a sermon that would capture the essence of the slain president, the emotions of the American people, and at the same time help to shape the legacy of Lincoln as well. The result was an almost 6,000 word masterpiece. Brooks completed his sermon, "The Character, Life and Death of Abraham Lincoln." On Sunday morning, April 23, 1865, Phillips Brooks delivered his sermon in Philadelphia while Lincoln's body was lying-in-state in the city. One of his many notable lines about Lincoln was "In him was vindicated the greatness of real goodness, and the goodness of real greatness."⁴ In speaking about Lincoln the emancipator, Brooks said, "It was to the American nature, long kept by God in his own intentions till his time should come, at last emerging into sight and power, and bound up and embodied in this best and most American of all Americans, to whom we and those poor frightened slaves at last might look up together and love to call him, with one voice, our Father."⁵ In concluding his sermon, Brooks stated, "So let him lie

here in our midst to-day, and let our people go and bend with solemn thoughtfulness and look upon his face and read the lessons of his burial. As he paused here on his journey from the Western home and told us what by the help of God he meant to do, so let him pause upon his way back to his Western grave and tell us with a silence more eloquent than words how bravely, how truly, by the strength of God, he did it. God brought him up as he brought David up from the sheepfolds to feed Jacob, his people, and Israel, his inheritance. He came up in earnestness and faith, and he goes back in triumph. As he pauses here to-day, and from his cold lips bids us bear witness how he has met the duty that was laid on him, what can we say out of our full hearts but this—He fed them with a faithful and true heart, and ruled them prudently with all his power."⁶ Brooks concluded his sermon by quoting from the Gettysburg Address and by asking God to make His people worthy of the memory of Abraham Lincoln.

Matthew Simpson was an American Bishop of the Methodist Episcopal Church and a close friend of President Lincoln and his family. Born in Cadiz, Ohio, on June 20, 1811, Simpson was educated at Madison College in Pennsylvania (now Allegheny College), where he studied teaching and medicine. Simpson began a career in the ministry in 1833 when he became licensed to preach in the Methodist Episcopal Church. In 1835 he was ordained and appointed Pastor of the Liberty Street Methodist Church in Pittsburgh, Pennsylvania. Over the next thirteen years, Simpson was an educator. The first Professor of Indiana Asbury University, Cyrus Nutt wrote in his diary about Simpson: "The first president (of Indiana Asbury University), M. Simpson was a man of singular ability in many respects. He was exceedingly popular with both the students and people. He was affable and exceedingly kind in address and conversation, and seldom failed to make a favorable impression upon everyone with whom he conversed. Possessed of some wit, and a smattering of all kinds of learning, and even deeply versed in intellectual science and moral Philosophy, he appeared to advantage in conversation. The elements of popularity were abundant in him. He was emphatically one of the people. . . . The greatest artlessness and simplicity, with the appearance of great humility were manifest in his deportment."⁷ In 1848, Reverend Simpson was chosen Editor of the *Western Christian Advocate*, which he made a strong temperance and anti-slavery organ, from 1848 to 1852. In May of 1852, Reverend Simpson was elected to the Episcopacy and in 1859 he moved from Pittsburgh to Evanston, Illinois.

During the Civil War, Bishop Simpson made numerous speeches in favor of the Union and frequently urged Secretary of War Stanton to work on a Freedmen's Bureau to assist former slaves. Bishop Simpson eventually became a close confidant of President Lincoln. Dr. Thomas Bowman, the Senate chaplain observed this friendship in his diary, "It was well known that the President occasionally sent for the Bishop in order to procure information about the affairs of the nation."⁸ Abraham Lincoln was quoted as saying about Simpson, "The Methodist Church, under the leadership of Bishop Simpson has sent more soldiers to the field, more nurses to the hospital and more prayers to heaven for the success of our cause than any other church."⁹

Upon the death of Lincoln, it was Bishop Matthew Simpson who was chosen to preside at Lincoln's funeral and interment at Oak

Ridge Cemetery in Springfield, Illinois. Bishop Simpson's eulogy has long been overlooked by much of history, but stands as an excellent testimony to the character and legacy of Abraham Lincoln. "Mr. Lincoln's elevation shows that in America every station in life may be honorable; that there is no barrier against the humblest; but that merit, wherever it exists, has the opportunity to be known."¹⁰ He went on to say: "Often did he remark to friends and to delegations that his hope for our success rested in his conviction that God would bless our efforts, because we were trying to do right."¹¹... "Standing, as, we do to-day, by his coffin and his sepulcher, let us resolve to carry forward the policy which he so nobly began. Let us do right to all men."¹² Simpson concluded his eulogy with powerful and prophetic words, "Mothers shall teach thy name to their lisping children. The youth of our land shall emulate thy virtues. Statesmen shall study thy record and learn lessons of wisdom. Mute though thy lips be, yet they still speak. Hushed is thy voice, but its echoes of liberty are ringing through the world, and the sons of bondage listen with joy. Prisoned thou art in death, and yet thou art marching abroad, and chains and manacles are bursting at thy touch... We crown thee as our martyr, and humanity enthrones thee as her triumphant son. Hero, Martyr, Friend, Farewell!"¹³

The movement known as the Second Great Awakening of the early nineteenth century empowered Americans to be active participants in their own moral and spiritual lives. This moral activism filtered out into society in movements like temperance, suffrage, and abolition. Although he did not attend church with any degree of regularity, Abraham Lincoln's awareness of society's social ills motivated him to action. He lived his life reflecting on the great issues of the day, and he was certainly active in working to correct what he considered social and moral wrongs; most notably the peculiar institution of slavery.



Receiving vault and tomb, Springfield, Illinois. (TLM 4264)

History teaches us that Lincoln's legacy was in saving the Union and freeing the slaves. He was determined to leave the world a better place. In his First Inaugural Address he stated, "We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection. The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union when again touched, as surely they will be, by the better angels of our nature." Our 16th President believed that our "better angels" would ultimately be triumphant. The study of the life and legacy of Abraham Lincoln will serve to remind us: "Character may be manifested in the great moments, but it is made in the small ones."¹⁴ Perhaps Phillips Brooks said it best when he advised, "Do not pray for easier lives, but pray to be stronger men. Do not pray for tasks equal to your powers, but pray for powers equal to your task. Then the accomplishment of your works shall be no miracle, but you shall be a miracle. Every day you shall wonder at yourself and the richness of life which has come to you by the Grace of God."¹⁵

Phillips Brooks went on to become the sixth Bishop of Massachusetts in the Episcopal Church. He served out his remaining days in the famed Trinity Church of Boston. He died unmarried on January 23, 1893, and is buried in Mount Auburn Cemetery in Cambridge, Massachusetts.

Matthew Simpson traveled extensively after the Civil War, remaining active in the Methodist Episcopal Church. On June 18, 1884, Matthew Simpson died in Philadelphia. He was buried in West Laurel Cemetery, Philadelphia. His last words were, "My Savior!"

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An Interview with Craig L. Symonds

Q: Why did Northerners and Southerners initially believe that the war would end quickly? Is there a time when both sides became aware that there was no end in sight?

A: It is common in war—in all wars—and even during the run up to war, to disparage one's enemy. In 1941, the Japanese government assured its citizens that the soft and pampered Americans would not be able to endure a long war with heavy losses; the American government painted the Japanese as evil sub-humans who could not stand toe-to-toe with brave American soldiers. Similarly, at the outset of the American Civil War, each side embraced a cultural stereotype about the other. Northerners asserted that the South was dominated by an effete planter class whose members had executed a kind of internal *coup d'état* in seceding, and that many—perhaps most—of the South's rank and file remained loyal to the old Union. (Lincoln, in fact, never quite abandoned the notion that a significant portion of the South's white population remained secretly loyal.) For their part, Southerners believed that the North was populated by narrow-minded and self-interested shopkeepers and money changers whose expertise resided in the sharp deal, and who cared more about their profits than their country. Some of this was bravado, of course, but these popular stereotypes allowed each side to rush to war confident of victory.

Having said that, however, it is also important to note that the popular notion that most Americans believed the war would be a short one has been exaggerated. Lincoln did not expect a 90-day war—he called for 90-day volunteers because that was the extent of his authority under the Militia Act. Despite the claims in newsprint that the war would be over by Christmas, quite a few people at the time fully expected that, once begun, the conflict would be a fierce and difficult struggle, though few, if any, foresaw the deaths of 620,000.

The point when both sides had to confront the fact that the war would be a long one was probably in 1862 when the Confederacy adopted universal conscription to keep its armies from melting away, and Lincoln called for an additional 300,000 volunteers for three years' service. Eventually, of course, the Union, too, would have to resort to conscription. Certainly by the time of Antietam and Lincoln's Emancipation Proclamation, everyone knew that the war would last until one side or the other had exhausted itself.

Q: From your perspective as a military historian, what was the most glaring example of a missed opportunity that might have ended the war earlier?

A: The greatest lost opportunity of the war was probably during the Peninsular Campaign when George McClellan had superior numbers and vastly superior resources, and yet failed to take



Carte de visite, *Dear Little Mac*. (TLM #2253)

Richmond. Had he pushed through the Yorktown defenses when he first arrived, or had he counterattacked after Seven Pines or Malvern Hill, he might well have taken Richmond. To be sure, the capture of Richmond would not necessarily have meant the end of the war in 1862. But it might have, especially if the Confederate army had been decimated in the effort to defend the city. Similarly, McClellan declined to commit his reserves at Antietam when doing so might have won the battle and trapped Lee's army against the Potomac River. Ironically, had McClellan behaved aggressively either time he might have achieved what he wanted: an end to the war with slavery intact. Instead his vacillation prolonged the war and made it a true American Revolution.

There were lost opportunities for the South as well, especially in McLemore's Cove and at Chickamauga, opportunities squandered by petty bickering among the Confederate high command. The notion that the southern army could have pursued effectively after Bull Run or achieved a decisive result at Gettysburg, are, I think, less likely and are mainly the product of southern wistfulness.

Q: What is your professional opinion of George McClellan?

A: My answer here is perhaps suggested by what I said above. I think there is a reason why young officers, even remarkably talent-

ed officers, have to work their way up from lieutenant to captain, to major, to colonel, and eventually to general. They learn not only how the army works, but also how it doesn't work. In the process, they develop a sense of what is practical and also a little humility, a characteristic which McClellan was notably lacking. Indeed, his assertion that "I can do it all," proves that George McClellan was simply too young and inexperienced to shoulder the responsibility that Lincoln entrusted to him. In hindsight one can argue that his move to the Virginia Peninsula by sea was a sound strategic notion. In 1864, after much hard fighting, Grant ended up in more-or-less the same position east of Richmond that McClellan had reached two years earlier. But as everyone knows, McClellan couldn't finish. He seemed to believe that executing his dramatic amphibious end run would so impress the rebels that they would throw up their hands and capitulate. Nor could McClellan "finish" at Antietam where he kept Fitz John Porter's Corps in reserve when committing it might have turned his success into a decisive victory (see above). Finally, McClellan's commitment to save the Union with *slavery intact* put him at odds with the administration. McClellan might have been a brilliant staff officer; he might even have emerged as a successful field general if he had been given time to grow into the job. But he was simply over his head in the role of General in Chief at age 35.

Q: Please compare Abraham Lincoln to other U.S. wartime presidents.

A: Only one other president faced anything like the difficulties Lincoln did, and that was Franklin Delano Roosevelt. Even James Madison who faced strong opposition to the War of 1812 from New England, and had to flee Washington when it was captured by the British, did not have to handle the diverse problems Lincoln did. Most of America's wars, of course, have been foreign wars—fought elsewhere. And most of them were fought by a relatively small segment of the population. Only in 1861-65 and 1941-45 did America deal with a war that absorbed the entire country. What, then, can I say about a comparison of Lincoln and FDR? Interestingly, quite a bit.

There were differences between them, to be sure—FDR was a patrician, and Abe was a frontier rail splitter—but the two men also had much in common. They both loved to tell stories; they both laughed aloud at their own jokes and charmed their visitors; they tried—sometimes too hard—to find common ground among their advisors, often acting in the role of adjudicator as much as commander in chief. They were both political pragmatists who kept a sharp eye on domestic politics, even as they fought a total war. Each suffered from painful personal afflictions: FDR's polio and Lincoln's depression. And while both men were sufficiently flexible that they could adjust quickly to new circumstances, they never lost sight of the ultimate objective: Reunion without slavery for one, the eradication of Nazism and the survival of the post-war alliance for the other.

As commanders-in-chief, while both men preferred to let their professional uniformed officers and admirals develop strategy and execute plans, both learned that it was occasionally essential

to intervene. Both understood that wars are both political and military, and just as strategy must bend to politics, politics must sometimes bend to strategy. If Roosevelt had fewer political generals to vex him, he nevertheless had to consider politics in all his military decisions. On the diplomatic front, Lincoln had to worry about foreign intervention, but FDR fought a global war within a politically complex and often strained alliance. Both succeeded in deftly balancing all the various problems they had to confront. Both men deserve their positions near the top of the list of great American presidents.

Q: The first time that I stood at the Union position and looked down upon the site of Pickett's Charge, I was overwhelmed by the apparently hopeless maneuver. Was the order to charge ill-advised, or was there a genuine possibility of success?

A: It is even more daunting to view the scene of that charge from the Lee statue on Seminary Ridge—to imagine oneself as a member of Pickett's or Pettigrew's Division looking across at the Union line on Cemetery Ridge. It took remarkable men to make that assault.

It was clearly a mistake. We know that now because we can look back on it some 145 years later and we know what happened. But to put Lee's decision in perspective, imagine being one of George Thomas' men gazing up at Missionary Ridge on November 25, 1863. Surely the prospect for their success was no better—and arguably considerably worse—than it was for the men commanded by Pickett and Pettigrew on July 3. And yet Thomas' attack succeeded. Granted Thomas did not order it, but it happened, and it worked. The point, of course, is that there is always a possibility for success.

Lee believed he had badly wounded the Army of the Potomac during the first two days of the battle; the Yankees were fighting their first battle under a new commander, and the morale of the Yankee soldiers was suspect. Lee knew the morale of his own soldiers was sky high. He knew, too, that a victory here could be decisive. It might even end the war. It was, in his opinion, worth a shot. And his opinion was the one that mattered. He was wrong—we know that now. But he might have been right.

Q: How serious was the threat that Southerners might resort to guerilla warfare after Appomattox?

A: There were a few officers at Appomattox who urged Lee to order the army to disperse and rendezvous subsequently in the hills to carry on the fight. But their plea was as much a measure of their devotion to their commander and their unwillingness to admit that their cause had failed than it was a genuine wish to inaugurate a guerilla war. Perhaps if formal warfare had ended quickly with the capture of Richmond in 1862, a long twilight guerilla war might have ensued. Even in 1865, the men of the Army of Northern

Virginia who had fought so long and so hard, and who had sustained themselves by swapping tales of the wickedness of their foes, had a hard time accepting the finality of defeat. But exhaustion trumped hatred. The South had been bled white, and its infrastructure had been ruined. Except for a relative handful of die-hards, there was simply not enough moral will to continue. To be sure, Davis wanted to fight on, but he was no longer the spokesman for the Confederacy, Lee was—and Lee's example was crucial. He rejected the pleas to disband and carry on the war. To those who urged him to slip away in the dark and fight another day, he shook his head. "There is nothing left for me to do but to go and see General Grant...."

We should remember, though, that the South did resort to a kind of guerilla war a few years later when the night riding groups such as the Ku Klux Klan organized in order to undercut the strictures of the Reconstruction era. In that effort, they were remarkably successful, virtually overturning the principal goals of the 14th and 15th amendments to the Constitution and preventing their enforcement until well into the 20th century.

Q: Could a legitimate argument be made to support South Carolina's claim that Lincoln's decision to send provisions to Fort Sumter could be considered an act of war?

A: No. Even if one accepts the argument that South Carolina was an independent republic in April of 1861, and even if one accepts the notion that this self-declared independent State had some legitimate claim on Fort Sumter, the mere act of sending a supply ship to feed the garrison cannot be considered an act of war. Sending supplies into a fort is an act of war only if the fort is under siege. And if Sumter were under siege in 1861, the besiegers were already guilty of initiating war. Finally, it is significant that Davis ordered Beauregard to "reduce the fort" *before* the vessels bringing those supplies even arrived at Charleston. The South opened fire on Sumter preemptively to prevent Lincoln from sending supplies to the garrison.

Given all that, Davis's decision to order Beauregard to open fire seems monumentally ill-considered. But Davis was under enormous pressure, too. The presence of the American flag in Charleston Harbor was a reminder of the questionable legitimacy of the Confederate government, and hence of his administration. Davis felt that promises had been made that the garrison would be evacuated. The arrival of more supplies would allow Major Anderson's men to remain in the fort indefinitely and extend this period of questionable legitimacy. The decision to open fire was therefore not a legal one or a military one, but a political one. Arguably it was the worst decision made by either side in the entire war.

Q: What was the role of Union naval forces? Confederate?

A: This is a huge question, for the navies on both sides played a wide variety of roles, but in an effort to offer a short answer, I will

mention the three main goals of each side. The role of the Union Navy was: (1) to blockade the southern coast—to prevent the exportation of cotton which would have gained overseas credits for the rebel government, and to prevent the importation of munitions and other products that could sustain the South's war economy; (2) to cooperate with the Union army in gaining control of the western river system, especially the Mississippi, from Fort Henry to New Orleans; and (3) to track down and capture or destroy Confederate commerce raiders like the *Alabama*, *Florida*, and *Shenandoah*. As part of the blockade effort, the Navy also cooperated with the army to capture and occupy coastal ports from Hampton Roads, Virginia to Brownsville, Texas.

As for the Confederacy, it could never hope to build a fleet big enough to compete hull-to-hull with the Union Navy, and so rebel leaders sought to improvise. Their goals were: (1) to coordinate a blockade-running program so that they could get enough cotton out, and enough supplies in to maintain the war effort; (2) to rely on a dozen or so commerce raiders designed not to fight enemy warships but to destroy merchant ships in a strategy known as *guerre de course*. (Just as the North hoped to weaken the southern economy through the blockade, the South sought to weaken the northern economy by wrecking its merchant trade.); and (3) to counter Union numerical superiority by implementing cutting-edge naval weapons like ironclads, submarines, and underwater torpedoes.

In general I think both sides were surprisingly effective in achieving their goals. Both the dyspeptic Gideon Welles, and the courtly Stephen R. Mallory remained at their posts throughout the entire war and served their administrations very well.

Q: In your opinion was the Union blockade of Southern ports successful?

A: This is a question that historians have batted around for a century and a half. Those who discredit the Union blockade as "a naval sieve" point to the fact that most of the rebel blockade-runners that tried to pass through the blockade did so successfully, and that Confederate armies never lost a battle where their defeat was directly attributable to a shortage of material goods. Those who emphasize the effectiveness of the blockade note that the total volume of trade coming into or out of southern ports dropped to less than a third of its pre-war levels, and that the consequent shortages contributed to a collapse of both the southern economy and southern morale.

On the whole, I side with those who argue that the blockade was effective. (As a naval historian, could I say anything else?) The problem is that this is impossible to quantify. *How much* did the blockade contribute to Confederate inflation, or to the erosion of Confederate morale? The blockade did not cause the defeat of the South—the two and a half million men in blue who fought for four years on battlefields from Texas to Virginia did that—but it was a contributing factor, and I believe that it shortened the war by as much as six months, and if that is true, it may have saved tens of thousands of lives.

Q: During the Civil War, where did the concept of “foraging for supplies” stop and “plundering” begin? Is there a difference?

A: Clearly there is a difference, but the line dividing “foraging” from “plundering” in the Civil War is not only blurred, it shifted during the course of the war. What was considered heinous in 1861 had become routine by 1864. In part this is the nature of war, for war is an accelerator of social change. This is especially true of wars where each side convinces itself that its very civilization depends on the outcome. In such cases it becomes easier to plead the “greater good” when violating the understood rules of war. Troops operating in enemy territory who are asked to subsist on hard tack and salt pork can easily convince themselves that “liberating” a potato is justified. After that, it is a slippery slope from a potato, to a chicken, to a pig, to a cow. Ordered to scrounge for firewood, it was easier to dismantle fences or barns than search for kindling or cut living wood. Soon this behavior became routine in friendly territory as well as in enemy territory. By 1865, southerners were as likely to lose their last pig or chicken to Joe Wheeler’s rebel cavalry as they were to Sherman’s bummers. As painful as all this was, it all fell under the general rubric of “foraging.”

Foraging became plundering when troops took things that had nothing to do with their subsistence or the war effort—fancy clothing, jewelry, books, paintings, furniture—much of which got thrown aside when the army moved on. This, too, was a product of the momentum of war and is an unfortunate, but probably in the end an inevitable, consequence of warfare itself.

Q: How real was the threat that a foreign nation might formally come to the aid of the Confederacy?

A: It wasn’t. This was a chimera that the Confederates clung to in dark days. Napoleon III of France would probably have intervened if Britain had been willing to participate in a joint effort. But although the British saw some advantage to the division of its trans-Atlantic trade rival into two countries, there was no getting

past the slavery problem. Britain had led the world in anti-slavery efforts for a generation before the Civil War broke out, and the notion of going to war to sustain a slave-holding republic was simply not on (as the British would say). The only way Britain might have come into the conflict was not as a Confederate ally, but in retaliation for some foolish and confrontational act by the Union government. When Charles Wilkes stopped the British packet steamer *Trent* and removed Mason and Slidell from it, the British were outraged. But Lincoln was wise enough to see the danger and agreed to surrender the captured emissaries. When he did, the crisis passed. After that, there was virtually no chance that the British would support the Confederacy even if the South had won a dramatic victory at Gettysburg or elsewhere.

Q: What is the subject of your upcoming book?

A: Thanks for asking. I am writing about Lincoln and his relationship with the Union Navy. A half century ago, T. Harry Williams wrote a great little book called *Lincoln and his Generals*. My work is tentatively titled *Lincoln and his Admirals*. It is not an operational history, though occasionally I include operational events when they explain some decision that Lincoln had to make about naval strategy or naval personnel. Obviously, Gideon Welles plays a large role in the story, as does Gustavus Vasa Fox, the Assistant Secretary. So do David Glasgow Farragut, David Dixon Porter, Andrew Hull Foote, Samuel Francis Du Pont, John A. Dahlgren, Charles Wilkes, Samuel Phillips Lee, and others. Clearly Lincoln was not as heavily involved with naval matters as he was with army matters, but it may be surprising to some to see how involved he was. Moreover, Lincoln’s experience with the navy is a useful vehicle for evaluating his growth and emergence as commander in chief. I am hoping that it will add a new facet to our understanding of a remarkable man and a remarkable president.

Craig L. Symonds is Professor Emeritus at the United States Naval Academy and the author of eleven books on the Civil War and naval history. His new book Lincoln and His Admirals will be published in the fall of 2008 by Oxford University Press.

Eight Lincoln Books for Young People

Abe Lincoln, The Boy Who Loved Books. By Kay Winters and Nancy Carpenter. Aladdin Paperbacks, 2006.

Abraham Lincoln. By Amy L. Cohen and Suzy Schmidt. Pictures by David A. Johnson. Scholastic Press, 2002.

Blast to the Past #1 Lincoln’s Legacy. By Stacia Deutsch and Rhody Cohon. Illustrated by David Wenzel. Aladdin Paperbacks, 2005.

Lincoln’s Little Girl, A True Story. By Fred Trump. Boyds Mill Press, 1977, 1993.

Abe Lincoln Grows Up. By Carl Sandburg. Illustrated by James Daugherty. Harcourt Brace, 1924, 1953.

Abe Lincoln, Log Cabin to White House. By Sterling North. Landmark Books. Random House, 1956, 1984.

Abraham Lincoln, The Freedom President. By Susan Sloate. The Great Lives Series. Fawcett Columbine, 1989.

Lincoln: A Photobiography. By Russell Freedman. Clarion Books, 1987.

(See article on page 17).

Summer Reading: Books about Abraham Lincoln for Students

Reviewed by John F. Marszalek, Mississippi State University

Many parents and grandparents have had a similar experience in a library, book store, or museum shop. They want to purchase something worthwhile for their children, but they find the shelves of possibilities intimidating. No retail area today is immune from modern advertising and marketing, and books are now placed next to toys and gadgets, coffees and pastries. The desire of children to buy something glitzy is strong. In response, adults often push for the purchase of something like a book.

Book publishers try to produce the most colorful children's books, to attract the eye and hopefully the purchase. Unfortunately the most colorful cover does not always signify the best book. Consequently, even if adults can persuade their children to opt for a book instead of a toy or a computer adventure game, they then have the problem of deciding which of the books to buy.

What is an adult to do? Some of the things are obvious. Match the book to the child: purchase a book that is at the reading level of the child for whom the book is being bought. Is this a book a child will be able to read? Or, is it a book that is no challenge to a child's reading abilities? Is the artwork of high quality, designed to appeal to the child as he or she reads the book? Is the text written in effective prose that will both teach and entertain? Upon what sources is the book based? Children's books are hardly expected to use primary sources as standard history books do, but often they do provide a bibliography which indicates to the reader the secondary sources the author used. Is the book an attempt to provide historical verities or is it filled with myths and legends that provide a distorted vision of its subject? Is it really about the person or event mentioned in the title? Finally, has the book won any awards?

There are numerous books on Abraham Lincoln available for purchase. This review of eight of the Lincoln books for young people on sale at The Lincoln Museum in Fort Wayne is hardly exhaustive, rather a sampling of what is available there and in other venues around the nation. Hopefully this overview will give readers of *Lincoln Lore* some insight into Abraham Lincoln books for children.

Of the books under consideration here, two are clearly aimed at children to whom the books will be read, and one is a book for the beginning reader. *Abe Lincoln The Boy Who Loved Books* by Kay Winters and Nancy Carpenter is a publication with outstanding artwork but limited text. It deals almost exclusively with Lincoln's early childhood, with only several pages on his trip down the Mississippi River, five pages on his life in New Salem, and three pages on his election to the presidency and his time in the White House. The text is brief and to-the-point, emphasizing Lincoln's love for reading. The art work is stunning in places, but, unfortu-

nately, it provides a romantic perception of his life on the frontier. The cabin is shown to be cozy and warm, and his father, from whom he became estranged, is depicted contentedly sitting on a rocker with smiling young Abraham looking up at him in obvious admiration. Almost every such page shows Lincoln with his head buried in a book—the cover showing the boy Lincoln sitting up in a pine tree reading, while his father below is wondering where he is. The last page shows Lincoln as president, sitting at his desk reading under a huge picture of himself. The thrust of the book is warm and fuzzy mythology, with no mention of the true difficulty of Lincoln's early life. This book shows Lincoln as we want our children to see him—the voracious reader of books and thus eventually a success. In truth, of course, Lincoln was much more complicated than that, and even the youngest child can recognize this.

Abraham Lincoln by Amy L. Cohen and Suzy Schmidt is another book aimed at the child in an adult's lap. As good as the artwork is in the previous book, the artwork here is even more effective. The book is larger than the previous one, and the pictures are therefore grander to the eye—artfully supporting the words on the first page "See that tall, tall man in that tall black hat." The text throughout the book is obviously aimed at a little child, the language sing-songy and slangy to appeal to the young ear. To the authors' credit, there is a picture of a slave auction and a brief mention of it. The emphasis is on Lincoln's presidency, clearly revealing that the Civil War was a difficult time for the nation and hard on its president. In one powerful painting, Lincoln is shown holding his head with one hand, while a message is clutched in the other. The assassination is described opposite a page showing the funeral train chugging across the tracks, while a white and a black laborer look on with their heads bowed. The final page is a drawing of the Lincoln Memorial with the author's closing words, echoing the opening lines about tallness: "He looks like a giant, doesn't he? He was."

The other books under review here are publications aimed at older children able to read on their own. The most ingenious of these and the one that imaginative children would find most intriguing is *Blast from the Past* by Stacia Deutsch and Rhody Cohon. The story tells of a modern 3rd grade class whose teacher comes in every Monday morning and presents the boys and girls with a "what if" question. This particular day, he asks the class what the world would be like if Lincoln had not issued the Emancipation Proclamation, which the teacher erroneously says freed all the slaves. He then proceeds to tell them that, by the use of a computer time machine, he had gone back to 1862 to find that Lincoln was so depressed about the direction of the war that he was preparing to resign his presidency. He would thus never issue the Emancipation Proclamation. The teacher asks several of the children to go back in time and try to change Lincoln's mind. They make the trip, and the book tells of their experiences with Lincoln and his cabinet and how they even bring Lincoln to modern-day Washington to try to convince him to stay on as Civil War president and issue the Proclamation. After all sorts of adventures, they do just that. Their teacher praises them, "You saved history." (91)

Purists will not appreciate this approach, but the authors provide factual information about Lincoln and his time within the framework of the fictional time travel adventure. This book will

entertain its readers and teach them in a way that their modern minds, used to television and computers, will appreciate.

Lincoln's Little Girl is, according to the title, "A True Story" of Grace Bedell, the New York State girl who during the 1860 election wrote to Lincoln and encouraged him to grow a beard to hide the thinness of his face. The first several chapters of this book, written by Fred Trump, deal with this historical episode, including Lincoln's brief stop in Westfield, New York, on his way to his inauguration. Lincoln called out from the train for Grace to come forward, and he proudly showed her his beard, leaning over to give her a kiss. Those in attendance were charmed, but later hostile newspaper accounts criticized him for his over-familiarity. That is about the extent of Lincoln's presence in this book. Most of the rest of the pages deal with Grace Bedell's later marriage to a Union soldier, and their hard life on the plains of Kansas. The last several chapters discuss how, in the 1920s, her Lincoln fame returned and, as a result, there was controversy over the ownership of her letter to Lincoln and his written response to her.

This is a book that tells an intriguing story about the life of a minor figure in Lincoln's life. It contains some interesting photographs of Grace Bedell and her homes, but the writing style is too dependent on extended quotations from letters and newspapers to be effective. Originally written for a general audience, it is not truly a book for young people, and it is not really a book about Abraham Lincoln.

Abe Lincoln Grows Up is excerpted from one of the most famous studies of the Civil War president. It consists of twenty seven chapters taken from Carl Sandburg's 1926 classic *Abraham Lincoln, The Prairie Years*. Except for some new illustrations, which do not appeal to the modern eye, this book is Carl Sandburg's description of the early life of Abraham Lincoln prior to his move to New Salem. It is poetic, of course, images of life on the frontier leaping off the pages. Still, this book will not appeal to the modern young reader. It presupposes an ear for the literary which most children have not yet acquired, and its focus is less on Lincoln himself than on the culture and conditions of the frontier that influenced what he was to become. This paperback edition also has little visual appeal, and only the most serious young devotee of Lincoln will be enticed to read it. This is not a book for young people.

Two other books: *Abe Lincoln, Log Cabin to White House* by Sterling North and *Abraham Lincoln The Freedom President* by Susan Sloate are traditional histories clearly based on adult works available at the time of their publication. The first of these books places most of its emphasis on Lincoln's early years, devoting only six pages to Lincoln's presidency during the Civil War. Some of the descriptive prose is effective, but the lack of coverage of the war years makes the book's overall impact lacking and undramatic. The author also accepts the Ann Rutledge story without any reservation.

In *Abraham Lincoln The Freedom President*, Susan Sloate begins the story with the assassination, before returning to Lincoln's birth and a chronological study of his life after that. This book is, in too many places, inaccurate. It states erroneously that General George B. McClellan planned all along to run for the presidency in 1864 and, for this reason, he did not effectively fight the Confederates in 1861 and 1862. Similarly it says that General William T. Sherman shed a lot of blood, whereas he actually used destructive and psychological warfare to avoid as much blood letting as possible. The myth also appears that Grant did not care how many of his men died as long as he won the war. As for Reconstruction, the author presents the long discredited view of Andrew Johnson simply trying to follow Lincoln's allegedly mild policy only to find himself the victim of vindictive Republicans. As for the assassination of Lincoln, the author believes the plotting of Secretary of War Edwin Stanton might very well have been at the bottom of it all. Assassin John Wilkes Booth may not have been killed in the Virginia barn. He could have escaped, faked his death in India, and then returned to live in secrecy in the United States where he was finally buried in Enid, Oklahoma. In summary this book hardly presents the kind of accurate history our children need to read.

Of these eight books, the one that stands out above the rest is *Lincoln: A Photobiography* by Russell Freedman. Published in 1988, it won the prestigious Newberry Medal for that year. Except for the unappealing photograph of the beardless Lincoln on the front cover, the photographs and the text in this book are outstanding. The author makes effective use of clear and attractive prose to tie together Lincoln, the individual, and Lincoln, the public figure, with the photographs emphasizing his points. The author is honest with his young readers, pointing out historical disagreements over aspects of Lincoln's life and avoiding and correcting mythology. At the end of the book, the author provides a "Sampler" of Lincoln's writings, which is an excellent boon for the young reader not familiar with these words. This is a first rate book which both young people and their parents/grandparents will enjoy reading. Both will benefit from the experience.

Based on the content of these books about Abraham Lincoln, the young reader will sometimes learn tales rather than true history about him. However, this is really not so different from what readers find in so many of the books written about the Civil War president for adult readers. As we should do in choosing the books we adults read ourselves, we should make every effort to select the best books we can for our children. A little common sense and a quick perusal, even with a child at our side, will go a long way to ensuring that we purchase a book that will benefit our young readers.

An Interview with Herman Belz

Q. To what do you attribute Abraham Lincoln's fondness, respect, and frequent reference to the Founding Fathers?

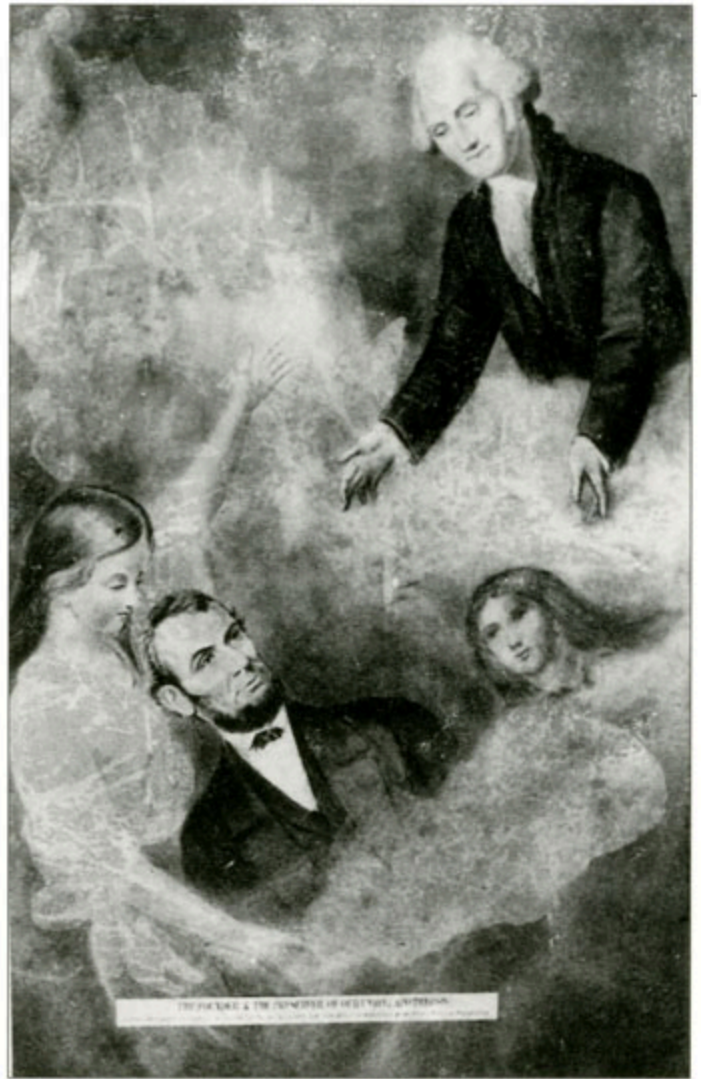
A. In Lincoln's day reference to the nation's founders was standard rhetorical practice. The events of the Revolutionary and constitution making era were recent history, and the audacity of the American experiment in republican self-government supplied a motive for citizens and politicians to turn to the founders both for moral inspiration and practical know how concerning public policy measures and objectives.

The relationship of Lincoln's generation to the founders became a subject of historical interest in the 1960s when American society—or at least certain sectors of it—became fixated on youthful rebellion and other forms of adolescent indiscretion. Ever alert for new perspectives, historians of a psychological bent studied the political leaders in the first half of the nineteenth century for signs of generational anxiety or discontent with the founding fathers, who admittedly were a tough act to follow.

Lincoln's relationship to the founders presented a more complicated historical question. Some scholars, detaching Lincoln from the spirit of '76 and the intent of the Constitution's Framers, treated him as a precursor of twentieth-century liberal welfare-statism and the imperial presidency. Other historians, focusing on civil rights and race relations, lumped Lincoln with the founders as racial reactionaries lacking any genuine concern for African American freedom and social advancement. One is inclined to say that historical misunderstanding as represented in both of these points of view was the thanks Lincoln got for his steadfast fidelity to the principles of the founding.

From Lincoln's perspective, the founding centered on the Declaration of Independence as an act of national foundation, the principles and authority of which informed and were embodied in the Constitution of 1787. When the slavery question began to divide the country in the 1840s, the legacy of the founding became more controversial than in the early national period. Most northerners viewed the Constitution as a national charter of freedom and republican self-government. Most southerners believed the Constitution protected slavery as a basic institution of civilized society under the reserved powers of state sovereignty. Although as a Representative from Illinois Lincoln voted for the Wilmot Proviso excluding slavery from the territories, he did not get fully involved in the slavery question until the Kansas-Nebraska Act of 1854. The Peoria speech in October 1854 marked a crucial turn in the direction of Lincoln's filial respect for the founding fathers.

To this point in his political career, Lincoln's references to Washington, Jefferson, Madison, Adams, and Hamilton were intended to show how Whig policies on banks, tariffs, and internal



Thurston, Herline & Company, *The Founder and Preserver of the Union*, 1865. (TLM #3471)

improvements were by no means original in recurring to the libertarian creed of the founders. Antislavery leaders Salmon P. Chase and William H. Seward repeatedly justified territorial restriction of slavery based on the Declaration of Independence and the antislavery principle of the Northwest Ordinance. Lincoln in a sense stole their thunder. His genius and prudence as a national statesman was to choose the right moment in which to identify the antislavery movement with the wisdom and moral authority of the founders' commitment to Union and liberty.

Of course there were many such moments when right judgment about liberty and Union was required. In an extended sense, the campaign against Stephen A. Douglas in 1858 was one of them. In a speech at Carlinville, Illinois, August 31, 1858, a few days after the second debate with Douglas, Lincoln affirmed the authority of the founders on the slavery question: "Our fathers restricted its spread and stopped the importation of negroes, with the hope that it would remain in a dormant condition till the people saw fit to emancipate the Negroes. There is no allusion to slavery in the constitution—and Madison says it was omitted that future generations might not know such a thing ever existed—and that the constitution might yet be a 'national charter of freedom.'"

Perhaps Lincoln's most distinctive appeal to the founders appeared in the Cooper Institute speech, February 27, 1860. Refuting Douglas's claim that the framers held to Douglas's doctrine of local territorial sovereignty, Lincoln provided a detailed analysis of votes given or acts taken on the slavery question by 23 of the 39 delegates to the Constitutional Convention. His finding was that "in their understanding, no line dividing local from federal authority, nor anything in the Constitution, properly forbade Congress to prohibit slavery in the federal territory." Otherwise, Lincoln reasoned, "their fidelity to correct principle, and their oath to support the Constitution," would have required them to oppose the prohibition of slavery in the Northwest Ordinance, which Congress re-enacted in 1789.

Q. Please comment on the development of Lincoln's concept of the expanded constitutional authority granted in time of war to the President as Commander in Chief.

A. The central issue in debate over presidential war powers is the nature of the executive power, not the definition of words such as "war" or "declare" or "make," as legal argumentation of the question would suggest. But first let's frame the issue in historical context.

I believe it is fair to say that Lincoln's exercise of presidential power now overshadows the emancipator image that was engraved on his reputation in the Civil War era, and preserved through the centennial of his birth in 1909 to the dedication of the Lincoln Memorial in 1922 and beyond. In part the change of focus in Lincoln scholarship reflected the growth of the modern presidency that was the constitutional linchpin of America's rise to power in international politics. It would be hard to argue that becoming a world power was unconstitutional, but there was plenty of room for debate about the exercise of the executive power under the Constitution that got us there.

The key question was whether the Constitution conferred the power that presidents claimed in the course of America's ascendancy in world politics, or whether they exercised it in defiance of the supreme law of the land. No matter how different the historical circumstances and the issues at stake, it was Lincoln's exercise of the executive power, beyond that of his predecessors, which was decisive in determining, or disclosing, the nature and scope of presidential power.

The Constitution created a unitary, not a plural executive. The executive power vested in "a President of the United States of America" by Article II is not particularized in the way that legislative powers are enumerated and delegated to Congress in Article I. The reasonable inference is that the executive power comprehends foreign-affairs powers, including war, and authority to act in emergency circumstances affecting the internal and external security of the nation. That the president is designated Commander in Chief of the Army and Navy, bound by oath to preserve, protect, and defend the Constitution, strengthens the case for executive emergency authority. I believe this is what Lincoln had in mind when, in the Final Emancipation Proclamation, he declared that "the Executive Government of the United States, including the

military and naval authorities thereof, will recognize and maintain the freedom" of persons held as slaves in rebellious states.

War and peace are different conditions or states, but in a given set of circumstances it is not always obvious which state exists. This was particularly true in the months after Lincoln's election when the secession movement won the support of the people in seven states, detaching and in some sense alienating them from the Union. At what point did secession, long threatened as a last-resort protest against national policies harmful to the South, transform itself into obstruction of the laws and unlawful resistance to the authority of the United States? As a matter of law enforcement and constitutional preservation, this was preeminently a question for the executive power to determine. Buchanan was still president, but from the moment he became president-elect Lincoln readied himself for emergency action, by word or by deed as prudence dictated, to deal with the state of the Union upon assuming the executive power.

The Confederate attack on Fort Sumter unmistakably confirmed the condition of war against the United States that was implicitly declared by state ordinances of secession, and the seizure of federal forts and other acts taken in pursuance of them. In the Proclamation Calling Militia and Convening Congress, April 15, 1861, and in other acts taken as Commander in Chief, Lincoln determined that secessionist rebellion constituted waging war against the United States. In his July 4 special message to Congress, he explained the nature of the crisis and justified his course of action.

The question facing the nation was whether a constitutional republic could maintain its territorial integrity against the attempt of a minority of discontented individuals to "break up their Government, and thus practically put an end to free government upon the earth." Lincoln said "no choice was left but to call out the war power of the Government; and so to resist force, employed for its destruction, by force, for its preservation." Lincoln reported his actions to Congress in the belief that nothing he did was beyond the constitutional competency of the legislative branch. He then asked Congress to approve his actions on the assumption that there was authority in the Constitution which Congress could have exercised to authorize the president to do the things he did. Congress was adjourned, and there wasn't time to call it into session in order to get legislative approval and the authorization it would have provided in the Sumter crisis and the weeks following. So the president acted, and laid his actions before Congress for approval as though it had authorized the actions...and would have done so had it been in session. He trusted that Congress would ratify the emergency measures taken, which it did in August 1861.

In giving literal expression to the doctrine of "war powers" as a constitutional construction for the first time, Lincoln had the foresight to name the doctrine in a way that identifies it with the executive power. The word "war" appears in Article I of the Constitution, where Congress is given the power "to declare war." There follow references to Congress's power to raise and support Armies, provide and maintain a Navy, and make rules for the government and regulation of military forces, all of which can be viewed as military powers implicit in waging war. Article II, by contrast, simply names the president as "Commander in Chief of the Army and Navy of the

United States, and of the Militia of the several States, when called into the actual Service of the United States.”

The draft of the July 4 special message to Congress referred to calling out “the *military* power.” [Italics added] It is significant therefore that Lincoln had the presence of executive mind—and in my opinion the good judgment—to change “military power” to the “war power of the Government.” The rationale is that the duties of the Commander in Chief are preeminently performed in time of war. As the Supreme Court noted in *The Prize Cases* (1863), the president does not have to wait for Congress to declare war to exercise the power vested in him as Commander in Chief. Lincoln understood that as a matter of practical reason, the law making power yields to the executive power in conditions of military necessity.

Q. Regarding slavery, did Lincoln ever express regret that the Framers of the Constitution did not address the elimination of the “peculiar institution”?

A. When Lincoln referred to the founders and slavery, he invariably couched the matter in the language of “necessity.” In the Cooper Institute speech he took as his text Douglas’s assertion that when the fathers framed the Constitution, “they understood this question just as well, and even better, than we do now.” Narrowly conceived, the question was whether the proper division of local and federal authority prohibited the federal government from controlling slavery in national territories. Broadly conceived, the key issue was the relationship between slavery and republican government in the future development of American society. From a present day perspective, many scholars question whether slavery was really the “necessary evil” that many people in the eighteenth century believed it was. These scholars suggest that slavery could have been abolished if the American founders had cared about African Americans’ liberty as much as they did about their own. This critique questions the argument of necessity both from the standpoint of the moral failing of the founders, and their political judgment that the Union could not have been secured and the Constitution adopted if slavery in the states where it existed had not been recognized and taken into account.

I believe that in accepting the argument of necessity, Lincoln divorced himself from the feelings of “regret” shared by contemporary critics of the framers’ failure to abolish slavery. For a prudent and realistic statesman, taking necessity into account may be disagreeable but there’s not much you can do about it. Or rather, in recognizing the argument of necessity it is not necessary to adopt a fatalistic attitude and the indifference and incapacity that it implies. Douglas was fatalistically indifferent toward the moral significance of slavery. Not so the founders, in Lincoln’s view. While acknowledging the political necessity of recognizing existing slavery in the United States, the framers in the long run placed slavery under a mark of opprobrium by prohibiting its expansion into the Northwest Territory. This was a precedent that, by constitutional practical reason, applied to future national territories on which the development of the country would depend. This way of proceeding did not express “regret,” but illustrated constructive constitutional engagement and responsibility.

Lincoln’s non-fatalistic approach to politics can be seen in his letter on Texas annexation and slavery in 1845. Writing to fellow Whig Williamson Durley, Lincoln said if New York Whigs had voted for Henry Clay in the election of 1844, Texas would not have been annexed. Non-voting Whigs followed the principle that “We are not to do evil that good may come.” Lincoln accepted the principle, but believed it did not apply under the circumstances. He asked: “If by your votes you could have prevented the *extention*, & c. of slavery, would it not have been *good* and not *evil* so to have used your votes, even though it involved the casting of them for a slaveholder?”

In the same letter Lincoln reflected on the founders’ original constitutional bargain about slavery. He admitted to some indifference about the debate over Texas annexation, unable to see either much evil or good coming from Texas’ coming in or staying out of the Union. It was possibly true that with annexation, “some slaves may be sent to Texas and continued in slavery, that otherwise might have been liberated,” and to that extent Lincoln thought annexation an evil. Concerning slavery and the Constitution in general, Lincoln added: “I hold it to be a paramount duty of us in the free states, due to the Union of the states, and perhaps to liberty itself (paradox though it may seem), to let the slavery of the other states alone.” On the other hand, Lincoln believed it to be “equally clear, that we should never knowingly lend ourselves directly or indirectly, to prevent that slavery from dying a natural death—to find new places for it to live in, when it can no longer exist in the old.”

Q. Douglas charged Lincoln with promoting racial amalgamation. Today many civil rights advocates and racial egalitarians accuse Lincoln of being a racist and a hypocrite. What were Lincoln’s views on race relations and civil rights?

A. In 1923 Nicholas Murray Butler observed: “It is not easy for an American to write or to speak of Abraham Lincoln without emotion. The day will doubtless come when, as in the case of other great figures in history, the spell of his personality will be broken and the tragedy of his taking off will be but a mark in the annals of time. That day has not yet come. Lincoln is still too near. His words and his influence are still too real to permit a cold, dispassionate examination of his mind and character.” Almost a century later Lincoln is more distant, and one wonders whether he is not being assimilated into the historical record. His mind and character, however, are in many respects less well understood than in Butler’s time.

After an event of great significance has taken place, there is a natural tendency to regard it as in some sense historically inevitable. This is especially true in liberal enlightenment societies like the United States, where a belief in historical progress is woven into the political tradition. I believe historical misunderstanding of Lincoln stems from failure or inability to see the Emancipation Proclamation for what it was, namely, a declaration of independence that altered black Americans’ condition of existence by recognizing their claim to liberty and civil rights. Critics of Lincoln seem to think that emancipation as it actually occurred,

without a guarantee of comprehensive enforcement of civil and political rights, permanently consigned blacks to a condition of civil and political subordination. Lincoln, it is argued, emancipated the slaves for political and military reasons. He did not do it out of a burning desire to eliminate racial prejudice. Henceforth, in the view of critics, white racism would live on, constantly evolving to keep up with and counteract the unending struggle for black freedom. It seems to me this view is historically short-sighted and erroneous.

Lincoln both firmly believed in blacks' natural right to liberty, and candidly acknowledged the difficulty of actualizing the principle of equal citizenship in a free multiracial society. His way of dealing with Douglas's charge of racial amalgamation rested on the same principle as the response to the contemporary criticism of Lincoln's alleged racism. In both cases the basic premise is a right understanding of the principle of equality in relation to the principle of republican consent.

The distinctive feature of equality as a moral norm is that it is a relational, not a unitary concept. In other words, equality is about the relation of one thing to another with respect to a specific attribute or shared characteristic. Lincoln claimed that the equality principle of the Declaration of Independence included all persons, black as well as white. On this basis Douglas imputed to Lincoln the belief that blacks and whites were equal in all respects whatsoever. Lincoln denied it.

In his speech on the *Dred Scott Decision*, June 26, 1857, Lincoln said: "Now I protest against that counterfeit logic which concludes that, because I do not want a black woman for a *slave* I must necessarily want her for a *wife*. I need not have her for either, I can just leave her alone." Explaining the practical application of the equality principle, Lincoln continued: "In some respects she certainly is not my equal; but in her natural right to eat the bread she earns with her own hands without asking leave of any one else, she is my equal, and the equal of all others." Furthermore, in asserting the equality of all men, the authors of the Declaration of Independence "did not intend to declare all men equal *in all respects*. They did not mean to say all were equal in color, size, intellect, moral developments or social capacity." But they *were* all "equal in 'certain inalienable rights, among which are life, liberty, and the pursuit of happiness.'"

Lincoln was clear-eyed, not hypocritical. Slavery and race relations were not two different issues, as many scholars now seem to think; they were the same issue. More precisely, in the American context they were inseparably related aspects of the problem of vindicating the natural right of liberty against the unnatural appetite for tyranny. In the Carlinville speech in 1858, Lincoln said the principle laid down by the *Dred Scott Decision* was "that the negro is property anywhere in the light that horses are property." This was "a change in our national policy," which the Supreme Court decided was constitutional. It meant that "the Constitution gives the master a right of property in Negroes above the jurisdiction of the territorial laws." And, Lincoln speculated, if the Court should make another decision favorable to this property right in states as well as territories, the rule of slavery would be nationalized.

Lincoln showed how slavery and race relations were necessarily related when he defended the rights and interests of white free

labor. Douglas made political capital of Lincoln's alleged desire to amalgamate the races. At Carlinville, Lincoln returned the favor by reversing the argument. Referring to Democrat support of the *Dred Scott* principle, Lincoln warned: "Sustain these men and negro equality will be abundant, as every white laborer will have occasion to regret when he is elbowed from his plow or his anvil by slave n_____s." [deletion of letters added] Constitutional compromises protecting slavery in states where it existed had to be respected, "but where is the justness of extending the institution to compete with white labor and thus to degrade it?" Lincoln asked. "Is it not rather our duty to make labor more respectable by preventing all black competition, especially in the territories?" Douglas pretended to be horrified at amalgamation, yet if Douglas had not opened the way for slavery in Kansas, "could there have been any amalgamation there?" Seizing on Douglas's assertion that he didn't care whether slavery was voted up or down in Kansas, Lincoln said: "I submit it to this audience which is the most favorable to amalgamation, he who would not raise his finger to keep it out, or I who would give my vote and use my lawful means to prevent its extension."

Lincoln's views on race relations are controversial today precisely because a conviction of the moral wrong of slavery was deeply inscribed in the character of his statesmanship. Of course his understanding of the matter, shaped by the political circumstances in which he acted, will seem discordant with the racial egalitarianism of our own time. For example, while believing Negroes had natural rights like other men, Lincoln conceded that "they cannot enjoy them here." In the Carlinville speech he said, "no sane man will attempt to deny that the African upon his own soil has all the natural rights that [the Declaration of Independence] vouchsafes to all mankind."

This and other statements of Lincoln are regarded as racist justification for ill-fated colonization schemes that were pursued during the Civil War. But does the evidence disqualify Lincoln from exercising moral authority on matters of race relations and civil rights? Many scholars believe it does. Lamenting Lincoln's "inability to embrace a future in which blacks would enjoy full social and political equality," historian Richard Blackett writes: "The terms he offered the defeated Confederacy were magnanimous. But for black Americans, the rights of full citizenship seemed a long way off except, of course, in a different country." To refute Lincoln, these critics confidently point to individuals at the time who, in their opinion, had the ability to embrace a future of full social and political equality. To this my response is to say that if there were such people, it's a good thing they were not involved in government and politics, or else the country would not have survived the Civil War, and emancipation would not have occurred. That the nation survived and experienced a new birth of freedom, in virtue of the abolition of slavery, is testimony to Lincoln's statesmanship and moral integrity.

Herman Belz is Professor of History at the University of Maryland. He is the author of A New Birth of Freedom: The Republican Party and Freedmen's Rights, 1861 - 1866, Abraham Lincoln, Constitutionalism and Equal Rights in The Civil War Era, and A Living Constitution or Fundamental Law? American Constitutionalism in Historical Perspective.

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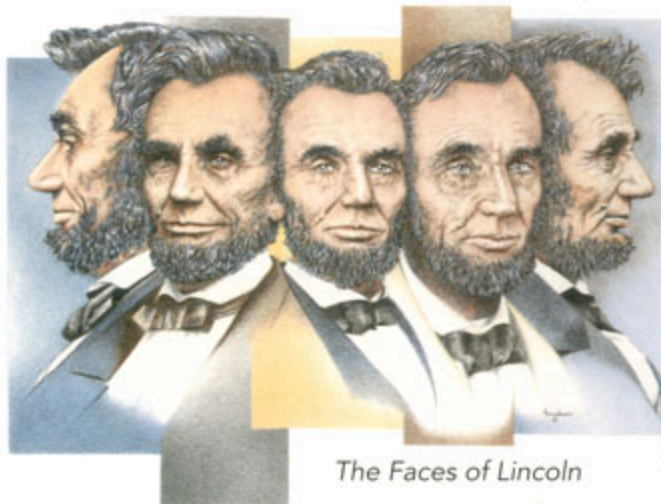
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