

IN THE FOOTSTEPS OF ABRAHAM LINCOLN

CHAPTER XLIX

Remoulding the Union

It will be remembered by those who have been following this story of Mr. Lincoln's thinking and acting that in his first inaugural he gave it as his opinion that no State could lawfully take itself out of the Union, that all its resolutions and ordinances to that effect were legally void. When the Southern States began to secede he repeatedly declared that they were not out of the Union but in rebellion against the ^{U-}Union, and that it was his business to bring them to order. Consistently, from first to last he treated the States that linked themselves into the Confederacy as in insurrection, refusing to be trapped into any expression that could be twisted to mean that he thought himself dealing with an enemy state - he was trying to subdue insurgents, whose leaders were not officers of another government as they insisted themselves to be, but citizens of the United States, who had risen against their own country.

This way of looking at it made reconstruction a comparatively easy matter. As soon as the Union armies had driven the insurgents from any particular district, then it was his business to re-establish order there and as rapidly as possible setup again the former civil agencies for directing affairs. The first practical step towards this was a military administration

Military governors were kept in Louisiana pending the people's doing what he urged upon them, ^{and} ~~that is, taking their place in the Union upon the old terms.~~ Provisional civil courts were soon added to the military establishment in the redeemed districts, and in the fall of 1862 Lincoln made his first appointments for the Louisiana courts. The appointees were all from the North, the salaries fair for the time. It was the beginning of a system which was to do enormous mischief in the South and to draw again to Washington a horde of office seekers.

By the spring of 1865 Senator Dawes of Massachusetts declared that the result of this provision was that there were numbers of men in Washington and scattered through the North who had been appointed to judgeships or other court positions in the seceded states, all drawing salaries although they had never set foot inside the territory over whose courts they had been appointed - nor did they dare to. "They could not go one rod into the state, positions in whose highest courts they have held for more than a year, without being hung on the first tree."

Whatever the abuses, there was in every section from which the insurgents were drawn ^{over} a steady progress towards order. By the end of 1863 more and more people were willing to admit they were beaten and glad to do their part towards restoring civil government and again enjoying their old relation to the Federal government. Lincoln watched this growing desire to return to the Union attentively pondering meantime on practical plans for realizing it. Finally by the end of 1863 he was ready with a tentative scheme,

which he made known in what he called a "Proclamation of Amnesty and Reconstruction." He sent it out when he sent his December message to Congress.

What he offered was a full pardon to all, excepting the leaders in the secession movement, who would take the oath which he included in his proclamation. All property, except that in slaves, was to go back to them. He also proclaimed that wherever a number of persons in a State - ^{fewer} not less than one-tenth of the number of voters before the war - should establish a state government, republican in form, it would be recognized by the United States. He suggested in forming the new government they should make it as nearly as possible like the old one; that is, keep the name, the boundaries, the sub-divisions and the constitution, the general code of laws, subject of course to certain modifications that the war had brought about, such as the recognition of the Emancipation Proclamation.

In discussing the ^{Amnesty} Proclamation in his message he made no great claims for it. It was made, he said, in the hope that it might do good without danger of doing harm. He thought it would save labor and avoid confusion. It was possible, he suggested, that he had taken the step too soon - perhaps he had delayed too long. He wasn't sure. Some of the States seemed ready for reconstruction, others seemed to need a rallying point, a plan of action. He thought the Proclamation might be a rallying point. And he added the wise observation that he had taken care not to

commit himself on points which could be more safely left to further development. Because certain classes would be pardoned with rights restored, he wanted it understood that he did not say that other classes on other terms would not be included. Because reconstruction would be accepted if presented in a specific way, he was not saying that it would not be accepted in any other way. That is, what he evidently was seeking for was a plan in which the differing situations which he was wise enough to see different communities would find themselves in, could be accommodated. He did not want something so hard and fast that it could not possibly be made to work in cases which he could foresee might arise.

Lincoln did not put out the Proclamation without submitting it to his cabinet, and he had the distinct approval of every member of it. He received many commendations from members of Congress, and, as he said a year and a quarter later, in the last address which he made, there was "not a single objection to it from any professed Emancipator until after the news reached Washington that the people in Louisiana had begun to move in accordance with it." Then differences began to develop. Reconstruction began to be discussed in earnest when it was realized that a State like Louisiana which had been in rebellion was actually coming back into the Union, that in all probability the military authorities and provisional courts would soon be removed, that the State would be running its own affairs, in its old way, electing members to Congress and going ahead as if it had never been in rebellion. It was too much for many of Lincoln's own party, and there soon developed theories, methods

and a temper of reconstruction sharply different from his.

There was Charles Sumner, whose theory was that the States which had seceded had committed suicide, no longer existed as States. Since this was true he claimed their peculiar institutions no longer had any legal sanction, so that everywhere in the seceded territory slavery had, in the Senator's judgment, already ceased to exist. Sumner wrote and talked much on this theory, and in the summer of 1866 published an article in the Atlantic Monthly of extraordinary interest.

Now, all of this was of course quite opposed to Mr. Lincoln's thinking, and to the thinking of many of his friends. For instance, the Postmaster General, Montgomery Blair, was almost violent in his public criticism of Sumner's idea. Many people thought that Lincoln had set Blair up to making the speech in which he attacked the Senator, but this was not true. Montgomery Blair never needed anybody to set him up to speak his mind when somebody he disliked and with whom he differed politically disagreed, had made remarks.

Lincoln was not greatly moved by the arguments of either man. The controversy between them was one of mere form and little else. "I do not think," he said, "Mr. Blair would agree that the states in rebellion are to be permitted to come at once into the political family and renew their performances which already so bedevilled us, and I do not think Mr. Sumner would insist that when the loyal people of a state obtained supremacy in their own councils and are ready to assume direction of their own affairs, they should

be excluded." He saw very clearly that part at least of Sumner's motive was to attack him - Lincoln, the executive - for assuming the direction of the reconstruction movement. Sumner was not the only one in Congress that felt that Lincoln had overstepped his rights in assuming direction of reconstruction. It was the beginning of a struggle with Congress which lasted as long as he lived.

One of the most violent objectors to Lincoln's plans was Thaddeus Stevens of Pennsylvania. "If a State as a State makes war on the government and becomes a belligerent power," he declared, "we should treat it as a foreign nation and when we conquer it we treat it just as we do any other foreign nation." He was for treating the Southern States as conquered provinces, settling them with new men, driving the rebels as exiles from the country. And these extreme views he sustained angrily and persistently in Congress. He ridiculed Lincoln's notion that one-tenth of the pre-war voters should be allowed to make a government. "If ten men fit to save Sodom can elect a governor and other state officers for and against the other eleven hundred thousand Sodomites in Virginia, then the democratic doctrine that the majority shall rule is discarded and dangerously ignored. When the doctrine that the quality and not the number of voters is to decide the right to govern, then we are no longer a republic but the worst form of despotism."

And there were many others as violent in this matter as Stevens. Even a man like George Boutwell of Massachusetts declared

that if he could direct the force of public sentiment and the policy of the government, South Carolina as a state and with a name should never re-appear in this Union. Georgia deserves a like fate," he added, "and Florida does not deserve a name in this Union."

All through the session that opened in December of 1863 the moment Mr. Lincoln had chosen for his Reconstruction Proclamation, the matter was argued in Senate and House with terrible bitterness. It was of course intensified by the radical opposition to Mr. Lincoln's renomination, that is, was largely political. ^{pr} This was the time, it will be remembered, that the radicals were trying to force Chase or Fremont on the country as a candidate, and their anger against Lincoln increased in proportion to the failure of their hopes. The debates centered around a reconstruction bill that Henry Winter Davis had reported from the "Committee on Rebellious States," a bill which finally passed the House in May of 1864, and went at once to the Senate Committee on Territories.

Briefly, Davis' bill authorized the President to appoint a provisional governor in each of the States that had been declared in rebellion; ^{this governor} ~~he~~ was to enroll the voters and arrange for a convention. No person who had exercised any civil, military, state or Confederate office under the rebel occupation or had voluntarily borne arms against the United States could vote or be eligible as a delegate. There were many who were declared not to be citizens of the United States because of their activities in the interest of the Confederacy. Slavery was prohibited in the bill, and severe punishment was provided for anybody who attempted to reduce another to slavery.

The provisions of the bill were much more rigid and drastic than Lincoln had thought so far wise and its temper was harsh and revengeful - the very opposite of Lincoln's.

When the bill reached the Senate the debate was peppered with the same acrimonious attacks on the President and his ideas that had been heard in the House. Senator Benjamin F. Wade of Ohio was its chief supporter here and outdid Davis himself. Secretary Welles was not far wrong when he wrote in his diary: "In getting up this law it was as much an object of Mr. Winter Davis and some others to pull down the Administration as to reconstruct the Union. I think they had the former more directly in view than the latter."

The bill did not get out of the Congress until just at the close of the session. Lincoln had never seen it - though of course he had followed its progress - until it was laid before him as he was signing bills in his room at the Capitol. The cabinet was *around* with him as well as a large number of Senators and Congressmen, among them Sumner, Boutwell, Zachariah Chandler, and all deeply interested in the passage of the measure. When the document was laid before him he quietly put it aside and went on with his signing; there was almost panic among its supporters. Did he not mean to accept it? It meant the defeat of the party if he did not. "This bill has been placed before me," he said, "a few moments before Congress adjourns and it is a matter of too much importance to be swallowed in that way." There were heated protests, but they did no good.

"This bill and the position of these gentlemen," he

told the cabinet, "seem to me to make the fatal admission that states, whenever they please, may at their own motion sever their connection with the Union. Now, we cannot survive that admission, I am convinced. If that be true, I am not President, and these gentlemen are not Congress. I thought it much better if it were possible to restore the Union without the necessity of a violent quarrel among its friends as to whether certain states have been in or out of the Union during the War - a merely metaphysical question and one unnecessary to be forced into discussion."

He knew the danger he was running in refusing to sign it - knew it meant a redoubled attack upon him in the coming campaign. "If they choose to make a point upon this," he said to some one who put up that argument to him, "I do not doubt that they can do harm. They have never been friendly to me. At all events I must keep some consciousness of being somewhere near right. I must keep some standard or principle fixed within myself."

However, he proposed that his opponents should make as little capital as possible out of this decision and he accordingly "went to the country" in a proclamation explaining his reasons for rejecting the bill. This was about the last thing the radicals wanted for his reasonableness, clearness and kindness in these appeals to the public always put an opponent at a disadvantage. The country accepted his explanation. Davis and Wade furious at the result issued in August, at the time when Lincoln's re-election seemed the least probable, the most violent public attack he had ever suffered. "The

President," they wrote, "has greatly presumed on the forbearance which the supporters of his administration have so long practiced, in view of the righteous conflict in which we are engaged, and the reckless ferocity of our political opponents. But he must understand that our support is of a cause and not of a man; that the authority of Congress is paramount and must be respected; that the whole body of the Union men of Congress will not submit to be impeached by him of rash and unconstitutional legislation; and if he wishes our support he must confine himself to his executive duties - to obey and execute, not make the laws - to suppress by arms armed rebellion, and leave political reorganization to Congress. If the supporters of the government fail to insist on this they become responsible for the usurpations which they fail to rebuke, and are justly liable to the indignation of the people whose rights and security are committed to their keeping, they sacrifice. Let them consider the remedy of these usurpations, and having found it, fearlessly execute it."

It is doubtful if Lincoln ever read this bitter document. He told Secretary Welles who was very indignant at it that he had not and probably should not. "Let them wriggle," he said - which as a matter of fact they did - increasingly! - for the manifesto acted as a good deal of a boomerang. Ohio blamed Wade and Maryland defeated Davis in the next election. In the meantime even Horace Greeley approved the President's refusal to let the Davis-Wade bill become a law.

But if his enemies in Congress failed this time they

were not done with him. Nor did his re-election by so overwhelming a majority put an end to their opposition. They got a chance indirectly to attack him when the matter of counting the electoral votes came up in February. Louisiana and Arkansas had held elections and sent electors. The Congress refused to receive them, and passed a resolution declaring that the States from which they came were not entitled to representation in the electoral college. This resolution was intended as much as a rebuke to Lincoln as anything else. There was probably some hope among its authors that he would veto it, - give them fresh ammunition, but he failed them, signing it and returning it with a communication which is one of his nicest bits of indirect repartee. He signed the bill, he said, in deference to the view of Congress, but there was no reason for such a bill: the two houses of Congress had complete power to exclude from counting all electoral votes deemed by them to be illegal and it was not competent for the executive to defeat or obstruct that power by a veto, as would be the case if his action were at all essential in the matter. In signing he disclaimed all right of the executive to interfere in any way in the matter of canvassing or counting electoral votes, and he also disclaimed that by signing, he expressed any opinion as to the wisdom of Congress in refusing to admit the electors. Little wonder that its authors, who thought they "had" him, wringed at his neat turning of the tables.

In all this Congressional turmoil Lincoln pursued an even way. His whole idea seems to have been from the time of

his re-election to smooth out troubles. There certainly were enough of them requiring his attention. For example, violence was so great in Missouri that it seemed at times as if the State would be depopulated. "Appeal to the people," he urged the military governor, "urge them to go to their homes and let one another alone, urging as a full right to protection for each that he lets other alone, and banning only him who refuses to let others alone." Certainly sound sense.

Then there were over-zealous officers in the army, forcing Negroes into military service, and all that he had to look after. There were troubles, too, about the draft, and there was at this time a continual pressure to shorten the war by making peace. In the temper of accommodation that he was in it would not have been surprising if he had weakened on his fundamental demands for ending the war, but he never had been more definite, more resolved as far as they were concerned. Through the insistence of Frank Blair, a former friend of Jefferson Davis, a conference was arranged between commissioners of the Confederacy, one of them being Lincoln's old congressional friend, Alexander H. Stevens, now vice-president of the Confederacy, and Lincoln and Seward ^{and} for discussing an armistice and peace terms. The conference was held at Hampton Roads and though they talked for four hours and parted without bitterness, the terms that Lincoln had set as indispensable before the meeting were those he was offering at the end:

- 1) The restoration of the national authority throughout all the States;
- 2) No receding by the executive of the United States on the slavery question from the position assumed by him in the late annual message to Congress and in preceding documents;
- 3) No cessation of hostilities short of an end of the war and the disbanding of all the forces hostile to the government.

Immovable as he was on these three points, he repeatedly in conversation and in his writings insisting on these things, reiterated his desire that there should be no after-punishments, no vindictiveness following surrender. He would make it as easy for everybody as he could, and that was the temper in which he came in March to his second inaugural.

Lincoln's inauguration in March of 1865 had none of the dramatic features of that of four years before. Indeed it was hardly an occasion. To him it seems to have been little more than an incident. We have luckily an agreeable picture of the whole affair by Walt Whitman, then living in Washington. Nothing that I know gives such an impression of both the day and of Lincoln as he passed through it.

"The President very quietly rode down to the capitol in his own carriage, by himself, on a sharp trot, about noon, either because he wished to be on hand to sign bills, or to get rid of marching in line with the absurd procession, the muslin temple of liberty and pasteboard monitor. I saw him on his return, at three o'clock, after the performance was over. He

was in his plain two-horse barouche, and looked very much worn and tired; the lines, indeed, of vast responsibilities, intricate questions, and demands of life and death, cut deeper than ever upon his dark brown face; yet all the old goodness, tenderness, sadness, and canny shrewdness, underneath the furrows. (I never see that man without feeling that he is one to become personally attached to, for his combination of purest, heartiest tenderness and native western form of manliness.) By his side sat his little boy, of ten years. There were no soldiers, only a lot of civilians on horseback, with huge yellow scarfs over their shoulders, riding around the carriage. (At the inauguration four years ago, he rode down and back again surrounded by a dense mass of armed cavalrymen eight deep, with drawn sabres; and there were sharpshooters stationed at every corner on the route.) I ought to make mention of the closing levee of ^Saturday night last. Never before was such a compact jam in front of the White House - all the grounds filled, and away out to the spacious sidewalks. I was there, as I took a notion to go - was in the rush inside with the crowd - surged along the passageways, the blue and other rooms, and through the great east room. Crowds of country people, some very funny. Fine music from the Marine band, off in a side place. I saw Mr. Lincoln, dressed all in black, with white kid gloves and a claw-hammer coat, receiving, as in duty bound, shaking hands, looking very disconsolate, and as if he would give anything to be somewhere else.

Inaugural
The address ~~that he gave~~ was short - only a few hundred

words. There was, as he said, little occasion for an extended address, little new that could be said. "With high hope for the future, no prediction in regard to it is ventured." But there was a truth that needed to be told - the truth that there had been a difference of purpose between the Almighty and men. They would not be flattered by the telling but he thought he could afford to tell it since, as he claimed, "whatever there was of humiliation in it fell most directly" on himself: "The Almighty has his own purposes," he said. . . . "If we shall suppose that American slavery is one of those offenses which, in the providence of God, must needs come, but

having continued through His appointed time He now wills to remove and that He gives to both North and South this terrible war as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to Him?"

The war had come because of national offenses, the nation must suffer, "The judgments of the Lord are true and righteous altogether." And since all had offended and all suffered let all alike be merciful - "With malice towards none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan - to do all which may achieve and cherish a just and lasting peace among ourselves, and with all nations."

He was serving notice on Congress, on the North and South, that in the work to which they now must lay their hands, that of restoring the Union, setting its people once more at peaceful pursuits and training to new ways of life the millions that had been liberated, they could only expect from him charity, tolerance, mercy.

And it was in this temper that he faced the end of his life - that violent end to which the next chapter in this series will be devoted.

making freedom national, he welcomed the plan.

It was in December of 1863 that Mr. James Ashley of Ohio first suggested to the House of Representatives that the Constitution be amended so as to prohibit slavery throughout the United States. The motion failed, but the idea was launched and a month later, in January of 1864, Mr. Henderson of Missouri proposed the same thing in the Senate. The motion went to the Judiciary Committee, the chairman of which was Lyman Trumbull, whose election to the Senate Mr. Lincoln had made possible in 1855 by throwing to him his own votes, his object being to get what was then called an "Anti-Nebraska" representative in the Senate.

Mr. Trumbull reported the proposition back to the Senate in these words: "Neither slavery nor involuntary servitude except as a punishment of crime whereof the party has been duly convicted shall exist within the United States or any place subject to their jurisdiction." - words which came to take a foremost place among the documents of freedom of this land. They are Mr. Trumbull's chief claim to fame.

The Senator supported his proposition in a noble speech, and to the amazement of many in Congress and out, the resolution was carried. It was a joint resolution and immediately went back to the House where in June a week after Mr. Lincoln was renominated as President of the United States on a platform committing the Republicans to a Constitutional amendment positively prohibiting slavery in the country, it was defeated.