

# The Emancipation Proclamation: Lincoln's Many Second Thoughts

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**Abstract** The ending of slavery is associated most often with President Abraham Lincoln. Although personally opposed to slavery, Lincoln was even more opposed to secession and the disintegration of the American union. On many occasions after signing the Emancipation Proclamation, Lincoln expressed in his own correspondence and in conversations recorded by others a readiness to renege on emancipation in exchange for the Confederate states' returning to the Union. Jefferson Davis's commitment to Southern independence, however, was stronger by far than Abraham Lincoln's commitment to emancipation. Although willing to break his promise to end slavery, Lincoln could do nothing to convince Davis to accept this concession by returning to the Union. Davis's absolute devotion to Southern nationhood, in this sense, forced upon Lincoln the title of Great Emancipator.

**Keywords** Union · Secession · Emancipation · Ambivalence · Peace Movements

If Jefferson Davis had publicly offered to rejoin the Union in return for the rescinding of the Emancipation Proclamation, Abraham Lincoln would have agreed. This non-event is the Civil War's greatest irony: Lincoln's willingness to renounce emancipation made slavery's abolition problematic, while Davis's unwillingness to renounce independence made slavery's abolition certain.

Immediately after Lincoln signed the Emancipation Proclamation, many of his own allies considered it dubious. Abolitionists believed Lincoln would renege on it or that the Supreme Court, as Lincoln himself believed, would rule against it when the Confederacy surrendered. Lincoln, after all, fought the first 20 months of war under the Constitution's slavery provisions. If Union forces had defeated the Confederacy as quickly as he had hoped, the war would have ended with the Union and slavery intact. All this, including Davis's obstinacy, is known, but the documentation on which its significance rests has never been discussed.

## I

The typical Northerner, according to many Civil War scholars, could never justify the carnage of war by the mere restoration of the Union. Only the abolition of slavery could balance the moral scale. When the Preliminary Emancipation Proclamation became known, therefore, it allegedly "aroused a renewed spirit in the North" and strengthened the will to win the war."<sup>1</sup> Eleven months later, Lincoln at Gettysburg "announced to the world that the abolition of slavery had become a major purpose of the Civil War." The death of so many men would have made sense only if the country remained dedicated "to the movement to free the slaves and . . . to racial justice."<sup>2</sup> In the most prominent of recent books on this topic, *Lincoln and the Emancipation Proclamation*, Allen Guelzo declares that "Lincoln's face was set toward the goal of emancipation from

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<sup>1</sup> M.T.G. Downey and E.D. Metcalf, *United States History: In the Course of Human Events* (St. Paul, MN: West Publishing, 1997), 461–462.

<sup>2</sup> Paul Boyer, Lewis P. Todd, and Merle Curti, *The American Nation* (Austin, TX: Holt, Rinehart, and Winston, 1995), 379–80.

the day he first took the presidential oath.”<sup>3</sup> If Guelzo meant that Lincoln’s moral values caused him to deplore slavery throughout the war, he was right. Guelzo’s problem is that decades of social research demonstrate the correspondence between values and behavior to be contingent and, in many cases, insubstantial. The direction in which Abraham Lincoln set his face tells us less than Guelzo thought.

The sanctity of Union, too, is contingent, but far less so than emancipation. Accordingly, this essay will widen Gary Gallagher’s thesis on *The Union War*, which asserts that Lincoln’s face was set toward the goal of Union from the day he took office. Doing so, it defends those scholars who have been criticized for their insensitivity to slavery and their indifference to its relevance to the Civil War generation.<sup>4</sup>

Lincoln’s reflection on emancipation as a wartime policy increased as the fighting wore on, but from his First Inaugural Address to the end of his life he conceived that policy as an *instrument* for the restoration of the Union. Even in his Second Inaugural, a public address which elegantly condemns slavery, he reaffirmed the primacy of Union. Slavery, Lincoln declared, “was, somehow, the cause of the war.” But he explained precisely what “somehow” meant. Emancipation assumed urgency after, not before, the slave states seceded. “To strengthen, extend, and perpetuate [slavery] was the object for which the insurgents would rend the Union, even by war; while the government claimed no right to do more than to restrict the territorial enlargement of it.” Four years earlier, despite the ill-begotten wealth “piled up by the bondsman’s 250 years of unrequited toil,”<sup>5</sup> the newly inaugurated Lincoln declared: “I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so.”<sup>6</sup>

<sup>3</sup> Allen C. Guelzo, *Lincoln’s Emancipation Proclamation: The End of Slavery in America* (New York: Simon & Schuster, 2004). For similar claims, see, among others, Carl F. Wiecek, *Lincoln’s Quest for Equality: The Road to Gettysburg* (DeKalb, IL: Northern Illinois University Press, 2002); Richard Striner, *Father Abraham: Lincoln’s Relentless Struggle to End Slavery* (New York: Oxford University Press, 2006); Thomas L. Krannawitter, *Vindicating Lincoln: Defending the Politics of Our Greatest President* (Lanham, MD: Rowman & Littlefield, 2008); James Oakes, *Freedom National: The Destruction of Slavery in the United States, 1861–1865* (New York: W.W. Norton, 2012).

<sup>4</sup> Gary Gallagher, *The Union War* (Cambridge, MA: Harvard University Press, 2011). Prior to the American civil rights movement, the unionist perspective was conventional and rarely questioned. See Carl Sandburg on *The War Years*, James G. Randall and his “revisionist” followers (including David Donald) on Lincoln’s presidential experience, Richard Hofstadter’s leftist view of Lincoln’s policies, Michael Lind on his presidential beliefs, and Gore Vidal’s historical fiction. African American writers, from Carter Woodson to Lerone Bennett, have been, as a group, the most critical of Lincoln’s views on slavery.

<sup>5</sup> Abraham Lincoln, “Second Inaugural Address,” March 4, 1865 in *Collected Works of Abraham Lincoln*, edited by Roy P. Basler (New Brunswick, NJ: Rutgers University Press, 1953), 8: 332–333.

<sup>6</sup> *Ibid.*, “First Inaugural Address,” March 4, 1861, 4: 262–271.

For Lincoln, slavery was a *necessary* but not sufficient condition of civil war. Slavery had existed in North America for more than 200 years, but war came only with secession. Secession was the war’s *sufficient* condition. Even to say that Lincoln considered emancipation secondary to Union is to overstate its importance, for he never thought about emancipation independently of reunification.

This assertion might be clearer if put in the form of two questions. Assume the Confederate government, *after* Lincoln signed the Emancipation Proclamation, announced publicly that it would end hostilities and return to the Union on condition that constitutional guarantees on slavery be restored. Would Lincoln, notwithstanding his own January 1, 1863 deadline, have been able to resist public pressure to accept the offer? Would he have been personally inclined to accept it? No body of evidence exists that allows us to answer these questions decisively, but this does not mean such questions are idle. Civil War scholarship stands still if its most difficult or *ideologically sensitive* problems are never raised and investigated.

Lincoln’s words and the contexts within which he spoke them embody a pattern of persuasive evidence. That he never reneged on emancipation is certain. That he more than once expressed a willingness to do so is equally certain. Many biographies mention Lincoln’s “peacemaking” efforts, including the summoning of Horace Greeley to meet with Confederate “representatives” at Niagra Falls, or letters, sent and unsent, to General John McClelland, Fernando Wood, James Conkling, Charles Robinson, and George McClelland, not to mention his allowing if not authorizing James Gilmore and James Jacques to meet with Jefferson Davis, or the direct peace conference he planned, according to Henry Raymond’s recommendation, then cancelled. Lincoln’s meetings with John Singleton and Orville Browning, and even his conferring with Alexander Stephens and his commissioners 2 months before the war’s end, are also known to readers of Lincoln biographies. Many scholars have recognized and commented separately on one or two of these episodes, but they have never considered them as a whole. Only when they are brought together, however, is it possible to identify the coherent and enduring pattern of Lincoln’s post-proclamation ambivalence.

If one man, Jefferson Davis, and one objective, Southern independence, were not excluded analytically from the historical field, or, at least modified, the cause and significance of emancipation could never be understood.<sup>7</sup> At question, then,

<sup>7</sup> “The judgment that, if a single historical fact is conceived of as *absent* from or *modified* in a complex of historical conditions, it would condition a course of historical events in a way which would be different in certain historically important respects, seems to be of considerable value for the determination of the ‘historical significance’ of those facts. . . . Without an appraisal of those possibilities. . . , a statement regarding its significance would be impossible.” (Emphasis added.) Max Weber, *The Methodology of the Social Sciences* (New York: The Free Press, [1905] 1949), 166, 172.

is whether Davis's agreement to rejoin the Union would have prevented emancipation by rendering its Proclamation null and void.

Before this question can be addressed meaningfully, one must demonstrate that a Confederate president espousing a different policy was, in Max Weber's terms, *objectively possible*.<sup>8</sup> If not, then there is no use in moving this analysis forward. In fact, President Davis' remaining in office was subject to a number of contingencies. He could have suffered a natural death related to his chronic head, face, and eye infections, not to mention his general physical deterioration, which rendered him vulnerable to diseases like smallpox, a mild version of which his Union counterpart suffered after his trip to Gettysburg. Of the eight American presidents who died in office, four suffered the kind of physical diseases to which Davis was vulnerable. An unnatural death, too, was objectively possible. If either the plot to kidnap Davis in 1862 or the Union cavalry raid of February, 1864 to assassinate him had succeeded,<sup>9</sup> Alexander Stephens, who saw little to gain by war and whose commitment to the Union was far stronger than Davis's, would have been the new president. In brief, Davis's replacement by Stephens and Lincoln's compromise on slavery would have been "objectively possible" and "adequate causes" of reunion and peace.<sup>10</sup>

The warrant to contemplate this scenario rests on the premise that (1) actors generally think about more than one solution to a problem, and (2) observers seek to identify and refute alternatives to their own explanation of an event. Lincoln's readiness to compromise on the Emancipation Proclamation in return for reunion is one such alternative. The substance of "what if" questions in historical research is therefore based not on an observer's arbitrary assumptions but on evidence that certain alternatives were actually considered by the historical actors themselves. These considerations and these actors are discussed below.

## II

As the war's end came into sight, Jefferson Davis's opponents had convinced an increasing number of Southerners that the president was responsible for their troubles,<sup>11</sup> but their views never crystallized into organized resistance. As Wilfred Yearns' account of the Confederate Congress demonstrates, Jefferson Davis was the dominating figure in the Confederate

government throughout the war, exerting far greater influence than Lincoln did on his federal government.<sup>12</sup>

It is important to show why Jefferson Davis felt no pressure to accept Lincoln's offer to rescind his emancipation decree. Davis was no dictator, but as he faced no opposition party, his conduct of the war prevailed by default—at the cost of bitterness and resentment. After the 1863 elections, for example, the Confederate Congress remained for the most part secessionist, but it included a significant increase in the percentage of anti-secessionist Whigs ready to end the fighting. Their ideals conformed to those of Davis's main antagonist, Vice-President and states rights champion Alexander Stephens. Vice President Stephens believed that Davis's administration was bent on replacing states' rights with a tyrannical *nationalism*, expressed in conscription, impressment of goods and services, and suspension of the writ of habeus corpus. These actions, according to Stephens and other likeminded men, were state prerogatives. Davis usurped them. "Far better that our country should be overrun by the enemy," Stephens declared, "than that the people should thus suffer the citadel of their liberties to be entered and taken by professed friends." Among such "friends" Davis dominated. Even the fire-eating Orator of Secession, William Lowndes Yancy, told the Confederate Senate that he preferred Northern victory to President Davis's "despotism." Davis's failure to resolve the tension between states' rights and nationalism plagued his presidency to the end. His critics must have been aware that the exigencies of war require centralization, but they attributed to him the desire to create a Southern nation whose centralized government could deny the claims of autonomous states.<sup>13</sup>

## III

The intense and relentless nationalism that Jefferson Davis inherited from the Founders was only partly sustained by the South's distinct economy, culture, lifestyle, and social

<sup>8</sup> Max Weber, *ibid.*, 164–188.

<sup>9</sup> Victor Vifquain, *The 1862 Plot to Kidnap Jefferson Davis*, ed. Jeffrey H. Smith and Phillip Tucker (Lincoln, NE: University of Nebraska, 2005); Eric J. Wittenberg, *Like a Meteor Blazing Brightly: The Short but Controversial Life of Ulric Dahlgren* (Roseville, MI: Edinborough Press, 2009).

<sup>10</sup> Max Weber, *The Methodology of the Social Sciences*, 164–188.

<sup>11</sup> James Z. Rabun, "Alexander Stephens and Jefferson Davis," *American Historical Review* 58, No.2 (Jan., 1953), 309.

<sup>12</sup> Wilfred B. Yearns, *The Confederate Congress* (Athens, GA: University of Georgia Press, 2010).

<sup>13</sup> Even these and other states' rights titans failed to weaken Davis and move the South in the direction of peace. To make matters worse, the typical member of the Confederate Congress voted for or against one issue at a time, precluding a persistent minority opposition comparable to that of the Northern Democrats. See Thomas B. Alexander and Richard E. Beringer, *The Anatomy of the Confederate Congress: A Study of the Influences of Member Characteristics on Legislative Voting Behavior, 1861–1865* (Nashville, TN: Vanderbilt University Press, 1972); Frank L. Owsley, *States Rights in the Confederacy* (Chicago: University of Chicago Press, 1925); James Z. Rabun, "Alexander H. Stephens and Jefferson Davis," *American Historical Review* 58 (January, 1953): 308; N.W. Stephenson, "A Theory of Jefferson Davis," *American Historical Review* 21 (October, 1915): 81. See also David D. Scarborough, "The Weakness of States' Rights during the Civil War," *The North Carolina Historical Review* 56 (April, 1979), 133–149.

structure.<sup>14</sup> As war president, he had centralized the government and contemplated the interests of the South as a whole at the expense of the exigencies of member states. His obsession with Southern nationhood made him incapable of compromise, even at a time when his constituents would have supported him, when conciliation would have saved tens of thousands of lives, and, above all, the South's right to slavery would have been upheld.

Jefferson Davis, and this point cannot be overemphasized, was far more committed to independence than was Abraham Lincoln to emancipation. "Everyone who has heard of Lincoln," wrote J.G. Randall, "has heard of the [emancipation] proclamation; yet of Lincoln's ponderings concerning the institution [of slavery], of the complexities of his policy, of his long delay, of presidential action that seemed the opposite of freedom, and of the main design for liberation in Lincoln's mind there is a vast and widespread ignorance."<sup>15</sup> Part of the problem is this: we know more about Lincoln's negative feelings on slavery than we know about the way he managed the conflict between these feelings, his constituents' opinions, and his view of his official responsibilities. Those who now believe "the real Lincoln" is to be found in his personal hatred of slavery are mistaken, for his view on emancipation changed constantly while his wartime priority—saving the Union—did not. Lincoln's devotion to the Union and its Constitution was no less "personal" and no less real than his belief in the moral wrong of slavery.

Consider Lincoln's June, 1862 draft of the Preliminary Emancipation Proclamation. His opening sentence extends the point of his First Inaugural Address. Union, not emancipation, was his goal: "I . . . declare that hereafter, as heretofore, the war will be prosecuted for the object of practically restoring the constitutional relation between the United States, and each of the states" in which that relation has been suspended or disturbed.<sup>16</sup>

Three previous events widen this understanding of the final September 22nd Preliminary Proclamation. The first is "Lincoln's Address on Colonization to a Committee of Colored Men" on August 22, 1862, which tells an audience of black leaders that different races cannot live together in America and urges them to organize their followers into communities and leave for Liberia or Central America. A week later, Lincoln sent his famous letter to Horace Greeley's *New York Tribune*, explaining that his goal is to save the Union, whether

by freeing no slaves, freeing all slaves, or freeing some slaves. Two weeks passed, and Lincoln met with representatives of a Chicago abolitionist society. While assuring them that emancipation was on his mind, he foresaw his opponents' criticism: "What *good* would a proclamation of emancipation from me do, especially as we are now situated? I do not want to issue a document that the whole world will see must necessarily be inoperative, like the Pope's bull against the comet! Would *my word* free the slaves, when I cannot even enforce the Constitution in the rebel States?"<sup>17</sup> Nine days later, Lincoln announced the Preliminary Emancipation Proclamation.

In the three episodes leading up to the Proclamation's announcement, there is no indication that Lincoln preoccupied himself with the interests of four million slaves or half a million free blacks. Although his moral concern was to liberate the slaves, his political concern was to convince all blacks, free and emancipated, to leave the country. Lincoln's meeting with the "Committee of Colored Men" was no charade.<sup>18</sup> He was absolutely serious about colonization. If he were not, his dilemma would be inexplicable. This contradiction—colonizing people who, in his own words, he could not liberate—was reconciled by his plan for gradual and compensated emancipation.

The Preliminary Proclamation offers gradual, compensated emancipation to loyal slaveholders until 1900. The plan is not exactly beneficent. Imagine a peace agreement between the United States and Germany in the early 1940s, or Serbia in the 1990s, which allows the retention of concentration camps for an additional 35 years.

The Second Confiscation Act, part of which is included in the Preliminary Emancipation Proclamation, already provided for the freedom of escaped and vagrant slaves, but Lincoln recognized that his final Proclamation would have little immediate military consequence. The promise of emancipation, moreover, raised the stakes of war. Before September 22, 1862, the South could fight without fear of losing its slave labor force; afterward, the Constitution protected that force for only a hundred more days—until January 1, 1863.

Two qualifications are necessary. Two days after announcing the Preliminary Proclamation, Lincoln told a group of serenading supporters: "What I did, I did after very full deliberation, and under a very heavy and solemn sense of responsibility. I can only trust in God that I have made no mistake."<sup>19</sup> This is not the statement of a confident man staunchly determined, as some believe, to eliminate slavery from the very day he took

<sup>14</sup> Emory Thomas, "Jefferson Davis and the American Revolutionary Tradition," *Journal of the Illinois State Historical Society* Vol.70, No.1 (February 1977), 2–9. Knowing what Davis "inherited" from the Founders, Thomas insists, is essential to understanding the entire Civil War era. In order to understand that era, "it is necessary not only to know 'what happened next' but also to know what happened then. It is necessary to understand the 'then' as the participants perceived it" (3).

<sup>15</sup> James G. Randall, *Lincoln and the South* (Baton Rouge, LA: Louisiana State University Press, 1946), 86.

<sup>16</sup> Abraham Lincoln, "Final Preliminary Emancipation Proclamation," September 22, 1862 in *Collected Works*, 5: 433–434.

<sup>17</sup> Abraham Lincoln, "Reply to Emancipation Memorial Presented by Chicago Christians of All Denominations," September 13, 1862, in *Collected Works*, 5: 420.

<sup>18</sup> Abraham Lincoln, "Address on Colonization to a Deputation of Negroes," August 14, 1862, in *Collected Works*, 5: 370–375.

<sup>19</sup> Abraham Lincoln, "Reply to Serenade in Honor of Emancipation Proclamation," September 24, 1862, in *Collected Works*, 5: 438.

office. On the contrary, a man who “can only trust in God that I have made no mistake” must have been a man of two minds.

After Lincoln gave his September 22 ultimatum, he did not sit back and wait for the Confederate states to respond. He did what he could to secure Union territory, wherever possible and without regard for slavery. Lincoln asked the military governor of North Carolina, Edward Stanly, to organize congressional elections before January 1. He wanted North Carolina to “again govern herself conformably to the constitution of the United States,” and so keep its slaves.<sup>20</sup> On October 11, he sent a letter to General Benjamin Butler instructing him to organize elections for loyal candidates and send the winners to Washington to assume their seats in the House and Senate. “To do this will enable the people to avoid the unsatisfactory prospect before them, and to have peace again upon the old terms under the constitution of the United States.” Upon these “old terms” of the Constitution, loyal states and loyal districts of disloyal states keep their slaves. Lincoln later sent copies of this letter to General Grant, who occupied sections of Tennessee, to Governor Steele and others in Arkansas, and to General Dix, commander of a Virginia district of which Norfolk was a part. Clearly, Lincoln wanted these states and districts in the Union *with* slaves more than he wanted them outside the Union. “All see,” wrote the hopeful president, “how such action will connect with, and affect the proclamation of September.”<sup>21</sup>

The second qualification is more crucial. Lincoln doubted his final Proclamation’s efficacy because he realized a postwar Supreme Court would challenge him.<sup>22</sup> He knew the Constitution does not provide for governance by presidential proclamation; only a national emergency justifies a president’s overriding it. When Lincoln said that the Emancipation Proclamation was a war measure whose postwar validity would be determined by the courts, he was being disingenuous. If the Supreme Court *upheld* him, a political revolution would result. Not even Lincoln’s most ardent supporters could ignore the precedent of government by proclamation, for it would convert American democracy into a dictatorship. Lincoln probably feigned his uncertainty over the postwar status of his Proclamation, for he expressed it mainly to Democrats and conservative Republicans. The prospect for an abolition amendment aside, he knew the restoration of the *prewar* Constitution was certain when the war ended.

In his State of the Union message to Congress on December 1, 1862, Lincoln continued to push his plan to extend slavery

for up to 37 years and to resettle the freed black population abroad.<sup>23</sup> That Lincoln contemplated this plan so earnestly and sought to persuade its adoption for the next 2 years is fundamental to this essay’s premise. Abraham Lincoln hoped almost until the end that more than one state government (led by Georgia and North Carolina) would accept his offer and leave the Confederacy, prompting other states to do the same.<sup>24</sup>

Shortly after Lincoln’s address to Congress, New York Mayor Fernando Wood wrote a dramatic letter advising him that a Confederate peace delegation was on its way to Washington. Would the president not receive the delegation, asked the mayor, “to ascertain whether the ‘identical questions’ about which we began the fight may be amicably and honorably adjusted?” Having never heard of such a development, Lincoln doubted Wood’s wishful thinking, but he wrote: “if the people of the southern states would cease resistance, and would reinaugurate, submit to and maintain the national authority within the limits of such States under the Constitution of the United States, I would say that in such case the war would cease on the part of the United States,” and slavery would therefore be maintained in the South. Lincoln’s response to Wood also contained a provision absent from the Preliminary Proclamation: If “a full and general amnesty would be necessary to such an end, it would not be withheld.”<sup>25</sup>

Two days after Lincoln sent his response to Mayor Wood, General Ambrose Burnside attacked Fredericksburg and suffered the worst defeat in the history of the U.S. Army, one that superceded the memory of Antietam. This disaster called into further question the North’s ability to win the war and enforce emancipation. Probably this military calamity, not Lincoln’s sense of racial justice, led him to include in the final Proclamation a directive absent in the first: the reception of free blacks and escaped slaves into the Union Army and Navy.

<sup>23</sup> He proposed constitutional amendments that would (1) provide for bonds to any state that abolishes slavery by 1900, (2) compensate loyal slaveholders who lose slaves because of war, and (3) raise funds for colonization. Abraham Lincoln, “Annual Address to Congress,” December 1, 1862, *Collected Works* 5, 518–537. See especially 527–537, 536.

<sup>24</sup> Lincoln’s emancipation plan was well conceived. The population, he said, would grow between 1862 and 1900, spreading the financial burden of compensation and colonization, and by 1900 most of the planters who decided to hold their slaves would be dead. A 40-year old planter in 1863 had a 67-year life expectancy, which means he would die by 1890—ten years ahead of the emancipation deadline—and his heirs would be compensated.

Anticipating the prospect of emancipated slaves remaining on American soil, Lincoln gave a meandering lecture on why free movement of blacks among the Northern states would not be such a bad idea after all. But knowing that his own state, Illinois, refused black immigration, he declared “[I]n any event, cannot the north decide for itself, whether to receive them” (*Ibid.*, 5: 536). In the end, Lincoln’s proposal failed. Whatever the cost of war, Northerners refused to be taxed to maintain the comforts of former slaveholders.

<sup>25</sup> Abraham Lincoln, “To Fernando Wood,” and “Annotation,” December 8, 1862, in *Collected Works*, 5: 553–554.

<sup>20</sup> Abraham Lincoln, “To Edward Stanly,” September 29, 1862, in *Collected Works*, 5: 445.

<sup>21</sup> Abraham Lincoln, “To Benjamin Butler,” October 11, 1862, in *Collected Works*, 5: 445; Abraham Lincoln, “To Ulysses Grant,” October 21, 1862, in *Collected Works* 5: 462; Abraham Lincoln, “To Frederick Steele,” October 18, 1862, in *Collected Works*, 5: 470; Abraham Lincoln “To John A. Dix,” October 23, 1862, in *Collected Works*, 5: 476.

<sup>22</sup> David Donald, *Lincoln* (Cambridge: Harvard University Press, 1995), 343.

## IV

Between Lincoln's January 1, 1863 signing of the final Emancipation Proclamation and his Second Inaugural Address lays a trail of efforts to end the fighting and restore the Union, leaving emancipation for separate negotiation.

Before Lincoln avowed his readiness to renege on the Emancipation Proclamation, he was determined to mitigate its effects. On January 8, a week after affixing his signature to the final Proclamation, Lincoln advised Democratic General John McClelland that he could not rescind the document; however, if McClelland's Southern friends "wished peace upon the old terms, they could have it, and they may be nearly as well off, in this respect, as if the present trouble had not occurred." His assurance that Southerners "may be nearly as well off" as before the war expressed his continued belief in gradual and compensated emancipation: "Let them adopt systems of apprenticeship for the colored people, conforming substantially to the most approved plans of gradual emancipation; and, *with the aid they can have from the general government,*" they would not suffer from emancipation and actually be better off because the burden of war would be lifted from their shoulders.<sup>26</sup> (Emphasis added.)

On August 26, 1863, about 7 weeks after the last battle at Gettysburg and almost 9 months after signing the Emancipation Proclamation, Lincoln sent a letter to Republican leader and friend, James Conkling, to be read "very slowly" to a huge rally of pro-Union Democrats and Republicans meeting in Springfield. Many have taken from Lincoln's letter to Conkling a decision to give Union and emancipation equal priority. The most familiar passage of this letter certainly implies as much.

To those who say they will not fight to free the negroes, I say they fight for you. When peace comes there will be some black men who can remember that, with silent tongue, and clenched teeth, and steady eye, and well-poised bayonet, they have helped mankind on to this great consummation; while, I fear, there will be some white ones, unable to forget that, with malignant heart, and deceitful speech, they have strove to hinder it.

Read in its entirety, however, Lincoln's letter indicates that he wanted his constituents to know that emancipation would not alter his original war goal. Many loyal Union men, he observed, refuse to fight for the Negro. "I do not ask them to, I ask them to fight for the Union. The Negro, to whatever extent he could aid the Union cause, left so much the less that white soldiers must do." He added concisely: "Whenever you

shall have conquered *all resistance to the Union*, if I shall urge you to continue fighting, it will be an apt time then to declare that you will not fight to free the Negroes."<sup>27</sup> That Lincoln prioritized Union over emancipation could hardly be stated more clearly.

As Lincoln wrote the first draft of this letter to Conkling, he prepared a separate statement which he intended to incorporate into it. It includes his reaction to a hypothetical Confederate offer to end hostilities in return for retention of slavery. Specifically:

Suppose those now in rebellion should say: 'We cease fighting: reestablish the national authority amongst us, customs, courts, mails, and offices, all as before the rebellion, we claiming to send members to both branches of Congress, as of yore, and to hold our slaves according to our State laws, notwithstanding anything or all things which has occurred during the rebellion [including the issuance of the Emancipation Proclamation], and if questions remain, let them be solved by peaceful means—by courts, and votes.'

But what questions could remain? Lincoln recognized the illegality of peacetime governance by presidential proclamation. When he mentioned "votes," could he have been thinking of a referendum? If it included the South, he knew he would lose. In any case, Lincoln would have replied to this Confederate peace offer as follows: "*It will be difficult to justify in reason, or to maintain in fact a war on one side, which shall have ceased on the other*" (Emphasis added). Furthermore, he would remit all penalties and forfeitures "to the greatest extent consistent with the public safety."<sup>28</sup>

Not wanting to speculate *publicly* on a hypothetical offer, Lincoln decided against including these passages in his letter to Conkling. Nevertheless, Lincoln thought about them, and those who would dismiss his words as casual thoughts (expressed on a separate page and not excised from the Conkling letter itself) must explain why he chose these particular remarks, remarks about compromising on slavery. According to Roy Basler, editor of the *Collected Works of Abraham Lincoln*,<sup>2</sup> the statement that Lincoln kept out of the Conkling letter "might well have expressed his point of view at any one of numerous dates."<sup>29</sup> Lincoln's readiness to renounce his own proclamation, thus, becomes evident during the very year he signed it, and the evidence accumulates as time passes.

<sup>26</sup> Abraham Lincoln "To John McClelland," January 8, 1863, in *Collected Works*, 6: 49.

<sup>27</sup> Abraham Lincoln. "Letter to James C. Conkling," August 26, 1863, in *Collected Works*, 6: 406–410.

<sup>28</sup> *Ibid.*, 409–410. See especially "Fragment," 411.

<sup>29</sup> *Ibid.*

Throughout the last half of 1863, Lincoln's intentions remained ambivalent. His decision to send Dr. Issachar Zacharie to collect information on the Confederacy, with many officials of which he was on excellent terms, may or may not have been a "peace mission."<sup>30</sup> His Proclamation of Amnesty and Reconstruction (December 8, 1863), however, upheld the legality of slavery in all border-states and loyal districts of rebellious states. Although this document offered amnesty to citizens in rebel states in return for a pro-Union government and acceptance of emancipation, it twice reiterated a willingness to submit the slavery question to the Supreme Court.<sup>31</sup> For those who believe in Lincoln's total commitment to emancipation, this last point must be puzzling. It makes emancipation a condition for peace, then retracts it in deference to the Court. Chief Justice Roger Taney, the strong force behind the 1857 Dred Scott decision, had died less than 2 months before Lincoln signed the final Emancipation Proclamation on January 1, 1863, but he was still alive when Lincoln drafted, then signed the Preliminary Proclamation in the spring and autumn of 1862 respectively. The Supreme Court, comprised at the time of five of the Justices who voted with Taney, would have been hostile to Lincoln—and he knew it.

Further proofs of the contingency of Lincoln's attachment to emancipation is found in numerous statements he made during the year of 1864. In April, Lincoln reproached his critics for confounding his personal views on slavery with his legal responsibilities and for confusing the purpose of the war with the means of winning it. When Albert Hodges, editor of the Frankfort (Kentucky) *Commonwealth* asked Lincoln why he had violated his inaugural promise not to interfere with slavery, Lincoln replied:

I aver that, to this day, I have done no official act in mere deference to my abstract judgment and feeling on slavery. I did understand, however, that my oath to preserve the constitution to the best of my ability, imposed upon me the duty of preserving, by every indispensable means, that government, the nation of which that constitution was the organic law. Was it possible to lose the nation and yet preserve the constitution? By general law life and limb must be protected; yet often a limb must be amputated to save a life; but a life is never wisely given to save a limb.<sup>32</sup>

Plainly, the life is the nation; the limb, discarded by force of circumstance, the Constitution's provisions protecting slavery.

<sup>30</sup> For detail, see Anon., "DOCUMENTS: A Peace Mission of 1863," *American Historical Review* 46 (October, 1940), 76–86.

<sup>31</sup> Abraham Lincoln, "Proclamation of Amnesty and Reconstruction," December 8, 1863, in *Collected Works*, 7: 53–56.

<sup>32</sup> Abraham Lincoln. "Letter to Albert G. Hodges," April 4, 1864, in *Collected Works* 7: 281.

He thus conceived emancipation as an instrument to end the war; never did he consider waging war to end slavery.<sup>33</sup>

Lincoln's response to Hodges is important because it reveals the military situation in spring, 1864. Nine months had passed since the Union's apparently game-changing victories at Gettysburg and Vicksburg, but during this long period the Union suffered more than 36,000 casualties (1000 a week, not including deaths resulting from camp diseases, which surpassed combat deaths). Northern spirits rose when Lincoln appointed Ulysses Grant commander-in-chief of all Union armies in March 1864, but Grant's encounters with Lee proved disastrous, throwing the people and their president into despair. In his first (Wilderness) offensive in May, 1864, Grant's army suffered 18,000 dead and wounded. In the same month, the Battle of Spotsylvania cost him 18,400 casualties. His Cold Harbor attack against Lee in early June led to the loss of 15,000. In mid-June, the assault on Petersburg cost more than 10,000 men. Grant's campaigns alone led to more than 61,000 casualties. Other combat losses added to Grant's amounted to more than 103,000. Lincoln was devastated. "Look yonder at those poor fellows," he said to Isaac Arnold as they witnessed a seemingly endless line of ambulances carrying the wounded to Washington. "I cannot bear it."<sup>34</sup>

## V

"I cannot bear it." Lincoln's willingness to renege on emancipation was never more compelling than during the months of July and August of 1864. Efforts to sound out the Confederacy began when Horace Greeley on July 7 advised Lincoln that Confederate representatives were on the Canadian side of Niagra Falls awaiting a chance to negotiate peace with Union officials. The failed visit culminated in Greeley's publishing the message Lincoln gave him to transmit to the Confederate agents. Addressed "TO WHOM IT MAY CONCERN" (July 18), the letter promises to consider any "proposition which embraces the restoration of peace, the integrity of the whole Union, and the abandonment of slavery. . . ."<sup>35</sup> News of Lincoln's decision to make "abandonment of slavery" a precondition for peace

<sup>33</sup> Federal military failure was the circumstance that drove Lincoln to ignore the Constitution's slavery articles. "My enemies condemn my emancipation policy," he complained: Let them prove by the history of this war, that we can restore the Union without it . . . Take from us, and give to the enemy, the hundred and thirty, forty, or fifty thousand colored persons now serving us as soldiers, seamen, and laborers, and we can no longer maintain the contest. The party who could elect a President on a War and Slavery Restoration platform would, of necessity, lose the colored force; and that force being lost, would be as powerless to save the Union as to do any other impossible thing. *Ibid*, 500, 507.

<sup>34</sup> H.W. Brands, *The Man Who Saved the Union: Ulysses Grant in War and Peace* (New York: Knopf-Doubleday, 2013), 318.

<sup>35</sup> Abraham Lincoln, "To Whom It May Concern," July 18, 1864, in *Collected Works*, 7: 451.

negotiation spread quickly throughout the North, greatly strengthening the Democratic party and splitting his own.

The TO WHOM IT MAY CONCERN statement provoked General James Singleton to pay its author a visit to inquire whether it meant what it seemed to mean. Lincoln replied by showing Singleton all his correspondence with Greeley and told him that publishing that letter alone “put him in a false position,” that he did not mean to make the abolition of slavery a condition, and that *after the election* [emphasis added] he would be willing to offer the Confederacy peace with an amnesty, and restoration of the union, leaving slavery to abide by the decisions of judicial tribunals.” Lincoln’s reference to “after the election,” must be read in light of his doubt he would win it. He would make his offer during the 4 months between his election defeat and the inauguration of a new president. That Lincoln’s words were more than an effort to appease an unwelcome visitor is evident in the fact that he went to the trouble to send Singleton a second message repeating his initial oath “that slavery should not stand in the way of adjustment.”<sup>36</sup>

In the summer of 1864, evidence of Lincoln’s readiness to walk away from his proclamation of emancipation became more compelling than ever before. Jefferson Davis, commander-in-chief of an army slowly losing a war refused to exploit Lincoln’s flexibility on slavery because his chief objective was independence. On July 17, for instance, the day before Lincoln wrote TO WHOM IT MAY CONCERN, and before he met with Singleton, he gave two Northerners, commentator John Gilmore and General James Jacquess, a pass to cross Union lines into the Confederacy. Gilmore earlier wrote Lincoln about the possibility of electoral defeat resulting from “the conviction that was rapidly gaining strength that the Confederate leaders were willing to accept peace upon the single basis of the restoration of the Union.”<sup>37</sup> As Lincoln read the letter he found himself in the dilemma he faced before: to turn down an opportunity for negotiation, no matter how questionable its source, was to ignore the suffering of Union soldiers and their families; to *initiate* an official offer to talk peace was to display weakness and encourage the enemy. Lincoln threaded the needle by authorizing safe passage to the two would-be peacemakers while explaining that they

would have no authority to represent the government. The two men set out on their mission.

In Richmond, the first question Gilmore and Jacquess asked was whether any condition, including the rescinding of the Emancipation Proclamation, would allow President Davis to enter into negotiations to stop the war. Davis’s response could not have been further from what they had hoped for. “We are not fighting for slavery. We are fighting for Independence,—and that, or extermination, we *will* have.” “Let us alone,” he said, “and peace will come at once. We will govern ourselves! We will do it, if we have to see every Southern plantation sacked and every Southern city in flames.”<sup>38</sup> Gilmore and Jacquess returned to Washington and conveyed Davis’s declaration in their own words, which Lincoln had printed in the *Boston Evening Transcript* (July 24, 1864), with a full account of the interview to appear later in the *Atlantic Monthly* (September, 1864).

Lincoln and his supporters must have believed the information Gilmore and Jacquess brought back to Washington would negate the widespread belief that Lincoln was fighting the war to destroy slavery. But doubt persisted. Perhaps too few people read the *Evening Transcript*; perhaps it was a mistake to give the story to a New England newspaper rather than one in the Midwest, where peace sentiment was stronger. Perhaps Lincoln’s public statements were ambiguous. He never stated openly his willingness to compromise on slavery, and many took his silence to mean emancipation had become his chief purpose. Davis may have failed to make his insistence on Southern independence credible; in turn, Lincoln failed to test Davis with an official offer that compelled him publicly to renounce peace. Newspapers, pamphlets, circulars, and public speakers continued to express the idea that “peace could really be secured without further effusion of blood” if only the government would agree to reunion without emancipation.<sup>39</sup>

<sup>36</sup> Orville Hickman Browning, “The Diary of Orville Hickman Browning,” vol. 1 (1850–1864). *Collections of the Illinois State Historical Library*, edited by Theodore C. Pease and James G. Randall (Springfield, IL: Illinois State Historical Library, 1925), 20: 694, 699. Singleton, an Illinois Peace Democrat, was elated over Lincoln’s words. He wrote his sister that the president “will go as far ‘as any man in America to restore peace on the basis of the Union.’ He declares that he never has and never will present any other *ultimatum*—that he is misunderstood on the subject of slavery—that it shall not stand in the way of peace” (Ludwell H. Johnson, “Lincoln’s Solution to the Problem of Peace Terms, 1864–1865,” *Journal of Southern History* 5: 579).

<sup>37</sup> Irvin S. Chapman, *Latest Light on Abraham Lincoln*, vol.2 (New York: Fleming H. Revel Co., 1917), 100.

<sup>38</sup> The reasons behind Davis’s and other Confederate leaders’ desire for independence is subject to debate. According to one line of argument, Southerners’ knew their Congressional power was gradually evaporating as a result of non-Southern population growth and hostility to their region. Culturally and politically, the industrializing North and agricultural South differed more than ever. There would be no longer be a “marriage of iron and rye” to ally Northern and Southern commerce, for the industrialists of the Northeast and Midwestern farmers had made a fateful compromise: free soil in exchange for tariff support. Considered alone, however, such issues cannot explain Davis and company’s obsession with independence. The other major source of the independence movement was a great wave of nationalism which swept through the South during the mid-nineteenth century. For detail on all these matters, see James Oakes, *The Scorpion’s Sting: Anti-Slavery and the Coming of the Civil War* (New York: W.W. Norton & Company, 2014); Barrington Moore, “The Last Capitalist Revolution,” in *Social Origins of Dictatorship and Democracy* (Boston, MA: Boston: Beacon Press, 1966), 111–158; Emory Thomas, *The Confederacy as a Revolutionary Experience* (Englwood Cliffs, NJ, 1970 and *The Confederate Nation, 1861–1865* (Harper and Row, 1979).

<sup>39</sup> William Henry Smith, *A Political History of Slavery*, Vol.2 (New York: G.P. Putnam’s Sons, 1903), 192.

If Green Bay *Advocate* editor Charles D. Robinson knew about the *Boston Evening Transcript's* account of President Davis's meeting with Gilmore and Jacques, he could not have believed that Davis meant everything he said. On August 7, 1864, almost 2 weeks after the Richmond meeting, Robinson sent a letter to Lincoln by way of former Wisconsin Governor Alexander Randall. It was a straightforward explanation of the editor's predicament. Robinson was a War Democrat supportive of the president's policy; he agreed with Lincoln that emancipation was a military necessity. "Depriving the South of its laborers weakened the Rebellion" Robinson told Lincoln, and it gave "solid ground on which we could stand and still maintain our position as Democrats." But the Niagra "peace movement," which culminated in Lincoln's TO WHOM IT MAY CONCERN statement, which makes peace contingent on emancipation, pulled out the rug from under the War Democrats' feet, "leaving us no ground to stand upon." Robinson asked the president to "suggest some interpretation of it, as will. . .make it tenable ground on which we War Democrats can stand."<sup>40</sup>

Lincoln responded that his insistence on abolition of slavery was only an initial negotiating position: to include it in a first offer "is not saying that nothing *else* or *less* would be considered, if offered." In the first half of his letter, Lincoln went into detail on the adverse practical effect and immorality of re-enslaving men who had served in the Union military. Although Robinson had written nothing remotely connected with re-enslavement, either within or outside the Union's military forces, Lincoln may have supposed that his letter, despite Robinson's assurance to the contrary, might find its way into print elsewhere. If it did, he had to assure escaped slaves and black soldiers that they would never be enslaved again. The second half of the president's letter invokes his oft-stated principle: if maintaining or ending slavery will save the Union, that policy will be adopted. As to Confederate peace plans, he has heard nothing about them, but "If Jefferson Davis wishes, for himself, or for the benefit of his friends at the North, to know what I would do if he were to offer peace and re-union, saying nothing about slavery, let him try me."<sup>41</sup>

Amazingly, Lincoln showed the final draft of his letter to Frederick Douglass! Could he have been unaware of how a former slave and abolitionist would react to an offer to compromise on emancipation? Two other readers, William Dole, Illinois Indian Affairs Commissioner, and Governor Randall, also read the letter. Both judged Lincoln's response to be appropriate but both urged him not to send it to Robinson,

explicitly warning that, unbeknownst to him, the letter might fall into a hostile editor's hands.<sup>42</sup>

Lincoln's last sentence about Davis ("let him try me") would surely please Peace Democrats, but it would anger his political allies. To alienate anti-slavery whites might, indeed, cost him the election. But was reelection so important to him that he would sacrifice thousands to win it, or because he feared his Democratic opponent would sacrifice Union for peace? This last option was plausible to those who assumed, with Lincoln, that George McClellan would lead the Democratic ticket.

As Lincoln put his letter to Charles Robinson into his un-sent file, he revealed his state of mind. A man who writes letters but never sends them is an ambivalent man, unsure of what he wants to do; yet, the Robinson letter, like the unused passage in the Conkling letter, is suggestive of Lincoln's readiness, after signing the Emancipation Proclamation, to accommodate slaveholder interests in return for reunion.

At this very time, in fact, Lincoln was on the verge of sending a peace commission to Davis. Shortly after he put away his letter to Robinson, he opened one from his Republican friend Henry Raymond, editor of the *New York Times*. Reelection, wrote Raymond, was unlikely. "In some way or other the suspicion is widely diffused that we can have peace with Union if we would [put aside slavery for negotiation]."<sup>43</sup> A bold act, like an official commission to Richmond, is required to offset the public's mistaken opinion. New York Mayor Thurlow Weed underscored Raymond's message by telling William Seward that "the people are wild for peace," but they believe the president is not, that he will only listen to peace terms on condition that slavery is abolished.<sup>44</sup>

Raymond and Weed's letters both called Lincoln's attention to his precarious political situation. They must have affected him profoundly, for on the next day he wrote two letters of his own. He addressed the first to his presumed opponent in the November presidential election, George McClellan:

This morning, as for some days past, it seems exceedingly probable that this Administration will not be re-elected. Then it will be my duty to so co-operate with the President elect, as to save the Union between the

<sup>42</sup> The interpretation of this warning to Lincoln is enlarged by Ludwell H. Johnson. The president's letter contained two ideas. In the context of Republican beliefs and an approaching election, he had already made the first idea public: action against slavery was a precondition for saving the Union. The second idea, that Lincoln would consider peace proposals not embracing emancipation, could not be made public because it would offend too many members the president's Republican Party ("Lincoln's Solution to the Problem of Peace Terms, 1864–1865," *Journal of Southern History* 34 (November, 1968), 578.

<sup>43</sup> Abraham Lincoln, "Henry J. Raymond to Abraham Lincoln" and "Annotation," August 22, 1865, in *Collected Works*, 7: 518.

<sup>44</sup> David Donald, *Lincoln*, 528.

<sup>40</sup> Abraham Lincoln, "To Charles D. Robinson," and Annotation, August 7 and August 17, 1864, in *Collected Works*, 7: 499–502.

<sup>41</sup> *Ibid*, 501.

election and the inauguration; as he will have secured his election on such ground that he cannot possibly save it afterwards.<sup>45</sup>

McClellan's opposition to emancipation was authentic and widely known, but Lincoln also believed, wrongly, that McClellan was running on a peace platform that included recognition of the Confederacy. Lincoln's brief letter reveals a president resigning himself to slavery—perhaps even in some territories—and hoping to convince the president-elect to preserve the Union during the 5 months that he would remain in office.

Lincoln's second (August, 24) message consisted of a set of instructions for Henry Raymond to follow when meeting with Jefferson Davis in Richmond. Each part of these instructions deserves attention:

You will proceed forthwith and obtain, if possible, a conference for peace with Hon. Jefferson Davis, or any person by him authorized for that purpose. . . . At said conference you will propose, on behalf of this government that upon the restoration of the Union and the national authority, the war shall cease at once, *all remaining questions to be left for adjustment by peaceful modes*. . . [emphasis added]. If it is not accepted, you will then request to be informed what terms, if any embracing the restoration of the Union, would be accepted. . . . If the presentation of any terms embracing the restoration of the Union be declined, you will then request to be informed what terms of peace would be accepted. . . .<sup>46</sup>

Given the context of previous contacts between the federal and Confederate governments, this letter could be read in at least two ways. Lincoln might have been trying to get Davis himself to give the President of the United States a decisive refusal to rejoin the Union under any and all conditions. Such a response would reveal once and for all the futility of hope for an end to the fighting, short of victory. On the other hand, Lincoln's double prodding—"If it is not accepted," "If the presentation of any terms embracing the restoration of the Union be declined," then what terms "would be accepted?"—gives the impression of a sense of eagerness, if not desperation, to end the war. After Lincoln's "strong" cabinet members (William Seward, Edwin Stanton, and William Fessenden) read his letter, they advised him against allowing

Raymond to go to Richmond. Better to lose the election, they said, than to put oneself in the pathetic position of seeking a peace while military victory was so uncertain and the army was taking such heavy casualties.<sup>47</sup>

Two peculiarities about this advice warrant attention. First, the cabinet members with whom Lincoln shared his instructions were "strong" in the sense of being ardently anti-slavery—a selective choice of advisors reminiscent of his asking Frederick Douglass to read the Robinson letter. Lincoln seemed to be looking for endorsements of an option he favored. Second, the president could have simply removed the controversial and unnecessarily "pathetic" lines suggestive of desperation, leaving the first three sentences as they were. Why he did not do so is unknown. Instead, Lincoln placed this letter, too, in his unsent file and told Raymond to call off the affair—a decision with which Raymond, according to witness John Hay, inexplicably agreed.<sup>48</sup>

On the surface, Lincoln and his advisors, including Raymond, concurred on the nature of the dilemma: how to conduct a seemingly hopeless election honorably. The decision against sending Raymond to Richmond, however, was less significant than the terms in which the choice was posed. Raymond would not have urged Lincoln to approach Davis in the first place if not for fear of losing the election. Thinking again about his letter to Charles Robinson going public, Lincoln had reason to fear that Jefferson Davis would forward a copy of his peace proposal to the press, causing Lincoln to lose more anti-slavery votes than he would gain in Democratic votes. Perhaps this is the objection with which Raymond concurred. As Lincoln wrote his letter, moreover, he held but did not express to others a belief in a chance of winning reelection after all. Perhaps Lincoln's advisors also sensed this chance. Ambivalence might have been felt by all participants in this episode.

## VI

The situation in late August, 1864 warranted ambivalence because the news was not entirely bad. During this narrow time period, Lincoln not only wrote, consulted on, and filed his letters to Robinson and Raymond but also wrote his concession letter to Democratic opponent George McClellan. During this same time, however, everyone knew that General Sherman had reached the outskirts of Atlanta, faced strong Confederate resistance and suffered heavy casualties but was on the verge of capturing it. Indeed, on September 1 General Hood withdrew his army from Atlanta and burned its military assets. At about the same time, Admiral David Farragut conquered and occupied Mobile, the Confederacy's last Gulf port.

<sup>45</sup> Abraham Lincoln, "Memorandum Concerning His Probable Failure of Re-election," August 24, 1865, in *Collected Works*, 7: 514. That Lincoln ran against McClellan as a Union Party rather than Republican Party candidate is noteworthy. (No one thought of running him on an Emancipation Party platform.)

<sup>46</sup> Abraham Lincoln, "To Henry J. Raymond," August 24, 1865, *Collected Works*, 7: 517.

<sup>47</sup> John G. Nicolay and John Hay, *Abraham Lincoln, A History* (New York: The Century Company, 1890), 9: 220–221.

<sup>48</sup> *Ibid.*, 221.

As Sherman's army moved east to Savannah, then through the Carolinas, General Philip Sheridan cleared the upper Shenandoah while General Grant continued his slow and painful progress toward Richmond and Petersburg. Lincoln must have felt this cluster of military victories would make his reelection possible. On the other hand, Jefferson Davis could have lessened Lincoln's chances by strengthening the "wild for peace movement"—and the Democratic Party—if he had followed his own colleagues' advice by actually proposing a peace conference without preconditions (an opportunity the northern public would have welcomed and McClellan would have quickly exploited). But Davis was opposed in principle to interfering with another country's elections, and so he unwittingly became Lincoln's political ally. The deeper irony is that the same principled inflexibility that led Davis to pursue independence, without regard to cost, led him to resist the temptation to weaken his adversary ignobly. Not only the roar of Union cannons but also the noble silence of Lincoln's Confederate counterpart contributed to his November reelection.

In the South, too, peace activists abounded. According to Wilfred Yearns, three well-developed peace organizations, plus many small, local groups, could be found throughout the Confederacy. In North Carolina alone, more than 100 peace meetings were held during the 2 months following Gettysburg. Lacking the means to pressure President Davis, however, none of these efforts even gained traction. There was widespread peace sentiment but no "wild for peace movement" in the South.

On the other hand, no one, including Lincoln, knew whether or not the Confederate military might turn the war into one of attrition. The "wild for peace movement," therefore, deepened and spread. Thousands of Northern casualties in the late fall of 1864 and winter of 1865 made a military stalemate and renegeing on emancipation conceivable. When the president met with Orville Browning on Christmas Eve, 1864, almost 2 months after reelection, he assured Browning that "he had been misrepresented, and misunderstood, and that he had never entertained the purpose of making the abolition of slavery a condition precedent to the termination of war, and the restoration of the Union."<sup>49</sup> In twenty-first century hindsight, the war was rapidly winding down, but in Lincoln's foresight the winding down would not be rapid enough.

On the other hand, Lincoln did not want the war to end too soon. Here is a contradiction one must accept. In his annual address to Congress in December, 1864, Lincoln proposed a constitutional amendment abolishing slavery. This was Lincoln's turning point: the first time he seriously made immediate emancipation an objective, but its significance must be properly understood. He was in a hurry to pass the abolition amendment, but not for abolition itself. If the ratification of the Thirteenth

Amendment were still in process *after* the rebelling states surrendered and rejoined the Union, the Emancipation Proclamation would be a dead letter, slavery would remain in place, and the reintegrated Southern states would be in a position to block ratification. If ratified *before* the war ended, then abolition would be the law of the land, a *fait accompli* that would prevent future war over slavery. Based almost verbatim on the 1789 Northwest Ordinance signed by George Washington, the Thirteenth Amendment abolished slavery but granted blacks no civil rights. Thus, Lincoln prefaced his statement to Congress: "In a great national crisis, like ours, unanimity of action seeking a common end is very desirable. . . . In this case, the common end is the maintenance of the Union." Eight weeks later, after the successful House vote, he "wished the reunion of all the states perfected and so effected as to remove all causes of disturbance in the future; and to attend this end it is necessary that the original disturbing cause [slavery] should, if possible, be rooted out" through ratification.

In other words, Lincoln's rush to ratify the Thirteenth Amendment was motivated less by his desire to benefit the slaves than to prevent future warfare. The problem was that Lincoln could not predict when the war would end and when the Thirteenth Amendment would be ratified. On January 30, 1865, therefore, after the House passed on and sent the amendment to the states, Lincoln reiterated his plan for compensated emancipation.<sup>3</sup>

## VII

Francis Preston Blair, Sr., former journalist and editor, father of a Lincoln cabinet member and a leader in anti-slavery circles, sponsored the final and, as it turned out, most authoritative peace initiative. He traveled to Richmond and persuaded Jefferson Davis to send an official body to the North to discuss peace. Davis responded positively. He chose a three-man commission consisting of Vice-President Alexander Stephens, Assistant Secretary of War John Campbell, and Confederate Senator Robert Hunter. The Union commission consisted of President Lincoln and Secretary of State William Seward. The meeting at Hampton Roads, Virginia seemed doomed at the start because it took place on February 3, 1865. The Confederate Army was in retreat, the last Atlantic port, Fort Fisher, had fallen, and the Thirteenth Amendment had just passed the House of Representatives. Each of the Southern commissioners produced a written summary of the discussion, which was more subtle—or, at least, more perplexing—than usually portrayed.

Lincoln said that he would propose to Congress a 400 million-dollar appropriation, to be divided among slaveholders, in compensation for emancipation. This promise must have surprised the commissioners because Lincoln had not mentioned it in the Emancipation Proclamation, which stipulates that planters in the defeated Confederate states would lose their slave labor when the war ended. Lincoln backed

<sup>49</sup> Orville Hickman Browning, "The Diary of Orville Hickman Browning," vol.1 (1850–1864), *Collections of the Illinois State Historical Library*, 20: 694, 699.

away from these terms because the cost of doing so looked better than another several months or more of fighting, which Lincoln expected at the time of the conference. In this connection, Lincoln asked Alexander Stephens to try to convince Georgia's government to withdraw from the war, as it had already threatened to do, and to send members to Congress to ratify the Thirteenth Amendment immediately in return for its being delayed before taking effect. That the length of such delay could have been later negotiated upward may or may not have been on Lincoln's mind.<sup>50</sup>

Although the president said he would not renounce the Proclamation, he continued to believe the Supreme Court would vacate it once the war ended. "His own opinion," Stephens recorded in his notebook, "was that as the proclamation was a war measure, and would have effect only from its being an exercise of the war power, as soon as the war ceased it would be inoperative for the future."<sup>51</sup>

Regarding the Thirteenth Amendment, Secretary of State William Seward explained that three-quarters of the states would need to ratify it and that Southerners could block rather than merely delay it if they immediately laid down their arms and returned representatives to Congress. Lincoln must have been stunned, but he did not respond to or later comment on Seward's statement.

David Donald suggested that Lincoln remained a flexible negotiator because he knew at the time of the meeting that slavery was on its last legs. His admitted "speculation" is now easy to accept, for slavery and the Confederacy were, in fact, 2 months away from destruction. But Lincoln, in Donald's own judgment, expected many more months of hard fighting. Above all, 3 million slaves remained within rebel territory; 800 thousand, in the border states. Only 200,000 had been freed under the Emancipation Proclamation's terms. How Lincoln might have concluded that slavery was moribund, as Donald believed, is difficult to understand. The final hand in this game was, in any case, Davis's, and all know that he chose not to play it—but we only know this in hindsight. Lincoln could not have been indifferent to the possibility of Davis finally feeling himself compelled to stop fighting, rejoin the Union, and negotiate emancipation.

<sup>50</sup> John G. Nicolay and John Hay, *Abraham Lincoln: A History* (New York: The Century Co., 1890), 10: 123–124; 125–128. Stephens writes, perhaps mistakenly, that reunion would allow Lincoln to delay implementation of the Thirteenth Amendment for five years after ratification.

<sup>51</sup> Alexander H. Stephens produced the longest account of the Hampton Roads Conference, and most references to it derive from his report in *A Constitutional View of the Late War Between the States* (Philadelphia, PA: National Publishing Company, 1870) 2: 599–619. Robert M. T. Hunter's report appears in "The Peace Commission of 1865," *Southern Historical State Papers* 4 (October 1917), 45–52; Judge John D. Campbell's, in "Jefferson Davis: Constitutionalist," Edited by Dunbar Rowland (Jackson, MS: Mississippi Department of Archives and History, 1923) 8: 133–136.

## VIII

This essay began with a simple claim: if Jefferson Davis had publicly offered to rejoin the Union in return for the rescinding of the Emancipation Proclamation, Lincoln would have agreed. Never did Lincoln promise to renounce the Emancipation Proclamation or to offer peace at any price; however, his words and letters tell us a great deal about his priorities, particularly the urgency of his wish to stop the war while maintaining the Union. Union was undoubtedly Lincoln's main objective, but it was not his only concern.

Lincoln's letters, sent and not sent, his words, public and private, his actions and inactions are to be interpreted in the context of war. In this context, the personal dispositions that he brought to the presidency also assume importance. One of these was well known and widely broadcast, namely, his strong, personal abhorrence of bloodshed. Lincoln's adversary, Jefferson Davis, had been a professional soldier, distinguished in the Mexican War, and he saw the pain and grief of war as regrettable but inevitable. He would never allow losses in the field to undermine military morale. Lincoln's skin was thinner than Davis's; his feelings about war casualties, more empathetic.<sup>52</sup>

After the war and the assassination, Lincoln was remembered by many as the 'man of sorrows' "who grieved over those he had sent to die or suffer injuries. That image was true-to-life." "Doesn't it seem strange to you that I should be here?" "he asked his old Democratic, pro-slavery friend Daniel Voorhees." "Doesn't it strike you as queer that I, who couldn't cut the head off a chicken, and was sick at the sight of blood, should be cast in the middle of a great war, with blood flowing all about me?"<sup>53</sup> Nothing obsessed Lincoln more than the bloodshed, anguish, and tears his war produced. No aspect of his presidency aged him more or caused him greater misery. The many stories of Lincoln's leaving the telegraph office aggrieved by receipt of lists of killed and injured make the point. So, too, his regular and frequent visits to Washington's twenty-one hospitals moved him profoundly. Ward Hill Lamon "sometimes saw the president disturbed almost beyond his capacity to control either his judgment or his feelings."<sup>54</sup>

<sup>52</sup> After the president's death, the public learned from his old law partner, William Herndon, the details about Lincoln's boyhood aversion to cruelty and bloodshed, his kindness to animals, instanced in his going out of his way to save them from prolonged pain and death, his paralyzing grief over the death of his mother Nancy and, later, his sweetheart Ann Rutledge.

<sup>53</sup> David Donald, *Lincoln*, 514. Max Lerner may have been thinking of these words when, at the cusp of World War II, he wrote of Lincoln: "The fatality of it, that he, with his tenderness for everything living, should become the instrument of death for tens of thousands." ("Lincoln in the Civil War," in *Ideas for the Ice Age: Studies in a Revolutionary Era* (New York: Viking Press, 1941), 395.

<sup>54</sup> William C. Davis, *Lincoln's Men: How Abraham Lincoln Became Father to an Army and a Nation* (New York, Simon & Schuster, 1999), 115. Lamon was always sympathetic toward the South, but he never ceased to be Lincoln's trustworthy associate and friend.

In the matter of administering punishment to wayward soldiers, Lincoln's compassion put his generals at their wit's end. He signed more than 250 death warrants, but he refused to allow an execution if, in his opinion, it served no good purpose. Lincoln and his subordinates, however, disagreed on what "good purpose" meant, for he used his pardoning power so liberally that many believed he had abused it, unjustly rewarding those who failed to perform their duty.<sup>55</sup>

These dark episodes are now part of the public conception of Lincoln and relevant to the alternatives which plagued him during the last years of the war—his felt duty to the Constitution, on the one hand, and an inner life of compassion and distress, on the other. This image embodied the real Lincoln. His hatred of slavery was philosophical and infused with moral principle, but slavery never overcame him as emotionally as did the death and agony of men and boys at war. He would have ended this war at any cost, his words and letters suggest, save the dismembering of the Union. The vital question is whether the evidence, based on Lincoln's letters, speeches, and comments to colleagues, is sound enough to warrant this conclusion.

## IX

If Lincoln studies are to attain a level of quality beyond approbatory and condemnatory narrative, beyond a mere "puppet show,"<sup>56</sup> Lincoln's sensitivity to human suffering and readiness to compromise his own and his party's ideals must be acknowledged. The record of Lincoln's letters and conversations, not to mention his respect for the Constitution's slavery provisions, tell us that he was always "soft on slavery," always ready to compromise on it. The obstacle which

<sup>55</sup> Lincoln's sensitivity to suffering extended to parents and children. His famous letter to Mrs. Lydia Bixby, notwithstanding her own political sympathies and extent of loss, expresses in the most elegant terms his compassion for all who had lost children in war. His lesser-know message of condolence to Fanny McCollough, whose father, a close acquaintance, had been killed in battle, is more intimate and touching. Lincoln's sharing the grief of little Fanny reveals the personality of a leader who feels the consequences of his own authority. In this case, the president is not content merely to recognize the daughter's grief but determines to lessen it. It is an eminently personal letter: "I am anxious to afford some alleviation of your present distress. Perfect relief is not possible, except with time. You cannot now realize that you will ever feel better. Is not this so? And yet it is a mistake. You are sure to be happy again. To know this, which is certainly true, will make you some less miserable now. I have had experience enough to know what I say, and you need only believe it to feel better at once. The memory of your dear father," the president continued, "instead of an agony, will yet be a sad sweet feeling in your heart, of a purer, and holier sort than you have known before." Note that Lincoln says nothing about the war or the gratitude of McCollough's nation. No symbolic references interfere with his warm, avuncular message. (Abraham Lincoln, "To Fanny McCollough," December 25, 1862, in *Collected Works*, 6: 16–17).

<sup>56</sup> Georg Simmel, *The Problems of the Philosophy of History: An Epistemological Essay*. Edited and Translated by Guy Oakes (New York: The Free Press, [1905] 1977), 39–40.

prevented his renegeing on emancipation was Jefferson Davis's inflexible commitment to Southern independence. More than one Lincoln scholar states that Lincoln "knew" Davis would refuse any peace agreement short of acknowledging Confederate independence, but that is beside the point of the present question. The meaning of Lincoln's ambivalent moments following the Emancipation Proclamation can only be grasped by asking how he would have reacted if Davis *did* agree to stop fighting. Having assembled enough evidence to demonstrate that Lincoln's renegeing on emancipation was not only "objectively possible" but also "objectively probable," one must not underestimate Davis's role. Jefferson Davis lacked the military power to achieve independence, but he remained obdurate to the end, making compromise impossible.<sup>57</sup> If another man, like Vice-President Alexander Stephens, had held Davis's position, the road to peace—predicated on the preservation of slavery—would have been easy and fast.<sup>58</sup> In sum, Abraham Lincoln "freed the slaves," but he did so because his adversaries' stubbornness left him no choice in the matter.<sup>59</sup> He was, in this sense, forced into glory.

That secession and disunion, not slavery, filled Lincoln's nightmares contradicts the Civil War's presently dominant, i.e., emancipationist, narrative. It also makes problematic James McPherson's claim, on the occasion of his Presidential Address to the American Historical Association, that "The

<sup>57</sup> The full significance of the present essay is best captured by what is arguably the most representative of twenty-first century work on Lincoln and slavery, namely, James Oakes's *Freedom National: The Destruction of Slavery in the United States*. Oakes, like Guelzo and others, claims that Lincoln and his Party were determined from the very beginning to preserve the Union and to abolish slavery. Indeed, they never differentiated the two goals, on each of which, Oakes says, there was a solid consensus. Oakes's problem is that he asks his reader to take Lincoln and Republican Party leaders at their word when they assert their shared intention of ending slavery but interpret their insistence of the priority of Union as a mere political maneuver. Oakes does the same whenever conflicts among conservative, moderate, and radical Republicans are manifest, as they were in the 1860 convention which rejected the more radical Seward in favor of the moderate Lincoln. Northern leaders' own claim that reunion was the aim of the war; emancipation, a secondary, instrumental, or even collateral, benefit, is simply ignored. Minimizing disagreements within parties, government agencies, and the executive branch, Oakes portrays a veritable juggernaut against the Confederacy and against slavery. Lincoln was but its executor. Even if Oakes is given the benefit of every doubt, his conception of a Republican government engaging in a full-court press against slavery ignores the imperatives, contingencies, and ambivalence of men at war. The irresistible force which Oakes attributed to the Lincoln-Republican movement was, as shown above, continually subject to decisive counter-forces.

<sup>58</sup> Jefferson Davis, at least, believed that if Stephens succeeded him as president, Stephens would have at once surrendered the government to the Northern enemy. James Z. Rabun, *American Historical Review*, 317.

<sup>59</sup> In this connection, Drew Gilpin Faust believes that Union victory and abolition were not inevitable. With a less than decisive outcome to the war—a compromise—whatever its conditions, slavery might have been reformed and newly named, but it would remain slavery (*The Creation of Confederate Nationalism: Ideology and Identity in the Civil War South* [Baton Rouge, LA: Louisiana State University Press, 1988], 80).

American Civil War could not end with a negotiated peace because the issues over which it was fought—Union vs. Disunion, Freedom vs. Slavery—proved to be non-negotiable.”<sup>60</sup> In his First Inaugural Address, Lincoln declared in the most definite terms possible, his intention of preserving the Union and slavery,<sup>61</sup> and he fought the first year and a half of war with a view to achieving that goal. The words, for Lincoln’s audience, were eloquent and moving, but they sealed a terrible promise: to perpetuate slavery in America. Allen Guelzo claims that Lincoln’s Inaugural Address was “prudent” (that he did not mean *exactly* what he said)<sup>62</sup>; other Lincoln scholars, including Eric Foner, insist that Lincoln originally went to war to save the Union but changed his primary goal to emancipation as the war progressed.<sup>63</sup> This common view would be more credible if its proponents could explain how Lincoln hid this change of mind from the public, which was almost uniformly racist, and how he pursued that policy when so few would have been willing to fight had they believed it. The present generation of scholars has never explained why its forebears were so obtuse, why it took more than a century to discover that emancipation was Lincoln’s overriding goal. Almost certainly, they were so slow because emancipation never was Lincoln’s overriding goal, and to make it appear differently required a civil rights generation that would be receptive to such a claim. Not until race relations became a major public issue did the emancipation theory of Lincoln’s presidency seem widely intelligible let alone persuasive.

Whatever Lincoln’s commitment to the Emancipation Proclamation may have been, that document has become a symbol of freedom and racial equality—for good reason. It was the first effort in history to remove slavery from American life. Also, the Proclamation initiated a

chain of events that eventually integrated African Americans into the mainstream of society. Lincoln’s intentions, however, must be distinguished from his Proclamation’s long-term consequences, for the latter furnish no hint as to what Lincoln had in mind when he conceived, announced, and signed it.

How Lincoln conceived the Proclamation and what he thought he could and could not do is this essay’s concern. Because subordination of emancipation to Union diminishes Lincoln far more in the twenty-first century than it did in his own day, the new Lincoln scholarship must grasp the immense task Lincoln performed, as opposed to what contemporary scholars want him to have performed. He possessed a numerically superior and well-equipped but qualitatively inferior army, which, but for a few strategic Confederate mistakes, might have been fought to a standstill. He lived in a political climate more bitterly divided than any before or since. He faced an obdurate Southern president unwilling to surrender his goal of independence. Lincoln’s triumph over *these* obstacles made him the protector of the world’s only democratic government. In all these things, The Great Emancipator was an *aide* to the Savior of the Union.

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<sup>60</sup> James M. McPherson, “Presidential Address: No Peace without Victory, 1861–1865,” *American Historical Review* 109 (February 2004), 1–18.

<sup>61</sup> Abraham Lincoln, “First Inaugural Address—Final Text,” March 4, 1861, *Collected Works*, 4: 276.

<sup>62</sup> Allen C. Guelzo, *Lincoln’s Emancipation Proclamation*, 3–4.

<sup>63</sup> Eric Foner, *The Fiery Trial: Abraham Lincoln and American Slavery* (New York: W.W. Norton, 2010).

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