

AMERICAN CONSTITUTIONALISM
VOLUME II: RIGHTS AND LIBERTIES
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Supplementary Material

Chapter 6: The Civil War and Reconstruction—Sources/Principles

Abraham Lincoln, **Gettysburg Address** (1863) and **Second Inaugural** (1864)

Abraham Lincoln (1809–65) in 1860 was an untested politician and polarizing figure. Five years later, he was the martyr and patron saint of American constitutionalism. At the outset of the Civil War, Lincoln claimed that the Union was fighting only to maintain the old Constitution. In a famous letter to the journalist Horace Greeley, Lincoln asserted,

I would save the Union. I would save it the shortest way under the Constitution. The sooner the national authority can be restored; the nearer the Union will be “the Union as it was.” If there be those who would not save the Union, unless they could at the same time save slavery, I do not agree with them. If there be those who would not save the Union unless they could at the same time destroy slavery, I do not agree with them. My paramount object in this struggle is to save the Union, and is not either to save or to destroy slavery. If I could save the Union without freeing any slave I would do it, and if I could save it by freeing all the slaves I would do it; and if I could save it by freeing some and leaving others alone I would also do that. What I do about slavery, and the colored race, I do because I believe it helps to save the Union; and what I forbear, I forbear because I do not believe it would help to save the Union.¹

The sixteenth president adopted a new tone in 1863. The Gettysburg Address spoke of preserving the original constitutional commitment to the “proposition that all men are created equal” and called for “a new birth of freedom.” Lincoln’s Second Inaugural bluntly declared that slavery would not survive a Union military victory.

Both northern radicals and conservatives, who during the Civil War made Lincoln’s life miserable, insisted after the Civil War that Lincoln supported their fundamental constitutional commitments. Invoking Lincoln remains a standard rhetorical trope for American constitutionalism. When reading the Gettysburg Address and Second Inaugural Address, consider who in 1865 and afterwards is the proper heir to the Lincolnian constitutional tradition. What did Lincoln mean by a “new birth of freedom”? Was his position closer to that of Frederick Douglass or Andrew Johnson? Was “a new birth of freedom” merely a pleasing phrase that could be and has been appropriated by every subsequent political movement in the United States? Garry Wills in his influential study, *Lincoln at Gettysburg*, claims that the Gettysburg Address was “revolutionary.” Lincoln, he states, “put the Declaration in a new light as a matter of founding law,” and “put its central proposition, equality, in a newly favored position as a principle of the Constitution.”² Is Wills correct? How, if at all, did Lincoln’s understanding of equality differ from that of antebellum Whigs or Democrats?

Gettysburg Address

Four score and seven years ago our fathers brought forth on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal.

¹ Abraham Lincoln, *The Collected Works of Abraham Lincoln* (vol. 5), ed. Roy P. Basler (New Brunswick, NJ: Rutgers University Press, 1953).

² Garry Wills, *Lincoln at Gettysburg: The Words that Remade America* (New York: Simon & Schuster, 1992), 145.

Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of that field, as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.

But, in a larger sense, we cannot dedicate--we cannot consecrate--we cannot hallow--this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note, nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us--that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion--that we here highly resolve that these dead shall not have died in vain--that this nation, under God, shall have a new birth of freedom--and that government of the people, by the people, for the people, shall not perish from the earth.

Second Inaugural Address

...

On the occasion corresponding to this four years ago, all thoughts were anxiously directed to an impending civil-war. All dreaded it--all sought to avert it. While the inaugural address was being delivered from this place, devoted altogether to *saving* the Union without war, insurgent agents were in the city seeking to *destroy* it without war--seeking to dissolve the Union, and divide effects, by negotiation. Both parties deprecated war; but one of them would *make* war rather than let the nation survive; and the other would *accept* war rather than let it perish. And the war came.

One eighth of the whole population were colored slaves, not distributed generally over the Union, but localized in the Southern part of it. These slaves constituted a peculiar and powerful interest. All knew that this interest was, somehow, the cause of the war. To strengthen, perpetuate, and extend this interest 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. Neither party expected for the war, the magnitude, or the duration, which it has already attained. Neither anticipated that the *cause* of the conflict might cease with, or even before, the conflict itself should cease. Each looked for an easier triumph and a result less fundamental and astounding. Both read the same Bible, and pray to the same God; and each invokes His aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces; but let us judge not that we be not judged. The prayers of both could not be answered; that of neither has been answered fully. The Almighty has His own purposes. "Woe unto the world because of offences! for it must needs be that offences come; but woe to that man by whom the offence cometh!" If we shall suppose that American Slavery is one of those offences which, in the providence of God, must needs come, but which, 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 offence came, shall we discern therein any departure from those divine attributes which the believers in a Living God always ascribe to Him? Fondly do we hope--ferverently do we pray--that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue, until all the wealth piled by the bond-man's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash, shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said "the judgments of the Lord, are true and righteous altogether."

With malice toward 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 a lasting peace, among ourselves, and with all nations.