

Activity 1: Political Challenges of War

Student Name _____ Date _____

Read the documents for your group in order to prepare for a silent debate on the effectiveness of Lincoln's political decisions. In order to fully prepare for this debate, you will want to make a list of key points from each document on a separate piece of paper.

Group One: The Suspension of Habeas Corpus

Habeas corpus is the process in which criminals are brought before a judge to determine the legality of their crimes and their confinement. Although it is guaranteed by the Constitution, Abraham Lincoln chose to suspend habeas corpus during the Civil War, fearing that Northerners sympathetic to the southern cause would interfere with his war measures. Democrats, and even some Republicans, objected to Lincoln's decision, believing that it was an unconstitutional exercise of presidential power.

Lincoln's Proclamation Suspending the Writ of Habeas Corpus, September 24, 1862:

<http://quod.lib.umich.edu/cgi/t/text/text-idx?c=lincoln;cc=lincoln;q1=Proclamation%20Suspending%20the%20Writ%20of%20Habeas%20Corpus;rgn=div2;view=text;idno=lincoln5;node=lincoln5%3A957.1>

Whereas, it has become necessary to call into service not only volunteers but also portions of the militia of the States by draft in order to suppress the insurrection existing in the United States, and disloyal persons are not adequately restrained by the ordinary processes of law from hindering this measure and from giving aid and comfort in various ways to the insurrection;

Now, therefore, be it ordered, first, that during the existing insurrection and as a necessary measure for suppressing the same, all Rebels and Insurgents, their aiders and abettors within the United States, and all persons discouraging volunteer enlistments, resisting militia drafts, or guilty of any disloyal practice, affording aid and comfort to Rebels against the authority of United States, shall be subject to martial law and liable to trial and punishment by Courts Martial or Military Commission:

Second. That the Writ of Habeas Corpus is suspended in respect to all persons arrested, or who are now, or hereafter during the rebellion shall be, imprisoned in any fort, camp, arsenal, military prison, or other place of confinement by any military authority or by the sentence of any Court Martial or Military Commission.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed. Done at the City of Washington this twenty fourth day of September, in the year of our Lord one thousand eight hundred and sixty-two, and of the Independence of the United States the 87th.

Roger B. Taney, *Ex Parte Merryman*, 1861:

<http://www.teachingamericanhistory.org/library/index.asp?document=442>

Photograph of Roger B. Taney:

http://www.oyez.org/justices/roger_b_taney/details/

[In the wake of the bombardment of Fort Sumter, President Lincoln asked for volunteer troops to reinforce Washington, DC. However, when Federal troops marched through Baltimore, Maryland, on the way to the capital, riots broke out involving them and Confederate sympathizers in the city. Maryland was a slave state, and the violence there led to fears that it might try to secede from the Union. After consulting with his Attorney General, Edward Bates, Lincoln sent a letter to General Winfield Scott, overall commander of the Union Army, authorizing him to suspend habeas corpus in areas, such as Maryland, where Confederate sympathizers might be able to disrupt the war effort. The first suspect to be arrested under these circumstances was John Merryman, an officer in the Maryland State Militia, who was suspected of involvement in the demolition of a bridge to prevent the further passage of Union troops. Merryman immediately appealed to local circuit judge, who just so happened to be Roger B. Taney, Chief Justice of the Supreme Court (it was not uncommon for Supreme Court justices to preside in other courts when the Supreme Court was not in session). Taney, best known for his drafting of the controversial Dred Scott decision in 1857, responded with the following decision, in which he accused Lincoln of acting contrary to the Constitution. Lincoln ignored Taney's ruling, arguing that it would undermine his ability to prosecute the war. However, he would not issue a formal proclamation suspending habeas corpus until September of the following year.]

...The clause in the Constitution which authorizes the suspension of the privilege of the writ of *habeas corpus* is in the ninth section of the first article. This article is devoted to the Legislative Department of the United States, and has not the slightest reference to the Executive Department. It begins by providing "that all legislative powers therein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

...His [the President's] powers in relation to the civil duties and authority necessarily conferred on him are carefully restricted...He is not empowered to arrest any one charged with an offence against the United States, and whom he may, from the evidence before him, believe to be guilty; nor can he authorize any officer, civil or military, to exercise this power, for the fifth article of the amendments to the Constitution expressly provides that no person "shall be deprived of life, liberty, or property without due process of law;" that is, judicial process...And the only power, therefore, which the President possesses, where the "life, liberty, or property" of a private citizen is concerned, is the power and duty prescribed in the third section of the second article, which requires "that he shall take care that the laws be faithfully executed." He is not authorized to execute them himself, or through agents or officers, civil or military, appointed by himself, but he is to take care that they be faithfully carried into execution as they are expounded and adjudged by the coordinate branch of the Government to which that duty is assigned by the Constitution. It is thus made his duty to come in aid of the judicial authority, if it shall be resisted by a force too strong to be overcome without the assistance of the Executive arm. But in exercising this power, he acts in subordination to judicial authority, assisting it to execute its process and enforce its judgments.

With such provisions in the Constitution, expressed in language too clear to be misunderstood by any one, I can see no ground whatever for supposing that the President, in any emergency or in any state of things, can authorize the suspension of the privilege of the writ of *habeas corpus*, or arrest a citizen, except in aid of the judicial power. He certainly does not faithfully execute the laws if he takes upon

himself legislative power by suspending the writ of *habeas corpus* — and the judicial power, also, by arresting and imprisoning a person without due process of law. Nor can any argument be drawn from the nature of sovereignty, or the necessities of government for self—defense, in times of tumult and danger....

The Constitution provides...that "no person shall be deprived of life, liberty, or property, without due process of law." It declares that "the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized." It provides that the party accused shall be entitled to a speedy trial in a court of justice.

And these great and fundamental laws, which Congress itself could not suspend, have been disregarded and suspended, like the writ of *habeas corpus*, by a military order, supported by force of arms. Such is the case now before me; and I can only say that if the authority which the Constitution has confided to the judiciary department and judicial officers may thus upon any pretext or under any circumstances be usurped by the military power at its discretion, the people of the United States are no longer living under a Government of laws, but every citizen holds life, liberty, and property at the will and pleasure of the army officer in whose military district he may happen to be found.

Clement Vallandigham, "On the War and its Conduct," January 14, 1863:

<http://www.teachingamericanhistory.org/library/index.asp?document=1479>

Photograph of Clement Vallandigham:

<http://omp.ohiolink.edu/OMP/Previews?oid=2756422&count=2&results=10&fieldname=creator&sort=title&searchstatus=1&hits=2&searchmark=1&searchstring=Vallandigham%2C++Clement+L.%2C+1820-1871&format=list&searchtype=kw>

[Clement Vallandigham was a congressman from Ohio. A staunch Democrat, he also openly sympathized with the Confederate cause (although he claimed to be personally opposed to slavery) and bitterly denounced both Lincoln and the war. In 1862 he lost his bid for reelection, and he made the following speech before Congress on one of his last days as a member of that body.]

Soon after the war began the reign of the mob was... supplanted by the iron domination of arbitrary power. Constitutional limitation was broken down; habeas corpus fell; liberty of the press, of speech, of the person, of the mails, of travel, of one's own house, and of religion; the right to bear arms, due process of law, judicial trial, trial by jury, trial at all; every badge and muniment [document] of freedom in republican government or kingly government—all went down at a blow; and the chief law-officer of the crown—I beg pardon, sir, but it is easy now to fall into this courtly language—the Attorney-General, first of all men, proclaimed in the United States the maxim of Roman servility: Whatever pleases the President, that is law! Prisoners of state were then first heard of here. Midnight and arbitrary arrests commenced; travel was interdicted; trade embargoed; passports demanded; bastiles [prisons for political prisoners] were introduced; strange oaths invented; a secret police organized; ...informers multiplied; spies now first appeared in America. The right to declare war, to raise and support armies, and to provide and maintain a navy, was usurped by the Executive....

...I have denounced, from the beginning, the usurpations and the infractions, one and all, of law and Constitution, by the President and those under him; their repeated and persistent arbitrary arrests, the

suspension of *habeas corpus*, the violation of freedom of the mails, of the private house, of the press and of speech, and all the other multiplied wrongs and outrages upon public liberty and private right, which have made this country one of the worst despotisms on earth for the past twenty months; and I will continue to rebuke and denounce them to the end....

Abraham Lincoln to Erastus Corning and Others, June 1863: [http://memory.loc.gov/cgi-bin/query/r?ammem/mal:@field\(DOCID+@lit\(d2401700\)\)](http://memory.loc.gov/cgi-bin/query/r?ammem/mal:@field(DOCID+@lit(d2401700)))

[Erastus Corning made his fortune in the iron and railroad industries before being elected to Congress as a representative from New York in 1856. Despite the fact that he was a Democrat, he supported Lincoln's decision to use force to bring the seceded southern states back into the Union. However, he resigned soon after his reelection in 1862 over his growing differences with the Lincoln administration. Back in Albany he drafted a letter to the president in which he restated his support for the war, but criticized Lincoln for his use of military tribunals to try northerners suspected of aiding the Confederate cause. Lincoln responded with the following letter.]

....[You and your friends] assert and argue, that certain military arrests and proceedings following them, for which I am ultimately responsible, are unconstitutional. I think they are not. The resolutions quote from the constitution, the definition of treason; and also the limiting safe-guards and guarantees therein provided for the citizen, on trials for treason, and on his being held to answer for capital or otherwise infamous crimes; and, in criminal prosecutions, his right to a speedy and public trial by an impartial Jury. They proceed to resolve "That these safe-guards of the rights of the citizen against the pretensions of arbitrary power, were intended more especially for his protection in times of civil commotion."

...Ours is a case of Rebellion -- so called by the resolutions before me -- in fact, a clear, flagrant, and gigantic case of Rebellion; and the provision of the Constitution that "The privilege of the writ of Habeas Corpus shall not be suspended, unless when in cases of Rebellion or Invasion, the public safety may require it," is the provision which specially applies to our present case. This provision plainly attests the understanding of those who made the Constitution, that ordinary Courts of justice are inadequate to "Cases of Rebellion" -- attests their purpose that, in such cases, men may be held in custody whom the Courts, acting on ordinary rules, would discharge. Habeas Corpus does not discharge men who are proved to be guilty of defined crime; and its suspension is allowed by the Constitution on purpose that men may be arrested and held, who can not be proved to be guilty of defined crime, "when, in cases of Rebellion or Invasion, the public Safety may require it." This is precisely our present case, a case of Rebellion, wherein the public safety does require the suspension...arrests are made, not so much for what has been done, as for what probably would be done.

....[I]f arrests shall never be made until defined crimes shall have been committed, may be illustrated by a few notable examples. General John C. Breckinridge, General Robert E. Lee, General Joseph E. Johnston, General John B. Magruder, General William B. Preston, General Simon B. Buckner, and Commodore Franklin Buchanan, now occupying the very highest places in the rebel war service, were all within the power of the government since the rebellion began, and were nearly as well known to be traitors then as now. Unquestionably if we had seized and held them, the insurgent cause would be much weaker. But no one of them had then committed any crime defined in the law. Every one of them, if arrested, would have been discharged on Habeas Corpus, were the writ allowed to operate. In view of these and similar cases, I think the time not unlikely to come when I shall be blamed for having made too few arrests rather than too many.

....Long experience has shown that armies can not be maintained unless desertion shall be punished by the severe penalty of death. The case requires, and the law and the Constitution, sanction this punishment. Must I shoot a simple-minded soldier boy who deserts, while I must not touch a hair of a wiley agitator who induces him to desert? ... I think that in such a case, to silence the agitator, and save the boy, is not only constitutional, but, withal, a great mercy.

Activity 1: Political Challenges of War

Student Name _____ Date _____

Group Two: The Emancipation Proclamation

Read the documents for your group in order to prepare for a silent debate on the effectiveness of Lincoln's political decisions. In order to fully prepare for this debate, you will want to make a list of key points from each document on a separate piece of paper.

Emancipation Proclamation, Abraham Lincoln, January 1, 1863:

<http://quod.lib.umich.edu/cgi/t/text/text-idx?c=lincoln;cc=lincoln;q1=emancipation%20proclamation;rgn=div2;view=text;idno=lincoln6;node=lincoln6%3A53.1>

...I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as Commander-in-Chief, of the Army and Navy of the United States in time of actual armed rebellion against authority and government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred and sixty three, and in accordance with my purpose so to do publicly proclaimed for the full period of one hundred days, from the day first above mentioned, order and designate as the States and parts of States wherein the people thereof respectively, are this day in rebellion against the United States, the following, to wit:

Arkansas, Texas, Louisiana, (except the Parishes of St. Bernard, Plaquemines, Jefferson, St. Johns, St. Charles, St. James, Ascension, Assumption, Terrebonne, Lafourche, St. Mary, St. Martin, and Orleans, including the City of New-Orleans) Mississippi, Alabama, Florida, Georgia, South-Carolina, North-Carolina, and Virginia, (except the forty-eight counties designated as West Virginia, and also the counties of Berkley, Accomac, Northampton, Elizabeth-City, York, Princess Ann, and Norfolk, including the cities of Norfolk & Portsmouth); and which excepted parts are, for the present, left precisely as if this proclamation were not issued.

And by virtue of the power, and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States, and parts of States, are, and henceforward shall be free; and that the Executive government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary self-defence; and I recommend to them that, in all cases when allowed, they labor faithfully for reasonable wages.

And I further declare and make known, that such persons of suitable condition, will be received into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

And upon this act, sincerely believed to be an act of justice, warranted by the Constitution, upon military necessity, I invoke the considerate judgment of mankind, and the gracious favor of Almighty God.

Emancipation and its results—Is Ohio to be Africanized?, Samuel Cox, June 3, 1862:

<http://www.teachingamericanhistory.org/library/index.asp?document=1461>

...We want no more poetry about striking off chains and bidding the oppressed go. Plain people want to know whether the chains will not be put upon white limbs; and *whither* the oppressed are to go. If the industry of the North is to be fettered with their support; if they are to go to Ohio and the North, we want to know it. Nay, we want, if we can, to stop it...

It is beyond doubt that a large number of the four millions of slaves will be freed incidentally by the war.... It has been computed that already some seventy thousand blacks are freed by the war.... These are being scattered North, are becoming resident in this District and supported by the largesses of the Federal Treasury. It is said that eighteen thousand rations are daily given out to negroes by our Government. This is but a small number of those who are freed, or to be freed, by these bills. The mildest confiscation bill proposed will free not less than seven hundred thousand slaves. The bill which is before us frees three millions, at least. The bills which receive the favor of the majority of the Republican party will free four millions....

It may have been wrong to have held them in slavery. Is it right to set them free, to starve? What is to be done with them? This is the riddle, more difficult than that of the Ethiopian Sphynx....

Slavery may be an evil, it may be wrong for southern men to use unpaid labor, but what will be the condition of the people of Ohio when the free jubilee shall have come in its ripe and rotten maturity? If slavery is bad, the condition of the State of Ohio, with an unrestrained black population, only double what we now have[,] partly subservient, partly slothful, partly criminal, and all disadvantageous and ruinous, will be far worse.

...The mixture of the races tends to deteriorate both races. Physiology has called our attention to the results of such intermarriages or connections. These results show differences in stature and strength, depending on the parentage, with a corresponding difference in the moral character, mental capacity, and worth of labor.... But how long before the manly, warlike people of Ohio, of fair hair and blue eyes, in a large preponderance, would become, in spite of Bibles and morals, degenerate under the wholesale emancipation and immigration favored by my colleague?

The free negroes will become equal, or will continue unequal to the whites. Equality is a condition which is self-protective, wanting nothing, asking nothing, able to take care of itself. It is an absurdity to say that two races as dissimilar as black and white, of different origin, of unequal capacity, can succeed in the same society when placed in competition. There is no such example in history of the success of two separate races under such circumstances....

Prejudice, stronger than all principles, though not always stronger than lust, has imperatively separated the whites from the blacks. In the school-house, the church, or the hospital, the black man must not seat himself beside the white; even in death and at the cemetery the line of distinction is drawn.

To abolish slavery the North must go still further and forget that fatal prejudice of race which governs it, and which makes emancipation so illusory. To give men their liberty, to open to them the gates of the city, and then say, "there, you shall live among yourselves, you shall marry among yourselves, you shall form a separate society in society," is to create a cursed caste, and replace slaves by pariahs.

How will this immigration of the blacks affect labor in Ohio and in the North?

First, directly, it affects our labor, as all unproducing classes detract from the prosperity of a community. Ohio is an agricultural State. Negroes will not farm. They prefer to laze or serve around towns and cities....

But suppose they do work, or work a little, or a part of them work well; what then is the effect upon our mechanics and laboring men? It is said that many of them make good blacksmiths, carpenters, &c., and especially good servants. If that be so, there are white laborers North whose sweat is to be coined into taxes to ransom these negroes; and the first effect of the ransom is to take the bread and meat from the families of white laborers. If the wages of white labor are reduced, they will ask the cause. That cause will be found in the delusive devices of members of Congress. The helps of German and Irish descent, the workmen and mechanics in the shop and field, will find some, if not all, of these negroes, bought by their toil, competing with them at every turn. Labor will then go down to a song. It will be degraded by such association. Our soldiers, when they return, one hundred thousand strong, to their Ohio homes, will find these negroes, or the best of them, filling their places, felling timber, plowing ground, gathering crops, &c. How their martial laurels will brighten when they discover the result of their services! Labor that now ranges at from one to two dollars per day, will fall to one half. Already, in this District the Government is hiring out the fugitives at from two to eight dollars per month, while white men are begging for work. Nor is the labor of the most of these negroes desirable. No system of labor is so unless it be steady. They will get their week's wages, and then idle the next week away. Many will become a charge and a nuisance upon the public charity and county poor tax....

And for this result *directly* to northern labor, what compensation is there to the southern half of our country by their removal? Herein lies the indirect effect of their immigration upon northern labor. By this emancipation, the labor system of the South is destroyed. The cotton, which brought us \$200,000,000 per annum, a good part of which came to Ohio to purchase pork, corn, flour, beef, machinery, &c., where is it? Gone. What of the cotton fabric, almost as common as bread among the laboring classes! With four millions of indolent negroes, its production is destroyed, and the ten millions of artisans in the world who depend on it for employment, and the hundred million who depend on it for clothing will find the fabric advanced a hundred per cent. So with sugar, and other productions of slave labor. For all these results, labor will curse the jostling elements which thus disturb the markets of the world.

In conclusion, then, if the negro cannot be colonized without burdens intolerable, and plans too delusive; if he cannot be freed and left South without destroying its labor, and without his extermination; if he cannot come North without becoming an outcast and without ruin to northern industry and society, what shall be done? Where shall he go?...

What shall be done? I answer, Representatives! that our duty is written in our oath! IT IS IN THE CONSTITUTION OF THE UNITED STATES! Leave to the States their own institutions where that instrument leaves them, keep your faith to the Crittenden resolution, be rid of all ambiguous schemes and trust under God for the revelation of His will concerning these black men in our land, and the overthrow by our power of this rebellion.

The President's Proclamation, *New York Times*, January 3, 1863:

<http://www.teachingamericanhistory.org/library/index.asp?document=1477>

President LINCOLN'S proclamation, which we publish this morning, marks an era in the history, not only of this war, but of this country and the world. It is not necessary to assume that it will set free instantly the enslaved blacks of the South, in order to ascribe to it the greatest and most permanent importance. Whatever may be its immediate results, it changes entirely the relations of the National Government to the institution of Slavery. Hitherto Slavery has been under the protection of the Government; henceforth it is under its ban. The power of the Army and Navy, hitherto employed in hunting and returning to bondage the fugitive from service, are to be employed in maintaining his freedom whenever and wherever he may choose to assert it. This change of attitude is itself a revolution.

President LINCOLN takes care, by great precision in his language, to define the basis on which this action rests. He issues the Proclamation "as a fit and necessary war measure for suppressing the rebellion." While he sincerely believes it to be an "act of justice warranted by the Constitution," he issues it "upon military necessity." In our judgment it is only upon that ground and for that purpose that he has any right to issue it at all. In his civil capacity as President, he has not the faintest shadow of authority to decree the emancipation of a single slave, either as an "act of justice" or for any other purpose whatever. As Commander-in-Chief of the army he has undoubtedly the right *to deprive the rebels of the aid of their slaves*,—just as he has the right to take their horses, and to arrest all persons who may be giving them aid and comfort,—"as a war measure" and upon grounds of military necessity.

It may seem at first sight a matter of small importance in what capacity the act is done. But its validity may, in the end, depend upon that very point. Sooner or later his action in this matter will come up for review before the Supreme Court; and it is a matter of the utmost importance to the President, to the slaves, and to the country, that it should come in a form to be sustained....

What effect the Proclamation will have remains to be seen. We do not think that it will at once set free any considerable number of slaves beyond the actual and effective jurisdiction of our armies. It will lead to no immediate insurrections, and involve no massacres, except such as the rebels in the blindness of their wrath may themselves set on foot. The slaves have no arms, are without organization, and in dread of the armed and watchful whites. Besides, they evince no disposition to fight for themselves so long as they see that we are fighting for them. They understand, beyond all question, that the tendency of this war is to give them freedom, and that the Union armies, whatever may be their motive, are actually and practically fighting for their liberty. If the war should suddenly end,—if they should see the fighting stop, and the Constitution which protects Slavery restored to full vigor in the Slave States, their disappointment would vent itself in the wrathful explosion of insurrection and violence. But so long as the war continues, we look for nothing of that kind. Whenever our armies reach their immediate vicinity, they will doubtless assert their freedom, and call upon us to "recognize and maintain" it. Until then, they will work for their masters and wait for deliverance.

Activity 1: Political Challenges of War

Student Name _____ Date _____

Group Three: The decision to arm the freed slaves

Read the documents for your group in order to prepare for a silent debate on the effectiveness of Lincoln's political decisions. In order to fully prepare for this debate, you will want to make a list of key points from each document on a separate piece of paper.

Petition to Lincoln by the citizens of Prince George's County [Maryland], 1863:

[http://memory.loc.gov/cgi-bin/query/r?ammem/mal:@field\(DOCID+@lit\(d1985400\)\)](http://memory.loc.gov/cgi-bin/query/r?ammem/mal:@field(DOCID+@lit(d1985400)))

We, the undersigned, in behalf of the white citizens in Prince George's County Maryland, are deputed to represent to the President, the wrongs we suffer from the soldiers and military officers of the U. S.

A detachment of white troops came, two weeks ago, to our county-seat, at Upper Marlboro, where they encamped a week, collected a body of negroes and carried them off to this district. They resisted and prevented the civil officers of the state, within the limits and jurisdiction of the state, from arresting any of these negroes in execution of the laws of the state.

Yesterday, a steamboat with negro-troops entered the Patuxent, and commenced distributing the negroes in armed detachments at the various landings on the river in the midst of our slave population. They brought, apparently, arms, and soldiers clothes for recruits.

If the purpose be merely to take from us our slave property we trust that some mode of effecting that object less dangerous to the safety of our homes and families may be resorted to.

Our white citizens are without arms, or any means of defending themselves, their homes & property. Among these armed negroes sent among our defenseless people are doubtless many of our escaped slaves

Marital law has been proclaimed over us by the military commander of the U. S. at Baltimore. It has been received by our people with the most quiet submission. The substitution of military authority for civil law and government, and the peaceful order of society is a hard trial for any people. The execution of such authority over a free white people, by released slaves and armed negroes is a grievance too alarming to be contemplated. We have not even received notice, or been allowed time to remove our families

We come to you, Mr. President, in the confidence, that you will order these troops to be immediately removed -- and will order such other measures as may be proper for our redress and protection

Thomas Richmond to Abraham Lincoln, March 2, 1863: [http://memory.loc.gov/cgi-bin/query/r?ammem/mal:@field\(DOCID+@lit\(d2209700\)\)](http://memory.loc.gov/cgi-bin/query/r?ammem/mal:@field(DOCID+@lit(d2209700)))

[Thomas Richmond was a member of the Illinois General Assembly. Although a Democrat, he was a vehement opponent of slavery and secession, and a supporter of Lincoln and the war.]

...Sir had slavery never existed in Our Country, Civil War and strife had not. While the cause of the war exists, peace can never come. The elements of strife must be removed, or strife will never cease.

...the South is ready in the last extremity to offer freedom to their Slaves, if they will take up arms against the North, rather than to be conquered by them, and Sir, the South will do it, then the terrible Consequences that will follow none can divine.

The term of Service of a large number of Our troops that are now in Service, is near at hand, there can be little ~~or~~ replacing, or supplying them, and increasing Our force by Volunteers.

...What shall that be, what course will avert the impending danger?...Arm every Negro Slave that can be animated with the hope of freedom and Justice and provide freedom to every Slave that will turn out and fight for it. No matter whether in loyal or rebellious States, press with all possible speed the securing of the Muscle and Sinew of the Slave population. Tis this Sir that will decide the strife between the North & South. That government that secures this physical power, and that renders Justice to the Negro race by giving him his freedom, obtains too a Moral power that shall sweep away all opposition. God demands the freedom of the Slave, it was for this end he instituted this Strife, the side that shall ~~first~~ free and thus recognize the Manhood the equality before the law of the Negro will strike into the line of right, of justice, and secure the favor of God, and then succeed in its aims.

Sir, unless you Give freedom to the Slave and arm him speedily, the Confederates will. As sure as the North gain a few successes, Jeff Davis will free the Slaves and arm them against us...

Promise the whole Slave population freedom upon the success of the government in subduing the rebellious South.

Let the rallying Cry, be freedom Justice and Manhood to the coloured race.

Secure the Enrolment, and the arming of the Negroes as rapidly as possible put them under humane and loyal officers and let them cut their way through the opposing rebellious Elements as speedily as possible

Make a large call under the Conscription law, and then a mighty vigor into every department of the public Service.

Allow me to say to close that the Negro race has been the element and Cause of this Strife, and the power of that race in its bone and Sinew, will be the power that in Cooperation with one or the other parties will be the present Successful party...

Julian M. Sturtevant to Abraham Lincoln, March 10, 1863: [http://memory.loc.gov/cgi-bin/query/r?ammem/mal:@field\(DOCID+@lit\(d2232700\)\)](http://memory.loc.gov/cgi-bin/query/r?ammem/mal:@field(DOCID+@lit(d2232700)))

[Julian M. Sturtevant, a Congregational minister and educator, was associated with Illinois College, as both professor and college president, for over fifty years. Sturtevant was a friend and political supporter of Abraham Lincoln. During the Civil War he traveled to England and lectured on behalf of the Union cause.]

...It is now in your power to throw into the scale of the nation's destiny one weight which will give an irresistible and final preponderance to the cause of the Union and Freedom.... Put arms in their [the freed slaves'] hands wherewith to defend it, as fast as possible. Three hundred thousand muskets, each with a good lusty Negro at its breech, will end the whole thing. There is not a rebel from the arch traitor [presumably Jefferson Davis] downwards who does not know, that with three hundred thousand able bodied negroes, well armed and drilled under competent officers, the reduction of the negroes to the condition of articles of merchandise is impossible -- the restoration of slavery is impossible.... With such a colored army it will be necessary to do very little more fighting. Its known existence will be enough.

Do you ask will the North tolerate it? You know well Mrs. J. C. Conkling of Springfield. Last summer she was greatly distressed, lest her Clinton should be drafted, and yet horrified at the thought of arming the negroes to fight their Masters. She said to me one day, "If your son should be drafted what would you do? Let him go to the army, or get a substitute? I said I can tell you what I should wish to do: I should wish to hire a good able bodied negro for his substitute. "There is something in that" said she. The whole North is being waked up by the Conscription Act, to feel the force of that argument put as our excellent friend Mr. Conkling did, they are beginning to see that it is 300,000 more of our sons or 300,000 Negroes in their stead, and in spite of all their prejudices they willingly take the negroes and leave us our sons. Especially as to take 300,000 negroes from the plantations of our enemies will strengthen our cause more than to take 600,000 of our sons. Organize, honored Sir, a sable [black] army, as fast as possible. Send at any cost through all rebeldom colored emissaries to carry the news to every slave-cabin that every able bodied negro coming within our lines will be freed and armed to fight for his own liberty and the liberty of his family and his race, and have a musket ready wherever you can get a black man to carry it...

Thomas E. Bramlette (Governor of Kentucky) to Abraham Lincoln, Monday, February 1, 1864:
[http://memory.loc.gov/cgi-bin/query/r?ammem/mal:@field\(DOCID+@lit\(d3004600\)\)](http://memory.loc.gov/cgi-bin/query/r?ammem/mal:@field(DOCID+@lit(d3004600)))

Photograph of Thomas E. Bramlette:

http://arcweb.archives.gov/arc/digital_detail.jsp?&pg=1&rn=1&tn=529978&st=b&rp=summary&nh=1&si=0

[Thomas E. Bramlette, a major general in the Union Army, was elected governor of Kentucky in 1863. While a firm supporter of the war, he was keenly aware of the fact that Kentucky, even though it had not seceded, was still a slave state.]

I have learned, with much surprise and regret, that a recruiting post for negroes has been authorized at Paducah by the War Dept. As the Chief Executive of Kentucky it is my sworn duty to see that the laws be faithfully executed. I never shrink from responsibility, when duty demands action. But as it is my earnest desire to avoid even the semblance of disturbance between the civil authorities of my state, and any of the departments or agents of the Federal government, I beg leave to invite your attention to the grave questions which the action involves...

...The authority for organizing arming disciplining & governing "colored troops" in the rebellious States and districts is derived from the power to suppress the rebellion within those States and districts. Those States and districts which make war upon the government, & are in organized insurrection and rebellion, and by armed resistance to the lawful authorities of the Union, compel the government to treat them as belligerents, occupy a very different legal position from that held by loyal States. In those States and districts the power conferred by the Constitution to enforce the laws and suppress the rebellion necessarily carries with it all belligerent rights and powers sanctioned by the laws of civilized warfare. The rebels life -- his effects including his slaves are the subjects of war. The property may be seized -- the slave may be appropriated to any and all war uses the government may choose; and the slave once so appropriated by force of public law becomes forever thereafter free.-- But Kentucky is loyal -- meets her quota for defense -- sends forth her noble sons to battle for the Union -- now has above her quota of all calls.-- Belligerent rights and powers cannot be claimed as against Kentucky. Kentucky is the friend not the belligerent of the Government

The power to organize "colored troops" is a belligerent power -- exercised over the "colored" population of the belligerent States and districts, derived from the sanction of the laws of Nations; and not from the authority "to call forth the militia".

Those who are sent to Kentucky therefore to organize "colored troops" have no law to warrant their action, and no competent authority to shield them from the penalties of our violated laws.-- If they enlist a slave or "entice or persuade a slave to leave his master or owner" and enlist in a "colored troop"; or if they receive a runaway slave within their camps and "harbor him with intent to prevent the owner from recovering his slave"; they are by the Statute laws of Kentucky guilty of a felony and punishable by confinement in the Penitentiary from two to twenty years.

...I hope you will stop those who have been sent to violate our laws, and assist me in staying the tide of passion which such acts provoke. Kentucky loves our free institutions, and intelligently understands that they exist only by the observance and enforcement of law. She clings to the Union as the highest assurance and last hope of upholding and maintaining law -- without which there is no liberty. Do not permit our hopes to be blighted and our faith in free government to be crushed by turning the powers of the federal government against the written laws of our State, in violation of that Constitution by which the Union is formed, and by authority of which we battle to maintain free government, by the enforcement and execution of the laws of the Union. There exists no apparent necessity, and no just pretence for the Federal authorities violating and trampling under the foot of power the laws of Kentucky. ...

Activity 1: Political Challenges of War

Student Name _____ Date _____

Group Four: The Refusal to Make a Compromise Peace

Read the documents for your group in order to prepare for a silent debate on the effectiveness of Lincoln's political decisions. In order to fully prepare for this debate, you will want to make a list of key points from each document on a separate piece of paper.

“A Negotiated Peace with the Confederacy Is Possible,” *Illinois State Register*, September 9, 1864:
<http://www.teachingamericanhistory.org/library/index.asp?document=1476>

The abolition journals and talkers all declare that Jeff. Davis will not consent to honorable terms of peace, upon the basis of the Union of these states. We have every reason to believe the contrary, and that if a democratic president were in power, peace and the Union would be restored on terms honorable and satisfactory to every American citizen. We form this opinion from what the rebels have done to obtain peace; from what their leading journals say in regard to the peace question, and from well-known and universal principles of human nature which always govern human action.

But suppose the abolitionists tell the truth, and that Jeff. Davis should refuse to make peace on other terms than recognition of southern independence. We know that Lincoln has refused to listen to overtures of peace because they did not include the abandonment of slavery, and says he will receive no propositions which do not make this the first and leading feature. And for this very reason, the people are going to put him out of office, and put in a man who will agree to make peace so soon as we can have the Union in its original integrity. And as the people of the south are Jeff. Davis' masters in the same sense that we of the north are Lincoln's, if Davis stands between them and honorable peace, they will drive him from his place at the earliest opportunity....

The people at the south... must be as anxious for peace; they know that... the American people will never again commit the great blunder of placing an abolitionist and a buffoon in the presidential chair, and will be willing and anxious to return to the Union as it was, under the constitution as it is.

...We know, for we have Lincoln's official assurance, that we can have no honorable peace while he reigns, and the work before us, therefore, is to replace him by a man who will place the constitution and the Union before abolition and anarchy, and make the rights and liberties of the white race paramount to the freedom of the negro.

“An Armistice: How it Would Ruin Us,” *New York Tribune*, September 27, 1864:
<http://www.teachingamericanhistory.org/library/index.asp?document=1478>

What is an armistice? Webster defines it to be... "a temporary suspension of hostilities *by agreement of the parties.*"

An armistice is the cardinal idea upon which the McClellan movement swings in this Presidential canvass. If McClellan is elected, he will be elected by it.

Suppose he is elected.... The expectation of an armistice at a future day certain, would as surely break down and dissolve an American army—an army of volunteers fighting for a principle—as the flow of the Niagara would dissolve and wash away salt. The 4th of March [the date of the inauguration] would inevitably find us in a condition—to do what? To propose an armistice? Oh no! but abjectly, and with just fear and retribution trembling, to receive propositions for a cessation of hostilities. We should be conquered....

Who is to take the initiative in... the opening of the negotiation—who is to ask for the "convention" and propose the "agreement" [for an armistice]? Not President Davis—for he has not asked for an armistice, and he won't ask for an armistice, so long as his heart locks within itself the manhood of courage instead of the sheepishness of cowardice, and so long as his soul remains faithful to the Confederacy which has committed its life to his keeping.... Who then, is to take the initiative, and send commissioners to propose an armistice? Why President McClellan, clearly.

His commissioners go. They unfold their credentials, *and in the very act of unfolding them recognize the Rebel Confederacy.*

This legal result of the cowardly and traitorous folly of proposing an armistice, could not possibly be escaped.... This fact of recognition by McClellan's administration would immediately be accepted in Paris and London as the solvent of the difficulty which for three years has defeated the application of the Confederate States to be recognized as an independent power. France and Great Britain have consistently replied to [Confederate diplomats John] Slidell and [James] Mason's entreaties: "The American Government treats you as Rebels. Until you can fight yourselves out of it, we can not treat with you as an independent power without getting into war." But the obstacle to this coveted recognition would be removed throughout Europe in an instant by McClellan's proposal of an armistice. France, England, Spain, Austria, and Belgium, would acknowledge the sovereignty of the Confederacy forthwith, and make treaties with them, the commercial classes of which would hourly bribe those powers to help the Rebels while the war lasted....

The argument might well stop here. But let us follow up this negotiation for an armistice. The first question to be settled after the proposal, would be Jeff. Davis's inquiry..., "What is the armistice which you propose?"

"An immediate cessation of hostilities, to the end that peace may be restored on the basis of the Federal Union of the States."

"We will accept the proposal upon the terms and conditions which public law affixes to an armistice. We will withdraw the Confederate troops from every part of your territory; we will suspend the blockade of your coast, and stop privateering on your commerce. You must withdraw the United States troops from every part of our territory; you must suspend the blockade of any and every part of our coast, and cease from capturing merchant vessels bound to our ports. That is, we must be upon terms of equality with you, and free from duress, and relieved from all coercion and restraint, in order to enter into the convention for reunion which you propose."

McClellan's commissioners could not possibly escape from this definition of an armistice, in connection with its object—a convention for reunion....

Through the relaxation or suspension of the blockade, and the demoralization of the pickets, supplies of all sorts... would get easy ingress and egress into and out of the Confederacy. And in the train of these commissioners would go Delay—stately, cunning, ceremonious, ingenious, diplomatic Delay... and the ships of Liverpool, Marseilles, Bremen, and Trieste would the while flock like pigeons to the Southern ports—the cotton, sugar, and tobacco of the Confederacy would get converted into gold—what the Rebellion needed of arms, munitions, clothing, machinery, and men, would be supplied to her—treaties of amity, as well as commerce,... would be snug in the State Department at Richmond. The Rebellion, materially re-invigorated and morally braced by the recognition and promised support of the British, French, Spaniards and Austrians, would be strong enough in September '65, to stalk into the Peace Commission at Richmond in the person of Jeff. Davis, and say: "This affair must come to a conclusion. All negotiations for a peace with the Confederate States must be based upon the recognition of their independence...."

What a condition we would be in? Where would be our army? Desertions consequent on the loss of its spirit, and the destruction of its discipline, sickness and death so sure to run havoc through troops that are idle and demoralized, would have swept it away by whole brigades. Only a decaying skeleton of it would be left. The two hundred thousand black soldiers and employees in the service, would early in March have been kicked out, to appease the beastly rage which shirked in Democratic processions, "This is a white man's war!" The blockade would have to be rescued again by a fleet which had anchored its spirit and vigilance deep down. And when we came to key up the nation to the sacrifice and elasticity necessary to an offensive war—could it be done? Every man in this country out of an idiot asylum knows that it could not be done. The war would be gone. The South would triumph.



Activity 1: Political Challenges of War



Activity 1: Political Challenges of War

Student Name _____ Date _____

Directions (Group One): After reading the document excerpts for your group, you and your partner will engage in a silent debate. The pro-Lincoln person should start by writing a statement defending the president's decision in the left hand column. At that point the anti-Lincoln person should write a statement responding to that point. Both sides should draw on evidence from the documents in making their arguments. The activity continues until both sides run out of statements.

Lincoln was <i>Right</i> to Suspend Habeas Corpus	Lincoln was <i>Wrong</i> to Suspend Habeas Corpus

Activity 1: Political Challenges of War

Student Name _____ Date _____

Directions (Group Two): After reading the document excerpts for your group, you and your partner will engage in a silent debate. The pro-Lincoln person should start by writing a statement defending the president’s decision in the left hand column. At that point the anti-Lincoln person should write a statement responding to that point. Both sides should draw on evidence from the documents in making their arguments. The activity continues until both sides run out of statements.

Lincoln was <i>Right</i> to Issue the Emancipation Proclamation	Lincoln was <i>Wrong</i> to Issue the Emancipation Proclamation

Activity 1: Political Challenges of War

Student Name _____ Date _____

Directions (Group Three): After reading the document excerpts for your group, you and your partner will engage in a silent debate. The pro-Lincoln person should start by writing a statement defending the president's decision in the left hand column. At that point the anti-Lincoln person should write a statement responding to that point. Both sides should draw on evidence from the documents in making their arguments. The activity continues until both sides run out of statements.

Lincoln was <i>Right</i> to Order the Arming of Freed Slaves	Lincoln was <i>Wrong</i> to Order the Arming of Freed Slaves

Activity 1: Political Challenges of War

Student Name _____ Date _____

Directions (Group Four): After reading the document excerpts for your group, you and your partner will engage in a silent debate. The pro-Lincoln person should start by writing a statement defending the president's decision in the left hand column. At that point the anti-Lincoln person should write a statement responding to that point. Both sides should draw on evidence from the documents in making their arguments. The activity continues until both sides run out of statements.

Lincoln was <i>Right</i> in Refusing to Make a Compromise Peace with the Confederacy	Lincoln was <i>Wrong</i> in Refusing to Make a Compromise Peace with the Confederacy