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THE BEST AMERICAN HISTORY ESSAYS ON LINCOLN

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THE EMANCIPATION PROCLAMATION: THE DECISION AND THE WRITING

John Hope Franklin

The road that led to the issuing of the Preliminary Emancipation Proclamation was a long and difficult one. It was marked by an incredible amount of pressure on Abraham Lincoln, pressure that began the day Sumter fell and that did not relent until his decision was announced on September 22, 1862. It is not possible to weigh the effects of the pressures created by hardheaded generals who would set slaves free in order to break the back of the Confederacy. One cannot know what impressions the procession of the Charles Sumners, the Orestes Brownsons and the religious deputations made on the President as they came by day and by night to tell him what he should do about slavery. Did a Greeley editorial or a Douglass speech sway him? One cannot know the answers to these questions, for Lincoln, the only one who could do so, never gave the answers. He was doubtlessly impressed by all arguments that were advanced, and he took all of them "under advisement." But the final decision was his.

Lincoln needed no convincing that slavery was wrong, and he had been determined for many years to strike a blow for freedom if the opportunity ever came his way. As a young man he told a New Orleans group in 1831, "If I ever get a chance to hit that thing, I'll hit it hard."[1] He fully appreciated,

moreover, the disastrous effect of slavery on national development and on the national character. He told a Cincinnati audience in 1842 that "Slavery and oppression must cease, or American liberty must perish."[2]

Lincoln was irritated by any suggestion that he was "soft" on the question of slavery. "I am naturally anti-slavery," he wrote a friend shortly after the beginning of his second term. "If slavery is not, nothing is wrong.... And yet I have never understood that the Presidency conferred upon me an unrestricted right to act officially on this judgment and feeling.... And I aver that to this day [April 4, 1864] I have done no official act in mere deference to my abstract judgment and feeling on slavery."[3]

Thus Lincoln was troubled by unanswered questions regarding the legality as well as the effect of emancipation on the course of the war and on the peace and well-being of the country. Who could know if the soldiers of Kentucky would lay down their arms if Lincoln set the slaves free? Greeley replied, "Let them do it. The cause of Union will be stronger, if Kentucky should secede with the rest, than it is now." It was not quite so simple, when one had the responsibility for shaping the course of the war and preserving the life of the Union. What would happen to the Negroes once they are free? Who would take care of them? These were questions that Lincoln asked over and over. Frederick Douglass, the runaway slave who had been a resounding success on two continents, had the answer. "Let them take care of themselves, as others do." If the black man could take care of his master and mistress, he could take care of himself. Should the freed Negroes be allowed to remain in the United States? "Yes," Douglass replied, "they wouldn't take up more room than they do now." Facile, even witty answers were not enough for the troubled Lincoln.

Since Lincoln was quite certain that sooner or later, in war or in peace, the slaves would be free, he gave much attention to what should be done with them. "You and we are different races," he told a group of Negroes in August 1862. "Whether it is right or wrong I need not discuss, but this physical difference is a great disadvantage to us both, as I think your race suffer very greatly, many of them by living among us, while ours suffer from your presence. In a word we suffer on each side. If this be admitted, it affords a reason at least why we should be separated."[4] Freedom called for colonization, Lincoln felt; and it seemed to occupy his attention about as much as any single matter during the first two years of the war.

As Lincoln moved toward a policy of emancipation, his interest in colonizing Negroes in some other parts of the world quickened. Indeed, it is almost possible to measure his approach to emancipation by studying the increasing intensity of his efforts to formulate a feasible program of colonization. In 1854 he said that his first impulse "would be to free all the slaves and send them back to Liberia, to their own native land." In his

first annual message he proposed colonization for Negroes freed in the course of the war. He urged colonization for the slaves of the District of Columbia when they were freed in April 1862. He spearheaded the legislation in July 1862 that appropriated a half million dollars to colonize slaves of disloyal masters.

When Lincoln met the group of Negroes in August 1862, and talked to them about colonization, he had already decided to issue the Proclamation. This very decision seemed to make him all the more anxious about colonization. He asked them to give serious consideration to the idea of colonizing in Central America. The Negroes showed little enthusiasm for the proposal. In the following two weeks he discussed colonization in Chiriqui, a province in Panama, with several individuals and with members of the Cabinet. At the end of the month he decided to abandon the project because of lack of support. He was not altogether discouraged, and for the next several months he continued his vain attempts to gain support for colonization.

Early in 1862 Lincoln reached the decision that either he or Congress should emancipate the slaves. By March he had composed the draft of a special message to Congress recommending compensated emancipation. He read it to Senator Sumner, who was not enthusiastic about it because it called for gradual emancipation. Neither Congress nor the Delaware leaders upon whom he urged compensated emancipation were any more enthusiastic than Sumner. While Congress passed a resolution embodying the President's recommendations, it made no serious attempt to implement them.

Lincoln later admitted his awareness of pressures, but he never admitted the effect of them on his decision. He said that he forbade Fremont's and Hunter's attempts at military emancipation because he did not then think it an indispensable necessity. When the border states declined his appeal to accept compensated emancipation, he was driven to the "alternative of either surrendering the Union, and with it, the Constitution, or of laying a strong hand upon the colored element."[5] He chose the latter. In doing so he hoped for greater gain than loss, but of this he was not entirely confident.

The best evidence supports the view that it was in the late spring of 1862 that the President decided to issue a proclamation freeing the slaves. "Things had gone on from bad to worse," he said, "until I felt that we had reached the end of our rope on the plan of operations we had been pursuing; that we had about played our last card, and must change our tactics, or lose the game!" It was then that he "determined on the adoption of the emancipation policy; and without consultation with, or knowledge of the Cabinet, I prepared the original draft of the proclamation..."[6]

Lincoln was a frequent visitor to the telegraph room of the War Department. He went there almost daily to receive the reports of the progress of the war and to get away from the turmoil and distraction of the White House, where he had no privacy. Thomas T. Eckert, who was in charge of the telegraph office, was understanding and unobtrusive. Lincoln usually sat at Eckert's desk while at the telegraph office. Early one June morning, Lincoln dropped into the office and asked Eckert for some paper on which to write something special. He sat down and began to write. "He would look out of the window a while," Eckert later reported, "and then put his pen to paper, but he did not write much at once. He would study between times and when he had made up his mind he would put down a line or two, and then sit quiet for a few minutes. After a time he would resume his writing..."

On that first day Lincoln did not fill one sheet of the paper Eckert had given him. When he left he asked Eckert to keep what he had written and not to show it to anyone. On the following day when he returned, he asked for the paper, which Eckert kept in a locked desk; and he began to write. "This he did every day for several weeks." On some days he did not write more than a line or two, and Eckert observed that he had put question marks in the margin. Each day he would read over what he had written and revise it, "studying carefully each sentence." Eckert later said that he did not know what the President was writing until he had finished the draft. Then, for the first time, he told Eckert that he had been writing an order "giving freedom to the slaves in the South for the purpose of hastening the end of the war." He explained that he had been able to work more quietly and could better command his thoughts at the telegraph office than at the White House, where he was frequently interrupted.[7]

Within the next few weeks Lincoln widened the circle of confidants with whom he discussed the Proclamation. He had many talks with Stanton, his Secretary of War, about the possible use of Negroes as soldiers. Stanton had the distinct impression that Lincoln was planning to emancipate the slaves at an early date. On May 28 he predicted to Senator Sumner that a decree of emancipation would be issued within two months. Although Lincoln was as yet unwilling to arm the slaves, he began to discuss with his advisers the matter of their emancipation *and* their arming. Stanton, an ardent protagonist of both propositions, seemed to be more optimistic as spring gave way to summer in 1862.

On June 18, 1862, the President had a busy day. He received many visitors and, as usual, he fretted over reports of the activity or inactivity of Union troops. To General Henry W. Halleck at Corinth, Mississippi, he sent a message inquiring about the progress of the proposed expedition toward East Tennessee. To McClellan he sent a curt message saying that he could better dispose of things if he knew about what day McClellan could attack Richmond.[8] Things, indeed, seemed to be going from bad to worse. To get away from it all the President had his horse saddled and, with Vice President Hannibal Hamlin, rode out to the Soldiers' Home for his evening meal. After dinner the two men retired to the library and talked behind locked doors. According to Hamlin the President began the conversation by saying, "Mr. Hamlin, you have been repeatedly urging me to issue a proclamation of emancipation freeing the slaves, I have concluded to yield to your advice in the matter and that of other friends,—at the same time, as I may say, following my own judgment. Now listen to me as I read this paper. We will correct it together as I go on."

The President then opened a drawer in his desk and took out the draft of the Proclamation. He read it slowly, during which time the Vice President made no interruptions. When he had finished, Hamlin said that he had no criticism. Lincoln could hardly believe that Hamlin regarded the document as perfect. "At least you can make some suggestions," Lincoln urged. Finally, Hamlin reported, he did make "three suggestions, two of which Mr. Lincoln accepted." He declined to make known what his suggestions were, insisting that the Emancipation Proclamation was the President's "own act, and no one else can claim any credit whatever in connection with it."[9]

The death of young James Hutchison Stanton, Stanton's infant son, occurred at about the same time in July, 1862, as McClellan's retreat from Richmond. Lincoln was grieved by both events, and his depressed state was apparent to his associates. He invited the Secretary of the Navy, Gideon Welles, and the Secretary of State, William H. Seward, to accompany him in the Presidential carriage to the infant's funeral. It was during this ride, on July 13, that Lincoln first mentioned his proposed emancipation proclamation to these highly placed advisers. The President "dwelt earnestly on the gravity, importance, and delicacy of the movement, said he had given it much thought and had about come to the conclusion that it was a military necessity absolutely essential for the salvation of the Union, that we must free the slaves or be ourselves subdued...."

Welles recorded in his diary that Lincoln told them that this was the first time that he had mentioned the subject to anyone. The President invited the two men to state frankly how the proposition struck them. Seward, never lacking a response, said that the subject involved consequences so vast and momentous that he wished more time for mature reflection before giving a decisive answer. His offhand opinion, however, was that the measure was "perfectly justifiable" and perhaps might be expedient and necessary. Welles concurred in this view.

During the ride of some two or three miles beyond Georgetown the three men returned to the subject several times. When they returned to

the city the President asked Seward and Welles, as they took their leave, to give the matter their "specific and deliberate attention." As for himself he was firm in his conviction that something must be done.[10]

It was hardly accurate to say that Lincoln had never discussed the matter with anyone. One wonders if Welles' memory was playing tricks on him or if the President's agitated state caused him to speak inaccurately. It was, however, accurate for Welles to declare that it was a new departure for the President to state categorically that he intended to emancipate the slaves. Heretofore, as Welles stated, whenever the matter arose, the President had been "prompt and emphatic in denouncing any interference by the General Government with the subject." The reverses before Richmond and the formidable power and dimensions of the rebellion were forcing the Administration to adopt extraordinary measures to preserve the Union. The proposed emancipation of the slaves fell into the category of extraordinary measures.

The formal solicitation of advice from the Cabinet came at the meeting on July 22, a scarce ten days after the momentous discussion during the funeral ride. When the meeting was called to order, all members were present except Montgomery Blair, the Postmaster General, who arrived during the meeting. The President informed the Cabinet that he had resolved to issue a proclamation emancipating the slaves. His decision in the matter was firm, he assured them. He therefore had called them together to inform them and to solicit their suggestions regarding language and timing.

The President then proceeded to read the following document:

> In pursuance of the sixth section of the act of Congress entitled "An act to suppress insurrection and to punish treason and rebellion, to seize and confiscate property of rebels, and for other purposes" Approved July 17, 1862, and which act, and the Joint Resolution explanatory thereof, are herewith published, I, Abraham Lincoln, President of the United States, do hereby proclaim to, and warn all persons within the contemplation of said sixth section to cease participating in, aiding, countenancing, or abetting the existing rebellion, or any rebellion against the government of the United States, and to return to their proper allegiance to the United States, on pain of the forfeitures and seizures, as within and by sixth section provided.
>
> And I hereby make known that it is my purpose, upon the next meeting of congress, to again recommend the adoption of a practical measure for tendering aid to the free choice or rejection, of any and all States which may then be recognizing and sustaining the authority of the United States, and which may then have voluntarily adopted, or thereafter may voluntarily adopt, gradual abolishment of slavery within such State or States—that the object is to practically restore, thenceforward to be maintain[ed], the constitutional relation between the general government, and each, and all the states, wherein that relation is now suspended, or disturbed; and that, for this object, the war, as it has been, will be, prosecuted. And, as a fit and necessary military measure for effecting this object, I, as Commander-in-Chief of the Army and Navy of the United States, do order and declare that on the first day of January in the year of Our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any state or states, wherein the constitutional authority of the United States shall not then be practically recognized, submitted to, and maintained, shall then, thenceforward, and forever, be free.[11]

There is no known copy of the Proclamation that Lincoln drafted in Eckert's office in the War Department. Perhaps it was similar to the second paragraph of the document the President read to his Cabinet on July 22. The latter document, however, rested largely on the authorization provided by the Confiscation Act of July 17, 1862. One can be certain, therefore, that this draft was written less than five days before the meeting of the Cabinet. It was on two pages of lined note paper, 12 $\frac{1}{2}$ by 7 $\frac{7}{8}$ inches and is now in the Library of Congress. The President endorsed the document as the "Emancipation Proclamation as first sketched and shown to the Cabinet in July, 1882."

Upon the completion of the reading a lively discussion ensued. Despite the prior knowledge of some members of the Cabinet that the President was drafting such a document, interest in the Proclamation was high. Doubtless some members could not believe their ears. Since the first paragraph had the backing of law, there was no extensive consideration of this portion of the proclamation.

Edward Bates, the Attorney General, gave unreserved concurrence. Salmon P. Chase, the Secretary of the Treasury, said that the measure went beyond anything he contemplated. He would prefer to permit the generals to arm the Negroes and proclaim emancipation locally, as they occupied portions of the Confederacy. Stanton, the Secretary of War, had long urged emancipation and arming of the slaves. He, therefore, favored the President's issuing the proclamation at once. The Postmaster General, Montgomery Blair, thought the proposed action was highly impolitic and would cost the administration the fall elections. This would, of course, have an adverse effect upon the conduct and course of the war, he argued.

The most significant observations were made by the Secretary of State. Seward made it clear that he approved the Proclamation, but he questioned the expediency of its issue "at this juncture." The repeated reverses of the Union army had depressed the public mind. An Emancipation Proclamation issued at this time may be viewed as a "last measure of

an exhausted government, a cry for help, the government stretching forth its hands to Ethiopia, instead of Ethiopia stretching forth her hands to the government."[12] He suggested that the matter be postponed "until you can give it to the country supported by military success, attended by fife and drum and public spirit."[13]

Lincoln was impressed by Seward's argument, but he did not commit himself at the meeting. Later in the afternoon he had his second conference of the day with Francis B. Cutting, an ardent pro-slavery Democratic lawyer from New York. Despite his views on slavery Cutting was convinced of the necessity of emancipation in order to forestall diplomatic recognition of the Confederacy and to rally the antislavery element behind the war. He expressed these views fully to Lincoln during the first interview. When the two men met after the Cabinet meeting Lincoln told Cutting that he intended to issue the proclamation the following day, July 23.

On the same day Blair sent the President a lengthy statement reaffirming his objection to the Proclamation on political grounds. He insisted that there was no public sentiment in the North, "even among extreme men which now demands the proposed measure." He argued that it would endanger the Administration's power in Congress and hand to those opposed to the war the control of the next House of Representatives.[14]

That evening Thurlow Weed, the remarkably astute political leader from New York, met with the President. He argued for postponement, not to reinforce Blair's arguments, but in support of Seward's views. He told Lincoln that the Proclamation could not be enforced, and its issuance at that time would be folly. Apparently, Lincoln agreed. Two days later he issued the "Proclamation of the Act to Suppress Insurrection," which was the first paragraph of the document he had read to the Cabinet. Presidential emancipation would wait—not for the fall elections but for a Union victory.

Lincoln did not merely file away the Proclamation for "future use." It remained constantly in his thoughts; and if he was ever disposed to neglect the matter, the constant pressure by Greeley and the others would have made this impossible.

The next two months were difficult for Lincoln. The Proclamation was prepared, but the propitious moment for its issuance seemed never to come. The public unaware of his plans, continued to urge an emancipation policy upon him. Military leaders, including Stanton, wanted Lincoln to arm the slaves. If Stanton did not press the President with greater zeal, he could not forget the manner in which Lincoln countermanded the actions of Hunter, Fremont, and the others. Stanton was among those who believed that armed slaves would accelerate the arrival of the proper moment to issue the Emancipation Proclamation. Lincoln could not agree; and he waited.

In the meetings of the Cabinet in August emancipation remained a subject of interest and discussion. On August 3 Chase urged the President to assure freedom for the slaves in the seceded states on condition of loyalty.[15] During those days that seemed an eternity, unknowing men and women chastised Lincoln for not reaching a decision on emancipation. He was always gracious and patient with all armchair emancipators and military strategists. He continued to wait, but he was becoming more anxious.

At the end of August, Second Bull Run was fought; and the Union troops were repulsed almost as sharply as they had been at First Bull Run thirteen months earlier. After this disaster the Union cause was at a most critical juncture. Even the capital was once more in danger. Lee was determined to capitalize on the victory and take the fight to the enemy. Early in September he crossed the Potomac near Leesburg and, on the seventh of September, occupied Frederick, Maryland.

Panic struck the entire North as news of Lee's movements spread. Some feared that Washington, Baltimore, and Philadelphia would fall. Lincoln fretted, and spent more time than usual at the War Department telegraph office. He must keep in touch with McClellan, now in command of the forces destined to repel Lee. After a sleepless night on September 11 he wired McClellan at 4 A.M., "How does it look now?" Things never looked too good to McClellan, and he remained diffident about advancing against Lee. But he could have replied that things were looking better. A Union private had discovered Lee's orders revealing the disposition of his forces, and had turned them over to McClellan. But the wary, hesitant leader lost his chances of destroying Lee's army because, characteristically, he overestimated enemy strength and power.

Lee's forces were inferior to McClellan's, and Lee knew it. With inadequate forces to push his invasion to the North, Lee resolved to withdraw across the Potomac into Virginia. At long last, however, McClellan made the attack at Antietam Creek, near Sharpsburg, on September 17. For fourteen hours the armies fought, and at the close of the day more than twenty thousand Union and Confederate soldiers lay dead and wounded. It was the heaviest engagement in American history up to that time. McClellan's claim of victory was disputed, but it could not be denied that Lee's offensive had been checked. On the following day Lee recrossed the Potomac and escaped the crushing blow that McClellan could have delivered had he pursued the intrepid Confederate leader. It was this failure to pursue the enemy that caused Lincoln to refer to McClellan's army as "the general's bodyguard."

Although Lincoln was disappointed in the outcome of Antietam it gave him the success he had long sought. Even on the evening of September 17, sensing victory, he worked on the final draft of the preliminary Emancipation Proclamation in the quiet of Soldiers' Home. On Saturday, the twentieth, he returned to the White House, ready to summon the Cabinet on Monday and tell his official family of his decision to issue

the Proclamation immediately. On Sunday morning he carefully rewrote the document that was the culmination of months of work and worry.[16]

Once Lincoln made up his mind to issue the Proclamation, he lost no time in informing his Cabinet of his decision. Early on Monday morning he summoned the members of the Cabinet to the White House. By this time Washington was rife with rumors of an impending Proclamation. Every member of the Cabinet had known since July that sooner or later Lincoln would summon them and tell them that the time had come. After the President had finished his reading from Artemus Ward's new book, they could hardly have been surprised when he began to read his Proclamation. They listened attentively, doubtless sensing the enormous significance of the step the President was taking not only for the course of the war but also for the character and composition of the American social order.

After the President had read the draft of the Proclamation, he invited comments, making it clear that the decision and the consequences were his. There ensued a "long and earnest" discussion in which the President participated. Seward suggested one or two unimportant emendations that were approved. The document was then given to Seward to publish on the following day. Blair, ever political-minded and lukewarm on the slavery question, said that while he approved the principle of emancipation he did not concur in the expediency of the measure. He was convinced that the Emancipation Proclamation would drive the border slave states into the Confederacy. He thought, too, that certain elements in the free states that were opposed to the Administration would use the measure as a club with which to fight the party in power.[17]

The entire Cabinet entered into a general discussion of the question of the authority that the government possessed to set the slaves free. Some thought the government did not have the authority and that special legislation should be enacted before the step was taken. The President was convinced that under his war powers he had the authority to emancipate the slaves, and he had no intention of seeking further Congressional approval. Stanton remained silent, but as a strong advocate of the use of Negro troops and as a vigorous opponent of compensated emancipation he was undoubtedly disappointed. Chase was willing to take the document as written, although he would have approached the matter somewhat differently. This was not the first or the last time that he and the President would differ in their approaches. As usual the President had his way.

The Proclamation of September 22, 1862, commonly referred to as the "Preliminary Emancipation Proclamation," was based firmly on legislative and executive authority. If referred to the act of Congress of March 13, 1862, that prohibited officers from aiding in the capture or return of runaway slaves of disloyal masters. And it invoked the well-known

Confiscation Act of July 17, 1862, that gave freedom to fugitive, captured, and abandoned slaves of rebels. Obedience to the provisions of these acts would itself result in the emancipation of numerous slaves. Proper construction and enforcement of these acts would result in a considerable amount of emancipation by act of Congress.

As Commander-in-Chief of the Army and Navy, Lincoln referred to his military powers as the source of *his* authority to emancipate the slaves. This power was used to prosecute the war in order to restore the Union. Setting the slaves free had become an important means of accomplishing this end. He hoped, finally, to bring about legislative and executive cooperation with a view to developing a plan of emancipation in states that were not in rebellion and to colonize Negroes in Africa or elsewhere.

The significant feature of the proclamation was the provision that called for the emancipation of the slaves of January 1, 1863, in those states or parts of states that were then in rebellion against the United States. The clear implication was that if states or portions of states were not in rebellion on January 1, 1863, the Proclamation would not apply to them. Apparently, in such areas the President would seek to develop some plan of voluntary immediate or gradual emancipation. It was this provision that was to provoke the greatest amount of reaction in the months that followed.

The body of the Preliminary Emancipation Proclamation is in Lincoln's own hand, the penciled additions in the hand of the Secretary of State, and the final beginning and ending in the hand of the chief clerk. The document was presented by the President to the Albany Army Relief Bazaar held in February and March, 1864. Gerrit Smith, the abolitionist leader, purchased it for $1,000 and gave it to the United States Sanitary Commission. In April 1865, the New York Legislature appropriated $1,000 for its purchase and it was placed in the State Library. It is still in the possession of the New York State Library. The text, with the Lincoln and Seward emendations, follows:

> BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
>
> *A Proclamation*
>
> I, Abraham Lincoln, President of the United States of America, and Commander-in-Chief of the Army and Navy thereof, do hereby proclaim and 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, and the people thereof, in which states that relation is, or may be suspended, or disturbed.
>
> That it is my purpose upon the next meeting of Congress to again recommend the adoption of a practical measure tendering pecuniary

aid to the free acceptance or rejection of all slave-states, so called, the people whereof may not then be in rebellion against the United States, and which states may then have voluntarily adopted, or thereafter may voluntarily adopt, immediate or gradual abolishment of slavery within their respective limits; and that the effort to colonize persons of African descent [with their consent][a] upon this continent, or elsewhere, [with the previously obtained consent of the Governments existing there][b] will be continued.

That on the first day of January in the year of our Lord, one thousand eight hundred and sixty-three, all persons held as slaves within any state, or designated part of a state, the people whereof shall be in rebellion against the United States shall be then, thenceforward, and forever free; and the executive government of the United States [including the military and naval authority thereof][b] will recognize [and maintain the freedom of][b] such persons, and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.

That the executive will, on the first day of January aforesaid, by proclamation, designate the States, and parts of states, if any, in which the people thereof respectively, shall then be in rebellion against the United States; and the fact that any state, or the people thereof shall, on that day be, in good faith represented in the Congress of the United States, by members chosen thereto, at elections wherein a majority of the qualified voters of such state shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such state and the people thereof, are not then in rebellion against the United States.

That attention is hereby called to an Act of Congress entitled "An act to make an additional Article of War" approved March 13, 1862, and which act is in the words and figure following:[c]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter the following shall be promulgated as an additional article of war for the government of the army of the United States, and shall be obeyed and observed as such:

Article—. All officers or persons in the military or naval service of the United States are prohibited from employing any of the forces under their respective commands for the purpose of returning fugitives from service or labor, who may have escaped from any persons to whom such service or labor is claimed to be due, and any officer who shall be found guilty by a court-martial of violating this article shall be dismissed from the service.

Sec. 2. *And be it further enacted,* That this act shall take effect from and after its passage.

Also to the ninth and tenth sections of an act entitled, "An Act to suppress Insurrection, to punish Treason and Rebellion, to seize and confiscate property of rebels, and for other purposes," approved July 17, 1862, and which sections are in the words and figures following:[d]

Sec. 9. *And be it further enacted,* That all slaves of persons who shall hereafter be engaged in rebellion against the government of the United States, or who shall in any way give aid or comfort thereto, escaping from such persons and taking refuge within the lines of the army; and all slaves captured from such persons or deserted by them and coming under the control of the government of the United States; and all slaves of such persons found on (or) being within any place occupied by rebel forces and afterwards occupied by the forces of the United States, shall be deemed captives of war, and shall be forever free of their servitude and not again held as slaves.

Sec. 10. *And be it further enacted,* That no slave escaping into any State, territory, or the District of Columbia, from any other State, shall be delivered up, or in any way impeded or hindered of his liberty, except for crime, or some offence against the laws, unless the person claiming such fugitive shall first make oath that the person to whom the labor or service of such fugitive is alleged to be due is his lawful owner, and has not borne arms against the United States in the present rebellion, nor in any way given aid and comfort thereto; and no person engaged in the military or naval service of the United States shall, under any pretence whatever, assume to decide on the validity of the claim of any person to the service or labor of any other person, or surrender up any such person to the claimant, on pain of being dismissed from the service.

And I do hereby enjoin upon and order all persons engaged in the military and naval service of the United States to observe, obey, and enforce within their respective spheres of service, the act, and sections above recited.

And the executive will in due time recommend that all citizens of the United States who shall have remained loyal thereto throughout the rebellion shall (upon the restoration of the constitutional relation between the United States, and their respective states, and people, if that relation shall have been suspended or disturbed) be compensated for all losses by acts of the United States, including the loss of slaves.

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 second day of September, in the year of our Lord, one thousand, eight hundred and sixty two, and sixty two, [*sic*] and of the Independence of the United States, the eighty seventh.

ABRAHAM LINCOLN
By the President
WILLIAM H. SEWARD
Secretary of State

[a] In Seward's hand
[b] In Lincoln's hand
[c] A clipping from the official printing was inserted at this point.
[d] Another clipping from the official printing was inserted at this point.

This was, in a very real sense, the President's own Proclamation. The composition of it began in the War Department's telegraph office in June and continued down through those September days at Soldiers' Home and at the White House the day before the Cabinet meeting. Hamlin, Welles, and Seward gave him no substantive assistance in his private consultations with them. The assistance offered by the Cabinet was essentially of an editorial nature. Even if members of the Cabinet had ideas and approaches that were substantially different from those of Lincoln's, he tended to discourage them from expressing them. If the President claimed for himself the responsibility for making the decision and for reaping the consequences, there was little the Cabinet could do.

To be sure Chase said that he would have approached the matter somewhat differently, but he did not press the point with any vigor in the Cabinet. Meanwhile he had managed to convey the impression among his followers that his influence on the President's emancipation policy was greater than it actually was. In Ohio a group of Negroes passed a vote of thanks for the way in which Chase had fulfilled his duties toward the oppressed "as a member of President Lincoln's Cabinet."[18] Another supporter was even more enthusiastic. On October 1, 1862, John Livingston wrote Chase, "The government is now on your platform and it is right. Everything I have, even to life itself, is now at the disposal of the authorities if necessary to carry out the views expressed by you and adopted by the President."[19] Thus, some of the followers of Chase failed to give the President full credit for the decision and the writing of the Proclamation. In other quarters the credit and the blame were laid at the President's door.

NOTES

1. William H. Herndon, *History and Personal Recollections of Abraham Lincoln.* Springfield, n.d., p. 76.
2. Emanuel Hertz, *Abraham Lincoln.* New York, 1931, vol. II, p. 531.
3. Lincoln to Albert G. Hodges, Frankfort, Kentucky, April 4, 1864, *Collected Works,* vol. VII, p. 281.
4. Lincoln, *Collected Works,* vol. V, p. 371.
5. Ibid., vol. VII, p. 282.
6. F. B. Carpenter, *The Inner Life of Abraham Lincoln: Six Months at the White House.* New York, 1869, pp. 20–21.
7. David H. Bates, *Lincoln at the Telegraph Office.* New York, 1907, pp. 138–41.
8. Lincoln, *Collected Works,* vol. V, pp. 275–76.
9. Charles E. Hamlin, *The Life and Times of Hannibal Hamlin.* Cambridge, 1899, pp. 428–29.
10. Gideon Welles, *Diary.* Boston, 1911, vol. I, pp. 70–71.
11. Lincoln, *Collected Works,* vol. V, pp. 336–37.
12. Carpenter, op. cit., p. 20.
13. Benjamin Thomas and Harold Hyman, *Stanton: The Life and Times of Lincoln's Secretary of War.* New York, 1962, p. 239.

14. David Donald, ed., *Inside Lincoln's Cabinet: The Civil War Diaries of Salmon P. Chase.* New York, 1954, pp. 97–98.
15. Ibid., pp. 105–6.
16. Tyler Dennett, ed., *Lincoln and the Civil War in the Diaries and Letters of John Hay.* New York, 1939, p. 50.
17. Welles, op. cit., vol. I, pp. 142–43.
18. Joseph Emery to Chase, September 29, 1862, Ms. in the Chase Papers, Library of Congress.
19. John Livingston to Chase, October 1, 1862, Ms. in the Chase Papers, Library of Congress.