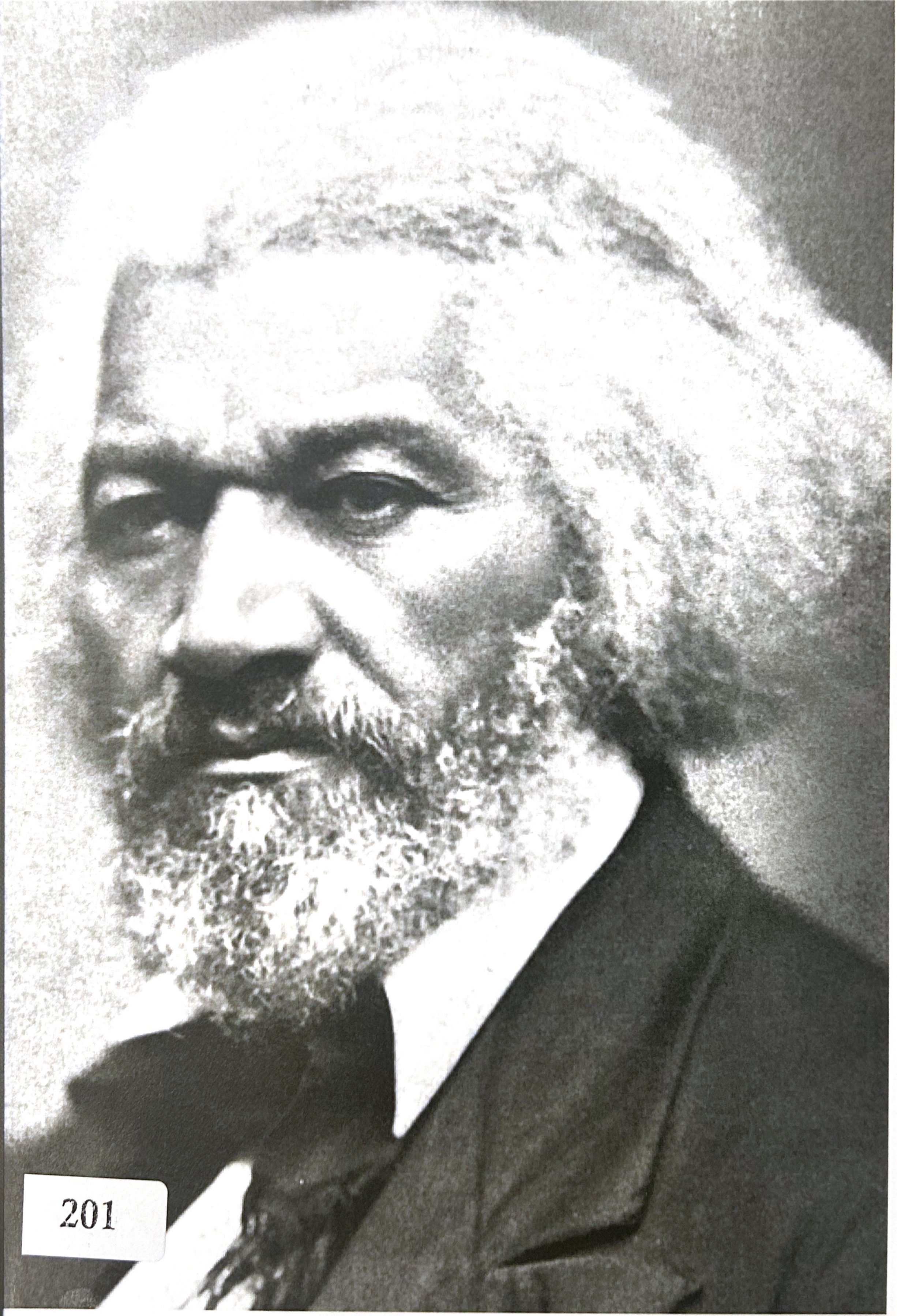


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The Doctrine of the Declaration

Lincoln, Douglass, and The Battle Rhetorical

Grant E. Stanton

ABSTRACT

Abraham Lincoln and Frederick Douglass are two of the most famous, revered, and well-studied individuals in American history. Yet the vast majority of literature comparing them has dichotomized these two, either explicitly by contrast or implicitly by description, and has placed them in oppositional positions within the wider antislavery movement. In reality, the two men had a remarkable degree of intellectual congruity as well as historical consonance. Although they took different approaches, mutual principles and a shared reading of the Declaration of Independence united them. Ultimately, their doctrine resolved America's inner tension with its founding beliefs, as well as inextricably associated the nation with what they saw as the Founders' vision. By analyzing their works, both public and private, I intend to approach the problem of constitutional slavery in their political thought. Analyzing the tenets and leaders of competing political languages, I will examine the "battle rhetorical" - a hyper competition of rhetorical frameworks - precluding the Civil War. This struggle over competing philosophical models ultimately established the Civil War as a conflict largely between two paradigmatic discourses: the Doctrine of the Declaration and the Confederate's Self-Evident Lie.

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And to all my brothers, who I love more in life than anyone else.
I am blessed to have my family. I admire all of you.

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Each of you has touched my life and I'm proud to offer this as testament to the man you've educated. One thought more than any other has stuck with me throughout this whole process:

I am blessed for having learned what I've learned.

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INTRODUCTION

Frederick Douglass and Abraham Lincoln. Two men known in history as intellectual champions of freedom, yet men for whom we have no cogent ascription to their philosophy. In their case it would be foolish to consider them merely as philosophers who abstractly developed their political thinking; or indeed even articulated a lucid, self-recognized philosophy in the first place. With few exceptions, America's most influential and definitional political thinkers have largely been political agents as well as intellectuals. It is descriptively American that, with the exception of more recent thinkers such as Hart and Rawls, our national political values are primarily identified with, and indeed manifested in, our most crucial actors such as Jefferson, Hamilton, and of course, Lincoln. Even in the case of Douglass, who never held any significant political office or appointment, we have an individual for whom it was impossible to separate his thinking from his activism. The two mutually reinforced each other and matured in tandem.

Understanding them as philosopher-actors is of paramount importance to appreciate more precisely what Lincoln and Douglass thought and how they integrated their thinking into their actions as political agents. Although convention has often viewed them as oppositional thinkers, with Lincoln proving the moderate contrast to Douglass's radicalism in anti-slavery politics, in actuality both were ardent pragmatists with an astonishing degree of convergence in their basic principles and presuppositions.[1] Specifically, this will be made clear by understanding how each conceived of the relationship between the rule of law and slavery under the Constitution. Although labeled historically and accurately as a radical abolitionist, this label blurs the fact that, like Lincoln, Douglass's values and moral advocacy were radical but his means by and large were fairly moderate. Given these anachronistic failings, it is critical then that we do not understand them as historical icons but as human beings. To put it succinctly, the questions facing us now are: how did they think that the rule of law related to slavery? Which values were most important for each? And to what degree did pragmatism and substantive gains trump these values?

It is for a longer text and another day to explore all of the myriad factors that led each man to his mature thought, but how they thought of the rule of law and slavery is inextricably

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[1] Contemporary examples of this tradition include James Oakes's *The Radical and the Republican,* or John Stauffer's *Giants: The Parallel Lives of Abraham Lincoln and Frederick Douglass;* Oakes does highlight though how the two thinkers started to converge throughout the Civil War period and Stauffer recognizes their similarity, but their original point of analysis is misinformed.

related to their influences and the philosophical tradition to which they belonged. Both were steeped in Enlightenment ideology and both frequently looked to the same American thinkers in characterizing their politics and defining where they stood. What figured perhaps most prominently for both men was what I call the "Doctrine of the Declaration of Independence."[2]* This doctrine was not merely a certain way of looking at America's founding document. Rather it was a worldview, highly contested during the Antebellum period, that included a full set of principles thought requisite for liberal-democratic government. It saw the Declaration of Independence as America's true constitutional document, establishing a standard of liberty and equality the nation should forever strive towards.

Although Douglass began his activist career by joining his mentor, William Lloyd Garrison, in decrying the Constitution as "a covenant with death and an agreement with hell," he eventually came to the Doctrine of the Declaration after many years and much soul-searching. [3] Lincoln on the other hand had been a firm disciple from the start. He insisted "upon a distinction between the Constitution's compromises and its principles."[4] That said many conventional histories of Lincoln have often obscured his maturation process and the role it placed n his political-legal thought. As it happened, by the end of their lives both men shared the perspective that the founding generation had instilled in this world the "last, best, hope of the Earth" and that the Constitution was the imperfect manifestation of this hope.[5]*

By recognizing their shared understanding of the Doctrine of the Declaration, it is easier to see how similar these two thinkers were. Although it is important to understand the smaller differences between them as well as the larger, much scholarship on the two has been myopic;

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[2] Hereafter and generally referred to as the "Doctrine of the Declaration." Now I do not want to be mistaken here as to just how unconventional my terms and approach are. In essence, I have merely crafted a name for a previously imprecise phenomenon that historians have been grappling with since Lincoln's death – hitherto referred to as his "political religion." In this work I have simply used Lincoln and Douglass' reading of the Declaration to illustrate their immense philosophical consonance and to examine that reading's importance in framing the Civil War. Perhaps more of a mentalité," "mind," or worldview than a doctrine, it was one of many popular discourses at the time, such as Garrissonian Abolitionism or the Fire-Eater Mantra, and Lincoln and Douglass were not alone in sharing this perspective. Perhaps the two most important explorations into Lincoln's use of the Declaration to construct this creed are Harry Jaffa's *New Birth of Freedom* and Pauline Meier's *American Scripture* – though they too did not perceive that Douglass shared this viewpoint. A full draft of an initial copy of the Declaration of Independence is available in the appendix.

[3] William Lloyd Garrison, "A Covenant with Death and an Agreement with Hell," *Boston Daily Atlas*, July 6, 1854, Issue 4.

[4] Harry V. Jaffa, *A New Birth of Freedom Abraham Lincoln and the Coming of the Civil War*, (Lanham, MD: Rowman & Littlefield Publishers, Inc., 2000), 90.

[5] Abraham Lincoln, "Address at Gettysburg, Pennsylvania, 1863," *Selected Speeches and Writings*, ed. Don E. Fehrenbacher, (New York, NY: First Vintage Books, 1992), 405; A full draft of the Gettysburg Address as written by Lincoln is available in the appendix.

seeing them by default as figures of contrast in the anti-slavery movement rather than as adherents to the same faith.

I say faith because the Doctrine of the Declaration is closely tied to what Lincoln conceived of as America's "political religion."[6] Describing it in part at a Republican gathering in 1858, Lincoln argued that this faith is

> what constitutes the bulwark of our own liberty and independence . . . Our reliance is in the love of liberty which God has planted in our bosoms. Our defense is in the preservation of the spirit which prizes liberty as the heritage of all men, in all lands, every where . . . Familiarize yourselves with the chains of bondage, and you are preparing your own limbs to wear them.[7]

Although at this time Douglass might not have reached this conclusion, both would eventually come to see "the promises of the Declaration . . . [as] not confined within the horizon of [American] culture," and because of that, those promises committed "the United States to playing a historical role in the world it can barely define, much less enact."[8] Although lacking the moral certainty of American "New Israel" zealots, who saw America and its people as God's new chosen, Lincoln and Douglass at the full maturity of their thought saw America as holding a special, sacred place in human history as the beacon of universal freedom and equality, or at least of humanity's potential for obtaining them.

Reaching this point required a far greater leap for Douglass than it did for Lincoln. Considering the circumstances of Frederick Douglass's life, everything would seem to have been arrayed against this ultimate position and indeed seem as though they would have made it a foregone impossibility. In his own terms "the fundamental principles of the republic . . . are held inapplicable to us. We plead for our rights in the name of the immortal Declaration of Independence and of the written Constitution of our government; and we are answered with imprecations and curses."[9] Yet despite his intimate familiarity with American hypocrisy, which even someone as societally perceptive as Lincoln could only begin to fathom, Douglass became

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[6] Ibid, 7.

[7] Ibid,163; It is good to note here that throughout my work I use extended quotations with some frequency. I do not merely want to get the original speaker's ideas across; I want their language to speak for itself and for their passion and outlook to emerge in my writing. This can only be achieved by letting them speak for themselves at the most crucial moments and is fundamental particularly when examining discursive paradigms. It is critical to emphasize how they say what they say and not just what they say.

[8] John Burt, *Lincoln's Tragic Pragmatism: Lincoln, Douglas, and Moral Conflict,* (Cambridge, MA: Harvard University Press, 2013), 307.

[9] Frederick Douglass, "The Present Condition and Future Prospects of the Negro People: Speech at annual meeting of the American and Foreign Anti-Slavery Society," *Selected Speeches and Writings of Frederick Douglass*, (International Publishers, 1999), Accessed at http://negroartist.com/writings/Frederick%20Douglass%20Selected%20Speeches%20and%20Writings.htm

enamored with the Doctrine of the Declaration. He knew how far the collective American people had fallen from their ideals and promises yet his humanitarianism overwhelmed his cynicism. His intellectual biographer, Waldo E. Martin, put it: "as a political abolitionist, Douglass elevated Constitutional principle above Constitutional practice." This was a compromise which he could only come to after having appreciated that adherence to the rule of law and persuasive engagement was the only sure means to progress civilization.[10]

As Martin makes clear, quoting the abolitionist himself, the antislavery movement to Douglass was "the best in morality, humanism, religion, the American Revolutionary tradition, as well as the crux of the Civil War. 'It is a thing immortal. It is the very essence of justice, liberty, and love.'"[11] This is particularly striking because, in contrast to a very young Douglass, this would indistinguishably link Abolitionism to the revolutionary tradition of the Founders and them in turn to "justice, liberty, and love."

Despite their moral compromising and failures as men, the Founders had initiated a force on earth that worked relentlessly towards equality and freedom.[12] In Lincoln's case, the "principles of Jefferson are the definitions and axioms of free society," and these principles are so because they are inexorably grounded in nature and reason.[13] As political actors however, their thinking cannot be examined in isolation from their actions. First and foremost Lincoln and Douglass were pragmatists, pragmatists with immutable principles perhaps but pragmatists nonetheless. They were not content merely spectating the inevitable progress of mankind, to await for a *deus ex machina* in human evolution, but rather felt uniquely responsible for making this advance in humanity a reality. Although in retrospect we can see that the Civil War was not a preordained conflict between good and evil, Douglass and Lincoln felt it was the next epoch in history, not only for the United States but for liberty the world over. Douglass, as well as Lincoln, saw the Civil War as a "new birth of freedom," which would work to restore the principles of the Declaration and reorient America in its fateful role.[14] It was thus absolutely

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[10]Waldo D. Martin Jr., *The Mind of Frederick Douglass* (Chapel Hill, NC: University of North Carolina Press, 1984), 37; Persuasive engagement is a concept thoroughly articulated in its application to Lincoln by John Burt in his work *Lincoln's Tragic Pragmatism: Lincoln, Douglas, and Moral Conflict.*

[11] Douglass quoted in Martin, 48.

[12] It is important to mention at this point that, regardless of the historical veracity concerning the Founders' moral integrity, Lincoln and Douglass perceived them as such. I am not asserting that the Founders were as described, but rather, that Lincoln and Douglass saw them in this way.

[13] Abraham Lincoln, "Letter to Henry L. Pierce, 1859," 216.

[14] Jaffa, *A New Birth of Freedom.*

essential that the forces of enlightenment, civil engagement, and the rule of law were not usurped by America's "peculiar institution" and its acolytes.

How they reconciled American slavery to these principles is perhaps the elephant in the room given that it so clearly contradicted everything that they held dear and jeopardized America's destiny as the "last, best, hope of the Earth."[15] Here again, I contend that contemporary scholarship has been unfaithful to the realities of the time and insist that Lincoln's views on slavery were extraordinarily consistent. In actuality, the key values determining Lincoln's position were remarkably unaltered throughout his lifetime. Whatever change that did occur in relation to his position on slavery was largely from external exigencies and whatever he thought was the most effective method in pursuing the ideals of the Declaration and the rule of law.

Historians have not been the only ones confused by Lincoln's seeming inconsistency, and in fact, they can be readily excused for this given that they are in the company of even Frederick Douglass himself. Douglass initially believed that Lincoln was so lacking in principle and conviction that it was personally up to him to "turn the Republican Party into an Abolitionist party and Lincoln into an Abolitionist president."[16] It is because of statements such as this, among others, that James Oakes developed his thesis that Douglass was crucial as a radical galvanizer, setting an unachievable benchmark for Lincoln to be held to throughout the war.

One of the more perceptive political agents during this period however, Lincoln's great rival *Stephen* Douglas, saw through this false distinction veiled by inflammatory and tempered rhetoric and actively worked to expose the similarities between the two. Becoming even conspiratorial in his accusations, Stephen Douglas charged that Lincoln's moderation and the foundation of the Republican Party was a façade. "Lincoln was to bring into the Abolition camp the old line of Whigs and transfer them over to Giddings, Chase, Fred. Douglass and Parson Lovejoy, who were ready to receive them and christen them in their new faith."[17]

. . . . .

One factor that can account for Lincoln's *seeming* inconsistency in principle was his racism and how he grappled with it. Knowing that this feeling was in others, and indeed with far

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[15] Lincoln, "Address at Gettysburg, Pennsylvania, 1863," 405.
[16] Jin-Ping Wu, *Frederick Douglass and the Black Liberation Movement: The North Star of American Blacks*, (New York, NY: Garland Publishing Inc., 2000), p.67.
[17] Stephen Douglas, "First Joint Debate, At Ottawa, 1858," *Political Debates Between Abraham Lincoln and Stephen A. Douglas.* (Columbus, OH: Follett, Foster and Company, 1860), 68.

greater influence and acceptance, Lincoln realized that immediate abolition was not a sufficient answer and that somehow justice would have to surmount, or even compromise with, this innate feeling shared by most white Americans. To this end, Lincoln maintained touch with his racism and used it to help him keep a pulse on how ready America was to end slavery.

Unfortunately, space and time do not permit looking at "economic and class incentives and anxieties," or other such motivators in compelling Lincoln and Douglass to the Doctrine of the Declaration.[18] To be clear: I am looking at one aspect of one subset of their thought. Intellectual historian Bernard Bailyn defines ideology "as a complex matrix of interrelated ideas, amounting to a prism through which people understand the world."[19] Although this gets to the heart of the idea, Bailyn's description is still incomplete in that ideology alone does not determine the parameters of a person's entire outlook but, rather, is only one facet among many, of which it is both a cause and an effect of others.

Understanding a historical figure's prism of analysis necessitates looking at religion, culture, nature, nurture – in essence everything that makes that person who they are is a complex, near-inscrutable, matrix of interconnected paradigms and frameworks. It may be impossible to fully understand any one person's prism, without being them. I am merely looking through a few of those frames rather than contending I have achieved the entire perspective. The Doctrine of the Declaration by itself constitutes more than any one mere frame; it is itself, in fact, a conglomeration of various complementary frames and even sometimes-contrasting principles.

I hope then that in my efforts to challenge our understanding of how Lincoln and Douglass were connected, I also prompt a re-evaluation generally of how we assess political agents in conflicts such as this. Whether Lincoln or Douglass fully believed in the historical veracity of the Doctrine of the Declaration or not, it is enough to know that they *wanted* and *willed* it to be true. A tool is a tool and only gains purpose by the function upon which it is called to perform. Very rarely, if ever, do civil wars or other ideological conflicts actually center simply upon a dichotomy of interests or paradigms. In reality, conflicts of this nature are closer initially to free-for-alls among multiple competing discourses or worldviews. It is only once this

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[18] Eran Zelnik "The Use and Abuse of Intellectual History: Reflections of an Early Americanist," *Society for U.S. Intellectual History*, Dec. 16, 2014, http://s-usih.org/2014/12/the-use-and-abuse-of-intellectual-history-reflections-of-an-early-americanist-part-2.html

[19] Bernard Bailyn, quoted in "The Use and Abuse of Intellectual History: Reflections of an Early Americanist," 2014.

multitude has collected that the apparent dichotomies emerge, and only once the conflict ends that this illusion dissipates.

In this work, I follow in the footsteps of J.G.A Pocock and what is known as the Cambridge school of intellectual history. Instead of focusing on conventional ideas of "ideology" or "philosophy," I agree that intellectual history "can better be written if we focus our attention on the acts of articulation and conceptualization performed by thinkers as agents in the world of speech, and on the matrices of language and rhetoric within which they are constrained to speak but which they modify by the speech-acts they perform."[20] This is the first instance, to my knowledge, applying the Cambridge School of intellectual history to the American Civil War.

[20] J.G.A. Pocock, quoted in "The Use and Abuse of Intellectual History: Reflections of an Early Americanist," 2014.

Ch. 1: Coming to the Doctrine

It is one thing to understand that Lincoln and Douglass did not quite conform to their conventional, anachronistic, roles. However it should not distract from the fact that the two thinkers came to the Doctrine of the Declaration from entirely different backgrounds. Neither Lincoln nor Douglass were born or bred as adherents to the doctrine. They had no instructors in their early years and were neither guided nor led on their respective paths of knowledge. What makes this extraordinary then is that, through vastly different worlds and backgrounds, Lincoln and Douglass came to remarkably similar constructions of the Doctrine of the Declaration based almost entirely upon shared starting principles. What partially helps explain this is that, despite apparent differences, in substance their youths actually contain a remarkable degree of similarity – all things considered. They were inundated with classical republican and natural rights theory from the same instructional, *The Columbian Orator.* This taught, "all men are created equal and entitled to the inalienable rights of life, liberty, and happiness."[21] Remarkably, in every one of the men's core values, they eventually converged almost perfectly in how they saw it and what it meant for mankind. Liberalism, enlightenment discourse, veneration for the rule of law, equality, and faith in the fundamental good and progress of humanity; every one of these both men would identify with as essential principles to their mature thought and as key tenets to their doctrine. However, this is not the same as to say that they always aligned beyond these principles.

The obvious distinction in their thought arises immediately past this point of shared tenets. In a perfect example of Berlinian value-pluralism, the biggest difference in Lincoln and Douglass's thinking was based on the priority they gave to each precept and how compatible their supreme value was with the other principles they were determined to strive for. Characteristically more clairvoyant and grounded by conservative temperament, there was nothing greater for Lincoln than the rule of law. *This* was the defining attribute of humanity, civilization, and progress in the world. *This* is what saved us from the state of war. From this, all else was possible. Without this, all else was a sham and incomplete. For Lincoln, the a priori value, by definition, *had* to be the only one that actually permitted and furthered the dominance of all other values. What is liberty without the law? Nonexistent. What is democracy when the

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[21] John Stauffer, *Giants: The Parallel Lives of Frederick Douglass and Abraham Lincoln*, (New York, NY: Twelve, 2008), 63.

mob is king? Tyranny. What was the difference between the American experiment and all other governments prior in history? It was "a government of laws and not of men."[22]

Lincoln was absolutely right in his analysis and, as a self-made white American, knew precisely how much he owed to the rule of law for his fair shake at life. However, Douglass could not help but see it in a different, darker, light. In describing the American legal system prior to the war, Douglass had to note in utter contempt how much the rule of law and justice "are the images of American imagination, rather than American practices."[23]

> The minister of American justice is bound, by the law to hear but *one* side; and *that* side, is the side of the oppressor. Let this damning fact be perpetually told. Let it be thundered around the world, that, **in tyrant-killing, king-hating, people-loving, democratic, Christian America,** the seats of justice are filled with judges, who hold their offices under an open and palpable *bribes*, and are bound, in deciding in the case of a man's liberty, *to hear only his accusers!* . . . this Fugitive Slave Law stands alone in the annals of tyrannical legislation.[24]

Although Douglass was more than acquainted with how crucial the rule of law was to civilization, he knew just as well that it, as all other sacred things in the hands of men, could be perverted and corrupted. The flip side of the rule of law was equality, true, real, and inviolable, and one could not exist without the other. Here again we see the differences between the two men "[shading] into matters of personality," as Lincoln valued the rule of law and Douglass valued equality for precisely the same reasons and motivations: to ensure the promises of the Declaration.[25] The difference was one of patience: Lincoln desired to ensure the means; Douglass desired to ensure the ends.

Beyond their divergent attitudes however the two men were also inculcated with drastically different ideologies from their contemporaries. Whereas Douglass originally studied in the hard-knock school of Garrisonian Abolitionism, Lincoln came to political maturation under Henry Clay's vision of moderation and compromise; two doctrines that could not have been less compatible. It was because of Lincoln's moderate Clay-Whig background that he relentlessly insisted, prior to the Civil War, "that the promulgation of *Abolition* doctrines *tends rather to increase than abate* [Slavery's] evils."[26] Many have denounced Lincoln for statements

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[22] John Adams, "Novanglus Papers, no. 7." *The Works of John Adams,* ed. Charles Francis Adams (1851), 106.
[23] Frederick Douglass, "Address to the People of the United States," *University of Rochester Frederick Douglass Project.*
[24] Ibid; bold emphasis added.
[25] James Oakes, *The Radical and the Republican: Frederick Douglass, Abraham Lincoln, and the Triumph of Antislavery Politics*, New York, NY: W.W. Norton & Co., 2011, 92.
[26] Lincoln, "Protest in the Illinois Legislature on Slavery," 9.

such as this, his supposed slowness in reaching emancipation, and his meticulously qualified stances on slavery. In doing so however, they are simply ignoring his defining trait as a statesmen and a man: histrionic rejection of all *means* radical. In the same way and on the same ground that he criticizes the Abolitionists, he would take down any moral pontificators who burned the ground they would have their enemies cross. His chastisement of the radical temperance movement exactly mirrored his admonition above: "too much denunciation against dram sellers and dram-drinkers was indulged in. This, I think, was both impolitic and unjust. It was *impolitic*, because, it is not much in the nature of man to be driven to any thing; still less to be driven about that which is exclusively his own business . . ." – or what they think is their own business in any case.[27]

Among the many things well known about Lincoln, his advocacy for prohibition is not one of them. This is largely understandable as the temperance movement in his time became entirely eclipsed by the apocalyptic conflict over slavery. However, it is within one of his speeches advocating temperance, two decades prior to the Civil War, that he elucidated all of his central arguments in his approach to slavery and the South.

Lincoln's severe opposition to and disgust with slavery stemmed from far more than just its despicable particulars. Rather, his opposition to slavery, like his advocacy for temperance, was rooted in its violations of human reason and equality and its tendency to promote the arbitrary and tyrannical. He saw slavery and alcohol as exactly the same evil in different manifestations. Both oppressed men and sapped them of their reason. Connecting their dual downfall to the ultimate success of the Doctrine of the Declaration, he emphasized that "when the victory shall be complete – when there shall be neither a slave nor a drunkard on earth – how proud the title of that Land, which may truly claim to be the birth place and the cradle of both those revolutions, that shall have ended in that victory."[28]

His haunting poetry further provides a poignant revelation into how meaningful reason's usurpation was in his imagination.

But here's an object more of dread
Than ought the grave contains –
A human form with reason fled,
While wretched life remains
. . .

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[27] Lincoln, "Address to the Washington temperance Society in Springfield, Illinois," 35.
[28] Ibid., 43.

I've heard it oft, as if I dreamed,
Far distant, sweet, and lone –
The funeral dirge, it ever seemed
Of reason dead and gone.[29]*

That being said, in the same manner that he was able to accept the unreasonableness of his future Southern aggressors, saying "it is only their odious institution of slavery, that makes the breach between us," so too was he able to take an equitable view of drunks saying "such of us as have never fallen victims, have been spared more from the absence of appetite, than from any mental or moral superiority over those who have."[30]

The difference between drunkards and slavers, even if they are spawn of the same corruption, is of course vast and no light matter of comparison. For someone who had suffered under the lash of tyranny and injustice, it was small consolation to know that the one doing the lashing was a product of his circumstances more so than his intrinsically cruel nature. For the former slave, what was sought was the greatest good for his suffering people, not the greatest good for the greatest number now or in the long run. Moral suasion may be well and good for a drunkard, but history had already proven time and time again that pricking the moral conscience of the South led to stiffer intransigence. As Douglass astutely noted on the pernicious evil that slavery had wrought on Southern morality, perhaps the great blind spot of Lincoln's otherwise vast view, "they who study mankind with a whip in their hands, will always go wrong. They see but one side of everything about them, and that is the worst side. They only see without, the qualities they feel within themselves."[31] It was from his recognition that Southerners actively refuted the Declaration's principles in both word and deed that Douglass was able to easily conclude "'Southern men . . . are all of the same species" and could understand "no law but the law of force.'"[32]

Moderation, however, was not Frederick Douglass's calling card. He actively set himself up as *the* radical in America advocating the abolition of slavery and keeping Southern fears alive. Douglass was their consciousness's bogeyman, warning, "those who enslave, rob, and torment their cooks, may well expect to find *death* in their dinner-pots."[33] To understand his radicalism

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[29] Lincoln, "To Andrew Johnston, 1846," 56. The full text of this poem is available in the appendix and is a highly revealing portrait of Lincoln's sensitivity as well as his eloquence of thought.
[30] Lincoln, "Speech at Kalamazoo, Michigan," 109; Lincoln, "Temperance," 41.
[31] Douglass, UR FDP.
[32] Quoted in David W. Blight, *Frederick Douglass' Civil War: Keeping Faith in Jubilee,* Baton Rogue, LA: LSU Press, 1991, 84.
[33] Douglass, UR FDP; emphasis added

though, one needs to understand the only school of thought in which he was officially tutored; Garrisonian Abolitionism. It "was the primary source for his moral and religious philosophy of social reform. It helped Douglass to crystallize and to expand his beliefs in man's basic goodness . . . More important, Douglass learned from the Garrisonians the strategic value of moral suasion and the importance of altering public consciousness."[34] Garrison may have had his covenant with death and Lovejoy may have had his religious denunciations, but none could spit fire better than Douglass and none could do so with greater intellectual cogency.

Douglass's first and most notorious newspaper, *The North Star,* was "a four-page weekly, modeled on Garrison's *Liberator*, and he borrowed from his former mentor by employing a punchy, fast-paced, and physical style. But where Garrison was unrelenting in his attacks . . . Douglass loved irony, humour, and ambiguity . . . so his prose sounded more genteel."[35] Douglass's was such a sophisticated abolitionism that many seriously doubted a former slave could ever even have such lucidity of thought and advocacy. It was in large part from this pressure that he published his first autobiography, *Narrative of the Life of Frederick Douglass, An American Slave,* to verify his story and vindicate his position as living evidence against the great lie of natural inferiority. He was the spectre reminding them, "the fact is, the whole system, the entire network of American society, is one great falsehood, from beginning to end . . ."[36]

Despite their oppositional, self-crafted roles there is a particularly strange ground they share, one that, like his temperance advocacy, is less known about Lincoln yet sheds immense light on his thought. Namely: his mythicized frontiersman childhood. In reality, Lincoln would reflect on his youth saying that he was essentially no more than a slave for his financially inept father. So bitter that he refused to go to his funeral, Lincoln felt the emotional scars his whole life. "As late as 1859, Adlai Stevenson [a colleague] was puzzled by the way Lincoln ended a brief self-description — 'no other marks or brands recollected' — since this was the language 'not infrequently employed in the South, especially Kentucky, for a notice of a 'runaway slave.'"[37]

Nowadays people envision a tough-love environment that forged the future emancipator and instilled in him the lessons of American independence. Unfortunately, Lincoln's early life could

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[34] Waldo E. Martin Jr., *The Mind of Frederick* Douglass, Chapel Hill, NC: UNC Press, 1985, 22.
[35] Stauffer,133.
[36] Douglass, UR FDP.
[37] Allen C. Guelzo, *Abraham Lincoln: Redeemer President*, Grand Rapids, MI: Wm. B. Eerdmans Publishing Co., 2002, 121.

be described more accurately by Hobbes: "no arts, no letters, no society," for many on the frontier, "the life of man, solitary, poor, nasty, brutish, and short."[38]

From their surprisingly similar backgrounds in barbarity, Douglass and Lincoln also share in the experience of grappling with an insider-outsider dilemma – a self-conscientiousness that stayed with them their whole lives. By this I mean simply that each man, a natural born outsider due to conditions beyond their control, *desperately* wanted to be an insider yet they simultaneously relished their outsider status, or at least embraced that aspect of their nature and the unique position it gave them in shaping America's politics. Recognizing this tension, Douglass wrote, "parties are too politic and sects are too sectarian, to select one of my odious class, and of my radical opinions, at this important time and place, to represent them . . . I am no man's agent; and I am no parties' agent."[39] This position had many facets that appealed to but also outraged Douglass. Both men were essentially forced to juggle cultivated images as slave and country lawyer in order to maintain their authenticity while simultaneously ostracizing that part of their history when attempting to fit with the "in-crowd" – mainstream Whigs and Republicans in Lincoln's case and white, North, America in Douglass's. In one of his harshest condemnations of America and its hypocritical people on the ultimate day celebrating *their* freedom and independence, he reminded them of what they made him.

> I say it with a sad sense of the disparity between us. I am not included within the pale of this glorious anniversary! Your high independence only reveals the immeasurable distance between us. The blessings in which you, this day, rejoice, are not enjoyed in common. - The rich inheritance of justice, liberty, prosperity and independence, bequeathed by your fathers, is shared by you, not by me . . . What, to the American slave, is your 4th of July? I answer; a day that reveals to him, more than all other days in the year, the gross injustice and cruelty to which lie is the constant victim.[40]

Douglass is known in history for being the outsider among Northerners. Less well known is Lincoln's own difficulty trying to fit in. Many forget or overlook Lincoln's severe depression when remembering the great man, yet this played a huge role in his life and was amplified by what he saw, even into his presidency, as a life of failure and insignificance. Bemoaning the loss of his friend Matthew, the subject of lost reason in the earlier poem fragments, Lincoln finished,

O death! Thou awe-inspiring prince,
That keepst the world in fear;

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[38] Hobbes, *Leviathan*, (Barnes and Nobles, 2002,) XIII 9.
[39] Douglass, UR FDP.
[40] Ibid,

Why doest thou tear more blest ones hence,
And leave him ling'ring here?[41]

It is only with the advantage of hindsight that we know how great a fortune it was that Lincoln never succumbed to his depression-prone nature, which strayed close to suicide on more than one occasion. In his own time, even before being one of the most hated presidents in American history during their term of office, Lincoln faced a life lacking accomplishment or anything to commend him to history. In contrast to his great rival, *Stephen* Douglas, "with *me,* the race of ambition has been a failure – a flat failure; with *him* it has been one of splendid success . . . I would rather stand on that eminence, than wear the richest crown that ever pressed a monarch's brow."[42] Although this statement seems nothing short of absurdist from a modern perspective, Lincoln's lack of self-satisfaction was an internal demon, that, hand-in-hand with his ambition, was a "little engine that knew no rest."

Although Douglass was an incorrigible optimist by contrast, he naturally was never able to be a full "insider" like Lincoln eventually was. Both stuck out in a crowd. Lincoln an eyesore beanpole, generally exaggerated by awkward fitting clothes, and Douglass a lionesque and imposing man marked irredeemably as an "other" by his skin. Both felt the sting of being spectacle to most passerby. Even in the midst of Lincoln's presidency, Washington Roebling, future architect of the Brooklyn Bridge, was equally mortified and amused when he recounted a tale of the President's struggles.

> The President was mounted on a hard-mouthed, fractious horse, and was evidently *not* a skilled horseman. Soon after the march began his stovepipe hat fell off, next his pantaloons, which were not fastened on the bottom, slipped up to his knees, showing his white homemade drawers, secured below with some strings of white tape, which presently unraveled and slipped up also, revealing a long hairy leg. While we were inclined to smile, we were at the same time very much chagrined to see our poor President compelled to endure such unmerited and humiliating torture.[43]

But while children or the unkind would tease or merely stand to gawk at "the original gorilla," Douglass was accused of adultery for merely being in public with white women and had to fight frequently and vociferously for his place on trains and buses.[44] Where the gawking

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[41] Lincoln, " To Andrew Johnston," 57.
[42] Lincoln, *On Stephen* Douglas, 114.
[43] Quoted in David McCullough, *The Great Bridge: The Epic Story of the Building of the Brooklyn Bridge*, (NY: New York, Simon and Schuster, 2007), 162.
[44] Gen. George McClellan, "Letter to Mary Ellen McClellan, November 1861."

eventually turned into admiration and awe on the part of Lincoln, especially as his embarrassing foibles faded, Douglass was never able to quite shed the sense of carnival. Indeed, "the central thrust of his thinking, was to resolve the dynamic tension between his identities as a Negro and as an American."[45] Even in Europe, which Douglass hailed as a black utopia in contrast to his native land – indeed he would not have left England were it not for his family and sense of mission – he was cognizant of the fact that he had to keep his hair at its wooliest in order to appeal to English and continental "negromania." While he had his ego stroked and met with the English high-life he was always aware, though still underestimated, that this was fueled by mere "exoticism."

Tragically, whereas Lincoln eventually became secure as an insider and influenced the public discourse at little cost to his principles, Douglass, "espousing a humanist politics of morality, justice, and equality," likewise, "increasingly allied himself with mainstream political institutions in order to influence as wide an audience, white and black, as possible," yet, "the active pursuit of this pragmatic political posture . . . tended to blunt the edge of his insight into American politics."[46] Beyond this, Douglass's post-war years are a testament to the sinister racism that gripped Republicans and the abuse he endured as a faithful member to the party that freed his people, even as it watched them become re-enslaved. During the war Secretary Edwin Stanton offered him a commission that never existed; President Ulysses S. Grant sent him as an envoy to Haiti, only to *not* invite him with the other commissioners to the White House afterwards; his good name was used to prop up the failing and congressionally unsupported Freedmen's Bank, which shortly after went bankrupt and nearly dragged him down with it. Fortunately, Frederick Douglass would die a happy, rich, man who never ended his crusade for the rights of his people. Even as an established elder statesmen in the Republican Party however, his skin marked him as an other.

Ultimately, like the Founding Fathers themselves, the greatest unifying trait Douglass and Lincoln shared was a belief in liberal-democratic Enlightenment discourse. So assiduously did Lincoln embody the principles of the Enlightenment, that he has been called its "cautious grandchild."[47] This is a particularly fitting characteristic as he clearly followed in the more conservative *English* Enlightenment and its constitutional-legal tradition – from Sir Edward

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[45] Blight, ix.
[46] Martin, 80.
[47] Oakes, 90.

Coke to John Locke to William Blackstone; what he called "the peaceful way, the old-fashioned way, the way in which the fathers themselves set us the example."[48] Douglass, by contrast, was clearly the grandchild of the more romantic, liberal, Enlightenment in the Franco-Dutch tradition. In essence, this difference is a microcosm of their larger divergences as men: acceptance of similar, if not identical precepts, but with drastically different application. As the English, in historic symmetry with America, underwent political strife, then civil war, and then reunion, their approach was more generally defined by cautious reform rather than earth-shattering change. The French example, however, is *the* definition of radical revolution for the sake of enlightened government.

Both Enlightenment traditions, however, consistently came together to support such propositions as "human government is for the protection of rights; and when human government destroys human rights, it ceases to be a government and becomes a foul and blasting conspiracy; and is entitled to no respect whatever."[49] Such an assertion, stripped of its radical phrasing, could just as easily have been said by Locke as Rousseau, or by Lincoln as Douglass.

Beyond their shared influence from Enlightenment principles, they were also instilled with the same vision of man's place in history and his progress over barbarity. Sharing in the optimism of the French and English thinkers alike, Douglass and Lincoln were convinced that man's destiny was a linear progression from barbarity to civility and that slavery was the last, great hangover from antiquity. It, like Europe's monarchs, would eventually have to succumb to the tendencies of the age. Douglass directly connected the success of the Enlightenment to the down fall of slavery, saying that "against this inhuman and monstrous purpose are arraigned the enlightenment of the age, checking and overthrowing tyranny, liberating the bondman from his chains in all quarters of the globe, and extending constitutional liberty to long oppressed nationalities; . . . against it are the eternal laws of liberty, goodness, justice and progress, dispelling the darkness of barbarism."[50] It is no exaggeration that for them, the Doctrine of the Declaration was the fruit of the West's collective enlightenment. In its struggle for dominance against slavery and tyranny, as Lincoln put it, "it is the eternal struggle between these two principles - right and wrong - throughout the world. They are the two principles that have stood

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[48] Lincoln, 191; For further exploration into the divergent English and French Enlightenment traditions please refer to my work *The Common Law and the Enlightenment: The Origins of Liberal-Democratic Discourse in the Ancient Constitution* or Roy Porter's book *The Creation of the Modern World: The Untold Story of the English Enlightenment.*

[49] Douglass, UR FDP.

[50] Ibid.,

face to face from the beginning of time; and will ever continue to struggle. The one is the common right of humanity and the other the divine right of kings."[51] For Lincoln, the Doctrine alone could finally break history's destructive decay and found a society of perpetual bliss.

As mentioned, however, Douglass had a far more winding path in reaching this final conclusion, at least as it respects the Declaration of Independence. One of a number of influential factors regarding this was that Douglass, unlike Lincoln, was introduced to William Blackstone, the definitional eighteenth century jurist and champion of the rule of law, at a later point in his life. This is particularly important to note because Lincoln himself admitted "I never read anything which so profoundly interested and thrilled me."[52] It was in huge part thanks to Blackstone, and the tutorship of Gerrit Smith, a radical but more pragmatic Abolitionist than Garrison, that Douglass was able to appreciate the supreme importance of the rule of law. Ironically, obtaining a more nuanced and comprehensive understanding of Blackstone than Garrit Smith, Douglass was eventually able to realize that "Smith and a few other theorists borrowed from William Blackstone to argue that natural law was incompatible with slavery and thus overrode any human law that defended it," yet this naturally "encouraged people to fit the Constitution into their preconceived beliefs and define natural law according to their own laws."[53] In other words, he finally learned that reading "good" things into the Constitution that were not present could be just as malicious as reading "bad" things into the Constitution.

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[51] Lincoln, 193.
[52] Stauffer, 99.
[53] Stauffer, 145.

Ch. 2: Framing the Founders

What role did the Founders play in developing their mature thought then and how did Lincoln and Douglass conceive of them within the Doctrine of the Declaration? Ultimately, the Founders were indelibly connected to the Enlightenment that inspired them and none became more iconically attached to the Declaration and its principles than Thomas Jefferson. Although historian Pauline Maier has taken Lincoln to task for so strongly identifying him above all the other contributors, it seems that both Lincoln and Douglass naturally looked to Jefferson as the most authoritative source of the Declaration's meaning due to his philosopher-statesmen status and because none had a greater connection to the Enlightenment itself.[54] The bridge between old world ideology and the new world's experiment, Jefferson became the patron saint of the Doctrine of the Declaration. It was entirely thanks to his and their efforts that America was as prosperous as it became. Everything America was and would become that was for the good of mankind and civilization was thanks to the Founding Fathers.

> All honor to Jefferson – to the man who, in the concrete pressure of a struggle for national independence by a single people, had the coolness, forecast, and capacity to introduce into a merely revolutionary document, an abstract truth, applicable to all men and all times, and so embalm it there, that to-day, and in all coming days, it shall be a rebuke and a stumbling-block to the very harbingers of re-appearing tyranny and oppression.[55]

What is breathtaking about this praise is not its commentary on the man but rather Lincoln's implicit assertion that the revolution was insignificant when stripped of its principles. For Lincoln, the revolution's ideology was the difference between simple humanity and the divine. Although the Fathers would have been acting on their rights in rebelling against parliament, their revolution would have been singular and unimportant instead of universal and critical to the cause of human liberty and fair government. However much the Founders and their children failed in meeting these goals, they had embalmed the great standard of universal liberty and equality for mankind into their national charter. The Constitution would come later, but for Lincoln and Douglass the nation and its mission had been born July 4th, 1776.

Douglass made the importance of the Founding Fathers apparent when, complementing his harsh condemnation of American hypocrisy, he used *their* Founders on the 4th of July to show them how far *they* had fallen.

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[54]Maier, *American Scripture*.
[55] Lincoln, "To Henry L. Pierce and Others, 1859," 216.

> They were statesmen, patriots and heroes, and for the good they did, and the principles they contended for, I will unite with you to honor their memory . . . Your fathers staked their lives, their fortunes, and their sacred honor, on the cause of their country. In their admiration of liberty, they lost sight of all other interests . . . Their solid manhood stands out the more as we contrast it with these degenerate times . . . Their statesmanship looked beyond the passing moment, and stretched away in strength into the distant future. They seized upon eternal principles, and set a glorious example in their defence . . . We have to do with the past only as we can make it useful to the present and to the future . . . You have no right to enjoy a child's share in the labor of your fathers, unless your children are to be blest by your labors.[56]

To strengthen his contrast with America's current corruption, he portrayed the Founders as prophet-like in their foresight and saint-like in their superhuman righteousness and dedication to humanity's enfranchisement. Although Douglas knew more than well enough that these were ordinary men like any other, not the angels Madison's government-less utopia would require, he also knew that framing the Founders in this equally reverential and condemnatory rhetoric allowed him to hail the American dream, while assaulting its reality. Maier, the great critic of the Doctrine of the Declaration's historical veracity, nevertheless admitted "the Declaration's newfound status as a sacred document made it extremely useful for causes attempting to seize the moral high ground in public debate."[57] Instead of abandoning the Founders, allowing the opposition to claim *they* are acting in their footsteps, Douglass, according to Eric Sundquist, "placed himself outside the American dream but within the circle of the post-Revolutionary generation's principal rhetoric."[58] He may have been shut out from white America, but the universal language of the Founders was as much his as any person's. When he no longer condemned the founding generation, he refused to allow Southerners to try and exclude him from their scope in declaring the rights of man.

This pragmatism had the immense advantage of fitting more perfectly into his own opinions of the Founders and America's promise. As James Oakes has noted, "Douglass's rendition of historical events was suffused with his profound identification with the Founders, what they had been up against and what they had accomplished."[59] He could and wanted to bond very powerfully with these men: champions romantically oppressed by manifest tyranny who nevertheless fought and declared what the slave himself had put into deed, "give me liberty, or

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[56] Douglass, "Fourth of July Oration," UR FDP.
[57] Maier, 197.
[58] Quoted in Oakes, 31.
[59] Ibid., 30.

give me death!"[60] That being said, in his Garrisonian days Douglass reserved little admiration for these men and saw them merely as self-serving hypocrites who promised freedom in the same breath they ensured slavery. It is unsurprising that he originally held "I have no love for America, as such; I have no patriotism. I have no country."[61] What had America ever given to him? He was born into chains by his own father, he was hounded from his homeland twice for his own safety, and he had to fight ferociously for each and every one of its "promises" that he was able to secure for himself.

Perhaps the hardest thing for Douglass to accept into his mature thinking was giving allowance to the Founders for this unnatural wedding of liberty and slavery. By nature a pragmatist, Douglass nevertheless originally viewed the Founders' compromising as evidence that the Constitution not only permitted slavery but was in fact founded for the precise purpose of *securing* slavery. In other words, into the Constitution they "cunningly devised," the pro-slavery principle, "supporting and perpetuating this monstrous system of injustice and blood."[62] Of course, Douglass would eventually come around to seeing the Constitution as an imperfect manifestation of those higher principles in the Declaration, ultimately realizing, "the fallacy here . . . is in the assumption that what is morally right is, at all times, equally politically possible."[63] As David Blight has put Douglass's conversion to the Founders' fold, "his reasoning came from an admixture of selective historical perception and moral outlook. Douglass always garnered hope from America's founding creeds, and in his view the Constitution . . . provided a legal foundation for the earlier promise in the Declaration of Independence."[64] So extreme was his about face that afterwards, and to the end of his days, Douglass would say time and time again "as it ought to be interpreted, the Constitution is a GLORIOUS LIBERTY DOCUMENT!"[65]

For Lincoln's part, he knew just as well as Douglass of the fallibility of the Founders and yet too the immense advantage that lay in framing a debate and according to oneself the sanction of history. If anything, he was even more effective in establishing the Founders' ethos squarely

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[60] Patrick Henry, "Patrick Henry's Speech to the Virginia House of Burgess, Richmond, Virginia March 23, 1775," *Florida Center for Instructional* Technology, http://etc.usf.edu/lit2go/133/historic-american-documents/4956/patrick-henrys-speech-to-the-virginia-house-of-burgess-richmond-virginia-march-23-1775/

[61] Douglass, "Country, Conscience, and the Anti-Slavery Cause: An Address Delivered in New York, New York, May 11, 1847," *The Gilder Lehrman Center for the Study of Slavery, Resistance, and Abolition,* http://www.yale.edu/glc/archive/1088.htm

[62] Douglass, "Letter to Thomas Van Rensselaer, 1847," *UR FDP*; "Speech before the American Anti-Slavery Society, May 11, 1847" *UR FDP.*

[63] Douglass, quoted in Blight, 36.

[64] Blight, 33.

[65] Douglass, *UR FDP.*

into his camp. Novelty was everywhere in Lincoln's America. Some were now talking of slavery as a "*positive good*," while others were calling the truths of the Declaration "*self-evident lies*," and still others were now contending that there was no Constitutional restriction against slavery *even in the free states*. Recognizing the rhetorical importance of guarding the old instead of initiating the new, Lincoln would admonish his nation, "let us return [the Declaration] to the position our fathers gave it; and there let it rest in peace. Let us re-adopt the Declaration of Independence, and with it, the practices, and policy, which harmonize with it . . ."[66] After his return to politics, prompted by the Kansas-Nebraska Act and the great threat it posed to the Declaration, Lincoln immediately positioned himself "as the conservative defender of the Founders' legacy in the face of growing southern radicalism."[67] Fundamentally, he understood that "in this and like communities, public sentiment is everything."[68]

Lincoln and Douglass were not the only ones to realize this, nor were they the only ones trying to paradigmatically control the coming discursive conflict. Many tried to claim the authority of the forefathers for their own arguments, with varying degrees of credibility. Lincoln and Douglass however were the most successful, and perhaps possessed the greatest historical integrity and intellectual consistency in their argument. Unlike other competing rhetorical paradigms, which will be discussed in depth later, the Doctrine of the Declaration was correct in resting on the belief that the Founders, by and large, saw slavery as evil and hoped fervently for its ultimate, and preferably swift, extinction. Lincoln in fact, speaking from more than mere stereotype or public imagination, meticulously researched the positions of almost forty Fathers at the constitutional convention to verify that the consensus at the time was that slavery was dying, even as it constituted the single greatest stain on the country's noble birth.[69] Regarding the Founders and slavery, and indeed every generation dealing with slavery up to Lincoln's time, Thomas Jefferson's indeterminate conclusion "we have the wolf by the ear, and we can neither hold him, nor safely let him go" was almost always the final formulation as people saw the problem.[70]

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[66] Lincoln, 99.
[67] Oakes, 94.
[68] Lincoln, 150.
[69] Lincoln, 209-214.
[70] Thomas Jefferson, "Letter to John Holmes, April 1820," *The Writings of Thomas Jefferson*, Ed. Paul Leicester Ford, (New York: G.P. Putnam's Sons, 1892-99), 10:159. Accessed at: http://www.monticello.org/site/jefferson/wolf-ear#footnote1_2r8oyym

Beyond themselves, Douglass and Lincoln were not alone in viewing the Founders this way, however. In describing Henry Clay, his "beau ideal of a statesmen," Lincoln not only places Clay within the same historical tradition as the Founders, but also very accurately describes his own position as he praises his hero:

> Mr. Clay . . . ever was, on principle and in feeling, opposed to slavery . . . Cast into life where slavery was already widely spread and deeply seated, he did not perceive . . . how it could be at once eradicated, without producing a greater evil, even to the cause of human liberty itself. His feeling and his judgment, therefore, ever led him to oppose both extremes of opinion on the subject.[71]

Like the Founders and Lincoln himself, Clay intensely regretted and despised slavery within the United States; he saw it at odds with the nation's mission and strove to maintain the Union despite this tension. As Lincoln would have to surmount the fire-eaters in his day to eradicate the idea that the Union and slavery were compatible, so too did Clay have to struggle with their intellectual progenitor: John C. Calhoun and his "Self-Evident Lie" theory.

Although Clay, unlike Lincoln, did not have the eradication of "positive good" or "self-evident lie" theory as his direct objective, due to his impression that slavery was likely to go extinct peacefully, Lincoln made it clear that "Mr. Clay's predominant sentiment, from first to last, was a deep devotion to the cause of human liberty . . . He loved his country . . . because it was a free country; and he burned with a zeal for its advancement, prosperity, and glory, of human liberty, human right and human nature."[72] For Douglass, however, it was not so easy to idolize this man.

Looking at the history of slavery's growing clout and aggressiveness, Douglass laid the blame squarely on the shoulders of the "Great Compromiser," the one man who, in his mind, virtually *ensured* "more than any other man in this country to make slavery perpetual."[73] Reiterating a constant complaint against Clay's compromises, Douglass saw the Compromise of 1850 as "like all Southern compromises, [giving] everything to Liberty, in words, and [securing] everything to Slavery, in deeds."[74] That being said, after a certain amount of reflection, especially once Douglass had become convinced of the moral inevitableness of the coming conflict, Douglass came to appreciate that it was slavery's very presence which had mandated that it either wither and die or grow and usurp. Seeing these American giants as futile children

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[71] Lincoln, 88.
[72] Ibid., 87.
[73] Stauffer, 148.
[74] Douglass, *UR FDP*.

trying to suppress a fire with a squirt gun, he noted that "Clay, Calhoun, and Webster each tried his hand at suppressing the agitation; and they went to their graves disappointed and defeated. The fact is, the more the question has been settled, the more it has needed settling."[75]

What is extremely important to note, however, is that the Doctrine of the Founders, the Doctrine of Clay, and Lincoln and Douglass's Doctrine are not *completely* identical. They are all in the same historical tradition but, in other words, the Doctrine of the Declaration evolved with each generation, adding new precepts, prioritizing some at the expense of others, and it was fundamentally altered in how its proponents used it for their aims. In the Founders' time, the Doctrine enjoyed more-or-less what Quentin Skinner has called a "hegemonic status" as a paradigm language.[76] Moral pontificating on the deleterious nature of slavery was unimportant in their eyes or was even basely vindictive. The chief consensus was that slavery was an evil necessity, to be tolerated until it could be safely euthanized, and as such should largely not even enter the national discourse. By the time of Clay, however, he already had to contend with a reinvigorated slaveocracy and the first musings of a comprehensive argument against the Declaration and its principles. Once Lincoln and Douglass had succeeded the mantle however, far from being hegemonic, the Doctrine of the Declaration was being assailed from all sides and a multitude of competitive arguments had arisen to fill the vacuum, including Popular Sovereignty – the most malignant and destructive discursive paradigm Lincoln ever encountered. Noting their new challenges and the symmetry of their position with their predecessors, John Stauffer has said that "[Stephen] Douglas became for Lincoln what Andrew Jackson had been to Henry Clay, what John C. Calhoun had been to John Quincy Adam, what slaveholders were to Frederick Douglass . . ."[77]

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[75] Douglass, *UR FDP*.
[76] Quentin Skinner, *The Foundations of Modern Political Thought*, (Cambridge, UK: CUP, 1996).
[77] Stauffer, 187.

Ch. 3: Racism and Slavery in the Doctrine's Constitutional Tradition

Finally then, we address the great contradiction of America's founding and their philosophy: slavery, racism, and their place in a nation "conceived in Liberty, and dedicated to the proposition that all men are created equal."[78] Perhaps the single most misunderstood aspect of both Lincoln and Douglass to this day regards their racism and yet this may be the most important aspect in understanding their Doctrine. It has often been supposed, and indeed it now seems the default assumption, that Lincoln was a crafty and wily politician who utilized, sometimes shamelessly, whatever means were most expedient for achieving a certain end or, in more cynical interpretations, solely for advancing his career. Some historians, from the so-called revisionist school, have sought to tear down Lincoln's legacy as "The Great Emancipator," charging that he in fact resisted emancipation fervently and was against it from the start. It has even been asserted that Lincoln could have averted the nation's greatest calamity had he not isolated the South rhetorically and had he not undercut Stephen Douglas's presidential prospects for his own gain. Richard Hofstadter's work, *Abraham Lincoln and the Self-Made Myth*, has become a central, modern condemnation in this trend and alleges that Lincoln manipulatively self-crafted his historical role – presupposing a Promethean pre-cognizance on Lincoln's part.[79]

Largely, this tendency has come from an attempt to de-centralize Lincoln's emancipator status, and its essential to know that Civil War scholar Ira Berlin was speaking the complete truth when he said "[slaves] were the prime movers in the emancipation drama," not Lincoln.[80] Ironically, however, Neoabolitonism is one of the newest manifestations of this revisionist trend and has taken the ex-president to task in the spirit of the Abolitionists of his time, including Douglass. Holding Lincoln to the same standard as fellow white stalwarts of universal equality such as Charles Sumner, Thaddeus Stevens, and Wendell Phillips, Lerone Bennett Jr. in his work, *Forced Into Glory: Abraham Lincoln's White Dream,* concluded that Lincoln was a miserable racist who actually impeded emancipation far more than he helped ensure it.[81]

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[78] Lincoln, 405.
[79] Richard Hofstadter, "Abraham Lincoln and the Self-Made Myth," *The Best American History Essays on Lincoln*, ed. Sean Wilentz (New York, NY: Palgrave McMillan).
[80] Quoted in George M. Frederickson, *Big Enough to Be Inconsistent: Abraham Lincoln Confronts Slavery and Race*, (Cambridge, MA: Harvard University Press, 2008), 102.
[81] Lerone Bennett, Jr., *Forced into Glory: Abraham Lincoln's White Dream,* (Johnson Publishing Co., 1999).

Dramatically denouncing the Gettysburg Address as a mythicized '"Sermon on the Mount" of politics,' he sees Lincoln's true vision of the Declaration as "false."

The revisionist attempt is admirable for its goal of impartial historicism but ironic because, using the great Abolitionists' own words, they attempt to rewrite Lincoln off the very platform that Douglass, Sumner, and countless others had immeasurably helped to put him on.[82] While using a young Douglass's assertion, which we know now as an absolute falsity, that "whoever [lives] through the next four years will see Mr. Lincoln and his Administration attacked more bitterly for their pro-slavery truckling, than for doing any anti-slavery work," they ignore his later appreciation for the man and his position. In what Stanford historian George M. Frederickson calls "the most incisive general evaluation of Lincoln's relationship to African Americans," a far more mature Douglass, speaking with the infinite advantage of hindsight and trying to do justice to all sides, said "viewed from the genuine abolition ground, Mr. Lincoln seemed tardy, cold, dull, and indifferent: but measuring him by the sentiment of his country, a sentiment he was bound as a statesman to consult, he was swift, zealous, radical, and determined."[83]

Charles Sumner also actually happened to be a close personal friend to the President and was among the Doctrine's diverse adherents. His eulogy of the President speaks both to the heart of the man and his mission. In "The Promises of the Declaration of Independence: Eulogy on Abraham Lincoln," he had no reservations,

> the work left undone by Washington was continued by Lincoln . . . *[but it] will have failed unless it performs all the original promises of that Declaration which our fathers took upon their lips when they became a nation* . . . enmity to the Union proceeded entirely from enmity to the great ideas of the Declaration . . . [and it] is Slavery that has taken the life of our beloved Chief Magistrate, and here is another triumph of its Barbarism.[84]
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> In fact then, the Neoabolitionist approach largely comes to vindicate Lincoln as viewed through the greatest and most iconic Abolitionists in history; which itself is part of a larger exoneration of Lincoln's philosophical candor and conviction. As mentioned, it has been the

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[82] An inevitable consequence of adopting your subject's biases and shortsightedness in conjunction with the rest of their advocacy and viewpoint.

[83] Frederickson, 125; Douglass, UR FDP.

[84] Charles Sumner, "The Promises of the Declaration of Independence: Eulogy on Abraham Lincoln, delivered before the Municipal Authorities of the City of Boston, June 1, 1865," Accessed at: https://play.google.com/books/reader?id=y5Pp_xaKfYEC&printsec=frontcover&output=reader&hl=en&pg=GBS.PA56

pastime of many to decry Lincoln's legacy as venerating a fictitious person that the public mind, or irresponsible historians, has affixed to an entirely unscrupulous, lip-servicing, politician. This all, despite Douglass's own testimony that

> he was a mystery to no man who saw him and heard him. Though high in position, the humblest could approach him and feel at home in his presence. Though deep, he was transparent: though strong, he was gentle; though decided and pronounced in his convictions, he was tolerant towards those who differed from him, and patient under reproaches . . . The image of the man went out with his words, and those who read them knew them.[85]

This, *from the Douglass who had actually heard from and met the man*. This, from the Douglass would could see that "had [Lincoln] put the abolition of slavery before the salvation of the Union, he would have inevitably driven from him a powerful class of the American people and rendered resistance to rebellion impossible."[86] It is worth stopping here a moment however to note that Douglass was not always such a fan. In fact, prior to having met the man, it is deliciously amusing that, having only *read* Lincoln's speeches, Douglass compared America's great orator to "the gossiping manner in which a loquacious old woman discusses her neighbors . . ." thus proving his future self wrong.[87]

Acting with obviously overdue caution then, upon the presumption that Douglass may be in error or was even so seduced by Lincoln's craftiness that he is biased as an authority of the man, we are blessed to have firsthand accounts of Lincoln's speeches from average spectators and even from the political opposition. Their value as whole testaments easily necessitates their being quoted at length. From Horace White, a colleague of Lincoln reflecting on the man's speeches, we are given an account that proves more revealing, poignant, and perceptive of Lincoln's nature than much, if not the vast majority, of Lincoln scholarship.[88]

> Progressing with his theme, his words began to come faster and his face to light you with the rays of genius and his body to move in unison with his thoughts. His gestures were made with his body and head rather than with his arms. They were the natural expression of the man, and so perfectly adapted to what he was saying that anything different from it would have been quite inconceivable . . .
> Perspiration would stream from his face, and each particular hair would stand on

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[85] Ibd,
[86] Ibid,
[87] Douglass, "THE PRESIDENT AND HIS SPEECHES, Douglass' Monthly, September, 1862," (International Publishers, 1999), Accessed at http://negroartist.com/writings/Frederick%20Douglass%20Selected%20Speeches%20and%20Writings.htm
[88] It is a rare instance when a historian can and should advise the reader to, for a moment, dispense with their aloofness as objective observers and to instead embrace their passion in order to better understand history. I only advise the reader that you actively open your mind's eye to envision the image he describes – don't just read these words, see them in order to understand the man who would shout his own from the rooftops of the world.

> end. Then the inspiration that possessed him took possession of his hearers also. His speaking went to the heart because it came from the heart . . . Mr. Lincoln's eloquence was of the higher type, which produced conviction in others because of the conviction of the speaker himself. His listeners felt that he believed every word he said and that, like Martin Luther, he would go to the stake rather than abate one jot or tittle of it.
> I listened to most of the great anti-slavery orators of the last half-century . . . Abraham Lincoln, who was not classed as an anti-slavery orator, or even as an anti-slavery man, before he issued the Emancipation Proclamation, made a stronger anti-slavery impression upon me than any of them.[89]

Even before the veil of history had yet to set, a reporter asked the impression of a frantic, "choleric old Democrat," after one of Lincoln's speeches, and received in reply that "he's a dangerous man, sir! A damned dangerous man! He makes you believe what he says, in spite of yourself![90] Likewise, John L. Scripps, a writer for the *Chicago Democratic Press* who was known for his heavy stoicism, became inebriated with flights of fancy after Lincoln's address, recording

> never was an audience more completely electrified by human eloquence. Again and again during its delivery they sprang to their feet and upon the benches and testified by long-continued shouts and the waving of hats how deeply the speaker had wrought upon their minds and hearts. It fused the mass of hitherto incongruous elements into perfect homogeneity; and from that day to the present they have worked together in harmonious and fraternal union.[91]

Very clearly, this did not actually happen. Lincoln's eloquence, for all its powers, did not convert all to his cause or to see the truth of his reasoning, and it certainly did not stop the South from seceding. What these passages do prove however was that, whether a Republican or an old-time Democrat whose very duty was to histrionically reject all things Republican, people were moved by Lincoln's speaking. There is little evidence to indicate that this was anything but by the power of his beliefs and his faith in the promises of the Declaration.

Lincoln was not the cold pragmatist nor the deceitful, conniving, albeit able, statesmen he is often portrayed to be in works such as Richard Striner's *Father Abraham:*

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[89] Horace White, "Abraham Lincoln in 1854," *Putnam's Magazine,* 1908-1909, p. 724-727.
[90]Noah Brooks, "Personal Reminiscences of Lincoln," *Scribner's Monthly Vol.15* Issue. 4 , February 1878, p.561-569 accessed at http://www.wilsonmuseum.org/bulletins/bulletinVol1No26.html#footanchor
[91] John Locke Scripps, Quoted in "Abraham Lincoln in 1854," *Putnam's Magazine,* 1908-1909, p. 724; It should be noted that Scripps and the *Chicago Democratic Press* were not part of the opposition, despite the paper's name, and were in fact supporters of Lincoln, as was White.

Lincoln's Relentless Struggle to End Slavery.[92] His advocacy, just like Douglass's, was the power of conviction, not prudence, and whatever influence his pragmatic nature had in shaping the public mind was due to the sacrosanctity of his principles and the sincerity of his Doctrine. As anyone who has read his arguments on slavery preceding the war would know "his opposition to slavery is phrased in terms that commit him to the political and social equality of the races, despite his passionate and explicit disavowal of that commitment when [Stephen] Douglas pressed him about it."[93] Once the war had begun, "he unerringly chose the course that would raise the pressure for citizenship, and articulated the meaning of the war in language that is comprehensible *only* if racial equality is understood to be among the aims of the war."[94]

. . . . . .

Part of the natural complexity that comes with regarding Lincoln's image is the still on-going debate about the extent of his racism and how that colored his positions on slavery and African Americans. If Lincoln was a racist, then surely his opposition to immediate emancipation was fueled by his prejudicial fears of equality. If Lincoln was a racist, then his far-fetched colonization schemes were really motivated by a singular desire to expunge an entire race from this white man's land. What this debate has previously overlooked however was the extreme pervasiveness of prejudice in nineteenth-century America and the arguments have shockingly failed to become sufficiently informed from modern race theory, which recognizes racism as a spectrum and not an anachronistic dichotomy. Looking at the man closely, it is hard to escape George Frederickson's conclusion that "Lincoln's personal attitudes, to the extent that we can determine them, were much closer to racism as conformity than to racism as pathology."[95]

As Paul D. Escott has astutely observed, Lincoln's was not a static personality with little developmental change in his life. This fact has been easily overlooked given his singular consistency of principle but also because "Lincoln proved to have the capacity to meet [his] frustrations with humane maturity. He looked inside himself and

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[92]Richard Striner, *Father Abraham: Lincoln's Relentless Struggle to End Slavery*, (Oxford, NY: Oxford University Press, 2006).
[93] Burt, 71.
[94] Burt, xii. Emphasis added
[95] Frederickson, 84; One may refer to Frederickson for cursory analysis of racism as spectrum and Lincoln's place within its range.

reconciled his feelings with ethical principles."[96] It was this very quality that defined his maturation process and led him to "become more humble, more tolerant, and more convinced that every person should have a fair chance to better himself. As a telling sign of his inner growth, the personal attacks and racist jokes that had marked his earlier career diminished and almost disappeared."[97]

How were the Abolitionists, Sumner, Stevens and Phillips, exceptional in contrast to the rest of American society? They were the extremist extremes to be found entirely on one side of the political gamut. They were exactly atypical in their devotion to the slaves and black's rights, for which history has rightfully recognized them. Counter intuitively though, a closer analysis into some of the most ardent Abolitionists proves more conclusively than anything how extensive racism actually was in Lincoln and Douglass's America and how Lincoln was often times even further ahead in coming to grips with his prejudice than abolitionists were.

One of perhaps the great tragedies in history was the immense and unrecognized hold racism had on American society. North as well as South. Black as well as White. It was virulent, it was invisible, and it was universal. A cancer almost completely unrecognized by its victims and that factored disastrously into their basic presuppositions. This bane even enslaved some of the staunchest advocates in the abolition movement and none was better acquainted with this hideous feature than Frederick Douglass himself. Reared in the church of Garrisonian Abolitionism, and owing them for so much in life, Douglass was long in challenging the philosophy, mentor, and the people who had introduced him to the great cause of human liberty. He could only endure so much however and their latent racism was the single "most important factor leading to his eventual break with the Garrisonians."[98]

Recognizing this as a fact is a small thing. Observing their actions however, and reading their very words, the modern reader easily blanches at their shameless prejudice. "According to them, Douglass possessed 'a strong dash of the children of the burning sun in his veins;' he was 'a sort of *reclaimed wild beast* – and . . . it don't do to judge him by

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[96] Paul D. Escott, *Lincoln's Dilemma: Blair, Sumner, and the Republican Struggle over Racism and Equality in the Civil War Era*, (Charlottesville, VA: University of Virginia Press, 2014,) 47.
[97] Ibid., 47.
[98] Martin, 23.

our civilized rules.'"[99] Thus, in language less sophisticated than the supposed beast himself could conjure, we are given a description of one of America's brightest jewels and most complex intellectuals.

In his struggle for agency in the Abolitionist camp, in his struggle for intellectual independence, Douglass encountered dripping paternalism and was really little more than an invaluable pawn in the Garrisonian's eyes.[100] Yes, their intentions were good. And yes, they were base racists incapable of deeply challenging themselves – only their society.

It is a wretched mockery of tolerance and its champions then, that even Douglass himself was unable to completely expunge America's taint from his most fundamental presumptions. Just as with Lincoln, Douglass was not entirely above appealing to his audience's prejudices. Drunk Pat the fictitious Irishman was a sadly recurrent figure in his writings and speeches. Arguing for universal enfranchisement, he recounted that "I saw, again, Pat, fresh from the Emerald Isle, with the delightful brogue peculiar to him, stepping up—not walking, but leaning upon the arms of two of his friends, unable to stand, passing into the body politic! . . . . If [the Slave] knows as much when sober as an Irishman knows when drunk, he knows enough to vote."[101] Surely but unfortunately it did not occur to him that to his opponents this seemed a stronger argument for taking the vote from the Irish rather than bestowing it to Negro. However, what did they matter? The Democrats were just a bunch of "drunken Irishmen, and ignorant Dutchmen" anyhow![102]

Ultimately, Lincoln and Douglass each developed consistent and complimentary patterns of underestimating the pernicious extent of racism in the South and North respectively. Unfortunately, this oversight meant that both undervalued massive impediments to the Doctrine's universal acceptance. Douglass understood gravely and was speaking with amazing prescience, when writing, "we shall find a harder resistance [in racism] than we have found even upon slavery itself."[103] Nevertheless the great man was often blinded by his own optimistic nature. Unlike Lincoln, Douglass was utterly

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[99] Martin, 29; emphasis added

[100] For further study into Douglass's relationship with the Abolitionists, Benjamin Quarles' book, *Black Abolitionists*, is an extensive investigation into the role African-Americans played in the Abolition movement and their relationship with mainstream Abolitionists.

[101] Douglass, UR FDP

[102] Quoted in Oakes, 126.

[103] Douglass, UR FDP.

certain that God was with him and he never lost his ultimate faith that racism could be overcome. Equality, reason, and the principles of the enlightenment and Declaration would one-day reign. For him and his cause, they were "the eternal laws of liberty, goodness, justice and progress, dispelling the darkness of barbarism."[104] Nonetheless, for both men the Civil War was nothing short of a battle for the vindication of the American Enlightenment and its principle of egalitarian tolerance.

Lincoln lacked Douglass's certainty but rather knew his Northerners well and recognized far better than Douglass that "even when you cease to be slaves, you are far removed from being placed on an equality with the white race."[105] Idealistically believing, as his unfortunate successor Booker T. Washington would as well, that all it would take for the Negro's elevation was his own hard work, Douglass would have wept to see how long and torturous the road to equality was. Engrained or systematic institutional racism would be the *mildest* possible way to paint what Lincoln knew faced the new freedmen. Law, man, and God were amassed indivisibly against the black man's success and elevation. Naturally the only ones worse off in the race of life were black women.

In all fairness however, Lincoln egregiously and fatefully turned his own blind eye to the extent Southerners and even the Slaveholders were enslaved by their own racial demagoguery. In his wide view, he still failed to understand how much they were lost to the irrational and barbaric – how they narrowly thought in terms of blood and bonds. Thus Lincoln's overly-generous ten-percent reconstruction plan was a progeny of this failing, though it is inarguable that he ultimately did much for the freed slaves and justice in his full-throttled advocacy for the thirteenth Amendment.

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Unsurprisingly, racism played an immense role in Douglass's life. Less apparent though was the huge role it had in Lincoln's. What was remarkable with Lincoln was that, unlike the vast majority of his contemporaries, he knew racism was a great evil, incompatible with reason, that it had a hold on him as much as any other man, and he felt of it in the same exact way he felt of alcohol and slavery. It was a despicable, monstrous, aberration from the Founders' maxim of

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[104] Douglass, UR FDP.
[105] Lincoln, 338.

equality that was yet even more impossible to dispel than slavery itself. With immense foresight, Lincoln recognized that "whether this feeling [American prejudice] accords with justice and sound judgment, is not the sole question, if indeed it is any part of it. A universal feeling, well or ill-founded, can not be safely disregarded."[106] As he wisely though gravely said fairly early in his public career, "free them, and make them politically and socially, our equals? My own feelings will not admit of this; and if mine would, we well know that those of the great mass of white people will not."[107]

Even the very relationship between slavery and the slaveholders has been largely misunderstood from their time onward. As John Burt points out in his nuanced argument on the supposed power of the anti-slavery Southerners,

> while it is easy to stigmatize such men as lacking the moral force to take the South down a difficult road, as loving peace and ease more than right, it is important to remember that such persons were often themselves prisoners of necessity . . . And of the inability to imagine that former slaves and their masters might ever be able to live together on terms of political and social equality.[108]

Like in Frederickson's work, *Abraham Lincoln: Big Enough to Be Inconsistent,* the strategic aim of this chapter has been "to find the middle ground between the hagiographers, who view Lincoln as a consistent and effective opponent of slavery and a sincere, if sometimes politically covert, champion of racial equality, and the debunkers, who are fixated on what they take to be Lincoln's dyed-in-the-wool racism."[109] Of course what even Frederickson failed to realize was that even this is insufficient. In reality, *there is no dichotomy in his nature*. Lincoln was a consistent, effective, and sincere opponent of slavery *and* he was a dyed-in-the-wool racist! We see these as incompatible; he did not. It is as an anti-slavery adherent to the principles of the Declaration that we need to assess him, not through modern, primitive, presumptions about race.

Other than Frederick Douglass himself, no African American intellectual better understood Lincoln and his role in the Civil War than W.E.B. Du Bois. For him,

> Lincoln's greatness and the fact that he was sometimes uncertain or confused about what he should do or think [were] not incompatible; he was 'big enough to be inconsistent' . . . Lincoln was 'perhaps the greatest figure of the nineteenth century.' He was to be admired 'not because he was perfect but because he was

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[106] Ibid., 96.
[107] Ibid., 95.
[108] Burt, 64.
[109] Frederickson, x

> not and yet triumphed . . . Out of his contradictions and inconsistencies he fought his way to the pinnacles of the earth and his fight was within as well as without.'[110]

It is an unfortunate but *critical* fact to remember then that Lincoln was in deed not as racially fair as he generally was in word. One of the most shocking instances of Lincoln's passive enslavement to racism was his indulgence in blackface minstrel shows that grossly ape literally, African stereotypes. And although he was never a slavish racist who fanned the flame of prejudice in others like many politicians in his time, most infamously Stephen Douglas, he was not above using America's inbred bigotry for laughs. He also required African Americans *prove* their right to equality and his position on Negroes and slavery in general is best described as a process of constant evolution and refinement.[111] It was a nagging issue by the war that clearly concerned him greatly and he profoundly understood the insidious nature of racism and the danger it posed to the Union. John Burt was at his most perceptive when noting that

> Lincoln was also aware of the intractable problem of racist feelings, including his own . . . Lincoln was not proud of his racism, only realistic about its power and intractability. Racism seemed irrational to Lincoln, but he knew the pull of that irrationality because he felt it . . . Lincoln did not sue the depth of these feelings as an excuse for leaving them totally untouched but cautiously suggested ways to modify those feelings gradually.[112]

It was only as president, finally and fully, that Lincoln was able to articulate his feelings on slavery. Speaking to us lucidly, with no quibbling or equivocation, he informs posterity "I am naturally anti-slavery. If slavery is not wrong, nothing is wrong. I cannot remember when I did not so think, and feel. And yet . . . I have done no official act in mere deference to my abstract judgment and feeling on slavery."[113] In the final analysis by historian Allen C. Guezlo, "it may be special pleading to claim that Lincoln was in the end the most perfect friend black Americans have ever had. But it would be the cheapest and most ignorant of skepticism to deny that he was the most significant."[114]

As usual, Douglass's was the most incisive and to the point: "though Mr. Lincoln shared the prejudices of his white fellow-countrymen against the Negro, it is hardly necessary to say

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[110] Quoted in Fredrickson, xi/3.
[111] For instance, he blindly believed that if he equipped ex-slaves with weapons they would only make their way into rebel hand It was only once Negros proved their mettle in battle that he really started to come around and see them more as true equals.
[112] Burt, 66.
[113] Lincoln, 419.
[114] Quoted in Frederickson, 14.

that in his heart of hearts he loathed and hated slavery."[115] Likewise, Lincoln had this to say about Douglass: "there is no man in the country whose opinion I value more than yours."[116]

. . . . .

We leave Lincoln and Douglass on race where they left off with each other. Despite having only met twice, the two became immediate and close friends. Clearly recognizing a kindred spirit, there may have been no man in their lifetime they held in greater esteem than each other. Lincoln's regard of the man is evidence of the extreme progress Douglass had made from his youth; from when he viewed the mad, radical, law disparaging John Brown as the greatest man of the nineteenth century. For Lincoln, only Henry Clay seems to have held similar esteem in his mind to Douglass.

In her grief but before her institutionalization to a mental asylum, Mrs. Lincoln, despite coming from a slave holding southern family, knew how intimate the two men had become and gave to Frederick Douglass the favorite staff of her departed husband. Telling him how highly Lincoln thought of him as a personal friend, Douglass was overwhelmed at this profound act of kindness from the President's wife. His reply in its entirety:

Dear Madam:

Allow me to thank you as I certainly do thank you most sincerely for your thoughtful kindness in making me the owner of a cane which was formerly the property and the favorite walking staff of your late lamented husband - the honored and venerated President of the United States. I assure you, that this inestimable memento of his presidency will be retained in my possession while I live - an object of sacred interest - a token not merely of the kind consideration in which I have reason to know that the President was pleased to hold me personally, but as an indication of his humane interest [in the] welfare of my whole race

With every proper sentiment of Respect and Esteem,

I am, Dear Madam, your obedient,

Frederick Douglass[117]*

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[115] Douglass, UR FDP.

[116] Douglass, "The Life and Times of Frederick Douglass: From 1817-1882," 321.

[117] Douglass, "Letter from Frederick Douglass to Mary Todd Lincoln, 1865" *The Gilder Lehrman Center for the Study of Slavery, Resistance, and Abolition* Accessed at: https://www.gilderlehrman.org/sites/default/files/inline-pdfs/T-02474.pdf; A picture of Lincoln's favorite cane may be found in the appendix along with Douglass's original letter to Mrs. Lincoln.

Ch. 4: The Discursive Civil War

"It defined us. It opened us to what we became. It was the crossroads of our being."
– Shelby Foote

Prior to the storm, clouds gathered in every corner. The fire-eater Southern radicals were whipping up a hurricane of indignation over Northern aggression. The Abolitionists were invoking a monsoon to cleanse the South; and Lincoln and Douglass were at work making whirlwinds out of the most disparate breezes – hoping to ensure they would all eventually coalesce to form two titanic sides. Let "a great party of freedom be organized, on whose broad banner let it be inscribed 'All compromises with slavery ended —The abolition of slavery essential to the preservation of liberty' . . . let there be only a free party, and a slave party . . . and let the inquiry go forth now, as of old, Who is on the Lord's side?"[118]* In crafting the language of the Doctrine of the Declaration, Lincoln and Douglass were tirelessly trying to persuade their countrymen of their vision; trying to instill in them their sense of mission. Well into the very war itself, Lincoln was desperate and many in the country just didn't seem to understand. "I wish it might be more generally and universally understood what the country is now engaged in . . . this form of government and every form of human right is endangered if our enemies succeed. There is more involved in this contest than is realized by everyone."[119] Although this goes beyond rampant speculation, and evinces the Western tradition of self-constructed centrality, the sentiment was clearly sincere.

For many southern whites however, particularly the non-slaveholding poor and undereducated, the Civil War was *definitively* a battle for States' Rights. Nevertheless, the official philosophy of the Confederate resistance, until it was clearly re-written after the war, was based upon what its vice-president and perhaps greatest philosopher-statesmen, Alexander Stephens, called "the cornerstone of the confederacy:" slavery.[120] For Southern elites such as himself and Confederate President Jefferson Davis, this conflict was over the rights of one man to possess another man. For them, this was largely and *truly* the historical determinant for vindicating the natural superiority of the white man and the natural inequality of the races.

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[118] Douglass, UR FDP – quotation marks inserted; A copy of one of Douglass's war propaganda posters may be viewed in the appendix.
[119] Lincoln, "Address to the 16th Ohio regiment, August 18, 1864," 755 – Basler
[120] Alexander Stephens, *"Cornerstone Address, March 21, 1861 " in The Rebellion Record: A Diary of American Events with Documents, Narratives, Illustrative Incidents, Poetry, etc., vol. 1, ed. Frank Moore (New York: O.P. Putnam, 1862), pp. 44-46.* Accessed at: http://legacy.fordham.edu/halsall/mod/1861stephens.asp

Speaking in complete dread of the possibility of negro soldiers, one Southerner had the sense to realize that, through this war slaves may finally prove their worth, in which case, "our whole theory of slavery is wrong."[121]

It was largely after the war that it became revised and popular to call it the "War of the States" and to assert dogmatically that the entire resistance was based solely on the argument for States' Rights. Charles B. Dew, in his thorough examination on the subject, has called Southern justifications of secession after the war "'conveniently forgetful,' 'strongly revisionist,' and 'purposely misleading.'"[122] In reality, the Confederate leaders had abused the theory of state sovereignty, in a similar way one could argue Lincoln and Douglass crafted the language of the Declaration to their own ends. What is important to see however was that the theory of States' Rights was asserted to justify their right to secede – not to justify the primary reason for seceding. For the slavocracy, there was never any other basis for war than the preservation of slavery, first and foremost.

. . . . .

Although the Civil War can mean anything for anyone personally, examining the writings and thoughts of the major philosopher-politicians in the South, as in the works of Lincoln and Douglass, it is clear that slavery was the cause of the war, and that the war was a conflict between two ideologies. Shelby Foote, author of *The Civil War: A Narrative*, and one of the Civil War's most authoritative historians, is clear, "in 1860, it was a referendum on the Southern way of life."[123] Whatever the "Southern way of life" means for anyone is his or her concern. But for the Confederate leadership, as for Lincoln and Douglass, it meant slavery.

South Carolina Commissioner John Smith Preston, for instance, had no delusions as to the cause of the Civil War when, in 1861, he called the coming war "the conflict between slavery and non-slavery."[124] Charged with the solemn task of spreading the Confederate cause, Preston and his colleagues went to work usurping the Doctrine of the Declaration and employing its old antithesis, Calhoun's "Self-Evident Lie."[125] Just as Lincoln and Douglass sought to instill their

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[121] Gen. Howell Cobb quoted in, "*Georgia and the Confederacy,* 1865," *The American Historical Review VOL. 1, NO. 1* (Oxford University Press, 1895,) 97-102, accessed at: http://www.jstor.org/stable/1834020?seq=1#page_scan_tab_contents

[122] Charles B. Dew, *Apostles of Disunion: Southern Secession Commissioners and the Causes of the Civil War,* (Charlottesville, VA: University of Virginia Press, 2001,) 75.

[123] Quoted in Ken Burns, *The Civil War*, (Alexandria, VA: PBS Video, 1990).

[124] Quoted in Dew, 75.

[125] For the sake of convenience, I have associated the general proslavery theology and argument with the phrase "self-evident lie" however this wasn't exactly the case. For instance some argued that the Declaration's principles were correct, like Davis, in contrast to Calhoun but that slavery itself was nevertheless a "positive good" for both slaves and the slaveholders.

vision of the Declaration and the Founding, the fire-eaters were trying to brand their brother Southerners. In their minds, one side stood for the natural equality of all men, everywhere. On the other side stood the right to enslave a fellow man and, consequently, the ultimate assertion of the superiority of the white race.

Mississippi Commissioner William L. Harris likewise made no qualms with the quiddities when he said "our fathers made this a government for the white man. Rejecting the negro, as an ignorant, inferior, barbarian race, incapable of self-government . . .' But the Republicans intended 'to overturn and strike down this great feature of our Union . . . and to substitute in its stead their new theory of the universal equality of the black and white races."[126] Here was Calhoun's ghost, in every breath and sentiment. In symmetry with Lincoln, Harris clearly recognized here the power of identifying ones cause with the old and established and how this necessarily framed one's opposition as radical and innovatory. Even mild-mannered Robert E. Lee, elderly emeritus of the Confederate States of America, put it lightly but still clearly, "in this enlightened age, there are few I believe, but what will acknowledge, that slavery as an institution, is a moral & political evil in any Country," yet "the Abolitionist . . . must see that he has neither the right nor power . . . [and] he must not Create angry feelings in the Master . . . for interference in what he has no Concern."[127] The Devil seemed to posses the North and Southerners simply could not understand. Why oh why were their countrymen so adamantly arrayed against their peculiar institution?

The Discursive Civil War stretched far longer than just its tangible incarnation but its most significant battles were waged most fiercely in the courtrooms and the court of public appeal just prior to the outbreak of hostilities. One of the most significant catalysts in the long escalating trend to quash the issue, Chief Justice Roger Taney laid down the most notorious, and perhaps greatest, miscarriage of justice in the Courts long and oft-checkered history. It was because of this outrageousness that, in the most unlikely terms and on the most unlikely ground, Douglass and Lincoln converged in reacting to the *Dred Scott* decision.[128]*

Although it seems counterintuitive against the entire institution of law itself, Douglass and even conservative Lincoln appeared to have shared the general opinion that there was a distinction between laws; they were not all equal. Law for them was hierarchical and not

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[126] Dew, 77.
[127] Robert E. Lee, *Life and Letters of Robert E. Lee*, Ed. John Williams Jones, (Neale Publishing Co., 1906), 83.
[128] A picture of Dred Scott can be found in the appendix.

completely devoid of morality as John Austin's separation thesis suggests it is. The principles that dictated the ends of law, for example, clearly had priority in their minds over the manifestations of those principles themselves. Furthermore, especially once the Dred Scott decision made Lincoln thoroughly re-evaluate his presumptions of law's fairness and potential for abuse, both men came to see that there was a difference between what may be called purely legal law and arbitrary political law.[129] As Douglass phrased it, "it is a question of law and government. It is a question whether men shall be protected by law, or be left to the mercy of cyclones of anarchy and bloodshed. It is whether the Government or the mob shall rule this land; whether the promises solemnly made to us in the Constitution be manfully kept or meanly and flagrantly broken."[130] In essence, the question was whether the rule of law be properly used or basely abused.

Thus, political law is such as that offered by fire-eater Justice Taney in his radical interpretation of the Constitution and the rights of Americans. His ultimate decision, the supposed new legal norm for all perpetuity, was in complete violation to the rule of law, reason, and justice. It was constructed through flagrantly false history and tyrannical prejudice; contrived against truth, reason, and law for the sole purpose of suppressing the black man. Opposing both extremes on the issue, Douglass eschewed them for their deviation from the Founders and made inarguably clear that "this is Judge Taney's argument, and it is Mr. Garrison's argument, but it is not the argument of the constitution."[131] In perhaps the first instance however, Lincoln's inner thoughts reveal that his was actually the harsher censure. Putting it the most frankly in his initial drafts of the house-divided speech, he called this violation of law as "that burlesque upon judicial decisions, and slander and profanation upon the honored names, and sacred history of republican America, it must overruled, and expunged from the books of authority."[132] Clearly, both men had *intense* respect for the rule of law in its abstract terms. What makes it exceptional in Douglass's case however was that, for a radical generally and particularly as an ex-slave, rule of law may have seemed a sham. However it was precisely because of his experience with slavery that he had such an appreciation for it. Douglass knew even better than Lincoln himself that the rule of

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[129] Ironically, political law is most frequently the child of moral insertions into the law itself and thus proves the danger of rejecting the separation thesis. That being said, once law is made arbitrary or dictatorial, it is imperative to reorient it on its impartial trajectory.
[130] Douglass, UR FDP.
[131] Douglass, UR FDP.
[132] Lincoln, 128.

law was the sole divide separating barbarity from civility. Thus, Douglass understood how gravely his accusations were against America's fidelity to justice and the rule of law. He knew that it hit them where it hurts and he relentlessly revealed that which contradicted all of their most fundamental principles.

For Lincoln and Douglass, the *Dred Scott* ruling deserved none of the respect shown to a true product of the legitimate political-legal process. Douglass and Lincoln clearly had very different ideas on what this meant however and how this should be informed by the Declaration. Lincoln was in favor of replacing the self-evident lie refrain legally whereas Douglass threw it down as a wicked deviation from the Constitution and natural law, and thus not even fit for *any* form of legal recognition. As Douglass understood it, while quoting from Lincoln's man Blackstone, "the very idea of law carries with it ideas of right, justice and humanity. Law according to Blackstone commands that which is right and forbids that which is wrong. A law authorizing murder is not law, because it is an outrage upon all the elements out of which laws originate."[133] Lincoln, on the other hand, was more willing to temper his anger and his guiding maxim was ever: "to give the victory to the right, not *bloody bullets*, but *peaceful ballots* only, are necessary."[134] In other words, it only required proper application of the rule of law.

Despite this divergence, neither Lincoln nor Douglass permitted *any* illusion as to the Dred Scott decision and they saw Southern attempts at legal appeals clearly: "your purpose, then, plainly stated, is, that you will destroy the Government, unless you be allowed to construe and enforce the Constitution as you please, on all points in dispute between you and us. You will rule or ruin in all events."[135] Now ask yourself, who wrote those words? Conciliating Lincoln or condemnatory Douglass?

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Taney was neither first, last, nor in any way unique for his time and background. Indeed at least he may be said to have the redeeming feature of having taken a stand for his heritage and had taken it firmly, which many in this battle could not claim. Chief amongst those, but still avowedly among the Southern fold, was President James Buchanan. Topping the charts of many a "Worst President in History" list, Buchanan has rightfully been remembered as incompetent

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[133] Douglass, "The Inaugural Address, 1861," International Publishers, 1999), Accessed at http://negroartist.com/writings/Frederick%20Douglass%20Selected%20Speeches%20and%20Writings.htm
[134] Lincoln, 128.
[135] Lincoln, 247.

and even an entire contributing cause of the war in himself – thus handily beating out frequent worst-president contender Andrew Johnson, whose legacy includes status as the first President to be impeached and the fact that he unwittingly usurped most everything Lincoln had sought to accomplish. President Buchanan showed his true stripes and definitively earned his spot at the bottom however when South Carolina seceded and he boldly decided to do nothing at all. Recognizing that South Carolina was a minority, *arbitrarily, unjustifiably and unconstitutionally* attempting to dominate a majority, Buchanan contented himself with the formulation that they were wrong but he certainly could not make them right – unless perhaps the North made more absurd concessions.

Buchanan is not an example of moderation however. He was not haplessly stuck in the middle ground between the abolitionists and fire-eaters. He was in fact merely one among many that made up the silent majority, quietly and fearfully hoping the issue would resolve itself. Either through inability or apathy, those that inadvertently add themselves to this group often can do greater work than any of the more vociferous parties that dominate national discourse. Yet they nevertheless remain indeterminate and unsure when the time calls on them to act. In Buchanan's case, not acting spoke with the same power and clarity as if had had taken the boldest action possible.

Not even feigning to seek the middle ground, Buchanan, as intellectual historian Harry Jaffa noted, endorsed "the demands of the Southern rump of the Democratic Party that had been overwhelmingly defeated . . . At this great moment of national crises, when he still held the executive power of the Untied States, he spoke and acted altogether in the interest of slavery."[136] The greatest travesty of this live-action mockery, however, was when he yet called the Union, for its pursuit of the ideals of the Declaration of Independence, "the grandest temple which has ever been dedicated to human freedom . . ."[137]

Turning to an individual who actually agonized over their competing values in classic Berlinian fashion – instead of agonizing that they were in an uncomfortable situation *as a leader of a democratic country* – Alexander Stephens was one of the most complex men and thinkers in the South.[138]* Personal friend to Lincoln, prior to the outbreak of hostilities, Stephens became vice-president of the Confederacy precisely for his moderation and his reservations about the

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[136] Jaffa, 202
[137] Quoted in Jaffa, 203.
[138] A photograph of the Vice-president is available in the appendix.

Confederacy's proslavery theology. Although he ultimately felt bound to the actual theory of state sovereignty, such that his allegiance was to his state not his country, he joined the Confederacy only after much pleading and herculean efforts to maintain the Union. In fact, he was not even an original Democrat. He had befriended Lincoln during their time in the Whig Party, and only joined the Democrats as the nation split upon sectarian lines and the Whig coalition fell into shambles. With profound sadness Lincoln wrote Stephens at the onset of the war, bemoaning that these erstwhile friends should now oppose each other. But what choice did they have? "You think slavery is right and ought to be extended; while we think it is wrong and ought to be restricted. That I suppose is the rub. It certainly is the only substantial difference between us."[139] Unfortunately, due to the rhetorical framing of the coming conflict, this difference meant that neither side could easily rapproch with the other.

For Confederate President Jefferson Davis's part, his was the most important role in justifying the eventual fabrications as to the war's meaning. It is thanks to him, Stephens, and many other revisionists that the Civil War became seen by the misinformed as solely a contest of state and federal rights. This is particularly ironic given Harry Jaffa has said "nothing measures better the cause of the Union and the cause of the Confederacy than Davis's condemnation to perpetual slavery all of African descent by the lunatic label of 'the degenerate sons of Ham.'"[140] This refers to one of Davis's convoluted contrivances that traced all slaves to the biblical Ham – who was supposedly made slave to his brothers Shem and Japeth when Noah cursed him. What this long and tendentious argument amounted to for Davis was that slavery was *not* a peculiar or temporary institution, it was *not* going to end in the United States, and if anything it was going to theoretically spread to subject all non-whites the world over; entirely for their benefit of course.

Davis knew and recognized the importance of slavery in the coming fight yet he also preached from the very beginning that "secession belongs to a different class of remedy. It is to be justified upon the basis that the states are sovereign. There was a time when none denied it."[141] Thus he fervently worked to make slavery and state sovereignty seem inseparable yet, when more than superficially examined, this assertion was merely another justification for the right to secede, not the reason for. Davis was clearly a clever advocate for slaveholders, the

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[139] Lincoln, 276.
[140] Jaffa, 208.
[141] Jefferson Davis, "Farewell Address, January 21, 1861," *The Papers of Jefferson Davis Rice University*, accessed at: https://jeffersondavis.rice.edu/Content.aspx?id=87

South, and, eventually, its memory. It is unfortunate his great intellectual prowess was made to preform such sickening acrobatics, but he did give all he was worth to his cause. It is no mistake then that he has ever since been seen as upholding the legacy of John C. Calhoun, the Confederacy's own patron saint.

Instead of denying the Declaration and the inheritance of the Founders however, Davis perceptively offered "an interpretation of the Declaration that, in his mind, supports, his theory of state sovereignty."[142] Speaking with persuasive intelligibility, he flipped Lincoln and Douglass's Doctrine, saying "we are to be deprived in the Union of the rights which our fathers bequeathed to us . . . [Mississippi] has heard proclaimed the theory that all men are created free and equal, and this made the basis of an attack upon her social institutions; and the sacred Declaration of Independence has been invoked to maintain the position of the equality of the races."[143] *This* was the reason for seceding. Not the threat that state sovereignty would be violated, not the threat of economic or social domination. First and foremost, the South wanted to prevent equality. Moreover, Davis's argument gave truth to Douglass's perceptive analysis that just as easily as it might be upheld, "the cause of liberty may be stabbed by the men who glory in the deeds of your fathers."[144]

What is important though tragic to understand then was that, without exaggeration, the proslavery doctrine lacked almost entirely in force of thought and was clearly an instance of fitting a manufactured theory to a desired end and not a deduction from more comprehensive presuppositions or more grounded empirics. Davis's own arguments, when tested by even the weakest of reasoning, clearly resulted in four logical conclusions from his dicta: there was "(1) no divine right to rule; (2) no inherited right to govern; (3) no classes by which power and place descended to families; and (4) all stations equally [were] within the grasp of each member of the body politic."[145] None in fact gives a more thorough, well-developed, and credible argument against the integrity of the "Self-Evident Lie," than Frederick Douglass. "As a man, an American, a citizen, a colored man of both Anglo-Saxon and African descent, I denounce this representation as a most scandalous and devilish perversion of the Constitution, and a brazen misstatement of the facts of history."[146] This was not just hot air. Displaying his intellectual

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[142] Jaffa, 205.
[143] Davis, PJD RU.
[144] Douglass, UR FDP.
[145] Jaffa, 209.
[146] Douglass, UR FDP.

acuity at its absolute sharpest, Douglass thoroughly annihilated the proslavery argument time and time again. His comprehensive repudiation is worth reading for all interested in his view of Southern argumentation.[147]*

. . . . .

Life is a monument to the reality that it is within the shades of grey that we meet our greatest, or in any case most complex, adversaries. The Discursive Civil War was no exception to this rule and the most pernicious, sinister, and seductive competitive rhetorical paradigm to stalk Lincoln and Douglass's horizon was not the Doctrine's antithesis. Rather, as Lincoln and Douglass well recognized, the greatest threat sprang from a ground of superficial reasonableness, moderation, and compromise, Stephen Douglas's Freeport Doctrine – called more generally the theory of Popular Sovereignty.[148] Even today this theory maintains a certain currency with people when examining the issue of slavery. This was theoretically one of if not the most valued principles of our government and it appealed mightily to racist northerners who had no more love of slaves than slavery itself. Douglass saw straight through this ruse, however, and saw immediately that, like old wine in a new bottle, "every right of human nature, as such, is denied them—they are dumb in their chains! To utter one groan, or scream, for freedom in the presence of the Southern advocate of Popular Sovereignty, is to bring down the frightful lash upon their quivering flesh."[149]

This was the great danger that so-called "Squatter Sovereignty" or "Nebraskaism" posed; it drained the conflict of all morality and purpose.[150] Douglass well knew their "chief danger lies in the absence of all moral feeling . . ."[151] If slavery is disconnected from the morality that so irrefutably rejects it, if it is made a mere and ignoble political issue, then whose conscience would cry out for justice? As Lincoln understood it "the question of slavery, at the present day, should be not only the greatest question, but very nearly the sole question. Our opponents however, prefer that this should not be the case."[152] Stephen Douglas knew how and where he should tap into public prejudice and recognized that by doing so he could be unparalleled in

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[147] In the quoted article above, Douglass thoroughly elucidates one of his arguments against proslavery ideology, in this case the Dred Scott decision. For convenience sake, the entirety of his argument can be found in the appendix.
[148] So called because Douglas articulated his theory of the principle most thoroughly in the Second Lincoln-Douglas debate at Freeport, Illinois. This was the famous debate and doctrine that very likely cost him the presidency.
[149] Douglass, UR FDP.
[150] These were the derogatory terms Lincoln and Douglass employed regularly when emphasizing that this doctrine justified "squatters" from other states in unfairly influencing the new Kansas-Nebraska constitutions.
[151] Douglass, UR FDP
[152] Lincoln, 108.

influencing the mind of the silent majority – those discontented Democrats and racist northerners who could not give a damn "whether slavery is voted down or voted up."[153] Lincoln was not fooled however, and, speaking in uncharacteristically harsh language, he was frank.

> I hate [popular sovereignty] because of the monstrous injustice of slavery itself. I hate it because it deprives our republican example of its just influence in the world . . . causes the real friends of freedom to doubt our sincerity, and especially because it forces so many really good men amongst ourselves into an open war with the very fundamental principles of civil liberty.[154]

Perhaps the worst facet of Douglas's popular sovereignty theory in Lincoln and Douglass's mind however was that it was also almost entirely fueled by racial demagoguery and rejected all the tenets of civil persuasive engagement in democratic society. Utilizing the ethos inherent from a powerful principle and the pathos of indignant outrage against southern aggression, popular sovereignty nevertheless lacked entirely in logos. Not necessarily in its theoretical cogency, but as advocated by Douglas and his acolytes. His black counterpart, whose notoriety incidentally forced Stephen to drop the second "s" in his name, exposed this irrationality, pointing out that "the genius of American institutions knows no privileged class or classes . . . the last man in the world who should complain of this is the earnest advocate of popular sovereignty."[155] As brought by Stephen Douglas, passion, anger, and fear were its harbingers and contagious indignation against all "others" led the charge, be the others Negros or even white slaveholders. Popular sovereignty, as advocated by Douglas and his adherents, appealed to the baser characteristics of human nature and hoped to harness the power of public prejudice and irrationality. Although an extreme cynic could argue that Lincoln and Douglass were similar in their approach, excepting Douglas's racism, it may be fairly asserted that he was inspired by political motivation and opportunity more than philosophical sincerity. I believe him when he said he did not care if slavery was voted up or down, that was all besides the point in his hurtle for the White House and his desire to preserve the Union.

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We close with the account of Edmund Ruffin, poster-child of the Confederacy's Self-Evident Lie. Fire-eater extraordinaire, too overcome emotionally to fire the first shot of the Civil War – and whom yet claimed until his death that he *did* fire the first shot – Ruffin so adhered to

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[153] Lincoln, 135.
[154] Lincoln, 94.
[155] Douglass, UR FDP

his mantra of white supremacy that he gave his life to his creed. In a moment of poetic and heart-renderingly tragic delusion, Ruffin shows us what it truly means to be a fanatic.

> Shortly after news of Lee's surrender. Draped in a Confederate flag. His suicide letter:
>
> > I here declare my unmitigated hatred to Yankee rule -- to all political, social and business connection with the Yankees and to the *Yankee race*. Would that I could impress these sentiments, in their full force, on every living Southerner and bequeath them to every one yet to be born! May such sentiments be held universally . . . And now with my latest writing and utterance, and with what will be near my latest breath, I here repeat and would willingly proclaim my unmitigated hatred to yankee rule -- to all political, social and business connections with Yankees, and the perfidious, malignant and vile *Yankee race*.[156]

This horror, in particular but certainly not uniquely, is testimony to the power of ideas. Sumner recognized this when he said, "it is by ideas that we have conquered, more than by armies" and that was precisely what James McPherson meant when he concluded Lincoln "won the war with metaphors."[157] Thus, as with all great human conflicts, all-consuming, *powerful*, ideas defined the Civil War.

In one aspect there are as many ideas as for every witness of that scourge. Indeed as many as the untold billions throughout history who have looked back to it. But for Douglass, Lincoln, the Southern leadership, and countless others on each side, this meant only one thing: the success of slavery as a right to the white race or the success of equality for all. That is no exaggeration. For those Southern men, there was nothing more horrifying, more challenging to their worldview, than complete equality of the races. As Edmund Ruffin proves, they were as much enslaved to the institution of slavery and its ideas as the slaves themselves. Thus Goethe, "none are more hopelessly enslaved than those who falsely believe they are free."[158]

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[156] Edmund Ruffin, "Diary Entry, June 18, 1865," Manuscript Division, Library of Congress, accessed at: http://www.loc.gov/exhibits/civil-war-in-america/ext/cw0205p1.html

[157] Sumners; James McPherson, *Abraham Lincoln and the Second American Revolution*, (Oxford, UK: OUP, 1991), 93.

[158] Johann Wolfgang Goethe, *Elective Affinities*

Conclusion

"[Their] understanding of the document became in time that of the nation."
– Pauline Maier[159]

Christian Fritz is exactly correct in recognizing that "today's constitutionalism is not a natural inheritance, but the product of choices Americans made between shifting understandings about themselves as a collective sovereign."[160] As true during the Revolutionary Era as it was in the Civil War, "it seems to have been reserved to the people of this country to decide . . . the important question, whether societies of men are really capable or not, of establishing good government from reflection and choice, or whether they are forever destined to depend, for their political constitutions, on accident and force."[161] In a Hamiltonian view then, the Civil War was itself a referendum on America's sovereignty and whether the premise of American government, that a people could rule themselves through law, was viable.

Importantly however, as Lincoln's great skeptic Richard Hofstadter aptly observed, mistakenly believing this *detracted* from the Doctrine's legitimacy,

> the fierceness of the political struggles has often been misleading: for the range of vision embraced by the primary contestants in the major parties has always been bounded by the horizons of property and enterprise. However much at odds on specific issues, the major political traditions have shared a belief in the rights of property, the philosophy of economic individualism, the value of competition; they have accepted the economic virtues capitalist culture as necessary qualities of man.[162]

It is important never to forget that, for all of the moral intricacies revolving around the Civil War, this was a conflict of men, as any other is. This was not a foreordained battle of good versus evil, however much Douglass wished it to be. Each side, North and South, had absurdly few differences to go to war over. In most every fundamental aspect, this was literally the same people going to war with itself. Southerners were not the antithesis of Northerners, nor is there anything to suggest that Northerners were particularly morally righteous as a people. As Lincoln

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[159] 202; In the quote she is actually talking about Lincoln by himself, the thought of associating him with Douglass probably never crossing her mind. Given they clearly shared the burden, among others, of crafting and making their language universal however, I took the liberty to edit it in the subjective case.

[160] Christian, Fritz G, *American Sovereigns: The People and America's Constitutional Tradition Before the Civil War* (New York, NY: Cambridge University Press, 2008), unpaginated.

[161] Alexander Hamilton, "Federalist No. 1," *Founding America: Documents from the Revolution to the Bill of Rights*, Ed. Jack Rakove, (New York, NY: Barnes and Nobles Classics, 2006), 481.

[162] Richard Hofstadter, *The American Political Tradition and the Men Who Made It*, (New York, NY: Random House In., 1989), xxxvi.

himself recognized, the contestants were determined more so by chance than by active, free, cognizance. Slavery could have been abolished or it could not have been abolished. The American experiment could have failed or could have succeeded. The moral righteousness of the Declaration notwithstanding, this was a competition of arms and rhetoric and not of divinity or morality. The Union and its promise may have been at stake but it was not its cause that won the war. They were fighting to place right higher than might, but to do so they needed to make right through might

This is why, in the words of one of America's foremost liberal-constitutional scholars, Rogers W. Smith, honoring in turn Louis Hart, "law has flourished on the corpse of philosophy in America . . ." because "Lockean liberalism was in many ways inconstant and outdated . . ."[163] Understanding Americans intimately, he knows that it was "only because Americans still subconsciously clung to liberal values that this 'pragmatism' could seem a suitable substitute for the philosophy of the past. "It is only when you take your ethics for granted that all problems emerge as problems of technique."[164]

Americans share a collective moral history, understanding, and in many ways a worldview, one colored by the Founding Fathers and our founding documents. Intangible and immeasurable, framing the conflict the way it was proved decisive for victory and contributed to the battle being won before it was ever fought. Because of the swaying power of the Doctrine of the Declaration, especially once made totally congruous by the Emancipation Proclamation, incalculable advantages were reaped for the North. It was because of this paradigm Douglass concluded that Lincoln's actions would decide, "in the face of terrible odds, the fate of the Republic."[165]

This is why Douglass and Lincoln must be assessed as belonging within the same constitutional tradition – or at the very least within the same tradition of language and values. Analyzing them by merely their political rhetoric, not their principles, and distinguishing them as "anti-slavery" and "Abolitionist," not Republicans, one necessarily casts huge emphasis on their divergences. Following the statistical rule of large numbers however, the wider or more encompassing view one takes of the two in context, the more and more closely aligned they

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[163] Rogers W. Smith, "*Liberalism and American Constitutional Law*," (Cambridge, MA: Harvard University Press, 1985), 1.
[164] Ibid, 1.
[165] Douglass, UR FDP

really appear. Douglass and Lincoln could come to see America's destiny in the way they did only because they fundamentally shared a view of the universe, one that was guided by overarching moral laws and social progression. In Douglass's words, "while drawing encouragement from the Declaration of Independence, the great principles it contains, and the genius of American Institutions, my spirit is also cheered by the obvious tendencies of the age."[166] For Douglass, the "deeper and truer" explanation for Abolitionism's success was "its accordance with the best elements of human nature" and "the immutable rule of divine and moral law mean that the Negro's cause, symbolic of humanity's cause, would ultimately prevail."[167] Likewise, for Lincoln, "while [he] did hold some opinions as a matter of faith, [he was] confident that these opinions were in harmony with the teachings of unassisted human reason."[168]

They were *not* distracted by their idealism however. They dreamed of a better world but also knew that this was a particularly critical moment in history for freedom and equality that they had to take advantage of. The primary difference between the two giants then actually lies in which of their shared values they placed highest and to what degree pragmatism trumped these principles. Reading Douglass's writings as an editor though, it would seem natural that he and Lincoln have been so frequently contrasted by their supposed radicalism and moderation. From the man who would become a dear friend, Douglass was still portraying Lincoln harshly and without reservation well into the war.

> Mr. Lincoln is quite a genuine representative of American prejudice and Negro hatred and far more concerned for the preservation of slavery, and the favor of the Border Slave States, than for any sentiment of magnanimity or principle of justice and humanity . . . every step of his Presidential career relating to slavery proves him active, decided, and brave for its support, and passive, cowardly, and treacherous to the very cause of liberty to which he owes his election.[169]

The irony of the above statement aside, Lincoln's thought, because of statements such as this, has been frequently represented as a progression from impractical colonizer, to reluctant Abolitionist, to "great emancipator." This neat series, although reflective of Lincoln's political and public stances, horribly distorts the fact that Lincoln's maturation was a continual process of refinement and adaptation based upon unalterable principles. For instance, nowhere in Lincoln's

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[166] Ibid,
[167] Martin, 60.
[168] Jaffa, 80.
[169] UR FDP.

writings will one find anything to contradict his idea that "no man is good enough to govern another man, without that other's consent, I say this is the leading principle - the sheet anchor of American republicanism."[170] This principle stayed unchanged with him throughout his life and never once did he remotely hedge it in his public advocacy. Although I agree with Oakes that Douglass was indeed a radical benchmark of Abolitionism in relation to Lincoln, I also contend that Lincoln used Douglass, rather than was used by him. Furthering Abolitionism while simultaneously emphasizing his moderation by contrast, it was harder for non-polarized moderate America to see Lincoln as a dyed-in-the-wool radical when they had the raging Abolitionist Douglass denouncing him as a knock-kneed compromiser.

. . . . .

It is easy to think of reasons that could have limited the American Civil War's significance in global history, however at the time the world, or Western Europe and its colonies anyways, watched with extreme apprehension as this cataclysmic conflict unfolded. Karl Marx, observing from England, echoed what many on that side of the world believed when reiterating that the war was "to restore the Union to its true principles of development."[171] Though the masses would not think of it in such Marxist-economic terms, he nevertheless represented Europe generally in saying "from the commencement of the titanic American strife the working men of Europe felt instinctively that the star-spangled banner carried the destiny of their class."[172] This was what Lincoln was referring to when he said "the nation is worth fighting for, to secure such an inestimable jewel." Notice, even America is not the jewel. Rather it, like so many untold and uncounted devices in history, was merely a tool for achieving the principles of the Declaration, replaceable as any other.

Further understanding it, we must not view Northern unity behind the Doctrine of the Declaration as complete or unfailingly stable. Even once the war had begun, one could argue that there was an infinite multitude of divergent and contrasting worldviews that nevertheless made up the collective North and fought for the Doctrine. Among the numberless paradigmatic languages in Antebellum and Civil War America, Garrisonian Abolitionism, proslavery

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[170] Lincoln, 93.

[171] Quoted in Clemens Dutt "The American Civil War as a 'People's War,'" *Marxists Internet Archive* 2010, accessed at: https://www.marxists.org/archive/dutt/1938/10/american_civil_war.htm

[172] Karl Marx, "Address of the International Working Men's Association to Abraham Lincoln, President of the United States of America, November 22 & 29, 1864," Accessed at: https://www.marxists.org/archive/marx/iwma/documents/1864/lincoln-letter.htm

theology, and the Doctrine itself were only some of the most significant and loudest amongst a sea of discourse. Speaking broadly however, it is simple enough to understand that, converging the interests of the conservative republicans, the radical abolitionists, and the remnant Northern Democrats, the Doctrine was politically propped up more so by competing languages, each seeking to usurp its dominant status in the North, than by its direct adherents. In point of fact, unity was exactly what Lincoln and Douglass were fighting for the entire time. "We are fighting for unity; unity of idea, unity of sentiment, unity of object, unity of institutions, in which there shall be no North, no South, no East, no West, no black, no white, but a solidarity of the nation, making every slave free, and every free man a voter."[173] Douglass well knew at the height of the war that, as history had so often taught, "the lesson for the statesmen at this hour is to discover and apply some principle of Government which shall produce unity of sentiment, unity of idea, unity of object."[174] The Doctrine of the Declaration was this principle and Abraham Lincoln, with the immense help of Frederick Douglass, helped forge the identity of American unity.

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Prior to the conflict, the United States were, not was. It was a collection, not an entity. Put simply, "this sums up what the war accomplished: it made us an is."[175] Put simply, this is what Douglass and Lincoln ensured through the Doctrine of the Declaration of Independence.

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[173] Douglass, UR FDP.
[174] Douglass, *IP*.
[175] Quoted in Ken Burns, *The Civil War* (Alexandria, VA: PBS Video, 1990).

Further Research

It is with a heavy heart that I recognize my own mortality. This study has not been remotely exhaustive. I have merely noticed another door and it is for the future and for many others to fully open it. Due to the novelty of my approach this work is only scratching the surface and there is a consequent ocean of exciting implications just under the whitecaps. Many such possibilities seem obvious: what role did religion play in their thought? Exactly how extensive was the Doctrine's language in Antebellum and Civil War America? Just how conscientious were Lincoln and Douglass's efforts to craft the language of their doctrine? And how did their Doctrine evolve in America's constitutional tradition and has it always proven so instrumental?

Less obvious ones however could prove even more tantalizing: How can this framework of analysis inform contemporary understandings of the Revolutionary generation and the American Enlightenment? To what extent has political discourse throughout our history altered events or indeed is it more susceptible to change from external exigencies than vice versa? The possible questions and approaches can only be sketched at this early stage, and the third and fourth chapters of this work alone are clearly begging for far deeper analysis and could be the subjects of entire books. In any case, it is clear that political languages and paradigmatic discourses have opened an entire new field of inquiry into American intellectual history and political dynamics.

For the author, these questions and more all call out for answers and there are an untold multitude more for each and every person who picks up this work or who otherwise considers the power of influencing the public mind.

Nearly one hundred sixty years prior to this however, Lincoln, and for that matter Douglass, already knew that in America, this meant everything. In the first of several debates that would define the contestants of the Civil War, Lincoln knew, "in this and like communities, public sentiment is everything. With public sentiment, nothing can fail; without it nothing can succeed. Consequently, he who moulds public sentiment, goes deeper than he who enacts statutes or pronounces decisions."[176]

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[176] Lincoln, 150.

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Appendix

IN CONGRESS, JULY 4, 1776.

A DECLARATION

BY THE REPRESENTATIVES OF THE

UNITED STATES OF AMERICA,

IN GENERAL CONGRESS ASSEMBLED.

WHEN in the Courſe of human Events, it becomes neceſſary for one People to diſſolve the Political Bands which have connected them with another, and to aſſume among the Powers of the Earth, the ſeparate and equal Station to which the Laws of Nature and of Nature's God entitle them, a decent Reſpect to the Opinions of Mankind requires that they ſhould declare the cauſes which impel them to the Separation.

We hold theſe Truths to be ſelf-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among theſe are Life, Liberty, and the Purſuit of Happineſs—That to ſecure theſe Rights, Governments are inſtituted among Men, deriving their juſt Powers from the Conſent of the Governed, that whenever any Form of Government becomes deſtructive of theſe Ends, it is the Right of the People to alter or to abolish it, and to inſtitute new Government, laying its Foundation on ſuch Principles, and organizing its Powers in ſuch Form, as to them ſhall ſeem moſt likely to effect their Safety and Happineſs. Prudence, indeed, will dictate that Governments long eſtabliſhed ſhould not be changed for light and tranſient Cauſes; and accordingly all Experience hath ſhewn, that Mankind are more diſpoſed to ſuffer, while Evils are ſufferable, than to right themſelves by abolishing the Forms to which they are accuſtomed. But when a long Train of Abuſes and Uſurpations, purſuing invariably the ſame Object, evinces a Deſign to reduce them under abſolute Deſpotiſm, it is their Right, it is their Duty, to throw off ſuch Government, and to provide new Guards for their future Security. Such has been the patient Sufferance of theſe Colonies; and ſuch is now the Neceſſity which conſtrains them to alter their former Syſtems of Government. The Hiſtory of the preſent King of Great-Britain is a Hiſtory of repeated Injuries and Uſurpations, all having in direct Object the Eſtabliſhment of an abſolute Tyranny over theſe States. To prove this, let Facts be ſubmitted to a candid World.

He has refuſed his Aſſent to Laws, the moſt wholeſome and neceſſary for the public Good.

He has forbidden his Governors to paſs Laws of immediate and preſſing Importance, unleſs ſuſpended in their Operation till his Aſſent ſhould be obtained; and when ſo ſuſpended, he has utterly neglected to attend to them.

He has refuſed to paſs other Laws for the Accommodation of large Diſtricts of People, unleſs thoſe People would relinquiſh the Right of Repreſentation in the Legiſlature, a Right ineſtimable to them, and formidable to Tyrants only.

He has called together Legiſlative Bodies at Places unuſual, uncomfortable, and diſtant from the Depoſitory of their public Records, for the ſole Purpoſe of fatiguing them into Compliance with his Meaſures.

He has diſſolved Repreſentative Houſes repeatedly, for oppoſing with manly Firmneſs his Invaſions on the Rights of the People.

He has refuſed for a long Time, after ſuch Diſſolutions, to cauſe others to be elected; whereby the Legiſlative Powers, incapable of Annihilation, have returned to the People at large for their exerciſe; the State remaining in the mean time expoſed to all the Dangers of Invaſion from without, and Convulſions within.

He has endeavoured to prevent the Population of theſe States; for that Purpoſe obſtructing the Laws for Naturalization of Foreigners; refuſing to paſs others to encourage their Migrations hither, and raiſing the Conditions of new Appropriations of Lands.

He has obſtructed the Adminiſtration of Juſtice, by refuſing his Aſſent to Laws for eſtabliſhing Judiciary Powers.

He has made Judges dependent on his Will alone, for the Tenure of their Offices, and the Amount and Payment of their Salaries.

He has erected a Multitude of new Offices, and ſent hither Swarms of Officers to harraſs our People, and eat out their Subſtance.

He has kept among us, in Times of Peace, ſtanding Armies, without the conſent of our Legiſlatures.

He has affected to render the Military independent of and ſuperior to the Civil Power.

He has combined with others to ſubject us to a Juriſdiction foreign to our Conſtitution, and unacknowledged by our Laws; giving his Aſſent to their Acts of pretended Legiſlation:

For quartering large Bodies of Armed Troops among us:

For protecting them, by a mock Trial, from Puniſhment for any Murders which they ſhould commit on the Inhabitants of theſe States:

For cutting off our Trade with all Parts of the World:

For impoſing Taxes on us without our Conſent:

For depriving us, in many Caſes, of the Benefits of Trial by Jury:

For tranſporting us beyond Seas to be tried for pretended Offences:

For abolishing the free Syſtem of Engliſh Laws in a neighbouring Province, eſtabliſhing therein an arbitrary Government, and enlarging its Boundaries, ſo as to render it at once an Example and fit Inſtrument for introducing the ſame abſolute Rule into theſe Colonies:

For taking away our Charters, abolishing our moſt valuable Laws, and altering fundamentally the Forms of our Governments:

For ſuſpending our own Legiſlatures, and declaring themſelves inveſted with Power to legiſlate for us in all Caſes whatſoever.

He has abdicated Government here, by declaring us out of his Protection and waging War againſt us.

He has plundered our Seas, ravaged our Coaſts, burnt our Towns, and deſtroyed the Lives of our People.

He is, at this Time, tranſporting large Armies of foreign Mercenaries to compleat the Works of Death, Deſolation, and Tyranny, already begun with circumſtances of Cruelty and Perfidy, ſcarcely paralleled in the moſt barbarous Ages, and totally unworthy the Head of a civilized Nation.

He has conſtrained our fellow Citizens taken Captive on the high Seas to bear Arms againſt their Country, to become the Executioners of their Friends and Brethren, or to fall themſelves by their Hands.

He has excited domeſtic Inſurrections amongſt us, and has endeavoured to bring on the Inhabitants of our Frontiers, the mercileſs Indian Savages, whoſe known Rule of Warfare, is an undiſtinguiſhed Deſtruction, of all Ages, Sexes and Conditions.

In every Stage of theſe Oppreſſions we have Petitioned for Redreſs in the moſt humble Terms: Our repeated Petitions have been anſwered only by repeated Injury. A Prince, whoſe Character is thus marked by every act which may define a Tyrant, is unfit to be the Ruler of a free People.

Nor have we been wanting in Attention to our Britiſh Brethren. We have warned them from Time to Time of Attempts by their Legiſlature to extend an unwarrantable Juriſdiction over us. We have reminded them of the Circumſtances of our Emigration and Settlement here. We have appealed to their native Juſtice and Magnanimity, and we have conjured them by the Ties of our common Kindred to diſavow theſe Uſurpations, which, would inevitably interrupt our Connections and Correſpondence. They too have been deaf to the Voice of Juſtice and of Conſanguinity. We muſt, therefore, acquieſce in the Neceſſity, which denounces our Separation, and hold them, as we hold the reſt of Mankind, Enemies in War, in Peace, Friends.

WE, therefore, the Repreſentatives of the UNITED STATES OF AMERICA, in GENERAL CONGRESS, Aſſembled, appealing to the Supreme Judge of the World for the Rectitude of our Intentions, do, in the Name, and by Authority of the good People of theſe Colonies, ſolemnly Publiſh and Declare, That theſe United Colonies are, and of Right ought to be, FREE AND INDEPENDENT STATES; that they are abſolved from all Allegiance to the Britiſh Crown, and that all political Connection between them and the State of Great-Britain, is and ought to be totally diſſolved; and that as FREE AND INDEPENDENT STATES, they have full Power to levy War, conclude Peace, contract Alliances, eſtabliſh Commerce, and to do all other Acts and Things which INDEPENDENT STATES may of right do. And for the ſupport of this Declaration, with a firm Reliance on the Protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our ſacred Honor.

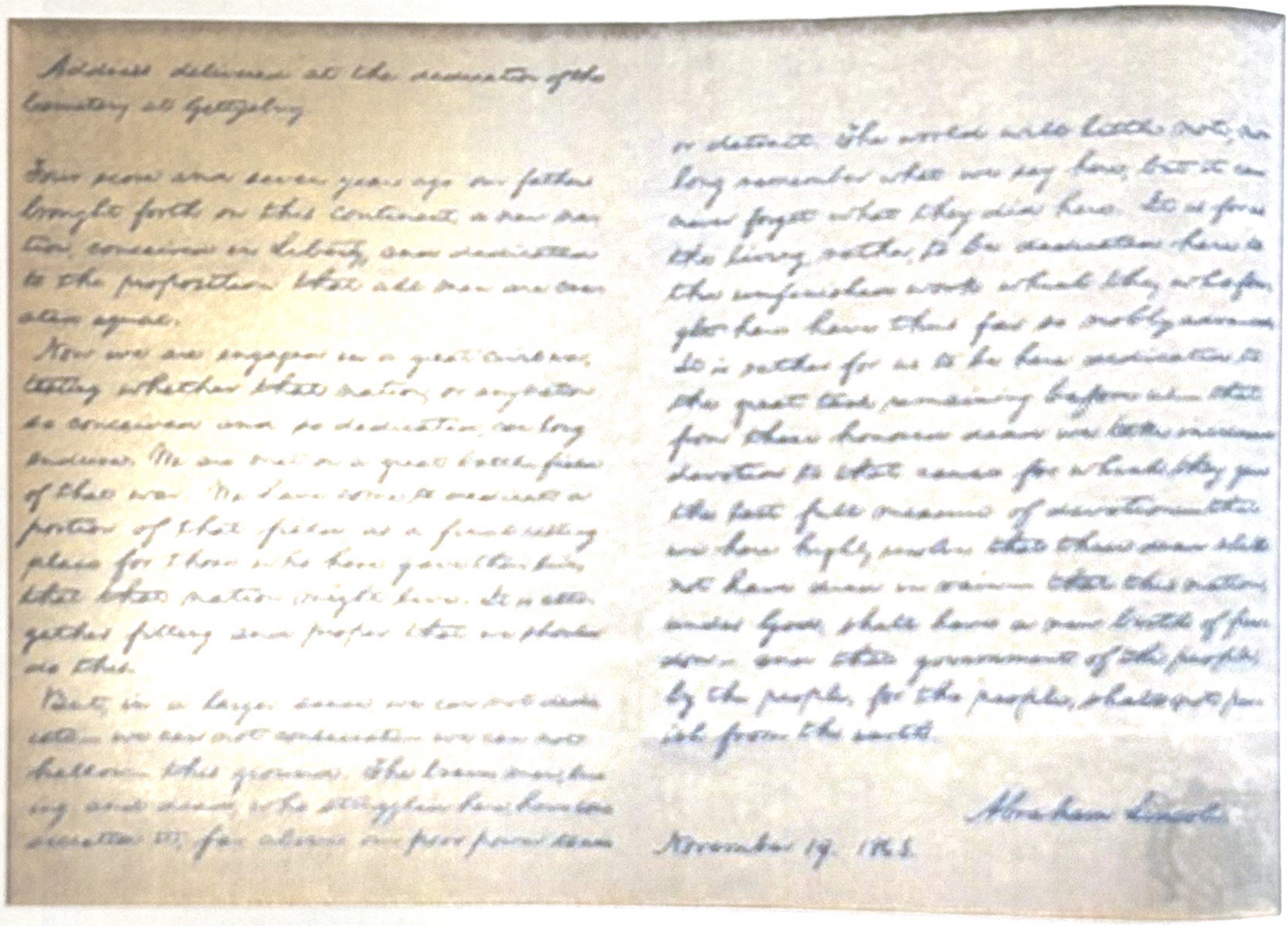
Signed by ORDER *and in* BEHALF *of the* CONGRESS,

JOHN HANCOCK, PRESIDENT.

ATTEST.
CHARLES THOMSON, SECRETARY.

PHILADELPHIA: Printed by JOHN DUNLAP.

Congressionally ratified and distributed copy of the Declaration of Independence. Accessed at: http://www.learnnc.org/lp/media/uploads/2008/05/declaration-of-independence.jpg



Address delivered at the dedication of the Cemetery at Gettysburg

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

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

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

Abraham Lincoln

November 19, 1863.

Copy of Abraham Lincoln's famous Gettysburg Address. This was not written on the back of an envelope on a train to Gettysburg. Accessed at: http://media-2.web.britannica.com/eb-media/11/911-004-F6E147F5.jpg

My Childhood Home I See Again

[I]

My childhood's home I see again,
And sadden with the view;
And still, as memory crowds my brain,
There's pleasure in it too.

O Memory! thou midway world
'Twixt earth and paradise,
Where things decayed and loved ones lost
In dreamy shadows rise,

And, freed from all that's earthly vile,
Seem hallowed, pure, and bright,
Like scenes in some enchanted isle
All bathed in liquid light.

As dusky mountains please the eye
When twilight chases day;
As bugle-tones that, passing by,
In distance die away;

As leaving some grand waterfall,
We, lingering, list its roar--
So memory will hallow all
We've known, but know no more.

Near twenty years have passed away
Since here I bid farewell
To woods and fields, and scenes of play,
And playmates loved so well.

Where many were, but few remain
Of old familiar things;
But seeing them, to mind again
The lost and absent brings.

The friends I left that parting day,
How changed, as time has sped!
Young childhood grown, strong manhood gray,
And half of all are dead.

I hear the loved survivors tell
How nought from death could save,
Till every sound appears a knell,
And every spot a grave.

I range the fields with pensive tread,
And pace the hollow rooms,
And feel (companion of the dead)
I'm living in the tombs.

[II]

But here's an object more of dread
Than ought the grave contains--
A human form with reason fled,
While wretched life remains.

Poor Matthew! Once of genius bright,
A fortune-favored child--
Now locked for aye, in mental night,
A haggard mad-man wild.

Poor Matthew! I have ne'er forgot,
When first, with maddened will,
Yourself you maimed, your father fought,
And mother strove to kill;

When terror spread, and neighbors ran,
Your dange'rous strength to bind;
And soon, a howling crazy man
Your limbs were fast confined.

How then you strove and shrieked aloud,
Your bones and sinews bared;
And fiendish on the gazing crowd,
With burning eye-balls glared--

And begged, and swore, and wept and prayed
With maniac laught[ter?] joined--
How fearful were those signs displayed
By pangs that killed thy mind!

And when at length, tho' drear and long,
Time smoothed thy fiercer woes,

Grant E. Stanton

How plaintively thy mournful song
Upon the still night rose.

I've heard it oft, as if I dreamed,
Far distant, sweet, and lone--
The funeral dirge, it ever seemed
Of reason dead and gone.

To drink it's strains, I've stole away,
All stealthily and still,
Ere yet the rising God of day
Had streaked the Eastern hill.

Air held his breath; trees, with the spell,
Seemed sorrowing angels round,
Whose swelling tears in dew-drops fell
Upon the listening ground.

But this is past; and nought remains,
That raised thee o'er the brute.
Thy piercing shrieks, and soothing strains,
Are like, forever mute.

Now fare thee well--more thou the *cause,*
Than *subject* now of woe.
All mental pangs, by time's kind laws,
Hast lost the power to know.

O death! Thou awe-inspiring prince,
That keepst the world in fear;
Why dost thos tear more blest ones hence,
And leave him ling'ring here?

Rochester, N.Y. August 17. 1865.

Mrs Abraham Lincoln:

Dear Madam: Allow me to thank

you, as I certainly do thank you most sincerely for

your thoughtful kindness in making me the owner

of a Cane - which was formerly the property and the

favorite walking Staff of your late lamented husband the

honored and venerated President of the United States.

I address you, that this inestimable memorial of his

Excellency will be retained in my possession while I live

- an object of sacred interest - a token not merely of

the kind Consideration in which I have reason to know

that, President and pleased to hold me personally but of

as an indication of his Patronage in Liberty

Colleges of the Colored Race.

With every proper sentiment of Respect and Esteem

Dear Dear Madam, Your Obt. Servt

Letter from Frederick Douglass in appreciation of Mrs. Lincoln's kindness and the friendship he enjoyed with the President.
Accessed at: http://www.digitalhistory.uh.edu/exhibits/douglass_exhibit/02474p1.html

Grant E. Stanton



The President's favorite cane, it was gifted to his friend Frederick Douglass at his death for the Abolitionist's work as a propagandist in the Civil War. Accessed at:
http://www.nps.gov/museum/exhibits/douglass/exb/visionary/FRDO1898_caneLincoln.html

MEN OF COLOR, TO ARMS! NOW OR NEVER!

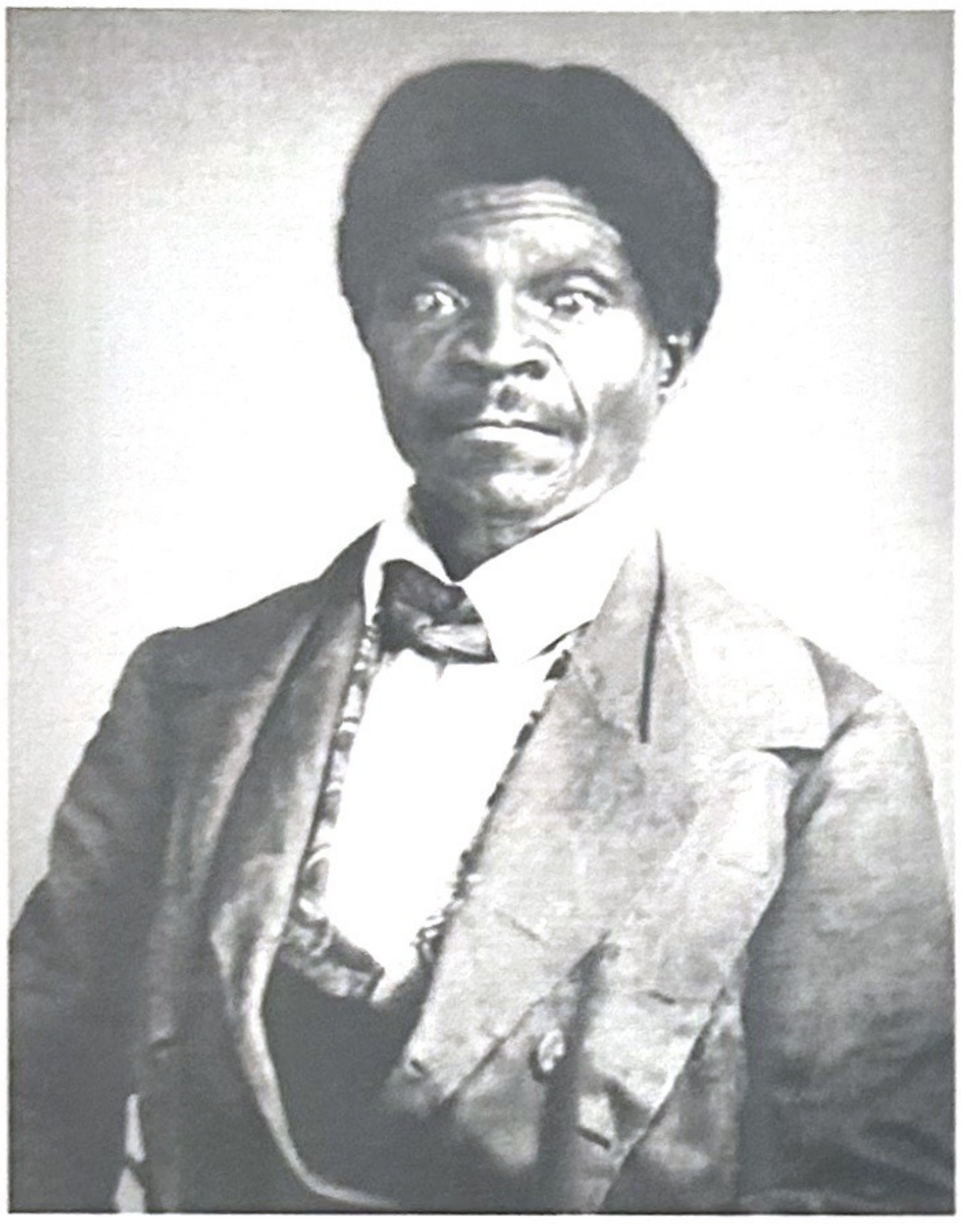
This is our Golden Moment. The Government of the United States calls for every Able-Bodied Colored Man to enter the Army for the THREE YEARS' SERVICE, and join in fighting the Battles of Liberty and the Union. A new era is open to us. For generations we have suffered under the horrors of slavery, outrage and wrong; our manhood has been denied, our citizenship blotted out, our souls seared and burned, our spirits cowed and crushed, and the hopes of the future of our race involved in doubts and darkness. But now the whole aspect of our relations to the white race is changed. Now therefore is our most precious moment. Let us Rush to Arms! **Fail Now and Our Race is Doomed** on this the soil of our birth. We must now awake, arise, or be forever fallen. If we value Liberty, if we wish to be free in this land, if we love our country, if we love our families, our children, our homes, we must strike NOW while the Country calls: must rise up in the dignity of our manhood, and show by our own right arms that we are worthy to be freemen. Our enemies have made the country believe that we are craven cowards, without soul, without manhood, without the spirit of soldiers. Shall we die with this stigma resting on our graves? Shall we leave this inheritance of shame to our children? No! A thousand times No! **We WILL Rise!** The alternative is upon us; let us rather die freemen than live to be slaves. What is life without liberty? We say that we have manhood—now is the time to prove it. A nation or a people that cannot fight may be pitied, but cannot be respected. If we would be regarded *Men*, if we would forever **SILENCE THE TONGUE OF CALUMNY,** of prejudice and hate; let us rise NOW and fly to arms! We have seen what **Valor and Heroism** our brothers displayed at **PORT HUDSON and at MILLIKEN'S BEND;** though they are just from the galling, poisoning grasp of slavery, they have startled the world by the most exalted heroism. If they have proved themselves heroes, can not we prove ourselves men? **ARE FREEMEN LESS BRAVE THAN SLAVES?** More than a Million White Men have left Comfortable Homes and joined the Armies of the Union to save their Country; cannot we leave ours, and swell the hosts of the Union, to save our liberties, vindicate our manhood, and deserve well of our Country?

MEN OF COLOR! All Races of Men—the Englishman, the Irishman, the Frenchman, the German, the American, have been called to assert their claim to freedom and a manly character, by an appeal to the sword. The day that has seen an enslaved race in arms, has, in all history, seen their last trial. We can now see that **OUR LAST OPPORTUNITY HAS COME!** If we are not lower in the scale of humanity than Englishmen, Irishmen, white Americans and other races, we can show it now.

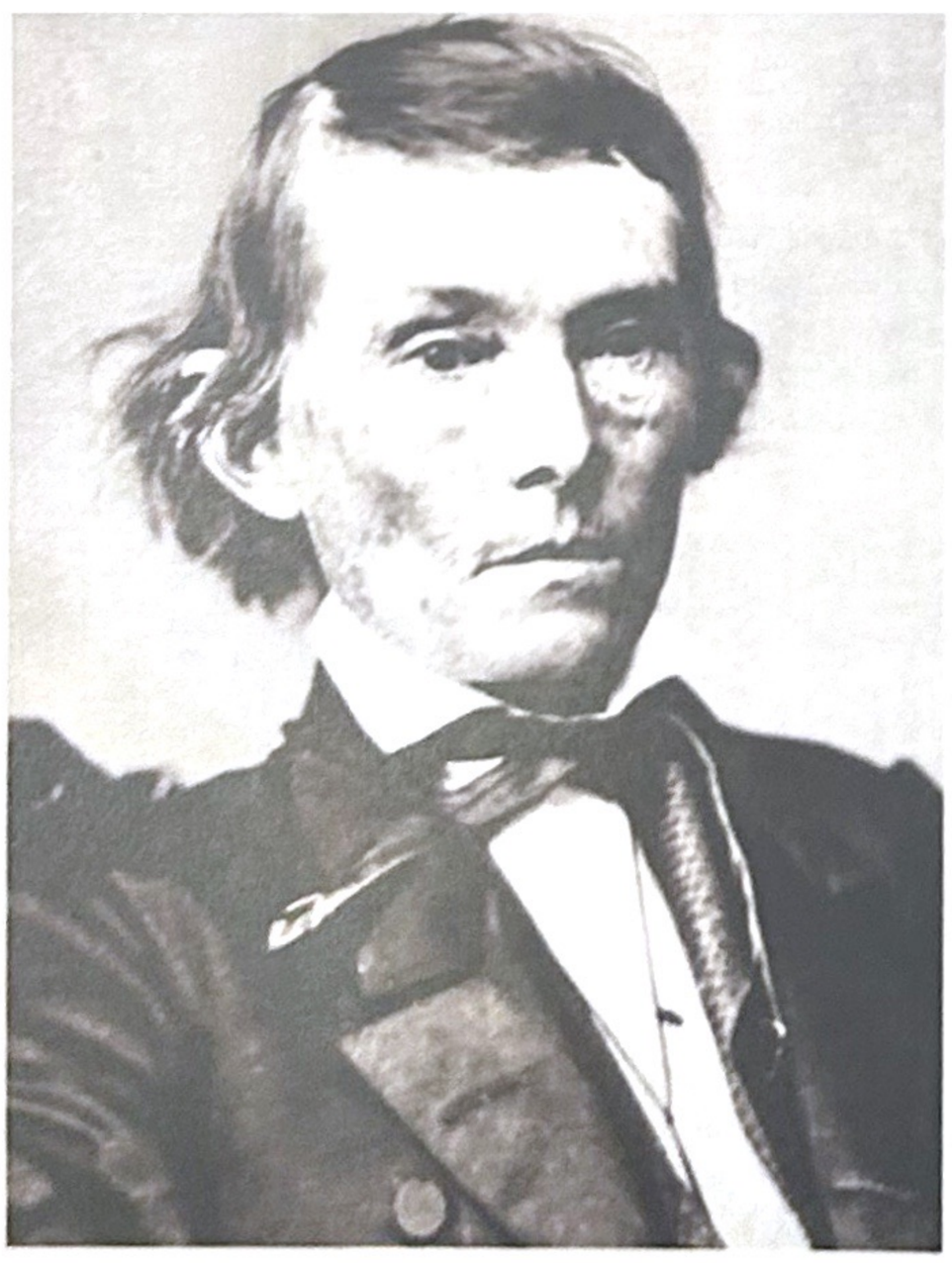
MEN OF COLOR! BROTHERS and FATHERS! WE APPEAL TO YOU! By all your concern for yourselves and your liberties, by all your regard for God and Humanity, by all your desire for Citizenship and Equality before the law, by all your love for the Country, to stop at no subterfuges, listen to nothing that shall deter you from rallying for the Army. Come forward, and at once Enroll your Names for the **Three Years' Service. STRIKE NOW,** and you are henceforth and forever **FREEMEN!**

E. D. Bassett,
Wm. D. Forten,
Frederick Douglass,
Wm. Whipper,
D. D. Turner,
Jas. McCrummell,
A. S. Cassey,
A. M. Green,
J. W. Page,
L. R. Seymour,
Rev. J. Underdue,
John W. Price,
Augustus Dorsey,
Rev. Stephen Smith,
N. W. Depee,
Dr. J. H. Wilson,
J. W. Cassey,
P. J. Armstrong,
J. W. Simpson,
Rev. J. B. Trusty,
S. Morgan Smith,
Wm. E. Gipson,
Rev. J. Boulden,
Rev. J. Asher,
Rev. J. C. Gibbs,
Daniel George,
Robert M. Adger,
Henry M. Cropper,
Rev. J. B. Reeve,
Rev. J. A. Williams,
Rev. A. L. Stanford,
Thomas J. Bowers,
Elijah J. Davis,
John P. Burr,
Robert Jones,
O. V. Catto,
Thos. J. Dorsey,
I. D. Cliff,
Jacob C. White,
Morris Hall,
James Needham,
Rev. Elisha Weaver,
Ebenezer Black,
Rev. Wm. T. Catto,
Jas. R. Gordon,
Samuel Stewart,
David B. Bowser,
Henry Minton,
Daniel Colley,
J. C. White, Jr.,
Rev. J. P. Campbell,
Rev. W. J. Alston,
J. P. Johnson,
Franklin Turner,
Jesse E. Glasgow.

An example of Douglass's' war propaganda. Through his efforts, he helped to connect the Union cause to slavery and equality. Accessed at: http://archives.pacscl.org/catto/resources/libco1863menofcolor.jpg



Slave Dred Scott (1799-1858). His case is now seen as one of the grossest miscarriages of justice in all of Anglo-American jurisprudence. His life was decided not by law, but by purely human arbitration. Accessed at: http://www.picturehistory.com/product/id/612#



Vice-president of the Confederacy, Alexander Stephens (1812-1883). A man often at odds with himself and his chosen country, Stephens fought against secession yet ended up elucidating its official philosophy. Accessed at: http://hd.housedivided.dickinson.edu/files/images/HD_stephensAH1.jpg

THE DRED SCOTT DECISION, speech delivered before American Anti-Slavery Society, New York, May 14, 1857
Two *speeches by Frederick Douglass; one on West India emancipation, delivered at Canandaigua, Aug. 4th, and the other on the Dred Scott decision, delivered in New York, on the occasion of the anniversary of the American Abolition Society, May, 1857,* Rochester, 1857

Mr. Chairman, Friends, and Fellow Citizens:

While four millions of our fellow countrymen are in chains—while men, women, and children are bought and sold on the auction-block with horses, sheep, and swine—while the remorseless slave-whip draws the warm blood of our common humanity—it is meet that we assemble as we have done to-day, and lift up our hearts and voices in earnest denunciation of the vile and shocking abomination. It is not for us to be governed by our hopes or our fears in this great work; yet it is natural on occasions like this, to survey the position of the great struggle which is going on between slavery and freedom, and to dwell upon such signs of encouragement as may have been lately developed, and the state of feeling these signs or events have occasioned in us and among the people generally. It is a fitting time to take an observation to ascertain where we are, and what our prospects are.

To many, the prospects of the struggle against slavery seem far from cheering. Eminent men, North and South, in Church and State, tell us that the omens are all against us. Emancipation, they tell us, is a wild, delusive idea; the price of human flesh was never higher than now; slavery was never more closely entwined about the hearts and affections of the southern people than now; that whatever of conscientious scruple, religious conviction, or public policy, which opposed the system of slavery forty or fifty years ago, has subsided; and that slavery never reposed upon a firmer basis than now. Completing this picture of the happy and prosperous condition of this system of wickedness, they tell us that this state of things is to be set to our account. Abolition agitation has done it all. How deep is the misfortune of my poor, bleeding people, if this be so! How lost their condition, if even the efforts of their friends but sink them deeper in ruin!

Without assenting to this strong representation of the increasing strength and stability of slavery, without denouncing what of untruth pervades it, I own myself not insensible to the many difficulties and discouragements that beset us on every hand. They fling their broad and gloomy shadows across the pathway of every thoughtful colored man in this country. For one, I see them clearly, and feel them sadly. With an earnest, aching heart, I have long looked for the realization of the hope of my people. Standing, as it were, barefoot, and treading upon the sharp and flinty rocks of the present, and looking out upon the boundless sea of the future, I have sought, in my humble way, to penetrate the intervening mists and clouds, and, perchance, to descry, in the dim and shadowy distance, the white flag of freedom, the precise speck of time at which the cruel bondage of my people should end, and the long entombed millions rise from the foul grave of slavery and death. But of that time I can know nothing, and you can know nothing. All is uncertain at that point. One thing, however, is certain; slaveholders are in earnest, and mean to cling to their slaves as long as they can, and to the bitter end. They show no sign of a wish to quit their iron grasp upon the sable throats of their victims. Their motto is, "a firmer hold and a tighter grip" for every new effort that is made to break their cruel power. The case is one of life or death with them, and they will give up only when they must do that or do worse.

In one view the slaveholders have a decided advantage over all opposition. It is well to notice this advantage—the advantage of complete organization. They are organized; and yet were not at the pains of creating their organizations. The State governments, where the system of slavery exists, are complete slavery organizations. The church organizations in those States are equally at the service of slavery; while the Federal Government, with its army and navy, from the chief magistracy in Washington, to the Supreme Court, and thence to the chief marshalship at New York, is pledged to support, defend, and propagate the crying curse of human bondage. The pen, the purse, and the sword, are united against the simple truth, preached by humble men in obscure places.

This is one view. It is, thank God, only one view; there is another, and a brighter view. David, you know, looked small and insignificant when going to meet Goliath, but looked larger when he had slain his foe. The Malakoff was, to the eye of the world, impregnable, till the hour it fell before the shot and shell of the allied army. Thus hath it ever been. Oppression, organized as ours is, will appear invincible up to the very hour of its fall. Sir, let us look at the other side, and see if there are not some things to cheer our heart and nerve us up anew in the good work of emancipation.

Take this fact—for it is a fact—the anti-slavery movement has, from first to last, suffered no abatement. It has gone forth in all directions, and is now felt in the remotest extremities of the Republic.

It started small, and was without capital either in men or money. The odds were all against it. It literally had nothing to lose, and everything to gain. There was ignorance to be enlightened, error to be combatted, conscience to be awakened, prejudice to be overcome, apathy to be aroused, the right of speech to be secured, mob violence to be subdued, and a deep, radical change to be inwrought in the mind and heart of the whole nation. This great work, under God, has gone on, and gone on gloriously. Amid all changes, fluctuations, assaults, and adverses of every kind, it has remained firm in its purpose, steady in its aim, onward and upward, defying all opposition, and never losing a single battle. Our strength is in the growth of antislavery conviction, and this has never halted.

There is a significant vitality about this abolition movement. It has taken a deeper, broader, and more lasting hold upon the national heart than ordinary reform movements. Other subjects of much interest come and go, expand and contract, blaze and vanish, but the huge question of American Slavery, comprehending, as it does, not merely the weal or the woe of four millions, and their countless posterity, but the weal or the woe of this entire nation, must increase in magnitude and in majesty with every

hour of its history. From a cloud not bigger than a man's hand, it has overspread the heavens. It has risen from a grain not bigger than a mustard seed. Yet see the fowls of the air, how they crowd its branches.
Politicians who cursed it, now defend it; ministers, once dumb, now speak in its praise; and presses, which once flamed with hot denunciations against it, now surround the sacred cause as by a wall of living fire. Politicians go with it as a pillar of cloud by day, and the press as a pillar of fire by night. With these ancient tokens of success, I, for one, will not despair of our cause.
Those who have undertaken to suppress and crush out this agitation for Liberty and humanity, have been most woefully disappointed. Many who have engaged to put it down, have found themselves put down. The agitation has pursued them in all their meanderings, broken in upon their seclusion, and, at the very moment of fancied security, it has settled down upon them like a mantle of unquenchable fire. Clay, Calhoun, and Webster each tried his hand at suppressing the agitation; and they went to their graves disappointed and defeated.
Loud and exultingly have we been told that the slavery question is settled, and settled forever. You remember it was settled thirty-seven years ago, when Missouri was admitted into the Union with a slaveholding constitution, and slavery prohibited in all territory north of thirty-six degrees of north latitude. Just fifteen years afterwards, it was settled again by voting down the right of petition, and gagging down free discussion in Congress. Ten years after this it was settled again by the annexation of Texas, and with it the war with Mexico. In 1850 it was again settled. This was called a final settlement. By it slavery was virtually declared to be the equal of Liberty, and should come into the Union on the same terms. By it the right and the power to hunt down men, women, and children, in every part of this country, was conceded to our southern brethren, in order to keep them in the Union. Four years after this settlement, the whole question was once more settled, and settled by a settlement which unsettled all the former settlements.
The fact is, the more the question has been settled, the more it has needed settling. The space between the different settlements has been strikingly on the decrease. The first stood longer than any of its successors.
There is a lesson in these decreasing spaces. The first stood fifteen years—the second, ten years—the third, five years—the fourth stood four years—and the fifth has stood the brief space of two years.
This last settlement must be called the Taney settlement. We are now told, in tones of lofty exultation, that the day is lost—all lost—and that we might as well give up the struggle. The highest authority has spoken. The voice of the Supreme Court has gone out over the troubled waves of the National Conscience, saying peace, be still.
This infamous decision of the Slaveholding wing of the Supreme Court maintains that slaves are within the contemplation of the Constitution of the United States, property; that slaves are property in the same sense that horses, sheep, and swine are property; that the old doctrine that slavery is a creature of local law is false; that the right of the slaveholder to his slave does not depend upon the local law, but is secured wherever the Constitution of the United States extends; that Congress has no right to prohibit slavery anywhere; that slavery may go in safety anywhere under the star-spangled banner; that colored persons of African descent have no rights that white men are bound to respect; that colored men of African descent are not and cannot be citizens of the United States.
You will readily ask me how I am affected by this devilish decision—this judicial incarnation of wolfishness? My answer is, and no thanks to the slave- holding wing of the Supreme Court, my hopes were never brighter than now.
I have no fear that the National Conscience will be put to sleep by such an open, glaring, and scandalous tissue of lies as that decision is, and has been, over and over, shown to be.
The Supreme Court of the United States is not the only power in this world. It is very great, but the Supreme Court of the Almighty is greater. Judge Taney can do many things, but he cannot perform impossibilities. He cannot bale out the ocean, annihilate the firm old earth, or pluck the silvery star of liberty from our Northern sky. He may decide, and decide again; but he cannot reverse the decision of the Most High. He cannot change the essential nature of things— making evil good, and good evil. Happily for the whole human family, their rights have been defined, declared, and decided in a court higher than the Supreme Court. "There is a law," says Brougham, "above all the enactments of human codes, and by that law, unchangeable and eternal, man cannot hold property in man."
Your fathers have said that man's right to liberty is self-evident. There is no need of argument to make it clear. The voices of nature, of conscience, of reason, and of revelation, proclaim it as the right of all rights, the foundation of all trust, and of all responsibility. Man was born with it. It was his before he comprehended it. The *deed* conveying it to him is written in the center of his soul, and is recorded in Heaven. The sun in the sky is not more palpable to the sight than man's right to liberty is to the moral vision. To decide against this right in the person of Dred Scott, or the humblest and most whip-scarred bondman in the land, is to decide against God. It is an open rebellion against God's government. It is an attempt to undo what God has done, to blot out the broad distinction instituted by the *All-wise* between men and things, and to change the image and superscription of the everliving God into a speechless piece of merchandise.
Such a decision cannot stand. God will be true though every man be a liar. We can appeal from this hell-black judgment of the Supreme Court, to the court of common sense and common humanity. We can appeal from man to God. If there is no justice on earth, there is yet justice in. heaven. You may close your Supreme Court against the black man's cry for justice, but you cannot, thank God, close against him the ear of a sympathising world, nor shut up the Court of Heaven. All that is merciful and just, on earth and in Heaven, will execrate and despise this edict of Taney.
If it were at all likely that the people of these free States would tamely submit to this demoniacal judgment, I might feel gloomy and sad over it, and possibly it might be necessary for my people to look for a home in some other country. But as the case stands, we have nothing to fear.

In one point of view, we, the abolitionists and colored people, should meet this decision, unlooked for and monstrous as it

appears, in a cheerful spirit. This very attempt to blot out forever the hopes of an enslaved people may be one necessary link in the chain of events preparatory to the downfall and complete overthrow of the whole slave system.

The whole history of the anti-slavery movement is studded with proof that all measures devised and executed with a view to ally and diminish the anti-slavery agitation, have only served to increase, intensify, and embolden that agitation. This wisdom of the crafty has been confounded, and the counsels of the ungodly brought to nought. It was so with the Fugitive Slave Bill. It was so with the Kansas-Nebraska Bill; and it will be so with this last and most shocking of all pro-slavery devices, this Taney decision. When great transactions are involved, where the fate of millions is concerned, where a long enslaved and suffering people are to be delivered, I am superstitious enough to believe that the finger of the Almighty may be seen bringing good out of evil, and making the wrath of man redound to his honor, hastening the triumph of righteousness.

The American people have been called upon, in a most striking manner, to abolish and put away forever the system of slavery. The subject has been pressed upon their attention in all earnestness and sincerity. The cries of the slave have gone forth to the world, and up to the throne of God. This decision, in my view, is a means of keeping the nation awake on the subject. It is another proof that God does not mean that we shall go to sleep, and forget that we are a slave- holding nation.

Step by step we have seen the slave power advancing; poisoning, corrupting, and perverting the institutions of the country; growing more and more haughty, imperious, and exacting. The white man's liberty has been marked out for the same grave with the black man's.

The ballot box is desecrated, God's law set at nought, armed legislators stalk the halls of Congress, freedom of speech is beaten down in the Senate. The rivers and highways are infested by border ruffians, and white men are made to feel the iron heel of slavery. This ought to arouse us to kill off the hateful thing. They are solemn warnings to which the white people, as well as the black people, should take heed.

If these shall fail, judgment, more fierce or terrible, may come. The lightning, whirlwind, and earthquake may come. Jefferson said that he trembled for his country when he reflected that God is just, and his justice cannot sleep forever. The time may come when even the crushed worm may turn under the tyrant's feet. Goaded by cruelty, stung by a burning sense of wrong, in an awful moment of depression and desperation, the bondman and bondwoman at the south may rush to one wild and deadly struggle for freedom. Already slaveholders go to bed with bowie knives, and apprehend death at their dinners. Those who enslave, rob, and torment their cooks, may well expect to find death in their dinner-pots.

The world is full of violence and fraud, and it would be strange if the slave, the constant victim of both fraud and violence, should escape the contagion. He, too, may learn to fight the devil with fire, and for one, I am in no frame of mind to pray that this may be long deferred.

Two remarkable occurrences have followed the presidential election; one was the unaccountable sickness traced to the National Hotel at Washington, and the other was the discovery of a plan among the slaves, in different localities, to slay their oppressors. Twenty or thirty of the suspected were put to death. Some were shot, some hanged, some burned, and some died under the lash. One brave man owned himself well acquainted with the conspiracy, but said he would rather die than disclose the facts. He received seven hundred and fifty lashes, and his noble spirit went away to the God who gave it. The name of this hero has been by the meanness of tyrants suppressed. Such a man redeems his race. He is worthy to be mentioned with the Hoffers and Tells, the noblest heroes of history. These insurrectionary movements have been put down, but they may break out at any time, under the guidance of higher intelligence, and with a more invincible spirit.

The fire thus kindled, may be revived again;
The flames are extinguished, but the embers remain;
One terrible blast may produce an ignition,
Which shall wrap the whole South in wild conflagration.
The pathway of tyrants lies over volcanoes
The very air they breathe is heavy with sorrows;
Agonizing heart-throbs convulse them while sleeping,
And the wind whispers Death as over them sweeping.

By all the laws of nature, civilization, and of progress, slavery is a doomed system. Not all the skill of politicians, North and South, not all the sophistries of Judges, not all the fulminations of a corrupt press, not all the hypocritical prayers, or the hypocritical refusals to pray of a hollow-hearted priesthood, not all the devices of sin and Satan, can save the vile thing from extermination.

Already a gleam of hope breaks upon us from the southwest. One Southern city has grieved and astonished the whole South by a preference for freedom. The wedge has entered. Dred Scott, of Missouri, goes into slavery, but St. Louis declares for freedom. The judgment of Taney is not the judgment of St. Louis.

It may be said that this demonstration in St. Louis is not to be taken as an evidence of sympathy with the slave; that it is purely a white man's victory. I admit it. Yet I am glad that white men, bad as they generally are, should gain a victory over slavery. I am willing to accept a judgment against slavery, whether supported by white or black reasons—though I would much rather have it supported by both. He that is not against us, is on our part.

Come what will, I hold it to be morally certain that, sooner or later, by fair means or foul means, in quiet or in tumult, in peace or in blood, in judgment or in mercy, slavery is doomed to cease out of this otherwise goodly land, and liberty is destined to become the settled law of this Republic.

I base my sense of the certain overthrow of slavery, in part, upon the nature of the American Government, the Constitution, the tendencies of the age, and the character of the American people; and this, notwithstanding the important decision of Judge Taney.

Grant E. Stanton

I know of no soil better adapted to the growth of reform than American soil. I know of no country where the conditions for affecting great changes in the settled order of things, for the development of right ideas of liberty and humanity, are more favorable than here in these United States.

The very groundwork of this government is a good repository of Christian civilization. The Constitution, as well as the Declaration of Independence, and the sentiments of the founders of the Republic, give us a platform broad enough, and strong enough, to support the most comprehensive plans for the freedom and elevation of all the people of this country, without regard to color, class, or clime.

There is nothing in the present aspect of the anti-slavery question which should drive us into the extravagance and nonsense of advocating a dissolution of the American Union as a means of overthrowing slavery, or freeing the North from the malign influence of slavery upon the morals of the Northern people. While the press is at liberty, and speech is free, and the ballot-box is open to the people of the sixteen free States; while the slaveholders are but four hundred thousand in number, and we are fourteen millions; while the mental and moral power of the nation is with us; while we are really the strong and they are the weak, it would look worse than cowardly to retreat from the Union.

If the people of the North have not the power to cope with these four hundred thousand slaveholders inside the Union, I see not how they could get out of the Union. The strength necessary to move the Union must ever be less than is required to break it up. If we have got to conquer the slave power to get out of the Union, I for one would much rather conquer, and stay in the Union. The latter, it strikes me, is the far more rational mode of action.

I make these remarks in no servile spirit, nor in any superstitious reverence for a mere human arrangement. If I felt the Union to be a curse, I should not be far behind the very chiefest of the disunion Abolitionists in denouncing it. But the evil to be met and abolished is not in the Union. The power arrayed against us is not a parchment.

It is not in changing the dead form of the Union, that slavery is to be abolished in this country. We have to do not with the dead, but the living; not with the past, but the living present.

Those who seek slavery in the Union, and who are everlastingly dealing blows upon the Union, in the belief that they are killing slavery, are most woefully mistaken. They are fighting a dead form instead of a living and powerful reality. It is clearly not because of the peculiar character of our Constitution that we have slavery, but the wicked pride, love of power, and selfish perverseness of the American people. Slavery lives in this country not because of any paper Constitution, but in the moral blindness of the American people, who persuade themselves that they are safe, though the rights of others may be struck down.

Besides, I think it would be difficult to hit upon any plan less likely to abolish slavery than the dissolution of the Union. The most devoted advocates of slavery, those who make the interests of slavery their constant study, seek a dissolution of the Union as their final plan for preserving slavery from Abolition, and their ground is well taken. Slavery lives and flourishes best in the absence of civilization; a dissolution of the Union would shut up the system in its own congenial barbarism.

The dissolution of the Union would not give the North one single additional advantage over slavery to the people of the North, but would manifestly take from them many which they now certainly possess.

Within the Union we have a firm basis of anti-slavery operation. National welfare, national prosperity, national reputation and honor, and national scrutiny; common rights, common duties, and common country, are so many bridges over which we can march to the destruction of slavery. To fling away these advantages because James Buchanan is President, or Judge Taney gives a lying decision in favor of slavery, does not enter into my notion of common sense.

Mr. Garrison and his friends have been telling us that, while in the Union, we are responsible for slavery; and in so telling us, he and they have told us the truth. But in telling us that we shall cease to be responsible for slavery by dissolving the Union, he and they have not told us the truth.

There now, clearly, is no freedom from responsibility for slavery, but in the Abolition of slavery. We have gone too far in this business now to sum up our whole duty in the cant phrase of "no Union with slaveholders."

To desert the family hearth may place the recreant husband out of the sight of his hungry children, but it cannot free him from responsibility. Though he should roll the waters of three oceans between him and them, he could not roll from his soul the burden of his responsibility to them; and, as with the private family, so in this instance with the national family. To leave the slave in his chains, in the hands of cruel masters who are too strong for him, is not to free ourselves from responsibility. Again: If I were on board of a pirate ship, with a company of men and women whose lives and liberties I had put in jeopardy, I would not clear my soul of their blood by jumping in the long boat, and singing out no union with pirates. My business would be to remain on board, and while I never would perform a single act of piracy again, I should exhaust every means given me by my position, to save the lives and liberties of those against whom I had committed piracy. In like manner, I hold it is our duty to remain inside this Union, and use all the power to restore to enslaved millions their precious and God-given rights. The more we have done by our voice and our votes, in times past, to rivet their galling fetters, the more clearly and solemnly comes the sense of duty to remain, to undo what we have done. Where, I ask, could the slave look for release from slavery if the Union were dissolved? I have an abiding conviction founded upon long and careful study of the certain effects of slavery upon the moral sense of slaveholding communities, that if the slaves are ever delivered from bondage, the power will emanate from the *free* States. All hope that the slaveholders will be self-moved to this great act of justice, is groundless and delusive. Now, as of old, the Redeemer must come from above, not from beneath. To dissolve the Union would be to withdraw the emancipating power from the field.

But I am told this is the argument of expediency. I admit it, and am prepared to show that what is expedient in this instance is right. "Do justice, though the heavens fall." Yes, that is a good motto, but I deny that it would be doing justice to the slave to dissolve the Union and leave the slave in his chains to get out by the clemency of his master, or the strength of his arms. Justice to the slave is to break his chains, and going out of the union is to leave him in his chains, and without any probable chance of getting out of them.

But I come now to the great question as to the constitutionality of slavery. The recent slaveholding decision, as well as the teachings of anti-slavery men, make this a fit time to discuss the constitutional pretensions of slavery.
The people of the North are a law abiding people. They love order and respect the means to that end. This sentiment has sometimes led them to the folly and wickedness of trampling upon the very life of law, to uphold its dead form. This was so in the execution of that thrice accursed Fugitive Slave Bill. Burns and Simms were sent back to the hell of slavery after they had looked upon Bunker Hill, and heard liberty thunder in Faneuil Hall. The people permitted this outrage in obedience to the popular sentiment of reverence for law. While men thus respect law, it becomes a serious matter so to interpret the law as to make it operate against liberty. I have a quarrel with those who fling the Supreme Law of this land between the slave and freedom. It is a serious matter to fling the weight of the Constitution against the cause of human liberty, and those who do it, take upon them a heavy responsibility. Nothing but absolute necessity, shall, or ought to drive me to such a concession to slavery.
When I admit that slavery is constitutional, I must see slavery recognized in the Constitution. I must see that it is there plainly stated that one man of a certain description has a right of property in the body and soul of another man of a certain description. There must be no room for a doubt. In a matter so important as the loss of liberty, everything must be proved beyond all reasonable doubt.
The well known rules of legal interpretation bear me out in this stubborn refusal to see slavery where slavery is not, and only to see slavery where it is.
The Supreme Court has, in its day, done something better than make slave-holding decisions. It has laid down rules of interpretation which are in harmony with the true idea and object of law and liberty.
It has told us that the intention of legal instruments must prevail; and that this must be collected from its words. It has told us that language must be construed strictly in favor of liberty and justice.
It has told us where rights are infringed, where fundamental principles are overthrown, where the general system of the law is departed from, the Legislative intention must be expressed with irresistible clearness, to induce a court of justice to suppose a design to effect such objects.
These rules are as old as law. They rise out of the very elements of law. It is to protect human rights, and promote human welfare. Law is in its nature opposed to wrong, and must everywhere be presumed to be in favor of the right. The pound of flesh, but not one drop of blood, is a sound rule of legal interpretation.
Besides there is another rule of law as well of common sense, which requires us to look to the ends for which a law is made, and to construe its details in harmony with the ends sought.
Now let us approach the Constitution from the standpoint thus indicated, and instead of finding in it a warrant for the stupendous system of robbery, comprehended in the term slavery, we shall find it strongly against that system.
"We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America."
Such are the objects announced by the instrument itself, and they are in harmony with the Declaration of Independence, and the principles of human well-being.
Six objects are here declared, "Union," "defence," "welfare," "tranquility," and "justice," and "liberty."
Neither in the preamble nor in the body of the Constitution is there a single mention of the term *slave* or *slave holder, slave master* or *slave state,* neither is there any reference to the color, or the physical peculiarities of any part of the people of the United States. Neither is there anything in the Constitution standing alone, which would imply the existence of slavery in this country.
"We, the people"—not we, the white people—not we, the citizens, or the legal voters—not we, the privileged class, and excluding all other classes but we, the people; not we, the horses and cattle, but we the people—the men and women, the human inhabitants of the United States, do ordain and establish this Constitution, &c.
I ask, then, any man to read the Constitution, and tell me where, if he can, in what particular that instrument affords the slightest sanction of slavery?
Where will he find a guarantee for slavery? Will he find it in the declaration that no person shall be deprived of life, liberty, or property, without due process of law? Will he find it in the declaration that the Constitution was established to secure the blessing of liberty? Will he find it in the right of the people to be secure in their persons and papers, and houses, and effects? Will he find it in the clause prohibiting the enactment by any State of a bill of attainder?
These all strike at the root of slavery, and any one of them, but faithfully carried out, would put an end to slavery in every State in the American Union.
Take, for example, the prohibition of a bill of attainder. That is a law entailing on the child the misfortunes of the parent. This principle would destroy slavery in every State of the Union.
The law of slavery is a law of attainder. The child is property because its parent was property, and suffers as a slave because its parent suffered as a slave.
Thus the *very* essence of the whole slave code is in open violation of a fundamental provision of the Constitution, and is in open and flagrant violation of all the objects set forth in the Constitution.
While this and much more can be said, and has been said, and much better said, by Lysander Spooner, William Goodell, Beriah Green, and Gerrit Smith, in favor of the entire unconstitutionality of slavery, what have we on the other side?

How is the constitutionality of slavery made out, or attempted to be made out?
First, by discrediting and casting away as worthless the most beneficent rules of legal interpretation; by disregarding the plain and

common sense reading of the instrument itself; by showing that the Constitution does not mean what it says, and says what it does not mean, by assuming that the written Constitution is to be interpreted in the light of a secret and unwritten understanding of its framers, which understanding is declared to be in favor of slavery. It is in this mean, contemptible, underhand method that the Constitution is pressed into the service of slavery.

They do not point us to the Constitution itself, for the reason that there is nothing sufficiently explicit for their purpose; but they delight in supposed intentions—intentions nowhere expressed in the Constitution, and everywhere contradicted in the Constitution.

Judge Taney lays down this system of interpreting in this wise:

"The general words above quoted would seem to embrace the whole human family, and, if they were used in a similar instrument at this day, would be so understood. But it is too clear for dispute that the enslaved African race were not intended to be included, and formed no part of the people who framed and adopted this declaration; for if the language, as understood in that day, would embrace them, the conduct of the distinguished men who framed the Declaration of Independence would have been utterly and flagrantly inconsistent with the principles they asserted; and instead of the sympathy of mankind, to which they appealed, they would have deserved and received universal rebuke and reprobation.

"It is difficult, at this day, to realize the state of public opinion respecting that unfortunate class with the civilized and enlightened portion of the world at the time of the Declaration of Independence and the adoption of the Constitution; but history shows they had, for more than a century, been regarded as beings of an inferior order, and unfit associates for the white race, either socially or politically, and had no rights which white men are bound to respect; and the black man might be reduced to slavery, bought and sold, and treated as an ordinary article of merchandise. This opinion, at that time, was fixed and universal with the civilized portion of the white race. It was regarded as an axiom of morals, which no one thought of disputing, and everyone habitually acted upon it, without doubting, for a moment, the correctness of the opinion. And in no nation was this opinion more fixed, and generally acted upon, than in England; the subjects of which government not only seized them on the coast of Africa, but took them, as ordinary merchandise, to where they could make a profit on them. The opinion, thus entertained, was universally maintained on the colonies this side of the Atlantic; accordingly, Negroes of the African race were regarded by them as property, and held and bought and sold as such in every one of the thirteen colonies, which united in the Declaration of Independence, and afterwards formed the Constitution."

The argument here is, that the Constitution comes down to us from a slave- holding period and a slaveholding people; and that, therefore, we are bound to suppose that the Constitution recognizes colored persons of African descent, the victims of slavery at that time, as debarred forever from all participation in the benefit of the Constitution and the Declaration of Independence, although the plain reading of both includes them in their beneficent range.

As a man, an American, a citizen, a colored man of both Anglo-Saxon and African descent, I denounce this representation as a most scandalous and devilish perversion of the Constitution, and a brazen misstatement of the facts of history.

But I will not content myself with mere denunciation; I invite attention to the facts.

It is a fact, a great historic fact, that at the time of the adoption of the Constitution, the leading religious denominations in this land were anti-slavery, and were laboring for the emancipation of the colored people of African descent.

The church of a country is often a better index of the state of opinion and feeling than is even the government itself.

The Methodists, Baptists, Presbyterians, and the denomination of Friends, were actively opposing slavery, denouncing the system of bondage, with language as burning and sweeping as we employ at this day.

Take the Methodists. In 1780, that denomination said: "The Conference acknowledges that slavery is contrary to the laws of God, man, and nature, and hurtful to society—contrary to the dictates of conscience and true religion, and doing to others that we would not do unto us." In 1784, the same church declared, "that those who buy, sell, or give slaves away, except for *the* purpose to free them, shall be expelled immediately." In 1785, it spoke even more stringently on the subject. It then said: "We hold in the deepest abhorrence the practice of slavery, and shall not cease to seek its destruction by all wise and proper means."

So much for the position of the Methodist Church in the early history of the Republic, in those days of darkness to which Judge Taney refers.

Let us now see how slavery was regarded by the Presbyterian Church at that early date.

In 1794, the General Assembly of that body pronounced the following judgment in respect to slavery, slaveholders, and slaveholding.

"1st Timothy, 1st chapter, 10th verse: 'The law was made for manstealers.' 'This crime among the Jews exposed the perpetrators of it to capital punishment.' Exodus, xxi, 15.—And the apostle here classes them with sinners of the first rank. The word he uses in its original import, comprehends all who are concerned in bringing any of the human race into slavery, or in retaining them in it. Stealers of men are all those who bring off slaves or freemen, and keep, sell, or buy them. 'To steal a freeman,' says Grotius, 'is the highest kind of theft.' In other instances, we only steal human property, but when we steal or retain men in slavery, we seize those who, in common with ourselves, are constituted, by the original grant, lords of the earth."

I might quote, at length, from the sayings of the Baptist Church and the sayings of eminent divines at this early period, showing that Judge Taney has grossly falsified history, but will not detain you with these quotations.

The testimony of the church, and the testimony of the founders of this Republic, from the declaration downward, prove Judge Taney false; as false to history as he is to law.

Washington and Jefferson, and Adams, and Jay, and Franklin, and Rush, and Hamilton, and a host of others, held no such degrading views on the subject of slavery as are imputed by Judge Taney to the Fathers of the Republic.

All, at that time, looked for the gradual but certain abolition of slavery, and shaped the constitution with a view to this grand

result.
George Washington can never be claimed as a fanatic, or as the representative of fanatics. The slaveholders impudently use his name for the base purpose of giving respectability to slavery. Yet, in a letter to Robert Morris, Washington uses this language—language which, at this day, would make him a terror of the slaveholders, and the natural representative of the Republican party. "There is not a man living, who wishes more sincerely than I do, to see some plan adopted for the abolition of slavery; but there is only one proper and effectual mode by which it can be accomplished, and that is by Legislative authority; and this, as far as my suffrage will go, shall not be wanting."
Washington only spoke the sentiment of his times. There were, at that time, Abolition societies in the slave States—Abolition societies in Virginia, in North Carolina, in Maryland, in Pennsylvania, and in Georgia—all slaveholding States. Slavery was so weak, and liberty so strong, that free speech could attack the monster to its teeth. Men were not mobbed and driven out of the presence of slavery, merely because they condemned the slave system. The system was then on its knees imploring to be spared, until it could get itself decently out of the world.
In the light of these facts, the Constitution was framed, and framed in conformity to it.
It may, however, be asked, if the Constitution were so framed that the rights of all the people were naturally protected by it, how happens it that a large part of the people have been held in slavery ever since its adoption? Have the people mistaken the requirements of their own Constitution?
The answer is ready. The Constitution is one thing, its administration is another, and, in this instance, a very different and opposite thing. I am here to vindicate the law, not the administration of the law. It is the written Constitution, not the unwritten Constitution, that is now before us. If, in the whole range of the Constitution, you can find no warrant for slavery, then we may properly claim it for liberty.
Good and wholesome laws are often found dead on the statute book. We may condemn the practice under them and against them, but never the law itself. To condemn the good law with the wicked practice, is to weaken, not to strengthen our testimony.
It is no evidence that the Bible is a bad book, because those who profess to believe the Bible are bad. The slaveholders of the South, and many of their wicked allies at the North, claim the Bible for slavery; shall we, therefore, fling the Bible away as a pro-slavery book? It would be as reasonable to do so as it would be to fling away the Constitution.
We are not the only people who have illustrated the truth, that a people may have excellent law, and detestable practices. Our Savior denounces the Jews, because they made void the law by their traditions. We have been guilty of the same sin.
The American people have made void our Constitution by just such traditions as Judge Taney and Mr. Garrison have been giving to the world of late, as the true light in which to view the Constitution of the United States. I shall follow neither. It is not what Moses allowed for the hardness of heart, but what God requires, ought to be the rule.
It may be said that it is quite true that the Constitution was designed to secure the blessings of liberty and justice to the people who made it, and to the posterity of the people who made it, but was never designed to do any such thing for the colored people of African descent.
This is Judge Taney's argument, and it is Mr. Garrison's argument, but it is not the argument of the Constitution. The Constitution imposes no such mean and satanic limitations upon its own beneficent operation. And, if the Constitution makes none, I beg to know what right has anybody, outside of the Constitution, for the special accommodation of slaveholding villainy, to impose such a construction upon the Constitution?
The Constitution knows all the human inhabitants of this country as "the people." It makes, as I have said before, no discrimination in favor of, or against, any class of the people, but is fitted to protect and preserve the rights of all, without reference to color, size, or any physical peculiarities. Besides, it has been shown by William Goodell and others, that in eleven out of the old thirteen States, colored men were legal voters at the time of the adoption of the Constitution.
In conclusion, let me say, all I ask of the American people is, that they live up to the Constitution, adopt its principles, imbibe its spirit, and enforce its provisions.
When this is done, the wounds of my bleeding people will be healed, the chain will no longer rust on their ankles, their backs will no longer be torn by the bloody lash, and liberty, the glorious birthright of our common humanity, will become the inheritance of all the inhabitants of this highly favored country.