

## Abraham Lincoln, Chief Executive and Commander-in-Chief

- I. About Abraham Lincoln
- II. Summary
- III. Thinking about the Text
- IV. Thinking with the Text

### How To Use This Discussion Guide

**Materials Included** | For this discussion guide, we recommend the following texts from our reader, “Abraham Lincoln’s Birthday”:

- Article II, Section 1, Clause 8: Oath of Office
- Abraham Lincoln, First Inaugural
- Abraham Lincoln, 1861 Message to Congress in Special Session
- Abraham Lincoln, 1863 letter to New York Democrats
- Abraham Lincoln, Emancipation Proclamation.

Materials for this guide include background information about Lincoln and discussion questions to enhance your understanding and stimulate conversation. In addition, the guide includes a series of short video discussions conducted by WSPWH Diana Schaub with Benjamin Kleinerman (Michigan State University) and Mackubin Owens (Naval War College). These seminars help capture the experience of high-level discourse as participants interact and elicit meaning from a classic American text. These videos are meant to raise additional questions and augment discussion, not replace it.

**Learning Objectives** | Students will be able to:

- Read closely to determine what the text says explicitly and to make logical inferences from it;
- Cite specific textual evidence when writing or speaking to support conclusions drawn from the text;
- Determine central ideas or themes of a text and analyze their development;

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- Summarize the key supporting details and ideas;
- Analyze how and why individuals, events, and ideas develop and interact over the course of a text;
- Interpret words and phrases as they are used in a text, including determining technical, connotative, and figurative meanings, and analyze how specific word choices shape meaning or tone; and
- Delineate and evaluate the argument and specific claims in a text, including the validity of the reasoning and the relevance and sufficiency of the evidence.

## Common Core State Standards Addressed | Literacy in History/Social Studies:

RH.9-10.1, RH.9-10.2, RH.9-10.3, RH.9-10.5, RH.9-10.8  
RH.11-12.1, RH.11-12.2, RH.11-12.4, RH.11-12.8, RH.11-12.9

English Language Arts:

RL.9-10.1, RL.9-10.2, RL.9-10.3, RL.9-10.4, RL.9-10.9  
RL.11-12.1, RL.11-12.3, RL.11-12.4, RL.11-12.5

## Writing Prompts | Based on Common Core Standards in English Language Arts and Literacy in History/Social Studies:

- What does Lincoln’s example show us about the relationship of executive power to the rule of law? Did Lincoln violate the Constitution or uphold it? Were his actions justified?
- What is the relation of executive power to constitutional government or the rule of law?
- By what standard do we judge when the exercise of executive prerogative is an unjustified violation of the rule of law?

## I. About the Author

The sixteenth president of the United States, Abraham Lincoln (1809–65) was born in Kentucky and studied law in Illinois, earning the nickname “Honest Abe” for his upright

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moral character. In 1858, he ran for US Senate against Stephen A. Douglas, catapulting him to national fame even though he lost the race. He was elected to the presidency in 1860, just before the Civil War began. Lincoln did not accept the secession of the Confederacy, declaring the states to be in a state of rebellion. Assassinated in 1865, Lincoln would be remembered as a great wartime leader who was deeply devoted to maintaining the national union. His Gettysburg Address of 1863 is one of the most quoted speeches in American history.

## II. Summary

We begin with a quick review of the situation that confronted Lincoln when he assumed the Office of President. Between his election in November and his inauguration in March 1861, seven states broke from the Union, attempting to nullify the results of the election. They declared a new nation, the Confederate States of America, with a Constitution almost identical to that of the United States except for its explicit assertion of white supremacy.

At the time of the inauguration, armed hostilities had not yet begun. In his inaugural address, Lincoln tried to persuade the South that secession was both unconstitutional and imprudent, justified neither on ground of principle nor on grounds of political expedience. While he tried his utmost to persuade the seceding states to remain, he also made clear his intention to defend the integrity of the federal union in accordance with his oath of office. One month later, with the Confederate attack on Fort Sumter, the Civil War began (and four more states seceded).

## III. Thinking about the Text

As we know, the hope Lincoln expressed in his First Inaugural of resolving the crisis without bloodshed was disappointed. The secessionists chose war, and Lincoln kept to the requirements of his oath (an oath “registered in Heaven” as he said).

At the time of the firing on Fort Sumter in April 1861, Congress was not in session and not due back until December. Lincoln called a special session of Congress (to begin on July 4), but before they had reassembled, he initiated a variety of military measures. He called up the militia; he instituted a blockade of Southern ports, and he suspended the

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writ of habeas corpus. He acted without congressional authorization, both in this period before Congress had convened, as well as other moments throughout the war.

Then and ever after, there has been debate about whether Lincoln acted constitutionally—whether he possessed the authority to undertake such actions, including whether he had the authority to issue the Emancipation Proclamation a year and a half later in January of 1863. Some, then and now, have denounced Lincoln as a dictator.

As our only President who served entirely during time of war, Lincoln was required to act as Commander-in-Chief. That entailed such elements as establishing the overall policy to be pursued, and coming up with the strategy to achieve those goals. He had to manage his Cabinet, his generals; he had to deal with Congress and party politics (where he faced challenges from the Radical Republicans and of course, opposition from the Democrats, especially the antiwar Democrats, known as Copperheads, after the venomous snake). And, all the while, he had to foster and maintain public sentiment on behalf of the Union.

## **A. Lincoln, Secession, and the Right to Revolution**

1. Before looking at the actions Lincoln took to wage the war, we might ask the question why he thought it was necessary to resist secession. There were plenty of northerners who seemed willing to let the southern states depart in peace or who seemed inclined to craft some sort of compromise that would have given the south what it wanted—namely the expansion of slavery into the territories. Why did Lincoln reject these possibilities?
2. How did Lincoln understand the nature of the American union and the nature of the office he filled?

## **B. Emergency Powers and the Oath of Office**

1. What was Lincoln's understanding of the executive's war powers? Did he believe he was acting constitutionally? Or did he believe that the emergency justified strong measures, whether constitutional or not?
2. What were the circumstances surrounding Lincoln's initial suspension of habeas corpus? What provoked this action?
3. There are a number of texts in which Lincoln detailed and defended his suspension of the writ of habeas corpus. The first in importance is his Message to Congress in Special Session, delivered on July 4, 1861. Another important text is the letter he wrote June 12, 1863, responding to a group of New York Democrats who while professing loyalty to the Union had

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criticized Lincoln for the arrest of Clement Vallandigham, a notoriously disloyal Democrat, leader of the Copperheads. What do we learn from these writings about Lincoln's understanding of executive prerogative?

4. Was it important that Lincoln publicly stated the reasons for his actions?
5. Why does Lincoln not fear any permanent danger to the system from an action like suspending habeas corpus? Was he correct about that?
6. What is the check upon prerogative being badly used?
7. In listing the things Lincoln did, it's important also to note the things he did not do. Most prominently, he did not cancel the election of 1864, even though until very near the election he believed he would lose, which in turn might well have meant peace without the restoration of the Union. Could Lincoln's understanding of executive power have justified delaying the election?

## **C. Lincoln as Commander-in-Chief and Military Strategist**

1. Lincoln had the constitutional responsibility of Commander-in-Chief of the armed forces. What were his priorities, and how did he pursue these aims?
2. What did civilian control of the military look like under Lincoln?
3. How did Lincoln perform as a strategist?
4. The American Civil War had more casualties than any other war in American history. Was Lincoln right to continue the fight to the end or should he have sought a negotiated peace?

## **D. Executive Power and the Emancipation Proclamation**

1. For some, then and now, the Emancipation Proclamation was a more questionable use of the executive's war powers than the suspension of habeas corpus. Before his election to the presidency in 1860, Lincoln often stated that he had no intention, and no constitutional authority, to interfere with slavery in the states where it existed. How, then, did he come to issue the Emancipation Proclamation, and how did he justify it constitutionally?

## IV. Thinking with the Text

We have seen that upon assuming office, Lincoln faced the grave task of trying to save the Union and that he availed himself of strong constitutional medicine in order to do so. But his art of statesmanship encompassed more than the question of extraordinary powers.

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In this section, students should reflect on all that they have read and assess Lincoln as President and Commander-in-Chief.

## **A. Assessing Lincoln**

1. What is the relation of executive power to constitutional government or the rule of law?
2. To what degree do liberal democracies need energetic executive power?
3. What does Lincoln's example show us about the relationship of executive power to the rule of law? Did Lincoln violate the Constitution or uphold it? Were his actions justified?
4. By what standard do we judge when the exercise of executive prerogative is an unjustified violation of the rule of law?
5. What makes an effective President and Commander-in-Chief?
6. Some historians reject the "great individual" approach to history—just how essential was Lincoln to this period in history, and to the nation's survival?