

Abraham Lincoln and the Constitution

America's Framework

The United States Constitution was created in 1787 as the framework for American government. Seventy four years later, that framework threatened to crumble as several states seceded from the rest of the country. The resulting Civil War tested the Constitution, as both the north and the south interpreted the document to defend their moral, social, and political opinions. The task of preserving the Union and holding the American framework together thus fell onto the shoulders of one man: President Abraham Lincoln.

Slavery and Secession

During Abraham Lincoln's early political career, he stated that he was not an abolitionist and believed that the United States Constitution protected slavery where it already existed. But, he also believed that the Founding Fathers had paved the way for the ultimate extinction of slavery by preventing its spread to new territories.

The Kansas-Nebraska Act, passed by Congress in 1854, made it possible for slavery to spread into western territories by allowing the residents of those areas to vote on whether or not to permit slavery (the idea of popular sovereignty). Lincoln did not agree with this new legislation and began to speak out against the morality of slavery.



With Lincoln's election as President of the United States in 1860, southern states believed that his opposition to the spread of slavery would ultimately break the economic backbone of the south. Stating the "frequent violations of the Constitution of the United States, by the Federal Government, and its encroachments upon the reserved rights of the States," as reason for secession, South Carolina officially left the Union on December 24, 1860. Eventually ten more states would follow.

A myriad of questions dominated political discussion: Did states have a Constitutional right to secede? Did the President have the authority to interfere with the institution of slavery? And when Confederate forces fired on Fort Sumter on April 12, 1861, what Constitutional liberties could the President take in attempting to quell the rebellion?

Habeas Corpus

One of the most controversial things Lincoln did while he was President involved the suspension of the writ of habeas corpus: a Constitutional guarantee of one's right to take legal action against unlawful detention.

On April 27, 1861, in an attempt to quell the southern rebellion, Lincoln suspended habeas corpus for "disloyal persons" who could not be "adequately restrained by the ordinary processes of law."

Though the Constitution states that the "privilege of the writ of habeas corpus" may be suspended in "cases of rebellion or invasion," many believed that President Lincoln had gone too far without Congressional approval.



This 1863 political cartoon depicts President Lincoln burning an effigy of American laws and liberties—including habeas corpus.

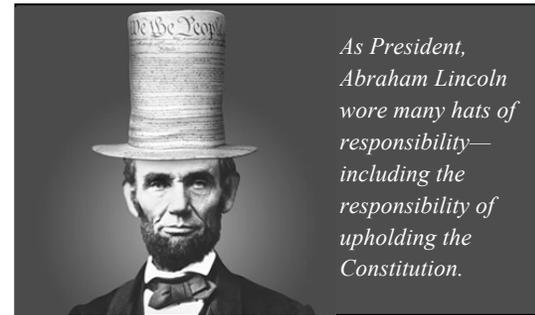
In Lincoln's Own Words

Abraham Lincoln held the utmost respect for the Constitution, and believed that any of his controversial actions in relation to the Constitution were necessary for the preservation of the Union during the extraordinary times of the Civil War. Throughout his career he spoke of the importance of the Constitution.

1856
"Don't interfere with anything in the Constitution. That must be maintained, for it is the only safeguard of our liberties."

1858
"[The prosperity of the United States] is not the result of accident. It has a philosophic cause. Without the Constitution and the Union, we could not have attained the result."

1861
"I am exceedingly anxious that this Union, the Constitution, and the liberties of the people shall be perpetuated in accordance with the original idea for which that struggle was made."



Freedom for the Slaves

Emancipation Proclamation

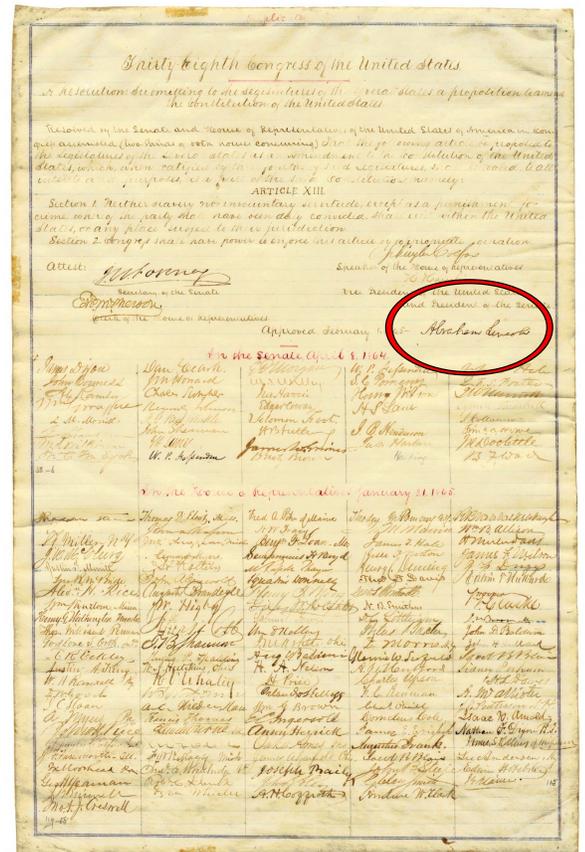
President Lincoln issued a preliminary Emancipation Proclamation on September 22, 1862, and then on January 1, 1863, issued the official Emancipation Proclamation declaring freedom for the slaves in ten Confederate states. Lincoln, anticipating backlash challenging his authority on the matter, issued the Executive Order by his authority as "Commander in Chief of the Army and Navy," cited under Article II, Section 2 of the United States Constitution.

Constitution on February 26, 1869. The amendment, which was ratified on February 3, 1870, specified that United States citizens could not be denied the right to vote based on "race, color, or previous conditions of servitude."

The Thirteenth Amendment

Abraham Lincoln feared that the Emancipation Proclamation would be regarded as merely a temporary war measure and may not be honored after the end of the Civil War. To permanently abolish slavery in the United States, the Thirteenth Amendment to the United States Constitution was proposed on January 31, 1865, and ratified on December 6, 1865. Though the amendment was not ratified until after his death in April 1865, President Lincoln enthusiastically added his signature to the Congressional resolution passed on February 1, 1865.

Abraham Lincoln



Though the Thirteenth Amendment (which officially abolished slavery in the United States) was not ratified until after Abraham Lincoln's death, he signed this Congressional resolution on February 1, 1865.

References

Eric Foner, Forever Free: The Story of Emancipation and Reconstruction (2006)

Michael Vorenberg, Final Freedom: The Civil War, The Abolition of Slavery, and the Thirteenth Amendment (2001)

Mary E. Neely, Jr., The Fate of Liberty: Abraham Lincoln and Civil Liberties (1992)

William Whiting, The War Powers of the President (1864), available on the Library of Congress website (www.loc.gov)

The National Constitution Center: www.constitutioncenter.org/lincoln

The Fourteenth Amendment

With the Emancipation Proclamation and Thirteenth Amendment, President Lincoln initiated a course of events that would eventually lead to the Constitutional protection of equal rights for former slaves. The Fourteenth Amendment, ratified on July 9, 1868, ensured that all former slaves were granted automatic United States citizenship and that they would have all of the rights and privileges enjoyed by any other citizen.

The Fifteenth Amendment

Loopholes in the Thirteenth and Fourteenth Amendments were exploited by those wanting to limit the liberties of newly-freed slaves. In an attempt to close these loopholes, Congress passed the Fifteenth Amendment to the