



Lincoln and the Emancipation Proclamation

"I am naturally anti-slavery. If slavery is not wrong, nothing is wrong. I can not remember when I did not so think, and feel. And yet I have never understood that the Presidency conferred upon me an unrestricted right to act officially upon

this judgment and feeling. It was in the oath I took that I would, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

-- Abraham Lincoln to Albert G. Hodges, April 4, 1864



In his First Inaugural Address of March 4, 1861, Abraham Lincoln reiterated his long-held position that the Federal government held no authority to interfere with the institution of slavery where it already existed. Nor would he, as president, seek to interfere with any state's right to govern the institution. But as early as summer 1861, military policies touching upon slavery posed a persistent constitutional dilemma that would ultimately pit the

preservation of the Federal government against the property rights of loyal slaveholders.

The fact of secession, practical and strategic considerations in waging civil war, conflicts over the influx of fugitive slaves into Union lines, and the willingness of African Americans to fight for the Union cause—all presented Lincoln with greatly altered political, military, and constitutional contexts. Within six months of taking office, Lincoln appeared to be swimming against a rising tide of northern abolitionism. Then, during August-September, an unauthorized emancipation proclamation issued by General John C. Frémont in Missouri pushed Lincoln to consider his authority over slavery in light of the (as yet undefined) presidential war power. In rescinding Frémont's measure, which threatened to upend his delicate handling of proslavery Unionists in border states such as Kentucky, Lincoln evoked

this new understanding in a letter to Orville Browning, arguing that Frémont’s measure did not fall “within the range of military law, or necessity.” Lincoln quickly surmised that slavery itself might prove a casualty of the war and soon pushed a plan for federally-funded, state-led gradual emancipation. On multiple occasions during the war, representatives from Kentucky and the other border states would reject this plan, while abolitionists and members of his own party faulted him for moving too slowly.

By early July 1862, Lincoln deemed emancipation a matter of “military necessity essential to the salvation of the Union, that we must free the slaves or be ourselves subdued.” On 22 September, five days after the Union victory at Antietam, Lincoln issued his Preliminary Emancipation Proclamation. It declared “henceforth and forever free” all slaves in those states still in rebellion as of January 1, 1863.

Though the final proclamation explicitly excluded the enslaved population of Kentucky, the political and social ramifications were immediate and explosive. It split the state’s Union party and in early March 1863 prompted the legislature to pass a law prohibiting entry of slaves freed by the act and mandating such persons be returned to slavery. It also encouraged some slaves to flee south into Tennessee to gain their freedom. Letters and diaries of Kentucky slaveholders rarely failed to mention their outrage at the preliminary and final proclamations and their destabilizing impact on Kentucky’s slave regime. Elsewhere, the Proclamation breathed new life into the Northern Democrats, prompted thousands of desertions from Union ranks, emboldened slave runaways, and led some lawyers to investigate its legal vulnerabilities. Issued as a military measure under the presidential war power, Lincoln “never intended the Proclamation to be a substitute for a long-term solution.” That solution would come in the form of the Thirteenth Amendment to the U.S. Constitution.

First Reading of the Emancipation Proclamation of President Lincoln, by Francis Bicknell Carpenter, 1864
Courtesy of the U. S. Senate Collection

Lincoln’s Emancipation Proclamation, printed by L. Nagel, ca. 1864
Courtesy of the Gilder Lehrman Institute of American History