

FOREIGN POLICY RESEARCH INSTITUTE

**Abraham Lincoln: Leadership and
Democratic Statesmanship in Wartime**

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Preface

In his recent study of Abraham Lincoln's wartime leadership, *Tried by War*, the eminent historian James McPherson writes that "in the vast literature on the sixteenth president ... the amount of attention devoted to his role as commander-in-chief is disproportionately far smaller than the actual percentage of time he spent on that task."¹ Indeed, by my count only four major works within the sea of Lincoln books are devoted to an examination of Lincoln's performance as war president,² notwithstanding that he is "the only president whose entire administration was bounded by war."

The history of this essay attests to this interesting phenomenon. Several years ago, a number of eminent scholars, including Sanford Levinson, Alan Guelzo, and Lucas Morel, participated in a conference on Lincoln. These are serious scholars and they dealt with serious issues. The papers were supposed to be part of an edited book. But the organizer of the conference realized that there was a paper missing: something on Lincoln as war leader.

The conference organizer asked me to write the missing paper after the fact, and I was happy to do so. But the episode proved McPherson's point. Here was a serious conference that included first-rate scholars, yet Lincoln's role as wartime leader emerged only as an afterthought.

Alas, nothing came of the book, so this essay languished for several years. But the delay may have been propitious. Publishing it now leverages two events. The first, obviously, is the bicentennial of Lincoln's birth; the second is the election of President Barack Obama, in connection with whom Lincoln's name is frequently invoked. But ironically, the true parallel between Lincoln and a contemporary president may be between the sixteenth president and Obama's predecessor, George W. Bush. It was Bush, after all, who arguably had to confront a Lincolnesque crisis following the attacks of 9/11.

Problems that Bush and Lincoln both faced included the decision to go to war, the balance between "vigilance and responsibility" when it came to security and civil liberties, dealing with domestic opposition to the war that often crossed the line from dissent to obstruction, and the relationship between policy and military action and its corollary, civil-military relations.

Lincoln offers many lessons for wartime presidents. But Lincoln had to learn as he went. While Bush could look back to Franklin Delano Roosevelt and Lincoln, and while FDR could look back to Lincoln, Lincoln himself had no precedents to which he could turn. However, he did have a constitutional framework conveyed to him by the American Founders.

Throughout history, war has been the great destroyer of free government. It seems always to have been the case that the necessities, accidents, and passions of war undermine

¹ James M. McPherson, *Tried by War: Abraham Lincoln as Commander-in-Chief* (New York: Penguin Press, 2008), p. xiv.

² These include McPherson's excellent *Tried by War*; Geoffrey Perret's unsatisfactory *Lincoln's War: The Untold Story of America's Greatest President as Commander in Chief* (New York: Random House, 2004); Kenneth P. Williams, *Lincoln Finds a General*, 5 volumes (New York: Macmillan, 1949-58); and T. Harry Williams, *Lincoln and His Generals* (New York: Alfred A. Knopf, 1952). There is also Eliot Cohen's fine essay on Lincoln as war president, "Lincoln Sends a Letter," ch. 2 of *Supreme Command: Soldiers, Statesmen, and Leadership in Wartime* (New York: Free Press, 2002). The title of Gabor S. Boritt's edited book, *Lincoln the War President* (New York: Oxford, 1992), is somewhat misleading since the essays in it do not really get at Lincoln's wartime leadership in a systematic way.

liberty. The forces that contributed to the collapse of free government in Germany, Russia, China, and Japan in the twentieth century are the same ones that destroyed the possibility of free government among the ancient Greeks, as catalogued by Thucydides in his history of the Peloponnesian war. The United States, in contrast, has remained free while fighting numerous wars, both major and minor, both declared and undeclared, both hot and cold, during the Republic's two hundred-plus years.

This unprecedented ability of the United States to wage war while still preserving liberty is the legacy of the American Founders, who created institutions that have enabled the United States to minimize the inevitable tension between the necessities of war and the requirements of free government.³ To his credit, Lincoln understood and took advantage of these institutions during the time of greatest stress on the American polity. In doing so, he established the precedents that have guided his successors in their attempt to keep the United States both safe and free.

³ On this topic, see Karl-Friedrich Walling, *Republican Empire: Alexander Hamilton on War and Free Government* (Lawrence: University Press of Kansas, 1999).

Introduction

No president in American history has faced a greater crisis than Abraham Lincoln confronted in 1861. Although sections of the country had threatened disunion many times in the past, the emergency had always passed as some compromise was found. But in 1861, Lincoln, who had won the election of 1860 because of a split in the Democratic Party, faced a rebellion “too powerful to be suppressed by the ordinary course of judicial proceedings.”⁴ By the time of his inauguration on March 4, 1861, seven states had declared their separation from the Union and had set up a separate provisional government called the Confederate States of America.

A little over five weeks later, at 4:30 am on April 12, 1861, rebel gunners opened fire on Fort Sumter in Charleston harbor. In response, Lincoln issued a call for 75,000 volunteers to serve ninety days. Denouncing the president’s policy of “coercion,” four more states left the Union. The ensuing war, the most costly in American history, would last for four agonizing years. When it was over, some 600,000 Americans had died and the states of the South had suffered economic losses in the billions of dollars when measured in terms of today’s currency.

Lincoln was entering uncharted waters as he confronted the rebellion. There were few precedents to which he could turn in response to the emergency facing the government.⁵ Claiming broad emergency powers that he argued the Constitution had vested in the executive branch, he called out the militia, authorized increases in the size of the regular army and navy, expended funds for military purchases, deployed military forces, blockaded Southern ports, suspended the writ of habeas corpus in certain areas, authorized arbitrary arrests, and empanelled military tribunals to try civilians in occupied or contested areas. He took these steps without congressional authorization.

However, he subsequently explained his action to Congress on several occasions. As he wrote to the Senate and House on May 26, 1862, “it became necessary for me to choose whether, using only the existing means, agencies, and processes which Congress had provided, I should let the government fall at once into ruin, or whether, availing myself of the broader powers conferred by the Constitution in cases of insurrection, I would make an effort to save it with all its blessings for the present age and for posterity.”⁶ Later he authorized conscription and issued the Emancipation Proclamation.

Lincoln justified these steps as necessary to save the Union and preserve the Constitution. As he wrote to Horace Greeley:

I would save the Union. I would save it the shortest way under the Constitution. The sooner the national authority can be restored, the nearer the Union will be to “the Union as it was”....My paramount object in this struggle is to save the Union, and it is not either to save or destroy slavery, If I could save the Union without freeing any slave, I would do it, and if I could save it by freeing all the

⁴ “Proclamation Calling Militia and Convening Congress, April 15, 1861, Roy Basler, ed., *The Collected Works of Abraham Lincoln*, nine volumes (New Brunswick: Rutgers University Press, 1953), vol. IV, p. 332. Hereafter *CWL*.

⁵ McPherson, *Tried by War*, pp. 4-5.

⁶ To the Senate and House of Representatives, May 26, 1862, *CWL*, vol. V, p. 241. Cf. Message to Congress in Special Session, July 4, 1861, in Roy Basler, ed., *Abraham Lincoln: His Speeches and Writings* (New York: Da Capo Press, n.d.), pp. 594-609. Hereafter *AL*. Since this collection is more accessible than the *CWL*, I will cite *AL* whenever possible.

slaves, I would do it; and if I could save it by freeing some and leaving others alone I would also do that.⁷

But this often misunderstood passage conceals an important point: for Lincoln, the Union and the Constitution that he sought to save were not ends in themselves but the means to something else.⁸

Lincoln saw the Constitution principally as a framework for sharing power within a *republican government*. This was the real thing he aimed to preserve, because only republican government was capable of protecting the liberty of the people. Lincoln saw the Declaration of Independence as the *foundation* of such a government, and the Constitution as the *means* of implementing it.

Lincoln articulated the relationship between liberty and republican government on the one hand and the Constitution on the other in a fragment that he probably composed in 1860, perhaps as the basis for some speeches he gave in New England. Here Lincoln observes that as important as the Constitution and Union may be, there is “something back of these, entwining itself more closely about the human heart. That something, is the principle of ‘Liberty to all’” as expressed in the Declaration. With or without the Declaration, Lincoln continues, the United States could have declared independence, but “*without* it, we could not, I think, have secured our free government, and consequent prosperity.”⁹

Lincoln refers to the Declaration’s principle of liberty for all as a “word ‘fitly spoken,’ which has proved an ‘apple of gold’ to us.”¹⁰ The Union and the Constitution, are the picture of silver, subsequently framed around it,” not to conceal or destroy the apple “but to adorn, and preserve it. The picture was made for the apple—not the apple for the picture. So let us act, that neither picture, [n]or apple, shall ever be blurred, or broken.” In other words, republican liberty was the real thing to be preserved by saving the Union and the Constitution.¹¹

The *means* to preserve the *end* of republican government were dictated by *prudence*. According to Aristotle, prudence is concerned with deliberating well about those things that can be other than they are (means). In political affairs, prudence requires the statesman to be able to adapt universal principles to particular circumstances in order to arrive at the means that are best given existing circumstances.¹² For Lincoln, to achieve the end of preserving the Union and thereby republican liberty, he had to choose the means necessary and proper under the circumstances. Aristotle calls prudence the virtue most characteristic of the statesman. It is through the prism of prudence that we must judge Lincoln’s claim of a war

⁷ To Horace Greeley, Aug. 22, 1862, *AL*, p. 652.

⁸ This passage is usually cited as an illustration of the claim that Lincoln was not really interested in the fate of slavery. But as numerous historians have shown, Lincoln had already begun work on an emancipation proclamation. Allen Guelzo has suggested that Greeley’s letter and Lincoln’s response together constitute an instance of “public diplomacy.” Lincoln had “leaked” his intentions regarding emancipation to a number of friends. Greeley was thus calling upon Lincoln to do what he already intended to do. Guelzo, “Understanding Emancipation: Lincoln’s Proclamation and the End of Slavery,” *Journal of Illinois History*, Winter 2004.

⁹ Fragment, *The Constitution and Union [1860?]*, *CWL*, vol. IV, p. 169.

¹⁰ Proverbs 25:11. “A word fitly spoken is like an apple of gold in a frame of silver.”

¹¹ A number of writers have commented on the importance of this fragment for understanding Lincoln’s actions as war president. See Herman Belz, *Lincoln and the Constitution: The Dictatorship Question Reconsidered* (Fort Wayne, IN: Louis A. Warren Lincoln Library and Museum, 1984), pp. 19-20; and Walter Berns, “Constitutional Power and the Defense of Free Government,” in Benjamin Netanyahu, ed., *Terrorism: How the West Can Win* (New York: Farrar, Straus, and Giroux, 1986), p. 154.

¹² Aristotle, *Nicomachean Ethics*, Book V.

power, the balance between liberty and security, his response to secession, emancipation, and the strategy employed to fight the war.

Lincoln and the War Power

Don Fehrenbacher once observed that Lincoln has been described by historians as a dictator far more than any other president.¹³ This is true not only of those who criticize him, but also of those who praise him. But if Lincoln was a dictator, he was one unlike any other in history. Dictatorship is characterized by unlimited, absolute power, exercised in an arbitrary and unpredictable manner, with no regard for political legitimacy. A dictator doesn't go out of his way to respect legal limits as Lincoln did, despite his belief that the emergency required special measures. In addition, a dictator is not subject to the pressures of public opinion, congressional constraint, and party competition that Lincoln faced during his war presidency. Finally, a dictator doesn't risk an election in the midst of an emergency, especially one that he thinks he might lose.

As Geoffrey Perret has observed, Lincoln "create[d] the role of commander-in-chief,"¹⁴ but he did not create his war power out of whole cloth. Lincoln believed that the power he needed to deal with the rebellion was a part of the executive power found in the Constitution. As he wrote to James Conkling in August 1863, "I think the Constitution invests its commander-in-chief, with the law of war, in time of war."¹⁵ In addition to the commander-in-chief clause, he found his war power in the clause of Article II requiring him to "take care that the laws be faithfully executed" and his presidential oath "to preserve, protect, and defend the Constitution of the United States."

Some constitutional scholars, e.g. Edward Corwin and Raoul Berger, have rejected Lincoln's claim that the commander-in-chief clause and the "faithfully execute" clause provide an inherent presidential war power.¹⁶ But these scholars seem to take their constitutional bearings from normal times, during which the rights of the people are secure and the main instrument of majoritarian representative government is the legislature, which expresses the will of the people. During normal times, the president, although he possesses his own constitutional source of power, primarily executes the laws passed by Congress.

But in times of extraordinary emergency, the principle that *salus populi est suprema lex* (the safety of the people is the highest law) trumps all other considerations and justifies extraordinary executive powers. As Thomas Jefferson observed in a letter to Caesar A. Rodney, "in times of peace the people look most to their representatives; but in war, to the executive solely...to give direction to their affairs, with a confidence as auspicious as it is well-founded."¹⁷

This of course is the "prerogative," described by John Locke as the power of the executive "to act according to discretion for the public good, *without the prescription of the law*

¹³ Don Fehrenbacher, "Lincoln and the Constitution," in Cullom Davis, ed., *The Public and Private Lincoln: Contemporary Perspectives* (Carbondale Ill: Southern Illinois University Press, 1979), p. 127.

¹⁴ Perret, *Lincoln's War*, p. xiii.

¹⁵ To James Conkling, August 26, 1863, *AL*, p. 721.

¹⁶ Corwin, *Total War and the Constitution* (New York: Knopf, 1947); and Berger, *Executive Privilege: A Constitutional Myth* (Cambridge: Harvard University Press, 1974).

¹⁷ To Caesar A. Rodney, in Merrill Peterson, ed., *Jefferson: Writings* (New York: Library of America, 1984), p. 1218.

*and sometimes even against it.*¹⁸ Since the fundamental law that the executive ultimately must implement is to preserve society, it is “fit that the laws themselves should in some cases give way to the executive power, or rather to *this fundamental law of nature and government, viz. that as much as may be, all members of society are to be preserved.*”¹⁹

The prerogative is rendered necessary by the fact that laws arising from legislative deliberation cannot foresee every exigency. For the safety of the republic, the executive must retain some latitude for action. Jefferson expressed the spirit of the prerogative in a letter to John B. Colvin. Responding to Colvin’s question concerning “whether circumstances do not sometimes occur, which make it a duty in officers of high trust, to assume authorities beyond the law,” Jefferson wrote,

A strict observance of the written law is doubtless one of the highest duties of a good citizen, but it is not the highest. The laws of necessity, of self preservation, of saving our country when in danger, are of higher obligation. To lose our country by a scrupulous adherence to written law, would be to lose the law itself, with life, liberty, property and all those who are enjoying them with us; thus absurdly sacrificing the ends to the means.... It is incumbent on those only who accept of greatest charges, to risk themselves on great occasion, when the safety of the nation, or some of its very high interests are at stake.²⁰

Lincoln made the same point in his speech to Congress in special session after Fort Sumter in defense of his suspension of the writ of habeas corpus:

The whole of the laws which were required to be faithfully executed were being resisted, and failing of execution in nearly one third of the States. Must they be allowed to finally fail of execution, even had it been perfectly clear that by the use of the means necessary to their execution some single law, made in such extreme tenderness of the citizen’s liberty, that practically it relieves more of the guilty than of the innocent, should to a very limited extent be violated? To state the question more directly: are all the laws but one to go unexecuted, and the Government itself to go to pieces, lest that one be violated? Even in such a case, would not the official oath be broken if the government should be overthrown, when it was believed that disregarding the single law would tend to preserve it?²¹

As we shall see, Lincoln did not believe he had violated the law, because the privilege of the writ of habeas corpus may be suspended “when, in cases of rebellion or invasion, the public safety may require it.”

Some scholars have taken issue with the idea that the prerogative should form a part of constitutional government. Sanford Levinson, for example, asks if the powers implied by the prerogative, as understood by Lincoln “mean, in effect, that it is impossible for presidents to violate their constitutional oath, so long as they are motivated in their conduct by the sincere desire to maintain ‘free government’ against those whom they view as its enemies, foreign or domestic?”²²

Lincoln answered in the affirmative. An emergency power is useless unless it is sufficient to meet the emergency. Since the magnitude and the character of the emergency determine the extent of the necessary power, the president is in the best position to

¹⁸ John Locke, *Second Treatise of Civil Government*, various editions, ch. XIV: Of Prerogative, Sec. 160 (emphasis added).

¹⁹ *Ibid.*, Sec. 159 (emphasis added).

²⁰ To John Colvin, in *Jefferson: Writings*, pp. 1231-3.

²¹ “Message to Congress in Special Session,” *AL*, pp. 600-601.

²² Sanford Levinson, “Abraham Lincoln as Constitutionalist: The Decision to Go to War.” Unpublished manuscript.

determine how much power he needs. In revoking Gen. David Hunter's emancipation order in South Carolina, Lincoln stated that the decision to free slaves would depend on his determination that such a step "shall have become a necessity indispensable to the maintenance of the government." The exercise of such a power, he continued, "I reserve to myself."²³ In September 1862, Lincoln declared that an emancipation proclamation was part of his power as commander-in-chief, which gave him "a right to take any measure which may best subdue the enemy."²⁴

But Lincoln's emphasis on preserving republican government taught him, as it should teach us, that the prerogative is limited by the will of the people, which "constitutionally expressed, is the ultimate law for all. If they should deliberately resolve to have immediate peace even at the loss of their country, and their liberty, I know not the power of the right to resist them. It is their own business, and they must do as they please with their own."²⁵

In addition, Lincoln entertained no doubt that any extraordinary powers were limited to the duration of the emergency and not applicable to normal times. His reply to Erastus Corning and a group of New York Democrats who had criticized his war measures is also the proper response to Prof. Levinson:

I can no more be persuaded that the Government can constitutionally take no strong measures in time of rebellion, because it can be shown that the same could not lawfully be taken in time of peace, than I can be persuaded that a particular drug is not good medicine for a sick man, because it can be shown not to be good for a well one. Nor am I able to appreciate the danger apprehended by the meeting [of the New York Democrats] that the American people will, by means of military arrest during the Rebellion, lose the right of Public Discussion, the Liberty of Speech and the Press, the Law of Evidence, Trial by Jury, and Habeas Corpus, throughout the indefinite peaceful future, which I trust lies before them, any more than I am able to believe that a man could contract so strong an appetite for emetics during temporary illness as to persist in feeding upon them during the remainder of his healthful life.²⁶

Lincoln faced other dilemmas as war president. One was the dual nature of the conflict: it was both a war and a domestic insurrection. As we shall see, Lincoln believed that the states could not legally secede and that accordingly, the Confederacy was a fiction. Thus he had to be careful lest the steps he took be construed as recognizing the Confederacy. This applied to his decision to blockade Southern ports, traditionally a measure taken against a belligerent, and confiscation. His concerns about the constitutionality of the two confiscation acts passed by Congress and the fact that they implied recognition of the Confederacy led him to treat emancipation as a war measure.

Lincoln and Secession

Any assessment of Lincoln as war leader must consider his response to secession. He could have avoided war, at least for the short run, by doing nothing to prevent the southern states from seceding. Indeed, that was the course pursued by his predecessor, James

²³ "Proclamation Revoking General Hunter's Order of Military Emancipation of May 9, 1862," May 19, 1862, *CWL*, V, p. 222.

²⁴ "Reply to Emancipation Memorial Presented by Chicago Christians of All Denominations," September 13, 1862, *CWL*, V, p. 421.

²⁵ Response to a Serenade, October 19, 1864, *AL*, p. 761.

²⁶ To Erastus Corning and Others, June 12, 1863, *AL*, p. 705.

Buchanan, who contended that although there was no constitutional right to secede, he did not have the power to stop secession.²⁷ Alternatively, he could have accepted a compromise that essentially would have given the slave states what they wanted—e.g., the Crittenden plan to extend the 36°30' line to the Pacific coast. But Lincoln believed his constitutional responsibility required him to hold the Union together and convey it to his successor as the Founders intended—one indivisible Union.

This included the possible use of force. As he told his private secretary, John Nicolay, before his inauguration, “The necessity of keeping the government together by force [was an] ugly point.” But “the very existence of a general and national government implies the legal power, right, and duty of maintaining its own integrity.”²⁸

Lincoln’s first task was to offer a constitutional argument against secession. Most Southerners contended that there was a constitutional right to secede.²⁹ According to this view, the sovereignty of the states was prior to that of the Union. By ratifying the Constitution, the states had delegated some functions and powers to the federal government, but gave up no sovereignty. Since the states had ratified the Constitution by convention, they could “de-ratify” it by the same process.

In contrast, Lincoln argued that the Union created the States, not the other way around, and that the States had no other legal status than that they which held in the Union.³⁰ The Revolutionary generation universally understood the *separation* of 13 colonies from Great Britain and the *union* among them to have been accomplished simultaneously. Colonial resolutions called for both independence and union. According to Jefferson and Madison in 1825, the Declaration of Independence constituted an “act of Union of the States.”³¹

The Articles of Confederation, a document that begins and ends with the assertion that the Union is perpetual, was an unsuccessful attempt to govern the Union created by the Declaration of Independence. It failed because the central government lacked the necessary power to carry out its obligations. The Constitution was intended to rectify the problems of the Articles—to create “a more perfect Union.” As George Washington wrote in his letter transmitting the Constitution to Congress, “In all our deliberations ... we kept steadily in our view that which appears to us the greatest interest of every true American, the consolidation of our Union, in which is involved our prosperity, felicity, perhaps our national existence.”

²⁷ James Buchanan, “Last Annual Address,” in Edward McPherson, *The Political History of the United States During the Great Rebellion, 1860-1864* (New York: Da Capo, 1972 [reprint]), pp. 49-50. Cf. “Opinion of Attorney-General Black Upon the Powers of the President,” *ibid.*, pp. 51-52.

²⁸ Nicolay Memorandum of November 15, 1860, in Michael Burlingame, ed., *With Lincoln in the White House: Letters, Memoranda, and Other Writings of John C. Nicolay, 1860-1865* (Carbondale, IL: Southern Illinois University Press, 2000), p. 10.

²⁹ For the Confederate view, see Alexander Stephens, *A Constitutional View of the Late War Between the States* (Philadelphia: National Publishing Company, 1868); Jefferson Davis, *The Rise and Fall of the Confederate Government* (New York: D. Appleton and Company, 1881), vol. I, pp. 86-198; J.L.M. Curry, “Legal Justification of the South in Secession,” in *Confederate Military History* (Atlanta: Confederate Publishing Company, 1899 [reprinted by the Archive Society, 1994]), vol. I, pp. 8-58. For the contrary view, see Harry V. Jaffa, *A New Birth of Freedom* (Lanham, MD: Rowman and Littlefield, 2000), especially ch. 7.

³⁰ Unlike Prof. Levinson, Lincoln understood the creation of the Union to have occurred in 1776, not 1787. Lincoln’s theory of the Union is laid out in his First Inaugural Address, March 4, 1861 and his Address to Congress in Special Session, July 4, 1861, *AL*, pp. 582-6 and 603-06.

³¹ *Jefferson: Writings*, p. 479.

Lincoln believed that there could be no constitutional process that permits a majority within a state lawfully to nullify the acts of the federal Union within the boundaries of its delegated powers. There can be no right to destroy the Constitution. As he told Nicolay, “the right of a State to secede is not an open or debatable question... It is the duty of a President to execute the laws and maintain the existing Government. He cannot entertain and proposition for dissolution or dismemberment.”³² In his July 4, 1861 speech to Congress in special session, Lincoln called the claim that “any state of the Union may, *consistently* with the national Constitution, and therefore *lawfully* and *peacefully*, withdraw from the Union without the consent of the Union or any other State” an “ingenious sophism.”³³

After the war, Alexander H. Stephens, vice president of the Confederacy, claimed that the right of secession had been widely accepted before 1860. For instance, Stephens invoked Lincoln himself in support of his thesis regarding the right of secession. He cited Lincoln’s assertion in a speech of January 12, 1848, that “any people, any where, being inclined and having the power, have the right to rise up and shake off the existing Government, and form a new one that suits them better... Any portion of such people that can, may revolutionize, and make their own of so much of the territory as they inhabit.”³⁴

But Stephens was being disingenuous. Lincoln was not invoking a *constitutional right* to destroy the Union but the *natural right* of revolution, an inalienable right clearly expressed in the Declaration of Independence which Lincoln never denied. As he said in his First Inaugural of 1861, “This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government, they can exercise their *constitutional right* of amending it, or their *revolutionary right* to dismember or overthrow it.” But the people’s right to revolution is in tension with the president’s constitutional “duty ... to administer the present government, as it came into his hands, and to transmit it, unimpaired by him, to his successor.”³⁵

In his July 4 address to Congress, Lincoln observed that the American “experiment” in popular government had passed two of three tests—the successful *establishing* and the successful *administering* of it. One test remained. Could popular government in America *maintain* itself against a “formidable internal attempt to overthrow it”? It had yet to be proved, said Lincoln, that ballots were “the rightful and peaceful successors to bullets” and that “when ballots have fairly and constitutionally decided, there can be no successful appeal back to bullets.”³⁶

Lincoln had the political theory of the Founders behind him when he refused to permit the South to destroy the Union, but he had a number of practical concerns as well. To begin with, the dissolution of the Union would have created something the authors of *The Federalist* were extremely concerned about: at least two, and over time probably more, small, weak confederacies, “a prey to discord, jealousy, and mutual injuries, ... formidable only to each other.”³⁷ Hamilton feared that such confederacies, lying in close geographical proximity to each other, would fall to squabbling among themselves, leading to a militarization of the American continent along the lines of Europe, with shifting alignments and alliances, standing armies, and never-ending competition for dominion. Additionally,

³² Nicolay memorandum of December 13, 1860 in Burlingame, ed., op. cit., pp. 16-17.

³³ *AL*, p. 603.

³⁴ Stephens, vol. I, p. 520.

³⁵ *AL*, pp. 586-7.

³⁶ *AL*, p. 608.

³⁷ Alexander Hamilton, James Madison, and John Jay, *The Federalist*, ed. Jacob Cooke (Middletown, CT: Wesleyan University Press, 1961), no. 5, p. 26.

these confederacies would have been vulnerable to the intrigues and machinations of European powers wishing to reestablish their influence in North America.³⁸

Given their close geographic proximity, it is likely that the Southern Confederacy and the remaining United States would have gone to war over any number of issues: anti-slavery agitation and the refusal of the United States to return fugitive slaves; the refusal of the Confederacy to permit Americans in the upper Mississippi River Valley to use the port of New Orleans; the attempt to entice other states out of the Union; and competition over western territories. This is what Lincoln meant when he said in his First Inaugural that “physically speaking, we cannot separate. We cannot remove our respective sections from each other, nor build an impassible wall between them.”

For instance, despite Jefferson Davis’s claim that the Confederacy sought “no conquest, no aggrandizement,” the Confederacy envisioned an empire stretching north to the Mason-Dixon Line and the Ohio River and west to the Colorado. This empire would have contained all 15 slave states, including those that had not seceded, and two existing U.S. territories, New Mexico and the Indian Territory south of Kansas.³⁹

In keeping with this grand vision, the Confederacy admitted Missouri and Kentucky to statehood, despite the lack of a secessionist majority in either state. The Confederate congress initiated treaties with the Indian tribes and dispatched an expedition to conquer the New Mexico Territory for the Confederacy. In January 1862, it organized a separate Arizona Territory.⁴⁰

There is evidence that the Confederacy envisioned an even more expansive empire. In his famous “Cornerstone” speech given at Savannah on March 21, 1861, Stephens, newly installed as the Confederate vice-president, claimed that “we are now the nucleus of a growing power, which, if we are true to ourselves, our own destiny, and our high mission, will become the controlling power on the continent.” Stephens made it clear that he expected the Confederacy to grow by the accession of more states from the old Union (seven had by then seceded), including not only the other slave states but also “the great states of the North-West.” These free states could be accommodated, he said, when “they are ready to assimilate with us in principle.”⁴¹

This was far from an impossible outcome. Even during the war, there was talk of a “Western Confederacy,” the states of the Northwest that might be inclined toward the South because of historic commercial connection centered on the Mississippi River. This was also where the “Copperheads” had their greatest strength.⁴²

In any event, had secession been permitted to stand, the breakup of the Union would have continued. Where that dynamic would have led is suggested by the fact that in January 1861, Fernando Wood, the Democratic mayor of New York City, recommended that the city secede from the state of New York and establish itself as a “free city.”⁴³

³⁸ *Federalist* Number 7, p. 43.

³⁹ For an intriguing discussion of Confederate war aims, see Joseph Harsh, *Confederate Tide Rising: Robert E. Lee and the Making of Southern Strategy, 1861-1862* (Kent OH: Kent State University Press, 1998), pp. 5-10.

⁴⁰ U.S. War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, 128 volumes (Washington, DC: Government Printing Office, 1880-1901) (hereafter OR), Series 4, vol. I, pp. 757, 780, 853-9. See also Emory M. Thomas, *The Confederate Nation* (New York: Harper and Row, 1979), pp. 84-90.

⁴¹ Stephens, Speech at Savannah, March 21, 1861.

<http://www.teachingamericanhistory.org/library/index.asp?document=76>.

⁴² “Other Secession Proposed,” McPherson, *Political History*, p. 42.

⁴³ “Mayor Wood’s Recommendation of Secession of New York City,” *ibid.*, pp. 42-44.

Finally, Lincoln's constitutional obligations did not permit him to acquiesce in secession, unless it was authorized by those who had chosen him to be president. The people, not the Chief Magistrate, can "fix terms for the separation of the States." The duty of the executive "is to administer the present government, as it came into his hands, and to transmit it, unimpaired by him, to his successor."⁴⁴

Lincoln's Response to the Emergency

Lincoln could have responded in a variety of ways to the action of the Southern states. He could have permitted them to leave. He could have attempted some sort of compromise. He could have bided his time, hoping that unionist sentiment in the South would reassert itself. Finally, he could have employed force to coerce the states back into the Union.

Many in the North were willing to let the Union dissolve. For instance, Horace Greeley wrote in the *New York Tribune* of November 9, 1860, that "if the Cotton States shall become satisfied that they can do better out of the Union than in it, we insist on letting them go. We never hope to live in a republic whereof one part is pinned to the residue by bayonets." Radical Abolitionists, who saw the Constitution as a "covenant of death" with slaveholders, also favored disunion. But Lincoln could not accept this alternative, for all the reason cited above.

Lincoln also rejected any compromise that permitted an extension of slavery into the federal territories. After all, this was the issue that had led to the Republicans' electoral triumph in the North. Besides, permitting further extension of the institution would undercut his own plan for convincing the slave-state governments to accept his plan for gradual, compensated emancipation. In the Senate, John J. Crittenden of Kentucky cobbled together a series of amendments to the Constitution that would have, among other provisions, protected slavery in the states from any interference by the federal government and expanded the application of the Missouri Compromise line of 36°30' from territories acquired as part of the Louisiana Purchase to all territories "now held, or hereafter acquired."⁴⁵

But Lincoln was adamant. In a series of letters written to Lyman Trumbull, William Kellogg, Elihu Washburne, and Thurlow Weed in December 1860, Lincoln abjured them to "entertain no proposition for a compromise in regard to the extension of slavery."⁴⁶ To do so would be to put the United States on the road a "slave empire." To John Defrees he wrote "I am sorry any republican inclines to dally with [popular sovereignty] of any sort. It acknowledges that slavery has equal rights with liberty and surrenders all we have contended for. Once fastened on us as a settled policy, filibustering for all South of us, and making slave states of it, follows in spite of us, with an early Supreme court decision, holding our free-state constitutions to be unconstitutional."⁴⁷

In a similar vein, he wrote to James T. Hale that "we have just carried an election on principles fairly stated to the people. Now we are told in advance, the government must be broken up, unless we surrender to those we have beaten, before we take the offices...[I]f we surrender, it is the end of [the Republican Party] and of the government. They will repeat the

⁴⁴ First Inaugural, *AL*, p. 587.

⁴⁵ Philip Paludan, *The Presidency of Abraham Lincoln* (Lawrence: University Press of Kansas, 1994), pp. 32-33.

⁴⁶ To William Kellogg, Dec. 11, 1860, *AL* p. 565.

⁴⁷ To John Defrees, Dec. 18, 1860, *AL*, pp. 566-67.

experiment upon us *ad libitum*. A year will not pass, till we shall have to take Cuba as a condition upon which they will stay in the Union.”⁴⁸

Lincoln understood the risk associated with a precipitous resort to arms: thus the conciliatory tone of his inaugural address. In it, he tried to reassure the South that he had no intention of interfering with slavery where it already existed, and he also indicated that he would make no attempt to recover federal property seized by the seceded states. As he said in his inaugural address, “in your hands, my dissatisfied fellow countrymen, and not in mine, is the momentous issue of civil war.”⁴⁹

Lincoln was willing to wait. He in fact believed that there was Unionist sentiment through much of the South and that if he bided his time, that sentiment would lead the seceded states to come to their senses. But if war came, Lincoln understood the importance of having the South fire the first shot. This he was able to achieve, thanks to those Southerners who wished to prevent reconciliation.

At the time of his inauguration, only two federal installations in the seven seceded states remained in Union hands: Fort Pickens in Florida, and Fort Sumter in Charleston harbor. When the commander of Fort Sumter advised Lincoln that he would not be able to hold out much longer, the president asked his cabinet and his commanding general, Winfield Scott, for their opinions about whether to hold or abandon the fort. Scott and six of the seven members of his cabinet counseled evacuating the fort.

But Lincoln rejected their advice. He believed evacuation of Fort Sumter would lessen the credibility of the government and leads to further confrontations. He chose to re-provision, but not reinforce the fort. If the re-provisioning succeeded, the Confederacy would suffer a blow to its credibility. If the re-provisioning were opposed by force, the South would be the aggressor. Lincoln advised the governor of South Carolina that the attempted provisioning would take place. The Confederate government had its own reasons for firing on Fort Sumter, but fire it did, with the result that public opinion in the North was galvanized behind the president.⁵⁰

Lincoln’s response to secession was measured. He refused to compromise on the principles that he believed had led to the Republican electoral victory in 1860, but he did everything else he could to reassure the South that he would not interfere with their institutions and interests. Those who criticize Lincoln for “tricking” the Confederacy into firing on Fort Sumter ignore substantial evidence that Southerners desired separation with or without war and that some feared a compromise that would keep them in the Union.⁵¹

The Domestic Politics of Civil War: Lincoln, His Cabinet, Radicals, and Copperheads

When critics refer to Lincoln as a “dictator,” they ignore the fact that members of Congress from both parties constantly second-guessed his policies and strategy. Lincoln had

⁴⁸ To James T. Hale, January 11, 1861, *CWL*, V. p. 172.

⁴⁹ *AL*, p. 588.

⁵⁰ Paludan, pp. 49-67; James McPherson, *Battle Cry of Freedom: The Civil War Era* (Oxford: Oxford University Press, 1988), pp. 264-75; Russell McClintock, *Lincoln and the Decision for War* (Chapel Hill: University of North Carolina Press, 2008)

⁵¹ On whether Lincoln “tricked” the Confederates into firing on Fort Sumter, see, e.g., Charles W. Ramsdell, “Lincoln and Fort Sumter,” *Journal of Southern History* 3 (August 1937), pp. 259-88; Richard Current, *Lincoln and the First Shot* (Philadelphia: Lippincott, 1963; Kenneth M. Stampp, *The Imperiled Union: Essays on the Background of the Civil War* (New York: Oxford University Press, 1980); and McClintock, *op. cit.*

to navigate the treacherous waters of partisan politics in order to prosecute the war. To do so, he developed a working coalition comprised primarily of moderate Republicans and War Democrats, while appeasing radical Republicans when he could.⁵² There was not much he could do about “peace” wing of the Democratic Party, which veered perilously close to crossing the line from dissent to obstruction.

The composition of his cabinet reflects his approach to the problem of partisan politics. Lincoln attempted to balance regional interests within the infant Republican Party as well as maintain the loyalty of the so-called border states. He also hoped to incorporate non-Republicans, preferably from the upper South. Accordingly, he offered a portfolio to a Unionist congressman from North Carolina, John Gilmer, who rejected his offer.

Interestingly, Lincoln appointed his four main rivals for the Republican nomination in 1860 to cabinet posts: William Seward as Secretary of State; Edward Bates as Attorney-General; Simon Cameron as Secretary of War; and Salmon Chase as Secretary of the Treasury. Seward and Chase still thought they should have been president.

Seward thought of himself as prime minister and took steps during the secession crisis without Lincoln’s knowledge, notably assuring Confederate commissioners that Fort Sumter would be abandoned. On this occasion, Lincoln made it clear that he was the president and accordingly was responsible for administration policy.⁵³ Subsequently, Seward became Lincoln’s most loyal cabinet member.

As a member of the cabinet, Chase caused no end of problems for Lincoln. Nonetheless, despite the fact that he had no experience as a financier, he became an extremely effective secretary of the Treasury, working closely with Congress and private bankers such as Jay Cooke to fund the war while keeping the rate of inflation relatively low.⁵⁴

Cameron’s integrity was always suspect, and after Cameron made a series of missteps, Lincoln named him as ambassador to Russia, replacing him with Edwin Stanton, a War Democrat who had also been James Buchanan’s attorney-general.

Carl von Clausewitz, the nineteenth-century Prussian philosopher of war, distinguished between *preparation for war*, the mobilization of resources, and *war proper*, the development and implementation of strategy and conduct of operations and campaigns.⁵⁵ While the latter must ultimately be decisive in war, the conduct of war also depends on effectively mobilizing resources. Stanton became Lincoln’s real right-hand man in the preparation for war. His great contribution to Lincoln and the Union cause was to supply the energy and vigor necessary to prosecute the war.⁵⁶ In tandem with Maj. Gen. Montgomery Meigs, the Quartermaster General of the U.S. Army, Stanton was able to tap the entrepreneurial talents of northern businessmen, effectively mobilizing the resources necessary to prevail in a modern industrial conflict.⁵⁷

⁵² On building the cabinet, see Paludan, ch. 2. The definitive study of Lincoln’s cabinet is Doris Kearns Goodwin, *Team of Rivals: The Political Genius of Abraham Lincoln* (New York: Simon and Schuster, 2006).

⁵³ “Reply to Secretary Seward’s Memorandum,” April 1, 1862, *AL*, pp. 590-91.

⁵⁴ For a succinct treatment of the Northern war economy and Chase’s work as financier of the war, see McPherson, *Battle Cry of Freedom*, pp. 442-50.

⁵⁵ Clausewitz, *On War*, Michael Howard and Peter Paret, ed. and trans. (Princeton: Princeton University Press, 1976), pp. 131-32.

⁵⁶ See Benjamin Thomas and Harold Hyman, *Stanton: The Life and Times of Lincoln’s Secretary of War* (New York: Knopf, 1962).

⁵⁷ Cf. Allan Nevins, *The War for the Union*, 4 vols., (New York: Charles Scribner’s Sons, 1959-1971), especially volumes three and four; and Herman Hattaway and Archer Jones, *How the North Won: A Military History of the Civil War* (Urbana: University of Illinois Press, 1983).

The tensions that developed in Lincoln's cabinet were a microcosm of the difficulties the president faced in his conduct of the war as a whole. Lincoln had to constantly hold both the radical Republicans and "Peace Democrats" at bay. The former saw Lincoln's prudential approach to the war as being too timid. The latter sought a negotiated settlement with the seceded states.

The Radicals

Many of the radicals did not think Lincoln was up to task of commander-in-chief. They constantly pushed for a government by cabinet, which they wanted to control by ousting the War Democrats and replacing them with antislavery Republicans.

The radical attempt to wrest control of the war from Lincoln by reshaping the cabinet culminated in December 1862 during the gloomy days following the Union debacle at Fredericksburg. Aided and abetted by Lincoln's secretary of the Treasury, Salmon Chase, who had presidential aspirations, a delegation of radicals attempted to force Lincoln to fire Secretary of State Seward, whom they claimed had influenced the president to reject such aggressive war measures as emancipation, arming black soldiers, and appointing anti-slavery generals.

Lincoln met with a delegation of Republican senators and listened to their complaints about Seward. Seward had submitted his resignation, but the senators did not know this. Lincoln promised to consider their claims and invited them to return the next day. They did so but were surprised to find the cabinet, minus Seward, assembled. Lincoln defended Seward and claimed that the entire cabinet had supported policy decisions for which he alone was responsible. He then turned to the cabinet for confirmation. Chase was put on the spot. He could either disagree with the president and reveal himself as disloyal to Lincoln, or agree with the president, which would call his courage and commitment to the radicals into question. He chose the former, enraging the senators.

The next day, Chase offered his resignation to Lincoln, who snatched it from his hand. "Now I can ride," he exclaimed. "I have a pumpkin in each end of my bag." The message was clear. If the radicals wanted to get rid of Seward, they would have to lose Chase, too.⁵⁸

The Radicals possessed many tools to force Lincoln to pursue a course of war more to their liking. One of these was the "Joint Committee on the Conduct of the War," which looked over his shoulder for the duration of the conflict, calling generals back to Washington to testify and grilling those they believed were not sufficiently committed to their own vision of the war. The committee did little good and much harm to the Union cause, not the least by demoralizing the Union's top generals. Eschewing prudence and ignoring the political conditions that Lincoln faced, the committee constantly criticized him for his timidity. Had it prevailed in forcing its policies on Lincoln, the Union cause most likely would have been lost in 1862.⁵⁹

Of course, the Radicals' most effective method for putting pressure on Lincoln was through legislation. Thus Congress passed bills regarding confiscation of rebel property and policies for "reconstructing" the Union at the end of the rebellion. In most cases the

⁵⁸ McPherson, *Battle Cry of Freedom*, pp. 574-75; Paludan, ch. 8.

⁵⁹ See Bruce Tap, *Over Lincoln's Shoulder: The Committee on the Conduct of the War* (Lawrence: University Press of Kansas); and Bill Hyde, ed., *The Union Generals Speak: The Meade Hearings on the Battle of Gettysburg* (Baton Rouge: Louisiana State University Press, 2003).

differences between Lincoln and Congress had to do with prudence. Unlike Lincoln radicals in Congress often seem to have forgotten the role of consent in republican government.

A case in point was the clash between Lincoln and the Radical Republicans in Congress concerning Reconstruction.⁶⁰ Lincoln wished to restore the Union as quickly as possible with minimum federal interference in internal affairs. His theory of government held that the states were never out of the Union—he believed firmly that the Union is perpetual. Instead, individuals within the states were in rebellion. He wished to reestablish the proper relationship between the federal government and the states controlled by rebels as quickly as possible. He believed that “restoration” and suppression of the rebellion could occur simultaneously.

The Radicals, on the other hand, wished to use the full power of the federal government to effect a social revolution, extending civil and political rights to former slaves. Radical Republicans rejected Lincoln’s plan for Reconstruction, which they dismissed as a “soft peace.” They believed that the war must be won before Reconstruction could begin. For many Radicals, the rebellious states were disorganized communities without legitimate civil governments. Some radicals wanted to return seceded states to a territorial status, governed by Congress.

Lincoln’s plan for Reconstruction called for establishing a tangible nucleus of loyal citizens in each seceded state—10 percent of qualified voters based on the 1860 census—who would swear an oath of allegiance. Accordingly he sought to grant amnesty or pardons to white Southerners—excluding Confederate civil officers, military officers (including those who had resigned commissions in the U.S. Army or Navy), and members of Congress or judges who had resigned their seats or appointments (these could apply for individual pardons, which would be granted liberally)—and give those who took a loyalty oath to the government the full power to reestablish state governments. His plan implied, but did not make explicit, that the abolition of slavery was a precondition for the restoration of a state. Before the end of the war, Virginia, Louisiana, Arkansas, and Tennessee were “reconstructed” according to Lincoln’s plan, but Congress refused to seat the representatives of those states.⁶¹

In 1864, Congress passed the Wade-Davis Act—an explicit rejection of the presidential Reconstruction. This act called for temporary rule by military government to supervise enrollment of white male citizens. It required that a majority of voters take an “ironclad” oath, declaring that they had never voluntarily supported the Confederacy. Delegates to a state convention would then be selected from among the list of qualified voters. This convention was required to repudiate secession and abolish slavery prior to restoration. And of course, all slaves were to be emancipated. Lincoln employed a “pocket veto” to kill the bill.

After Lincoln’s death, Andrew Johnson, the Unionist governor of Tennessee, pursued a lenient policy of reconstruction, but he was discredited by the irresponsible behavior of the Southern Reconstruction governments and the deference he paid to them. In effect, he became a captive of the old Confederates, whom he detested.

⁶⁰ On Reconstruction, see e.g. Kenneth M. Stampp, *The Era of Reconstruction, 1865-1877* (New York: Alfred A. Knopf, 1965); Eric Foner, *Reconstruction: America’s Unfinished Revolution, 1863-1877* (New York: Harper and Row, 1988); Michael Perman, *Emancipation and Reconstruction* (Wheeling, IL: Harlan Davidson, 1987 [Reprint, 2002]); and Michael Les Benedict, *The Fruits of Victory: Alternatives in Restoring the Union, 1865-1877* (Lanham, MD: University Press of America, 1986).

⁶¹ “Proclamation of Amnesty and Reconstruction,” December 8, 1863, *AL*, pp. 738-41.

The Johnson state governments repealed ordinances of secession but did not repudiate secession; reestablished social control over freed slaves by means of odious Black Codes; and ignored proscriptions against un-amnestied Confederates. Mississippi refused to ratify the 13th Amendment and South Carolina refused to repudiate Confederate debt. In response, Navy secretary Gideon Welles wrote, “The entire South seem to be stupid and indiscreet, know not their friends, and are pursuing just the course which their opponents, the Radicals, desire. I fear a terrible ordeal awaits them in the future.”⁶²

Welles’s words were prophetic: As he predicted, the conduct of Southern states and Johnson’s vetoes of the Freedmen’s Bureau and Civil Rights bills led to a loss of credibility on the part of the executive branch and caused a shift in Congress, which gave power to the Radicals. The election of 1866 was a disaster for Johnson. His intemperate rhetoric was matched by the Radicals’ electoral strategy of “waving the bloody shirt” of the late rebellion. Republicans gained a veto-proof majority of both houses of Congress and won every Northern governorship and legislature, paving the way for Radical Reconstruction.

Copperheads

The “Peace Democrats” caused no end of troubles for Lincoln and his effort to prosecute the war. Some historians have discounted the influence of the “Copperheads,”⁶³ but it seems clear that the Northern antiwar movement was far from a peripheral phenomenon. Indeed, it often crossed the line from dissent to obstruction of the war effort.⁶⁴

Disaffection with the war in the North was widespread and the influence of the Peace Democrats on the Democratic Party was substantial, especially when things were going badly for the Union military effort.

For example, the influence of the Copperheads peaked during the summer of 1864 when the likelihood of Union success in the war seemed remote indeed. Despite Union successes in both the Eastern and Western theaters—the repulse of Gen. Robert E. Lee and his Confederate Army of Northern Virginia at Gettysburg and the fall of Vicksburg and Chattanooga in 1863 and the spring-summer 1864 Virginia campaign that had forced Lee into a defensive position around Petersburg—the Northern people were weary of the war and appalled by its human cost.

The Virginia Overland Campaign of May-June 1864 reflected the military philosophy of Lt. Gen. Ulysses S. Grant, whom President Abraham Lincoln had appointed as General in Chief of the Armies of the United States on March 10, 1864. “The art of war,” Grant maintained, “is simple enough. Find out where your enemy is. Get at him as soon as you can. Strike him as hard as you can and as often as you can, and keep moving on.”⁶⁵

⁶² Stamp, *Era of Reconstruction*, p. 76.

⁶³ The most prominent of the skeptics has been the late Frank Klement, who argued that what Lincoln called the Copperhead “fire in the rear” was mostly “a fairy tale,” a “figment of Republican imagination,” made up of “lies, conjecture and political malignancy.” Klement, *The Copperheads in the Middle West* (Chicago: University of Chicago Press, 1960); *The Limits of Dissent: Clement L. Vallandigham and the Civil War* (New York: Fordham University Press, 1998); and *Lincoln’s Critics: The Copperheads of the North* (Shippensburg, PA: White Mane Books, 1999).

⁶⁴ Jennifer L. Weber, *Copperheads: The Rise and Fall of Lincoln’s Opponents in the North* (New York: Oxford University Press, 2006).

⁶⁵ John H. Britton, *Personal Memoirs of John H. Britton: Civil War Surgeon, 1861-1865* (Carbondale, IL: Southern Illinois University Press, 1996 [Reprint]), p. 239.

Thus for forty days in May and June, Major General George Meade's Army of the Potomac, accompanied by Grant, was locked in an unprecedented death struggle with Lee's Army of Northern Virginia, beginning with the hell that was the Wilderness, and continuing through the bloodletting at Spotsylvania, North Ana, and Cold Harbor. While Lee, operating on interior lines, was able to parry each blow, he could never wrest the initiative from his adversary. Eventually Grant and Meade were able to sidestep Lee once more, cross the James River, and besiege Petersburg.⁶⁶

As necessary as it may have been strategically, the human cost of the Virginia Campaign of May-June 1864 was staggering. Meade suffered 55,000 casualties in addition to the loss of thousands of veteran troops whose three-year enlistments came to an end. The casualty lists that affected every town and city in the North created widespread disaffection with the war, which substantially increased the influence of the Copperheads on the Democratic Party. Democratic newspapers cited the failure of Union arms in Virginia and Maj. Gen. William Tecumseh Sherman's lack of success in Georgia as a reason for ending the war as soon as possible. "If nothing else would impress upon the people the absolute necessity of stopping this war, its utter failure to accomplish any results would be sufficient."⁶⁷

Buoyed by disaffection with the war, the Copperheads wrote the platform of the Democratic Party platform of 1864, and one of their own, Rep. George H. Pendleton of Ohio, was the party's candidate for vice president. Although McClellan was not himself a Copperhead, he reportedly said, "If I am elected, I will recommend an immediate armistice and a call for a convention of all the states and insist upon exhausting all and every means to secure peace without further bloodshed."

Thus on August 23, 1864, Lincoln drafted a short memorandum that he asked his cabinet to sign without reading. It read:

This morning, as for some days past, it seems exceedingly probable that this Administration will not be re-elected. Then it will be my duty to so co-operate with the President elect, as to save the Union between the election and the inauguration; as he will have secured his election on such grounds that he cannot possibly save it afterwards.⁶⁸

In other words, Lincoln vowed to pursue victory for as long as he was president—in those days the new president was inaugurated in March—and he expected his cabinet to support him.

The Confederates were clearly counting on Lincoln's electoral defeat. As the *Charleston Monitor* editorialized, McClellan's election on a peace platform "must lead to peace and our independence ... [provided] that for the next two months we hold our own and prevent military success by our foes."⁶⁹

Fortunately for Lincoln and the survival of the Union, three military events changed the electoral landscape, resulting in his reelection. The first, Farragut's capture of Mobile, had occurred during the summer, but its importance was not recognized until later when the

⁶⁶ For a concise treatment of the Virginia Overland Campaign of 1864, see Mark Grimsley, *And Keep Moving On: The Virginia Campaign, May-June, 1864* (Lincoln: University of Nebraska Press, 2002).

⁶⁷ Cited in McPherson, *Battle Cry of Freedom*, p. 771.

⁶⁸ *CWL*, vol. vii, p. 414. See also John G. Nicolay and John Hay, *Abraham Lincoln: A History* (New York: The Century Company, 1890), vol. IX, p. 221.

⁶⁹ Cited in McPherson, *Battle Cry of Freedom*, p. 772.

second event took place: Sherman's seizure of Atlanta on September 2. The trident was completed in October when Phil Sheridan routed Jubal Early at Cedar Creek, driving the Confederates from the Shenandoah Valley for the last time.

Although the Union survived, the historical record makes it clear that the actions of the Copperheads materially damaged the ability of the Lincoln administration to prosecute the war. The fact is that Peace Democrats actively interfered with recruiting and encouraged desertion. Indeed, they generated so much opposition to conscription that the Army was forced to divert resources from the battlefield to the hotbeds of Copperhead activity in order to maintain order.⁷⁰ Many Copperheads actively supported the Confederate cause, materially as well as rhetorically.

However, in the long run, the Democratic Party was badly hurt by the Copperheads. Their actions radically politicized Union soldiers, turning into stalwart Republicans many who had strongly supported the Democratic Party's opposition to emancipation as a goal of the war. Indeed, many Union soldiers came to despise the Copperheads more than they disdained the Rebels. In the words of an assistant surgeon of an Iowa regiment, "it is a common saying here that if we are whipped, it will be by Northern votes, not by Southern bullets. The army regard the result of the late [fall 1862] elections as at *least* prolonging the war."⁷¹

It is certain that the Union soldiers tired of hearing from the Copperheads that the Rebels could not be defeated. They surely tired of being described by the Copperheads as instruments of a tyrannical administration trampling the legitimate rights of the Southern states. The soldiers seemed to understand fairly quickly that the Copperheads preferred Lincoln's failure to the country's success. They also recognized that the Copperheads offered no viable alternative to Lincoln's policy except to stop the war.

As a result, Union soldiers voted overwhelmingly for Lincoln in 1864, abandoning the once-beloved George McClellan because of the perception that he had become a tool of the Copperheads. And as the Democrats were reminded for many years after the war, the Copperheads had made a powerful enemy of the Union veterans.

Vigilance and Responsibility: Civil Liberties in Time of War

The most controversial element of Lincoln's war presidency is his treatment of civil liberties.⁷² Even many defenders of Lincoln argue that he overstepped constitutional bounds by declaring martial laws, arbitrarily arresting civilians and trying them by military tribunal, and shutting down opposition newspapers. After the war, the Supreme Court criticized many of these measures in *Ex parte Milligan*.

The dilemma that a president faces in time of emergency was expressed by James Madison in a letter to Thomas Jefferson: "It is a melancholy reflection that liberty should be equally exposed to danger whether the government have too much or too little power."

⁷⁰ Robert W. Coakley, *The Role of Federal Military Forces in Domestic Disorders, 1789-1878* (Washington, DC: Center of Military History, United States Army, 1988), pp. 227-67.

⁷¹ Cited in Weber, p. 69.

⁷² See, e.g., J.G. Randall, *Constitutional Problems Under Lincoln*, rev. ed. (Urbana: University of Illinois Press, 1951); Paul Finkelman, "Civil Liberties and the Civil War: The Great Emancipator as Civil Libertarian," 91 *Michigan Law Review* (1993); Mark E. Neely Jr., *The Fate of Liberty: Abraham Lincoln and Civil Liberties* (Oxford: Oxford University Press, 1991); Daniel Farber, *Lincoln's Constitution* (Chicago: University of Chicago Press, 2003); and the Hon. Frank J. Williams, "Abraham Lincoln, Civil Liberties, and the Corning Letter," *Roger Williams University Law Review*, vol. v, no. 2, Spring 2000.

Lincoln addressed this dilemma during his speech to a special session of Congress after Fort Sumter. “Is there,” he asked, “in all republics, this inherent, and fatal weakness? Must a government, of necessity, be too *strong* for the liberties of its own people, or too *weak* to maintain its own existence?”⁷³

Throughout the history of the American Republic, there has been a tension between two virtues necessary to sustain republican government: *vigilance* and *responsibility*.⁷⁴ Vigilance is the jealousy on the part of the people that constitutes a necessary check on those who hold power lest they abuse it. As Thomas Jefferson wrote, “it is jealousy and not confidence which prescribes limited constitutions, to bind those whom we are obliged to trust with power.”⁷⁵

But while vigilance is a necessary virtue, it may, if unchecked, lead to an extremism that incapacitates a government, preventing it from carrying out even its most necessary and legitimate purposes, e.g. providing for the common defense. “Jealousy,” wrote Alexander Hamilton, often infects the “noble enthusiasm for liberty” with “a spirit of narrow and illiberal distrust.”⁷⁶

Responsibility on the other hand is the prudential judgment necessary to moderate the excesses of political jealousy, thereby permitting limited government to fulfill its purposes. Thus in *Federalist* 23, Hamilton wrote that those responsible for the nation’s defense must be granted all of the powers necessary to achieve that end.⁷⁷ Responsibility is the virtue necessary to govern and to preserve the republic from harm, both external and internal. The dangers of foreign and civil war taught Hamilton that liberty and power are not always adversaries, that indeed, the “vigor” of government is essential to the security of liberty.

Lincoln’s actions as president during the Civil War reflected his agreement with this principle. Due to the unprecedented nature of the emergency created by the rebellion, Lincoln believed that he had no choice but to exercise broad executive power. Lincoln addressed the issue of civil liberties in wartime in the aforementioned letter to Erasmus Corning, who had sent him the resolutions of the Albany Democratic Convention.⁷⁸ His arguments are as applicable today to the war on terrorism as they were in 1863 during a domestic insurrection.

The Albany Democrats had expressed loyalty to the Union but had censured the Lincoln administration for what it called unconstitutional acts, such as military arrests of civilians in the North. To the Albany Democrats’ claim that they supported the use of “every constitutional and lawful measure to suppress the rebellion,” Lincoln replied that he had “not knowingly employed...any other” in the past nor did he intend to in the future.

The Albany Democrats invoked the safeguards and guarantees for the liberties of citizens under the Constitution, observing that they “were secured substantially to the English people after years of protracted civil war, and were adopted into our Constitution at the end of the revolution. Lincoln replied that their point would have been stronger had they said that these safeguard been adopted and applied during the civil wars and during our

⁷³ “Message to Congress in Special Session,” *AL*, p. 598.

⁷⁴ See Karl-Friedrich Walling, *Republican Empire: Alexander Hamilton on War and Free Government* (Lawrence: University Press of Kansas, 1999), pp. 6-12.

⁷⁵ Draft of the Kentucky Resolution, October 1798, *Jefferson: Writings*, p. 454.

⁷⁶ Hamilton to James Duane, 3 September, 1780, in Harold G. Syrett and Jacob E. Cooke, eds., *The Papers of Alexander Hamilton* (New York: Columbia University Press, 1961), vol. II, p. 404.

⁷⁷ *Federalist*, No. 23, pp. 149-51.

⁷⁸ *AL*, pp. 699-708.

revolution, rather than after the one and at the end of the other. “I, too,” said Lincoln, “am devotedly for them after civil war, and before civil war, and at all times, ‘except when, in cases of rebellion or invasion, the public safety may require’ their suspension.”

Lincoln then argued that those who wished to destroy the Constitution were relying on the fact that “the government would, in great degree, be restrained by the same Constitution and law from arresting their progress.” If anything, Lincoln continued, he waited too long to implement emergency measures. “[I]thoroughly imbued with a reverence for the guaranteed rights of individuals, I was slow to adopt the strong measures which by degree I have been forced to regard as being within the exceptions of the Constitution, and as indispensable to the public safety.”

The core of Lincoln’s argument was that the courts of justice are incompetent to handle cases arising out of a vast emergency. Suspension of habeas corpus is the constitutional provision that applies in such cases. The drafters of the Constitution, he continued, understood that there were emergency instances in which “men may be held in custody whom the courts, acting on ordinary rules would discharge.” Habeas corpus does not discharge those proved to be guilty of a defined crime. The Constitution permits its suspension “that men may be arrested and held who cannot be proved to be guilty of defined crime, ‘when in cases of rebellion or invasion the public safety may require it.’” This is because in times of emergency, arrests must sometimes be made not for what has been done, but to prevent things that probably would be done.

Lincoln pointed out that a number of still high-ranking Confederates, whose sentiments were then known, were in the power of the government when the rebellion broke out. Had they been seized, the rebellion would be weaker. But none of them had committed a crime defined in law, so would have been discharged on the basis of habeas corpus if the writ were permitted operate. “In view of these and similar cases, I think I shall be blamed for having made too few arrests than too many.”

The Albany Democrats had called the arrests of civilians in areas where the rebellion did not exist unconstitutional. Lincoln replied that the Constitution made no such distinction. His actions, he continued, were constitutional *wherever* the public safety required them, whether to prevent the rebellion from spreading, to prevent mischievous interference with raising and supplying the armies necessary to suppress the rebellion, to restrain agitators who sought to encourage desertion—in other words, his actions were “equally constitutional at all places where they will conduce to the public safety, as against the dangers of rebellion or invasion.”

The Albany Democrats criticized the arrest and trial by military tribunal of the antiwar Ohio Democratic congressman, Clement Vallandigham, merely for his words. But Lincoln replied that Vallandigham was encouraging desertion from the army, upon which the nation was depending to save the Union. He noted that the Albany Democrats support the suppression of the rebellion by force. But this depends on an army, and one of the biggest problems armies face is desertion, an act so serious that it is punished by death. “Must I shoot a simple-minded soldier by who deserts, while I must not touch a hair of a wily agitator who induces him to desert?”

Lincoln said that if he is wrong on the question of his constitutional power, his error is in believing that certain actions that are not constitutional in the absence of rebellion or invasion become constitutional when those conditions exists, in other words “that the Constitution is not in its application in all respects the same in cases of rebellion or invasion involving the public safety, as it is in times of profound peace and public security.”

As noted above, Lincoln argued that the means appropriate for an emergency are not appropriate for normal times. A sick man is given medicine that would not be good for a well one. Lincoln's argument here is quintessentially prudential.

Lincoln's detractors have often embraced the "Lost Cause" narrative, which holds that while Lincoln ran roughshod over civil liberties in the North, the Confederacy adhered to a strict constitutionalism in defense of civil liberties. They have also treated Chief Justice Roger Taney as a paragon of respect for civil liberties who worked to stymie Lincoln's abuses.

But both arguments are demonstrably false. In the South, as in the North, most civilians accepted restrictions on their liberties because they believed the restrictions constituted temporary, necessary measures that ensured stability and would help win the war. Southern society was not nearly as "obsessive about liberty" as previously thought. And Taney's opposition to Lincoln stemmed from politics, not respect for the Constitution.

Mark Neely has effectively refuted the Lost Cause narrative regarding civil liberties, demonstrating that Jefferson Davis was far from the staunch defender of civil liberties and constitutionalism that he claimed to be in his history of the Confederacy.⁷⁹ Davis, like Lincoln, was committed to the survival of his country. Early on, Davis spoke of "sacred civil liberties" in an attempt to persuade the border states to secede. But as the North made inroads into the South, Davis sacrificed individual rights to the preservation of what remained of the Confederacy.

Indeed, the Confederacy, like the Union, acted "as modern democratic nations [do] in war," placing restrictions on individual liberties out of perceived military necessity. The fact is that both the Union and the Confederacy faced the enduring dilemma of republican government: how to balance vigilance and responsibility.⁸⁰

⁷⁹ Mark Neely, *Southern Rights: Political Prisoners and the Myth of Confederate Constitutionalism* (Charlottesville: University of Virginia Press, 1999). See also Daniel Sutherland, ed., *Guerrillas, Unionists, and Violence on the Confederate Home Front* (Fayetteville: University of Arkansas Press, 1999).

⁸⁰ We should not be surprised that the Confederacy's commitment to civil liberties in wartime was no greater than that of the North. The fact is that the Lost Cause narrative's portrayal of the South as united against Yankee tyranny notwithstanding, dissent was widespread within the seceded states.

While Lincoln faced opposition primarily from Peace Democrats or Copperheads, Unionists in the South did many of the same sorts of things that Copperheads did in the North. Some Unionists, like their Copperhead counterparts up North, limited their dissent to political opposition, as "the most staunch wartime Unionists—the so-called 'torians'—endorsed Union political ideology, encouraged hostility to the Confederacy, and sought to end the war at all costs."

Unionist sentiment was most prevalent in Eastern Tennessee, Western Virginia, and Western North Carolina, but there were also Unionist enclaves in northern Louisiana, Mississippi, and Alabama, as well in central Texas. It is a little recognized fact that with the exception of South Carolina, every seceded state provided at least one regiment of white troops to the Union cause.

As the war dragged on and the appalling human and material cost of the war began to mount, even many loyal Confederates began to turn against it. As in the North, conscription constituted a flash point. It is sometimes forgotten that the South turned to conscription a year earlier than the North did. The exemption of large slave owners from the draft, the "20 [slave] law," fed dissent and led to the often-voiced complaint that the conflict was "a rich man's war, but a poor man's fight."

Desertion was a problem for both sides, but as the war began to turn against the South, it became an epidemic in the Confederacy. Confederate generals, including the gentlemanly Robert E. Lee, did not hesitate to shoot deserters, but even the prospect of such a punishment did not stanch the loss of manpower to the Confederate cause.

Attempts by the Confederate government to do so, along with other efforts to suppress dissent in the seceded states—including intimidation by Confederate soldiers, militia, conscription and impressment agents,

The portrayal of the conflict between Lincoln and Roger Taney's Supreme Court during the Civil War as a contest between a president who was more interested in preserving the Union than in respecting civil liberties and a Chief Justice who was a defender of civil liberties "though the walls of heaven fall" is simplistic as well. As Don Fehrenbacher has noted, Chief Justice Roger Taney was not especially solicitous of individual liberties. His real motive in issuing *Ex parte Merryman*, which challenged Lincoln's policy of military arrests of civilians, was his attitudes toward the Union and the war. Taney did not think the Union was worth saving at all. Indeed, there is no record of any public or private statement in support of the Union cause. Instead, he sympathized with the Confederacy, favoring peaceable separation. He "considered the war a descent into madness, detested Republicans as a class, and regarded the Lincoln administration as a hateful despotism."⁸¹

Lincoln's Military Contribution as Commander-in-Chief

On the surface, Abraham Lincoln seemed ill-prepared to meet the military challenges that this crisis generated. Indeed, by all measures, his Confederate counterpart, Jefferson Davis would seem to have had the edge. Davis was a graduate of the U.S. Military Academy at West Point, he had a distinguished record during the Mexican War, he had been Secretary of War during the administration of Franklin Pierce, and as a United States Senator from Mississippi, he had chaired the Committee on Military Affairs.⁸²

In contrast, Lincoln had served as a captain of militia during the Black Hawk War, during which he had seen no action. Indeed, as a Whig congressman for only one term, Lincoln had poked fun at his own military record by way of mocking the attempt by the Democrats during the election campaign of 1848 to turn Lewis Cass of Michigan into a military hero comparable to the Whigs' Zachary Taylor.

By the way, Mr. Speaker, did you know I am a military hero? Yes sir; in the days of the Black Hawk war, I fought, bled, and came away. Speaking of General Cass' career reminds me of my own. I was not at Stillman's defeat, but I was about as near it, as Cass was to Hull's surrender; and like him, I saw the place very soon afterwards....If Gen. Cass went in advance of me in picking huckleberries, I guess I surpassed him in charges upon the wild onions. If he saw any live fighting Indians, it was more than I did; but I had a good many bloody struggles with the mosquitoes; and although I never fainted from loss of blood, I can truly say I was often very hungry."⁸³

His one term in Congress was lackluster. He gained notoriety for opposing the Mexican War, as did most Whigs, and demanding that President James Polk show the very spot upon which Mexico had provoked the conflict.⁸⁴

What was Lincoln's role in Union victory? Some have concluded that his contribution was minimal. Given the relative power of the North, goes the argument, Union victory was assured beforehand; Lincoln's role was superfluous at best, and negative at

and "watchful secessionist neighbors"—often erupted into guerrilla warfare carried out against not only pro-government civilians but also Rebel military units.

⁸¹ Fehrenbacher, "Lincoln and the Constitution," pp. 130-31.

⁸² On Davis, see William C. Davis, *Jefferson Davis: The Man and His Hour: A Biography* (New York: Harper Collins, 1991).

⁸³ "The Presidential Question," Speech in the United States House of Representative, July 27, 1848, *AL*, p. 242.

⁸⁴ "The War with Mexico," Speech in the United States House of Representative, January 12, 1848, *AL*, pp. 202-15.

worst—his propensity for interfering in the details of military operations was counterproductive.

A variation of this view holds that Lincoln's main contribution to Union victory was to find the right general. According to this view, Lincoln had to wade through a mass of incompetents until he found Grant, who led the Union armies to success.⁸⁵

In recent years, historians have begun to give Lincoln more credit as a war leader.⁸⁶ He was responsible for establishing the policy of the Union and developing and implementing a strategy to achieve the goals of his policy.⁸⁷ In doing so, he demonstrated flexibility and strategic acumen. He skillfully managed both his cabinet and his generals, and even Congress, where he had to maintain a working majority if the war was to be won. He did not hesitate to overrule his advisers, both military and civilian. As Eliot Cohen has noted, "Lincoln had not merely a powerful intellect but an extraordinarily orderly and balanced one."⁸⁸ Historians have acknowledged that the Union's material advantage was not sufficient in itself to ensure victory. Lincoln had to make the decisions that translated this advantage into military and political success.

We sometimes forget that he also had to defeat the strategy pursued by the Confederacy. As Clausewitz reminds us, war involves an active opponent who acts and reacts to our strategy, often in unexpected ways.⁸⁹ And certainly with field commanders as talented as Robert E. Lee, Confederate armies did confound Union plans on more than one occasion.

Lincoln and Union Strategy

Strategy is a species of prudence. Like the prudent man, the strategist never loses sight of the proper end. But he must be able to adapt his actions in pursuit of that end to particular conditions. As Clausewitz wrote:

Strategy is the use of the engagement for the purpose of the war. The strategist must therefore define an aim for the entire operational side of the war that will be in accordance with its purpose. In other words, he will draft the plan of the war, and the aim will determine the series of actions intended to achieve it: in fact, shape the individual campaign and, within these, decide on the individual engagements.⁹⁰

⁸⁵ See Kenneth P. Williams, *Lincoln Finds a General: A Military Study of the Civil War* 5 volumes (New York: Macmillan, 1949-58). Although T. Harry Williams praises Lincoln as a strategist as well as a sound judge of men, his book *Lincoln and His Generals* (New York: Knopf, 1952) belongs primarily in this category.

⁸⁶ McPherson, *Tried by War*; Eliot A. Cohen, "Lincoln Sends a Letter," ch. 2 of *Supreme Command: Soldiers, Statesmen, and Leadership in Wartime* (New York: Free Press, 2002).

⁸⁷ On the relationship between strategy and policy, see Mackubin Thomas Owens, "Strategy and the Strategic Way of Thinking," *Naval War College Review*, Autumn, 2007. "In their military history of the United States, Allan Millett and Peter Maslowski define defense policy as "the sum of the assumptions, plans, programs, and actions taken by the citizens of the United States, principally through governmental action, to ensure the physical security of their lives, property, and way of life from external military attack and domestic insurrection." Allan R. Millett and Peter Maslowski, *For the Common Defense: A Military History of the United States of America* (New York: The Free Press, 1984. Revised and expanded, 1994), p. xiii. For our purposes, *policy* refers primarily to such broad national goals as interests and objectives; *strategy* to the alternative courses of actions designed to achieve those goals, within constraints set by material factors and geography."

⁸⁸ Cohen, p. 22.

⁸⁹ "War is not the action of a living body on a lifeless mass ... but always the collision of two living forces." Clausewitz, *On War*, p. 77.

⁹⁰ Clausewitz, *On War*, p. 177.

Strategy is a plan of action for using available means to achieve the ends of policy. The modern conception of strategy originated with two nineteenth century theorists of war, the Baron Antoine Henri Jomini and Clausewitz, who understood strategy to be the art of assembling and employing forces in terms of time and space.⁹¹ Within time and space, strategy does three things.

First, strategy links ends and means, ensuring that there is not a mismatch between the two. Second, strategy helps to establish a priority among ends. Since means are limited, not everything can be done. Strategy ensures that choices are made among competing ends. As Frederick the Great observed, “he who tries to defend everything ends up defending nothing.” Finally, strategy helps to conceptualize resources as means. In other words, it translates raw inputs such as men and money into the divisions and fleets that will be employed for the object of war. To carry out a strategy, one must have the right tactical instrument. Even the best-conceived strategy will fail unless it can rely on the right instrument to implement it.⁹²

Strategy is both a process and product. As such, it is dynamic. It must adapt to changing conditions—e.g., geography, technology, and social conditions.⁹³ A strategy that works under one set of conditions may not work under different ones. To develop and execute a strategy requires that one be able to comprehend the whole and be able to bring the right instrument to bear at the right time and in the right place in order to achieve the object of the war. In Clausewitz’s formulation, strategy is the use of the engagement for the purpose of the war. The strategist must therefore define an aim for the entire operational side of the war that will be in accordance with its purpose. In other words, he will draft the plan of the war, and the aim will determine the series of actions intended to achieve it: he will, in fact, shape the individual campaigns and, within these, decide on the individual engagements.⁹⁴

A strategy can be judged according to a number of criteria. These include: 1) the adequacy of the strategy for achieving the end and its fit with the character of the war; 2) the degree to which it takes account of the strengths and weaknesses of the enemy and tactical, operational, logistical, and geographical constraints; 3) the appropriateness of the means to the achievement of the political objective; 4) the degree to which attainment of the military objective translated into the achievement of political objectives; 5) the degree to which the actual conduct of the war corresponds to the strategic conception at the beginning of the war; 6) the match between the strategy and social conditions, i.e., the degree to which the strategy fits the “genius” of the people; 7) the ability of the government to maintain public support for the war and the chosen strategy; 8) the ability of social and political factors to withstand the shock of war; and 9) the costs and risks of the chosen strategy compared to the outcome. Finally, we must always ask, *were there better strategic alternatives than the one chosen?* In terms of these criteria, Lincoln’s strategy was extremely successful.

Although Lincoln had no formal military education, he learned quickly and proved to be a competent strategist. T. Harry Williams wrote that “Lincoln stands out as a great war

⁹¹ On the origins of modern strategy, see Azar Gat, *The Origins of Military Thought: From the Enlightenment to Clausewitz* (Oxford: Clarendon Press, 1989).

⁹² Mackubin Thomas Owens, “Thinking About Strategy,” in Strategy and Force Planning Faculty, eds., *Strategy and Force Planning*, 3rd edition (Newport: Naval War College Press, 2000), pp. 426-34.

⁹³ Williamson Murray and Mark Grimsley, “On Strategy,” in Murray, et al., eds., *The Making of Strategy: Rulers, States, and War* (Cambridge: Cambridge University Press, 1994).

⁹⁴ Clausewitz, *On War*, p. 177.

president, probably the greatest in our history, and a great national strategist, a better one than any of his generals.”⁹⁵ McPherson disagrees with Williams’ claim about Lincoln as strategist, writing that “Lincoln was not a ‘natural strategist,’ He worked hard to master the subject, just as he had done to become a lawyer.”⁹⁶

Lincoln intuitively adhered to the old adage that in war, “the main thing is to make sure that the main thing remains the main thing.” As his letter to Horace Greeley illustrated, the “main thing” for Lincoln—the goal of Union policy—was to preserve the Union. But like any good strategist, Lincoln proved willing to adapt his strategy to the circumstances in order to achieve this goal.

In a strictly military sense, Lincoln understood that the key to victory for the Union was a strategy of “concentration in time,” i.e., the simultaneous application of military force at multiple points, making it difficult for the Confederacy to defend its territory.⁹⁷ Although it was not successfully implemented until 1864, Lincoln articulated the principle early in 1862, when, distressed by the immobility of his armies, he issued his General War Order No. 1, directing Union forces to move in concert on Washington’s Birthday, February 22, 1862.⁹⁸ And Grant wrote that in April 1864, when he explained his intention to have all forces, even those on the defensive, advance at the same time, Lincoln replied, “Oh, yes! I see that. As we say out West, if a man can’t skin he must hold a leg while somebody else does.”⁹⁹

He also understood that a successful strategy required Union armies to defeat Confederate armies. To use Clausewitz’s term, Lincoln understood that it was the Confederate army, not territory or the Confederate capital, that constituted the Confederacy’s “center of gravity.” Crush the armies and the back of the rebellion would be broken. “I think Lee’s army and not Richmond, is your true objective point.”¹⁰⁰

Finally, he understood the importance of the West in Union strategy. In early 1862, Union armies had employed the Tennessee River as the “main line of operations” to penetrate deep into western Tennessee and northern Mississippi, turning Confederate defenses on the Mississippi River and in Kentucky. Grant’s subsequent victory at Shiloh permitted Union forces to seize major parts of the Confederacy’s one remaining east-west railroad line and opened the way to both Vicksburg on the Mississippi River and Chattanooga. The capture of the latter permitted Union forces eventually to penetrate the Appalachian barrier and seize Atlanta.¹⁰¹

Emancipation as Political-Military Strategy

Of course, there was a great deal more to Lincoln’s strategy than the military element. His was also a political strategy, the main weapon of which became emancipation at

⁹⁵ Williams, *Lincoln and His Generals*, p. vii.

⁹⁶ McPherson, *Tried by War*, p. 4.

⁹⁷ Archer Jones, *Civil War Command and Strategy: The Process of Victory and Defeat* (New York: Free Press, 1992), p. 99.

⁹⁸ *CWL*, V, pp. 111-12.

⁹⁹ Ulysses S. Grant, *Personal Memoirs of U. S. Grant* (New York: Library of America, 1990 [first published in two volumes, 1885]), p. 486.

¹⁰⁰ To Joseph Hooker, June 19, 1863, *CWL*, vol. VI, p. 257.

¹⁰¹ For a succinct but complete treatment of the Civil War in the Western Theater (the Mississippi to the Appalachians), see Steven E. Woodworth, *Decision in the Heartland: The Civil War in the West* (Westport, CT: Praeger, 2008).

the end of 1862.¹⁰² Emancipation struck at not only the war-making potential of the Confederacy but also the heart of the Southern social system. But Lincoln had to tread carefully for domestic political reasons, because while emancipation was welcomed by abolitionists and their radical Republican allies in Congress, it was denounced by conservative Democrats in the North and loyal slaveholders in the slave states that remained in the Union. Lincoln needed both groups if he was to prosecute the war successfully.

Lincoln had to proceed with emancipation according to the dictates of prudence. Accordingly, he was denounced by the conservatives as moving too fast and by the radicals as moving too slowly. For instance, he enraged the radicals soon after the war began by reversing an emancipation proclamation issued in Missouri by General John C. Fremont. He did so for sound reasons. First, Fremont was invoking emancipation for *political* rather than for *military* reasons. This was, Lincoln believed, unconstitutional.¹⁰³

Second, allowing it to stand might antagonize the loyal slave states, providing them an impetus to join the Confederacy. As he continued in his letter to Orville Browning, “I think to lose Kentucky is nearly to the same as to lose the whole game. Kentucky gone, we cannot hold Missouri, nor, as I think, Maryland. These all against us, and the job on our hands is too large for us.”¹⁰⁴

Allen Guelzo has argued persuasively that Lincoln believed that if he could prevent the expansion of slavery into the federal territories and prevail upon state legislatures to accept gradual, compensated emancipation (funded by Congress), he could shrink slavery, making it uneconomical and place it back on the eventual road to extinction that he believed the Founders had envisioned. The outbreak of war derailed the original version of his grand scheme, but even after the war began, Lincoln reasoned that the combination of military success against the Confederacy and compensated emancipation in the loyal slave states would lead to the collapse of the Confederacy, which had staked its hopes on eventually incorporating the so-called border states.¹⁰⁵

But neither condition came to pass: Lincoln’s proposals for compensated emancipation were rejected by the border-states, and the Army of the Potomac under Gen. George McClellan was driven back from Richmond after coming close to capturing it. Lincoln concluded that he did not have the time to pursue his preferred legislative strategy in the border states and that therefore something stronger and more precipitous was needed to bring the war to a successful conclusion. The Emancipation Proclamation was Lincoln’s response to the failure of Union arms and compensated emancipation. The time had come, as he wrote to Cuthbert Bullitt, to stop waging war “with elder-stalk squirts, charged with rose water.”¹⁰⁶ Thus after Lee’s invasion of Maryland was turned back at Antietam, Lincoln issued a preliminary Emancipation Proclamation on September 22 that gave the Confederates one hundred days to submit to the Union or face the prospect of immediate emancipation.

As Guelzo observes, the Emancipation Proclamation was Lincoln’s response not only to the refusal of the loyal slave states to accept gradual, compensated emancipation, but also to his concerns about the legality of other alternatives favored by radical Republicans in

¹⁰² This is the realm of “grand strategy,” which is designed to bring to bear all the elements of national power—military, economic and diplomatic—in order to secure the nation’s interests and objectives.

¹⁰³ To Orville Browning, September 22, 1861, *CWL*, vol. IV, p. 531.

¹⁰⁴ *Ibid.*, p. 532.

¹⁰⁵ Allen Guelzo, *Lincoln’s Emancipation Proclamation: the End of Slavery in America* (New York: Simon and Schuster, 2004).

¹⁰⁶ To Cuthbert Bullitt, July 28, 1862, *AL*, p. 650.

Congress, e.g. treatment of fugitive slaves under federal control as “contrabands of war;” confiscation; and emancipation as part of martial law. All, he believed, were unconstitutional and open to legal challenge.¹⁰⁷

Indeed, it was possible that even after a successful war to subdue the rebellion, a slaveholder whose property had been seized in this manner could sue successfully in federal court. “[O]nce the war emergency was over,” writes Guelzo, “the federal dockets would fill up with appeals that either attacked [martial law emancipation] proclamations as unconstitutional or denied that specific cases really fell within the definitions of the proclamation.”¹⁰⁸

In addition, they put Lincoln in a quandary concerning the status of the Confederacy. To apply confiscation and contraband as they were understood in international law gave the Confederacy belligerent status. This was at odds with Lincoln’s insistence that the states of the Confederacy could never legally leave the Union. On the other hand, if the war was only a domestic rebellion, as Lincoln held, then confiscation of slave contraband violated the constitutional prohibition against attainder.

A similar problem arose with the use of martial law to effect emancipation. For this reason Lincoln revoked the emancipation that General John C. Fremont proclaimed in Missouri at the beginning of the war. Lincoln believed that to invoke emancipation for *political* rather than for *military* reasons, as Fremont was, unconstitutional.

Guelzo observes that Lincoln did everything he could to keep emancipation out of the federal courts, fearing that if the federal judiciary under Roger Taney ever took up emancipation, the court would become in effect the guarantor of slavery, setting back the prospect for all future emancipation just as Dred Scott had set back the effort to prevent the expansion of slavery into the Territories.¹⁰⁹ The fact that the *Prize Cases*, which essentially affirmed the legality of the Union’s conduct of the war, were decided by a vote of only 5-4 in the midst of the war seems to confirm Lincoln’s decision.¹¹⁰

Such concerns notwithstanding, Southern Unionists, loyal slaveholders, and Democrats charged that Lincoln was “revolutionizing” the war by issuing his proclamation. Lincoln did not disagree, admitting that once the proclamation took effect, “the character of the war will be changed. It will be one of subjugation and extermination.”¹¹¹ But, as he wrote to another correspondent, “This government cannot much longer play a game in which it stakes all, and its enemies stake nothing. Those enemies must understand that they cannot experiment for ten years trying to destroy the government, and if they fail still come back into the Union unhurt.” Lincoln took particular exception to the demand by loyal slaveholders “that the government shall not strike its open enemies, lest they be struck by accident.” This demand by border state representatives, who had recently rejected Lincoln’s last proposal for compensated emancipation, had become “the paralysis—the dead palsy—of the government in this whole struggle.”¹¹²

The stronger medicine represented by the Emancipation Proclamation was necessary because the Confederacy was just now exerting its maximum effort to mobilize its

¹⁰⁷ Guelzo, *Lincoln’s Emancipation Proclamation*, pp. 29-59.

¹⁰⁸ *Ibid.*, p. 54.

¹⁰⁹ *Ibid.*, *passim*.

¹¹⁰ For an excellent and complete account of Lincoln and the Supreme Court in wartime, see Brian McGinty, *Lincoln and the Court* (Cambridge: Harvard University Press, 2008).

¹¹¹ T.J. Barnett, in Don and Virginia Fehrenbacher, eds., *Recollected Words of Abraham Lincoln* (Stanford: Stanford University Press, 1996) p. 23.

¹¹² To August Belmont, July 31, 1862, *CWL*, vol. V, pp. 350-51.

population for war. In April 1862, the Confederate congress passed a conscription act. Then, abandoning the “cordon” defense that had permitted Union armies to penetrate Confederate territory as far as northern Mississippi in early 1862, the Confederacy organized its mobilized manpower into field armies. One of these forces, the Army of Tennessee, struck Grant at Shiloh. Lee’s Army of Northern Virginia drove McClellan back from the gates of Richmond. Then in the fall of 1862, the former invaded Kentucky and the latter invaded Maryland. To a great extent, the South was able to do this only because slave labor freed white men to fight. Emancipation could undermine the slave labor system of the South, thereby undercutting the Confederate effort to mobilize its military resources.

From a military standpoint, emancipation was a war measure designed to attack the Southern economy directly.¹¹³ As Halleck explained to Grant, “The character of the war has very much changed within the last year. There is now no possible hope of reconciliation.... We must conquer the rebels or be conquered by them.... Every slave withdrawn from the enemy is the equivalent of a white man put *hors de combat*.”¹¹⁴ In addition, to the extent that slaves freed by Federal troops came under control of Union forces, they could be substituted for soldiers who were required to labor, freeing them up to fight. Thus emancipation had the effect of transferring labor from South to North, increasing the fighting potential of Union armies while decreasing that of the Confederate armies. As Gideon Welles, Lincoln’s Secretary of the Navy, recalled, the president called emancipation “a military necessity, absolutely essential to the preservation of the Union. We must free the slaves or be ourselves subdued. The slaves were undeniably an element of strength to those who had their service, and we must decide whether that element should be with us or against us”¹¹⁵

Militarily, the Emancipation Proclamation opened the way to the next logical step in this process of weakening the South while strengthening the North: enrolling blacks as soldiers in the Union army. The manpower boon to the Union was substantial. Some 180,000 black soldiers served in the Union army. They constituted 120 infantry regiments, 12 regiments of heavy artillery, 10 batteries of light artillery, and seven cavalry regiments. At the end of the war, they constituted 12 percent of the Union’s military manpower.¹¹⁶

While the material contribution of African-Americans, both freedmen and former slaves, to Union victory was substantial, their participation in the war to achieve their own liberty was important for its own sake. Without their participation, the war to save the Union “as it was” could not have been transformed into a war to save the Union “as it should be,” i.e., without slavery, and it is unlikely that African-Americans could ever have achieved full citizenship and equality in the United States.¹¹⁷ And Lincoln understood the psychological

¹¹³ On the Emancipation Proclamation as a war measure, see Burrus M. Carnahan, *Act of Justice: Lincoln’s Emancipation Proclamation and the Law of War* (Lexington: University Press of Kentucky, 2007).

¹¹⁴ Halleck to Grant, OR, Ser. 1, vol. XXIV, pt. 3, p. 157.

¹¹⁵ Gideon Welles, “The History of Emancipation,” *The Galaxy*, 14 (Dec. 1872), pp. 842-3.

¹¹⁶ See Dudley Taylor Cornish, *The Sable Arm: Black Troops in the Union Army, 1861-1865* (Lawrence: University Press of Kansas, 1987 [first published 1957]).

¹¹⁷ The importance of former slaves fighting for their freedom is revealed by examining a story recounted by the Greek historian Herodotus. At the beginning of Book Four of *The History*, Herodotus tells of the return of the nomadic Scythians from their long war against the Medes, during which time the Scythian women had taken up with their slaves. The Scythians warriors now find a race of slaves arrayed against them.

Having been repulsed repeatedly by the slaves, one of the Scythians admonishes his fellows to set aside their weapons and take up horsewhips. “As long as they are used to seeing us with arms, they think that they are our equals and that their fathers are likewise our equals. Let them see us with whips instead of arms, and they will learn that they are our slaves; and, once they have realized that, they will not stand their ground against us.”

impact of enlisting black troops in the Union cause. As he wrote to Andrew Johnson, “the bare sight of fifty thousand armed, and drilled black soldiers on the banks of the Mississippi, would end the rebellion at once.”¹¹⁸

Lincoln took an immense gamble by issuing the Emancipation Proclamation. It was foremost a political gamble. Those who argue that Lincoln was only “waiting for the right time” to issue the Proclamation must confront the fact that because of his action, the Republicans paid an enormous price during the 1862 elections. Lincoln put the most highly charged issue of the war before the voters in the midst of an un-won conflict. Votes for Republicans fell by 16 percent from 1860. The Party suffered disastrous setbacks in Pennsylvania, Indiana, Ohio, New York and New Jersey.

Such losses in the elections of 1862 led some to conclude that Lincoln would not issue the final Emancipation. He did so for reasons that he made clear in his annual message to Congress for 1862. “Fellow citizens, we cannot escape history.... The fiery trial through which we pass, will light us down, in honor or dishonor, to the latest generation.... The dogmas of the quiet past are inadequate to the stormy present.... In giving freedom to the slave, we assure freedom to the free.... We must disenthral ourselves, and then we shall save our country.”¹¹⁹

Similar speculation emerged during the dark days of summer 1864, when Lincoln believed he would not be reelected. Most War Democrats and many Republicans saw Lincoln’s commitment to emancipation as an obstacle to peace. The chairman of the Republican National Committee (and editor of the *New York Times*) told Lincoln on August 22 that party leaders thought Lincoln would lose. “Two special causes are assigned to this great reaction in public sentiment—the want of military success and the impression...that we can have peace with Union [but for the impression that the war is] not for Union but for the abolition of slavery.”¹²⁰

But Lincoln refused to give in on the question of emancipation. His reasons were both military and moral. As he told two Wisconsin Republicans on August 19,

There have been men who have proposed to me to return to slavery the black warriors of Port Hudson & Olustee to their masters to conciliate the South. I should be damned in time & eternity for so doing. The world shall know that I will keep my faith to friends & enemies, come what will. My enemies say I am now carrying on this war for the sole purpose of abolition. It is & will be carried on so long as I am President for the sole purpose of restoring the Union. But no human power can subdue this rebellion without using the Emancipation lever as I have done. Freedom has given us control of 200,000 able bodied men, born and raised on southern soil. It will give us more yet. Just so

The tactic works. The slaves are bewildered by the whip-wielding Scythians, lose their fighting spirit, and flee in terror. The implication of Herodotus’s story is clear. There are natural masters and natural slaves. A slave has the soul of a slave and lacks the manliness to fight for his freedom, especially if a master never deigns to treat him as a man. Herodotus, *The History*, trans. David Grene (Chicago: University of Chicago Press, 1987), p. 280.

The Scythian view is reflected in a comment by Howell Cobb of Georgia: “The day you make soldiers of [Negroes] is the beginning of the end of the revolution. If slaves will make good soldiers our whole theory of slavery is wrong.” *OR*, Ser.4, vol. III, pp. 1009-10. Thus their performance under arms was important to make it clear that blacks were not the natural slaves that Southerners, and indeed, many Northerners, believed them to be.

¹¹⁸ To Andrew Johnson, March 26, 1863, *AL*, pp. 694-95.

¹¹⁹ Dec. 1, 1862, *AL*, p. 668.

¹²⁰ Henry J. Raymond to Lincoln, August 22, 1864, in *CWL*, vol. VII, pp. 517-18.

much it has sub[t]racted from the strength of our enemies....My enemies condemn my emancipation policy. Let them prove by the history of the war, that we can restore the Union without it.¹²¹

Earlier he had expressed the same sentiments in an angry letter to James Conkling. “And then there will be some black men who can remember that, with silent tongue, and clinched teeth, and steady eye, and well-poised bayonet, they have helped mankind on to this great consummation; while, I fear, there will be some white ones, unable to forget that, with malignant heart, and deceitful speech, they strove to hinder it.”¹²²

Lincoln and His Generals

Eliot Cohen has demonstrated that Lincoln’s presidency was by no means the model of the “normal” theory of civil-military relations, wherein the civilian authority establishes the goals of the war and then steps out of the way to permit the generals to implement what they believe to be the best military measures to achieve those goals.¹²³ Lincoln was an activist commander-in-chief who frequently “interfered” with his generals by constantly asking questions and goading them to perform more aggressively.¹²⁴

Lincoln intuitively understood that civilian leaders cannot simply leave the military to its own devices during a conflict because war is an iterative process involving the interplay of active wills. In this he reflected an intuitive understanding of Clausewitz, who wrote that “the political objective is the goal, war is the means of reaching it, and means can never be considered in isolation from their purpose.... Therefore, it is clear that war should never be thought of as *something autonomous* but always as an *instrument of policy*.”¹²⁵

Thus Lincoln understood that what appears to be the case at the outset of the war may change as the war continues, modifying the relationship between political goals and military means. The fact remains that wars are not fought for their own purposes but to achieve policy goals set by the political leadership of the state.

Perhaps the most important challenge Lincoln faced in the area of civil-military relations was that early in the war, his generals pursued the war they wanted to fight rather than the one their commander-in-chief wanted them to fight. The clearest example of this

¹²¹ Interview with Alexander W. Randall and Joseph T. Mills, *CWL*, VII, p. 507. Cf. To Charles D. Robinson, August 17, 1864, *CWL*, vol. VII, pp. 499-501.

¹²² To James C. Conkling, August 26, 1863, *AL*, pp. 720-24. Cited passage at pp. 723-4.

¹²³ Cohen, ch. 1. The “normal theory” of civil-military relations is developed by Samuel P. Huntington in *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Cambridge: Harvard University Press, 1957), especially ch. 4. For another critique of Huntington, see Peter D. Feaver, *Armed Servants: Agency, Oversight, and Civil-Military Relations* (Cambridge: Harvard University Press, 2003).

¹²⁴ See, e.g., Lincoln’s letter of February 3, 1862 to McClellan, in which he asked for a detailed response to a number of questions about McClellan’s plan. *CWL*, vol. V, pp. 118-25.

¹²⁵ Clausewitz, *On War*, pp. 87-88. Emphasis in original. Of course, the claim that Lincoln possessed a Clausewitzian understanding of war and the relationship between policy and strategy has been criticized by those who observe that Lincoln was not familiar with Clausewitz’s works. Indeed, the military theorist most read by Americans at the time was the Baron Antoine Henri Jomini. But one is reminded of a story about Winston Churchill. On one occasions, his friend F.E. Smith gave him a copy of Aristotle’s *Nicomachean Ethics*. Later, Smith asked Churchill what he thought of the work. Churchill replied that he found it interesting but was amazed at how many of Aristotle’s points he had already worked out on his own before reading the book. The point of this anecdote is that while Clausewitz may have described strategy, he did not “invent” it any more than Aristotle “invented” ethics. Any reader of Thucydides understands that the Greeks had the concept of strategy although not necessarily the name. Thus it is possible for Lincoln to have had a Clausewitzian understanding of war and strategy without actually having read Clausewitz.

problem was Gen. George McClellan, who disagreed with many of Lincoln's policies, and indeed may have attempted to sabotage them.

There is perhaps no more remarkable document in the annals of American civil-military relations than the letter McClellan gave to Lincoln when the president visited the Army of the Potomac at Harrison's Landing on the James River in July 1862. McClellan, who had been within the sound of Richmond's church bells only two weeks earlier, had been driven back by Lee in a series of battles known as the Seven Days.

McClellan's letter went far beyond the description of the state of military affairs that McClellan had led Lincoln to expect. Instead, McClellan argued against confiscation of rebel property and interference with the institution of slavery. "A system of policy thus constitutional and conservative, and pervaded by the influences of Christianity and freedom, would receive the support of almost all truly loyal men, would deeply impress the rebel masses and all foreign nations, and it might be humbly hoped that it would commend itself to the favor of the Almighty." McClellan continued that victory was possible only if the president was pledged to such a policy. "A declaration of radical views, especially upon slavery, will rapidly disintegrate our present Armies" making further recruitment "almost hopeless."¹²⁶

Advice from a general, no matter how inappropriate, is one thing. But for a general to act on his own without consulting his commander-in-chief smacks of insubordination. In early June 1862, while the Army of the Potomac was still moving toward Richmond, McClellan had designated his aide, Col. Thomas Key to represent him in prisoner-of-war negotiations with the Confederates, represented by Howell Cobb. But McClellan went far beyond the issue at hand, authorizing Key to investigate the possibility of peace between the sections.

In response to Cobb's assertion that Southern rights could be protected only by independence, Key replied that "the President, the army, and the people" had no thought of subjugating the South but only desired to uphold the Constitution and enforce the laws equally in the States. McClellan apparently thought it was part of his duty to negotiate with the enemy on the terms for ending hostilities and to explain to that enemy the policies and objectives of his commander-in-chief without letting the latter know that he was doing so.

McClellan did not try to hide his efforts at peace negotiations from Lincoln. Indeed, he filed Key's report with Secretary of War Stanton and asked him to give it to the president. Stanton acceded to McClellan's request, but reminded him that "it is not deemed proper for officers bearing flags of truce in respect to the exchange of prisoners to hold any conference with the rebel officers upon the general subject of the existing contest."¹²⁷

McClellan's generalship was characterized by a notable lack of aggressiveness. He was accused of tarrying when John Pope's Army of Virginia was being handled very roughly by Lee at Second Manassas. Indeed, one of his corps commanders, Fitz-John Porter, clearly serving as a surrogate for McClellan, was court-martialed for his alleged failure to come to Pope's aid quickly enough. A month later, McClellan was accused of letting Lee slip away to fight another day after Antietam, and after another bout of inactivity, Lincoln relieved him.

¹²⁶ McClellan to Lincoln, July 7, 1862 in Stephen B. Sears, ed., *The Civil War Papers of George B. McClellan, 1860-1865* (New York: Ticknor and Fields, 1989), p. 344; and OR, Ser. 1, vol. XI, pt. 1, p. 73.

¹²⁷ For coverage and discussion of this entire issue, see Joseph Cullen, *The Peninsula Campaign of 1862: McClellan and Lee Struggle for Richmond* (Harrisburg: Stackpole Books, 1973), pp. 69-76 and OR, Ser. 1, vol. XI, pp. 1052-61.

Although there is little evidence to support the Republicans' charge that his lack of aggressiveness arose out of a near-treasonous sympathy for the South, McClellan's language and that of some of his officers was often intemperate. McClellan wrote his wife that "I have commenced receiving letters from the North urging me to march on Washington & assume the Govt!"¹²⁸ He also wrote her about the possibility of a "coup" after which "everything will be changed in this country so far as we are concerned & my enemies will be at my feet."¹²⁹

He did not limit the expression of such sentiments to private correspondence with his wife. Lincoln and his cabinet were aware of the rumors that McClellan intended to put "his sword across the government's policy." McClellan's quartermaster-general, Montgomery Meigs, expressed concern about "officers of rank" in the Army of the Potomac who spoke openly of "a march on Washington to 'clear out those fellows.'"¹³⁰ Such loose talk did not help McClellan or his army in Lincoln's eyes.

Lincoln understood that he must take action in order to remind the army of his constitutional role. He did so by disciplining Major John Key, aide-de-camp to general-in-chief Henry Halleck and brother of McClellan's aide, the aforementioned Col. Thomas Key. Lincoln wrote Key that he had learned Maj. Key had said in response to a query from a brother officer as to "why ... the rebel army [was not] bagged immediately after the battle near Sharpsburg [Antietam]" that "that is not the game. The object is that neither army shall get much advantage of the other; that both shall be kept in the field till they are exhausted, when we will make a compromise and save slavery."¹³¹

Lincoln dismissed Key from the service, despite pleas for leniency (and the fact that Key's son had been killed at Perryville), writing him that "it is wholly inadmissible for any gentleman holding a military commission from the United States to utter such sentiments as Major Key is within proved to have done." He remarked to John Hay "that if there was a 'game' ever among Union men, to have our army not take an advantage of the enemy when it could, it was his object to break up that game." At last recognizing the danger of such loose talk on the part of his officers and soldiers, McClellan issued a general order calling for the subordination of the military to civil authority. "The remedy for political errors, if any are committed, is to be found only in the action of the people at the polls."¹³²

It is easy to criticize McClellan, but his view of the war was not uncommon during its early phases. Even Lincoln deplored the potential resort to a "remorseless revolutionary struggle" against the South. But by the summer of 1862, he realized that the Confederacy would not relent unless the character of the war changed. There were substantial political risks for Lincoln and the Republicans, but he concluded that the only way to save the Union was to ratchet up the pressure. The successful Union generals were those who adapted to the changing circumstances. McClellan was not one of them.

One of the enduring fictions of the Civil War is that early in the war, Lincoln had to weed out incompetent generals before he found Grant and Sherman, while the Confederates were blessed from the outset with superior talent. The fact is that there was only one successful Confederate army: the Army of Northern Virginia under Lee. Its western counterpart, the Army of Tennessee, was consistently defeated by Union forces.

¹²⁸ McClellan to Mary Ellen McClellan, July 11, 1862, in *Civil War Papers*, p. 351.

¹²⁹ McClellan to Mary Ellen McClellan, August 10, 1862, in *ibid.*, p. 390.

¹³⁰ "General M.C. Meigs on the Conduct of the Civil War," *American Historical Review* 26 (1920-21), p. 294.

¹³¹ Record of Dismissal of John J. Key, Sep. 26-27, 1862, *CWL*, V, pp. 442-43.

¹³² *OR*, Ser. I, vol. 19, pt. 2, pp. 295-96.

So why did it take Lincoln so long to find his general? Why did Lincoln rely on McClellan rather than Grant or Sherman in 1862? The answer is that Grant's greatness was not apparent in 1862. Neither was Sherman's. Indeed, in 1862, there was little difference between McClellan and Grant concerning how to conduct the war. But Grant changed his view after the bloodletting at Shiloh. He realized that the South could only be subdued by hard fighting. McClellan still believed in "soft" war.

In addition, neither Grant nor Sherman acquitted themselves particularly well in battle during the early phases of the war. Grant had won a victory at Belmont, Missouri and captured Forts Henry and Donelson. He was also the victor at Shiloh, but both he and Sherman had been badly surprised at that battle. Indeed, Grant's army was very nearly destroyed. Thus it is unfair to both Lincoln and McClellan to compare the latter in 1862 to Grant and Sherman in 1864. Under the circumstance that prevailed at the beginning of the conflict, McClellan was Lincoln's only real choice.¹³³

Indeed, most of Lincoln's personnel choices make a great deal of sense when examined in context. Lincoln's first general-in-chief was Winfield Scott, recognized as the greatest American soldier between Washington and Grant.¹³⁴ But Scott, who had conducted a brilliant campaign that culminated in the capture of Mexico City during the Mexican War, was old and infirm when the Civil War began. Scott formulated the first Union strategy, the so-called Anaconda Plan, which provided the framework for the conduct of the war. But Lincoln was dissatisfied with Scott's advice regarding Fort Sumter, and the old general clearly lacked the necessary vigor to provide the required military leadership.

Lincoln replaced Scott as general-in-chief with McClellan, whose record was exemplary. He was first in his class at West Point, had served with distinction during the Mexican War, had been sent as an observer of the Crimean War, and after resigning his commission, had risen to president of the Illinois Central Railroad. At the outbreak of the war, McClellan had been offered command of the military forces of several states. He chose Ohio. He had defeated Confederate forces under Lee in western Virginia (now West Virginia), becoming the Union's first military hero. Lincoln appointed him both general-in-chief and commanding general of the Army of the Potomac. When Lincoln expressed concern that both jobs were too much for one man, McClellan replied, "I can do it all."¹³⁵

But Lincoln was right. As a field commander, McClellan could not properly carry out his tasks as general-in-chief, so Lincoln replaced him with Henry Halleck in the spring of 1862. Halleck was a true military intellectual who was commander of the Department of Missouri when Lincoln tapped him for general-in-chief. It was he who formulated the plan to use the Tennessee River as the "main line of operation" by which Union forces outflanked Confederate forces on the Mississippi River and in Kentucky. But as general-in-chief, Halleck was a disappointment to Lincoln, acting primarily as a conduit for communications between Lincoln and his generals.

Lincoln replaced Halleck with Grant in 1864. Grant was by far the Union's most successful field commander. Commanding the Army of the Tennessee, he snatched victory from defeat at Shiloh in April 1862, achieved victories at Corinth and Iuka in the fall of that

¹³³ See Thomas J. Rowland, *George B. McClellan and Civil War History: In the Shadow of Grant and Sherman* (Kent, OH: Kent State University Press, 1998).

¹³⁴ Timothy D. Johnson, *Winfield Scott: The Quest for Military Glory* (Lawrence: University Press of Kansas, 1998) and Allan Peskin, *Winfield Scott and the Profession of Arms* (Kent, OH: The Kent State University Press, 2003).

¹³⁵ Stephen W. Sears, *George B. McClellan: The Young Napoleon* (New York: Ticknor and Fields, 1988).

year, and after a masterful campaign, captured Vicksburg in July 1863. He subsequently was elevated to commander of Union armies in the West, in which capacity he oversaw the capture of Chattanooga in November 1863. As general-in-chief, Grant implemented Lincoln's strategy of concentration in time. During the Virginia Campaign of spring-summer 1864 and the siege of Petersburg, he made his headquarters in the field with the Army of the Potomac, largely because Lincoln had never quite forgiven its commander, George Meade, for failing to pursue Lee more vigorously after Gettysburg.¹³⁶

One of Lincoln's great strengths as commander-in-chief was his decisiveness in relieving failed generals. In this, he differed greatly from the Confederate president. In 1862, he relieved not only McClellan, but also John Pope after Second Manassas, Don Carlos Buell as commander of the Army of the Ohio (later renamed the Army of the Cumberland) and Ambrose Burnside, McClellan's successor, after the disaster at Fredericksburg. In 1863, he relieved Joseph Hooker as commander of the Army of the Potomac early in the Gettysburg campaign, and William S. Rosecrans after his Army of the Cumberland was mauled at Chickamauga. Lincoln described him as "confused and stunned, like a duck hit on the head."¹³⁷

In contrast, Jefferson Davis left Braxton Bragg in command of the Army of Tennessee long after his leadership was compromised by the opposition and resentment of his subordinate commanders. Davis's attitude toward his generals was driven by personality. One of the reasons Davis did not relieve Bragg was gratitude: he believed that Bragg had saved his life during the Mexican War. On the other hand, Davis fought with generals Joseph Johnston and P.G.T. Beauregard over supposed personal affronts.¹³⁸

Lincoln never let sentiment or his personal opinion of an officer get in the way of his assessment of the officer's military potential. He was willing to accept a great deal from his generals if they would give him victory. This is illustrated by two cases. On one occasion, Lincoln visited McClellan at his headquarters. McClellan was not present when the president arrived, so Lincoln waited. When McClellan returned, he went directly upstairs, although he knew Lincoln was there. Some time later, McClellan sent an orderly to advise Lincoln that the general had retired for the evening.¹³⁹ When his secretary, John Hay, criticized the president for permitting such an affront, Lincoln replied that "it was better at this time not to be making points of etiquette and personal dignity."¹⁴⁰

An even better example is the letter that Lincoln sent to Gen. Joseph Hooker when he appointed him commanding general of the Army of the Potomac in early 1863.

¹³⁶ On some of the difficulties Meade faced, see Eric J. Wittenberg, J. David Petrucci, and Michael F. Nugent, *One Continuous Fight: The Retreat from Gettysburg and the Pursuit of Lee's Army of Northern Virginia, July 4-14, 1863* (New York: Savas Beatie, 2008).

¹³⁷ Tyler Dennett, ed., *Lincoln and the Civil War in the Diaries and Letters of John Hay* (New York: Da Capo, n.d. [1939]), p. 106.

¹³⁸ William Davis, op. cit.: Steven E. Woodworth, *Jefferson Davis and His Generals: The Failure of Confederate Command in the West* (Lawrence: University press of Kansas, 1990); and James I. Robertson, Jr., "Braxton Bragg: The Lonely Patriot," in Gary W. Gallagher and Joseph T. Glatthaar, eds., *Leader of the Lost Cause; New Perspectives on the Confederate High Command* (Mechanicsburg, PA: Stackpole Books, 2004).

¹³⁹ Perret, *Lincoln's War*, p. 110.

¹⁴⁰ The Fehrenbachers, *Recollected Words*, p. 208. The Fehrenbachers judged as inauthentic a similar anecdote related by Perret, *Lincoln's War*, p. 111: that when McClellan did not attend a meeting with the president, Lincoln responded, "Never mind. I will hold McClellan's horse if he will only bring us success." *Recollected Words*, p. 332.

I have placed you at the head of the Army of the Potomac. Of course I have done this upon what appear to be sufficient reasons. And yet I think it best for you to know that there are some things in regard to which, I am not quite satisfied with you. I believe you to be a brave and a skillful soldier, which, of course, I like. I also believe you do not mix politics with your profession, in which you are right. You have confidence in yourself, which is a valuable, if not an indispensable quality. You are ambitious, which, within reasonable bounds, does good rather than harm. But I think that during Gen. Burnside's command of the Army, you have taken counsel of your ambition, and thwarted him as much as you could, in which you did a great wrong to the country, and to a most meritorious and honorable brother officer. I have heard, in such a way as to believe it, of your recently saying that both the Army and the Government needed a Dictator. Of course it was not *for* this, but in spite of it, that I have given you command. Only those generals who gain successes, can set up dictators. What I now ask of you is military success, and I will risk the dictatorship. The government will support you to the utmost of its ability, which is neither more nor less than it has done and will do for all commanders. I much fear that the spirit which you have aided to infuse into the Army of criticizing their Commander, and withholding confidence from him, will now turn upon you. I shall assist you as far as I can, to put it down. Neither you, nor Napoleon, if he were alive again, could get any good out of an army, while such a spirit prevails in it.

And now, beware of rashness. Beware of rashness, but with energy, and sleepless vigilance, go forward, and give us victories.¹⁴¹

One of the major challenges Lincoln faced with regard to his choices for high command was to satisfy the demands of different groups within the electorate whose support he needed to prosecute the war, especially War Democrats and German-Americans. For instance, one of the reasons that Lincoln did not sack McClellan sooner was that such a move would have agitated the Democrats, who revered him as an obstacle to what they took to be the radical policies of the Republicans and their abolitionist allies. These, the Democrats believed, were destined to ruin the Union and lose the war.

On occasion, this need for balance created problems. For example in the fall of 1862, Grant was preparing for a move south along the Mississippi Central Railroad to capture Vicksburg. Meanwhile, John McClernand, a War Democrat and friend of Lincoln from Illinois, convinced the president to permit him to raise an independent command in the Northwest also for action against Vicksburg. McClernand argued that Grant was moving too slowly and that raising the new force would rekindle the patriotism of the Northwest in the wake of the unpopular preliminary Emancipation Proclamation.

When Grant got wind of McClernand's actions, he telegraphed General-in-Chief Henry Halleck for clarification of his authority. Halleck assured Grant that he had control of all troops in his department, and then organized McClernand's force into two corps subordinate to Grant. McClernand complained to Lincoln, but the president backed Grant.¹⁴²

In general Lincoln performed effectively as a military leader. He understood what had to be done and then found the generals who could implement his vision. The Union may have possessed a material edge over the Confederacy, but it was necessary to develop and implement a strategy that would translate this advantage into victory. This Lincoln did.

¹⁴¹ To Gen. Joseph Hooker, Jan. 26, 1863, *AL*, pp. 693-94.

¹⁴² McPherson, *Battle Cry of Freedom*, pp. 577-8; *CWL*, VI, pp. 70-71; Grant, *op. cit.*, pp. 282-95.

Prudence and War

What can we say about Abraham Lincoln as war president? First and foremost, that he saved the Union. It is hard to imagine that anyone else among his contemporaries could have done what he did. Many were willing to let the Union go to pieces. Who knows how many “confederacies” there would now be on the North American continent had the view of James Buchanan and the Peace Democrats prevailed? Who knows when slavery would have ended? Who knows what would have become of a world without a United States to oppose a Hitler and a Stalin?

Many others would have pursued policies that lacked any element of consent. As Lincoln remarked on numerous occasions, public sentiment is critically important in a republic. In the absence of public sentiment, legislators cannot pass laws and presidents cannot execute them. Lincoln could have avoided war by making another of the base concessions that politicians had been making for several decades. But that would only have postponed the day of decision, making it unlikely that republican government could survive in North America, and since the United States was the “last, best hope of earth,” making it unlikely that republican government could survive *anywhere*.

Lincoln’s war presidency teaches us that, as important as institutions may be, they do not by themselves save republics when the latter are threatened. Lincoln’s war presidency teaches us the necessity of prudence for successful democratic statesmanship, and that citizens of a democratic republic respond to strong, principled leadership in time of crisis.

Lincoln set a high standard for leadership in time of war. He called forth the resources of the nation, he appointed the agents of victory, both civilian and military, he set the strategy, he took the necessary steps to restrain those who would cooperate with the disunionists, and he provided the rhetoric that stirred the people. Yet he did these things within a constitutional framework.

In our time, we face issues similar to those that confronted Lincoln. Once again, we face the perennial tension between vigilance and responsibility as the United States is the target of those who would destroy it. In all decisions involving trade-offs between two things of value, the costs and benefits of one alternative must be measured against the costs and benefits of the other. At a time when the United States once again faced an adversary who wished nothing less than its destruction, President George W. Bush correctly took his bearing from Lincoln, whose war presidency taught that prudence dictates that responsibility trumps vigilance in time of war. If those responsible for the preservation of the Republic are not permitted the measures to save it, there will be nothing left to be vigilant about.

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