



Lincoln and the Constitution at War

DEVELOPED BY JOHN BLESSING

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A majority, held in restraint by constitutional checks and limitations, and always changing easily, with deliberate changes of popular opinions and sentiments, is the only true sovereign of a free people.

Thus on March 4, 1861 Abraham Lincoln made the case for the integrity and the perpetuity of an unbroken and perpetual American Union during his first inaugural as the country came apart over slavery.

Summary

This lesson examines Abraham Lincoln's interpretation of the Constitution during the final year of the Civil War through an in depth analysis of four presidential telegrams. The telegrams concerned the publication of books, closure of newspapers by official order, recruitment of ex slaves by the Union army, and a petition for damages to the cotton crop. The telegrams offer a window into the mind of a president at war who needed to reconcile his exercise of authority with restraints on his power found in the Constitution. Referring to the U.S. Constitution and the telegrams themselves, the students will respond to a series of questions, which require them to judge the degree to which Lincoln acted within the limits of the Constitution.

Image Credit - Wikimedia Commons - <http://commons.wikimedia.org/wiki/File:Abrahamlincoln.jpg>

LESSON OVERVIEW

BACKGROUND

Abraham Lincoln was president of the United States during the American Civil War- the most momentous challenge the new republic faced up to that time. American Democracy was at stake. The Lincoln Telegrams project consists of over 300 telegram memos written by President Abraham Lincoln between March 1864 and April 1865, in the final days of the war. Utilizing the new technology of the telegraph, Lincoln managed war efforts, conferred with his generals, facilitated prisoner exchanges, and *issued orders* in his role as Commander in Chief. The subject of the telegrams ranged from military matters to invitations to the White House for dinner. Official war related business was the most common theme of the telegrams. The telegrams are a useful source of information on Lincoln's exercise of executive authority. Nearly all of the telegrams are official communications or orders, so they provide useful insight into his leadership style. They also raise fascinating questions about the role of chief executive, whose authority is derived from the U.S. Constitution. Such questions are particularly important in the context of Lincoln's relationship with Congress and the press.

The Civil War had raged over four long years of intense fighting. Lincoln was confronted with extraordinary and unique challenges in his role of Commander and Chief. For example, in addition to the financial and human costs of the war, he was faced with the reality that not everyone in Northern states supported the war against the South. These Confederate sympathizers wanted, in some cases, to sue for an early end to the conflict and in other cases engaged in outright sabotage behind enemy lines (i.e. in the North). Faced with these challenges, the telegrams provide a window into how Lincoln viewed his role of wartime commander under the Constitution.

GOALS AND OBJECTIVES

- To understand the powers granted to the president in the Constitution.
- To understand the concept of freedom of the press.
- To recognize that even in wartime there are limits on presidential power.
- To understand how Lincoln viewed his role as Commander and Chief.

MATERIALS

- Telegrams from President Lincoln on the following dates: May 18, 1864 / July 18, 1864 / August 6, 1864 / November 21, 1864
- U.S. Constitution Article One and Two/ Bill of Rights

ACTIVITY

To open, provide students with information taken from the **BACKGROUND** section above. Divide the class into 4 groups. Give each group a copy of the Student Handout, their telegram memo, a copy of Article One and Two of the Constitution, and the Bill of Rights. The students will be required to respond to a series of questions tailored for the specific Constitutional issues related to each telegraph. Students should read the analysis of their telegram on the Lincoln Telegrams wiki. Each group will present their view on the Constitutional issues presented. Regardless of their position, they will justify their argument by referring to the Constitution or the Bill of Rights.

STUDENT HANDOUT

Research the answers to each question as a group. Refer to your copy of the Constitution and Bill of Rights. Appoint one person as a scribe to record your responses. Prepare a response of at least one paragraph. Another person shall be appointed spokesperson and present your answers to the class at the end of the session.

Group 1: August 6, 1864 (3) / Horace Greely asked to confer with Lincoln prior to the publication of a book:

Question: Was Greely's right to publish a book in which he disagrees with the actions of the president protected by the Constitution? If so, identify where in the Constitution such a right exists? Did the reality that a war was being fought justify Lincoln's interference with a Constitutional right enjoyed by members of a free society?

Group 2: May 18, 1864/ Closure of Newspapers/ Freedom of the Press:

Question: Which amendment to the Constitution protects freedom of speech? Are there limits to freedom of speech? Should there be limits to freedom of speech? Why did Lincoln believe the newspapers were enough of a threat to justify their closure? Were Lincoln's concerns realistic under the circumstances?

Group 3: July 18, 1864/ Recruiting Ex Slaves/ Lincoln replies to General Grant

Question: Under the Constitution, which branch of government makes the laws? Did Lincoln have the constitutional authority to endorse Grant's request? If endorsing the request would further the aim of ending the war, should Lincoln have endorsed it?

Group 4: November 21, 1864/ petition for restitution of cotton crop

Question: In his response to the southern planter whose crop had been destroyed, was Lincoln acting within the scope of the powers of the president under the Constitution? Assuming the Constitution does not allow him to make restitution to the planter for the destruction of his crop, should he do it anyway? Why or why not? What does Lincoln's response suggest about his leadership style? What does his response suggest about his view of the scope of his presidential power?