

## INTRODUCTION

In his first public address after Congress passed a resolution proposing to the states a constitutional amendment to abolish slavery nationwide, President Abraham Lincoln called the measure “a King’s cure for all the evils.” For more than ten years, Lincoln had used medical analogies in speeches and debates when referring to slavery, likening it to a “wen or a cancer” that could not be cut out easily lest the patient “bleed to death.” War had changed circumstances, however, so that on February 1, 1865, Lincoln now could identify a cure.<sup>1</sup>

Lincoln also took the opportunity to make a pun with a deeper meaning. Doctors at the time prescribed evening primrose oil, also commonly called King’s cure-all, to remedy a variety of ailments. Lincoln had used the phrase “king-cure-all” once before, sarcastically, during an 1839 speech about the Democratic Party’s plan for where to secure the nation’s revenue. Lincoln now used the reference to acknowledge the complex and multifaceted nature of emancipation and to offer an optimistic opinion that the amendment would remedy the diverse problems caused by slavery.<sup>2</sup>

In hindsight, the amendment seems like an obvious means to accomplish a number of Lincoln’s goals. Well before the Civil War, Lincoln had recognized the threat that bondage posed to the ideals of the Declaration of Independence at home and to the United States’ reputation on the world stage. Moreover, Lincoln noted, slavery did more than endanger the principles imparted by the Founders; it challenged the very survival of the nation. As tension heightened in the

1850s, he asked, “Has any thing ever threatened the existence of this Union save and except this very institution of Slavery?” Morally, Lincoln had said of it, “If slavery is not wrong, nothing is wrong.” The Thirteenth Amendment eliminated all of these threats and wrongs with slavery’s immediate and nationwide abolition.<sup>3</sup>

Yet, the amendment actually broke with several of Lincoln’s long-held prior positions. For most of his political career, Lincoln thought the Constitution should not be changed. Well into his presidency, Lincoln argued that emancipation could take place only on the state level because the federal government had no jurisdiction to control slavery where it existed in states. Additionally, Lincoln recognized the difficulties with emancipation on the ground, and accordingly, he favored gradual emancipation schemes as the best way to ease all Americans, white and black, toward the end of slavery. Regardless of whether one believes that Lincoln was serious about the idea (he in 1854 admitted its impracticality), his proposal of colonization for the freedpeople emphasized his concern that the transition from a slave society to an integrated one would prove difficult for all Americans.<sup>4</sup>

In other ways, however, the Thirteenth Amendment synchronized with some of Lincoln’s long-held canons. By using the amendment process, Lincoln remained faithful to and worked within the Constitution, even while reforming it. Lincoln valued the will of the people, on which the amendment process relies, while the procedure outlined in the Constitution also moderated the threat that they could be impulsive decision makers. The amendment authorized Congress to enforce it with “appropriate legislation,” which harmonized with Lincoln’s view on the importance of the legislature, but this grant also maintained the separation of powers outlined in the Constitution because legislation is subject to presidential veto as well as to judicial review. Moreover, Lincoln saw in the amendment a way to shield federalism from the proposals of more radical Republicans. Amending the Constitution thus helped preserve one of its most important doctrines. Additionally, while Lincoln had to include the Confederate states in ratification so as to maintain consistency with his position that they had never seceded in the first place, doing so also fit with his generally lenient Reconstruction policy, and by

giving white Southerners a voice in the process, he hoped to ease their hostility to abolition.

The story of Lincoln and the Thirteenth Amendment, then, is one of viewpoints regarding constitutional doctrine, political possibilities, ending the source of sectional division, and race relations reconsidered and transformed in the context of wartime. The Thirteenth Amendment set emancipation and Reconstruction on a path different from the one Lincoln had envisioned when he took office, with long-term implications that last to the present day. Moreover, the Thirteenth Amendment let some important questions remain open: What did freedom actually mean under its vague wording? How would its mechanics work? Luckily, one can find Lincoln's answers in the incomplete record he left upon his unexpected death.

In writing this book, I made an explicit choice not to reference the recent movie *Lincoln*. Through this book, readers can and will see for themselves what *Lincoln* got right, where it took liberties, and where it followed a historical source without interrogating its accuracy. Also, I have silently adjusted punctuation and capitalization to fit the text.