

LINCOLN LORE

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LINCOLN'S REVERENCE FOR THE CONSTITUTION

Constitution Day offers a congenial atmosphere in which to appraise the extent of Abraham Lincoln's reverence for America's immortal document. Even in childhood Abraham was impressed with the great sacrifice which the fathers of our country made to achieve national independence culminating in the framing of the Constitution. Throughout his entire life there are many incidents which reveal that his reverence for the instrument grew until he was in accord with Webster who said: "It is the only Bond, of the Union of these States; it is all that gives us a national character."

There are three different periods in Lincoln's life when we find him reacting towards the Constitution in such a way as to imply that he looked upon this state paper as something to be revered far beyond any other code of laws in the land; in fact for him it approached the status of a fetish. In the first instance he is unwilling that it should be changed in any particular from the form in which it came from the fathers. Next, as President of the United States, finding his own power as chief executive limited by the instrument, he is fearful lest in any way he should violate the "Higher Power." Finally, when a great emergency appears Lincoln begins to view the Constitution from even a more elevated plane, and looks upon it as a vehicle by which humanity may be served.

The Unalterable Document

Congress at its first session in 1789 proposed ten articles known as the Bill of Rights, which were ratified and became a part of the Constitution and have so been considered along with two other amendments adopted in 1794 and 1804, respectively. All was the work of the fathers of the Republic. Lincoln, who was born in 1809 and died in 1865, although living to be fifty-six years of age, never witnessed a change in the Constitution. While he was serving as a Congressman from Illinois in 1847, he had occasion to make a speech in the House of Representatives which reveals that he then looked upon the Constitution as unalterable. By way of introduction Lincoln said that he wished to submit a few remarks on the general proposition of amending the Constitution:

"As a general rule, I think we would much better let it alone. No slight occasion should tempt us to touch it. Better not take the first step, which may lead to a habit of altering it. Better, rather, habituate ourselves to think of it as unalterable. It can scarcely be made better than it is. New provisions would introduce new difficulties, and thus create and increase appetite for further change. No, sir; let it stand as it is. New hands have never touched it. The men who made it have done their work, and have passed away. Who shall improve on what they did?"

We have lived to see his prophesy fulfilled that "new provisions would introduce new difficulties." The passing of the Twenty-first Amendment in order to repeal the Eighteenth is but one instance to illustrate his foresight. There is no better evidence of Lincoln's deep reverence for the Constitution than his wish to see it left unaltered. In fact he breathed the sentiment of the framers who acclaimed *Esto Perpetua*—may it be perpetual.

The Higher Power

When Lincoln became President he viewed the Constitution from a new angle, as it had specific things to say about his own duties. He began to look upon it as the "Higher Power." On one occasion he said, "I hope I may say nothing in opposition to the spirit of the Constitution." In Philadelphia where he "listened to those breathings rising within the consecrated walls wherein the Constitution of the United States . . . was originally framed and adopted" he assured the people that he hoped he would do nothing "inconsistent with the teachings of

these holy and most sacred walls." Upon reaching Washington just previous to the inauguration he informed the citizens gathered to greet him that he was anxious to give them all their rights under the Constitution, "not grudgingly but fully and fairly."

Lincoln's attitude towards the Constitution during his entire administration is well set forth in a letter which he wrote to A. G. Hodges of Lexington, Kentucky. It was in part as follows:

"It was in the oath I took that I would, to the best of my ability, preserve, protect, and defend the Constitution of the United States. I could not take the office without taking the oath. Nor was it my view that I might take an oath to get power, and break the oath in using the power."

As a preface to this statement Lincoln had made plain that the Constitution did not confer upon him the right to act upon his own judgment of feelings with respect to certain questions, and he concluded the argument by affirming that he had done no official act "in mere deference to my abstract judgment and feelings" about slavery.

On one occasion a distinguished judge had been arrested, and an appeal on his behalf had been made to Lincoln. After going over the evidence Lincoln wrote to one of the petitioners, "I must confess I was not very favorably impressed towards the judge," and continued, "The judge was trying to help a little by giving the protection of the law to those who were endeavoring to overthrow the supreme law—trying if he could find a safe place for certain men to stand on the Constitution, whilst they should stab it in another place."

It cannot be said that Lincoln allowed his own authority as an executive to strike at the sacred document which to him was the "Higher Power."

A Vehicle for Humanity

"Military Necessity" was the telescope through which Abraham Lincoln got a new view of the Constitution. It became a new instrument in time of war and clothed him as Commander-in-Chief of the Union forces with new power not available in times of peace. It was "Military Necessity" which authorized the Proclamation of Emancipation and the transition from this objective to the Thirteenth Amendment was not difficult to make. In reply to the committee which notified him of his nomination as President on the Union ticket in 1864 he said, "I approve the declaration in favor of so amending the Constitution as to prohibit slavery throughout the nation."

Lincoln's attitude towards the Thirteenth Amendment may seem to nullify this life-long stand against disturbing the Constitution as it came from the fathers. In debate with Judge Douglas as early as 1858 he had sensed the omission of an article in the basic law which he was now anxious to include.

Upon the passage of the Constitutional Amendment by Congress on January 31, 1865, Lincoln, in reply to a serenade at the White House, held in honor of the event, said: "This amendment is a king's cure-all for all evils. It winds the whole thing up. He would repeat that it was the fitting if not the indispensable adjunct to the consummation of the great game we are playing. He could not but congratulate all present—himself, the country, and the whole world—upon this great moral victory."

Here Lincoln looked upon the Constitution, when the newly proposed amendment would be incorporated in the sacred document, as a vehicle which would bring an eternal blessing to all the world. He did not live to see the amendment ratified by the required number of states before it finally became a part of the basic law, but he had no doubts about it eventually becoming a part of the Constitution of the United States.