

LINCOLN LORE

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THE THIRTEENTH AMENDMENT

The last day of January 1940 marked the seventy-fifth anniversary of the passing of the thirteenth amendment to the Constitution of the United States by the House of Representatives. On the day following, when Lincoln formally signed the amendment, he was serenaded at the White House and made the following brief speech as noted by the reporter:

"He supposed the passage through Congress of the constitutional amendment for the abolishment of slavery throughout the United States was the occasion to which he was indebted for the honor of this call.

"The occasion was one of congratulation to the country, and to the whole world. But there is a task yet before us—to go forward and have consummated by the votes of the States that which Congress had so nobly begun yesterday. (Applause and cries, "They will do it," etc.) He had the honor to inform those present that Illinois had already to-day done the work. Maryland was about half through, but he felt proud that Illinois was a little ahead.

"He thought this measure was a very fitting if not an indispensable adjunct to the winding up of the great difficulty. He wished the reunion of all the States perfected, and so effected as to remove all causes of disturbance in the future; and, to attain this end, it was necessary that the original disturbing cause should, if possible, be rooted out. He thought all would bear him witness that he had never shrunk from doing all that he could to eradicate slavery, by issuing an emancipation proclamation. But that proclamation falls short of what the amendment will be when fully consummated. A question might be raised whether the proclamation was legally valid. It might be urged, that it only aided those that came into our lines, and that it was inoperative as to those who did not give themselves up; or that it would have no effect upon the children of slaves born hereafter; in fact, it would be urged that it did not meet the evil. But 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."

It is doubtful if there had been a single incident during Lincoln's entire administration which had given him so much satisfaction as the passing of this amendment to the Constitution. It had not been easily accomplished and was the result of an intense political struggle in which the President had played an exceedingly important part. While Lincoln did not live long enough to see the work of Congress ratified by three-fourths of the states necessary to make the amendment become a law, he could clearly foresee the ultimate consummation of his most cherished ambition.

On December 8, 1863, the historic thirty-eighth Congress convened. The Emancipation Proclamation issued on January 1863 had been in force over eleven months. The President in his annual message discussed the practicability of emancipation and again urged the border states to consider seriously his oft-presented proposition concerning compensated emancipation.

Almost immediately after the session opened, Hon. James M. Ashley of Ohio and Hon. James F. Wilson of Iowa introduced resolutions in the House which were designed to amend the Constitution so as to abolish slavery in the United States forever.

Before one week of the session had passed Senator Henderson of Missouri introduced a joint resolution as an amendment to the Constitution which would abolish slavery forever. A month later Senator Sumner also submitted a resolution of similar character, and a third one with the same objective was prepared by Senator Trumbull. The latter was given precedent over the other two and it carried these two provisions:

"Article II

"Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

"Section 2. Congress shall have power to enforce this article by appropriate legislation."

It will be observed that Senator Sumner evidently copied his resolution from the ordinance of 1787 which had prohibited slavery in the northwest territory, and on March 28, 1864, he opened the debate on the measure. The amendment passed the Senate on April 8 by a vote of 38 to 6, but on June 15, when it was put to a vote by the House, it failed to receive the two-thirds vote necessary for its passage. The vote was 94 in its favor and 64 against it.

The House was advised before adjournment, however, that the measure would be brought up again at the next session of Congress. Representative Ashley warned the members that the question would be made an issue in the coming Presidential election of 1864 and that he hoped Congress would return "determined to engraft that verdict into the national Constitution."

The amendment was unanimously endorsed by the Union convention and President Lincoln also expressed himself as favorable to it. In his annual message on December 6 he said, "I venture to recommend the reconsideration and passage of the measure at the present session." It may be said that Lincoln used every honorable means to attain this end, and when the vote was counted on January 31, 1865, it showed that the amendment had carried by a vote of 119 to 56, an excess of seven votes over the two-thirds needed for passage.

One is reminded of Lincoln's early reaction towards molesting the Constitution. He said in a speech in the House of Representatives in 1847 when referring to 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?"

Although Lincoln was fifty-six years old when he died, the Constitution had not been amended during his life time until the dramatic moment near the very conclusion of his life. The previous amendment to the famous instrument had been made in 1804.

William Lloyd Garrison, in a lecture at Boston a few days after the passing of the thirteenth amendment, said:

"And to whom is the country more immediately indebted for this vital and saving amendment of the Constitution than, perhaps, to any other man? I believe I may confidently answer—to the humble railsplitter of Illinois—to the Presidential chain-breaker for millions of the oppressed—to Abraham Lincoln!"