

LINCOLN LORE

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LINCOLN'S ATTITUDE TOWARDS CONGRESS

One of the holograph writings of Abraham Lincoln discovered in the famous "Carpet Bag" container after Lincoln's death is known to students as the "Were I President" fragment. It allows us to observe Lincoln's attitude towards Congress long before he even contemplated such an honor might be his. In using the expression "Were I President" he is suggesting what Zachary Taylor, then presidential candidate, might say during the 1848 campaign with respect to certain questions of importance such as: The National Bank, the National Debt, the Mexican War Treaty, and finally the attitude of the President towards Congress.

With respect to the National Bank Lincoln wrote: "Were I President, I should not urge its reiteration upon Congress; but should Congress see fit to pass an act to establish such an institution I should not arrest it by veto . . ." With respect to the National Debt Lincoln reacted: "The particulars, it appears to me, must and should be left to the untrampled discretion of Congress." After some comment on the treaty with Mexico, Lincoln brings the memorandum to a conclusion with this affirmation:

"Finally, were I President, I should desire the legislation of the country to rest with Congress, uninfluenced by the executive in its origin or progress, and undisturbed by the veto unless in very special and clear cases."

In the same Taylor campaign Lincoln again commented on the President's relation to Congress in these words: "Can he (the President), in the nature of things, know the wants of the people as well as 300 other men coming from all the various localities of the nation? If so, where is the propriety of having a Congress." During this campaign much was said about the power of the Presidential Veto which caused Lincoln to comment on the floor of Congress July 27, 1848, with respect to transferring legislation from Congress to the President: "To thus transfer legislation is clearly to take it from those who understand with minuteness the interests of the people and give it to one who does not and cannot so well understand it."

Of course at this time Lincoln himself was a member of Congress and possibly he may have been influenced somewhat in giving this body of illustrious men the pre-eminence when compared with the administrative head. The historic position of the Whig party had called for a continual emphasis on curtailing the powers of the chief executive and now that they are trying to elect a President they did not swerve from this political concept.

There was an occasion when Lincoln made some remarks about Congress when he was neither a member of that body or even a nominee for the chief political office in the land. He would be occupying a neutral position as far as viewpoint is concerned and on a visit to Kansas in December 1859 he made this observation:

"We admit that the United States General Government is not charged with the duty of redressing or preventing all the wrongs in the world. But the government rightfully may, and subject to the Constitution

ought to, redress and prevent all wrongs which are wrongs to the nation itself . . . We must prevent these things being done by either congresses or courts. The people—the people—are the rightful masters of both congresses and courts,—not to overthrow the Constitution, but to overthrow the men who pervert it."

Abraham Lincoln on his way to the Inauguration occupied the position of President Elect and then approached the day when he would be looking at the relationship between the Presidency and Congress from the viewpoint of the chief executive. On February 15, 1861 at Pittsburgh he gave one of his longest speeches on the way to Washington and made this interesting comment:

"By the Constitution, the executive may recommend measures which he may think proper, and he may veto those he thinks improper, and it is supposed that he may add to these certain indirect influences to affect the action of Congress. My political education strongly inclines me against a very free use of any of these means by the executive to control the legislation of the country. As a rule, I think it better that Congress should originate as well as perfect its measures without external bias."

Once seated in the President's chair Lincoln found himself facing a civil war with no Congress convened to advise him and his only course of procedure seemed to be to do the best he could for the preservation of the Union trusting that Congress would sustain him.

Lincoln wrote a letter to O. H. Browning in September 1861 shortly after Fremont's proclamation on confiscating property, in which the President said: "The proclamation in the point in question is simply 'dictatorship.' . . . I do not say Congress might not with propriety pass a law on the point just such as General Fremont has proclaimed. I do not say I might not, as a member of Congress, vote for it. What I object to is, that I, as President, shall expressly or impliedly seize and exercise the permanent legislative functions of the government."

After Lincoln had been President for a year and a half and his apprenticeship in office had been served, he had an occasion to address Congress in his Annual Message on Dec. 1, 1862 in this manner.

"Fellow citizens of the Senate and House of Representatives.

"Fellow citizens we cannot escape history. We of this Congress and the administration will be remembered in spite of ourselves. . . .

"I do not forget the gravity which should characterize a paper addressed to the Congress of the nation by the Chief Magistrate of the nation. Nor do I forget that some of you are my seniors, nor that many of you have more experience than I, in the conduct of public affairs. Yet I trust that in view of the great responsibility resting upon me, you will perceive no want of respect yourselves, in any undue earnestness I may seem to display."

Certainly this was a statement showing marked respect for Congress and we have no reason to believe that it was other than sincere.