

Teaching American History Grant: Learning Experience 2008-2009
(Scott Maoriello – Wappingers Central School District)

Topic Title: Lincoln the War Leader

Date: 10/20/08

Grade Level: 11th Grade American History

Objectives:

- Interpret and understand several primary sources
- Comprehend the significance of President Lincoln's decisions in the early months of the Civil War
- Evaluate the constitutionality of Lincoln's decisions
- Understand the parts of the Constitution that relate to Congressional and Presidential war-making powers
- Analyze the long term impact of Lincoln's decisions

Essential Questions:

Was Lincoln's abuse of presidential power and violation of citizens' civil liberties necessary, and therefore justifiable, in order to "preserve the Union"?

Time Allotment: Two days

Vocabulary:

writ of habeas corpus	blockade	ex parte
commander in chief	border states	emancipation
insurrection	aggregate	abodes

Materials and Resources:

Students will be provided with a packet with several primary/secondary sources and guiding questions.

Progress of Secession Map http://www.teacheroz.com/Civil_War_Causes.htm

Scott's Plane (Snake blockade) Cartoon

http://en.wikipedia.org/wiki/Image:Anaconda_Plan.jpg

Lincoln Executive Order – April 25th 1861 (writ of habeas corpus)

http://www.presidency.ucsb.edu/abraham_lincoln.php

Lincoln Executive Order – April 27th 1861 (writ of habeas corpus)

http://www.presidency.ucsb.edu/abraham_lincoln.php

Ex Parte Merryman – May 25th 1861

<http://www.teachingamericanhistory.org/library/index.asp?document=442>

Lincoln Quote (Speech – response to Merryman ruling) – April 1861

http://www.vectorsite.net/twew_03.html

Lincoln Proclamation Calling for 75,000 Volunteers – April 15th 1861

http://www.presidency.ucsb.edu/abraham_lincoln.php

Lincoln Proclamation Calling for Additional Troops – May 3rd 1861

http://www.presidency.ucsb.edu/abraham_lincoln.php

Lincoln Proclamation for a Blockade – April 19th 1861

http://www.presidency.ucsb.edu/abraham_lincoln.php

Lincoln Proclamation for an Extension of a Blockade – April 27th 1861

http://www.presidency.ucsb.edu/abraham_lincoln.php

Vallandigham Speech in Congress – January 14th 1863

<http://www.teachingamericanhistory.org/library/index.asp?document=1479>

Letter Abraham Lincoln to Erastus Corning – June 1863

<http://memory.loc.gov/cgi->

[bin/query/r?ammem/mal:@field\(DOCID+@lit\(d2401700\)\)](http://memory.loc.gov/cgi-bin/query/r?ammem/mal:@field(DOCID+@lit(d2401700)))

Emancipation Proclamation - January 1863

http://www.presidency.ucsb.edu/abraham_lincoln.php

Procedure:

- *Introduction:* Students will view the front-page of a newspaper from 1861 with the caption “Union Dissolved”. Students will be asked to explain what this phrase means and also brainstorm a list of the major problems facing the newly elected President Abraham Lincoln. Students will be asked to remember throughout the lesson that Abraham Lincoln expanded the power of the presidency and helped define the role of Commander in Chief as he dealt with the secession of seven southern states.
- *Activity:* Abraham Lincoln, in preparation for the upcoming conflict with the Confederacy, made several controversial decisions between the fall of Ft. Sumter in April and the time of the first battle in July of 1861. Abraham Lincoln called for a special session of Congress to meet in July of 1861. Students will be broken up into cooperative groups. Each group will act as one specific committee in the Congress that is scheduled to meet in July of 1861. Each committee will investigate one specific decision Lincoln made during this time Congress was not in session. It is each Congressperson’s responsibility to decide if they approve or disapprove of the particular decision their committee investigated. (Only two of the six decisions did not happen in the early months of the Civil War. I will ask those committees to pretend those decisions that do not fit the chronology occurred before July of 1861.)
- *Activity:* In their committees, students will read the primary source/s provided in the packet and answer questions that relate to their issue. Once they finish discussing the answers to all the questions, each member of the committee should decide how they feel about Lincoln’s decision. They will start the process of writing a speech to be read in class tomorrow.
 - Starting the next day at least one member of each committee will read their speech to the other members of Congress. The entire committee should be prepared to answer specific questions about their decision so that every member of Congress can formulate their own individual opinion on the issue. It is important that students be reminded that their decision could have major consequences for the nation and the future of Lincoln’s presidency.

Assessment:

Each speech should answer two specific questions. Do you, as a member of the U.S. Congress, approve of the particular decision Lincoln made? Do you believe that Lincoln violated the Constitution? Each speech should contain the appropriate background or context for each decision. The context is important for the other members of Congress because they will need to understand significant facts such as vocabulary and constitutionality in order to make an informed analysis. In addition, each speech should give at least three specific reasons why the Congressperson is planning to approve or disapprove of that decision.

1. Suspending the writ of habeas corpus:

Abraham Lincoln, in April of 1861, realized how important it was to keep the states that still remained in the Union unified. Most of the Northern states were not a problem because they supported Lincoln and the Republican Party (major goal to stop the expansion of slavery). However, Lincoln worried about keeping the states in the upper South that had not yet left the Union from leaving. These states were located between the North and South. Lincoln had to keep these “border states” (Kentucky, Maryland, Delaware, and Missouri) in mind before making any decisions. These states were technically southern and had people supporting both sections inside of the state. Lincoln, in April of 1861, immediately suspended the writ of habeas corpus in these states. This enabled the Union military controlling these states to put any Confederate supporter in jail without charging them with a crime. One man, John Merryman, a known Confederate supporter was jailed for allegedly destroying railroad bridges in the state of Maryland. Merryman asked for a writ (court order) of habeas corpus because he was not charged with a crime. Chief Justice Taney stated in *Ex Parte Merryman* (the name of case) that Merryman should be released because his rights were violated. Taney believed that only Congress had the right to suspend the writ of habeas corpus. Abraham Lincoln ignored the Federal Court ruling and ordered the military to continue jailing any Confederate supporters.

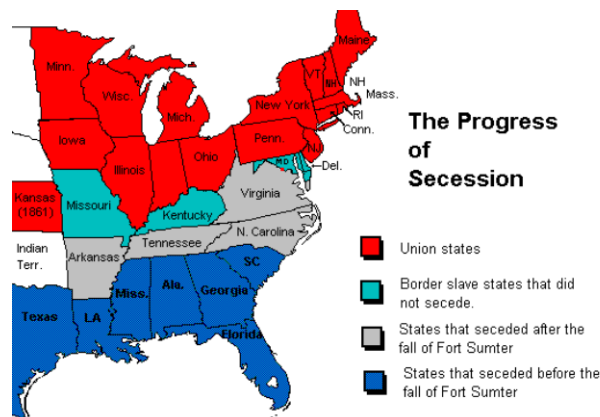
Map of border states.

Abraham Lincoln - April 25th 1861 to the COMMANDING GENERAL OF THE ARMY OF THE UNITED STATES

I therefore conclude that it is only left to the Commanding General to watch and await their action, which, if it shall be to arm their people against the United States, he is to adopt the most prompt and efficient means to counteract, even, if necessary, to the bombardment of their cities and, in the extremest necessity, the suspension of the writ of *habeas corpus*.

Abraham Lincoln - April 27th 1861 to the COMMANDING GENERAL OF THE ARMY OF THE UNITED STATES

You are engaged in suppressing an insurrection against the laws of the United States. If at any point on or in the vicinity of any military, line which is now or which shall be used between the city of Philadelphia and the city of Washington you find resistance which renders it necessary to suspend the writ of *habeas corpus* for the public safety, you personally, or through the officer in command at the point where resistance occurs, are authorized to suspend that writ.



1. What is the “writ of habeas corpus?”
2. What are the “border states” and why are they called the “border states”?
3. Why did Lincoln suspend the writ of habeas corpus? in the border states?
3. Refer to the section Constitutional Passages in the back of your packet According to Article I, Section 9, clause 2, (see second to last page) who can suspend the writ of habeas corpus and when can it be suspended? (Keep in mind - Article one describes the responsibilities of the legislative branch) Did Lincoln violate the Constitution?
4. What was Taney’s ruling in *ex parte Merryman*?
5. How did Lincoln respond to the *ex parte Merryman* ruling ?
6. As a member of Congress explain if you are prepared to support his decision.

2. Calling Troops:

Proclamation by Abraham Lincoln - April 15th 1861

Whereas the laws of the United States have been for some time past and now are opposed and the execution thereof obstructed in the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas by combinations too powerful to be suppressed by the ordinary course of judicial proceedings or by the powers vested in the marshals by law:

Now, therefore, I, Abraham Lincoln, President of the United States in virtue of the power in me vested by the Constitution and the laws, have thought fit to call forth, and hereby do call forth, the militia of the several States of the Union, to the aggregate (total) number of 75,000, in order to suppress said combinations and to cause the laws to be duly executed.

The details of this object will be immediately communicated to the State authorities through the War Department.

I appeal to all loyal citizens to favor, facilitate, and aid this effort to maintain the honor, the integrity, and the existence of our National Union, and the perpetuity (continuance) of popular government, and to redress (deal with) wrongs already long enough endured.

I deem it proper to say that the first service assigned to the forces hereby called forth will probably be to repossess the forts, places, and property which have been seized from the Union, and in every event the utmost care will be observed, consistently with the objects aforesaid, to avoid any devastation, any destruction of or interference with property, or any disturbance of peaceful citizens in any part of the country.

And I hereby command the persons composing the combinations aforesaid to disperse and retire peaceably to their respective abodes (homes) within twenty days from date.

Deeming that the present condition of public affairs presents an extraordinary occasion, I do hereby, in virtue of the power in me vested by the Constitution, convene both houses of Congress.

Senators and Representatives are therefore summoned to assemble at their respective chambers at twelve o'clock noon on Thursday, the fourth day of July next, then and there to consider and determine such measures as in their wisdom the public safety and interest may seem to demand.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this fifteenth day of April, in the year of our Lord one thousand eight hundred and sixty-one, and of the Independence of the United States the eighty-fifth.

Proclamation by Abraham Lincoln - May 3rd 1861

“Now, therefore, I, Abraham Lincoln, President of the United States and Commander in Chief of the Army and Navy thereof and of the militia of the several States when called into actual service, do hereby call into the service of the United States 42,034 volunteers to serve for the period of three years, unless sooner discharged, and to be mustered into service as infantry and cavalry. The proportions of each arm and the details of enrollment and organization will be made known through the Department of War.”

“And I also direct that the Regular Army of the United States be increased by the addition of eight regiments of infantry, one regiment of cavalry, and one regiment of artillery, making altogether a maximum aggregate (total) increase of 22,714 officers and enlisted men, the details of which increase will also be made known through the Department of War.”

“And I further direct the enlistment for not less than one or more than three years of 18,000 seamen, in addition to the present force, for the naval service of the United States. The details of the enlistment and organization will be made known through the Department of the Navy.”

1. How does Lincoln explain his ability (reasons why he can) to issue the April 15th proclamation?
2. What was Lincoln asking for in the April 15th proclamation? (be specific)
3. According to Lincoln's April 15th proclamation, what will be the “first service” of these men?
4. What does Lincoln ask Congress to do in the April 15th proclamation?

5. In Lincoln's May 3rd proclamation he refers to himself as the president of the United States and what? What do you think this title gives him the power to do?
6. Refer to the section Constitutional Passages in the back of your packet -Who, according to Article I, Section 8 Clause 12 of the constitution, has the power to raise an Army? (Remember Article I deals with the legislative branch)
7. Explain if Lincoln's proclamation an unconstitutional action.
8. As a member of Congress, explain if you are prepared to support his decision.

3. Union Blockade:

Proclamation by Abraham Lincoln - April 19th 1861

"Whereas an insurrection (rebellion) against the Government of the United States has broken out in the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas, and the laws of the United States for the collection of the revenue cannot be effectually executed therein conformably to that provision of the Constitution which requires duties to be uniform throughout the United States:

I, Abraham Lincoln, President of the United States, with a view to . . . the protection of the public peace, and the lives and property of quiet and orderly citizens pursuing their lawful occupations, until Congress shall have assembled and deliberated on the said unlawful proceedings, or until the same shall ceased, have further deemed it advisable to set on foot a blockade of the ports within the States aforesaid, in pursuance of the laws of the United States, and of the law of Nations, in such case provided. For this purpose a competent force will be posted so as to prevent entrance and exit of vessels from the ports aforesaid. If, therefore, with a view to violate such blockade, a vessel shall approach, or shall attempt to leave either of the said ports, she will be duly warned by the Commander of one of the blockading vessels, who will endorse on her register the fact and date of such warning, and if the same vessel shall again attempt to enter or leave the blockaded port, she will be captured and sent to the nearest convenient port, for such proceedings against her and her cargo as prize, as may be deemed advisable." Abraham Lincoln - April 19th, 1861

Proclamation by Abraham Lincoln - April 27th 1861

"Whereas since that date (April 19th Proclamation) public property of the United States has been seized by persons claiming to act under authorities of the State of Virginia and North Carolina, an efficient blockade of the ports of those States will also be established."

1. What is the purpose of the first proclamation and what is the purpose of the second proclamation? (Be specific)
2. What is a blockade?
3. How will this proclamation hurt the Confederacy's ability to wage war?



4. How does Lincoln justify making this proclamation?
5. Refer to the section Constitutional Passages in the back of your packet - According to the Constitution, Article II, Section 2, Clause I, does the President of the United States, the Commander in Chief have the authority to order a blockade? (Explain your answer) Do you believe he has the power as “commander in chief” to order a blockade?
6. Refer to the section Constitutional Passages in the back of your packet -Who has the power to declare war, according to Article I, Section 8, Clause 11 of the Constitution? (Remember – Article I is talking about the legislative branch)
7. Keeping in mind the setting of war and his role as Commander in Chief – did Lincoln commit an “act of war” and therefore declare war without Congressional approval? Explain if you approve or disapprove of his decision.
8. As a member of Congress, explain if you are prepared to support his decision.

4. Taking money from US Treasury:

Abraham Lincoln, after ordering the blockade of Southern ports and making a proclamation of troops, recognized the need for money. Lincoln immediately withdrew \$2,000,000 for military purposes from the US Treasury.

1. Refer to the section Constitutional Passages in the back of your packet -According to Article I Section 9 Clause 7, who has the power to spend money and appropriate (distribute) funds?
2. As a member of Congress, explain if you are prepared to support his decision.

5. Suspending Newspapers

The anti-war New York "World" on May 18 published a false presidential proclamation listing the recent battles and setting aside a day for public humiliation and prayer. It also printed a false call for conscription of 400,000 men. [A conscription was looming, in fact, but this wasn't it.]

The day it appeared, Lincoln sent Gen. John A. Dix an order:

Whereas, there has been wickedly and traitorously printed and published this morning, in the New York World and the New York Journal of Commerce, ... a false and spurious proclamation purported to be signed by the President ... which publication is of a treasonable nature, designed to give aid and comfort to the enemies of the United States and to the rebels now at war against the Government and their aiders and abettors, you are therefore hereby commanded forthwith to arrest and imprison ... the editors, proprietors and publishers of the aforesaid newspapers, and all such persons as, after public notice has been given of the falsehood of said publication, print and publish the same with intent to give aid and comfort to the enemy; and you will hold the persons so arrested in close custody until they can be brought to trial before a military commission for their offense. You will also take possession by military force, of the printing establishments of the New York World and Journal of Commerce, and hold the same until further orders, and prohibit any further publication therefrom. Abraham Lincoln May 1864

Dix took newspaper managers into custody. He seized the newspaper offices and held them under military guard for three days.

1. What did the New York World publish on May 18th?
2. What did Lincoln order General Dix to do?
3. Why – according to his letter – did Lincoln believe that this was necessary to do? Choose some statements from Lincoln's letter - copy them below, and explain their meaning.
4. Refer to the section Constitutional Passages in the back of your packet – Was this Constitutional? Explain.
5. As a member of Congress, explain if you are prepared to support his decision.

6. Emancipation Proclamation:

*****Lincoln made this proclamation about halfway through the Civil War. However, this action proved to be quite controversial. Therefore, as Congressmen you should examine this decision for its constitutionality and necessity.*****

Proclamation by Abraham Lincoln – September 22nd 1862

“Whereas on the 22nd day of September, A.D. 1862, a proclamation was issued by the President of the United States, containing among other things, the following, to wit: That on the 1st day of January, in the year of our Lord 1863, all persons held as slaves within any state or designated part of a state, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free...

...And I further declare and make known that such persons of suitable condition will be received into the armed services of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service . . .”

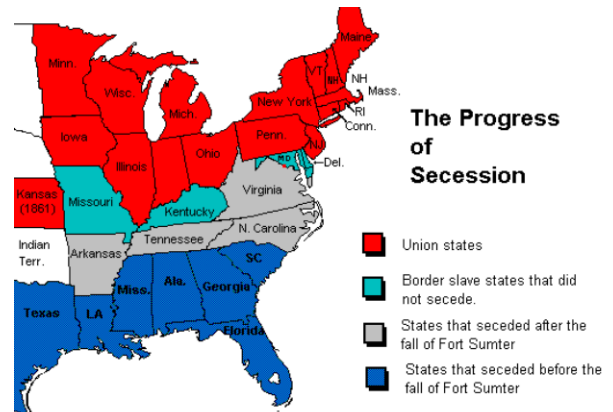
... Now I, therefore, Abraham Lincoln, President of the United State, by virtue of the power in me vested in me as Commander-in-Chief of the Army and Navy of the United States in time of actual armed rebellion against authority and government of the United States, and as a fit and necessary war measure for suppressing said rebellion . . .”

... And upon this act, sincerely believed to be an act of justice, warranted by the Constitution, upon military necessity . . .”

1. According to the first paragraph, what is the purpose of this proclamation?
2. Lincoln states clearly that this proclamation only pertains to those states that shall “be in rebellion against the United States”? This proclamation did not pertain to the northern states. What states were not in rebellion and therefore will not be effected by the proclamation?

3. Keeping in mind your answer to number two - why did Lincoln make this proclamation pertain to those states only in rebellion?

4. What does the second part of this excerpt of the Emancipation Proclamation do?



5. Does Lincoln’s Proclamation violate Southern Slaveholders 5th Amendment right to due process before taking property? How might Lincoln respond to this claim?
6. According to the last line of the proclamation, why does Lincoln believe he has the power, as Commander in Chief, to issue the proclamation?
7. How will this proclamation damage the Confederacy’s ability to fight the war?
8. As a member of Congress, explain if you are prepared to support his decision.

CHARLESTON MERCURY EXTRA:

*Passed unanimously at 1.15 o'clock, P. M., December
20th, 1860.*

AN ORDINANCE

*To dissolve the Union between the State of South Carolina and
other States united with her under the compact entitled "The
Constitution of the United States of America."*

*We, the People of the State of South Carolina, in Convention assembled, do declare and ordain, and
it is hereby declared and ordained,*

That the Ordinance adopted by us in Convention, on the twenty-third day of May, in the year of our Lord one thousand seven hundred and eighty-eight, whereby the Constitution of the United States of America was ratified, and also, all Acts and parts of Acts of the General Assembly of this State, ratifying amendments of the said Constitution, are hereby repealed; and that the union now subsisting between South Carolina and other States, under the name of "The United States of America," is hereby dissolved.

THE
UNION
IS
DISSOLVED!

Introduction:

1. What newspaper is it?
2. What city and state?
3. What is the date of the publication?
4. What does it mean when they declared "Union Dissolved"?
5. What was the immediate major cause of this event?
6. If you were the president elect – and six other states followed the lead of the state mentioned in the newspaper – what would be your first three priorities?

For members of Congress:

It is July 4, 1861. This is the first time Congress has met since the beginning of the Civil War on April 12, 1861. You are the remaining members of Congress after the Southern states have left the Union. In the past few months Abraham Lincoln made several controversial decisions in order to prepare for the first battle of the Civil War. You are all members of Congress and the Legislative branch. Your job is to legislate or make laws. However, you also have an obligation to approve or disapprove of presidential actions. Therefore you must examine the Constitution to decide if these actions are acceptable. **It is your primary responsibility to evaluate the decisions made by President Abraham Lincoln and decide if they should be approved.** As members of Congress and lawmakers, you should refer to the parts of the Constitution provided (on the last page). It is the Judicial Branch's job to interpret law, but it is your job to approve Lincoln's actions and the constitutionality of those actions should impact your decision. The following packet has been provided for each member of Congress - which outlines the details and background of each major decision – as well as primary sources issued by Lincoln. The Speaker of the House has been kind enough to provide questions for each Congressman to answer. These questions must be answered in order to summarize the events of each situation. Use the excerpts of the Constitution provided on the last page to decide if Lincoln's actions were constitutional.

Keep the following in mind as you complete your packet:

- Lincoln's primary goal during the war was to "preserve the Union" at all costs.
- Should Lincoln be given more power during wartime?
- Did Lincoln abuse his power? If yes, what should be done to Lincoln?
- Could Lincoln learn from any former presidents or leaders on how to act in this situation?
- What does the "commander in chief" role really mean in 1861?
- Were Lincoln's actions Constitutional?
- Can Congress approve Lincoln's decisions, even if they are unconstitutional?
- Will this weaken the power of Congress if they let Lincoln act in this powerful manner?

Once each Congressperson has been briefed and debated each issue in their specific committees; Congress will meet in an open session. One person from each committee will be asked to give a speech in favor or against one of the decisions President Lincoln made. Everyone in the committee should be prepared to answer questions on their issue and take notes on the other information presented by other committees. We will vote tomorrow.

