

Abraham Lincoln's
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Until Abraham Lincoln issued the preliminary Emancipation Proclamation on 22 September 1862, the President's enunciation of Civil War aims centered squarely upon the restoration of the Union, and purposefully omitted the inclusion of the abolition of slavery. Dismantling the institution of slavery was not his ultimate objective, and Lincoln was forced to pursue a war strategy that would not push the slaveholding border -states into the open arms of the Confederacy. General John C. Fremont, however, living up to his reputation for impulsive acts and liberal interpretations of his own authority, proclaimed the freedom of any slave confiscated under his command in Missouri. This order ran counter to Lincoln's war strategy and threatened to deliver Kentucky and other border - states to the Confederacy. Nevertheless, although Fremont's decision was injudicious and unconstitutional according to Lincoln, the conditions in Missouri, the strategic importance of holding that state, and the latitude given by the ministration to Fremont in his western department command, indicate that his order may have had military and political value, but that it was ill-timed.

As a result, Lincoln did not censure or relieve Fremont for this particular act, but congenially asked him to amend his proclamation to avert unwanted political and military consequences. Lincoln's belief in the utility of emancipation as a tool to defeat the South was demonstrated a year later with the issuance of the Emancipation Proclamation. In the course of a lifetime, each person will act and react in various ways when he or she is confronted with particular circumstances and situations. While individual expressions of behavior can be misleading, partners of behavior can reveal true character and values. Fremont is no exception. Long before he

proclaimed the slaves of Missouri's Confederate sympathizers to be free, Fremont frequently acted and interacted in a manner that indicated an aversion to authority, an enduring pride, and an impulsive and independent nature. The strength of these characteristics will be made clear in a discussion of his emancipation order, but first it is necessary to examine a selection of Fremont's earlier experiences so that the order can be put in better perspective.

Fremont is best known for his role as an instrument of America an Empire as he surveyed and mapped the burgeoning American frontier. Joining the Army Corps of Topographical Engineers in 1838, he led expeditions in 1841, 1843, 1845, 1848, and 1853 that explored areas of the North American continent ranging from the region between the Upper Mississippi and Missouri rivers to the Pacific coast. These expeditions earned Fremont a national reputation and the celebratory title of " Pathfinder." They also instilled in him a tendency towards independent and reactive behavior as he adapted to the demands of the trail.[1] Operating far from the center of national authority in Washington, Fremont exercised his own judgment in the wilderness. In his expeditions, Fremont's free -agent mentality was a liability at times. For example, the preparations for his second expedition (1843) included the acquisition of a twelve -pound brass howitzer —a heavy armament for an ostensibly peaceful, non -military undertaking. Beginning in St. Louis, Fremont and his party followed a circuitous route t o the Pacific coast, al the while unaware that Colonel John J. Albert, head of the Army Corps of Topographical Engineers, had requested that Fremont explain the necessity of the howitzer. Upon his return, Fremont was met by Albert's reprimand.

He had transported a howitzer without authorization into disputed territory when U. S. relations with the parties to the dispute, Mexico and Great Britain, were fragile. His action threatened to further complicate the situation, and illuminated Fremont's disregard for national policy that would later express itself so vividly in his emancipation order. Throughout early 1846, tensions rose between the United States and Mexico following the December 1845 decision by Congress and President Polk to annex Texas. At that time, Fremont was concluding his third expedition, which had brought him to California. Upon arrival, he and his party did not receive a warm reception from the Mexican administrators of the province, and they quickly drew the wrath of General Jose Tiburcio Castro when some of the men insulted the virtue of his daughters. General Castro soon ordered Fremont out of the province. Viewing this command as an affront to his personal prestige and equating that with an affront to his country, Fremont, emboldened by patriotism, stood fast in his conviction to resist. Outside of Monterey, he and his heavily armed men occupied Gabilan Peak, engaging General Castro's forces in a military standoff that lasted several days. Acting with bellicosity, Fremont sent hostile messages to California's Mexican authorities.

Finally, Fremont's party slipped away during the night of 9 March 1846, but this confrontation marked the beginning of fighting between the United States and Mexico in California.[2] The question of whether Fremont acted without explicit orders in this incident has not been resolved, but evidence suggests that he did. Fremont claimed that his intentions upon entering California in December 1845 were scientific, not martial in nature.

Nonetheless, while there he constantly hinted that he had received secret

orders from the Polk administration regarding war and later stated, " I was but a pawn, and like a pawn, I had been pushed forward to the front at the opening of the game.[3]" In portraying himself in this way, Fremont insisted that although an official state of war did not exist between the United States and Mexico, all the communications that he had with the administration's agents pointed to the imminence of war. He did not claim, however, that he had the official sanction of the administration for his belligerent actions, admitting that he acted on his own responsibility.[4] Indeed, his wife and greatest advocate, Jessie Benton Fremont, said that she " had no sympathy for the war nor has Mr. Fremont.

Fighting is not his aim, and though he threw all his energy into the affair... it was as if revenging a personal insult for he knew nothing of the war"[5] On August 17, 1846, Commodore Robert F. Stockton proclaimed California to be U. S. soil following the disbandment of the Mexican forces under the command of General Castro and the dissolution of the provincial government. Thus, the fighting that Fremont had begun at Gabilan Peak came to an end —at least for a while. Rejecting U. S. governance, California[6] in Los Angeles revolted under the leadership of Jose Maria Flores in September.[7] After battling for months, Flores sought a ceasefire so that each side would have the opportunity to confirm rumors that the United States and Mexico had made peace. Stockton refused, however, demanding unconditional surrender. Fremont, though, had other plans. Extending an olive branch to the Californians, he negotiated and concluded a peace, reaching agreement on seven " Articles of Capitulation." [8] Just as

Fremont was responsible for the outbreak of U. S. -Mexican hostilities in California, he was also responsible for their final cessation.

In each instance he acted without authorization. In the lead up to the 1856 presidential election, three political parties seriously considered nominating Fremont. Subscribing to the free soil ideology, he could not accept a Democratic Party nomination that was conditioned upon his support of the Kansas -Nebraska Act and the Fugitive Slave Law. Conversely, the Republicans' opposition to the extension of slavery, the repeal of the Missouri Compromise, and the Kansas -Nebraska Act was in line with Fremont's position regarding slavery. The Know - Nothing Party, however, had also settled upon him as their first choice nominee, but it had little chance of winning the presidency. After employing some political acrobatics to avoid having Fremont's candidacy undermined by an affiliation with the Know -Nothings[9], the Republicans were able to nominate Fremont. The Republicans eagerly seized upon Fremont's heroic and romantic appeal as the " Pathfinder," and promoted their candidate through the use of the slogan " Free Soil, Free Men, Fremont."

Despite their whole-hearted efforts, including Abraham Lincoln's delivery of speeches on the candidate's behalf, it was clear that Fremont was ill-suited for the position he sought to win. He was largely ignorant of national politics, particularly within the legislative realm, and instead of taking an active role in his campaign; he increasingly withdrew as attacks on his character and past acts mounted. With this reaction, Fremont revealed his inability to effectively cope with adversity, although his handlers exploited his self-imposed seclusion by playing upon his " pathfinder" image to build

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mystique. Nevertheless, on Election Day, Fremont was defeated by the Democratic candidate, James Buchanan. This result relieved many Fremont supporters who had come to realize that his leadership of small expedition parties and his survey work had not prepared him for the trials and tribulations of the political arena. Before leaving for Europe in early 1861 with the objective of raising capital for his holdings at Las Mariposas in California, Fremont visited with president-elect Lincoln in New York City.

At that meeting, he expressed his desire to receive a commission to lead an army in the field should hostilities commence between the United States and the southern states that had seceded. Not long after arriving in Europe, he learned that the Union and the fledgling Confederate States of America were at war and that he would be granted the commission that he had requested. Fremont made preparations to return home and took it upon himself to contract for armaments in Great Britain and France on behalf of the U. S. government. No orders had been forwarded to him to this end, and he had had no communications with anyone in the administration that could have been construed as a tacit endorsement of these arrangements. Fremont, seeing this course of action as advantageous to his country's cause, did not consult with the administration to find out whether it was congruent with President's war supply plans.[10] Later, as commander of the Western Department, that ingrained approach to decision-making would create friction between Fremont and the President.

Fremont's independent mind-set, interminable personal pride, liberal interpretation of orders, and overestimation of his own authority meant that as the commanding general of the Western Department it was inevitable

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that he would come into conflict with his superiors in the administration. It was the conditions in Missouri, however, that made it certain that this would occur sooner rather than later. Commissioned as a major-general by President Lincoln, Fremont assumed the command of the Western Department on 25 July 1861. The Department was comprised of the state of Illinois and the states and territories west of the Mississippi River and east of the Rocky Mountains, including New Mexico, with Fremont's headquarters located in St. Louis, Missouri[11]. In taking charge of his command, Fremont was well aware of the difficult circumstances in Missouri, having been briefed by Lincoln and having received a dispatch from General John Pope detailing the conditions in the state and of the Union troops stationed therein.[12]

General Fremont surely had his work cut out for him. The state of chaos in Missouri that had been communicated to Fremont by Lincoln and Pope derived from deep divisions among the people. The sympathies of Missourians were split between the North and the South, but even in the Union camp there was a further division between those supporting and opposing slavery. Guerrilla warfare had begun in the 1850s, as pro-slavery and anti-slavery forces clashed at the Missouri-Kansas border over whose interests would dominate in the new popular sovereignty state of Kansas. Secession and Civil War only added to the violence and destruction of property that resulted from this conflict of interests. In a convention called to debate and vote upon secession in March 1861, the state, through its delegates, decided to remain in the Union, despite the fervent opposition of Governor Claiborne Fox Jackson. Jackson, however, retained authority over the pro-Southern state militia and directed them, under the leadership of

General Sterling Price, to seize a Federal arsenal at Liberty, Missouri. He also rejected President Lincoln's April 1861 call for troops and appealed to confederate President Jefferson Davis to provide him with artillery to aid in the taking of the large U . S. arsenal at St. Louis.

Countering this mobilization against the U. S. government, Francis P. Blair[13] and U. S Army Captain Nathaniel Lyon[14] organized a Union force from among the state's loyal residents. Blair and Lyon were able to prevent Jackson's militiamen from taking the arsenal, but conditions in Missouri remained as divided and hostile as ever. Fremont arrived on the scene in Missouri shortly after the Union defeat at Bull Run, an event which inspired increased guerilla warfare as secessionists, given a surge of confidence by the Confederate victory, sought to loosen the control of Union forces in the state. [15] By his own account, Fremont had found the state in a precarious position, recalling in his memoirs that, In Missouri, all operations had to be initiated in the midst of upturned and revolutionary conditions and a rebellious people, where all laws were set in defiance. In addition to the bodies of armed men that swarmed over the state, a Confederate force of nearly 50, 000 men was already on the southern frontier...their movement was intended to overrun Missouri, and, supported by a friendly population of over a million, to seize upon St. Louis and make that city a center of operations for the invasion of the loyal states.

Thus, Fremont faced the dual task of quelling partisan activities throughout the state while also undertaking maneuvers to eliminate the serious threat posed by Confederate troops seeking to capture Missouri. The deficiencies in supply and the lack of an adequate force of well-trained soldiers made these

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efforts more difficult. Met with a dearth of supplies and an army that was largely unequipped and untrained, much of General Fr6mont's time in Missouri was initially consumed by efforts to acquire provisions, reinforcements, and officers for his department. Fremont desperately sought to remedy the supply problems, and thereby raise the effectiveness of his force and staunch the declining morale of the Union fighting men. Union forces in Missouri had not received their full pay[16] and many, such as those serving under General Lyon, wore shoes unfit for marching and lacked sufficient clothing.[17] Fremont and other generals feared that the many men whose three -month term of enlistment would so on expire would return home rather than re-enlist.[18] Adding substantially to these concerns was the inexperience of the newest enlistees.

According to Fremont, the freshly enlisted troops were " completely unacquainted with the rudiments of military exercise. To bring them before the enemy in their present condition would be to have only an unmanageable mob." [19] He believed that this deficiency could be overcome if he were authorized by the President and Secretary of War to recruit experienced officers fro m throughout the North to join him in the west. " With them, I could make a skeleton -meager enough, but still a frame-work-on which to form the army." [20] Nevertheless, men without arms, no mater what their skill or background, would be handicapped in their defense of Missouri. Off all the privations suffered by Union troops in Missouri, want of arms was seen as the most serious by Fremont. 27 He had been told of the state's needs before assuming command in late July, and had spent three weeks in New York City prior to his arrival making

arrangements for the purchase of arms and equipment to be delivered to St. Louis. Instead of going to the troops in Missouri, though, they were diverted for use in Virginia. In addition, Fremont sought to have the armaments that he had purchased in Europe forwarded to his department, and had correspondence with Secretary of State Seward to this effect.

Despite repeated requests for armaments and depictions of Missouri as a state in severe crisis, the needs of Fremont's command went largely unfulfilled. With a surfeit of guerrilla warfare and Confederate forces massing in preparation for an invasion, the charge of preserving Missouri for the Union was not an easy one. To suppress or eliminate the various threats to Union control, General Fremont, operating without the benefit of an adequate number of arms, funds, equipment, or experienced officers and fighters, came to the conclusion that radical action was necessary. It should be stated, and it will later be discussed, that military imperatives were not entirely responsible for this action. On 30 August 1861, General Fremont issued a proclamation from his headquarters in St. Louis that declared that he, the commanding general of the Western Department, would assume the administrative powers of the state of Missouri. As justification for this order, Fremont cited the state's "disorganized condition, the helplessness of the civil authority, the total insecurity of life, and the devastation of property by bands of murders and marauders..." [21]

With this proclamation he extended the reach of martial law over all of Missouri, and while his announced policy of execution for armed resistance by guerrillas aroused controversy, the section of the order dealing with the disposition of the property of Confederate sympathizers was of greater

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consequence. The pertinent text of the proclamation read: [t]he property, real and personal, of all persons in the state of Missouri who shall take up arms against the United States, or who shall be directly proven to have taken an active part with their enemies in the field, is declared to be confiscated to the public use, and their slaves, if they have any, are hereby declared freemen. The language of the proclamation was clear. The slaves of any Missourian who demonstrated their allegiance to the Southern cause through military support of the Confederacy would be seized by Union forces and liberated.

Fremont, in open discourse, [22] described this measure as a vital component of his larger effort to induce Confederate men at arms to return to their homes, to discourage open expressions of Southern sympathy, and to reduce the capacity of Confederate forces to wage war. In fact, the general anticipated that the effect of his proclamation would be equal to that of a decisive battle. Responding with great alacrity to the news of Fremont's order, the President registered his concerns in a letter to the general on the 2nd of September, urging him, without even a hint of chastisement, to amend his proclamation. Citing the tenuous political situation in Kentucky, Lincoln suggested that the paragraph containing the emancipation order be changed so that it would conform to the first and fourth sections of the act of Congress titled " An act to confiscate property used for insurrectionary purposes." [23] In essence, this revision would have left the proclamation fully intact besides the elimination of the portion providing for the liberation of slaves. Fremont could not be easily persuaded, however, because part of the impetus for the emancipation order had been political.

He had sought to redefine the Union's war policy without consulting with or receiving the approval of the government. Soon after the issuance of the emancipation order, the President became aware that it had partially been motivated by Fremont's political designs, not just military necessity; Jessie Benton Fremont gave him the proof. Following his receipt of Lincoln's initial cautionary, but friendly letter asking him to amend his proclamation, Fremont sent his wife to Washington to hand deliver his response and to provide any additional information that the President might seek regarding the issue. Arriving fairly late on the evening of 10 September 1861, Mrs. Fremont requested an audience with the President and was immediately summoned to the White House despite the late hour. [24] In his letter, Fremont had set forth his belief that his order was necessary and proper considering the situation in Missouri. He refused to alter the proclamation's text without an explicit order from the President, asserting that if he retracted the order of his own accord his action would imply that he thought it to be wrong. Once again, as in his standoff at Gabilan Peak and the events leading to it, Fremont was proving that his own personal pride took precedence over the policy of those in authority.

During the conversation that ensued after Lincoln had finished reading Fremont's letter, Mrs. Fremont divulged part of her husband's intent in issuing his emancipation order. She later recalled having said the following: The general's conviction is that it will be long and dreadful work to conquer by arms alone, that there must be other considerations to get us the support of foreign countries—that he knew the English feeling for gradual emancipation and the strong wish to meet it on the part of the south: that as

the President knew we were on the eve of England, France and Spain recognizing the South: they were anxious for a pretext to do so.... After the meeting, the President had a confirmation of the Fremont's political agenda, which had affected the general's military judgment. Lincoln vehemently opposed the order of emancipation, sure in his conviction that if it were allowed to stand, it would inflict a blow, perhaps a mortal one, upon the Union's war effort. He had two primary objections. From the outset of the war, President Lincoln had deliberately identified the preservation of the Union as his single aim. Now, Fremont's emancipation order threatened to broaden the war aims to encompass the freeing of slaves as well. This was a dangerous proposition.

As Lincoln explained in his letter to Fremont on September 2nd, liberation of slaves " will alarm our Southern Union friends and turn them against us; perhaps ruin our rather fair prospect in Kentucky." [25] Kentuckians would support a war for the Union, but many would not accept a war on slavery. Taking little heed of Lincoln's arguments regarding Kentucky and seemingly seeking censure when none was initially intended, Fremont, as mentioned before, would not alter his proclamation without a formal order. Before Lincoln's public order (dated 12 September 1861) came in response to his demand, a recalcitrant Fremont, demonstrating immense gal, issued two deeds of manumission, freeing the slaves of Thomas L. Snead on the 12th of September. Word of the issuance of the proclamation had been greeted with trepidation in the Kentucky state legislature, and upon hearing of the deeds of manumission, an entire company of the state's Union volunteers had thrown down their weapons and disbanded. [26] This sequence of events

lent credence to Lincoln's political assessment of the prevailing circumstances in Kentucky and offered proof of the necessity for his public countermanding order to Fremont. In a letter to Senator Orville Hickman Browning in late September 1861, Lincoln wrote about the importance of Kentucky.

" I think to lose Kentucky is nearly the same as to lose the whole game. Kentucky gone, we cannot hold Missouri, nor as I think, Maryland. They are all against us, and the job on our hands is too large for us. We would as well consent to separation at once..." [27] It is obvious that Lincoln saw retaining Kentucky's place in the Union as a strategic imperative, but at the same time, Fremont and others saw holding Missouri as just as critical. Situated centrally between the free-states of the east and west, Missouri offered control over the banks of Mississippi river opposite Kentucky and half of Tennessee. For Fremont, the loss of Missouri would mean Confederate dominance of these vital areas, as well as the capture of Cairo, Illinois, which was located at the southern most tip of that state. Cairo sat at the confluence of the Ohio and Mississippi rivers, and possession of it was integral to the Union's ability to control the Mississippi Valley and to prevent the South from using it as an inroad into the loyal states.[28] Thus, Confederate victories in Missouri could be the beginning of Southern operations that would eventually take control of Kentucky, thereby seriously weakening the Union's will and capacity to resist secession.

By invoking martial law and issuing his emancipation order, Fremont sought to stop this potentially ruinous chain of events from occurring. Of course, his political aims figured into his judgment as well, as he pondered military

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victory in Missouri and the greater diplomatic victory in Europe. The military strategic visions articulated by Lincoln and Fremont were generally compatible. Lincoln was convinced that Kentucky was the key. Similarly, Fremont understood that if Missouri fell into Confederate hands, Kentucky and other points east would likely be lost, encumbering the Union war effort. Paradoxically, where these two visions came into conflict was that Fremont, with his emancipation order, sought to hold Missouri, and in turn Kentucky, but in actuality threatened to sabotage Union hopes of maintaining Kentucky's allegiance. The President was aware of Missouri's importance, but he recognized that any action to preserve Union control was worthless if it would irreparably harm the war effort as a whole.

Lincoln's careful balancing of military and political realities stands in stark contrast to Fremont's flawed thinking. Fremont, in devising his plan to prevent the state of Missouri from being taken by the Confederacy, comprehended the rudiments of the state's place within the larger strategy, but only considered the potentially favorable effects of his actions. He wished to erode European sympathy for the Confederacy by making the war about freeing the slaves, but he failed to realize that the repercussions of his order would be widespread. Fremont did not understand or decided to ignore the fact that Kentuckians' confidence in and support of the Union would be diminished, and as a result, the Union's military capacity to wage war would be seriously reduced. Recalling the howitzer incident of his earlier years, it is evident that Fremont often could not or refused to see beyond his own needs and desires, and was unable to see the close connection between the military and the political. In addition, with full knowledge and intent, Fremont

sought to change the Union's war aims and in doing so, went far beyond his authority as a general.

It is clear from his past actions that Fremont had no qualms about making government policy in his own, and not his country's best interests. In his memoirs, Fremont recounted the final exchange between himself and the President as they parted company following a meeting in early July 1861 in which Lincoln outlined Fremont's command of the Western Department. "When I took leave of him [Lincoln], he accompanied me down the stairs, coming out to the steps of the portico at the White House; I asked him then, if there was anything further in the way of instruction that he wished to say to me. 'No,' he replied, 'I have given you carte blanche; you must use your own judgment and do the best you can.' [29] While Lincoln could have reasonably told Fremont that he would have considerable freedom in the conduct of military affairs in the Western Department, it would have been unconstitutional for Lincoln to delegate powers to him to make decisions outside of the military sphere. Fremont argued that his emancipation order was a military necessity because of the dire circumstances confronting the Union in Missouri, which were exacerbated by problems of supply and reinforcement. [30]

Nevertheless, even if it is conceded that the situation did demand swift and decisive action that would deprive Confederate sympathizers and traitors of the benefits of their slaves, Fremont's order went beyond military necessity. Lincoln delineated political and military powers stating that, "if a general needs them [slaves], he can seize them and use them; but when the need is past, it is not for him to fix their permanent condition. That must be settled <https://assignbuster.com/abraham-lincolns-emancipation-proclamation-essay-sample/>

according to the laws made by law-makers, and not by military proclamations.” [31] According to Lincoln then, in proclaiming the freedom of slaves, Fremont had unconstitutionally extended the effects of his order beyond the life of the war. Just as when he had made peace with the Californians without authorization, with his emancipation order, Fremont revealed his independent and impulsive nature. In his haste to further his own military and political objectives, however, he had contemplated neither the constitutional legitimacy of his actions nor their multiple consequences.

Lincoln and the Emancipation Proclamation. The constitutional reasoning offered by Lincoln to justify his opposition to Fremont's order of emancipation was abandoned in his drafting of the Preliminary Emancipation Proclamation of 22 September 1862. In that document, as well as in the Final Emancipation Proclamation of 1 January 1863, he stated that, “ all persons held as slaves within any state, or designated part of state, the people whereof shall then be in rebellion against the United States shall be then, thenceforth, and forever free”. [32] At that time, he claimed that his power to free the slaves of the states in rebellion flowed from his constitutional role as Commander-in-Chief, and thus was a legitimate war measure because it had been a military necessity. [33] Nevertheless, the text of the proclamation indicates that slaves freed by this action will not just be free throughout the duration of the war, but permanently. This, according to Lincoln's prior reasoning, would make his Emancipation Proclamation unconstitutional because Congress' sanction was not given.

Lincoln asserted that, in war time, his position as Commander-in-Chief enabled him to seize the property, including legally defined property in <https://assignbuster.com/abraham-lincolns-emancipation-proclamation-essay-sample/>

slaves, of those in rebellion. Further, and more importantly, he argued that the constitutionality of the Emancipation Proclamation was inconsequential. " The proclamation, as law, either is valid or is not valid. If it is not valid, it needs no retraction. If it is valid, it cannot be retracted any more than the dead can be brought to life. " [34] In this statement, Lincoln asserted that if it was valid, the institution of slavery would be destroyed and could not be rebuilt. He also pointed out the limited nature of the proclamation, and in the document's text, he indirectly acknowledged that truth. Lincoln argued that if the proclamation was invalid, it did not need to be retracted. The logic behind this claim can be found in the wording of the Emancipation Proclamation itself. Immediately after the previously quoted portion, the proclamation continued, " the executive government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons [slaves], and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.[35]

Here it was made clear that the proclamation had granted slaves their freedom, but the realization of that freedom could only come after escape, release, or liberation from bondage in states or areas not yet controlled by Union forces. In addition, Lincoln says that the executive branch will enforce the proclamation, but not the U. S. government in total. Seemingly, the President was intentionally omitting any mention of the judicial or legislative branches because as a wartime measure, he understood that the proclamation would be without legal force after hostilities had ceased.

Viewed in this light, he knew that the freed slaves could only be " forever

free" if Congress legislated for such a result, but included " forever" to give the proclamation greater weight.[36] Thus, no retraction was necessary even if the proclamation was unconstitutional because without the support of Congress, the Courts, or future administrations it would be meaningless. In Conclusions, President Lincoln did not give Fremont the same constitutional latitude that he gave himself in issuing a n emancipation order. Both of these men made proclamations that sought to alter the legal status of slaves not only during the Civil War, but also after its conclusion.

The difference in the timing of the two proclamations and the Presidential right to set war policy, however, were responsible for Lincoln's incongruent stance regarding emancipation. On 30 August 1861, Fremont made a declaration of martial law in Missouri that contained an emancipation order that threatened to undermine the Union war effort. If that same order had been given at a later date, it might have received a warmer reception from the President, but in the fall of 1861, it was not politically feasible because of the precarious position of Kentucky within the Union. At the same time, as Commander-in-Chief, Lincoln rightfully felt that the responsibility to decide the overarching war aims was his alone. Regardless, Fremont, who never assented to being constrained by authority or policy and was always quick to act to further his own aims, could not resist his urge to issue his order.

It must be recognized, though, that aside from its dire implications for Union support in Kentucky, Fremont's order possessed an inherent value that could not be denied; freeing the slaves of those people in rebellion would have had a detrimental effect on the South's ability to wage war and might have

helped to reduce Confederate sympathies in Europe. The utility of Fremont's
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emancipation order was implicitly acknowledged by Lincoln in his Emancipation Proclamation. The circumstances in Kentucky had evolved during the war and so had his view of the war in general. He no longer believed that the Union's war efforts should be dictated by the Border States. [37] Thus, following the Union victory at Antietam, President Lincoln issued the proclamation, and officially expanded the Union's war aims to include the freeing of slaves in the states and parts of states still in rebellion.

This approach towards emancipation indicates Lincoln's acceptance of it as a valuable part of the Union's war strategy, and his earlier response to Fremont's order suggests that this line of thinking was not new. Lincoln's response to Fremont's order came with great rapidity, but without even a hint of censure. Indeed, the President sought only to have the offending paragraph of the general's proclamation changed, and he wrote his letter in a tone that was uncritical. This was done, however, before Lincoln became aware of Fremont's political agenda and it was made evident that he had purposefully rather than accidentally sought to change the Union's war aims without authorization. The President's response might have been different had he known of these motivations, which were not military in nature. Still, although Fremont's pride would not allow him to admit that the timing of his proclamation was suboptimal and that he had encroached upon Presidential authority, Lincoln was able to rectify the situation and might have found some inspiration in it for his own Emancipation Proclamation a year later.

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[1] Tom Chaffin, *Pathfinder: John Charles Fremont and the Course of American Empire* (New York, NY: Hill and Wang, 2002), 345. [2] Role, Andrew. *John Charles Fremont: Character as Destiny* (Norman, OK: University of Oklahoma Press, 1991), 49-51. [3] Role, 71 -4.

[4] Role, 79 -80.

[5] Jessie Benton Fremont to J. Torrey, Mar. 21, 1847, in William H. Goetzmann, *Army Exploration in the American West, 1803 -1863* (New Haven: Yale University Press, 1959), 122. [6] Californians refer s to the inhabitants of California of Mexican descent. [7] Chaffin, 348 -53.

[8] Chaffin, 363 -4.

[9] The Know -Nothings espoused an anti -foreign and anti -Catholic sentiment. Republicans feared that if Fremont was nominated by the Know -Nothings first, his repu tation would be irreparably harmed among immigrants and other anti -Know -Nothing voters. [10] 13 Chaffin, 456 -7.

[11] L. Thomas to the War Department, 3 July 1861, in Robert N. Scot, *The War of the Rebellion: a compilation o f the official records of the Union and Confederate Armies, Series I, Vol. III*, (Washington, DC: GPO, 1880 -1901), 390. [12] J. M. Schofield to Col. Chester Harding, Jr., 15 July 1861, in Scot, I, III, 395. [13] Francis P. Blair was St. Louis' representative in the House of <https://assignbuster.com/abraham-lincolns-emancipation-proclamation-essay-sample/>

Representatives and a member of the influential Blair family, to which Postmaster -general Montgomery Blair belonged. [14] Lyon would soon be promoted to the rank of general.

[15] John Pope to Samuel J. Kirkwood in Scot, I, III, 405.

[16] John C. Fremont to Abraham Lincoln, 30 July 1861, in Scot, I, III, 416 -7.

[17] General Lyon to General Fremont, 27 July 1861, in Scot, I, III, 408. [18]

John C. Fremont to Abraham Lincoln, 30 July 1861, in Scot, I, III, 416 -7. 19

John C. Fremont to Montgomery Blair, 9 Aug. 1861, in Scot, I, III, 431. [19] 26

Ibid.

[20] Proclamation of John C. Fremont, 30 Aug. 1861, in Scot, I, III, 466. [21]

When Fremont's wife, Jessie Benton Fremont journeyed to Washington to hand deliver Fremont's response to Lincoln's letter of 2 September, she told the President that the general's emancipation order had been made with political considerations in mind, in addition to the military ones. In his letters and other open discourse, these political considerations were not

acknowledged by Fremont. This will be discussed later. [22] A. Lincoln to

Major -General Fremont , 2 Sept. 1861, in Scott, I, III, 469. [23] The Lincoln

Interview: Excerpt from " Great Events," in Pamela Herr and Mary Lee

Spence, eds., *The Letters of Jessie Benton Fremont* , (Chicago, IL: University of Illinois Press, 1993), 265 -6. [24] J. C. Fremont to the President, 8 Sept.

1861, in Scot, I, III, 477. [25] Abraham Lincoln to Orville H. Browning, 22 Sept.

1863, in Brooks D. Simpson, *Think Anew, Act Anew: Abraham Lincoln on Slavery, Freedom, and the Union* , (Wheeling, IL: Harlan Davidson, Inc.,

1998), 103. [26] Ibid

[27] Fremont, John Charles, *Memoir of John Charles Fremont*, in *The Century War Series, Vol. I, Battles and Leaders of the Civil War*, 280.

[28] *Ibid*, 279.

[29] J. C. Fremont to the President, 8 Sept. 1861, in *Scot*, I, III, 477. [30]

Abraham Lincoln to Orville H. Browning, 22 Sept. 1863, in *Simpson*, 103. [31]

Preliminary Emancipation Proclamation, 22 Sept. 1862, in *Simpson*, 129.

[32] Abraham Lincoln to James C. Conkling, 26 Aug. 1863, in *Mary Maclean, Letters and Addresses of Abraham Lincoln*, (New York, NY: Unit Book Pub. Co., 1907), 286.

[33] *Ibid*.

[34] Preliminary Emancipation Proclamation, 22 Sept. 1862, in *Simpson*, 129.

[35] This line of argument is based upon an idea expressed in George

Anastaplo, *Abraham Lincoln: A Constitutional Biography*, (New York, NY:

Rowman & Littlefield Publishers, Inc., 1999), 210. [36] William K. Klingamen,

Abraham Lincoln and the Road to Emancipation, 1861 -1865, (New York, NY:

Viking, 2001), 191.