

Thirty-Eighth Congress of the United States of America;

At the . . . Session,

Began and held at the city of Washington, on Monday, the

day of December, one thousand eight hundred and

A RESOLUTION

is contained the signatures of the several States, in proper form, and the Senate of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

[illegible]

stating that the revolution did originate in the Society.
Secretaries.

Speaker of the House of Representatives
U.S. President of the United States
Mr. Houston and all the people of the State.

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St. Paul	St. Paul
St. Paul	St. Paul

Approved
Abraham Lincoln

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Lincoln
and
Freedom
Slavery, Emancipation, and the
Thirteenth Amendment

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6 Lincoln's Summer of Emancipation

Matthew Pinsker

he question sounds simple. When did Abraham Lincoln write the Emancipation Proclamation? Yet the answer is complicated, depending not only on definitions (*which proclamation?*) but also on historical method. Some of the nation's finest historians disagree rather sharply over which account of Lincoln's mysterious drafting process offers the most credibility. On the apparently prosaic matter of exactly when and where Lincoln wrote the policy that he believed defined his legacy more than any other, there has never been a consensus verdict.

Here is what we do know. On Tuesday, July 22, 1862, Lincoln presented what is usually called the "First Draft" of his Emancipation Proclamation to his cabinet. This contained the core of his new policy, but only a handful of words from this private, 325-word "draft" actually appeared in the final public proclamation issued on January 1, 1863. Most of what we understand as constituting the text of the Emancipation Proclamation derived from a longer (about 1,050 words) public document, now called the "Preliminary Emancipation Proclamation," which the president first read to his cabinet and then released to the nation on Monday, September 22, 1862. Lincoln also held additional discussions about the proclamation with his cabinet for three days at the end of December. The result was an official document that, despite being just over 700 words in length and lacking any serious literary pretensions, was nonetheless one of the most combed-over and heavily revised public papers of the Lincoln presidency.¹

Still, there is little doubt that Lincoln did the vast majority of the writing and revising on his own. He showed up at cabinet meetings with drafts prepared, and though he accepted some important advice about timing and phrasing, the essential decision and form of its expression was his alone. In particular, the origin of his emancipation decision in July appears to have been an acutely solitary moment. Thus, almost inevitably, some people claimed afterward that

they were present at the creation. Various insiders (or would-be insiders) recalled in the months and years after the Civil War that Lincoln had shared the so-called First Draft with them first. Although such memories are notoriously unreliable, historians have felt compelled by the absence of much contemporary evidence to pick and choose from among these often dubious stories. The result has been a case study in the perils of using recollected information. Yet perhaps scholars have underestimated how much insight can be gleaned from a careful review of the contemporary evidence, especially from midsummer of 1862. After dispensing with the usual recollected suspects, this essay will attempt to identify both a date and a place for the origins of Lincoln's emancipation policy, based strictly on chronology, a close reading of the contemporary sources, and, ultimately, on the absence of a certain type of testimony.

To begin properly, one must first recapture Lincoln's sense of place in the early summer of 1862. For about a month prior to the presentation of the First Draft at the pivotal July cabinet meeting, the president was living with his family in a cottage on the grounds of the Soldiers' Home, a secluded military retirement community about three and a half miles from the White House. He spent most of those days, however, working inside the White House, the "iron cage," as he called it, typically leaving only to walk over to the nearby War Department telegraph office where he regularly obtained news from the front. However, during the month preceding July 22, Lincoln also took two trips outside of Washington. The first brought him via train to West Point, New York, for a private conference with retired general Winfield Scott. The second journey took him by sea to Harrison's Landing, Virginia, to meet with his embattled commander, George B. McClellan. The president spent three days on the Virginia peninsula. Not coincidentally, almost all of these places—the Soldiers' Home, the White House, the telegraph office, even the boat that carried the president's party to and from Virginia—have been identified in recollections as the birthplace of emancipation.²

In fairness, the brief, July 22 document could have been written almost anywhere. It contained only three sentences. The first addressed a requirement of a recently passed congressional statute titled "An act to suppress insurrection and to punish treason and rebellion, to seize and confiscate property of rebels, and for other purposes," commonly known as the Second Confiscation Act and signed into law by a reluctant president on July 17, 1862. According to this new law, the president was supposed to issue a proclamation that would establish a sixty-day period after which rebel property (including slaves) was declared liable for seizure by the federal government. Since the new law also promised that all slaves thus seized by Union forces would be "forever free," it appears that Lincoln (who worried about the constitutionality of this and other provisions) then felt obligated to address the question of emancipation

on his own. The second sentence of the document thereby reconfirmed his support for compensated emancipation of the slaves in loyal Union territory and announced his intention "to again recommend the adoption of a practical measure" for the "gradual abolishment of slavery." The third sentence, however, was the truly revolutionary one. Lincoln ended by vowing that as "Commander-in-Chief of the Army and Navy of the United States," he would "order and declare" that any slaves still held in rebel territory after January 1, 1863, would be "forever" freed.³

Here was the moment when Lincoln first revealed his change of attitude concerning the *process* for emancipation—previously he had always insisted that the end of slavery had to be gradual, compensated, and voluntary. Now he was embracing a much different, two-track policy, carefully distinguishing between the type of emancipation appropriate for loyal regions and the procedure to be dictated in areas still rebelling against government authority. Moreover, by pledging to free slaves across an entire region ("within any state or states") where "the constitutional authority of the United States" was not "practically recognized, submitted to, and maintained," Lincoln was offering a decidedly more sweeping policy than the congressional confiscation scheme, which appeared to offer emancipation only on a case-by-case basis. This decisive shift in the president's long-standing views was arguably the most important moment in the entire process. As if to underscore this point, on the back of the document's second page, the president himself sometime later described the draft's convoluted three sentences as the "Emancipation Proclamation as first sketched and shown to the Cabinet in July 1862." That is why artist Francis Bicknell Carpenter chose this moment to celebrate in his famous 1864 painting, *The First Reading of the Emancipation Proclamation*.⁴

Yet, other than Lincoln's terse comment on the back of the document, he offered no direct written testimony as to exactly how and when he prepared the draft. Four competing recollections by various administration figures have subsequently defined the main options for historians seeking to describe the physical origins of that July 22 document. Three of these officials claimed that Lincoln either showed them versions of the draft or warned them it was coming before the so-called First Reading. A fourth figure admitted that he had known nothing about it beforehand but suggested that Lincoln confided the real story to him sometime in the following months. All of these versions contradict each other in some fashion. Vice President Hannibal Hamlin and Major Thomas Eckert of the War Department telegraph office both placed the origins of emancipation in June 1862, but in much different ways and at different locations. Pensions Commissioner Joseph H. Barrett identified the return voyage from Harrison's Landing in early July as the critical moment. By contrast, Secretary of the Navy Gideon Welles believed that the president

wrote nothing at all about emancipation until he had first disclosed his plans to Welles and Secretary of State William Seward on Sunday, July 13, 1862—a few days after his return from Virginia. None of these various stories have escaped criticism, but all have appeared rather frequently in historical narratives about emancipation.

During the years after the Civil War, Vice President Hamlin, a prominent Maine politician and committed antislavery advocate, repeatedly claimed that some weeks before the pivotal cabinet meeting (from which he had been excluded), the president had shared a draft of the proclamation with him privately. Hamlin's story, which had at least a few different iterations, usually involved a dramatic scene set at the president's summer cottage (ultimately dated by Hamlin's grandson as occurring on June 18, 1862), culminating with Lincoln pulling a document from a drawer in his personal writing desk that turned out to be "the first draft of a military proclamation freeing four millions of slaves." Hamlin recalled that Lincoln even offered to make changes in the proclamation based upon his recommendations.⁵

Major Eckert's tale was somewhat less impressive in its stagecraft than Hamlin's but nonetheless has proved equally enduring. Decades after the war, the officer recalled that sometime in late June, during the anxious days surrounding the bloody Seven Days' Battles, the president began writing his initial proclamation in the telegraph office as he nervously awaited more news from the Virginia peninsula.⁶ Eckert's emancipator was certainly less decisive than Hamlin's. The officer remembered that a contemplative Lincoln "would put down a line or two, and then sit quiet for a few minutes" before haltingly scribbling some more phrases. Eckert claimed that the entire process took weeks to complete.⁷

These two accounts by Hamlin and Eckert have divided some of the nation's finest historians. John Hope Franklin's well-regarded 1963 study, *The Emancipation Proclamation*, manages to quote from each of these recollections at length without questioning either source or even acknowledging their apparent incompatibility as descriptions.⁸ David Herbert Donald also mentions both accounts in his definitive 1995 biography, *Lincoln*, but clearly favors the telegraph office tale. The historian dismisses the Hamlin story as "rather too circumstantial," yet offers no comparable critique of Eckert's recollection, from which he quotes several lines with apparent approval.⁹ By contrast, Mark E. Neely Jr. highlights the telegraph office story as particularly "dubious" in his chapter titled "Emancipation" in *The Last Best Hope of Earth* and views the "generally unquestioned anecdote" as a case study in how "myths about Lincoln grow."¹⁰ Allen Guelzo's authoritative study, *Lincoln's Emancipation Proclamation: The End of Slavery in America*, tends to agree with Neely about Eckert's account. Guelzo considers the proposition that the president would

have preferred writing "in the noisy clatter of the War Department telegraph office" to be something that "stretches credulity." Unlike Neely, however, who ignores the issue, Guelzo also addresses and raises questions about Hamlin's self-aggrandizing memories, though the author treats the vice president's account more seriously than most. He devotes more than a page of his book to dissecting the evolution of Hamlin's story, ultimately offering him some grudging credit for being "persistent" in the face of skeptics.¹¹

But persistence should matter little when memories are so directly contradicted by evidence from the period. The only contemporary exchange between Hamlin and Lincoln on the subject of emancipation, a private letter by the vice president written in September 1862, contains absolutely no reference to their presumably pivotal encounter at the Soldiers' Home but instead offers a telling acknowledgment that Hamlin was not even sure that "this note," congratulating Lincoln on the public announcement of his new policy, "will ever meet your eye."¹² Even more revealing, to accept Eckert's telegraph office account requires believing that Lincoln spent weeks from the end of June 1862 writing a three-sentence, 325-word document that began by referring to a law passed on July 17.

In addition, the premise of both recollections appears almost demonstrably false. Lincoln was surely not drafting emancipation proclamations in June or even through early July in 1862. He was hinting that he might, but that was something he had been doing for months. "The Union must be preserved, and hence all indispensable means must be employed," Lincoln had warned in his 1861 annual message, even as he announced that he would be doing nothing about slavery "in haste."¹³ When he revoked General David Hunter's field order freeing slaves in Georgia, Florida, and South Carolina on May 19, 1862, the president again rejected the necessity for an emancipation decree but also indicated that the idea had occurred to him. He wrote that "whether it be competent for me, as Commander-in-Chief of the Army and Navy, to declare the Slaves of any state or states, free" was a decision that "I reserve to myself." By holding onto his options in such ostentatious fashion, Lincoln was obviously trying to send a signal, mainly to the political leaders of Union slave states. He earnestly wanted them to adopt plans for gradual emancipation. "You can not," he wrote on May 19, "be blind to the signs of the times." Few shrewd observers were. By the end of May, for example, Secretary of War Edwin M. Stanton was privately predicting that "a decree of Emancipation would be issued within two months."¹⁴

Yet hints, warnings, and predictions are not the same as action. More than a month after revoking the Hunter order, Lincoln still appeared convinced that a military decree at that time was unnecessary and perhaps even dangerous. On June 20 (two days after he supposedly shared his draft proclamation

with Vice President Hamlin), Lincoln told a delegation of Quakers that "If a decree of emancipation could abolish Slavery, John Brown would have done the work effectually. Such a decree surely could not be more binding upon the South than the Constitution, and that cannot be enforced in that part of the country now. Would a proclamation of freedom be any more effective?"¹⁵ Admittedly, throughout his presidency, Lincoln employed the tactic of playing devil's advocate—of testing his audiences by assuming positions opposed to his own. Yet, if he was truly acting with the Quaker delegation in June 1862, then he was doing so without much strategy behind it. Consider the caginess of the more famous letter to editor Horace Greeley on August 22, 1862: "My paramount object in this struggle *is* to save the Union, and is *not* either to save or to destroy slavery. If I could save the Union without freeing *any* slave I would do it, and if I could save it by freeing *all* the slaves I would do it; and if I could save it by freeing some and leaving others alone I would also do that."¹⁶ Lincoln's strategy in the Greeley letter, however subtle at the time, is clear in retrospect. The president had already decided to emancipate rebel slaves by August 1862, so framing the issue as one of national necessity ("save the Union") was undeniably effective in preparing for the next step forward. There is no such clarity in viewing the May 19 or June 20 statements as examples of political positioning.

Other contemporary evidence makes even clearer that President Lincoln continued to resist the prospect of issuing an emancipation decree through early July. On Tuesday morning, July 1, 1862, Senator Orville Hickman Browning of Illinois discussed the subject with Lincoln at his office in the White House. Browning, who had been appointed to the U.S. Senate after the death of Lincoln's rival, Stephen A. Douglas, in June 1861, had known Lincoln for years. In Illinois, their relationship had been mainly professional, though as a bachelor, Lincoln had felt close enough to rely upon Browning's gregarious wife, Eliza, for occasional romantic advice. Still, in recent months (particularly after the death of twelve-year-old Willie Lincoln in February), the families had grown far closer. Only the night before, the president and his wife had entertained the Brownings and another couple at their new summer cottage at the Soldiers' Home.¹⁷ So it was without any particular sense of surprise that Browning noted in his diary on July 1 that the president had summoned him to the White House that morning to "read a paper embodying his views of the objects of the war, and the proper mode of conducting it in its relations to slavery," one that Lincoln told him he had "sketched hastily with the intention of laying it before the Cabinet."¹⁸

Though Browning's description makes this paper sound like a good candidate for the famous first draft, the paper that Lincoln read to him on the morning of July 1 contained a series of propositions that fell far short of any

emancipation decree. The president made clear, according to Browning's diary, that while "No negroes necessarily taken and escaping during the war are ever to be returned to slavery," he was also determined to stipulate that "No inducements are to be held out to them to come into our lines," since the overwhelming number of escapees (or "contrabands," as they were called) were "becoming an embarrassment to the government." On the subject of enlisting the former slaves as soldiers, Lincoln was adamantly opposed, at least in Browning's careful phrasing, "At present." He was also firm in his view that "Congress has no power over slavery in the states." This was especially significant because Lincoln knew that Browning had been fighting the more radical provisions regarding emancipation within the Second Confiscation Bill, which was then under intense debate. Browning would actually lobby the president to veto the measure because of these provisions (which he considered unconstitutional), once it passed the Congress in mid-July. On the subject of slavery, Lincoln was, as usual, maddeningly cautious, warning that "so much of it as remains after the war is over will be in precisely the same condition that it was before the war began."¹⁹

The physical text of this July 1 memorandum has never been found, yet it is not hyperbole to assert that Browning's diary entry offers as reliable a summary of Lincoln's position during this period as any other source currently available to historians. Here is private, contemporary evidence from a true presidential intimate who was expert enough to understand and convey all of the nuances of Lincoln's attitudes. Thus, it was especially significant that Browning, who strongly opposed an emancipation decree, felt confident in writing about Lincoln on July 1, "His views coincided entirely with my own." Even if there was some degree of projection in that judgment, there is still more than enough in this entry to repudiate the gist of the recollections by Hannibal Hamlin, Thomas Eckert, or anyone else who claims that Lincoln was preparing draft proclamations for black freedom prior to this moment.

At the very least, it is difficult to understand why scholars have not employed the Browning diary entry more prominently in their narratives of the emancipation decision. John Hope Franklin doesn't mention it at all in his 1963 monograph. Mark Neely also excludes the incident from his chapter on the subject. David Donald quotes a line from the entry, but does so without making clear in the main body of his text when (or in what form) the exchange with Browning had occurred. On the other hand, Allen Guelzo provides the July 1 date in his brief description of what Lincoln told Browning that morning, but does so while cataloguing various memoirs and other remembered claims concerning the First Draft. He makes no effort to distinguish a direct contemporary account from other recollected and often secondhand stories.²⁰

Browning's diary also proves useful for documenting the uncertainty that enveloped Washington in early July—knowledge of which is essential for understanding Lincoln's continued hesitation to act in regard to slavery. It is easy to forget that the failure of the Union forces during the pivotal "Seven Days' Battles" was not made entirely clear in Washington for several more days after the bloody fight. On July 2, Browning described how contradictory messages from McClellan had left the president "deeply anxious"—anxious, but not depressed. There was an awareness of the terrible human price both sides had paid, but its meaning was not yet certain. On the morning of July 4, Browning reported that the president had shared dispatches with him showing that, although the fighting around Richmond had been "terrible," the "advantages" had been "decidedly with us."²¹ For Lincoln, this mixed news was cause for more intelligence gathering, not grounds for despair. According to aide John G. Nicolay, the president spent most of the rest of the day at the War Department, awaiting further dispatches.²² Certainly the effort did strain Lincoln, who told a delegation of veterans later that, "I am indeed surrounded, as is the whole country, by very trying circumstances." Lincoln then encountered a wagon train of recently wounded soldiers while riding back to the Soldiers' Home that evening. A newspaper reporter captured his curious reaction, noting that the president "rode beside them for a considerable distance, conversing freely with the men, and seeming anxious to secure all the information possible with regard to the real condition of affairs on the Peninsula." The next evening, the president shared additional dispatches with Browning that asserted the "spirit of the Army" was still "excellent" and indicated the results of the fighting had been "much more satisfactory to us than was previously supposed."²³

The confusing aftermath of the Seven Days' Battles is significant in the narrative of emancipation because it explains why Lincoln surely had not yet come to any new conclusions about the state of the war. Instead, he wired McClellan "a thousand thanks" on July 5 and vowed that "we shall hve the enemy yet."²⁴ He was obviously not sitting in the telegraph office, as Eckert later claimed, preparing a major shift in policy that was rooted in his army's failures. Yes, he was "deeply anxious," in Browning's words, but not yet decisive about anything. Later that summer, Senator Charles Sumner from Massachusetts recalled to English abolitionist John Bright that he had urged Lincoln on July 4 to mark the nation's independence with an emancipation proclamation. He claimed that Lincoln had replied, "I would do it if I were not afraid that half the officers would fling down their arms and three more states would rise."²⁵ Sumner's recollection suggests the likely truth: Lincoln was still contemplating, not yet emancipating, in early July.

For Lincoln, the only serious option by the end of that first week was to gather more information. He decided to go to the Virginia peninsula himself.

The president's party left on Monday, July 7, and did not return to Washington until Thursday, July 10, 1862. During this remarkable and unprecedented visit to the front, the president met with General McClellan, who read him a letter on Tuesday, July 8 (exactly a week after the president's revealing session with Browning) that made clear the general's own views about the proper "objects of the war" in relation to slavery. "Neither confiscation of property, political executions of persons, territorial organization of States, or forcible abolition of slavery," McClellan wrote firmly, "should be contemplated for a moment."²⁶

According to Joseph Barrett, a former newspaperman who had also served as one of Lincoln's official campaign biographers before becoming commissioner of pensions, it was "under these circumstances" that emancipation was born. Without detailing at first how exactly he knew these details, Barrett reported in the 1865 edition of his biography that "while on board the steamboat, returning from Harrison's Landing . . . Mr. Lincoln wrote the first draft of his Emancipation Proclamation."²⁷ Modern scholars have generally ignored Barrett on this point. His own peers, however, took him far more seriously. In his memoir, painter Francis Carpenter offered an enthusiastic endorsement for Barrett's original claim, despite admitting that he had never heard such an account from Lincoln himself. He recalled instead that while he was preparing for his painting *First Reading*, Lincoln had merely told him that it had been about "midsummer, 1862," when he finally decided that "we had reached the end of our rope" and "must change our tactics, or lose the game!"²⁸ Secretary of the Navy Gideon Welles agreed in his recollection that Lincoln had indeed been composing on board the ship on July 10, but described the effort as a "carefully written speech," which the president then read a couple of days later to congressional representatives from the Union slave states, urging them once again to adopt his gradual emancipation measure.²⁹

How any of these men imagined that Lincoln could write legibly on board the U.S.S. *Ariel* is not entirely clear. Nor is there much explanation for why he would feel compelled to spend his few rare hours at sea writing instead of absorbing the fresh air. Even more persuasive, White House aide John Nicolay claimed at the time in a private letter that Lincoln "came home" from the peninsula "in better spirits than he went in."³⁰ Barrett did try to elaborate on his recollection in a 1904, two-volume edition of his biography, but he only succeeded in confusing the issue. He finally acknowledged that he had heard the story directly from President Lincoln but then made the mistake of suggesting the shipboard document was the "rough draft of his September proclamation." Perhaps not coincidentally, Carpenter had made the identical error in his 1866 memoir. After endorsing Barrett's story, the painter had proceeded to describe how the original draft was written on "four half sheets of official foolscap" that later had ended up in Albany, New York. But the document he

was describing was the draft released on September 22 and not the one shared with the cabinet on July 22.³¹

More important, despite Barrett's assertion to the contrary, the only words we have directly from Lincoln himself on this subject contradict these claims. In a letter written in 1864 to newspaper editor Albert Hodges, the president described the reasons why he had come to the emancipation decision. He emphasized how the failure of the voluntary abolition policy had compelled him to adopt the concept of a military decree. "When, in March, and May, and July 1862, I made earnest, and successive appeals to the border states to favor compensated emancipation," he wrote, "I believed the indispensable necessity for military emancipation, and arming the blacks would come, unless averted by that measure." "They declined the proposition," he noted, "and I was, in my best judgment, driven to the alternative of either surrendering the Union, and with it, the Constitution, or of laying strong hand upon the colored element." He added, "I chose the latter."³² This presidential version of events directly challenges the idea that the Harrison's Landing meeting with McClellan was pivotal because Lincoln's final, disappointing encounter with the border state representatives did not take place until after his return from the peninsula, on Saturday, July 12.

The only recollection that actually fits with Lincoln's own account is one from Secretary Welles. On Sunday, July 13, according to Welles, the president asked him to come along on the ride out to the northwest section of the district where a funeral for the recently deceased infant son of Edwin Stanton was taking place. According to one version of the story, the president was also joined by Secretary Seward and his daughter-in-law, Anna Seward. Welles claimed that on this journey, Lincoln "first mentioned to Mr. Seward and myself the subject of emancipating the slaves by proclamation." Welles wrote that Lincoln had told them that this was "the first occasion when he had mentioned the subject to any one."³³

This account from Welles is probably the single most frequently cited source in the various historical narratives of the initial emancipation decision. Franklin, Neely, Donald, and Guelzo all quote Welles in describing the events of July 13.³⁴ Yet, what is often described as a diary entry has some problems in its provenance. Despite its inclusion within the "diary," this account is recollected and was not recorded contemporaneously. Welles added it sometime later, as a kind of undated preface to the diary that he did not begin keeping in earnest until the middle of August. It is even possible that Welles did not write this particular material until the early 1870s, when he was preparing a magazine article on the subject. The details also change with each version of the story. One version places the conversation on the ride out to the funeral; another, on the return. One notes the presence of Anna Seward; another iden-

tifies only Seward and Welles. In one version, Seward speaks; in another, he appears almost mute. But most important, the gist of the recollection—that Lincoln had already decided upon military emancipation by Sunday morning—again seems to be contradicted by contemporary evidence. On the same day that the president was allegedly telling Welles that "it was a military necessity absolutely essential for the salvation of the Union, that we must free the slaves or be ourselves subdued," he was also sending George McClellan a brusque note challenging the general's low estimates of his effective fighting force. Lincoln believed that the Army of the Potomac had forty-five thousand more men available on the peninsula than McClellan was reporting. "If I am right," Lincoln wrote on Sunday, "and you had these men with you, you could go into Richmond in the next three days."³⁵ That doesn't quite sound like a president on the verge of feeling subdued.

More significant, there is no corroboration for Welles's story from William Seward. The secretary of state, who died in 1872, left no direct commentary about his role in the affair. On the other hand, Senator Browning noted in his diary that he spent the afternoon of July 13 in private conversation with Seward, who offered no hint that anything unusual was afoot. That is not unexpected (the president had asked for discretion, according to Welles), but it is revealing that Browning reports that the two men talked mainly about the congressional debate over confiscation. This was still the number one issue weighing on everyone's mind. After weeks of stalemate, the joint House-Senate conference committee had finally emerged on Friday afternoon with a bill. This was major news—the type that would have dominated many carriage ride conversations around Washington in the subsequent days. If Lincoln had addressed Seward and Welles about the topic of emancipation, it was almost certainly in the context of his concerns over the new confiscation legislation.

Good evidence for this conclusion comes from Welles himself. In one of his actual diary entries for that year, recorded on September 22, 1862, the naval secretary described how he had always believed that invoking the "war power" was the only legal process for emancipation (short of a constitutional amendment), claiming that "This was the view which I took when the President first presented the subject to Seward and myself last summer as we were returning from the funeral of Stanton's child." The key here is what exactly Welles meant by "the subject" that Lincoln had "first presented" over the summer. Since the secretary was writing on the day of the cabinet discussion about the Preliminary Emancipation Proclamation, it has been easy to confuse the precise nature of this early version of his recollected claim. For this reason, the few sentences that immediately precede it are especially revealing: "The question of power, authority, in the Government to set free the slaves was not much discussed at this meeting [on September 22], but had been canvassed by the President in

private conversation with the members individually. Some thought legislation advisable before the step was taken, but Congress was clothed with no authority on this subject, nor is the Executive, except under the war power,—military necessity, martial law, when there can be no legislation. This was the view which I took . . .”³⁶

In other words, “the subject” that Lincoln had introduced during the carriage ride was a “question of power” regarding emancipation that concerned “the Government” and not just the president. When Welles referenced his argument during the July conversation (“This was the view which I took”) in the September 22 diary entry, he was emphasizing his judgment that “Congress was clothed with no authority on this subject” as much as his position on a presidential decree. Seen from this perspective, the July 13 carriage ride thus appears far more likely to have been focused on soliciting reactions to the emerging congressional confiscation policy than on the dramatic unveiling of any new presidential initiative.

The fact that Welles would later deny such an interpretation doesn’t make it any less powerful. Written only a few months after the events, the recollection embedded in the September 22 diary entry contains a greater ring of truth than the secretary’s other subsequent (and presumably enhanced) memories. In September 1862, Welles offered no self-aggrandizing claim about how Lincoln had confided in him and Seward and no others. Nor was there any attempt to re-create the details of the conversation. Instead, Welles wrote in 1862 simply that Seward had been “not at all communicative” in July—a reaction far more understandable if the subject was the legality of congressional confiscation rather than the far more provocative topic of presidential emancipation. Combined with the evidence from Browning’s diary entry and Lincoln’s own writings on the day of the alleged conversation, it seems reasonable to conclude that Welles subsequently inflated the importance of his July exchange with Lincoln.

Yet, regardless of exactly what was discussed on July 13, Welles never claimed that he saw a draft of a proclamation. So the question remains, when did Lincoln begin writing? In the 1864 Hodges letter, Lincoln stated that he did not see the “indispensable necessity” of military emancipation until after the border state representatives had “declined the proposition” for compensated emancipation.³⁷ The president had met with these leaders on Friday, but he did not receive their official rejection until Monday. That same day, July 14, the president also received his first copy of the Second Confiscation Bill, delivered to the White House by Orville Browning. The combination of these two events triggered an urgent reaction from the White House. Now pressed on all sides, Lincoln insisted on time for reflection and writing. “At the President[']s this morning,” reports Browning’s diary for Tuesday, July 15. “He was in his

Library writing, with directions to deny him to everybody.”³⁸ This might very well have been the moment of emancipation’s birth; however, the purpose of this intense activity seemed far more centered on the draft of a veto message for the confiscation law.

When Senator Browning delivered the copy of the confiscation bill on Monday and urged its rejection, the president had promised that he would give the matter “his profound consideration.” The bill contained fourteen sections that strengthened existing punishments for the crime of treason and authorized the president to employ a wide range of new tools to crush the rebellion, including the wholesale seizure of rebel property and slaves with only *in rem* court proceedings (which allowed for hearings without the owners being present). The statute also protected all fugitive slaves and declared captured rebel slaves to be “forever free,” authorizing the president to employ them in the military, to “organize or use them in such manner as he may judge best,” or to colonize the ex-slaves “in some tropical country beyond the limits of the United States.” Many of the bill’s seizure provisions were not effective immediately, but instead were triggered only sixty days after the president had issued a “public warning and proclamation.”³⁹ Lincoln worried that this bill was both unworkable and unconstitutional.

At first, the president tried to convince the Republican leadership on Capitol Hill to extend their session (which was due to expire the next day) so that they could address his concerns. When they appeared to refuse, he was then provoked into a rare display of temper. “I am sorry Senators could not so far trust me,” Lincoln wrote on Tuesday, “as to believe I had some real cause for wishing them to remain.”⁴⁰ This must have been the moment when the president directed his White House aides to shut the doors to the library to allow him to prepare what would become a vigorously argued statement of about 1,250 words that detailed his constitutional objections to the proposed statute. Once again, the best evidence of Lincoln’s state of mind comes from the Browning diary, because, despite all of the instructions to the contrary, the Illinois senator managed to push his way into the presidential library on Tuesday and provided the only eyewitness account of the embattled executive. Browning reported that he found his old friend looking “weary, care-worn and troubled” in the midst of his showdown with Congress. The two men shook hands while Browning expressed concern for Lincoln’s health. “He held me by the hand,” the senator wrote, “pressed it, and said in a very tender and touching tone—‘Browning, I must die sometime.’”⁴¹

By Tuesday evening, however, the president’s position seemed a little stronger. Senate Republicans, led by the powerful William Pitt Fessenden of Maine, secured at least part of Lincoln’s requested delay, extending the session until Thursday afternoon. They also arranged by Wednesday evening,

over fierce objections from some congressional radicals, for an unprecedented joint resolution that attempted to explain away at least some of the perceived constitutional violations contained within the confiscation law. This was enough for the increasingly overwrought president, who decided to sign the legislation after all.⁴²

Thursday, July 17, 1862, was thus a pivotal day. Lincoln spent the morning holed up in an office at the Capitol building, signing the end-of-session bills. With his signature on the Second Confiscation Act, the president also sent along the drafted veto message, in what was widely perceived as a fit of petulance, but which from a modern perspective looks suspiciously like a presidential signing statement. Capitol Hill was full of rumors about the president's contradictory behavior. George Julian, an Indiana Republican, later recalled that the president was privately "arraigned as a deliberate betrayer of freedmen and poor whites."⁴³ Many Republican legislators were angry because they suspected Lincoln of planning to undermine a statute they had debated for months. They were certainly correct about the president's discontent with their confiscation policy, but few had any idea that he was on the verge of undoing their work by exceeding it.

On Thursday evening, the president returned to his cottage at the Soldiers' Home, happy to find his wife and youngest son back in Washington after more than a week's absence in New York. On Friday and Saturday, he began to catch up on correspondence and to conduct exit interviews with various legislators who were preparing to leave town. An important delegation of senators arrived on Saturday to meet with both the president and the cabinet, urging them to take advantage of the new tools provided by the confiscation law. In what must have come across as both patronizing and unnecessary, the senators insisted that the administration reenergize its prosecution of the flagging war effort.⁴⁴ Thus, the absence of any commitments on the president's Sunday schedule must have come as a great relief.

By Monday morning, Lincoln was certainly ready to strike back. He directed his aides to call the cabinet officers to a special meeting at ten o'clock that morning, an occurrence that Secretary of the Treasury Salmon P. Chase sardonically described in his diary as "a novelty." The president then began to outline a series of orders that he had drafted for commanders in the field, quite obviously in response to critics on both Capitol Hill and from across the North. In his diary account, Chase described the president as being "profoundly concerned at the present aspect of affairs" and "determined to take some definitive steps in respect to military action and slavery."⁴⁵ Yet the practical effect of the orders—to authorize seizing Confederate property in the field, to employ slaves as laborers, to require an accounting of all these actions, and to provide for the colonization of the ex-slaves—was mainly to

execute most of the requirements of the recently passed confiscation law. The men discussed the measures for some time on Monday without reaching any definitive conclusions.

The regular Tuesday cabinet meeting continued their discussion and actually began with a review of Lincoln's fourth draft order providing for colonization of ex-slaves "in some tropical country." According to Chase's diary, the members unanimously agreed that this proposal should be "dropped." They then proceeded to endorse the other three remaining orders from Monday's discussion, though there was some debate about the propriety of arming slaves who might be enlisted into the military. "The President was unwilling to adopt this measure," reported Chase, "but proposed to issue a Proclamation, on the basis of the Confiscation Bill, calling upon the States to return to their allegiance—warning the rebels the provisions of the Act would have full force at the expiration of sixty days—adding, on his own part, a declaration of his intention to renew, at the next session of Congress, his recommendation of compensation to States adopting the gradual abolishment of slavery—and proclaiming the emancipation of all slaves within States remaining in insurrection on the first of January, 1863."⁴⁶ What the Chase diary makes clear is that Lincoln had prepared his emancipation proclamation at the same time and for the same reason as he had organized his military orders—*on the basis of the confiscation bill*. The measures discussed on Monday and Tuesday represented a unified response to this latest congressional intrusion into the conduct of the war.

The measures of this unified response were almost surely written together. The text of the military orders appears in a supplement to Lincoln's *Collected Works*. They were undated by the president but have since been identified by editors as being written at the Tuesday cabinet meeting.⁴⁷ Yet Chase indicated that Lincoln had shown up at the special Monday session with material already prepared. During the previous week, there was only one date totally clear on Lincoln's calendar and void of any other writings: Sunday, July 20, 1862. Was this the date for the origins of emancipation? No proof exists, but in retrospect it makes perfect sense. Abraham Lincoln must have spent most of that Sunday afternoon writing both the military orders and the draft public proclamation in the second-floor library at the White House. That was the spot where Browning reported that Lincoln had written the veto message, and it was the location for the special cabinet meeting on Monday. Here is where the president had easy access to his books and old statutes, and it is also where he could obtain some additional seclusion from the crowds that often gathered around his office. He had done his thinking and intelligence gathering over several weeks and in a number of places—at his office, in the War Department, on the grounds of the Soldiers' Home, during trips outside of Washington,

and even while engaged in carriage rides within the district—but it seems eminently reasonable to conclude that his actual emancipation writing was accomplished on a Sunday afternoon in mid-July within the confines of the White House library.

Unfortunately, for once the Browning diary is not helpful; but there is an intriguing contemporary letter from White House aide John Hay that provides powerful support for this hypothesis. Hay, then twenty-three years old, wrote an affectionate, chatty note to a young lady on Sunday, July 20, that seemed to dangle confidential information as a tool for an ongoing flirtation. The president, Hay wrote, “will not conserve slavery much longer.” He added, with blithe assurance, “When next he speaks in relation to this defiant and ungrateful villainy it will be with no uncertain sound.” There is no Hay diary entry for this day, but his Sunday letter practically shouts out knowledge of Lincoln at work on a proclamation. “If I have sometimes been impatient of his delay,” Hay wrote to his correspondent, Mary Jay, the daughter of a prominent New York abolitionist, “I am so no longer.”⁴⁸

The fact that the First Draft of the Emancipation Proclamation actually begins with a sentence required by the Second Confiscation Act suggests very strongly that the document was written sometime between the date of the law’s passage (Thursday, July 17) and the discussion of the draft itself (Tuesday, July 22). In retrospect, it is rather remarkable that reference to the July 17 law has not raised more fundamental doubt about the earlier dating of the First Draft by the various recollected claimants. How could such a short document, so clearly written in response to the new law, have been composed at any time prior to its passage? Moreover, Salmon Chase’s contemporary descriptions of the two successive cabinet meetings, on Monday, July 21, and Tuesday, July 22, should make it equally obvious that the draft was not announced as some solitary thunderbolt, but rather was presented as part of a series of related orders crafted in direct response to the requirements of the statute. Finally, a careful study of the president’s schedule in July, coupled with the heavy-handed hints of his young aide, seems to lead quite naturally to Sunday, July 20, 1862, as the pivotal creative date.

Yet, if all of this deduction is so obvious and natural, then why has no prominent historian offered this hypothesis before? The answer lies partly with the realization that dating emancipation is not such a prosaic matter after all, but instead goes to the heart of a critical interpretative question: Why did Lincoln embrace emancipation? Historical differences over the answer to this question help explain why scholars have clung so tenaciously to their recollected sources.

John Hope Franklin’s 1963 anniversary study of the Emancipation Proclamation was celebratory in nature. In the shadow of a new era of civil rights

challenges, he went to great lengths to demonstrate that Lincoln was a willing and eager emancipator. He wrote confidently (and perhaps wishfully) that the “best evidence” suggested that the president had decided on military emancipation “in the late spring of 1862.”⁴⁹ When documenting this claim, Franklin employed a number of recollections from Hamlin, Eckert, and others, all testifying to Lincoln’s sincere support for black freedom. David Donald proved far more circumspect in his use of recollected evidence, but the story of Lincoln scrawling out his proclamation in the telegraph office fit neatly with his thesis about the essential passivity of Lincoln’s nature. Even at the moment of greatest decision, Donald’s Lincoln appeared to be cautious, almost hesitant. In his concise, 1993 monograph, Mark Neely was less interested in the immediate narrative of Lincoln’s decision making and more concerned about explaining the president’s embrace of emancipation as part of his evolution as commander-in-chief. He was also quite skeptical about the contemporary evidence. “Immediate contemporary sources for the origins of the proclamation are unfortunately very limited,” Neely wrote tersely.⁵⁰ Allen Guelzo, on the other hand, found more material to consider, but he also had more space to devote to these narrative questions and more interest in resolving them. Thus, he has offered the most thorough review of the various contemporary and recollected claims, but apparently relying on the “prudence” that he found so admirable in his subject (the “last Enlightenment politician,” in his words), Guelzo merely concluded in his work that it was “unclear” when Lincoln began composing his First Draft.⁵¹

Perhaps it still is. The Browning diary entries, the various contemporary remarks by the president, the connections to the Second Confiscation Act, the quiet Sunday, the Chase diary entry and his letter to Richard Parsons (see note 45), the Hay letter, the military orders, the text of the First Draft itself—these facts do not constitute indisputable evidence that an act of writing occurred at a particular time and place. Yet, it should be equally clear that the recollections historians have generally relied upon before now to support their claims are not without their own serious question marks. Sunday, July 20, 1862, might not emerge as the consensus choice for emancipation’s date of origin, but it quite obviously deserves consideration. And if that means reevaluating the connection between confiscation and emancipation, then perhaps that would also be a welcome outcome. Historians almost never ignore congressional confiscation policy when discussing Lincoln’s actions, but they have downplayed its impact because presidential emancipation so thoroughly superseded the other policy in the months that followed.⁵² A careful review of contemporary evidence suggests that this has been a mistake. While congressional confiscation was certainly not the cause of Lincoln’s emancipation policy, it was quite clearly the trigger. To put it more provocatively, it seems

that political necessity mattered almost as much as military necessity in the actual drafting of emancipation. The recollections that historians have relied upon have papered over this inconvenient fact. Thus, looking beyond July 1862 has obscured a fuller understanding of Lincoln's actual summer of emancipation. Ultimately, this might be the most startling conclusion of all. Despite a significant amount of evidence and generations of penetrating scholarship, we are clearly still struggling in ways both large and small to define the greatest decision of our greatest president.

Notes

1. Emancipation Proclamation—First Draft, July 22, 1862, in *The Collected Works of Abraham Lincoln*, ed. Roy P. Basler, 9 vols. (New Brunswick, N.J.: Rutgers University Press, 1953–55), 5:336–38; Preliminary Emancipation Proclamation, September 22, 1862, in *ibid.*, 5:433–36; final Emancipation Proclamation, January 1, 1863, in *ibid.*, 6:28–31.
2. For a fuller account of this critical month and a more complete description of the places that Lincoln occupied or visited, see Matthew Pinsker, *Lincoln's Sanctuary: Abraham Lincoln and the Soldiers' Home* (New York: Oxford University Press, 2003). The president's reference to the "iron cage" is on 51.
3. To view a copy of the original First Draft, see Abraham Lincoln, Preliminary Draft of Emancipation Proclamation, Tuesday, July 22, 1862, Abraham Lincoln Papers at the Library of Congress, Series 1, General Correspondence, 1833–1916, online at <http://memory.loc.gov/ammem/alhtml/malhome.html>.
4. *Collected Works*, 5:336–37. For a good description of the origins of Carpenter's famous painting, which hangs near the Senate's west stairway in the Capitol, see Mark E. Neely Jr., introduction, *The Inner Life of Abraham Lincoln: Six Months at the White House*, by Francis B. Carpenter (1866; repr., Lincoln: University of Nebraska Press, 1995), v–xviii.
5. Charles E. Hamlin, *The Life and Times of Hannibal Hamlin*, 2 vols., (1899; repr., Port Washington, N.Y.: Kennikat, 1971), 2:428–29. For a good discussion of Hamlin's evolving tale, see Allen C. Guelzo, *Lincoln's Emancipation Proclamation: The End of Slavery in America* (New York: Simon & Schuster, 2004), 141–42.
6. Eckert actually claimed that Lincoln first began writing the draft following "his arrival one morning in June, 1862, shortly after McClellan's 'Seven Days' Fight.'" The problem is that the Seven Days' Battles began on June 25 and ended on July 1, 1862. The most sensible possibility, assuming that story has any truth at all, is that Eckert meant to write, "shortly after McClellan's 'Seven Days' Fight' commenced." See David Homer Bates, *Lincoln in the Telegraph Office: Recollections of the United States Military Telegraph Corps during the Civil War* (1907; repr., Lincoln: University of Nebraska Press, 1995), 138.
7. Some historians have mistakenly identified Eckert's story as coming from David Homer Bates, who was the author of the 1907 recollection, *Lincoln in the Telegraph Office*, where this account from Major Eckert first appeared. Bates was a cipher operator under Eckert's command and apparently received a letter from his former boss recounting what had happened during the summer of 1862 as he was preparing his memoir for publication. Thus, Bates put the entire passage about Lincoln's drafting emancipation in quotation marks and carefully prefaced it by writing, "Some of the incidents connected with the writing of that immortal document have now been recorded by Eckert, as follows." See *ibid.*, 138–41.

8. John Hope Franklin, *The Emancipation Proclamation* (New York: Doubleday, 1963), 35–37.
9. David Herbert Donald, *Lincoln* (New York: Simon & Schuster, 1995), 363–64, 654n.
10. Mark E. Neely Jr., *The Last Best Hope of Earth: Abraham Lincoln and the Promise of America* (Cambridge, Mass.: Harvard University Press, 1993), 108–9.
11. Guelzo, *Lincoln's Emancipation Proclamation*, 140–44.
12. Hannibal Hamlin to Abraham Lincoln, September 25, 1862, Abraham Lincoln Papers at the Library of Congress, online at <http://memory.loc.gov/ammem/alhtml/mal-home.html>.
13. *Collected Works*, 5:49.
14. *Ibid.*, 5:223; Stanton quoted in Guelzo, *Lincoln's Emancipation Proclamation*, 140.
15. *Collected Works*, 5:278.
16. *Ibid.*, 5:388.
17. Pinsker, *Lincoln's Sanctuary*, 29.
18. Theodore Calvin Pease and James G. Randall, eds., *The Diary of Orville Hickman Browning: 1850–1864*, 2 vols. (Springfield: Illinois State Historical Library, 1925), 1:555.
19. *Ibid.*
20. Donald, *Lincoln*, 365; Guelzo, *Lincoln's Emancipation Proclamation*, 142.
21. Pease and Randall, *Diary of Browning*, 1:556.
22. Michael Burlingame, ed., *With Lincoln in the White House: Letters, Memoranda, and Other Writings of John G. Nicolay, 1860–1865* (Carbondale: Southern Illinois University Press, 2000), 84.
23. *Collected Works*, 5:306; reporter's description, quoted in Pinsker, *Lincoln's Sanctuary*, 37; Pease and Randall, *Diary of Browning*, 1:557.
24. *Collected Works*, 5:307.
25. Quoted in Don E. Fehrenbacher and Virginia Fehrenbacher, eds., *Recollected Words of Abraham Lincoln* (Stanford, Calif.: Stanford University Press, 1996), 434.
26. Quoted in Stephen W. Sears, *George B. McClellan: The Young Napoleon* (New York: Ticknor & Fields, 1988), 227.
27. Joseph H. Barrett, *Life of Abraham Lincoln* (New York: Moore, Wiltach & Baldwin, 1865), 823.
28. Carpenter, *Inner Life*, 86–87. Note that Allen Guelzo is one of the few modern scholars who references Barrett's claim, but he believes the information originally came from Francis Carpenter. Yet Carpenter acknowledged in one edition of his memoir that he never heard Lincoln himself place emancipation's origins on the return from Harrison's Landing but instead had relied upon Barrett for this "circumstance," which he suggested, "from the known relations of the author," was "undoubtedly true" (Guelzo, *Lincoln's Emancipation Proclamation*, 144–45).
29. Gideon Welles, "The History of Emancipation," *Galaxy*, December 1872, 842, available online via "Making of America," Cornell University Library, <http://cdl.library.cornell.edu/cgi-bin/moa/moa.cgi?notisid=ACB8727-0014-113>.
30. Burlingame, *With Lincoln in the White House*, 85.
31. Joseph H. Barrett, *Abraham Lincoln and His Presidency*, 2 vols. (Cincinnati: Robert Clarke, 1904), 2:112; Carpenter, *Inner Life*, 86–87.
32. *Collected Works*, 7:282.
33. John T. Morse, ed., *Diary of Gideon Welles: Secretary of the Navy under Lincoln and Johnson; Volume 1, 1861–March 30, 1864* (Boston: Houghton, Mifflin, 1911), 70. See also Welles, "History of Emancipation," 838–52.

34. Franklin, *Emancipation Proclamation*, 37–38; Neely, *Last Best Hope of Earth*, 107–8; Donald, *Lincoln*, 362; Guelzo, *Lincoln's Emancipation Proclamation*, 145. Out of these historians, Guelzo is probably the sharpest in his criticism of Welles, whose account he labels as a “slight dissent.” Guelzo also points out that the naval secretary was “notoriously shaky about dating events” (*Lincoln's Emancipation Proclamation*, 145).

35. *Collected Works*, 5:322.

36. Morse, *Diary of Gideon Welles*, 144.

37. *Collected Works*, 7:282.

38. Pease and Randall, *Diary of Browning*, 1:559.

39. The text of the Second Confiscation Act is available online at the Freedmen and Southern Society Project of the University of Maryland, <http://www.history.umd.edu/Freedmen/conact2.htm>.

40. *Collected Works*, 5:326.

41. Pease and Randall, *Diary of Browning*, 1:559–60.

42. “The President and the Confiscation Bill,” *New York Times*, July 18, 1862. See also Donald, *Lincoln*, 364–65.

43. George W. Julian, “Lincoln and the Proclamation of Emancipation,” in *Reminiscences of Abraham Lincoln by Distinguished Men of His Time*, ed. Allen Thorndike Rice (1885; revised ed., New York: Harper & Brothers, 1909), 237–38.

44. See Pinsker, *Lincoln's Sanctuary*, 44–45; and entry for July 19, 1862, in *Lincoln Day by Day: A Chronology, 1809–1865*, ed. Earl Schenck Miers (1960; repr., Dayton, Ohio: Morningside, 1991), 3:28.

45. David Donald, ed., *Inside Lincoln's Cabinet: The Civil War Diaries of Salmon P. Chase* (New York: Longmans, Green, 1954), 95. Chase described the same scene in slightly different terms in a letter dated July 20, 1862 (but not completed until after July 22). “The Slavery question perplexes the President almost as much as ever and yet I think he is about to emerge from the obscurities where he has been groping into somewhat clearer light,” he wrote to Richard C. Parsons. “Today he has had his Secretaries in Consultation & has read us several orders which he is thinking of promulgating.” In the letter, the secretary also referred to the First Draft as the “proclamation warning the rebels of the confiscations denounced by Congress and declaring his purpose to enfranchise the slaves of all rebels (unless they return to their allegiance in Sixty days) in all the Gulf States.” See Chase to Parsons, Sunday, July 20, 1862, in *The Salmon P. Chase Papers: Volume 3, Correspondence, 1858 to March, 1863*, ed. John Niven (Kent, Ohio: Kent State University Press, 1993), 231.

46. Donald, *Inside Lincoln's Cabinet*, 99.

47. Lincoln to Edwin M. Stanton, [July 22, 1862], in *The Collected Works of Abraham Lincoln: First Supplement, 1832–1865*, ed. Roy P. Basler (1974; repr., New Brunswick, N.J.: Rutgers University Press, 1990), 141–42.

48. John Hay to Mary Jay, Washington, Sunday, July 20, 1862, in *At Lincoln's Side: John Hay's Civil War Correspondence and Selected Writings*, ed. Michael Burlingame (Carbondale: Southern Illinois University Press, 2000), 23.

49. Franklin, *Emancipation Proclamation*, 34.

50. Neely, *Last Best Hope of Earth*, 201.

51. Guelzo, *Lincoln's Emancipation Proclamation*, 3, 140. Guelzo does not mention the Hay letter of July 20, 1862.

52. See a thoughtful essay on this subject by Herman Belz titled “Protection of Personal Liberty in Republican Emancipation Legislation,” in his *Abraham Lincoln, Constitutional-*

ism, and Equal Rights in the Civil War Era (New York: Fordham University Press, 1998), 101–18. For another perspective that sharply criticizes the scholarly indifference to congressional confiscation policy, though in a much less thoughtful and persuasive manner, see Lerone Bennett Jr., *Forced into Glory: Abraham Lincoln's White Dream* (Chicago: Johnson Publishing, 2000).