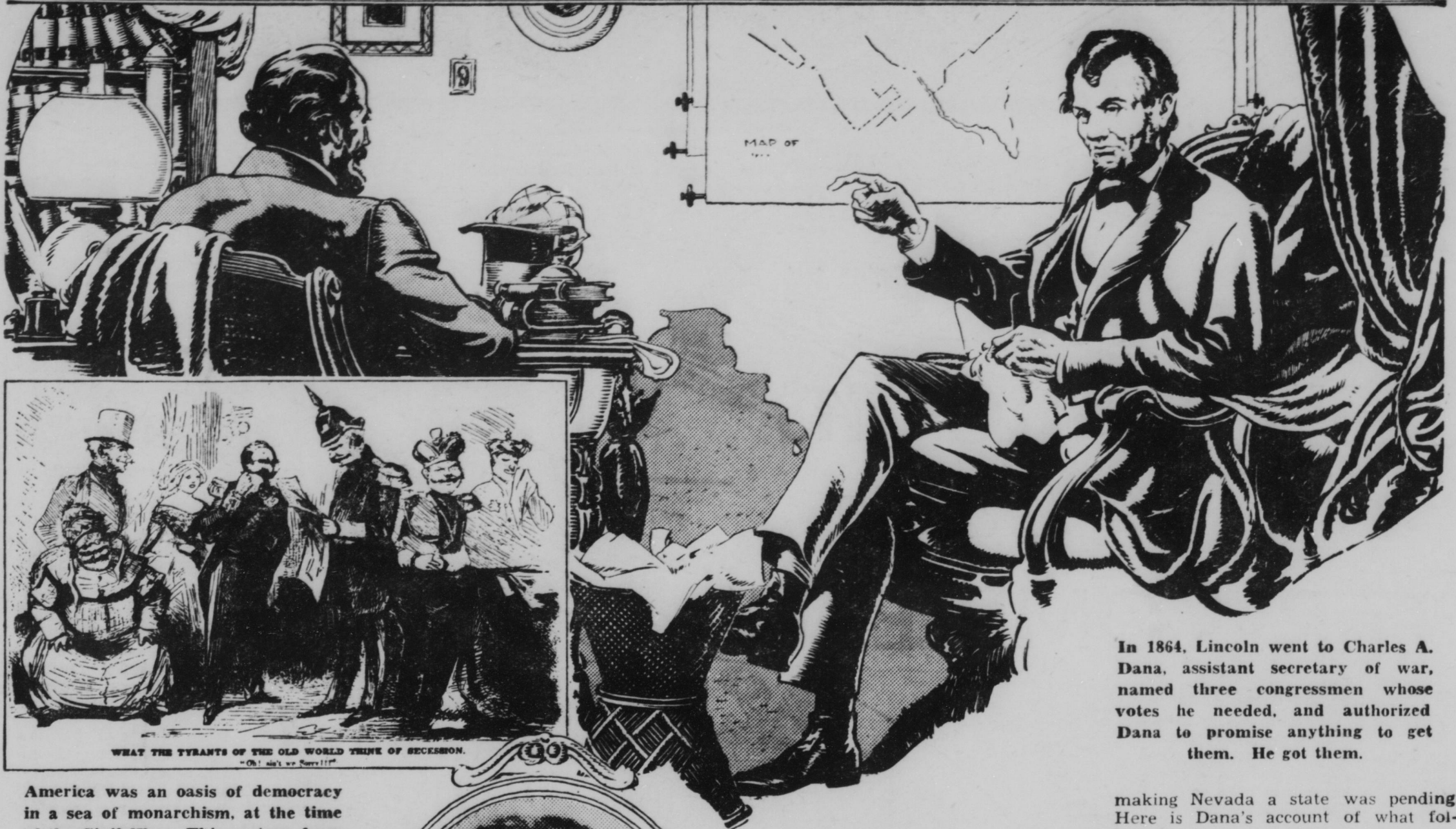


How LINCOLN AMENDED the CONSTITUTION



In 1864, Lincoln went to Charles A. Dana, assistant secretary of war, named three congressmen whose votes he needed, and authorized Dana to promise anything to get them. He got them.

America was an oasis of democracy in a sea of monarchism, at the time of the Civil War. This cartoon from Harper's Weekly of Dec. 1, 1860, shows European monarchs chortling over democracy's crisis.

By Henry W. Lawrence

Professor of History and Political Science, Connecticut College

IS President Roosevelt now getting ready to deal with "rugged individualism" in somewhat the way that President Lincoln dealt with human slavery? Is Roosevelt about to attempt a constitutional amendment by methods as ruthless as those employed by Lincoln?

The problems which faced these two presidents were strangely alike at bottom, though strikingly different on the surface.

In Lincoln's day the United States was the only large-scale experiment in government by the people under republican forms anywhere in the world. If it fell, the cause of political democracy was probably lost, at least for several generations.

Both Lincoln and Roosevelt were insistently advised to abolish outright a system that might fairly be called 100 per cent American; a system that had ante-dated the nation and grown up with it, contributing largely to its prosperity. In Lincoln's case this system was the well-established practice of human slavery; in Roosevelt's it is the equally well-established practice of "rugged individualism."

In the 1860's the Union was preserved and an outworn economic system—that of plantation slave labor—was overthrown. It is still too early to say that anything like a parallel solution will be found for the problems of the 1930's. But if President Roosevelt should decide to make important and permanent changes in the economic order, he would straightway be confronted by the problem of amending the Constitution, and it is this problem which Lincoln's experience during the



A copy of Thomas Johnson's famous dry point etching of Abraham Lincoln.

great Civil War crisis so strikingly illuminates.

In some respects, the difficulties in the way of amending the Constitution were greater in Lincoln's day than in our own. There had been no amendment of any kind for 60 years, when suddenly President Lincoln felt obliged to urge one of a very fundamental character, namely the 13th, by which a terrific blow was struck at property rights and states' rights.

THIS riding roughshod over the ancient rights of the states and of private property was not to be accomplished, however, without the greatest difficulty.

"It is impossible," said Congressman Pendleton, speaking in the House of Representatives, "that the amendment proposed should be ratified without a fraudulent use—I select the term advisedly—without a fraudulent use of the power to admit new states or a

fraudulent use of the military power of the federal government in the seceded states."

The condemned act seemed justifiable, nevertheless, as an indispensable means for saving the Union, and as a fulfillment of the mandate given the administration in the presidential election of 1864. Said President Lincoln, in his message to Congress on Dec. 6:

"It is the voice of the people now for the first time heard upon the question. In a great national crisis like ours, unanimity of action among those seeking a common end is very desirable. Yet no approach to such unanimity is attainable unless some deference is paid to the will of the majority simply because it is the will of the majority." By which he seems to have signified his intention to apply both military coercion and political corruption to achieve this desired change.

At any rate, both were applied: the federal generals, under orders of course, made the unreconstructed states vote right; and Lincoln himself took charge of some of the necessary political corruption, for example in the matter of securing the admission of Nevada to statehood, notwithstanding its absurdly small population.

THIS astonishing bit of bribery, authorized by the president of the United States for the purpose of saving the Union, is described circumstantially by Charles A. Dana ("Recollections of the Civil War," pp. 174-177).

Discussing the anti-slavery amendment which Lincoln sought in the spring of 1864—a measure which would help the North as much as a whole new army—Dana recalls how Nevada was admitted as a state to gain a needed vote for the amendment. Lincoln's answer to criticism of this step, Dana says, was, "It is easier to admit Nevada than to raise another million soldiers."

Lincoln visited Dana when the law

making Nevada a state was pending. Here is Dana's account of what followed:

"Dana," he said, "I am very anxious about this vote. It has got to be taken next week. The time is very short. It is going to be a great deal closer than I wish it was."

"There are plenty of Democrats who will vote for it," I replied.

"But there are some others that I am not clear about," he said. "There are three that you can deal with better than anybody else, perhaps, as you know them all. I wish you would send for them."

"He told me who they were."

"What will they be likely to want?" I asked.

"I don't know," said the president. "I don't know. It makes no difference, though, what they want. Here is the alternative: that we carry this vote, or be compelled to raise another million, and I don't know how many more, men, and fight no one knows how long. It is a question of three votes or new armies."

"I sent for the men and saw them one by one. I found that they were afraid of their party. They said that some fellows in the party would be down on them."

"Two of them wanted internal revenue collector's appointments. 'You shall have it,' I said. Another one wanted a very important appointment about the custom house of New York."

"Well, these men voted that Nevada be allowed to frame a state government, and thus they helped secure the vote that was required."

IF President Roosevelt should decide that the curtailment or abolition of "rugged individualism" is the indispensable next step toward saving American democracy, he would have, as the foregoing narrative has shown, the ruthless and undiscourageable action of President Lincoln as an example to aid him in forcing through whatever constitutional amendment is necessary.

