

Abraham Lincoln, Frederick Douglass, and the Declaration of Independence

The topic of my brief remarks this afternoon is Abraham Lincoln, Frederick Douglass, and the Declaration of Independence – and the Constitution, too. It might seem strange to commemorate the achievements of one man by invoking another, and to discuss his relation to two documents he did not write. To be sure, Lincoln’s greatness is such that it needs no contrast to others for a boost: He successfully led the country through a bitter civil war, spearheaded the emancipation of some four million slaves, and counseled reconciliation before his untimely assassination at the war’s end. But what makes Lincoln’s achievement so central to American memory is that he preserved the Union and ended slavery while saving the Constitution, indeed while reconciling the compromises of the Constitution with the stirring principle of the Declaration of Independence that “all men are created equal [and] endowed by their Creator with certain unalienable rights.” And his friendship with Frederick Douglass served first, on an intellectual plane, to help Lincoln work out his interweaving of the Declaration and the Constitution, and second, on a personal plane, to model the possibility of genuine understanding across the racial divide.

Let me start by outlining the situation Lincoln faced, a situation that, in regard to different questions, remains with us today and perhaps always will: That is the issue of the relation of political principle and constitutional compromise. For Lincoln as for the abolitionists of his era, the Declaration of Independence announced the fundamental principle of human equality that condemned chattel slavery as wrong; by God-given right, men were free and equal, and the human law that made some of them slaves to

others was in principle unjust. But if the Declaration condemned slavery in principle – only in principle, I should add, because Jefferson had written but Congress had removed direct condemnation – the Constitution, though written for the most part to make effective the independent government the Declaration had announced, made three compromises with slavery, which, however, it did not mention by name. First, representatives were apportioned among the states by a formula that gave them credit for three-fifths of their slaves, thereby enhancing the power of the slaveholders' vote. Second, in a unique provision, the slave trade was protected from interference for twenty years, although it was later banned on January 1, 1808, the very first day after the prohibition expired. Third, the fugitive slave clause ensured that escaped slaves could be returned to their masters, and legislation, first in 1793 and then more harshly in 1850, established the process by which this might be done. Many of the compromises of the Constitution made it justly famous – the Great Compromise between large states and small states settled by the bicameral Congress, the ratification compromise that led to passage of the Bill of Rights – but the compromises with slavery, however necessary they seemed at the time, made the Constitution anathema to many abolitionists, some of whom, like William Lloyd Garrison, denounced it as a pact with the devil and tore copies of it to pieces as a sign of their contempt.

Now Lincoln, though anti-slavery in his politics, was nevertheless a staunch defender of the compromising spirit of the Constitution. He declared his ideal statesman to be the Whig politician Henry Clay, who forged the Compromises of 1820 and 1850 over slavery in the growing republic. Born into obscurity and lacking much formal education, Lincoln became a leading member of the bar in Illinois and served a term in

Congress in the 1840s, where his voting record on the few slavery questions that arose followed the leadership of Henry Clay. In a speech he had given as a young lawyer, he argued that, given the emerging problem of mob violence in frontier democracy, Americans ought to teach reverence for the laws as a political religion. Strict adherence to the Constitution and its compromises, in other words, seemed to be the core of the young Lincoln's political creed.

Now Frederick Douglass, though younger than Lincoln, achieved international prominence much sooner. Born into slavery in Baltimore but escaping to New York as a young man and eventually purchasing his freedom, Douglass became a leading abolitionist orator and publisher, speaking in England as well as across the Northern states. He had been welcomed by Garrison, but later broke with him, calling for political action to end slavery and even suggesting in his speeches that the slaves revolt. In 1852, Douglass was invited by the Rochester (NY) Ladies' Anti-Slavery Society to deliver its Fourth of July Oration, and he gave a speech that was remarkable in many ways. First, citing the continued power of slavery despite the language of the Declaration, Douglass reminded his audience that, to an American of African descent, "This Fourth of July is yours, not mine. You may rejoice, I must mourn." Second, in contrasting the Declaration's principle to the continued practice of slavery, Douglass said, "America is false to the past, false to the present, and solemnly binds herself to be false to the future." But third, he said an interesting thing: Unlike Garrison, who condemned the Constitution for allowing slavery, Douglass adopted the interpretation first suggested by the New Englander Lysander Spooner that the Constitution, which never mentions slavery by name and often mentions liberty and rights, in fact forbids slavery and is "a glorious

liberty document.” Every man can interpret the Constitution as he pleases, Douglass asserted, and he chose to interpret it on the side of freedom.

I can't prove that Lincoln read Douglass's oration, though it was printed and we know that Lincoln was a voracious reader, especially of materials related to slavery. But when in 1854 Lincoln reappears in Illinois politics at the forefront of the new Republican Party, he has already developed the position on slavery, the Declaration, and the Constitution that would characterize his celebrated debates with Stephen Douglas during the Senate campaign of 1858 and also his run for the presidency in 1860. On the one hand, Lincoln stands by the compromises in the Constitution: He would not interfere with slavery in any state where it then existed, since the Constitution left the question of whether or not to allow slavery to the states, and he would even allow a fugitive slave act, at least if it was no easier by law to return an alleged slave than it was to condemn an alleged criminal. But in the territories, where the issue could be decided afresh, without entrenched interests, on the basis of the simple principle of right and wrong, Lincoln invoked the Declaration and insisted, on the authority of the Founders, that slavery ought not to be allowed. This policy, he thought, while respecting constitutional compromises, nevertheless would settle the public mind on the question of slavery's wrongness, and that would mean condemning the institution to ultimate extinction. Lincoln *adopted* from Frederick Douglass, I think, both a recognition of the value of invoking the Declaration to condemn slavery in principle and a sense that the Constitution needed to be informed by vital principle, to be colored by the people's aspirations and not just bound by their compromises. But Lincoln *adapted* Douglass's constitutional theory, giving to the Declaration, not the Constitution, the role of articulating aspirational principles; the

Constitution needs to remain a conservative document, recording its makers' deliberate consent. This attitude – mixing principle and compromise, the Declaration and the Constitution – was at the heart of Lincoln's logic throughout his brief moment on the national scene. It propelled him to the leadership of the national Republican Party, where he was able to unite its old-line Whigs with its abolitionists, and it ultimately allowed him to achieve the seemingly impossible goal of simultaneously preserving the Union and abolishing slavery – giving each great aim its moment and using each to reinforce the other.

In April 1876, eleven years after Lincoln's assassination, the first memorial in his honor was erected in Washington, DC, several blocks east of the Capitol, where it still stands. At the dedication of the statue of Lincoln emancipating a rising African – a statue paid for by the contributions of freed slaves – in the presence of President Grant, members of Congress, and many others of official Washington, Frederick Douglass gave the oration. To this day it has not been surpassed as a tribute to Lincoln – not merely because of its eloquence, but because of its clear-eyed analysis of Lincoln's prudence, his understanding that, as a politician in a government based upon consent, it is not enough to propose abstract right; one has to start where the majority is in its thinking, and thus even with their prejudices, and surely lead them toward what is right by whatever steps they would follow and whatever arguments they would accept. Douglass had met Lincoln while he was president, and although frustrated by the slow pace of some of his reforms, he nevertheless recognized Lincoln's steadily progressive achievement, and he saw in the man complete personal respect across their racial difference. They had in common humble origins and experience of hard work; and they respected one another's

eloquence and the penetrating logic of their spoken prose. And they both discovered – in part, I think, through a sort of dialogue with one another’s thoughts and actions – that the secret of America’s constitutional heritage is in its dynamic balance of compromise and principle, of tradition and right.

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