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ERIC FONER
LINCOLN'S DILEMMA
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Eric Foner Interview
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The significance of executing Nathaniel Gordon in 1862

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ERIC FONER:

You know, the execution of Nathaniel Gordon was certainly a very dramatic moment in the early part of the Civil War. Lincoln didn't completely explain what his reasoning was, and it's true that he did have a fondness for pardons in many cases. But you know, the slave trade, the Atlantic slave trade was considered really a kind of a crime against humanity by this point, even among people who otherwise defended slavery. It had been outlawed in 1808. It was considered a form of piracy, and the penalty in the law was, it was a capital crime, so you could be executed for taking part. But the fact is that nobody had been executed for, at least no American, for taking part in the slave trade up until the time that Lincoln acted in terms of Nathaniel Gordon.

ERIC FONER:

I think it just reflects Lincoln -- it's like Lincoln sending a message. This is early 1862. The slavery issue is being debated, but it's not as central as it would become very soon after this. But I think Lincoln wanted to send a message that he was no longer going to tolerate the sort of blatant violation of the laws banning the slave trade. The previous administrations, Buchanan,

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Pierce, go back all the way, had not really enforced this law. Slave traders had been arrested and then let off with a slap on the wrist. The U.S. had not been willing to participate in the international tribunals, which sort of adjudicated the fate of slave traders who were captured on the high seas, usually by the British Navy. The American Navy wasn't really involved much in that at this point.

ERIC FONER:

Lincoln not only approved the execution of Nathaniel Gordon, after Gordon was convicted by a jury, but had the United States join this kind of international effort against the slave trade, which the U.S. had really stayed kind of aloof from. So I think it's just a message that Lincoln was taking very seriously the question of slavery, and was no longer going to be tolerating things that previous presidents had allowed to happen.

The border states

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ERIC FONER:

Well, of course, there were four slave states, the so-called border states, that did not secede: Delaware, Maryland, Kentucky, and Missouri. There were 15 slave states. Eleven eventually seceded to form the Confederacy. These four states remained in the Union. Lincoln was persuaded, and many others too, that if those states seceded, the task of reuniting the nation would become pretty much impossible. Particularly Kentucky, the state of Lincoln's birth, which had a pretty thriving slave system. Maryland. If Maryland seceded, the Capitol would be cut off, it would be surrounded by the Confederacy, with Virginia and Maryland on different sides of Washington, D.C. Delaware, of course, much smaller, very few slaves there, but Delaware couldn't very well stay in the Union if Maryland seceded because it was then also surrounded by

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either water or a slave state. And Missouri, which, you know, had a major, major city, St. Louis, just as Maryland had the industrial city of Baltimore, a very important economic place.

ERIC FONER:

So if those states seceded, Lincoln felt that the war could not be won. And therefore some of his strategy, some of his politics in the first year, year and a half of the war, were geared to absolutely doing everything he could to keep the border states in the Union. This made him cautious about direct action against slavery. It's not that there wasn't action in the first year. There was. Congress passed the first Confiscation Act, for example, and Lincoln signed it, but Lincoln felt particularly if Kentucky seceded, it would be impossible. There, you know, there was a very large population there, and then that would bring the Confederacy right up to the Ohio River, and it would be impossible.

ERIC FONER:

So, yeah, Lincoln, didn't only think about the border states. After all, there were a lot of people in the North who wanted a more vigorous prosecution of the war and more direct action against slavery early on, and Lincoln had to think about them also. But certainly, for example, when General Fremont issued an order in Missouri in late 1861, just declaring free the slaves in Missouri, Lincoln ordered him to rescind it or at least modify it so that it didn't go beyond the first Confiscation Act, which had been passed by Congress a little before this. Fremont refused. Lincoln then ordered the thing -- his proclamation -- rescinded. And as he said at the time, to lose Kentucky would lose the whole war. Kentucky was considering secession right at that moment, and Lincoln felt he had to, you know, insist that Fremont sort of not be put into effect, that generals could not go around liberating all the slaves in one state or another.

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But by the end of 1861, the Union had a more secure grip on the border states. Maryland was now under the control of a pro-Union government. Kentucky had decided to stay in, partly because Confederate troops had entered Kentucky, and they considered this an affront to their sovereignty. Missouri was a kind of civil war, a mess, and Lincoln never got complete control over it. But by the end of 1861, it was clear that you didn't really have to gear policy to the border states nearly as much as you did in the first few months of the war.

Lincoln's strategy for gradual emancipation

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ERIC FONER:

Lincoln, on the one hand, in the early part of the war, geared policy toward the border states. On the other hand, very early in the fall of 1861, he approached Delaware to begin with, a state with only 1,800 slaves, with a plan for gradual emancipation. And he felt that if the border... His idea was if the border states voluntarily agreed to adopt a plan of emancipation, this would convince the Confederacy that those states were never going to join up, never going to secede, and that maybe it would lead other Confederate states to say, "Well, you know, we're not going to get the border states on our side, so we better maybe try to get a negotiated settlement or figure out how to go back into the Union." And Lincoln hoped that his plan for the border states would also be adopted by maybe one or more Confederate states.

ERIC FONER:

What was this plan? It was a plan that Lincoln had talked about a lot before the Civil War, that he fundamentally borrowed from Henry Clay, his idol, his political idol, the man he respected in politics more than anyone else. It was

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for gradual emancipation, not immediate. It might take 20, 30, 40 years. Many of the Northern states had abolished slavery through gradual emancipation decades before, Pennsylvania, New York. That is, they adopted laws that said, "Well, anybody born a slave after X date is going to become free at some age." But that didn't free any slave who was alive right now, right? So it would be a fairly long process. It would be less disruptive to the economy, Lincoln thought.

ERIC FONER:

Second of all, there would be monetary compensation. The federal government would pay owners for the loss of their property in slaves. Slavery was established by state law. It was immoral, but it was a legitimate legal status. It was recognized by the Constitution. And Lincoln felt that this would be another inducement. If they could get payment for their slaves, they would more... The owners in these border states would be more willing to voluntarily agree to this plan.

ERIC FONER:

And third, of course, was colonization. That is to say that the government would encourage, not require, but strongly encourage the emancipated slaves to leave the United States, whether for Africa or Central America, which Lincoln was very interested in, or the Caribbean somewhere. The government would finance this. The government would assist people to leave. And why? Why should they leave? Well, that's a complicated question, but I think in this context, the reason is that the owners in these border states would not accept a plan that would lead to a giant, new, free Black community being created in their states.

ERIC FONER:

This was always the question, when you talked about abolishing slavery: Well, what is going to happen to these emancipated slaves? Are they going to

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remain in the United States? Are they going to be citizens? What kind of rights are they going to have, if any? Colonization allowed you, I think Lincoln felt, to have an end run around that question. You don't have to worry about the status of the former slaves if somehow you can convince people they're all going to be sent out of the country.

ERIC FONER:

So that was Lincoln's plan, so to speak. One of the key points here is that this was a plan that required the cooperation of slave owners. You couldn't emancipate the slaves or free slaves without the cooperation of slave owners at this point in the war. So Lincoln, the inducements, and the inducements were gradualism, monetary compensation, and colonization. Of course, the border states said, "No, we are not interested in your plan." None of them adopted this plan, even Delaware. And you know, it basically didn't go anywhere, even though Lincoln promoted it for a year. All the way down to December 1862 in his State of the Union address or annual message to Congress, he promoted one version or another of this plan. He called on Congress to appropriate money, but it never got anywhere off the ground.

Lincoln's thoughts on colonization

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ERIC FONER:

The fact that Lincoln promoted this idea of colonization for about 10 years, from the early 1850s until the end of 1862 really, doesn't fit with a lot of people's image of Lincoln. Let's just put it that way. The great emancipator. When you read his statements on colonization, people can find it very jarring, but I think you have to take Lincoln at his word. I honestly think Lincoln did believe in this plan.

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The thing about colonization is, it is part of a plan for getting rid of slavery. It's part of a plan that assumes that you cannot get rid of slavery unless you get cooperation from slave owners. Colonization is part of the -- you know, one of the ways of convincing slave owners that they can see the end of slavery, they can see slavery abolished. The fact is that the vast majority of them, and indeed of white people in the North too, did not want a large, new, free Black population to be created. And certainly, in those states where Blacks were 30, 40, 50, 60% of the population in the South, emancipating the slaves and leaving them in place would completely change the body politic and the, you know, social structure of those states.

ERIC FONER:

Now, basically, Lincoln got this from Henry Clay, his political idol, who for years and years in Kentucky had been promoting a plan, this plan of emancipation with no success whatsoever, which Lincoln surely must have realized. But this was... You know, there were times in the 1850s where Lincoln said, you know, "I really have no idea what to do about slavery. I can't see how we're going to end slavery."

ERIC FONER:

In his famous Peoria speech, he starts by saying, "If I had all the power in the world, I wouldn't know what to do. My first impulse," he said, "would be to send them to Africa, their native land. But I would immediately realize that that is impossible. It's impractical. You have millions of Black people here. To ship them all to Africa is impossible. But what?" he said. "Free them and make them our equals? No. A white society would not accept that."

ERIC FONER:

Lincoln is always very cagey on this. He says, "I wouldn't accept that. And even if I would, the majority of the white population would not accept a large, new, free Black population as equal members of the society. Colonization is

the..." In other words, it's racism itself that is Lincoln's argument for colonization.

ERIC FONER:

It's not that Black people are dangerous. Henry Clay used to say, "They're criminals. They're dangerous. If you free them, they're just going to run amok and create havoc." Lincoln never said anything like that. What he fundamentally said is, "Black people are entitled to the rights laid out in the Declaration of Independence: life, liberty, pursuit of happiness. And yet they cannot enjoy them in the United States because of the depth of racism here. They need to be somewhere else where they can really enjoy freedom properly." I'm not trying to defend what Lincoln said. I think it's obviously completely reprehensible to consider that these millions of people should just be expelled from the land of their birth. And when Lincoln says "back to Africa, their native land," that's not their native land any more. The vast majority of the Black people have been born in the United States. They have no more connection to Africa than Lincoln did to England, where his ancestors came from.

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ERIC FONER:

So Lincoln, at this point, couldn't actually conceive of American society as a biracial society of equals. Later on, he moves in that direction. But at this point, all these factors play into Lincoln and his embrace of colonization. Did he really believe it? Yes. You have to assume he believed it. Lincoln didn't just talk about it in speeches. He was a member, he was a manager of the Illinois Colonization Society, which was one of the many groups in the United States trying to promote this idea. Lincoln didn't have to join that group. You could be elected to public office without being a member of the Colonization Society.

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ERIC FONER:

But, you know, as I say, I think you have to take Lincoln at his word, both early on in the 1850s where he talks about this, during the first two years of the Civil War where he talks about it, but then you have to add in that he then drops it. With the Emancipation Proclamation, Lincoln moves in a different direction on slavery, a direction in which colonization is no longer part of the plan he's putting forward.

Lincoln and war powers

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ERIC FONER:

Well, Lincoln, of course, was a lawyer, a Constitutionalist. And he -- the general consensus of people, North and South, almost all, was that the Constitution did not give the federal government the power to directly interfere with slavery in the states where it existed. Before the Civil War, the political issue about slavery had to do with the territories, not the states. Areas that were being brought into the United States, those were under the control of Congress. Slavery was also under the control of Congress in Washington, D.C., and Lincoln felt that Congress had the power, the federal government had the power to abolish slavery in Washington, which it did in the spring of 1862. And Lincoln signed that bill.

ERIC FONER:

But when it comes to direct intervention in the Southern states against slavery, Lincoln felt that was not allowed by the Constitution. Now, the whole question of the Constitution and slavery is very complicated and very murky, because the founding fathers did not envision a situation in which 11 states were waging war against the rest of the nation. There is nothing in the Constitution that tells you what to do in a situation like that. So people had to

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be making up ideas as they went along. Yes, Lincoln believes in the Constitution, and yet when the war begins, Lincoln raises troops without authorization of Congress. He raises money without authorization of Congress. He suspends the writ of habeas corpus in some places, which seems to go against the Constitution, although there's debate about that. And then when Congress meets in July, 1861, Lincoln says, "I've done this, this and this. I've gone beyond the Constitution." He doesn't say, "I violated the Constitution," but he doesn't claim that he actually adhered to the Constitution either. "I've gone beyond it," which is a very interesting way of putting it. And then he says, "I want Congress to retroactively approve everything I did," which they do.

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ERIC FONER:

So I don't think the Constitution is the only barrier to direct action against slavery. Partly it's the border states where Lincoln feels that if he takes direct action against slavery in the states, it'll alienate those four slave states that remained in the Union. There's a lot of pressure in the North early on to take direct action against slavery. And by saying, "Well, the Constitution doesn't allow it," that's a kind of a good argument for not doing something you don't really want to do anyway, right at the beginning. But by 1862, Lincoln does become convinced that there is what he calls this "war power." That in a situation of warfare, the Constitutional protections of slavery are stripped away. Now, this was not a new idea. John Quincy Adams had said this in Congress, 20 years earlier. He says, "If there is a war, the federal government on military grounds can take action against slavery. Slavery will be a source of weakness." He's talking about a war against another country, but it would be possible for the federal government to arm Blacks as soldiers. It would be possible to free them if their presence is interfering with the war effort.

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The war power. Now, the President has the war power. The President is the commander in chief of the armed forces, according to the Constitution. That's why Lincoln keeps saying eventually, the President can act, as he does in the Emancipation Proclamation. Congress cannot. Congress cannot free slaves in a state, although by the very end of the war, Lincoln has changed his mind to considerable extent about that also. So the Constitution is important, no question about that, but Lincoln is willing to violate the Constitution when it seems absolutely necessary. And as he says somewhere, you know, "We can't let the whole government fall apart, fall to pieces because we are unwilling to violate one law, or one part of the Constitution." You have to look at the whole structure; if the fate of the nation is at stake, your Constitutional interpretation may become a lot broader than in normal times.

The service of Black soldiers

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ERIC FONER:

The service of Black soldiers had a very, very deep effect on Lincoln. You know, Lincoln is always evolving, in the sense that he's a very open-minded person. He is not stuck in his ways. He's aware that in a crisis like this old ideas may no longer be relevant, you know? "We must disenthral ourselves," he says. It's a wonderful word, "disenthral". We have to free ourselves, not just from slavery, but from all the old assumptions that have, you know, governed this issue for years and years and years, we've got to, you know, slough them off.

ERIC FONER:

The Emancipation Proclamation, among many other things, authorizes the enrollment of Black men in combat positions in the Union armies, for the first

time. There had been Black men serving with the army and all sorts of ways as cooks, as stevedores, as you know, laundry people, I mean, all sorts of things, as hauling stuff around, but that's not a combat role. But now he says Blacks are going to be enlisted in the armies because they need manpower. This is a war which is terribly bloody, which is highly demanding, and there's just not enough manpower, and the Black population can't be ignored any more, who had been kept out of the armies for the first two years of the war.

ERIC FONER:

Once Blacks begin serving in the Union Army, Lincoln says they are guaranteeing that emancipation is going to be an outcome of this war. They're fighting for their own freedom. He recognizes that. They're fighting for the nation, but they're also fighting for the freedom of their people. And the country cannot go back on that if the Union wins the war. If the Union loses the war, slavery will continue in the Confederacy in many parts, no question about it.

ERIC FONER:

But so, I think the service of Black soldiers has a very big effect on Lincoln; he comes to feel that without them, that you can't win the war. At the very, very end of his life, when he talks about some African-American men enjoying the right to vote, of course he singles out the soldiers, most of them former slaves, as people worthy of enjoying the right to vote. And remember at that point only five Northern states allowed Black men to vote on the same basis as white. So Lincoln, by that point, is ahead of the curve in terms of public sentiment about the role of Blacks in the society.

The evolution of Lincoln's prejudices

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ERIC FONER:

Fugitive slaves, Lincoln, you know, early on in the 1855 in a famous letter to his friend, Joshua Speed said, you know, "I hate to see them tracked down, but I bite my lip and keep silent," because that is in the Constitution, the return of fugitive slaves. It's one of the things that's holding the country together, so to speak. But I think more important than fugitive slaves during the Civil War is just Lincoln's encounters with significant, intelligent, you know, articulate African-Americans. Lincoln didn't know very many Black people before the Civil War. There weren't a heck of a lot of them in Springfield. He had some contact with some; there was a barber who he befriended and who he helped with his taxes and stuff like that. There were Black women who worked in their home, in the Lincolns' home, and he knew about people like Frederick Douglass, but he never met Black abolitionists. He never met the Black churchmen really. It's during the Civil War that they visit him in the White House. He's the first president who has significant numbers of Black people actually coming to the White House, not as slaves, but as citizens, to talk to the president like any other American has the right to do.

ERIC FONER:

And I think meeting with them, everyone knows he met with Frederick Douglass a couple of times, but you know, Martin Delaney, a group of Black churchmen, a whole series of significant African-American men. And, you know, Lincoln is impressed by them. These are impressive people. And I think whatever racial prejudices he had before the war begin to soften because of his encounter with these very impressive African-American people. It's a sign of his openness, and open-mindedness, that he's willing to rethink whatever prejudices he may have grown up with.

The precursor to the Emancipation Proclamation

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ERIC FONER:

Well, in July, 1862, basically Lincoln told the Cabinet, "We are going to change the nature of this war. We're not winning. We may not be losing, but we're not winning. We can't win the war the way we have been fighting, which is with respect for the property of the slave owners. You know, we now have to unleash," go to what they called "the hard war". And that didn't only have to do with slavery. It meant we are now going to start confiscating property all around the South. The army will be able to just seize crops, and food, and all sorts of things, you know, and we'll not be worried any more if their actions destroy bridges and homes and all this kind of thing. It's going to be a different kind of war. But part of that is, he says, "I am going to take action to abolish slavery in the rebel states." He tells that to his cabinet in July, 1862. That's not much more than a year after the war has begun.

ERIC FONER:

The cabinet is kind of stunned, even Salmon Chase, who's an abolitionist. They had not actually assumed that this was going to come so fast. William Seward, the Secretary of State, apparently said to Lincoln, you know, "We can't issue such an order now; it will seem like an act of desperation. It'll seem like we're losing, and this is our final card. Wait until a significant victory on the battlefield, and then you can issue this proclamation."

ERIC FONER:

So the other orders go out, you know, to the generals, "We're no longer playing nice with these Confederates." But on slavery, he holds it up, and he has this thing in his pocket for months. Two months. It's not until September. The Battle of Antietam, which is sort of a draw, but probably could be considered a Union victory because it pushed General Lee's army out of Maryland, back into Virginia, was the occasion for Lincoln to issue the

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preliminary Emancipation Proclamation. And this is basically a warning to the South. It doesn't free anybody. What it says is that in 100 days more or less, on January 1st, if the states are still in rebellion, the slaves in those areas in rebellion are going to be freed, on the basis of the war power of the President. If the South comes back, their slaves are not going to be freed. And in fact, over the next three months, Lincoln pursues his policy of gradual emancipation, of colonization, he keeps putting forward these plans in the hope that some of the Confederate states will say, "All right, we'll accept some of those," and that'll end the war in a much less bloody way that it would end in other circumstances.

ERIC FONER:

So it's a warning to the South. Now, it's not the same as the final Emancipation Proclamation in very significant ways. The most important are, number one, it still keeps pushing this colonization idea. It says that, "We're going to free the slaves, and we're going to kind of give them incentives to leave the country." And second of all, it doesn't say anything about Black men being in the Union Army, that'll come later. But still it's obviously, it's a turning point in the war, because it now says that as of January 1st the end of slavery is going to become officially an aim of the Union war effort. It's no longer going to be just about bringing the nation back together. The war will not end unless slavery is destroyed. So that's a turning point in American history, clearly, and people recognized it as such.

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ERIC FONER:

In fact, Karl Marx, who was in London writing dispatches for the New York Tribune, when the preliminary Emancipation Proclamation was issued, he said, "Up to now, we have seen the Constitutional waging of war. Now the revolutionary waging of war is at hand." In other words, this meant a

revolution; it meant destroying the most important economic institution in the United States. It meant completely changing the social structure of half the country, the South, and nobody knew what the consequences down the road of this would be.

The Emancipation Proclamation

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ERIC FONER:

Lincoln was a very ambitious man, among other things, and he certainly knew that he would be remembered. As he said, "I will be remembered for this act," the Emancipation Proclamation. He did invite Francis Carpenter, an artist, to live – not just come in – live in the White House for a couple of months, painting a kind of imaginary scene of Lincoln, announcing the Emancipation Proclamation to the cabinet. Some of the cabinet members got into a fight about this because, as to which ones had more prominent place, and was standing, and Chase thought that Seward was too close to Lincoln and they fought about it. But the point is that Lincoln, yes, he knew he was going to somehow be called, "The Great Emancipator" now. And of course that's a great, what can I say, reputation for somebody to have.

ERIC FONER:

When he signed it, on January 1st, 1863, in the White House, after they had an annual New Year's Day reception in the White House. Some people thought it was not good taste to have a big party at a time when so many people were dying in the battlefields, but they did have their reception. And after the reception is over, Lincoln went to his study to sign the Emancipation Proclamation. And his hand was shaking, from shaking hands with hundreds of people, but he put down his pen and he said, "I have to wait for my hand to

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steady. I don't want people to think I hesitated." In other words, he didn't want the signature to look uneven, as if he had been nervous about signing the Proclamation. So he knew this very document would be reproduced and scrutinized and, you know, looked at very, very carefully by people all over the world.

ERIC FONER:

The Emancipation Proclamation changed the character of the Civil War. That's all. It made the destruction of slavery a target, an aim of the Union war effort. It really meant that unless Lincoln was going to go back on it in some way, which he never would, it meant that if the Union won the war, slavery would end. No question about that. Now, the fact is that there are myths piled on myths about the Emancipation Proclamation. Number one myth: Lincoln freed all the slaves with a stroke of his pen. No, it only applied to those areas in rebellion, or at least that he said were in rebellion. So it didn't apply to the four border states, which are in the Union. This is an act against the Confederacy. He also exempted the state of Tennessee for purely political reasons. You know, Lincoln is a cagey guy; there's all this talk about the Constitution, and what he can do. Tennessee was not under Union occupation at all, but it did have a Union government he had set up in Nashville with Andrew Johnson as the military governor, and Johnson begged him not to include Tennessee because it would interfere with his building support among whites for his regime. And Lincoln said, "All right." So he said, "Tennessee is under Union control," which it was not in the slightest.

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ERIC FONER:

But it's not true, as many people say that it didn't free any slaves, because there were some parts of the South under Union occupation that he did not exempt such as the sea islands of South Carolina, where there were tens of

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thousands of slaves, or certain areas along the Mississippi River. It's hard to say, but maybe 70, 80, 90,000 slaves were freed on that day by the Emancipation Proclamation. Now, of course there were 4 million slaves in the country, so that's a tiny, tiny number. So it's not that they freed all the slaves on that day, or more to the point, it could not be enforced on the day it was issued. But as the Union Army moves into areas of the South, you might almost say they carry the Proclamation with them. And they insist that their presence means that slavery is no longer viable in areas of Union occupation. So that's number one; it changes the character of the war. Number two, it allows Black men to join the Union Army. This becomes a tremendously important feature of the war for the last two years. Lincoln always feels that their presence was essential to winning the war.

ERIC FONER:

Number three, it drops colonization. From this moment on, Lincoln never talks about colonization publicly. The preliminary proclamation had talked about it, but the final one leaves it out. Why? Because Lincoln is no longer trying to win over slave owners. The Emancipation Proclamation doesn't care in the slightest anymore what slave owners think. This is now the policy of the government, so you don't need colonization as a kind of a inducement for white people, either in the border states, or in the Confederacy to accept Lincoln's ideas of the end of slavery. It's a different plan of emancipation than he talked about. It's immediate, not gradual. There is nothing in it about compensation, monetary compensation to the owners. There is nothing in it about colonization. And it enrolls Black men in the Union Army.

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ERIC FONER:

And one other thing about it, one thing I would urge people to do is to read the Emancipation Proclamation, actually read it. It's very short. It doesn't

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take very long. The language is so carefully chosen. So for example, instead of "colonization," Lincoln says, "I advise these former slaves to go to work for reasonable wages." In the United States; he's no longer saying, "Leave the country." "Go to work here for wages," but he didn't have to say, "for reasonable wages." But he puts that in. They have a right to judge whether they are being paid properly for their labor henceforth. And Lincoln had always felt that slavery was number one, a theft of labor, taking the labor, the fruits of the labor of one person and appropriating it by another person. Now they have a right for reasonable – that one word, "reasonable" really jumps out at me from the Emancipation Proclamation.

ERIC FONER:

And then the other thing in the wording, some people had said, you know, "If you free the slaves, they're going to run amok, they're going to kill white people, they'll riot, you've got to tell them to stay under control." Lincoln says, you know, "I urge people to act peacefully, to refrain from violence, unless necessary to maintain their freedom." In other words, he wasn't frightened by the thought that Black people might have to turn to violence if they are violently being kept in slavery. So he's signaling he's not going to be deterred by all this lurid propaganda about slaves running amok and assaulting white people all over the place. So, as I say, Lincoln writes very carefully, he chooses his words very carefully, and I think the Emancipation Proclamation requires a careful reading to understand all the different things that are in it.

The spread of factions, dissent and violence in the North

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ERIC FONER:

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Well, you know, one thing we need to remember is that both North and South were divided. It's very easy to look at the Civil War as North versus South, or Union versus Confederacy, but both of them had deep internal divisions. Of course, in the South, you have the 4 million slaves who were not in favor of the Confederacy. They wanted the Union to win. But in the North, you had many people who were not in favor of the war effort, and certainly were not in favor of linking the war effort to abolishing slavery.

ERIC FONER:

Lincoln spent a lot of his time trying to win over Democrats, people who had not voted for him, to support the war effort. Most of them in the North said, "Yes, we have to keep the country together." But going beyond that, no. Slavery, their slogan was bring back the Union as it was, that is before 1860, with slavery. And many of them said the Emancipation Proclamation is just going to prolong the war. The South will never agree to peace now, or surrender, if they think that means the end of slavery.

ERIC FONER:

And the war had deleterious effects on many northerners, not to mention the thousands being killed on the battlefield. It led to inflation, many working people suffered from -- you know, their wages were no longer valuable, because of rampant inflation during the war. And, of course, the prospect of African-Americans occupying a new place in American society alarmed racists, who were quite numerous in the North as well as in the South.

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ERIC FONER:

So, let us take the New York City draft riots of July 1863, right after the Battle of Gettysburg was won by the Union Army. The draft, which had been enacted not long before, is being implemented in New York, which meant that

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people's names are being pulled out of a box, and if your name is pulled out, you are drafted into the Union Army. And many people in New York, particularly Irish immigrants, who were Democrats, were not happy with this and did not want to be drafted into the Army.

ERIC FONER:

And so the draft riot begins as an assault on the draft offices, but it very quickly metastasized into something much bigger and much more dangerous, an attack on all the symbols of the war itself. The New York Tribune newspaper, strong supporter of Lincoln, the Republican headquarters, the homes of leading Republicans in New York City. And it becomes a kind of racial pogrom with Black people lynched on the streets of New York City, or driven from the city, having to take refuge across the river in New Jersey. The Colored Orphan Asylum, which was at 43rd Street and 5th Avenue, is burned to the ground by a mob. The children were taken out when the mob was coming. But you know, in other words, it was an assault on Black people who were blamed in some way for the, you know, for the Civil War taking place. So, it certainly raised basic questions about the future. Let's say the Union wins the war, could a new kind of society be built when racism was obviously so deeply embedded throughout the country? And you know, so it was a warning sign that the North was not united at all in, you know, in pursuing the war effort.

The collective efforts to end slavery

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ERIC FONER:

I think we will never completely get rid of the idea that Lincoln freed the slaves, and was that four, or five words, and leave it at that. But of course, the freeing of the slaves, the end of slavery in the United States was the result of

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many, many different groups, people, causes. If you ask, "Who freed the slaves?" You can say Lincoln, you can say Congress, with all sorts of measures against slavery. You could say slaves themselves, by fleeing to the Union lines, starting in the beginning of the war, and then enlisting in the Union Army. Without their participation, slavery would not have ended. But the answer really is all of the above.

ERIC FONER:

An institution like slavery, which was, you know, sometimes we don't quite realize how big and powerful it was. It was by far the most important economic institution in the United States in 1860. The richest people in the United States were the big slave owners in the South. Slavery produced the cotton that was the main export of the United States. To end an institution, you know, it's not just a question of emancipating individual people. It's destroying a very deeply entrenched institution, and that required the action of everybody, almost. So, you know, I do not want to denigrate Lincoln's role in changing the nature of the Union war effort from preserving the Union to preserving the Union and liberating the slaves. That was a crucial change, which came with the Emancipation Proclamation.

ERIC FONER:

But in and of itself, it certainly did not guarantee that slavery would end. Later, you needed a constitutional amendment, the 13th Amendment, which abolished slavery everywhere in the country, including those states and regions that the Emancipation Proclamation had excluded from emancipation. So I think, you know, one has to just say, "It's very complicated how slavery ended in this country."

ERIC FONER:

Until recently, I would say historians did largely ignore the contribution of African-American people to the ending of slavery. But I think that has

changed in the last generation, partly because of a very important project that was established at the University of Maryland, the Freedmen and Southern Society Project, which gathered together thousands of documents from the National Archives and told the story of the Civil War from the perspective of the slaves themselves. I think there's been a lot of literature lately on the role of Black soldiers, on the role of Black women in combating slavery on the plantations. So I don't think it would be fair to say that this part of the story is ignored, but it certainly gets less attention than Lincoln's own actions, or maybe the actions of Congress, the radical Republicans in Congress. And, you know, all of these facets of the story have to be integrated into the larger picture.

Attempts to abolish slavery in Washington DC

00:47:18:00

ERIC FONER:

Lincoln served one term in Congress from Illinois in the late 1840s. He didn't even run for reelection, actually. And the Whig Party, which was his party, candidate, lost the seat to a Democrat after Lincoln had held the office. While he was in Congress, he didn't actually introduce it, but he spoke of having drafted a bill for the abolition of slavery in Washington D.C. This was something that most people said was within the bounds of the Constitution, that Congress has the power to regulate Washington D.C. Even today, of course, it's not a state. The people there don't have control over their own government, or a say. Well, they do have a say in the presidential election, they now have electoral votes. But, you know, Lincoln's proposal was that there would be a referendum – only among white people, the slaves weren't going to be voting – and if it was approved, slavery would gradually be abolished.

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ERIC FONER:

He eventually found, he said, that he couldn't generate enough support for this, and therefore it never really got off the ground, but it does show Lincoln's -- it was a fairly radical thing. The abolitionist movement had been calling for the abolition of slavery in Washington D.C. for a decade or more, sending petitions in to Congress, asking them to do that. But mainstream politicians like Lincoln, most of them had not been talking about abolishing slavery in the District of Columbia. So, that did not pass, of course. In the Compromise of 1850, when Lincoln is no longer in Congress, Congress does include a bill to end slave trading, the buying and selling of slaves, in Washington D.C., partly because it looked, I don't know, embarrassing, or hypocritical, for the United States to be proclaiming itself, you know, a symbol of liberty for the whole world, and yet in sight of the Capitol slaves are being bought and sold. This didn't free any slaves, the slave traders just moved their operations to Alexandria, Virginia. Slavery didn't end in Washington D.C. until 1862, when Congress passed a law to abolish slavery and Lincoln signed it.

The Fort Pillow Massacre

00:49:53:00

ERIC FONER:

Well, at Fort Pillow, Tennessee, which was garrisoned by Black soldiers, a Confederate unit under the command of Nathan Bedford Forrest, who will soon become the founder of the Ku Klux Klan after the war, massacred some number, it's not entirely clear, but several dozen, or maybe even several score, Black soldiers, were killed in cold blood after surrendering. The Confederates overran Fort Pillow, and there was this massacre of Black soldiers.

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The fact is that the Confederacy insisted that Black soldiers were not to be treated as prisoners of war. They didn't see them as prisoners of war. They said, "These are slave rebels. They are runaway slaves. They are slaves in rebellion." And according to Southern law, a slave who's in rebellion is punished by death. And therefore you don't sort of have a Black soldier surrender and put them in a prisoner of war camp like white soldiers would be. They can be executed.

ERIC FONER:

Now, I don't know that the Confederate soldiers at Fort Pillow were thinking through the legal status. They just were exercising a deeply racist understanding of the situation of Black people in America. The thought of African-Americans being armed and fighting against white people horrified almost all whites in the South. This was the nightmare come to pass. Nat Turner's rebellion, you know. There had been the Stono Rebellion, going back to colonial days. The New Orleans, or Louisiana uprising in 1811. There had been instances of armed violence by slaves trying to gain their freedom. And this sent shock waves of fear throughout the whole South. So, in a sense, the massacre at Fort Pillow is also to try to deter Blacks from serving in the army. That is to say, "You need to know that if you are captured, you are going to be executed, you know? And you better not be around when the war is being fought." Of course, that didn't deter 180,000 African-American men from serving in the Union Army during the war.

The South's perspective on Black soldiers serving in the Union Army

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ERIC FONER:

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Black people – in fact, the occasion of Frederick Douglass' first meeting with Lincoln in the White House had to do with Douglass complaining about the treatment of Black soldiers by both the Union and the Confederacy. By the Union, because they were not given the same pay, at least at first, as white soldiers. They were not allowed to rise to positions of officer; they always were under the command of white officers. And by the Confederacy, that they had announced that Black soldiers who were captured would not be treated as prisoners of war. And Douglass said, "You've got to have retribution." In other words, if they kill captured American soldiers, you've got to execute captured Confederate soldiers. And Lincoln said, "You know, it's a hard thing to do, to execute captured soldiers. Of course, what's happening to Black soldiers in the South is reprehensible, but I don't know that I can make it the official policy of the Union Army to have retribution."

ERIC FONER:

Although he did issue an order saying that would happen, although it didn't, and he didn't actually enforce it. But in a sense, he did force the Confederacy to treat Black soldiers as prisoners of war. In fact, later in the war, when there were prisoner of war exchanges, Lincoln said, "We're not going to have prisoner of war exchanges unless you exchange captured Black soldiers, as well as white soldiers. And we will exchange Confederate soldiers." The Confederacy refused to exchange captured Black soldiers, because they kept insisting they're not really soldiers. They're what, to form an analogy, what President Bush talked about in the Iraq war. They're unlawful combatants, and the rules of war don't apply to them. So, the Black soldiers were in a very difficult position. They knew that, you know, they were always in danger of this kind of action by Confederate soldiers and commanders. The fact that it didn't deter them from enlisting is, you know, a sign of considerable courage.

Equal pay for Black soldiers

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ERIC FONER:

It is certainly true that Black soldiers agitated. This was actually one of the first, you might almost say, civil rights kind of demonstration against the federal government. Famously, the 54th and 55th Massachusetts regiments of Black soldiers refused their pay. They refused to accept pay that was lower than the pay white soldiers were getting. The State of Massachusetts appropriated money to make up the difference. They refused to accept that. They said, "We want the same money from the federal government, not from our state. We want to be treated the same as white soldiers." And by the end of the Civil War, Congress had in fact provided for retroactive equal pay. That from whatever point Black men had enrolled in the army, they would receive the back pay, getting them up to the same level as white. This was probably the first law ever passed by Congress that mandated the equal treatment of Black and white people in the United States.

The capture of Atlanta

00:56:01:00

ERIC FONER:

Well, Sherman and his army entered Georgia from Tennessee earlier in 1864. The Confederates put up a very difficult resistance. Sherman had a very tough time moving forward, little by little, toward Atlanta. I'm not really expert on the military configuration CSO. If you want a description of Sherman strategies, you should probably get that from another one of your interviewees. The point of course, is that eventually Sherman did capture the city of Atlanta.

ERIC FONER:

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This had a very big effect, not only on the war, but on the election of 1864. Lincoln is running for reelection. There's a lot of war weariness in the north. At this moment, Lincoln thought he was going to lose reelection. At the beginning of September, he said that, but then news of the capture of Atlanta kind of shifted the political focus, and people began to feel that the war was now heading toward a Union victory. And that had a lot to do with Lincoln's reelection in November of 1864.

Sherman's March to the Sea

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ERIC FONER:

But Sherman kind of realizes there's no point in having his whole army sit there in Atlanta. It's not doing anything. And he soon embarked on the famous March to the Sea, just cutting himself off from communication. Lincoln said, "I don't even know where Sherman's army is," in the fall of 1864. He said, "I know what hole he went in, but I don't know what hole is going to come out of." Which is a very, kind of, you know, Lincoln had this clever sense of humor, but it often was based on, you know, kind of down to earth images that anybody could understand, especially in a farming society.

ERIC FONER:

So, scorched earth, you know, this was modern war brought to the Confederacy. Now, they did not attack individual civilians, but they did burn whatever it was in their way. Homes, crops, destroy bridges, destroy roads, really a path of destruction, right through the heart of Georgia, one of the major slave states. And of course, as they marched, slaves by the hundreds, and then by the thousands, abandoned the plantations to gain their freedom by following along with Sherman's army. So by the time he reached Savannah

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in December 1864, he had these thousands of slaves dependent on the Union Army, and he had to figure out what to do with them, basically.

War weariness in 1864

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ERIC FONER:

In the summer of 1864, war weariness was at its peak in the North. Grant had been fighting daily against Lee for months, without apparently making very much progress. The casualty rates were enormous, unprecedented. You'd moved almost to a kind of World War I situation, rather than being like the Civil War when it began, with terrible casualties, entrenched armies fighting each other, very difficult to make progress. And as I said, there were many Republicans, and Lincoln himself thought that the -- you know, that the Republicans were going to -- that Lincoln was going to lose the presidential election. Henry Raymond, Editor of the New York Times, and others, said to Lincoln, "Look, you've got to rescind the Emancipation Proclamation, or at least offer the South... People think that the Proclamation is what's keeping the war going. You've got to offer the South to come back with slavery." And Lincoln thought about it briefly. But then he said, you know, "I can't do that. I would be," as he said, "damned in time and eternity if I rescinded the promise of freedom to these people." Lincoln was always concerned about his historical reputation and he didn't want to be known as the man who promised freedom and then took it away. He anticipated what would happen if he lost the war, and how his opponent, General McClellan, probably would rescind the Emancipation Proclamation. And he talked to Frederick Douglass about a plan to send agents into the South to help slaves run off to the Union Army, because he felt that all those who had actually gotten physical freedom, it would not be possible to re-enslave them.

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ERIC FONER:

But then, first, the Democratic convention, where the party kind of split between the War Democrats, McClellan, and the Peace Democrats, the Landingham and others from Ohio who wanted an armistice, which many people thought would be a Union surrender, that alienated a lot of people in the North. And then the capture of Atlanta seemed to indicate that victory was on the horizon. You know, that, to use a modern phrase, you could see the light at the end of the tunnel. And so public opinion shifted in Lincoln's favor. And by the time the presidential election took place, he won nearly all the states. McClellan only carried a handful of states. Lincoln won all the rest.

Promising forty acres and a mule

01:02:08:00

ERIC FONER:

Just to finish the Sherman story, where I said Sherman had to figure out what to do with all these slaves... And of course, what he did was issue the famous Field Order Number 15, which set aside a large body of land on the coast and inland of South Carolina, Georgia into Florida, for the settlement of Black families on plots of 40 acres of land. And also that the army would give them a mule to begin farming. This is the origin of the famous phrase "40 acres and a mule", which reverberated throughout the South during the Reconstruction period, after the Civil War. Now, what did Lincoln think about 40 acres and a mule? We don't know because he didn't say anything about this. He didn't say, "Good move, Sherman. I'm right behind you." And he didn't say, "No, no, this is a terrible idea. You can't start redistributing property." He just let it happen to see what might happen. Lincoln is a pragmatist. Okay, what will happen if Black families get this land? Will they be able to take care of themselves, et cetera. But he didn't rescind it. He rescinded things that he didn't approve of. So this is the origin of that idea, which is prominent in people's thinking even

today. Lincoln's successor, Andrew Johnson, ordered all that land given back to the former owners. So the promise of land was rescinded by the man who became president when Lincoln was killed.

Lincoln's visit to Richmond in 1865

01:03:49:00

ERIC FONER:

There's a lot of things attributed to Lincoln, which are open to question, let me put it that way. We don't know what Lincoln said when he was in Richmond. This account... There are many accounts of speeches Lincoln supposedly gave based on recollections long after the fact. Did Lincoln give a speech in Richmond? It's not clear entirely. There is pretty good evidence that when former slaves got down on their knees before him, he told them to rise, that no man should kneel to another man or that kind of thing. But the Free as Air speech which was recorded, or that is to say, remembered by somebody later on... There's a book by the historian, Don Fehrenbacher, which grades all these statements and speeches supposedly made by Lincoln as to credibility. It would be worth looking up what he says about that.

ERIC FONER:

But I didn't quote that in my book on Lincoln, because I try to get away from recollections. Once Lincoln was dead, people remembered all sorts of things about Lincoln, not all of them totally accurate. I think it's much better to go with the contemporary evidence. If somebody at that moment reported on Lincoln's giving a little speech in Richmond, that would be perfectly reliable. But a speech recollected years later, you have to be very cautious before using that.

ERIC FONER:

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I suppose he would have seen some slave plantations, or at least the slave plantations previously worked by slave labor. I'm not totally familiar with the geography of the James River area. What's interesting about his visit to Richmond is, he only went with a few people. He didn't have a big set of, you know, security agents or anything like that. Just a handful of Marines, I think, accompanied him to walk the streets of the former Confederate capital. Pretty dangerous, but Lincoln always was a little cavalier with his security.

Reconstruction

01:06:17:00

ERIC FONER:

Reconstruction is both the period after the Civil War, a time period of American history like the New Deal or the Progressive Era, usually dated 1865 to 1877, although there's flexibility on both ends. But Reconstruction is also, more profoundly, a historical process, the process by which the United States tries to come to terms with the results of the Civil War, number one being the preservation of the nation, and number two the destruction of slavery. The questions arising out of the destruction of slavery are the pivot of Reconstruction politics, debates, conflicts. Most importantly, what is going to be the status of these four million former slaves? Are they going to have the same rights as white people? Which ones? Are they going to have civil rights, political rights, social rights?

ERIC FONER:

So Reconstruction is really a battle over what the future status of African-Americans is going to be in America. It's the first time that African-American citizenship, birthright citizenship, citizenship by virtue of being born in the country, was written into the Constitution in the 14th Amendment. It's the first time that the notion of the equal protection of the

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laws for all, regardless of race, was written into the Constitution. It's the first time that a biracial political democracy was created in this country, where African-American men, first in the South and then all throughout the country, achieved the right to vote, the right to hold office, and hundreds and hundreds of them did hold positions of political power during the period of Reconstruction. So it's a remarkable transformation of the whole notion of what it is to be an American that was attempted in Reconstruction. Sadly, many of those gains were then reversed and abrogated, and it would take another century until the Civil Rights era, which is sometimes called the Second Reconstruction, to get the Reconstruction agenda implemented once again.

Racist laws and racial terror after the Civil War

01:08:38:00

ERIC FONER:

After Lincoln was assassinated, his successor, Andrew Johnson, who was deeply racist and really had no interest in the rights of the former slaves, set up white governments, all-white governments in the South. They're part of the Union, they're back in, but he gave them a free hand to deal with the former slaves. And they pass these laws called the Black Codes in late 1865, early 1866, which tried to use the law to force African-Americans back to work on the plantations. They gave Blacks virtually no rights. They give them the right to marry, which they hadn't had legally under slavery, but very little else.

ERIC FONER:

The Black codes required African-Americans to sign labor contracts with a white employer to work for the year. And if they didn't do that, they could be deemed a vagrant, arrested, fined. And if they couldn't pay the fine, they

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would be sold off to someone who would pay the fine to work off that amount of money. This seemed like trying to somehow reinstate slavery, you know, in a new guise. Now, the Black Codes were repealed very quickly. The Congress passed the Civil Rights Act of 1866, which abrogated most of them. Then the 14th Amendment said equal protection of the laws: you can't have one set of laws for Black people and one set of laws for white people.

ERIC FONER:

But later on, after the end of Reconstruction, other discriminatory legislation was passed, creating what we, you know, know as the Jim Crow system of the late 19th century and well into the 20th century, including taking the right to vote away from African-American men, imposing rigid racial segregation in all areas of Southern life, a labor market in which Blacks were, you know, consigned to the lowest paid jobs, a criminal justice system in which Blacks were arrested for all sorts of minor infractions and then leased out to work in a convict lease system for plantation owners or railroads or others, and of course, the widespread phenomenon of lynching, whereby, you know, somewhere over 4,000 African-Americans were killed by mobs in the South between 1880 and 1960, let's say. So the Jim Crow system had a whole series of discriminatory laws, discriminatory actions and structures that certainly reversed many of the gains that had taken place in Reconstruction.

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