
The Emancipation Proclamation

An Act of Justice

By John Hope Franklin

Thursday, January 1, 1863, was a bright, crisp day in the nation's capital. The previous day had been a strenuous one for President Lincoln, but New Year's Day was to be even more strenuous. So he rose early. There was much to do, not the least of which was to put the finishing touches on the Emancipation Proclamation. At 10:45 the document was brought to the White House by Secretary of State William Seward. The President signed it, but he noticed an error in the superscription. It read, "In testimony whereof I have hereunto set my name and caused the seal of the United States to be affixed." The President had never used that form in proclamations, always preferring to say "In testimony whereof I have hereunto set my hand. . . ." He asked Seward to make the correction, and the formal signing would be made on the corrected copy.

The traditional New Year's Day reception at the White House began that morning at eleven o'clock. Members of the cabinet and the diplomatic corps were among the first to arrive. Officers of the army and navy arrived in a body at half past eleven. The public was admitted at noon, and then Seward and his son Frederick, the assistant secretary of state, returned with the corrected draft. The rigid laws of etiquette held the President to his duty for three hours, as his secretaries Nicholay and Hay observed. "Had necessity required it, he could of course have left such mere social occupation at any moment," they pointed out, "but the President saw no occasion for precipitancy. On the other hand, he probably deemed it wise that the completion of this momentous executive act should be attended by every circumstance of deliberation."

After the guests departed, the President went upstairs to his study for the signing in the presence of a few friends. No cabinet meeting was called, and no attempt was made to have a ceremony. Later, Lincoln told F. B. Carpenter, the artist, that as he took up the pen to sign the paper, his hand shook so violently that he could not write. "I could not for a moment control my arm. I paused, and a superstitious feeling came over me which made me hesitate. . . . In a moment I remembered that I had been shaking hands for hours with several hundred people, and hence a very simple explanation of the trembling and shaking of my arm." With a hearty laugh at his own thoughts, the President proceeded to sign the Emancipation Procla-



A Union soldier reads the Emancipation Proclamation to newly freed slaves. After Lincoln signed the Proclamation, celebrations took place throughout the country.

mation. Just before he affixed his name to the document, he said, "I never, in my life, felt more certain that I was doing right than I do in signing this paper."

When I made my first serious study of this document, several copies of the December 30 draft were in existence. The copies of cabinet officers Edward Bates, Francis Blair, William Seward, and Salmon P. Chase were in the Library of Congress. The draft that the President worked with on December 31 and the morning of New Year's Day is considered the final manuscript draft. The principal parts of the text are written in the President's hand. The two paragraphs from the preliminary proclamation of September 22, 1862, were clipped from a printed copy and pasted onto the President's draft, "merely to save writing." The superscription and the final closing are in the hand of a clerk in the Department of State. Later in the year, Lincoln presented his copy to the ladies in charge of the Northwestern Fair in Chicago. He told them that he had some desire to retain the paper, "but if it shall contribute to the relief and comfort of the soldiers, that will be better," he said most graciously. Thomas Bryan purchased it and presented it to the Soldiers' Home in Chicago, of which he was president. The home was destroyed in the Great Chicago Fire of 1871. Fortunately, four photographic copies of the original had been made. The official engrossed document is in the National Archives and follows Lincoln's original copy.

It is worth observing that there was no mention, in the final draft, of Lincoln's pet schemes of compensation and colonization, which were in the preliminary proclamation of September 22, 1862. Perhaps Lincoln was about to give up on such impracticable propositions. In the preliminary proclamation, the President had said that he would declare slaves in designated territories "thenceforward, and forever free." In the final draft of January 1, 1863, he was content to say that they "are, and henceforward shall be free." Nothing had been said in the preliminary draft about the use of blacks as soldiers. In the summer of 1862 the Confiscation Act had authorized the President to use blacks in any way he saw fit, and there had been some limited use of them in noncombat activities. In stating in the Proclamation that former slaves were to be received into the armed services, the President believed that he was using congressional authority to strike a mighty blow against the Confederacy.

It was late afternoon before the Proclamation was ready for transmission to the press and others. Earlier drafts had been available, and some papers, including the *Washington Evening Star*, had used those drafts, but it was at about 8 P.M. on January 1 that the transmission of the text over the telegraph wires actually began.

Young Edward Rosewater, scarcely twenty years old, had an exciting New Year's Day. He was a mere telegraph operator in the War Department, but he knew the President and had gone to the

White House reception earlier that day and had greeted him. When the President made his regular call at the telegraph office that evening, young Rosewater was on duty and was more excited than ever. He greeted the President and went back to his work. Lincoln walked over to see what Rosewater was sending out. It was the Emancipation Proclamation! If Rosewater was excited, the President seemed the picture of relaxation. After watching the young operator for a while, the President went over to the desk of Tom Eckert, the chief telegraph operator in the War Department, sat in his favorite chair, where he had written most of the preliminary proclamation the previous summer, and gave his feet the proper elevation. For him, it was the end of a long, busy, but perfect day.

For many others in various parts of the country, the day was just beginning, for the celebrations were not considered official until word was received that the President had actually signed the Proclamation. The slaves of the District of Columbia did not have to wait, however, for back in April 1862 the Congress had passed a law setting them free. Even so, they joined in the widespread celebrations on New Year's Day. At Israel Bethel Church, Reverend Henry McNeal Turner went out and secured a copy of the *Washington Evening Star* that carried the text of the Proclamation. Back at the church, Turner waved the newspaper from the pulpit and began to read the document. This was the signal for unrestrained celebration characterized by men squealing, women fainting, dogs barking, and whites and blacks shaking hands. The Washington celebrations continued far into the night. In the Navy Yard, cannons began to roar and continued for some time.

In New York the news of the Proclamation was received with mixed feelings. Blacks looked and felt happy, one reporter said, while abolitionists "looked glum and grumbled . . . that the proclamation was only given on account of military necessity." Within a week, however, there were several large celebra-

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tions in which abolitionists took part. At Plymouth Church in Brooklyn, the celebrated Henry Ward Beecher preached a commemorative sermon to an overflow audience. "The Proclamation may not free a single slave," he declared, "but it gives liberty a moral recognition." There was still another celebration at Cooper Union on January 5. Several speakers, including the veteran abolitionist Lewis Tappan, addressed the overflow audience. Music interspersed the several addresses. Two of the renditions were the "New John Brown Song," and the "Emancipation Hymn."

A veritable galaxy of leading literary figures gathered in the Music Hall in Boston to take notice of the climax of the fight that New England abolitionists had led for more than a generation. Among those present were John Greenleaf Whittier, Henry Wadsworth Longfellow, Oliver Wendell Holmes, Harriet Beecher Stowe, Francis Parkman, and Josiah Quincy. Toward the close of the meeting, Ralph Waldo Emerson read his "Boston Hymn" to the audience. In the evening, a large crowd gathered at Tremont Temple to await the news that the President had signed the Proclamation. Among the speakers were Judge Thomas Russell, Anna Dickinson, Leonard Grimes, William Wells Brown, and Frederick Douglass. Finally, it was announced that "It is coming over the wire," and pandemonium broke out! At midnight, the group had to vacate Tremont Temple, and from there they went to the Twelfth Baptist Church at the invitation of its pastor, Leonard Grimes. Soon the church was packed, and it was almost dawn when the assemblage dispersed. Frederick Douglass pronounced it a "worthy celebration of the first step on the part of the nation in its departure from the thralldom of the ages."

The trenchant observation by Douglass that the Emancipation Proclamation was but the first step could not have been more accurate. Although the presidential decree would not free slaves in areas where the United States could not enforce the Proclamation, it sent a mighty



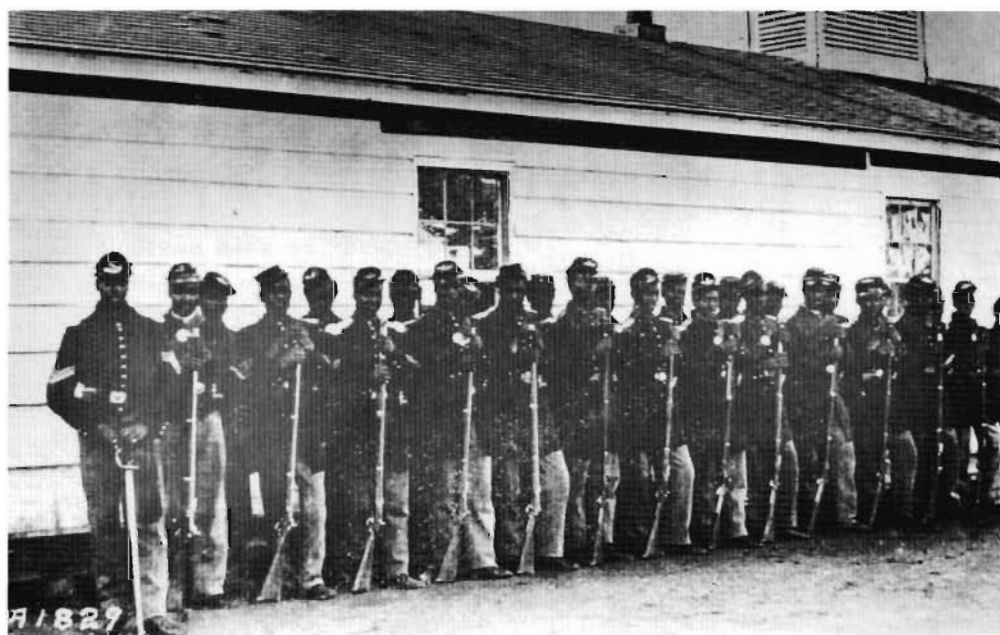
Ralph Waldo Emerson proclaimed, "Today unbind the captive," in his reading of the "Boston Hymn."

signal both to the slaves and to the Confederacy that enslavement would no longer be tolerated. An important part of that signal was the invitation to the slaves to take up arms and participate in the fight for their own freedom. That more than 185,000 slaves as well as free blacks accepted the invitation indicates that those who had been the victims of thralldom were now among the most enthusiastic freedom fighters.

Meanwhile, no one appreciated better

than Lincoln the fact that the Emancipation Proclamation had a quite limited effect in freeing the slaves directly. It should be remembered, however, that in the Proclamation he called emancipation "an act of justice," and in later weeks and months he did everything he could to confirm his view that it was *An Act of Justice*. And no one was more anxious than Lincoln to take the necessary additional steps to bring about actual freedom. Thus, he proposed that the Republican party include in its 1864 platform a plank calling for the abolition of slavery by constitutional amendment. When he was "notified" of his renomination, as was the custom in those days, he singled out that plank in the platform calling for constitutional emancipation and pronounced it "a fitting and necessary conclusion to the final success of the Union cause." Early in 1865, when Congress sent the amendment to Lincoln for his signature, he is reported to have said, "This amendment is a King's cure for all the evils. It winds the whole thing up."

Despite the fact that the Proclamation did not emancipate the slaves and surely did not do what the Thirteenth Amendment did in winding things up, it is the



The Emancipation Proclamation extended an invitation to slaves and free blacks to take up arms and fight for their freedom. Above, a black infantry at Fort Lincoln.

By the President of the United States of America

N. Proclamation

Whereas, on the twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-two, a proclamation was issued by the President of the United States, containing, among other things, the following, to wit:

"That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free; and the Executive Government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to refuse such persons, or any of them, in any efforts they may make for their actual freedom."

That the Executive will, on the first day

"of January aforesaid, by proclamation, designate the States and parts of States, if any, in which the people thereof, respectively, shall then be in rebellion against the United States; and the fact that any State, or the people thereof, shall on that day be in good faith, represented in the Congress of the United States by members chosen thence to all elections wherein a majority of the qualified voters of such State shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such State, and the people thereof, are not then in rebellion against the United States."

Now, therefore, I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as Commander in Chief of the Army and Navy of the United States in time of actual armed rebellion against the authority and government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and in accordance with my purpose so to do publicly proclaimed for the full period of one hundred days, from this

Although the Emancipation Proclamation had a limited effect in freeing the slaves directly, it has been celebrated over the past 130 years.

day first above mentioned, order and designate as the States and parts of States wherein the people thereof, respectively, are this day in rebellion against the United States, the following, to wit:

Arkansas, Texas, Louisiana, (except the Parishes of St. Bernard, Plaquemines, Jefferson, St. John, St. Charles, St. James, Ascension, St. Martin, Iberville, Terrebonne, Lafourche, St. Mary, St. Martin, and Orleans, including the city of New Orleans), Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia, (except the forty-eight counties designated as West Virginia, and also the counties of Berkeley, Accomac, Northampton, Elizabeth City, York, James City, and Norfolk, including the cities of Norfolk and Portsmouth, and which accepted parts are, for the present, left precisely as if this proclamation were not issued.

And by virtue of the power, and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States, and parts of States, are, and henceforward shall be free; and that the Executive

government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

And I hereby injure upon the people so declared to be free to abstain from all violence, unless in necessary self-defense, and I exhort them to show that, in all cases when allowed, they labor faithfully for reasonable wages.

And I further declare and make known, that such persons of suitable condition, will be received into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

And upon this act, sincerely believed to be an act of justice, warranted by the Constitution, upon military necessity, I invoke the consideration and judgment of mankind, and the gracious favor of Almighty God.

No witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this first day of January, in the year of our Lord

one thousand eight hundred and sixty-three, and of the Independence of the United States of America the eighty-ninth.

By the President, Abraham Lincoln

William Patterson, Secretary of State

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Proclamation and not the Thirteenth Amendment that has been remembered and celebrated over the past 130 years. That should not be surprising. Americans seem not to take to celebrating legal documents. The language of such documents is not particularly inspiring, and they are the product of the deliberations of large numbers of people. We celebrate the Declaration of Independence, but not the ratification of the Constitution. Jefferson's words in the Declaration moved the emerging Americans in a way that Madison's committee of style failed to do in the Constitution.

Thus, almost annually—at least for the first hundred years—each New Year's Day was marked in many parts of the country by a grand celebration. Replete with brass band, if there was one, an African-American fire company, if there was one, and social, religious, and civic organizations, African Americans of the community would march to the courthouse, to some church, or the high school. There, they would assemble to hear the reading of the Emancipation Proclamation, followed by an oration by a prominent person. The speeches varied in character and purpose. Some of them urged African Americans to insist upon equal rights; some of them urged frugality and greater attention to morals; while still others urged their listeners to harbor no ill will toward their white brethren.

As the fiftieth anniversary of the Proclamation approached, James Weldon Johnson, already a writer of some distinction, was serving a tour of duty as United States consul in Corinto, Nicaragua. His biographer, Eugene Levy, tells us that Johnson for some time had considered writing a poem commemorating the fiftieth anniversary of the Emancipation Proclamation. In September 1912, when he read of the ceremonies marking the preliminary proclamation, he realized that he had only one hundred days in which to write the poem. Using all of his spare time, of which there was little, Johnson hammered out "Fifty Years." There was not enough time to publish it in one of the major literary monthly jour-

nals, so he turned to the *New York Times*, which published it on its editorial page on January 1, 1913.

Addressing his fellow African Americans in the first stanzas, Johnson said:

O Brothers mine, to-day we stand
Where half a century sweeps our
ken,
Since God, through Lincoln's ready
hand,
Struck off our bonds and made us
men.

Just fifty years—a winter's day—
As runs the history of a race;
Yet, as we look back o'er the day,
How distant seems our starting
place!

Then, in a more assertive tone, making certain that humility did not replace self-confidence, he said:

This land is ours by right of birth,
This land is ours by right of toil
We helped to turn its virgin earth,
Our sweat is in its fruitful soil.

To gain these fruits that have been
earned,
To hold these fields that have been
won,
Our arms have strained, our backs
have burned,
Bent bare beneath a ruthless sun.

Then should we speak but servile
words,
Or shall we hang our heads in
shame?
Stand back of new-come foreign
hordes,
And fear our heritage to claim?

No! stand erect and without fear,
And for our foes let this suffice—
We've bought a rightful sonship
here,
And we have more than paid the
price. . . .

That for which millions prayed and
sighed

That for which tens of thousands
fought,
For which so many freely died,
God cannot let it come to naught.

In the second half of the Proclamation's first century, the annual celebrations diminished in extent as well as in fervor. Some celebrants, with an eye on a quick buck, began to promote June 19, the day on which President Lincoln signed a bill abolishing slavery in the territories. The bill did not apply to Texas, which was a state in the Confederacy, but slick promoters there soon drew attention to that day and persuaded Texans, Oklahomans, and others in the Southwest that this was indeed the day of emancipation. It was never quite clear to me, moreover, why we in Oklahoma celebrated August 4 as well as Juneteenth *and* January 1, but clearly the summer months had many advantages over a January observance.

Something else was diluting the cele-



Nelson Rockefeller, Thurgood Marshall, and Adlai Stevenson (center three) at a Proclamation centennial exhibit.

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Lyndon Johnson, a great supporter of civil rights, confers with (left to right) Roy Wilkins, James Farmer, Martin Luther King, Jr., and Whitney Young.

brations of the anniversary of the Emancipation Proclamation. It was bad enough that a casual reading of the Proclamation made clear that it did not set the slaves free. It was also clear that neither the Reconstruction amendments nor the legislation and executive orders of subsequent years had propelled African Americans much closer to real freedom and true equality. The physical violence, the wholesale disfranchisement, and the widespread degradation of blacks in every conceivable form merely demonstrated the resourcefulness and creativity of those white Americans who were determined to deny basic constitutional rights to their black brothers.

Several years before 1963, the National Association for the Advancement of Colored People began to use the motto "Free by '63." Other groups adopted the motto and focused more attention on the drive for equality. Many leaders were espe-

cially sensitive to the significance of the Emancipation centennial in pointing up racial inequality in American life. On September 22, 1962, when Governor Nelson Rockefeller of New York spoke in Washington to mark the opening of the exhibit of the preliminary proclamation, "the state's most treasured possession," he said, "the very existence of the document stirs our conscience with the knowledge that Lincoln's vision of a nation truly fulfilling its spiritual heritage is not yet achieved."

During the centennial year itself, the United States Commission on Civil Rights presented to the President a report on the history of civil rights, most of which I wrote on contract with the commission. Knowing that I would be out of the country during most of the centennial year, I published my history of the Emancipation Proclamation as my contribution to the observance. On Lincoln's birthday

in 1963, President and Mrs. Kennedy received more than a thousand black and white citizens at the White House and presented to each of them a copy of the report of the Civil Rights Commission, called *Freedom to the Free*. Speaking at Gettysburg later that year, Vice President Lyndon B. Johnson said, "Until justice is blind, until education is unaware of race, until opportunity is unconcerned with the color of men's skins, emancipation will be a proclamation but not a fact." President Kennedy took note of the absence of equality when he said, "Surely, in 1963, one hundred years after emancipation, it should not be necessary for any American citizen to demonstrate in the streets for an opportunity to stop at a hotel, or eat at a lunch counter . . . on the same terms of any other American."

Although it is now possible for most African Americans to eat at a lunch counter in most parts of the United States, the extension of these civilities has been accompanied by subtle, yet barbarous forms of discrimination. These forms extend from redlining in the sale of real estate to discrimination in employment to the maladministration of justice. In issuing the Emancipation Proclamation and wording it as he did, Lincoln went as far as he felt the law permitted him to go. In subsequent months he went a bit further, inch by inch, until before his death he was calling for the enfranchisement of some blacks. The difference between the position of Lincoln in 1863 and Americans in 1993 is that our leaders in high places seem not to have either the humanity or the courage of Lincoln. The law itself is no longer an obstruction to justice and equality, but it is the people who live under the law who are themselves an obvious obstruction to justice. One can only hope that sooner rather than later we can all find the courage to live under the spirit of the Emancipation Proclamation and under the laws that flowed from its inspiration. □

This essay is based on a talk given by Professor Franklin at the National Archives, January 4, 1993, on the 130th anniversary of the signing of the Emancipation Proclamation.