Lincoln at Gettysburg

One hundred and one years ago, on the nineteenth of this month, Abraham Lincoln delivered his Gettysburg Address. Mr. King recalls Lincoln’s eloquent words and discusses their meaning for the nation—then and now.

by Willard L. King • of the Illinois Bar (Chicago)

"THE WORLD WILL little note nor long remember what we say here.” How wrong Lincoln was at Gettysburg when he said that! A hundred years after that brief speech (two and one-half minutes it took), millions of Americans know it by heart, although most of us do not repeat it correctly. Many of us who know it could not tell where Gettysburg is nor when the battle was fought. Yet that speech has a more profound effect upon our lives today than any other public utterance in our history. Our current national fury over desegregated schools and over legislative apportionment are both a result of what Lincoln said at Gettysburg.

Probably no one there that day realized that he had been present at a crucial event in American history. While some who read it in the newspapers recognized it as a great speech, those who heard it were rather disappointed. Lincoln’s voice was high-pitched; he spoke with a Southern intonation: “Faw scaw and seven yeahs”. Gangling and uncouth, his appearance was not prepossessing. Probably if one of us passed him on the street, we would not recognize him from the pictures we had seen. Horace White, who reported the Lincoln-Douglas Debates for the Chicago Tribune, said that Lincoln looked less like his photographs than any man he had ever known. Journalists from New York who came to Springfield to cover him, after his nomination for President, declared that they did not at first recognize him from his pictures. Actually his face was highly mobile—in constant movement—and this could not be caught in the photographs of that day, which required five minutes of immobility. Mary Lincoln referred to her husband’s “camera face”, so different from his real face.

"Four Score and Seven Years Ago...”

"Four score and seven years ago.” What a peculiar way to begin a speech! Only a poet could start like that. Who in his audience could make the mental computation of eighty-seven years fast enough to grasp the remainder of the sentence? For nine years Lincoln had been counting in his speeches the years that had elapsed since the Declaration of Independence. In 1854, when he started, it was seventy-eight years and now eighty-seven years had gone by.

Perhaps because we are momentarily tripped by “Four score and seven” most of us lose the force of that first sentence by reading through a comma that is of prime importance. Most of us repeat Lincoln’s first sentence: “Four score and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal.” This reading ignores a comma that appears in all of Lincoln’s drafts of the speech. Actually what he said was “our fathers brought forth on this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal.”

This sentence was the culmination of Lincoln’s arguments on slavery for the prior nine years. In 1854 in his famous Peoria speech he had told why he hated slavery. He hated it not only for its monstrous injustice but because it put us in a false light all over the world. In our Declaration of Independence we had declared that all men were created equal and endowed with certain unalienable rights among which were life, liberty and the pursuit of happiness. After such a Declaration, Lincoln said, slavery enabled “the enemies of free institutions, with plausibility, to taunt us as hypocrites”. It deprived our “Republican example of its just influence in the world”. It caused the real friends of freedom the world over to doubt our sincerity.

Lincoln did not know it, but Jefferson was affected by this foreign criticism when he wrote the Declaration of Independence. The year before, the great lexicographer, Samuel Johnson, as George III’s propagandist, had published a pamphlet entitled Taxa-
tion No Tyranny in which he said, "How is it that we hear the loudest yelps for liberty among the drivers of Negroes?" Jefferson's library reveals that he had that pamphlet before he wrote the Declaration, and, being a very sensitive man, he was stung by it. For himself, he abhorred slavery and realized how inconsistent it was with the prevalent philosophy of the political equality of man. In answer to Johnson's jibe, Jefferson inserted in the original draft of the Declaration of Independence what John Adams called a philippic against Negro slavery, accusing George III of promoting it. The King had violated the most sacred rights of life and liberty, Jefferson charged, by captiving a distant people and carrying them into slavery in another hemisphere. Determined to keep open a market where men should be bought and sold, he had vetoed laws to prohibit or restrain this execrable commerce. But this portion of Jefferson's draft was struck out by Congress and does not appear in the Declaration as signed in July, 1776. However, his cognate declaration that all men were created equal remained. We are not slave drivers, he told the world, in, as he said, "a decent respect for the opinions of mankind". Slavery is contrary to our political philosophy of the equality of all men, and we are getting rid of it.

Of course, there were those who did not appreciate that there was any inconsistency in slave drivers yelping for liberty. "Give me liberty or give me death", cried Patrick Henry in the House of Burgesses in Virginia in 1775. Twelve years later he opposed the adoption of the Constitution by Virginia, because, he warned, "They may liberate every one of your slaves."

Many years later, when slavery had become economically important, Senator Pettit of Indiana in the debate on the Nebraska Bill declared that the Declaration of Independence was a "self-evident lie"—all men were not created equal. "What a long way we had come in seventy-eight years", Lincoln mused. "If Pettit had made that remark in the old Independence Hall, seventy-eight years ago, the very doorkeeper would have throttled the man and thrust him into the street."

"If this had been said to the men who captured André, the man who said it would probably have been hung sooner than André. What would have become of the man who had made such a remark to Marion's men in Carolina, Southern men though they were?"

"All Men Are Created Equal..."

But Chief Justice Taney in the Dred Scott case had denied that the words "all men are created equal" included Negroes. Stephen A. Douglas argued that "In a document drafted to justify our separation from Great Britain, the declaration that all men were equal only meant that British subjects on this continent (white men) were equal to those living in Great Britain. If Lincoln believed that all men were created equal, Douglas said, then Lincoln favored creating a mongrel race. He favored making Negroes citizens and letting them intermarry with whites."

"Now I protest against that counterfeit logic", Lincoln responded, "which concludes that because I do not want a black woman for a slave, I must necessarily want her for a wife... In some respects she is certainly not my equal. But in her natural right to eat the bread she earns with her own hands without asking leave of any one else, she is my equal and the equal of all others."

The Declaration did not say, Lincoln pointed out, that all men were equal in color, size, intellect, moral development or social capacity. It said they were equal in their right to life, liberty and the pursuit of happiness. It said that all men were equal before the law. The Declaration used the word "created" in somewhat the same sense that George III created dukes and earls and lords and barons, who, in some respects, were above the law.

However, Douglas argued that many of the founding fathers were slave owners and they did not themselves free their slaves on adopting the Declaration of Independence. But slavery was there, Lincoln answered, and, for a few years at least, they had to live with it. They intended to put it in course of ultimate extinction. That did not destroy the principle of the Declaration. Lincoln quoted the Bible, "As your Father in heaven is perfect, be ye also perfect." That was a standard to be striven for though never attained. "So I say", Lincoln concluded, "in relation to the principle that all men are created equal, let it be as nearly reached as we can."

Though Lincoln did not know about Jefferson's condemnation of slavery in the original draft of the Declaration of Independence, he did know that the founding fathers intended to get rid of it. They were so ashamed of it, he pointed out, that, when they had to deal with the subject in the Constitution, they scrupulously avoided the words "slavery" or "Negroes". They referred to slavery only by circumlocution. On the slave trade they said: "The migration or importation of such persons as any of the states now existing shall think proper to admit shall not be prohibited by Congress prior to the year one thousand eight hundred and eight." "Such persons" were slaves. The slave trade was so hated, Lincoln commented, that it required a constitutional mandate to prevent the First Congress from ending it.

Representation in Congress, they provided in the Constitution, should be apportioned by adding to the number of free persons, "three-fifths of all other persons". "All other persons" were slaves. Even the fugitive slave clause did not mention slaves by name. A "person held to service or labor in one state, escaping into another...shall be delivered up, on claim of the party to whom such service or labor may be due". This "covert language" was used, said Lincoln, so that after the institution of slavery had ceased to exist "there should be nothing on the face of the great charter of liberty suggesting that such a thing as Negro slavery had ever existed among us."

As we all know, Douglas beat Lincoln in their Senatorial campaign. A few days after the election the principal newspaper supporting Lincoln published an editorial: "Mr. Lincoln is beaten...but he has created
for himself a national reputation. . . . That God-given and glorious principle which is the head and front of Republicanism 'all men are created equal and are entitled to life, liberty and the pursuit of happiness' he has steadily upheld, defended, illustrated and applied in every speech which he has made."

So, five years later, Lincoln spoke the final words in the great debates, at Gettysburg, Pennsylvania, where a battle had been fought that appeared to settle what the Declaration of Independence meant. This battle had ended on July 3 and the next day, July 4, General Grant captured Vicksburg. When a crowd in Washington came over to the White House to serenade Lincoln over these victories, he made an impromptu speech. It was on July 4, he recalled, some eighty-seven years ago, that, for the first time in the history of the world, a nation, by its representatives, assembled and declared as a self-evident truth that "all men are created equal". By odd coincidence, it was on July 4, 1826, exactly fifty years to the day after that Declaration, that both Thomas Jefferson and John Adams, its principal sponsors, died. Five years later President James Monroe had also died on July 4. (Parenthetically, I might add that Chief Justice Melville Fuller also died on July 4, 1910.) "And now", Lincoln continued, "on this Fourth of July, when we have a gigantic rebellion, at the bottom of which is an effort to overthrow the principle that all men are created equal", the cohorts of those opposing the Declaration have turned tail and run."

Following the Gettysburg Address, and as a result, the nation adopted the Fourteenth Amendment to the Constitution: "No State shall . . . deny to any person within its jurisdiction the equal protection of the laws." That provision in the Constitution is the basis for the Supreme Court's decision that separate schools for Negroes are not equal.1 Lincoln's arguments in the great debates and the Gettysburg Address were urged upon the Court as the basis for interpreting the equality clause.

Of course, there was an inarticulate premise for that decision. At this time we were engaged in a great world struggle with Communism. The only thing in American life that Communism could get a foothold on, to advance itself, was the situation of the American Negro. You talk about all men being created equal, Communists said, but look at your separate schools for Negroes. Is that equality before the law?

You may recall the story of the American who was being shown by a Communist official the magnificent marble subway station that the Soviets had built in Moscow. Although it had been built for three years, no subway cars were yet running. "Where are your cars?" the American said. "What about race riots in your country?" the Soviet responded.

Segregated schools permitted Communists to scoff at our vaunted equality just as Samuel Johnson scoffed at slave drivers yelping for their own freedom and just as Lincoln argued that slavery let the whole world point the finger of scorn at us.

The Supreme Court has also applied the equality clause of the Constitution in its recent decisions that a state cannot apportion districts to give one man's vote ten times the value of another man's. "The conception of political equality", the Court said, "from the Declaration of Independence, to Lincoln's Gettysburg Address, to the Fifteenth, Seventeenth, and Nineteenth Amendments can mean only one thing—one person one vote."2

But back to the address itself. After his first sentence, Lincoln continued: "Now we are engaged in a great civil war, testing whether that nation or any nation so conceived and so dedicated can long endure. We are met on a great battlefield of that war." Today we sometimes fail to realize how cruelly, before Gettysburg, the war had gone against the North. In a long series of battles the South had been victorious: Bull Run, the Seven Days, Second Manassas, Fredericksburg and Chancellorsville. With a great army Lee was invading the North and had half encircled its capital. It looked bad for the principle of equality before the law. But now everything had changed. After 30,000 casualties at Gettysburg, Lee had been sent reeling southward and had been lucky to escape with his survivors. The Union losses had been 23,000. The Battle of Gettysburg was the great turning point in American history.

"It Is Rather for Us To Be Here Dedicated. . . ."

After Gettysburg and Vicksburg the only hope of the South was subversion in the North—to enhance the war weariness of the North until a negotiated peace could be made. Indeed when Lee started his invasion of the North that ended at Gettysburg, he wrote Jefferson Davis, the Confederate President, that the purpose of the invasion was to encourage the peace party in the North. The Confederacy had financed in the North a secret Copperhead organization which, even in such theretofore loyal states as Illinois, controlled by caucus the Democratic majority in the legislature. That legislature passed resolutions denouncing Lincoln’s "flagrant and mon-

---

The canons; this approach is unduly restrictive. The need is for broadly based courses on the ethical standards and professional responsibilities of a lawyer. Happily, this need is gaining increased recognition in our law schools and in the profession generally. A study by the American Bar Foundation indicated that in 1963 some 77 per cent of the approved law schools offered some type of formal training in ethics and professional relations. This, of course, does not necessarily mean that the educational exposure is adequate for either the individual or the legal profession.

Nor should the process end with law school. A United States district judge recently expressed the view that every trial lawyer should reread the canons at least once a year. He was surprised at the number of experienced trial lawyers who ignored or seemed unaware of provisions relating to the conduct and duty of lawyers in litigation. This comment suggests that the Bench also has an exceptional opportunity to refresh the recollection of neglectful lawyers.

For centuries lawyers have prided themselves on the ethical standards of their profession—self-proclaimed and self-enforced. Although there is real justification for this pride, one may suspect that with pride has come a certain amount of complacency.

It thus seems appropriate that the Association take a fresh, over-all look at the ethics of the Bar and especially at the extent to which the profession recognizes its unique responsibility to insist upon compliance with high standards.