

JEFFERSON DAVIS, ABRAHAM LINCOLN
AND THE AMERICAN REVOLUTION

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By definition, revolutionaries struggle against the existing government. If successful, they usually destroy all traces of the former government in favor of their new regime. The Confederate States of America struggled against the existing Union government; however, the Confederates do not fall into this typical pattern. Jefferson Davis did not see himself as rebelling against the ideals of the United States. Abraham Lincoln saw himself as preserving the ideals of the United States. Both Lincoln and Davis justified their actions by referring to the men and ideals of the American Revolution. Neither saw himself as betraying America, and each saw himself as trying to preserve the basis for the American government. Each turned to America's Founding Fathers to justify his viewpoint on slavery and secession.

Davis believed that slavery was not inconsistent with the ideals of the Founding Fathers. In fact, he believed that they specifically protected slavery. In his January 21, 1861 farewell speech to Congress, when discussing the problems of Mississippi, he argued that the Declaration of Independence protected slavery:

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[The] Declaration of Independence is to be construed by the circumstances and purposes for which it is made... [it has] no reference to slavery; else, how happened it that among the items of arraignment made against George III was that he endeavored to do just what the North has been endeavoring of late to do—to stir up insurrection among our slaves?¹

Davis, by citing one complaint against King George III from a long list, tried to show that the Founding Fathers protected slavery. However, Jefferson's intention was to show King George III's abuses of power, not to show that a nation which believes all men are created equal accepts slavery.

Davis believed that this protection had been recognized by the federal government after its founding. In a May 17, 1860 speech in Congress, replying to Stephen Douglas, he said that there "was not one of the first four Presidents of the United States who did not recognize this obligation of protection [of slavery]...."² In the same speech, he also argued that Congress had recognized this protection, although he does not cite specific pieces of legislation. He believed that an attempt to destroy slavery was contrary to the Founding Fathers' wishes.

In his March 4, 1861 inaugural address, Lincoln agreed with this view. He argued that the clause in Article 4, Section 2 of the Constitution which prohibited people from escaping into another state to avoid labor required the government to capture fugitive slaves. He said, "It is scarcely questioned that this provision was intended by those who made it, for the reclaiming of what we call fugitive slaves; and the intention of the law-giver is the law. All members of Congress swear their support to the whole Constitution—to this provision as much as to any other."³ He assured Southerners that their slaves were not in danger from his administration:

Apprehension seems to exist among the people of the Southern States that by the accession of a Republican Administration that their property, and their peace, and personal security, are to be endangered. There has never been any reasonable cause for such apprehension. Indeed, the most ample evidence to the contrary has all the while existed.⁴

Lincoln also discussed a possible amendment to the Constitution to reassure the South, saying, “I understand a proposed amendment to the Constitution...to the effect that the federal government, shall never interfere with the domestic institutions of the States, including that of persons held to service...I have no objection to this being made express, and irrevocable.”⁵ At least in the spring of 1861, Lincoln was willing to protect slavery in the South.

This position was not entirely inconsistent with Lincoln’s later actions. Phillip S. Paludan noted that Lincoln saw slavery as a necessary evil that would eventually die out in the South and believed that the Founding Fathers “had sanctioned slavery in the Constitution because without it there would have been no constitution at all.”⁶ However, Paludan argued that Lincoln was entirely opposed to the spread of slavery in the territories. Lincoln alluded to these differences in his inaugural address:

No organic law [referring to the Constitution] can ever be framed with a provision specifically applicable to every question which may occur in practical administration. No foresight can anticipate, nor any document of reasonable length contain express provisions for all possible questions. Shall fugitives from labor be surrendered by national or by State authority? The Constitution does not expressly say. *May* Congress prohibit slavery in the territories? The Constitution does not expressly say. *Must* Congress protect slavery in the territories? The Constitution does not expressly say.⁷

Lincoln was willing to do as the Founding Fathers had done and compromise to preserve the Union. Therefore, Lincoln would not disagree with Davis that the Founding Fathers protected slavery.

This is not to say that Lincoln and Davis agreed over the issue of slavery. If this was the case, there would have been no war. Lincoln was opposed to the spread of slavery and hoped that the institution would eventually die out in the South. Davis, like many Southerners, wanted to see slavery spread to new territories. If slavery was not allowed to spread, Southerners feared, rightfully, that they would become isolated by an ever-growing free state majority unreceptive to their particular concerns. However, the

spread of slavery was not a pivotal issue during the American Revolution. Consequently, neither Lincoln nor Davis could quote from the Founding Fathers when discussing the spread of slavery. However, on the question of the legality of slavery, both of them publicly professed that the Founding Fathers sanctioned slavery.

The real issue of disagreement between Lincoln and Davis was the legality of secession. They both turned to the Founding Fathers for an answer and each received a different one. Davis outlined his thoughts in his speeches and in his book, *The Rise and Fall of the Confederate Government*. Although published after the war, in 1881, it still gives insight into Davis' thinking. As outlined in his preface, his purpose was to show that the Southern States were following in the spirit of the Founding Fathers when they seceded:

The object of this work has been from historical evidence to show that the Southern States had rightfully the power to withdraw from a Union into which they had, as sovereign communities, voluntarily entered; that the denial of that right was a violation of the letter and spirit of the compact between the states; and that the war waged by the Federal Government against the seceding States was in disregard of the limitations of the Constitution, and destructive of the principles of the Declaration of Independence.⁸

This book summarized Davis' wartime and pre-wartime arguments that drew a connection to the Founding Fathers and the American Revolution.

His first argument was that the Union consisted of states that were distinct units with their own rights. He argued that "the delegates to the Convention of 1787 represented, not *the people of the United States* in mass, as has been most absurdly contended by some political writers, but *the people* of the several states, *as states*..."⁹ He even argued that the people did not form the U.S. government; the states formed it. In a hyperbole-filled sentence, he wrote that "[t]he monstrous fiction that they acted as *one people 'in their aggregate capacity'* has not an atom of fact to serve as basis..."¹⁰ He believed that the United States was a confederation of states, not of people.

Davis made a similar argument in a speech at Portland, Maine on September 11, 1858. He told his audience that "[h]ad

the proposition been made to consolidate the States after their independence had been achieved all must know it would have been rejected—yet there are those who now instigate you to sectional strife for the purpose of sectional dominion and the destruction of the rights of the minority.”¹¹ In the same speech, he told the audience that by trampling on the rights of states, Congress violated the spirit of the Founding Fathers. He argued that “if legislation is to be directed by geographical tests—if the Constitution is to be trampled in the dust, and the unbridled will of the majority in Congress is to be supreme over the States, we should have the problem which was presented to your Fathers when the Colonies declined to be content with a mere representation in parliament.”¹² Again, he saw the states as sovereign units.

Once Davis showed that states were distinct units, he proceeded to explain the legality of secession. He cited the example of the Articles of Confederation to show that secession had historical precedent. The union formed by the Articles was supposed to be a perpetual union and, yet, the states seceded from it to form another one. Davis argued that “when the Union [created by the Articles of Confederation] failed to accomplish the purposes for which it was formed, the parties withdrew, separately and independently, one after another, without any question made of their right to do so, and formed a new association.”¹³ Davis implied that a similar situation existed when the Southern States seceded to form the Confederacy. It may be argued that he was incorrect when he said that the secession of the Southern States was analogous to the dissolution of the Articles of Confederation. The federal government created by the Articles of Confederation was too weak to govern, and the Constitution was an attempt to fix the problem. It was not an attempt by a minority of states to avoid the decisions reached by a majority.

Davis argued that the Founding Fathers believed that states had sovereignty. He believed that since the Constitution reserved all powers not delegated to Congress to the states, and does not mention secession, states can secede. He was referring to the Tenth Amendment to the Constitution which reserves all

powers not delegated to the federal government to the states and the people. When New York, Virginia, and Rhode Island ratified the Constitution, they included a phrase that the powers of the government may be resumed by the states. Davis argued that these statements were unnecessary and that they only reaffirmed the power these states already had. The reason for this protection of states' rights, Davis ironically argued, was to protect the rights of minorities:

It would be unjust to the wisdom and sagacity of the framers of the Constitution to suppose that they entirely relied on paper barriers for the protection of the rights of minorities. Fresh from the defense of violated charters and faithless aggression on the inalienable rights, it might, *a priori*, be assumed that they would require something more potential than mere promises to protect them from human depravity and human ambition. That they did so is to be found in the debates both of the General and the State conventions, where state interposition was often declared to be the bulwark against usurpation.¹⁴

He argued that the Founding Fathers abhorred the idea that the federal government could force its will onto the states. He described "how vehemently the idea of even *judicial* coercion was repudiated by Hamilton, Marshall, and others. The suggestion of *military* coercion was uniformly treated...with still more abhorrence."¹⁵

Davis also argued that the Founding Fathers saw secession as a necessary protection even after the ratification of the Constitution. He cited the example of Jefferson's 1789 resolution which allowed Kentucky to decide for itself when the federal government exceeded its authority and, if so, decide what action should be taken.¹⁶ Madison drew up a similar resolution for Virginia in 1789. In his argument, he quoted John Quincy Adams, who, although not one of America's Founding Fathers, was President from 1825-1829. Adams wrote that "when the affections of the people of these States shall be alienated from each other ... *Far better will it be for the people for the disunited States to part in friendship with each other than to be held together by constraint.*"¹⁷ Davis's quotations and examples build a convincing argument that the Founding Fathers permitted secession.

Davis made similar arguments during his pre-wartime and wartime speeches. In his farewell address to Congress on January 21, 1861, he told those assembled that the Southern states were “recur[ring] to the principles upon which our Government was founded; and when you deny them, and when you deny to us the right to withdraw from a Government which thus perverted threatens to be destructive of our rights, we but tread in the path of our fathers when we proclaim our independence...”¹⁸ In his February 18, 1861, inaugural address as the Provisional President of the Confederacy, he drew a connection between the Confederacy and the American Revolution. He told his audience, “Our present condition, achieved in a manner unprecedented in the history of nations, illustrates the American idea that governments rest upon the consent of the governed, and that it is the right of the people to alter or abolish governments whenever they become destructive of the ends for which they were established.”¹⁹ He told his audience that the Confederacy was following in the Founding Fathers’ footsteps. In this secession, the states “merely asserted a right which the Declaration of Independence of 1776 had defined to be inalienable; of the time and occasion for its exercise, they [the states], as sovereigns, were the final judges, each for itself.”²⁰ He reassured his audience that the “right solemnly proclaimed at the birth of the States, and which has been affirmed and reaffirmed in the bills of rights of States subsequently admitted into the Union of 1789, undeniably recognize in the people the power to resume the authority delegated for the purposes of government.”²¹ The irony of Davis’s statements is that, at the birth of a new nation, the President attempted to show his people that they were following the tradition of the old nation.

Davis did more than use just the rhetoric of the American Revolution for his new government. According to Emory Thomas, Davis drew upon the American Revolution in several other ways. In forming the Confederate government, he used many of the symbols of the American Revolution. For example, the stars and bars of the Confederate flag were similar to the stars and stripes of the United States flag. George Washington is on the Great Seal of

the Confederacy. Confederate postage stamps had the faces of Washington and Jefferson on them. Southern patriotic envelopes “even borrowed the image of a coiled snake and the motto ‘Don’t tread on me’ from the revolutionary past.”²²

Emory argued that Davis went further by borrowing the war strategy of George Washington. The South acted as though they could win by not losing and, as a result, they were willing to allow the enemy to penetrate deep into their territory. Thus, Davis used the American Revolution both for the forming of his government and for his war strategy, in addition to using it as the basis of his arguments for secession.

Lincoln did not feel himself going against the ideals of the American Revolution and, in his speeches, he responded to Davis’s charge. He believed that the idea of states’ rights was fiction. States were only a creation of the union. In a July 4, 1861, speech to a special session of Congress, he told the audience of his views on the matter:

Our States have neither more, nor less power, than that reserved to them, in the Union, by the Constitution—no one of them ever having been a State *out* of the Union. The original ones passed into the Union even *before* they cast off their British Colonial dependence; and the new ones each came into the Union directly from a condition of dependence, excepting Texas. And even Texas, in its temporary independence, was never designated a State. The new ones only took the designation of States, on coming into the Union, while that name was first adopted for the old ones, in, and by, the Declaration of Independence. Therein the “United Colonies” were declared to be “Free and Independent States;” but, even then, the object plainly was not to declare their independence of *one another*, or of the *Union*; but directly the contrary, as their mutual pledges and their mutual action, before, at the time, and afterwards, abundantly show.²³

Because the states had never been separate units, Lincoln questioned “whence this magical omnipotence of ‘State rights,’ asserting a claim of power to lawfully destroy the Union itself?”²⁴ Lincoln rejected the claim that states had sovereignty. He said that if one defines a sovereign state as “[a] political community, without a political superior [then] no one of our States, except Texas even was a sovereignty...[and]...even Texas gave up the

character on coming into the Union....”²⁵ Because of this, Lincoln concluded that the states “have their *status* IN the Union, and they have no other *legal status*.”²⁶

Lincoln also rejected Davis’s argument that the Founding Fathers permitted secession and that it happened under the Articles of Confederation. In his March 4, 1861, inaugural address Lincoln stated his belief that the “Union of these States is perpetual.”²⁷ Lincoln argued that this is:

confirmed by the history of the Union itself. The Union is much older than the Constitution. It was formed in fact, by the Articles of Association in 1774. It was matured and continued by the Declaration of Independence in 1776. It was further matured and the faith of all thirteen States expressly plighted and engaged that it should be perpetual, by the Articles of Confederation in 1778. And finally, in 1787, one of the declared objects for ordaining and establishing the Constitution, was “*to form a more perfect union*.”²⁸

Lincoln’s counter to Davis’s argument that secession occurred when the Articles of Confederation dissolved, then, is to say that the union never dissolved. In the same speech he also put forward the logical flaws of secession. He said that if, as Davis argued, a minority can secede from a majority, then, in the future, there may be another minority among the Southern states which could secede from the others in the Confederacy.

Lincoln directly addressed Davis’ linkage of the Confederacy with the American Revolution in his July 4, 1861 speech to a special session of Congress. Possibly thinking of when the nation would have to reconcile itself, Lincoln told America that the Southerners were not traitors:

They [the Southern leaders] knew their people possessed as much of moral sense, as much devotion to law and order, and as much pride in, and reverence for, the history, and government, of their common country, as any other civilized, and patriotic people. They knew they could make no advancement directly in the teeth of these strong and noble sentiments. Accordingly they commenced by an insidious debauching of the public mind.²⁹

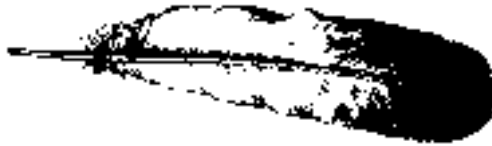
The Confederate leaders accomplished this “insidious debauching” by “an ingenious sophism, which, if conceded, was

followed by perfectly logical steps, through all the incidents to the complete destruction of the Union.”³⁰ This sophism was the idea that a state can withdraw from the Union. Lincoln’s argument could be summarized by Shakespeare’s famous saying [Antonio, in the *Merchant of Venice* I, iii, 95] that “The devil can cite Scripture for his purpose.” In this case, the devil is Davis and the scripture is the American Revolution.

However, Lincoln must have realized that when the Founding Fathers broke with England they were not acting within English law. Therefore, even if the South was not acting within American law, they still might be acting in the American revolutionary tradition. Thomas J. Pressly noted that there was an apparent contradiction between Lincoln’s acceptance of the right of revolution before he became President and his rejection of it once he became President. Lincoln “upheld the ‘right of revolution’ in the 1840s and early 1850s...his words were usually set in a context which implied that revolution would aid in the achievement of national independence and/or the spread of democratic practices of government.”³¹ However, Lincoln did not profess such support of this right in his Presidential term. Pressly argues that “the Lincolnian ‘right of revolution’ as finally stated in 1861 was a ‘moral’ right, as opposed to a legal right, and was a ‘conditional’ right in the sense that it was applicable and relevant only on condition that it was being exercised for a morally justifiable cause.”³² In this, Pressly argued that Lincoln “examined both the possibility of desirable exercises of the ‘right of revolution’ and also the possibility of undesirable exercises of that ‘right’—and examined those possibilities in greater depth than did Jefferson’s Declaration of Independence....”³³ He decided that the South was not fighting for a moral cause. Lincoln felt that allowing slavery to spread beyond the South was not morally defensible. Because there was no moral reason to rebel, and no legal justification, the South could not go without a struggle.

The Civil War can be seen, in part, as a debate over what the Founding Fathers would have wanted. Neither the North nor the South rejected America’s revolutionary heritage. Both Lincoln and Davis saw themselves as following in the Founding Fathers’

footsteps, and both of their positions would have support among some of America's Founding Fathers. However, Lincoln supported more the Federalist point of view with his insistence on the power of the federal government, while Davis took the traditional Anti-Federalist view of the federal government being subordinate to the states. Prior to the Civil War, this clash of philosophies had been a part of American politics, even before the death of the Founding Fathers. The conflict between Andrew Jackson and South Carolina over nullification is a good example of this conflict. However, after the Civil War the debate between the Federalist and Anti-Federalist philosophies ceased. The federal government was supreme. Lincoln and Davis not only alluded back to the Founding Fathers, but through military means they settled the debate the Founding Fathers had been unable to resolve between the Federalists and the Anti-Federalists.



¹ Jefferson Davis, The Papers of Jefferson Davis Lynda Lasswell Crist, ed., vol. 7 (Baton Rouge and London: Louisiana State University Press, 1992) p. 21

² Jefferson Davis, The Papers of Jefferson Davis Lynda Lasswell Crist, ed., vol. 6 (Baton Rouge and London: Louisiana State Press, 1989) p. 304

³ Abraham Lincoln, The Collected Works of Abraham Lincoln Roy P. Basler, ed., vol. 4 (Rutgers University Press: New Brunswick, New Jersey, 1953) p. 263

⁴ *Ibid.*, p. 262

⁵ *Ibid.*, p. 270

⁶ Phillip S. Paludan, "Lincoln, the Rule of Law, and the American Revolution," Journal of the Illinois State Historical Society vol. 70, no. 1 (February 1977) p. 14

⁷ Lincoln, Collected Works p. 267

⁸ Jefferson Davis, The Rise and Fall of the Confederate Government (New York: Thomas Yoseloff, 1958) vol. 1, preface. Originally published in 1881. Italics in original.

⁹ *Ibid.*, p. 93

¹⁰ *Ibid.*, p. 114

¹¹ Davis, Papers vol. 6, p. 216

¹² *Ibid.*, p. 217

¹³ Davis, Rise, p. 169

¹⁴ *Ibid.*, p. 188

¹⁵ *Ibid.*, p. 179

¹⁶ The resolution said "whenever the General Government assumes undelegated powers, its acts are *unauthoritative, void, and of no force*; that to this compact each State acceded as a State, and is an integral party; that this government, created by this compact, was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress." *Ibid.*, p. 188

¹⁷ *Ibid.*, p. 191. Italics in original.

¹⁸ Davis, Papers vol. 7, p. 22

¹⁹ *Ibid.*, p. 46

²⁰ *Ibid.*, p. 47

²¹ *Ibid.*, p. 47

²² Emory M. Thomas, "Jefferson Davis and the American Revolutionary Tradition," Journal of the Illinois State Historical Society vol. 70, no. 1 (February 1977) p. 7

²³ Lincoln, Collected Works p. 433

²⁴ *Ibid.*, p. 434

²⁵ *Ibid.*, p. 434

²⁶ *Ibid.*, p. 434

²⁷ *Ibid.*, p. 264

²⁸ *Ibid.*, p. 265

²⁹ *Ibid.*, pp. 432-433

³⁰ *Ibid.*, p. 433

³¹ Thomas J. Pressly, "Bullets and Ballots: Lincoln and the 'Right of Revolution,'" The American Historical Review vol. 67, no. 3 (April 1962) p. 656

³² *Ibid.*, p. 660

³³ *Ibid.*, p. 661

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