

Judging Lincoln

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Review

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Williams, Frank J. *Judging Lincoln*. Southern Illinois University Press, \$25.00
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Faces of Abe

Diverse essays reflect mainstream scholarship

Judging Lincoln is a collection of eight essays by Frank Williams, along with a ninth co-authored by Frank Williams and Mark E. Neely, Jr. They are introduced with a short foreword by Harold Holzer, the Vice President for Communications at the Metropolitan Museum of Art and closed with an epilogue by John Y. Simon, the Executive Director of the Ulysses Grant Association. Complimenting the essays are forty-seven prints of photographs, letters and contemporary political materials, which add a needed visual dimension to the text. The illustrations come from the Frank and Virginia Williams Collection of Lincoln and one of the most important collections of material on Lincoln. Frank Williams is also the Chief Justice of the Rhode Island Supreme Court, as well as the author or editor of eleven books on Lincoln, and he has served as past president of the Abraham Lincoln Association and the founding chairman of the Lincoln Forum. He is now compiling a bibliography of books on Lincoln. Justice Williams is involved in all facets of current scholarly activity on Abraham Lincoln.

The essays in this collection are occasional pieces, designed for presentation at various symposia and meetings. All but the seventh, on *The End of Slavery...* have been previously published, and are here brought together. The nine essays cover a lot of ground. Two deal with politics and the law, an article entitled *Abraham Lincoln and Civil Liberties: The Corning Letter and The End of Slavery: Lincoln and the Thirteenth Amendment...* Three others deal with Lincoln's leadership style, and another three analyze Lincoln as a wartime commander in chief, the role that Lincoln filled, but, unlike, Jeff Davis, did not overfill. In spite of their diverse topics, however, the essays in *Judging Lincoln*

possess a distinct continuity, examining from various perspectives the combination of leadership, lawyer, and wartime commander in chief that made the Lincoln presidency successful when success was a duty.

Not surprisingly, the most substantiated articles deal with Lincoln as a war leader who must interpret constitutional law with no precedents to guide him. Early in the Civil War, before the session of Congress in July 1861, Lincoln took a series of war measures that stretched traditional interpretations of the constitution. Lincoln called for troops to combat combinations too powerful to be suppressed by the ordinary course of judicial proceedings. He proclaimed a blockade of the Confederate ports, suspended the writ of habeas corpus, and authorized the expenditure of money for war without Congressional authorization. These measures generated great public debate and political excitement, and suspension of habeas corpus and the blockade ended up in the Supreme Court. The Court sustained Lincoln in the Prize Cases (1863) and reversed him in *Ex Parte Merryman* (1861) and *Ex Parte Miligan* (1866). Lincoln argued that the constitution as a whole and the Union as a government justified measures to save both. The entire fundamental law of the Republic could not fall victim to rigid interpretation to one of its parts, and Congress supported him. For Williams, this was Lincoln as lawyer and politician at his best.

The constitutional doctrine that Lincoln opposed, one which dominated the South and attracted many Northern Democrats, was that the constitution was a treaty among sovereign states rather than the fundamental law of the Union. Lincoln recognized that the war for the Union was also a war for freedom, and that a constitution, which accepted temporary diminution of freedom, could also encompass freedom's permanent expansion.

In a general way, these essays, forward and epilogue included, could be fairly construed to represent the mainstream of scholarly Lincoln thought for the current generation. But Lincoln does not recede with time; he grows. Each generation must rediscover Lincoln and reexamine the ways in which he remains the pivotal figure in American History.

James D. Hardy, Jr. is Associate Dean of the Honors College at Louisiana State University and has published several books on both literature and history, including one on baseball.