



## Lincoln, the Movie

It has been said that the motion picture industry created an American West of the second half of the 19th century that never was, but always will be. The same could be said about the myth of Abraham Lincoln, who has been transformed by multitudes of books, novels, movies, articles, textbooks, and selective historical accounts into the greatest politician, and maybe even greatest personality, America has ever produced. There's even the absurd spectacle of a recent movie in which Lincoln is our champion against vampires.



While Steven Spielberg's *Lincoln* has no such supernatural forces to fight, the movie will certainly add to the heroic status already afforded the 16th president. The movie focuses on the last four months of Lincoln's life, with nearly all the movie centered in January 1865, with the push for approving of the 13th Amendment (abolishing slavery) by the House of Representatives at the end of that month. The Senate had given its approval the previous year.

As expected with a Steven Spielberg movie, as an art form, it is first-rate. The acting is superb, with Daniel Day-Lewis performing masterfully as Lincoln, even down to the whiney voice, more historically accurate than the booming and deep voice previous cinematic versions have used. Sally Field turns in a fine performance as Lincoln's wife, Mary Todd, who clearly suffered from mental illness. Field's portrayal gives us sympathy for both Mary Todd and the husband who had to contend with her deep depressions, magnified by the death of their son, Willie.

As expected, Tommy Lee Jones is masterful in the role of the self-righteous abolitionist, Representative Thaddeus Stevens of Pennsylvania. Of course, Jones appears to be Hollywood's premier actor in roles requiring arrogance and sanctimony.

The passage of the 13th Amendment through the House cannot be accomplished without political promises and intimidation, as well as appeals to "the better angels of our nature." When the push for adoption commences, prospects are bleak. Even if every single Republican were to vote yes, it would still leave the proponents 20 votes short of the constitutionally required two-thirds needed to send the amendment to the states for ratification.

A prospective peace mission to end the Civil War creates political complications. It appears that some House members are willing to vote for the amendment, but the possibility that the war can be shortened by trading its adoption for an earlier end to the war threatens to snuff out its chances for success.

Francis Preston Blair, a prominent private citizen, and one-time advisor to President Andrew Jackson, traveled to Richmond with the goal of opening "peace talks" between Lincoln and the Confederate government. Of course, Lincoln refused to consider the Confederate States of America as a legitimate government, but he told Blair he would meet with the commissioners and "hear them out."



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Not surprisingly, news of the peace mission leaked out, causing some who had supported the amendment's passage to pull back, afraid passage of an abolitionist amendment could only prolong the war, which had already cost over 600,000 lives. Blair told Lincoln he wished to avoid the nation's "fourth bloody spring."

When faced with losing hope for the amendment's acceptance, Lincoln resorted to an old political tactic — he lied and said there was no such peace conference. Later, he directed the military officers transporting the Confederate commissioners (led by Vice President Alexander Stephens) to stop short of Washington off the coast of Virginia. This allowed Lincoln to send a technically correct message to Congress that no peace commissioners were in Washington.

Lincoln's duplicity in this case is reminiscent of his dealings with South Carolina in 1861 over the Union garrison that continued to occupy Fort Sumter after South Carolina had seceded from the Union. As William J. Cooper wrote in [We Have the War Upon Us](#), Lincoln led South Carolina and the Confederate government to believe that he was going to abandon Fort Sumter, while simultaneously plotting to reinforce it.

Winning enough votes for passage required various deals. Behind the scenes, Lincoln agents worked to capture votes for the 13th Amendment. Some lame-duck Democrat members of Congress were promised government jobs, such as postmaster positions. One Democrat was even awarded his re-election over a Republican in Pennsylvania, if he would vote for the abolition amendment.

The movie presents a kindly, generous Lincoln, such as in his dealings with his son, Robert, who wanted to join the Union Army; with his wife, Mary Todd; and in his desire to treat the southern states as equals upon their restoration in the federal Union. This desire to "bind up the nation's wounds" put him at odds with Representative Stevens, who preferred to punish the South for the war. In fact, Stevens considered all the white people of the country, North and South, guilty for the scourge of slavery.

Perhaps the biggest danger of this movie comes from one of its strengths. Almost all Lincoln portrayals ignore or skirt over Lincoln's many and repeated violations of civil liberties and the U.S. Constitution. To its credit, Spielberg's *Lincoln* repeatedly mentions past violations of the Constitution by the president. We see Lincoln talking about it himself, and political opponents and supporters both reference his suspension of habeas corpus and other executive usurpations.

Arguing for the need of the 13th Amendment to abolish slavery, Lincoln is shown discussing his "war powers" under the Constitution. He asserted that the Constitution gave him the power to issue the Emancipation Proclamation, because of his role as Commander in Chief. He "hoped" it was legal to issue the Proclamation and to ignore court decisions. But he feared that without an amendment to the Constitution, some court after the war might declare his action unconstitutional. Adding the amendment, he said, would remove this possibility.

The movie *Lincoln* argues that his Emancipation Proclamation was constitutional because he had announced it in late 1862, giving the people almost two years to think about what he had done when they chose to re-elect him in 1864. One hopes the adoring audiences are not persuaded that this is sound constitutional reasoning. Such a concept would mean a president would be free to violate the Constitution at will, just so long as he can then achieve re-election.

As historian [John J. Dwyer said in his New American article](#), in which he called Lincoln the "Step-Father of our Country," Lincoln violated the Constitution of the United States on several occasions. He basically declared war on the southern states, without any approval from Congress, despite the fact that



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the power to declare war is a congressional power. To prosecute the war, Dwyer wrote, “He instructed the U.S. navy to buy five warships — an appropriations act needing the approval of Congress.”

Thomas DiLorenzo, author of [The Real Lincoln](#), detailed how Lincoln interfered with Northern elections, deported a U.S. congressman for opposing his domestic policies, and imprisoned state legislators. Even Senator Charles Sumner of Massachusetts, an ardent abolitionist, called Lincoln’s calling for 75,000 soldiers without the consent of Congress, “the greatest breach ever made in the Constitution, and would hereafter give the President the liberty to declare war whenever he wished, without the consent of Congress.”

While the movie does not show any of Lincoln’s political enemies being imprisoned (perhaps that would make a great movie), it does mention several times Lincoln violated the Constitution. What is dangerous about this is that *Lincoln* audiences might come to the conclusion that if the presidency is occupied by a “saintly” man like Abraham Lincoln, then wholesale violations of the Constitution are justified in order to accomplish the greater good. That is, the ends justify the means.

These are the sorts of arguments used in favor of those provisions of the Patriot Act of dubious constitutionality, and for giving the president the power to detain “terrorists” without legal recourse, as in the National Defense Authorization Act, and even trusting the president to make judicious use of a “kill list.” I recall asking my own congressman about some provisions of the Patriot Act, and he responded that he believed we could trust President George W. Bush to be restrained in its use. I was taken aback, but recovered to point out to the congressman that, even if we could entrust Bush with such power (not conceding that we could), whatever power you give to one president would be given to the next president, as well.

As Thomas Jefferson said, “In questions of power, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution.” It would be wonderful to watch a motion picture showing the folly of allowing government to break loose from its constitutional restraints even when the intent is to accomplish noble ends, but it is unlikely that such a movie would be made by Steven Spielberg.

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