**Emancipation Proclamation** [text]

January 1, 1863

By the President of the United States of America:

A Proclamation.

Whereas, on the twentysecond 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, towit:

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``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 repress 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 thereto at 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.''

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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 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 the 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, towit:

Arkansas, Texas, Louisiana, (except the Parishes of St. Bernard, Plaquemines, Jefferson, St. Johns, St. Charles, St. James[,] Ascension, Assumption, 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 fortyeight counties designated as West Virginia, and also the counties of Berkley, Accomac, Northampton, Elizabeth-City, York, Princess Ann, and Norfolk, including the cities of Norfolk & Portsmouth [)]; and which excepted parts are, for the present, left precisely as if this proclamation were not issued.

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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.

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And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary self-defence; and I recommend to them 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 considerate judgment of mankind, and the gracious favor of Almighty God.

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In 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-seventh.

[L.S.]

By the President: ABRAHAM LINCOLN

WILLIAM H. SEWARD, Secretary of State.

**James Oakes, *Freedom National: The Destruction of Slavery in the United States, 1861 – 1865*,** **(Chapter 10 – The Emancipation Proclamation, p. 342-345)**

It’s a deceptively straightforward document. Clocking in at under seven hundred words, the Emancipation Proclamation is in many ways more interesting for what it assumed than for what it declared. The most important things about it – the ways it transformed the federal government’s approach to slavery – are barely mentioned or not referred to at all. It was the skeleton, but not the flesh, of a sweeping revision of Union emancipation policy.

 The first two substantive paragraphs were direct quotations taken from the Preliminary Proclamation of the previous September. They reminded readers of Lincoln’s promise to emancipate all slaves in areas still in rebellion as of January 1, 1863, and of his corresponding promise to deploy Union armed forces to **“maintain the freedom of such persons.”** Neither the army nor the navy would do anything **“to repress such persons…in any efforts they may make for their actual freedom.”** Critics had denounced this passage as an incitement to slave insurrections, but a better word for it is *enticement*, for Lincoln almost certainly intended the passage as an invitation for slaves to secure their freedom by running to the safety of Union lines.

 Having reaffirmed his vow to free the slaves in all areas **“in rebellion,”** Lincoln explained once more the criteria for distinguishing the loyal from the disloyal areas of the South. His standard was simple: any state, or portion of any state, that was represented in Congress by members chosen by a majority of qualified voters would be deemed loyal and would be exempted from the proclamation. All of the exempted areas had unionist representatives in Congress: northern and western Virginia, southern Louisiana, and the four Border States. Tennessee had a unionist governor cooperating with the administration.

 The preliminaries completed, Lincoln’s proclamation moved on to the legal justification for his action. It was strictly military emancipation. Lincoln was freeing slaves by virtue of the power vested in the president as commander in chief of the army and navy “**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.”** His reasoning was by now familiar. Except in time of war or insurrection the Constitution forbade the federal government from directly interfering with slavery in the states where it existed. Military necessity was the only constitutional ground on which Lincoln could justify federal “interference” with a state institution.

 Finally Lincoln turned to the business at hand: “**I do order and declare,”** his proclamation read, **“that all persons held as slaves within said designated areas…are, and henceforward shall be free.”** He reiterated his promise that the army and navy would **“recognize and maintain the freedom of said persons.”** He urged those emancipated by the proclamation **“to abstain from all violence, unless in necessary self-defence”** and further recommended that they **“labor faithfully for reasonable wages.”** At first glance, these seem mere reiterations of the criteria for “self-emancipation” by which the federal government had been freeing slaves for nearly sixteen months. Slaves voluntarily entering Union lines, by *enticing* them with the promise of freedom. Lincoln was actually initiating a major shift in federal emancipation policy. Up to that point the government had abolished slavery in Washington and had emancipated rebel-owned slaves in the occupied areas of the seceded states, areas that included perhaps two hundred thousand enslaved blacks. If enticement worked, the Emancipation Proclamation could free millions.

 In the next paragraph Lincoln announced a second major shift in Union emancipation policy. Emancipated slaves **“of suitable condition, will be received into the armed services of the United States.”** Black men had been excluded from the Union army ever since the nation was founded. With the Emancipation Proclamation, the long standing ban on black enlistment was lifted.

 Together the two new policies announced in the Emancipation Proclamation – enticement and black enlistment – transformed Union soldiers into an army of liberation in the seceded states. They were the means by which the Lincoln administration would enforce the proclamation, making it much more than a papal bull against the comment.

 Lincoln close the proclamation with a slightly edited version of the elegant coda Chase had recommended the day before. With this act, Lincoln said, **“sincerely believed to be an act of justice , warranted by the Constitution, upon military necessity, I invoke the considerate judgment of mankind, and the gracious favor of Almighty God.”** The theme was hardly a new one among Republicans. For months, they had been proclaiming the dual character of emancipation: it was a military necessity, but it was also the right thing to do. The coda also sounded an echo of the **“decent respect for the opinions of mankind”** that Jefferson had invoked in his Declaration of Independence – the ideological touchstone for Lincoln’s hostility to slavery. Military necessity and antislavery idealism were not mutually exclusive.

 That was it – a no-nonsense document that appeared to do little more than remind leaders that Lincoln had promised to proclaim emancipation, and then did it. Its two major policy shifts were mentioned obliquely or in passing, calling no attention to themselves. In one sense the proclamation’s modesty was becoming: the brevity and simplicity of its prose belied its staggering scope. By saying very little, however, the Emancipation Proclamation also explained very little. It was full of assumptions that knowledgeable readers would have recognized but which are no longer obvious to use. On what basis, for example, did Lincoln confidently declare that slaves emancipated by proclamation were “**henceforward**” and “**forever free,”** that they could never be returned to slavery? What was the theory of military emancipation? And how did Lincoln expect to overcome the problem he himself had repeatedly pointed out: his inability to enforce the proclamation in the very areas it covered? On paper Lincoln had created an army of liberation. But what did that mean on the ground, in rebellious areas of the South?

***Original Text:***

``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 repress 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 thereto at 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.''

***Key Words:***

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***Original Text:***

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 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 the 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, towit:

Arkansas, Texas, Louisiana, (except the Parishes of St. Bernard…including the City of New-Orleans) Mississippi, Alabama, Florida, Georgia, South-Carolina, North-Carolina, and Virginia, (except the fortyeight counties designated as West Virginia…) and which excepted parts are, for the present, left precisely as if this proclamation were not issued.

***Key Words:***

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***Summary***

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**Original Text:**

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.

***Key Words:***

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***Summary***

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**Original Text:**

And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary self-defence; and I recommend to them 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 considerate judgment of mankind, and the gracious favor of Almighty God.

***Key Words:***

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***Summary***

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***In Your Own Words***

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**ESSENTIAL QUESTION (answer one of the following questions in a complete persuasive paragraph. Support argument and conclusions with explicit evidence from the text.)**

* **Exactly what did the Emancipation Proclamation say and do? What did the Emancipation**
* **How did the proclamation itself “transform the conflict…into a war of liberation?**
* **Evaluate the Emancipation and its effect on the Civil War.**
* **Briefly explain why ONE of the following best supports the view that slavery largely ended during the Civil War before the passage of the 13th Amendment?** (Additional points for: Contrasting you choice against one of the other options. Briefly describe what role, if any, slaves played in emancipation.)
	+ President Lincoln’s Actions
	+ Congressional Legislation
	+ Military Emancipation / Outcome of the War