

Lincoln's Lessons: Then and Now

Thursday, May 23, 2024

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[00:00:03.1] Jeffrey Rosen: Hello, friends. I'm Jeffrey Rosen, president, CEO of the National Constitution Center. And welcome to We the People, a weekly show of constitutional debate. The National Constitution Center's a nonpartisan non-profit chartered by Congress to increase awareness and understanding of the Constitution among the American people. In this episode, I'm excited to share a recent conversation with two great Lincoln historians, Sidney Blumenthal, author of *The Three Volume Political Life of Abraham Lincoln*. And Harold Holzer, author of the new book, brought forth on this continent, *Abraham Lincoln, and American Immigration*. We discussed Lincoln's life and legacy and explored similarities between the 19th century and today. Enjoy the show.

[00:00:45.8] Jeffrey Rosen: Hello, friends. Welcome to the National Constitution Center and to today's convening of America's Town Hall. I'm Jeffrey Rosen, the president and CEO of this wonderful institution. Before we begin, let's inspire ourselves as always, for the discussion and learning ahead by reciting together the National Constitution Center's mission statement. Here we go. The National Constitution Center's the only institution in America chartered by Congress to increase awareness and understanding of the US Constitution among the American people on a nonpartisan basis. And now it is such a pleasure to introduce our panel to great Lincoln Historians and great friends of the National Constitution Center, who we have so much to learn from. Sidney Blumenthal is the acclaimed author of *A Self-Made Man* and *Wrestling with His Angel*, which are the first two volumes in his five volume biography, *The Political Life of Abraham Lincoln*. His other books include *The Bestselling*, *The Clinton Wars*, *The Rise of the Counter Establishment*, and *The Permanent Campaign*, and he currently serves as an illuminating columnist for *The Guardian*.

[00:01:52.8] Jeffrey Rosen: And Harold Holzer is Jonathan Fon, director of the Roosevelt House Public Policy Institute at Hunter College. He's the author, co-editor or editor of 55 books on Lincoln and the Civil War era, including *The President's versus the Press*, *Lincoln and the Power of the Press*, *The War of Republic Opinion*, and his most recent book, which we're here to discuss today, brought forth on this continent, *Abraham Lincoln and American Immigration*.

Thank you so much for joining us, Sid Blumenthal and Harold Holzer. Harold, congratulations on your new book on Abraham Lincoln and American Immigration. But why don't we begin the discussion by giving us the political context for the immigration debate in the age of Lincoln. Historically the Federalists had been the Anti-Immigration Party and the Jeffersonian Democrats pro-immigration 'cause they were relying on immigrant votes of Germans and Irish. But you describe how some of those divisions began to break down as the Federalists gave rise to the WIS and the Jeffersonian, Republicans to the Jacksonian Democrats, set the stage for us and describe the competing pressures that Lincoln was under.

[00:03:09.5] Harold Holzer: Well, to begin with, I think I'm correct in making the constitutional point that, since Justice Breyer will be talking about and rejecting originalism in your next session, that the Constitution does not outright give the federal government the right to control immigration. Naturalization, yes. Immigration, no. That came with court interpretation and subsequent legislation that used the Commerce Clause to grant power to the federal government. So in the early days of the Republic, there were no walls, no barbed wire, no ice. Aside from the brief interlude of the Alien and Sedition Acts, which required 14 years for citizenship, which now seems reasonable, immigrants could come here and register their name and age and nationality and within five years become naturalized citizens of the United States. And yes, things got complicated when more and more Catholics arrived and actually were rigorously enrolled in the Democratic Party, as Sid has written in his early volumes of his book. The Democrats were smart enough to enroll people.

[00:04:32.9] Harold Holzer: The Whigs were foolish enough to resist and turn up their nose at immigrants. And Lincoln was not heard from on the issue really until a riot took place in Philadelphia in 1844. So Lincoln is 35 years old, living in the West in Illinois, and anti-Catholic riots break out in Philadelphia in two separate months, I think May and July. Churches are burned. Religious libraries are thrown into the street. People are killed. The National Guard is called out by the governor. And Whigs all over the country have to explain this outbreak and declare that the Whigs had nothing to do with igniting it. Nativists in Philadelphia did. And Lincoln at that point wrote the text of the declaration that was issued in Springfield, Illinois. By the local Whigs in which he said that no impediment should be erected that would prevent or preclude immigrants from taking a rightful place in American society. And I think I'll leave it there for now. That's where we at least through the 1840s, Lincoln is not heard from again, but that big declaration is meaningful, I think.

[00:05:56.7] Jeffrey Rosen: That is great. Thank you for setting it up so well. Sid, how would you describe the political context?

[00:06:05.7] Sidney Blumenthal: Well, let's talk about 1844, a year we all want to talk about now in an election year. It's a year in which Lincoln's hero, Henry Clay, his beau ideal, he calls

him, is running for president, has a nomination on the Whig party ticket. It's his big chance. And he is from Kentucky. He gets caught up in the politics of nativism and immigration in 1844 and in party gets caught up in New York through his main supporter there, William Seward, who will emerge as Lincoln's rival for the Republican presidential nomination, a number of years later in 1860 and, in 1844, Seward, in local New York politics had aligned himself with the Catholic Church and, actually had even been in favor of, using, government subsidies for parochial schools, which for WHIG was quite incredible. But he was trying to out find the Democrats who had the Irish constituency. And, the problem for Seward was that he alienated a lot of the nativist Whigs. This is a decade before the rise of the Know Nothing Party, and it is said that Clay lost, on a very small margin, in New York State because of Seward's stand, on the Catholic church and on immigration.

[00:07:48.2] Sidney Blumenthal: And then flash forward 1860, the competition for the Republican nomination. And, Seward still is carrying this baggage. He's carrying the baggage in the way that Henry Clay, who had been in politics since 1812, as a prominent national figure carried baggage. And among that baggage was this, immigration baggage. And Lincoln, even though he took no public position at all as a nativist, benefited from the nativist sentiment that existed among old Whigs within the Republican party who did not want to support Seward. And Lincoln was very aware of the kind of support he was getting. So these currents run through American political history very deep.

[00:08:50.9] Jeffrey Rosen: I just wanna say one thing in absolute agreement with Sid about 1860. I know we're jumping past an entire decade here, but most historians have ascribed Seward's failure to win the nomination to his supposedly, radical stand on slavery, which really wasn't much different than Lincoln's. I think it was more about his alignment with Archbishop Hughes and the Catholics in New York and the Germans who supported Seward faltered, at the convention because they didn't want to support someone who was too pro-Catholic. And irony of ironies. And that's why Lincoln, treads a very fine line in the previous decade. The one, we haven't discussed yet, the 1850s between, condemning nativism, but flirting with nativists.

[00:09:50.6] Harold Holzer: That's a good way to put it. Well, let's go back. We started in 1844, and indeed, you broadly summarized the party's views. Democrats are mostly pro-slavery and anti nativism 'cause they rely on the white ethnic vote. Whigs and the later Republicans are anti-slavery and divided on nativism. And Lincoln is treading this fine line. Sid, Harold sets the scene for his book by exploring anti-Catholic violence in Philadelphia in 1844. Start with 1844 and tell us what's going on over the next decade.

[00:10:30.2] Sidney Blumenthal: Well, what happens next of course, is that slavery gets introduced into American politics through the Mexican War, and Clay who falters, in part, over this as well. He's opposed to the war and, Lincoln, gives a speech in his one term in Congress,

very partisan speech, demanding that president James K. Polk point to the spot where, there was a supposed incident, where the Mexicans provoked the war, which did not exist. Lincoln thought that the war was falsely started and trying to take advantage of that. That does not become a popular position. But what happens in terms of slavery and immigration is that slavery then enters into the discussion. And the question is, what's gonna happen to all the territory, what's called the Mexican session, the huge amounts of territory taken from Mexico, will there be slavery free?

[00:11:48.5] Sidney Blumenthal: That will determine the balance of power in the country and who represents who and who, who gets more seats in the Congress and the Senate and so on. And, Zachary Taylor, who was a Whig elected in 1848, a general who was, one of the conquerors of Mexico. The Whigs always went for these, hero generals. William Henry Harrison, tip Canoe and Tyler two in 1840. They won again in 1848 with another general, Zachary Taylor was a slave owner from Louisiana. There was no platform of the Whig party in 1848. And no one really knew what Zachary Taylor's position was. And it turned out that he was against the extension of slavery. In the territories big surprise Lincoln, in his time in the Congress was what he called himself a Wilmot Proviso man. A proviso man. He voted against the extension of slavery in the territories. So slavery is now beginning to tear the parties apart. I'm just gonna rush the history. Taylor dies. Millard Fillmore takes over. He reaches the compromise of 1850. It's called, it's Israeli 51. Clay is one of the great advocates of it. He dies, Calhoun dies, Webster supports the compromise, gets discredited in New England. Daniel Webster, the great, a New England Senator.

[00:13:32.5] Sidney Blumenthal: And then somehow. Franklin Pierce is elected in the greatest landslide since Andrew Jackson. The Whig Party, which nominates Winfield Scott, the other great general from the Mexican War, going for general again, is demolished. And it never really rises again. And what happens out of it and what comes out of the ashes, and I would defer now to Harold, is a smash party and the rise of the know-nothings. And nativist party.

[00:14:07.2] Jeffrey Rosen: Great description of that crucial decade ranging from these landmark moments from Lincoln's spot resolutions, which memorably led him to be called Spotty Lincoln, where, as you said, he demanded that the government identify the spot where Mexico crossed the border to the compromise of 1851 and beyond. Harold, why did you choose that anti-Catholic violence in Philadelphia to begin your narrative and tell us all that? What happened with the impact of immigration and nativism on the political landscape throughout the 1850s?

[00:14:41.2] Harold Holzer: So when I reviewed the same chronology as Sid just advanced in my book, I looked to immigration issues as decisive factors. We can debate whether they were dispositive or influential. But poor Winfield Scott, aside from campaigning for himself, which

was unheard of at the time. He also suggested that veterans of the Mexican war, who might not be naturalized Americans, need not wait the five years to get citizenship. One year was long enough. Sailors and soldiers. And there were a lot of sailors, foreign-born sailors. Well, he was destroyed on that basis. The Democrats rallied against him, and yet he was also accused of being a nativist at the same time in New England.

[00:15:37.0] Harold Holzer: Pierce's people made brilliant use of his sort of divergence on that issue. Nativism is not just breaking out violently in Philadelphia. There were riots in other cities, including New York. In New York, Samuel Morse, who we know basically as an inventor and kind of a polymath, artist, photographer, pioneer of photography, was also writing horrendously racist screeds on Catholics and publishing them under various pseudonyms. James Harper, whom we know principally as the founder of Harper's Weekly, a great source about 19th century politics and social activities, and the founder of a major book publishing firm, was elected mayor of New York as a nativist.

[00:16:31.9] Harold Holzer: So this fever is spreading based on the fact that Catholics have a secret plan to overthrow civil government and inject papal doctrine into the government to remove Protestant churches to have an official religion of the United States. It's unrealistic, it's out of control, but it does give rise to the formation of these strange clubs where people meet secretly to, I guess, enjoy a glass of wine and denounce Catholics.

[00:17:08.0] Harold Holzer: That seems to have been the unifying factor. The name Know Nothing, which has been claimed, the inspiration has been claimed by many people, including Horace Greeley, who said he came up with the name, the great newspaper editor, is supposed to refer to the fact that if a stranger knocks on the door where all this boisterousness is occurring, says, what's going on in there? It sounds so much fun. And they say, we know nothing, and slam the door on the interloper. That's allegedly the source of the name. But behind the jollity and the informality is a deep strain of anger and racism and anti-Catholicism.

[00:17:50.3] Harold Holzer: It metastasizes into huge congressional victories. They don't win majorities, but they elect members of Congress. They elect a mayor in Chicago. People like Salmon Chase, who is a progressive in Ohio, begins ignoring the rise of nativism, if they will embrace anti-slavery. As Sid says, this is the motivating factor for the organization of the Republican Party in the mid-1850s. And by 1856, the year of the next presidential election, one candidate, John C. Fremont, the Republican, the first Republican candidate, is accused of being secretly Catholic, of being married, heaven forbid, in a Catholic wedding ceremony to the wife of a US senator, Jesse Benton.

[00:18:46.0] Harold Holzer: Once again, this time nativism is institutionalized in the formation of an American party. Ex-president Fillmore is nominated as the American candidate. In one of

the most successful, if not the most successful, I don't know if I'm right on the stats, Sid will know, he gets 22% of the popular vote and wins one state, Maryland but where there are many Catholics and a lot of anti-Catholic feeling. So that brings us to '56, the year the Republican Party is organized, and the year that Lincoln makes a second public declaration about nativism, condemning it at an editor's convention on a snowy Washington's birthday in Decatur, Illinois.

[00:19:38.2] Jeffrey Rosen: So interesting to learn that condemning nativism was a central plank in the formation of the Republican Party at the same time that the American Party was rising up. Sid, tell us about the condemnation of nativism in 1856, and then tell us about a speech that you have emphasized, Lincoln's electric cord speech on July 10th in 1858, where he articulates a unifying vision of America's civic culture rooted in the words of the Declaration of Independence, and says that the words, all men are created equal, are the electric cord that binds us together as the descendants of the founding generation, the blood of their blood.

[00:20:18.5] Sidney Blumenthal: Yeah. This is the Zohar Herald's book, and I commend the book. And part of it is in my third volume, All the Powers of Earth, including a long discussion of what happens to John C. Freeman in his campaign. It's the first birther campaign, as it were challenging whether he's really an American, because he's Catholic. So this is the emergence of Lincoln from being a kind of stealth anti-nativist at the same time he plays footsie with nativists to buy his campaign for the Senate against Stephen A. Douglas to be openly bidding for immigrant votes. So what happens in 1856 Harold referred to this first organizing meeting of the Illinois Republican Party. The Republican Party was organized state by state.

[00:21:29.1] Sidney Blumenthal: They were all different in each place. In Illinois, the meeting was called by editors. Editors were all partisan at that time. That's how the press worked. And they called the meeting, but they needed a larger political figure who could mediate between them. And Lincoln was the man. He had only served for one term in the Congress many years before. He has gone through his wilderness years, but now slavery has broken out as a major issue because Stephen A. Douglas, the Senator from Illinois, has proposed the Kansas-Nebraska Act opening up the territory to possibly slavery.

[00:22:14.3] Sidney Blumenthal: The parties fragment, disintegrate, and the Republican parties are formed. Lincoln is late to coming to the Republican Party, but he agrees to appear at this meeting. He sends a message saying, "All right, I'll go radicals and all." And he goes to this meeting in the middle of this snowstorm in Decatur. And it's just editors. And one of the editors is named George Schneider, who is the editor of a German language newspaper. He's German. That's a very important constituency. And the whole thing is just a small room full of people with newspaper editors.

[00:23:02.2] Sidney Blumenthal: It looks like the Republican Party of Illinois may fall apart before it's even organized over the question of nativism raised by Schneider. He wants the party to denounce nativism explicitly. And they all turn to Lincoln. And Lincoln says, "Well." He says, "I think the Declaration of Independence solves this. Let's just affirm that all men are created equal." And they do. And that smooths over the issue. And they go forward from there, having created the Republican Party of Illinois. And Lincoln has sort of maneuvered his way through the issue. Now it's 1858. He's running for the Senate against Stephen A. Douglas.

[00:23:48.8] Sidney Blumenthal: He's vying for the immigrant vote. Now the American Party is broken up and defeated and the slavery issue now is paramount above nativism. That is what Lincoln has been waiting for. And there's a very interesting predicate to this in terms of incidents involving a man named Owen Lovejoy. Owen Lovejoy is the brother of Elijah P. Lovejoy, the first great martyr of the abolitionist movement, who's murdered by a mob in Alton, Illinois. And Owen, his younger brother vows that he will carry the banner forward. He'll carry the torch. And he is now running for Congress as an abolitionist. The old Whigs don't like Owen Lovejoy. He's a preacher. He's an abolitionist. He's moralistic. They don't like it.

[00:24:51.6] Sidney Blumenthal: Or him, Mary Lincoln doesn't particularly like him, but Lincoln decides he's gonna support him because he's going to keep the party together. And it's the beginning of a very interesting friendship between Lincoln, who's an old Whig and a professional politician, and Owen Lovejoy, the evangelical abolitionist. And Lovejoy says, "When can we go forward on all this stuff? Oh, we got to get rid of the nativists. And they have private letters." And Lincoln says, "Not yet, not yet, not yet." He says, keep your powder dry. You have to wait 'till they fall apart. Then we'll go forward and we'll unite everyone around against slavery.

[00:25:36.3] Sidney Blumenthal: And then that happens. And that leads to Lincoln's Senate campaign in 1858 against Douglas, in which he says explicitly that if you are a believer in the words of the Declaration of Independence, that all men are created equal. Think going back to this 1856 meeting. He says, if you believe in that, then you're an American. And he uses very interesting language. He says, then you are blood of the blood, flesh of the flesh. It's biblical language, it's not poisoning of the blood. It's the opposite. But if you are an immigrant, wherever you came from, and you believe in the Declaration of Independence, you're as American as any American. And he has taken an open and a statement and can never turn back on it.

[00:26:40.5] Jeffrey Rosen: Wow. That is a really fascinating effort to help us understand the connections between Lincoln's increasing anti-nativism and his anti-slavery position. The fact that it's united by the relative of Elijah Lovejoy is fascinating. And the speech that both of you have called our attention to during the Lincoln-Douglas debates on popular sovereignty in the Nebraska bill, which ends by describing the electric cord seems really significant. Harold, how

would you describe the path to this 1858 speech and the conjoining themes of both slavery and nativism violating the promise of the Declaration?

[00:27:21.7] Harold Holzer: I will point out, and then I'm going to do a little political term that it's usually in Sid's wheelhouse to talk about. But it was before the Lincoln-Douglas debates. It was kind of a Lincoln-Douglas debate. It was July 11th. The debate, the formal debates began in August, but it was a part of their campaigning that wherever he spoke Lincoln would follow. And annoyed to the point that he agreed to the debates. Probably ill advisedly for him. This was at a hotel in Chicago. Douglas spoke for three hours. Lincoln stood up and said, "If you come back tomorrow, I'll give you my reply." And hundreds and hundreds of people came. So Lincoln begins this speech from the Tremont House in Sidney's hometown. And he looks out and sees a German leader named Anton Helsing.

[00:28:27.4] Harold Holzer: He sees him because he's a giant of a man. He's as big as Lincoln. And on July 4th, Lincoln was invited to a German pic-nick, PIC-NICK, a political event in Chicago, which was a fabulous opportunity to glad hand Germans who were voting Republican. For some reason, we don't know, he didn't go. It was later reported in the Chicago Tribune as the event of the year with many political leaders present. So Lincoln gets up and sees Helsing in the crowd. But we don't know whether he had a prepared text because there were no manuscripts, from Lincoln's pre-presidential years extent. He just got rid of them all, once they were published in the papers, I think he saw Helsing and said, "I see among you people who were not part of the founding generation, and I want to tell you that I regard you as blood of the blood of the founders."

[00:29:26.1] Harold Holzer: So it was biblical, yes, but it was very political. And he saw a crowd that he had dissed, a few days earlier. And I think he took advantage of that and did it magnificently. During the debates themselves, the issue came up, one major occasion, well two really, Lincoln, unfortunately mocked something Douglas said about mongrels from Mexico. And to this day, people accuse Lincoln of using the word mongrels to describe Latinos in that speech. In fact, he was parodying Stephen Douglas. But on this other occasion, he looked again into a rather diverse crowd and said, and there are caveats here because Lincoln believes that white men are the blood of the blood and the flesh of the flesh of the founders, not necessarily people of color at this point. Because he says, "I envision a free white west, open to all white men, including Hans and Baptist and Patrick."

[00:30:37.2] Harold Holzer: That was his colloquial way of embracing Germans, Frenchmen. And this is a road not taken before by Lincoln Irishman to be part of that blood of the blood. And that was a ringing statement for the period of the Lincoln-Douglas debates when Douglass was charging. And the Democratic press was charging that wanted to suppress Irish votes while allowing black people, heaven forbid to vote. And there are newspaper editorials throughout this

period, calling Lincoln a closet believer in equal rights for African-Americans and voting rights for African Americans.

[00:31:21.7] Harold Holzer: For being a suppressor of Irish at the ballot box. And in all fairness, Lincoln fantasized through that entire campaign that the Irish were being imported to vote illegally against him. At one point in the campaign, he writes to one of his supporters and says, can't we hire a detective or someone of the detective class, I think, to go to the railroad station and look at all these Irishmen carrying carpet bags? Let's find out what they're doing and where they're going, and whether they're illegally obtaining citizenship and voting rights. So high moral ground, but he is a one, as Sid knows all too well, he is one tough political operator.

[00:32:04.8] Jeffrey Rosen: Yeah. Let me just say two footnotes to what you say, Harold. One, when he talks about the detective, Lincoln knows detectives, and he particularly knows of one who is the first great private detective named Alan Pinkerton. Who is an English immigrant.

[00:32:24.5] Harold Holzer: Scottish.

[00:32:25.1] Jeffrey Rosen: Scottish. Yes. Thank you. He's a Scottish immigrant and, an abolitionist and part of the Underground Railroad in Illinois, he becomes a cooper. He made barrels. And over time he became a private detective, through his relationship with the Chicago police. And his big contract was with the Illinois Central Railroad.

[00:32:57.2] Jeffrey Rosen: Yeah. So was Lincoln's.

[00:33:00.0] Harold Holzer: Yeah. And Lincoln had a contract there, but he knew Pinkerton pretty well. Pinkerton would actually use the real railroad for the underground railroad. It's a little known fact. So that's one part where Lincoln actually is thinking about using an immigrant to investigate immigrants. Pinkerton, the first great detective. The other part is Lincoln has a long history with Douglas, in fighting over immigration and nativism that is very personal, involving Douglas's old closest political associate, James Shields, who is an Irishman who speaks with brogue and became the other senator from Illinois and he is Douglas' ally, the representative of the Irish community in Illinois.

[00:34:04.3] Harold Holzer: Lincoln is engaged with shields because Mary Lincoln and he get together after an estrangement when they're courting. And Mary begins to write satirical anti Irish pieces in broken Irish brogue in the Springfield newspaper. And Lincoln, she is all exposed shields becomes enraged. And Lincoln says, "I wrote them." And he probably wrote them with her. And Shields challenges him to a duel. They go to an island, Lincoln chooses broadsword slashing at the foliage. And, a cousin of Mary Lincoln's rides up and stops all the foolishness. Lincoln regards it as one of the most embarrassing incidents in his entire life, but it leads to his

marriage. So in some way, this anti-immigrant incident provoked the marriage of Abraham and Mary Lincoln.

[00:35:22.8] Harold Holzer: And in 1855, both Shields and Lincoln lost a contest for the United States Senate in the legislature. Lincoln should have won that. He was kind of betrayed by some people and they run against each other technically, although it's not a popular vote. By the way, not to jump too far ahead 'cause we haven't even gotten to the Civil War yet. But, in 1861 at the suggestion of Archbishop Hughes of New York, Seward's old buddy, Lincoln sent for shields and asks him, Oh, whose unionism?" Is not really demonstrated yet. He sends for shields and asks him to raise a regiment as he's asking other Irish leaders and symbols to raise regiments at the time. Michael Corcoran Thomas Francis Ma and Shields comes all the way from the West Coast, and has kind of a retro with Lincoln that Lincoln must have swallowed very hard, 'cause he was certainly no fan of James Shields. He didn't distinguish himself in service. And actually the Congress, the Senate did a Tommy Tuberville on him and would not, ratify his appointment as major general and he then had an undistinguished career with the dueling because he faced a dueling opponent who was more formidable even than Abraham Lincoln with the broad sword. And that was Stonewall Jackson. But it's a fascinating story. These relationships never ceased, through this whole, it's a 20 year period when these people knew each other.

[00:36:57.5] Harold Holzer: It is a fascinating story, and it's great to learn about the relationships.

[00:37:02.8] Jeffrey Rosen: Well, we're now at 1816, the Cooper Union speech and Lincoln Denounces, the Dred Scott decision and makes an originalist argument that Chief Justice Tawney was wrong to say that the founders of the Constitution endorsed slavery or prohibited Congress from banning slavery in the Western territories. Sid, tell us about what Lincoln's constitutional arguments were in the Cooper Union speech and how they arose out of this broader debate about the declaration, the quality and immigration.

[00:37:41.0] Sidney Blumenthal: Sure, and I should note that Harold has written a brilliant book on the Cooper Union address and anyone who's interested in that should read his book about it. James Buchanan is elected president and he wants to resolve the question of the extension of slavery in the territories. Even at the beginning of his presidency, he works behind the scenes with Supreme Court justices. He pulls strings, he knows them. It's quite corrupt. And, Roger Tawney, the Chief Justice writes the opinion in the drug Scott decision, which Buchanan and the Democrats hope resolves the issue. On the contrary, it blows it up, because the decision says that, you can take slaves, who have been in a free state to a territory and brought back to a free state and they're still slaves. And so that seems to be the constitutional answer, except it resolves nothing.

[00:38:50.7] Sidney Blumenthal: And, intensifies the polarization of politics and helps drive the rise of the Republican party and conflict throughout the Buchanan presidency. Lincoln gets it, Lincoln is opposed to the Dred Scott decision. Flash forward, it's now the end of 1859 and Lincoln gets a telegraphed invitation to appear at the Young Men's Republicans Club of New York to speak at the Cooper Institute. It was called Cooper Union. What's going on is that the worthy people of Manhattan and New York are staging tryouts of potential candidates who would be alternatives to Seward. They don't like Seward, they know Seward. They're all from New York. They think Seward is corrupt because he's a machine politician and they've all had dealings with him where they've been rubbed the wrong way. And so Lincoln is brought to New York. They've never seen him. They're familiar with the Lincoln Douglas debates, but hardly they've never seen him. No one's heard him. They don't even know what he looks like. There's no photograph of Lincoln that they've seen. There are no photographs in newspapers. They're engravings, no photographs. He shows up. They're kind of stunned at this.

[00:40:27.6] Sidney Blumenthal: Awkward, large, western figure before them, slightly disheveled, wrinkled suit, messed up hair. And the constitutional issue that he addresses is that Tawny had the originalism or the history wrong. Tawny says that the founding fathers believed that black men had no rights, that a white man was bound to respect. And what Lincoln does is he has spent months and months researching the anti-slavery views of the founding fathers and found every single statement and quotation he can to prove how many of them had made anti-slavery statements. And he then presents them in this speech that in fact the founders were in sentiment anti-slavery and expected slavery to wither away. And then he goes into the current political situation, but he refutes Tawny's history. None dare call it originalism then.

[00:41:41.4] Harold Holzer: Let me add one footnote that his research was so specific. He claimed that 21 of the 39, of 39 signers of the Constitution whose views he could reconstruct had either voted in Congress on issues like the Northwest Ordinance all the way to the Missouri Compromise if they lived long enough against slavery expansion and for the right, the assumed right of the federal government to control slavery. Or had made speeches to that effect. So the research part Sid, which I'm sure you're dealing with in your new book is.

[00:42:22.9] Sidney Blumenthal: I've dealt with it in the previous one, All the Powers of Earth. Yes.

[00:42:26.8] Harold Holzer: It's prodigious research.

[00:42:29.5] Sidney Blumenthal: Yes.

[00:42:29.9] Jeffrey Rosen: Harold more, that's great. And more than just a footnote in your definitive book, which suggests a praise of Lincoln at Cooper Union, you have a chapter on

Lincoln and the Cooper Union speech. You talk about the Northwest Ordinance, which was, he identifies the number of people who voted for it including Thomas Jefferson who's not one of the founders and Lincoln doesn't call out on the speech. But Lincoln also argues that the overwhelming weight of the historical evidence is in favor of Congress's power to ban slavery in the territories. And he says, it's not until the 19th century that anyone suggests otherwise. So give us a sense of what you found in your superb book on the Cooper Union speech about Lincoln and the constitution.

[00:43:19.6] Harold Holzer: Well, it's been 20 years since that book. So Sid may have read it more recently than I have, but he's using the statistics that he wants to use. He's using the statistics that are most advantageous. He talks more often about the declaration in his career than he does about the constitution. But here, turning to the constitution serves his purpose as it does during secession. When he becomes a constitutionalist and says, I have an oath in heaven to preserve, protect, and defend the constitution, and you have no oath to destroy the constitution or counter that oath.

[00:43:58.1] Harold Holzer: So at Cooper Union, he's identifying with the founders, but lest we take the two hours too seriously, he's also, what always fascinated me was the rhetoric, the style. People laughed at a lot of what he said because he mocked something that Stephen Douglas had written in Harper's New Monthly magazine. So throughout the speech, he said, of course, Senator Douglas knows this better than I or some such variation. And it evoked laughter. So he is entertaining people before he turns to the current crisis. And he has laid the argument, both humorously and seriously, that the founders have left this to us.

[00:44:44.2] Harold Holzer: We're not aiming to destroy slavery where it already exists because that's not constitutionally permissible. But we are saying that it cannot spread anywhere, and we have every right to do that. So that's both the rhetorical devices and the constitutional grounding, I think. For what was a truly remarkable speech, as Sidney says, he had been photographed, but in those days photographs were not mass produced. They were not reproduced in newspapers, but they weren't even mass produced as photographs.

[00:45:19.3] Harold Holzer: They were keepsakes. They were individual one-off copies, perhaps copied once or twice, in which cases the orphaned copies got blurrier and blurrier. When he gets to Cooper Union, the morning of this speech, he's escorted to the photograph gallery of Mathew Brady, who was probably an immigrant. We have uncovered one of his citizenship applications in which he admits that he was born in Ireland. But thereafter, that was a bridge too far perhaps for his elite clientele, so he described his birthplace as Albany. And in those days that was one step away from Dublin anyway.

[00:46:02.2] Harold Holzer: So Brady makes a photograph of him, almost a full figure, showing his physique and having him posed against a pillar of state and holding his hand on a pile of books to suggest great learning. And that is mass produced. It's copied widely. It's distributed as a collectible photograph and copied by engravers and photographers. So in New York in 1860, he produces a speech that is widely reprinted throughout the country, including in German, by the way, and provides a visual accompaniment that sort of illustrates his rise to national prominence.

[00:46:47.7] Sidney Blumenthal: I just wanna go back to the constitutional issue, Jeff, here that you raised about the Northwest Ordinance. Lincoln regarded the Northwest Ordinance, which banned slavery in that territory, including what became the state of Illinois, his own state.

[00:47:07.5] Sidney Blumenthal: As part and parcel of the constitution, it was one of the first acts passed by the first Congress and Lincoln considered it part of the constitution from his very first speech against the Kansas Nebraska Act. He always cited the Northwest ordinance and explained it as the constitutional basis for opposing the extension of slavery in the territories, and that the Congress had expressed it's bold and shown that it had the authority to Legislate on the question, and that it had done so. And this showed that from the beginning, the founders believed that slavery could be prohibited and that this was a constitutional precept. So Lincoln always believed that and always stated it in all of his important speeches. And this connected him to Jefferson and his capture of Jefferson, which was very political, begins with the Northwest ordinance, because Jefferson is the inspirer of that ordinance. Jefferson is a slave holder, but Jefferson is against the extension of slavery in the territories in the Northwest. And he is the one who inspires that. So Lincoln says all glory to Jefferson, he says, he is a slave owner, but he also wrote the declaration of independence. All men are created equal and the author gives him the authorship of the Northwest ordinance, which prohibits slavery. So he's stealing Jefferson from the Democrats by the late 1850s on a constitutional basis.

[00:49:10.0] Harold Holzer: Yes. It's such a crucially important point that you make. And as you say, in his Springfield speech of 1859 on Jefferson's birthday, he says all honor to Jefferson, to the man who in the concrete pressure of a struggle for national independence by a single people had the coolness, forecast and capacity to introduce, into a mere revolutionary document and abstract truth.

[00:49:33.8] Jeffrey Rosen: So that's actually a letter that he writes to political people in Boston. He was invited to speak, didn't go. And as he did so often in those last five years of his life, he sent a letter. Which I was meant of course, as Sid says, to create a little stir among the Democrats in Massachusetts.

[00:49:54.6] Jeffrey Rosen: Absolutely. Harold, tell us more about the capturing of Jefferson in that letter. He talks about how the, or and elsewhere, he talks about how the principles of Jefferson, have become that of the whigs and Republicans and those of and that both parties have. Switched principles like a man switching a coat. What was the significance of his co-opting the Jefferson of the Northwest ordinance and the declaration and how does that carry forward for the next decade?

[00:50:30.1] Harold Holzer: Lincoln is remarkable, well, maybe it's not so remarkable because that's his MO. He is brilliant at co-opting people he's long had questions about at the right moment. And of course he knows about the controversies about Jefferson. He knows about the rumors about Jefferson fathering children with Sally Hemings. That's out there at the time. But he also wants to capture Jefferson who is the author of the declaration because, to the Lincoln script, all men are created equal is American civic scripture. That is what he uses to address the slavery issue. It's what he uses to address push back against immigration. And so he tries to make Jefferson his own. Another example perhaps not a constitutional one, but one where he attempts to.

[00:51:27.6] Harold Holzer: Use Andrew Jackson to his benefit. And Jackson is someone who's a foe of Lincoln's for his entire political, early political life. He's an anti-Jacksonian. But in 1861, when officials in Maryland went to Lincoln and said, we can't have all these union troops coming from the Northeast to the defense of Washington marching through Maryland. It's going to cause unrest. And Lincoln famously says, my troops are not birds. They can't fly. They're not fish. They can't swim and they're not moles, they can't bore under the ground. But then he says, not let them come. There's no Jackson in that. There's no manhood in that. Suddenly he's Jackson beating back the nullifiers, so it's a brilliant, brilliant tactic and he does it time and again.

[00:52:24.7] Jeffrey Rosen: Wow.

[00:52:25.7] Harold Holzer: He doesn't adapt Jefferson Davis. I will go, I will try hard.

[00:52:30.4] Jeffrey Rosen: That's a mercy. We've got five minutes and there's, there's much to sum up but Sid maybe final thoughts on his evolving views on immigration throughout the war where he does support the lifting of immigration restrictions in order to get more troops.

[00:52:51.2] Sidney Blumenthal: Harold points out in his book that Lincoln later in his presidency, they have now passed. The Homestead Act, all the progressive legislation, as it were, that had been blocked when the Southerners were in the Congress. They're now gone. They've seceded and you've only got Northerners and Westerners in the Congress. And what they're doing is they are passing as much as they can. They pass the Homestead Act. They pass the act for land grant colleges and so on. All of the infrastructure bills that had been blocked before and

they're all passed. But who's going to populate this country and be given this land? And Lincoln comes up with the idea that we could actually pay immigrants to come to the United States and fill up our vast West.

[00:53:56.2] Sidney Blumenthal: And I know Harold, speaks about that what now would seem an incredible idea.

[00:54:05.5] Harold Holzer: And he gets pushback even from Republicans. Even the New York Times said it would generate, it would stimulate the refuse from the sinks of Germany and Ireland. Those who had no means, those who were wretched would come to the United States if we were to pay for their passage. But the remarkable thing about that bill, that that Lincoln signs on July 4th, 1864, it creates the first Bureau of Immigration, for better or for worse, it expands immigration landing stations in New York, Boston, new Orleans. And, it arranges for private industry to lend money to prospective immigrants. And Lincoln says it's to replenish mines, farms and factories in addition to the army that's been depleted by so much death, illness, and injury.

[00:55:05.3] Harold Holzer: What I find remarkable is that the House passes one version, the Senate holds hearing passes another, they get together and pass a bill that both can support. And then the authors of the bill actually vote for the immigration reform rather than pretending they never heard of it, which is more like what we've seen in recent months. And they do pass. And as, Robert Caro has noted in a comment, it's the 1865 curing of that bill is the last pro-immigration bill that passes until Lyndon Johnson signs the 1965 Act a 100 years later.

[00:55:42.0] Sidney Blumenthal: Yes, it's under that bill. By the way, Harold, Frederick Trump of Germany comes to the United States.

[00:55:54.0] Harold Holzer: I can't even respond. It's under the 1865.

[00:56:00.3] Sidney Blumenthal: Yes.

[00:56:00.4] Harold Holzer: Yes.

[00:56:00.8] Sidney Blumenthal: That's right.

[00:56:01.3] Harold Holzer: Yes.

[00:56:02.8] Jeffrey Rosen: And who tells our audience who.

[00:56:05.6] Sidney Blumenthal: He would be the grandfather of Donald Trump, a German immigrant. He comes to the United States under this Lincoln sponsored legislation that is pro-immigrant and is the beginning of the Trump family, which changes its name from a Germanic name to a more Americanized name.

[00:56:30.6] Jeffrey Rosen: Remarkable. Harold, I think the last word to you, 'Cause we're here to, mark the publication of your important new book. Final thoughts on Lincoln and Immigration and the Constitution?

[00:56:43.5] Harold Holzer: I think although Lincoln as Sid said earlier, wanted to stay somewhat friendly with nativists because he foresaw the fall of the Know nothing movement and hoped that their anti-slavery sentiments, which existed at the same time as their anti-Catholic feelings, would create a large tent to fight the expansion of slavery despite those political machinations in private letters. And by the way, one of those letters, he said, I am not a know nothing. How can I be? He wrote that to a personal friend, but he also wrote it to Owen Lovejoy. Sid talked about him earlier. I think in the end has a remarkable record on publicly favoring the expansion of the country and the expansion of opportunities under the Constitution and under our system where people could rise to the limits of their talent and their desire to do hard work.

[00:57:43.9] Harold Holzer: We left out 1859 where he fights, he opposes an effort by Massachusetts to limit, to expand the time you need to be in residence before you can, become a citizen. And out of that, he becomes the publisher of a German language newspaper to further his appeal to immigrants. So it's a complex story. We haven't even gotten to his wartime recruitment of the Irish and the Germans, but there was much of that as well. Lincoln, the Civil War, 23% of the Union Army was foreign born. It was a foreign legion fighting for, for democracy and union and against slavery.

[00:58:23.4] Sidney Blumenthal: Yeah. Harold might note, Harold and I have been at Gettysburg together that the two opposing armies were two very different Americas. That the Union Army in Gettysburg was included large immigrant units. It was a multicultural, diverse army as opposed to the homogenous army of the Confederacy. There were two different visions of America.

[00:58:57.2] Harold Holzer: Those immigrants had known when they migrated here, only a small number went to the south. And that's not just because we had more seaboard ports in the north. It was because they knew they had learned from their family that the place where they could seek opportunity and entry level work that would lead to greater things was in the free North. That the fixed system of labor in the South precluded, rising. It precluded opportunity, it limited opportunity. And that's why that wealth of citizen rate or people who had not yet become citizens were available to be recruited or drafted into the Union Army.

[00:59:43.2] Jeffrey Rosen: Wonderful. Thank you so much, Harold Holzer and Sidney Blumenthal for an illuminating, thoughtful and really important discussion. Thank you friends for taking an hour out of your evening to learn about American history from two great historians. And please be sure to read their books. Harold Holzer, newly brought forth on this continent, Abraham Lincoln and American Immigration and Sidney Blumenthal's multi-volume work on the political life of Abraham Lincoln. Harold, Sid, thank you so much and goodnight everyone.

[01:00:14.8] Harold Holzer: Goodnight.

[01:00:15.6] Sidney Blumenthal: Thank you, Jeff.

[01:00:16.3] Jeffrey Rosen: Today's episode was produced by Lana Ulrich, Tanaya Tauber, Samson Mostashari and Bill Pollock. It was engineered by Greg Scheckler and Bill Pollock. Research was provided by Samson Mostashari, Cooper Smith, and Yara Daraiseh. Please recommend the show to friends, colleagues, or anyone anywhere who's eager for a weekly dose of constitutional illumination and historical debate. Sign up for the newsletter at constitutioncenter.org/connect. Remember the National Constitution Center in your dreams. We all do at the NCC. It's constitutional heaven, and we rely on the generosity of engaged lifelong learners like you who are inspired by our nonpartisan mission. Support the mission by becoming a member at constitutioncenter.org/membership or give a donation of any amount to support the work including the podcast at constitutioncenter.org/donate. On behalf of the National Constitution Center, I'm Jeffrey Rosen.