

Legal History

A Friendship That Helped Win the American Civil War

By C. Evan Stewart

Abraham Lincoln and William Henry Seward met only once prior to 1860. In September 1848, both men (Lincoln, a little known Congressman from Illinois, and Seward, twice elected New York's governor and soon to be sent to the Senate by the New York legislature) spoke at a Whig campaign rally for Zachary Taylor in Boston. The following night they shared the same bedroom in Worcester, Mass., where they talked late into the night about the "slavery question."

Competitors

Later, in 1860, they were rivals for the presidential nomination of the Republican Party. Seward, the heavy favorite, was undone by a variety of factors; Lincoln, the second choice of many delegates, was nominated on the third ballot.

Seward was devastated by the loss, but hid his disappointment from the public. Prompted by his political patron, Thurlow Weed, Seward undertook a vigorous speaking tour throughout the country on behalf of Lincoln's candidacy. (Lincoln, by

tradition, stayed home in Springfield and made no public speeches.)

Seward's wildly successful tour took him to Illinois, and his train stopped in Springfield. Lincoln came on board to greet his new advocate; as one observer noted, Lincoln was "very awkward in manner; as if he felt out of place, and had a realizing sense that properly the positions should be reversed."

After the election, Lincoln moved quickly to offer the pre-eminent cabinet position, Secretary of State, to Seward. Because there had been rampant public speculation about whether Lincoln would offer the post to Seward, whether Lincoln really wanted Seward on his team, whether Seward wanted to work under Lincoln, etc., Lincoln showed brilliant instincts in how to deal with super-sized egos. He deputized Senator Hannibal Hamlin (soon to be the Vice President) to deliver *two* letters to Seward in Washington.

Returning to Washington, Hamlin tracked Seward down and orally broached the subject. Seward pooh-poohed it, but Hamlin cautioned him not to say anything more until he read what Lincoln had sent on.

Hamlin first presented Lincoln's terse, formal note, setting forth Lincoln's intention to nominate Seward. Unimpressed with what seemed to be an unenthusiastic offer, Seward was then handed Lincoln's second letter. That letter, labeled "private and

confidential," directly addressed and laid to rest all the rumors. In effusive prose, Lincoln assured Seward that he had been his choice since the nominating convention and that Seward's "position in the public eye, [his] integrity, ability, learning, and great experience, all combine to render it an appointment preeminently fit to be made."

Lincoln's skillful approach was rewarded. According to Hamlin, Seward's face became "pale with excitement," and he exclaimed: "This is remarkable, Mr. Hamlin." After playing coy for a few days, Seward formally accepted Lincoln's offer.

By the time Lincoln arrived in Washington in late February of 1861, much had changed. The Deep South had seceded. In Lincoln's absence, Seward, whom everyone assumed would be the "premier" of the incoming administration, had been trying mightily to moderate passions in Washington and conciliate Unionists in the Upper South.

One of the first things Lincoln said to Seward was "there is one part of my work that I shall have to leave largely to you. I shall have to depend upon you for taking care of these matters of foreign affairs, of which I know so little, and with which I reckon you are familiar."

Lincoln also asked for Seward's input on his inaugural address. As one presidential historian has written, Seward "had the largest impact on [that] address" and his "revisions are evi-

dent in nearly every paragraph."

Most important was Seward's contribution to the conclusion of the speech. Lincoln originally envisioned a somewhat bellicose challenge to the states which had left the Union. Seward drafted a much different, more conciliatory ending:

I close. We are not we must not be aliens or enemies but fellow countrymen and brethren. Although passion has strained our bonds of affection too hardly they must not, I am sure they will not be broken. The mystic chords which proceeding from so many battlefields and so many patriot graves pass through all the hearts and all the hearths in this broad continent of ours will yet again harmonize in their ancient music when breathed upon by the guardian angel of the nation.

Lincoln adopted Seward's approach, but poetically edited it into the famous language Americans know so well:

I am loth [sic] to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection. The mystic chords of memory, stretching from every battlefield, and patriot grave, to every living heart and hearthstone, all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will

be, by the better angels of our nature.

At the same time Lincoln and Seward seemed to be working together, discord was brewing. First came Seward's unhappiness that he had been unable to block Salmon Chase's appointment as Secretary of the Treasury.

When it was clear that Lincoln was committed to having both Seward and Chase in the cabinet, Seward sent Lincoln a note in which he sought release from his earlier acceptance. Lincoln saw the power play for what it was, telling an aide: "I can't afford to let Seward take the first trick."

Waiting until he was inaugurated, Lincoln gently confronted Seward and asked him to reconsider—both in light of the national crisis and because of Lincoln's personal importunings. Again, Lincoln knew the right buttons to push and Seward relented (he told his wife, "I did not dare go home, or ... leave the country to chance.").

A little over three weeks later, Seward, still chafing at his subordinate position, presented Lincoln with one of history's more amazing documents entitled, "Some thoughts for the President's consideration."

Seward, contending that Lincoln had basically left the country drifting both domestically and in foreign policy since March 4 (the inaugural), proposed a number of initiatives in both fields. He then laid down a

challenge to the President: Either Lincoln or a member of the cabinet must energetically prosecute "whatever policy we adopt." And although he declaimed it was "not in my especial province," Seward ended with: "I neither seek to evade nor assume responsibility."

Faced with this brazen challenge to his Presidency, Lincoln sat down and wrote a reply. In a polite, but direct, style, Lincoln took issue with the notion that his administration did not have "a policy, either domestic or foreign." After then addressing the substantive points in Seward's memo, Lincoln made clear to his Secretary of State that, as far as leading the administration, "if this must be done, I must do it."

The letter was never sent, and was never even seen until it was found in Lincoln's papers several decades later. Historians have speculated that in lieu of sending it, Lincoln chose to meet with Seward *mano-a-mano*. Whatever took place, there was never again any question as to who was the boss. Shortly thereafter, in fact, Seward was reporting to his wife that the "President is the best of us"; at the same time he could not help himself, adding that Lincoln "needs constant and assiduous cooperation."

Collaborators

Seward, in the view of most historians, was one of America's greatest Secretaries of State.

Notwithstanding Lincoln's comment to him in February 1861, however, he did not conduct foreign policy without Lincoln's input and influence.

The first diplomatic crisis that confronted the Lincoln Administration was how to deal with the British government, which in May 1861 declared its neutrality in the American Civil War, an action that acknowledged the South's status as a belligerent entity. This was a short step to formal recognition of the South, the effects of which could well have proven fatal to the North's attempts to restore the Union.

In response, Seward drafted Dispatch Number 10; that famous document included some stern language, not the least of which was an explicit threat that if England were to recognize the South: "We from that hour shall cease to be friends and become once more, as we have twice been forced to be, enemies of Great Britain."

When Seward showed the draft to Lincoln, the President circled that language and wrote: "Leave out." And when the document was ultimately finalized, Lincoln directed that the American minister to England not read or show the document to his British counterpart or to anyone else. Seward dutifully followed that directive, but added to the dispatch: "You will keep back nothing when the time arrives for its being said with dignity propriety and effect."

Then, in November 1861, another crisis arose when the Union navy stopped a British ship and seized two Confederate diplomats (John Slidell and James Mason) en route to London. When England vehemently protested this violation of international law, Lincoln openly worried about having “two wars on his hands at a time.”

To a divided Cabinet, the President asked Seward to present a legal brief as to why Slidell and Mason had to be released; upon that presentation, the cabinet unanimously agreed (albeit reluctantly) to the Confederates’ release.

Recognizing that public opinion in the North had cheered the seizure and would be greatly agitated by the diplomats’ release, Seward accompanied that action with a public note to the British government in which he argued that the U. S. Navy’s action had been justified, while also expressing thanks to the British for finally acknowledging that their acts of impressment during and before the War of 1812 had been wrong. One observer of this high-wire performance wrote: “Seward is not only right, but sublime.”

In 1862, as the War was going poorly for the North, it looked increasingly like England and France would recognize the South. Seward and Lincoln fought on various diplomatic fronts to forestall those actions, including a direct appeal to the Russian Tsar.

By the summer of 1862, Lincoln became convinced that emancipation of the slaves had become “absolutely essential for the salvation of the Union.” Issuing an emancipation proclamation would not only change the focus of the Civil War away from merely restoring the status quo ante of the Union, it would also likely deter the European nations from taking any formal action to assist the South, since slavery was extraordinarily unpopular among the European citizenry.

The President’s cabinet was, again, of disparate minds on Lincoln’s proposal. Seward was himself dubious of the efficacy of proclamations “without bayonets to enforce them”; he nonetheless suppressed those skeptical thoughts and supported the President.

At the same time, however, Seward told Lincoln (and the cabinet) that he “question[ed] the expediency of its issue at this juncture. The depression of the public mind, consequent upon our repeated reverses, is so great that I fear it may be viewed as the last measure of an exhausted government, a cry for help ... our last shriek, on the retreat.” Better to wait, Seward counseled Lincoln (and the cabinet), until the North wins a battle, and then “hang your proclamation about his neck.”

Seward’s advice, which Lincoln acknowledged he had “entirely overlooked, ... struck [the President] with very great

force.” In September of 1862, Antietam was deemed enough of a Northern victory for Lincoln to issue the proclamation (in draft form). And with that went the likelihood of European recognition of the Confederacy, which in turn constituted the effective end of the South’s last, best chance to “win” the Civil War.

Friends

As their professional relationship grew, so did Lincoln and Seward’s personal relationship. Each man, in the words of Lincoln’s greatest biographer, began to “court” the other. Lincoln, for example, began a pattern of strolling across Lafayette Park to visit Seward’s house; once ensconced, the President would put his boots up and swap stories with his Secretary of State.

And Seward, who liked to be driven in a carriage around Washington at the end of the business day, frequently got the President to join him; and together they often traveled to the forts encircling the Capital, where they could meet with soldiers.

Even more telling was Seward’s gift to Lincoln’s sons of several kittens; not only did the boys love their pets, but kittens climbing all over a bemused President became a common sight.

More important were Seward’s public and nonpublic disavowals of any interest in succeeding Lincoln, either in 1864

or 1868. Once Seward made clear to Lincoln that he was not a political threat to the President, this allowed the two men to move to a greater level of personal intimacy. They discovered that they had similar senses of humor, and they took turns making the other laugh. On one of their carriage rides, the coachman was cursing at the horses so intensely that the following exchange took place:

Lincoln: "Driver, my friend, are you an Episcopalian?"

Coachman: "No, Mr. President, I ain't much of anything; but if I go to church at all, I go to the Methodist Church."

Lincoln: "Oh, excuse me. I thought you must be an Episcopalian for you swear just like Secretary Seward, and he's a church-warden."

Seward was "vastly amused" by Lincoln's teasing exchange.

As the Civil War ground on, Lincoln's burdens grew, as did his dependence on Seward. By 1864, the Secretary of the Navy, Gideon Welles, wrote in his diary that Lincoln's "confidence in Seward is great," and that on matters "of the gravest importance [Seward was Lincoln's] only confidant and adviser."

Thus, it was Seward alone who accompanied Lincoln aboard the *River Queen* in February 1865 to meet with three

Confederate representatives to discuss a possible settlement. Lincoln and Seward both emphasized a liberal reconstruction, but only upon a complete and unconditional return of the Southern States to the Union.

After the negotiations broke down, Seward sent a freedman out in a rowboat to deliver a basket of champagne to the departing Confederate dignitaries. As the Southerners were gratefully acknowledging the gift, Seward replied via a boatsman's trumpet: "Keep the champagne, but return the negro."

Less than three months later, the Civil War was almost over. While Lincoln was visiting captured Richmond, Seward was thrown from his carriage and suffered numerous injuries, including a fractured jaw. Upon returning to Washington, Lincoln went straight to Seward's house, where he found his friend in bed with a metal head brace, wrapped like a mummy in bandages, and in great pain.

Barely able to whisper, Seward spoke first: "You are back from Richmond?" Lincoln replied: "Yes, and I think we are near the end, at last." Then Lincoln lay down on the bed next to Seward and for the next half hour told him about his trip and of Grant's progress. After Seward finally fell asleep, the President left his friend's bedside.

The two men never saw each other again. But they are linked in history by the assassination conspiracy. Lincoln, of

course, was fatally shot. Seward was simultaneously assaulted with a large bowie knife, which missed inflicting a fatal wound by a millimeter. Seward's doctors did not tell him of Lincoln's assassination for fear of its impact on his recovery.

A few days later, however, Seward looked out of his window and saw a half-mast flag at the War Department. "The President is dead," he said to his attendant. Refusing to acknowledge any denials, Seward added, with "great tears coursing down his gashed cheeks": "If he had been alive he would have been the first to call on me; but he has not been here, nor has he sent to know how I am, and there's the flag at half-mast."

Postscripts

- The starting points for reading more about Lincoln and Seward must be David Donald's *Lincoln* (Simon & Schuster 1995) and Glyndon Van Deusen's *William Henry Seward* (Oxford 1967). Doris Goodwin's *Team of Rivals* (Simon & Schuster 2005) is also an excellent resource for the inner workings of Lincoln's cabinet. Prior *Federal Bar Council News* articles on these statesmen can be found in issues published in February 1998, April 1998, and December 2000; my article in the last referenced issue is devoted to the famous cabinet crisis of 1862, which is thus

omitted from this article.

- We have Seward and Lincoln to thank for our current Thanksgiving holiday. Prior to the Civil War, Thanksgiving was celebrated at different times, according to the individual preferences of each state's governor. In October 1863, Seward met with Lincoln and there was the following exchange:

Seward: "They say, Mr. President, that we are stealing away the rights of the States. So I have come today to advise you that there is another State right I think we ought to steal."

Lincoln: "Well, Governor, what do you want to steal now?"

Seward: "The right to name Thanksgiving Day."

Seward then presented Lincoln with a proclamation, asking God "to heal the wounds of the nation" and establishing the last Thursday in November as Thanksgiving Day "in every part of the United States." Lincoln agreed without hesitation, opining that a President "had as good a right to thank God as a Governor."

- Mary Lincoln was very jealous of the time her husband spent with Seward. Calling him a "dirty abolitionist sneak," Mary also told the President: "It makes me mad

to see you sit still and let that hypocrite, Seward, twine you around his finger as if you were a skein of thread." She took her irrational hatred even further, explicitly snubbing Mrs. Seward when she paid a social call on the First Lady at the White House.

- The Secretary of State accompanied the President to Gettysburg, and gave his own speech on that sacred ground—although no one remembers Seward's words today. Seward promised the assemblage that the Civil War would end not only with the abolition of slavery, but also with a restored Union "having only one hope, one ambition, and one destiny." ♦