

ABRAHAM LINCOLN, "SPEECH OF HON. ABRAHAM LINCOLN AT COOPER INSTITUTE, NEW YORK CITY" NEW YORK, NY (27 FEBRUARY 1860)

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Abstract: This essay analyzes a speech delivered by Abraham Lincoln on February 27, 1860, within the historical context of Lincoln's political career, and within the political complexity of slavery during the mid-nineteenth century. In his remarks at the Cooper Institute in New York City, Lincoln tacked between varied interpretations of the Constitution to resolve the divisive issue of slavery and position himself as a candidate for president in the November election.

Key Words: Abraham Lincoln; U.S. Constitution; Slavery; Presidential Campaign; Stephen Douglas

On a frozen February evening, in the heart of New York City, a towering man from the Illinois plains stood before a cheering crowd of New Yorkers. With a conspicuous frontier accent, the long-legged Abraham Lincoln launched an ambitious lecture—and presidential campaign—preaching political pragmatism, party unity, and moral indignation toward human slavery.¹ Lincoln addressed his audience during a time of heightened political crisis. As New York Republicans prepared for the presidential election in 1860, they sought a leader who would curb the influence of slave states in national politics without alienating party members.² The impending state of war called for a president who could confront the rebellious South without dissolving the fragile bonds of the Union. With a unique opportunity to address New York voters, Lincoln engaged the complexities of the moment with one of his most complex speeches, his speech at Cooper Union.

Abraham Lincoln's speech at Cooper Union is a distinctive illustration of the Greek concept *Kairos*—seizing the opportune moment to issue an appropriate response. *Kairos* dictates that what is said in a given situation must be said at the right moment in time.³ Sophists, the "itinerant teachers of culture" in Ancient Greece, prescribed that rhetoric must conform to both audience and occasion.⁴ For Lincoln, the occasion of February 27, 1860, represented a "political lecture."⁵ Yet, what transpired that icy evening in Manhattan, New York was much more than a political lecture; it was also the final performance of a political debate started years earlier and Lincoln's next big step toward the White House. "Cooper Union," arguably Lincoln's most rhetorically intricate speech,⁶ is significant because it served as a momentous occasion for Lincoln to proffer his presidential aspirations and communicate his constitutional vision. It exemplified Lincoln's quest for the Republican nomination and captured the moment in time of a nation on the verge of civil war.

At Cooper Union, Lincoln relied on historical and constitutional authority to answer the politically thorny question of slavery. In doing so, he revealed his own constitutionalism,

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Last updated: March 2018

Voices of Democracy, ISSN #1932-9539. Available at <http://www.voicesofdemocracy.umd.edu/>.

providing insight into how he believed the law should constrain or support the authority of government. Constitutionalism is the sense of how law should function.⁷ At Cooper Union, Lincoln presented himself as a prudent, virtuous leader who believed in upholding the law while taking the “necessary and proper” action to preserve the Union and the morality of the nation. As president, Lincoln followed through on his vision by signing the Emancipation Proclamation, a key step toward abolition, and by declaring martial law as indicative of his constitutional vision. These executive actions helped to define Lincoln’s presidency and broaden future interpretations of the Constitution.

In my analysis of the Cooper Union speech, I look at the varied ways that Abraham Lincoln interpreted the Constitution to answer the divisive question of slavery. Ultimately, I offer a deeper understanding of how Lincoln’s early constitutionalism framed his presidency. In Cooper Union, Lincoln vacillated between broad and strict interpretations of the Constitution to validate his philosophical vision of government. Broad constructionism relies upon the ambiguity of constitutional language to expand the capacity for government action. Specifically, Lincoln’s broad interpretation of the Constitution relied heavily on the “necessary and proper clause” of Article 1, Section 8: “To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.”⁸ Conversely, strict constructionism is a constitutional vision that holds tightly to the explicit language of the law. Under this vision, if powers are not explicitly expressed under federal jurisdiction in the language of the law, the decision must be left to state and local governments. Lincoln’s strict interpretation of the Constitution relied upon the absence of explicit constitutional provision for slave-owning as evidence for its illegality as a federally protected right. With competing strict and broad visions, Lincoln understood the Constitution as only part of the frame of government, not its entirety. Instead, Lincoln relied upon the history and democratic process to inform his concept of government. Rather than viewing the Constitution as a directive, Lincoln brandished the Constitution as a flexible, but not an infinitely malleable, tool that could serve as a catalyst for change and a roadblock against action.

I begin this analysis by situating the “Cooper Union” speech within the historical context of Lincoln’s political career, and within the political complexity of slavery during the mid-nineteenth century. Then, I discuss constitutionalism as my critical lens before providing an exegesis of the speech. In my analysis, I show how Lincoln deployed both broad and strict constructions of the Constitution in support of his argument against allowing slavery to expand into the U.S. territories. Finally, I conclude with a few observations about how the Cooper Union speech paved the way for Lincoln’s presidential bid and raised issues of constitutional interpretation still with us today.

Lincoln’s Life and Career

Abraham Lincoln’s early life was characterized by hardship.⁹ He was born on February 12, 1809 in Hardin County, Kentucky, and moved with his family to Indiana in 1816. His mother died while living in Indiana, so Lincoln’s stepmother was left with the responsibility of raising him. Lincoln lived as a laborer on his family’s farm.¹⁰ His father, Thomas Lincoln, hired out the young Abraham to neighboring farms for 15 cents an hour. This arrangement foreclosed

Lincoln's chance for a formal education—a deficiency that would become a source of great shame later in his life.¹¹

Unable to receive the education he so desired, and watching another person reap the benefits of his hard work, Lincoln was inspired with a commitment to free labor and a hatred for slavery.¹² Longing to learn and create a life of his own, Lincoln left home at the age of twenty-two.¹³ He first began working on flatboats that traveled up and down the Mississippi.¹⁴ He also worked a short time managing a general store and mill in New Salem, Illinois.¹⁵ When the Black Hawk War broke out in 1832, Lincoln experienced his first taste of leadership as the elected captain of his volunteer company comprised of neighboring men.¹⁶ During the war Lincoln was so encouraged by his popularity among his neighbors that he decided to enter politics.¹⁷ At the age of 25, Lincoln was elected to the Illinois state legislature in 1834.¹⁸

Early Political Career

Historical books about George Washington, the Founding Fathers, and the Revolutionary War likely provided Lincoln with his first exposure to the Constitution. His most revered hero, George Washington, had a romantic view of the nation and the Constitution that provided its framework for government.¹⁹ As he studied for a career in law, Lincoln reportedly used Sir William Blackstone's *Commentaries on the Laws of England* as his basic legal textbook.²⁰ Though Blackstone's textbook was written before the U.S. Constitution was written, it provided him an appreciation for constitutionalism, or "the sense of how the law should function."²¹ Blackstone encouraged readers to think of the law as an elegant structure of logic and reason.²² As he began practicing law in the 1830s, Lincoln developed an understanding of how the law worked itself out in the everyday lives of ordinary Americans. These experiences cultivated "a deep pragmatic streak [in Lincoln], as well as an appreciation for legal arguments that were simple and straightforward and avoided flamboyance."²³ Throughout his political career, Lincoln valued workable solutions and the art of compromise. He advised fellow attorneys to avoid showdowns and litigation, seeing the lawyer as a peacemaker with the "superior opportunity of being a good man."²⁴

As a young politician, Lincoln had a bellicose speaking style on the stump. Using his quick wit and humor, Lincoln would "scorn his opponents, sometimes insulting them roundly."²⁵ In the deliberative arena, his crushing power of sarcasm and ridicule accentuated his opponent's weaknesses and withered their arguments. But when he lost his seat in the U.S. House of Representatives after only one term (1847-1849), his career in politics seemed all but over.²⁶ In 1849, Lincoln retired from public life to continue his law practice.²⁷ However, his retirement would be short-lived. Five years later, Lincoln returned to politics after the passage of the Kansas-Nebraska Act of 1854.²⁸ Lincoln reappeared on the political scene showing new signs of personal maturation. Abandoning the clumsiness of his earlier polemics, Lincoln now appeared more skilled in deliberative argument. Lincoln's new talents were quickly tested in his first campaign for the U.S. Senate. His rhetorical transformation had publicly repositioned Lincoln as a true statesman in the increasingly complex political world.²⁹

Lincoln-Douglas Debates

Chosen as the Republican nominee for the U.S. Senate in 1858, Lincoln "directed his new-found eloquence at Senator Stephen A. Douglas's and his doctrine of "popular sovereignty."³⁰ Despite his limited time in politics, Lincoln posed a serious political threat to Douglas' efforts to institutionalize popular sovereignty. Lincoln's "preternatural moderation,

hard-nosed realism, and sincere conviction” made it difficult for Douglas to dismiss Lincoln as a radical Republican.³¹ Lincoln immediately denounced the principle of popular sovereignty: the political philosophy that the nature of a government and its policies should be determined by the citizens.³² Lincoln believed popular sovereignty to be a violation of the Constitution, which did not provide for a “first-come-first served” policy in deciding the state of bondage for others. By Lincoln’s standards it was immoral to allow the first settlers of a territory to dictate enslavement of blacks. Furthermore, Lincoln saw popular sovereignty as an insidious mechanism for establishing slavery in the territories and maintaining an imbalance of power for slave-owners in national politics. The principle encouraged slave-owners to migrate West, claiming land and votes.³³

On June 16, 1858 Lincoln delivered “A House Divided” speech to accept the Republican nomination for the seat Douglas held.³⁴ Through the summer and fall of 1858, Lincoln and Douglas sparred over popular sovereignty, *Dred Scott*, and the extension of slavery in the West. Lincoln specifically attacked Douglas’s indifference to the immorality of slavery.³⁵ Though Lincoln would eventually lose the seat to Douglas, the public attention given to the debates elevated Lincoln’s standing in the Republican Party enough to gain him attention for the 1860 presidential election.³⁶ First modestly shrugging off such suggestions, Lincoln eventually appeared to seek out the presidency. He soon considered himself the strongest candidate in the West,³⁷ and the widening rift in the Democratic Party between 1859 and 1860 only added to his prospects.³⁸ Lincoln’s best source of hope for election came in the form of a telegram from the Young Men’s Republican Union,³⁹ requesting his appearance in New York.

The Politics of Slavery in the 1850s

In the decades leading up to Lincoln’s 1860 presidential election, debate swirled around the future of slavery in the United States. The slavery question preoccupied Lincoln’s political attention as it gripped the whole nation. Lincoln’s path to the presidency was integrally linked to the anti-slavery cause.⁴⁰ To understand the choices and outcomes of Lincoln’s Cooper Union speech, it is essential to trace the significant legislation enacted in the western territories during the mid-nineteenth century.

With the hope of legally containing slavery in the South and restraining the power of slave states over national politics, Congress passed the Missouri Compromise of 1820. This legislation blocked slavery north of the 36°30’N line and formed the northern borders of Texas and Arkansas. Dissatisfied with a policy of containment, anti-slavery advocates organized behind abolitionist societies and held conventions in the North. Previously silenced voices, like those of free black men and white women, entered the deliberations over slavery and energized the growing abolitionist effort.⁴¹

While industrialization enhanced the economic health of the nation, fiery debates over slavery impeded national unity. The intensifying anxiety over slavery in the expanding West dominated public discourse. It was a tension that Allan Nevins likened to “a cancer gnawing at the viscera of some outwardly healthy man.”⁴² When the Mexican-American War nearly doubled the territory of the United States in 1848, it became difficult for Whigs to avoid the subject of slavery.⁴³ The Whig platform had built itself around issues more readily identified under federal jurisdiction: reestablishing the national bank, repealing tariffs, and sponsoring

internal improvements.⁴⁴ However, with massive amounts of territory being added to the Union, the question of slavery became even more central to public debate. Federally managed territories forced the creation of a national policy on the institution of slavery. With slave territories more likely to be added as slave states, and free territories as free states, the political balance and economic viability of slavery became a central concern for the U.S. public.⁴⁵

Congress responded to these concerns by passing the Compromise of 1850. The Compromise added California as a free state and enacted the Fugitive Slave Law that authorized local governments to re-capture runaway slaves for their owners. It also imposed punishment on anyone who aided in slave escape. Though the Fugitive Slave Law counted as a win for southerners, it was unenforceable in the North.⁴⁶ Calls for repealing the Compromise were heard, and in 1854, the Kansas-Nebraska Act annulled the unstable Compromise of 1850 by the principle of popular sovereignty; this political ideology would turn the tides of abolition and provide a platform for Lincoln's campaign.⁴⁷

Douglas first introduced the Kansas-Nebraska Act to organize the territory of Nebraska under civil control. Southern Democrats rejected the proposal of adding a territory north of the 36°30' line, fearing the implications of an imbalanced Union.⁴⁸ To gain Southern support, Douglas proposed that two territories be added: Kansas and Nebraska. He also proposed that the question of slavery be left to the settlers of these new territories under the principle of popular sovereignty. In Douglas's view, popular sovereignty was the most democratic means of resolving the issue of slavery.⁴⁹ He did not approach slavery to decide its universal morality, but rather sought to enforce provincial attitudes toward the institution: protecting slavery in the South, and allowing for its abolition in the North. Douglas proposed popular sovereignty in the Kansas-Nebraska Act with the presumption that Kansas would be slave and Nebraska free. By these terms, Douglas hoped to maintain a balance of power in national politics. In 1854, the passage of law overturned the 1820 Missouri Compromise causing the tensions surrounding slavery to erupt. Between 1854 and 1861 proslavery and antislavery settlers clashed in a series of violent conflicts known as "Bleeding Kansas." And in 1857, a contentious decision issued by the Supreme Court intensified the crisis.⁵⁰

The *Dred Scott* decision of 1857 was both a cause and an effect of partisan fissures that exacerbated the constitutional controversy.⁵¹ In the case, Chief Justice Roger B. Taney ruled that blacks, slave or free, could not be citizens. Nor could slaves become free by traveling north of the 36°30'N line. Additionally, Taney ruled that slavery could not be banned in the territories.⁵² The decision divided Democrats and Whigs as they grappled with the implications of the legal precedent. Unable to adapt their orientation toward policy to the emerging issues of nativism, temperance, and slavery, the Whig Party dissolved. Sectionalism was at its height.⁵³ While Democrats continued to espouse the idea of popular sovereignty in the territories,⁵⁴ the Republican Party formed out of what remained of the Whigs. An amalgam of Northern Whigs and political abolitionists, the Republican Party aligned itself behind a central platform to oppose the spread of slavery into the new territories.⁵⁵

In October 1859, at the same time Lincoln received his invitation to speak at Cooper Union,⁵⁶ John Brown's attack on Harpers Ferry resulted in deepened divisions between Southern Democrats and Northern Republicans. The raid also provided a clear exigency for Lincoln as he prepared his speech. A staunch abolitionist, Brown's fanatical devotion preached

a fighting doctrine that united abolitionists and slaves against slave owners.⁵⁷ Hoping to instigate a slave rebellion in Harpers Ferry, Virginia, Brown and 18 men seized federal arms and ammunition and captured prominent citizens.⁵⁸ Colonel Robert E. Lee and his men crushed the rebellion in only thirty-six hours.⁵⁹ On December 2, 1859, Brown was tried and hanged—just two months before Lincoln’s address at Cooper Union.⁶⁰ Northern abolitionists celebrated Brown as a martyr while Republicans condemned Brown for his violence. Meanwhile, Democrats constructed the event as solid ground for mistrust and resentment between the evolving binary coalitions of North and South.⁶¹ After Harpers Ferry, the prospect of a Republican president seemed far-fetched; the election of Abraham Lincoln in 1860 seemed inconceivable. But with a political lecture slated in New York, a sensational debate fresh in the public mind, and an upcoming presidential election, Lincoln spoke at a unique moment in ways that helped pave his way to the White House.

Cooper Union & Constitutionalism

The extension of slavery into the territories was a key issue in Lincoln’s speech at Cooper Union. Lincoln tackled the morality and constitutionality of such a measure, positioning his claim as the morally correct action: the prohibition of slavery in the territories. To justify such action, Lincoln first had to identify for his audience that this decision fell under congressional jurisdiction. Specifically, Lincoln had to demonstrate how an extension of federal powers was warranted by “the necessary and proper clause” in Article 1, Section 8 of the Constitution.⁶² Also known as the “elastic clause,” this section has incited great controversy and criticism over the years. With such vague language to allow for congressional action, the necessary and proper clause was written to lend flexibility to the Constitution, but the clause troubled Jeffersonians wary of centralized power.⁶³

Federalists, like Alexander Hamilton, championed the clause because they believed that without it the Constitution would be a “dead letter,” unable to maintain relevance beyond the infancy of the nation. For Federalists, a strong central government would ensure security and equality for its citizens. Meanwhile Democratic-Republicans, like Thomas Jefferson, saw little need for a strong central government. They feared such a government would become a source of oppression; instead they believed that freedom and democracy flourished best in a society where government only preserved individual liberties. Thus, the Jeffersonian Democrat-Republicans favored states’ rights over federal powers. This tension of civic ideals is a consistent thread within American public deliberation. Author Brian Dirck uses the terms “broad” and “strict” constructionism to discuss these opposing interpretations of the Constitution in his book *Lincoln and the Constitution*.⁶⁴

Dirck argues that interpretations of the U.S. Constitution can be understood through two perspectives: broad and strict constructionism. Strict constructionism promotes a limited government and decentralized power. For strict constructionists, the purpose of the Constitution is to limit government action to only that which is *explicitly* expressed in the Constitution. Strict constructionists think the explicit language of the Constitution should rigidly define government powers. Strict constructionism places its faith in the Constitution to resist the tyranny of flawed leaders. For strict constructionists, like Thomas Jefferson and the Democratic-Republicans, the U.S. government was completely and deliberately formed in the

ratification of the Constitution. To preserve our union and its values, strict constructionism recommends that Americans remain faithful to the explicit language of the Constitution, as the framers drafted it.⁶⁵

For broad constructionists, the Constitution provides a framework for government, but their faith for right action is embedded in the American political system. They uphold that the United States' system of democracy and checks and balances will ensure right action. Broad constructionism views the Constitution as a catalyst for government action—not a limitation of government. In this view, the Constitution allows the government—embodied by leaders—to maneuver and meet the particular exigencies of the moment. Broad constructionists, like Alexander Hamilton and Federalists, understood the Constitution as a flexible but not infinitely malleable tool. Broad constructionists, though respecting explicit rules and regulations, render greater power to the federal government. Broad constructionism uses the “necessary and proper clause” to justify government action where it is not explicitly stated in the language of the Constitution. At Cooper Union, Lincoln used a rhetoric of broad constructionism in his response to a question previously posed by Senator Douglas: “Does the proper division of local from federal authority, or anything in the Constitution, forbid *our Federal Government* to control as to slavery in *our Federal Territories*?” (11)

As he focused on the “necessary and proper” clause of Article 1, Section 8 of the Constitution, Lincoln broadly interpreted the Constitution to justify his moral cause. Lincoln’s rhetoric then shifted to strict constructionism as he considered the claims of his opposition. Lincoln switched between broad and strict interpretations to persuasively frame his political agenda. Lincoln’s invocation of the Constitution at Cooper Union manifested in four historically grounded legal arguments that would later animate his campaign and define his presidency: first, the Constitution is but one of the many ways the Founding Fathers communicated their hope and plans for the nation. Second, the Constitution is a flexible instrument that can galvanize government action to meet the demands of contemporary society. Third, the Constitution is a guiding resource for setting the boundaries of government action along philosophical lines of virtue. And, finally, the Constitution is a fundamental catalyst for change.

Constitution as Part of Government

In his speech at Cooper Union, Lincoln positioned the Constitution as only a part of the government’s guiding directives. As he considered how the Founding Fathers would have responded to the question of slavery in the territories, Lincoln looked beyond the legal language of the Constitution to the politics of the framers, specifically their voting records. He saw the Constitution’s silence on federal power in the territories as a justification to act. Lincoln argued that, “no line dividing local from federal authority, nor anything in the Constitution, forbade the Federal Government, to control as to slavery in federal territory,” and from this point, he claimed that the framers supported federal involvement in the territories (19). Respecting the importance of the Constitution but pushing its boundaries, Lincoln carefully reviewed the framers’ records for historical, political evidence. He stated: “The question of federal control of slavery in the territories, seems not to have been directly before the Convention which framed the original Constitution; and hence it is not recorded that the ‘thirty-nine,’ or any of them, while engaged on that instrument, expressed any opinion on that precise question” (16). Lincoln argued that because the question was not explicitly asked of the framers, he could not unequivocally know how they would have answered. Instead, Lincoln

surmised their positions by tracing the history of the framers' votes on the extension of slavery in the territories.

In this portion of his argument, Lincoln gave more credence to the framers' votes than to the "words" of the Constitution: "Thus the twenty-one acted; and, as actions speak louder than words, so actions, under such responsibility, speak still louder" (29). According to Lincoln, of the thirty-nine framers who voted on the question, twenty-one voted against extending slavery to the territories. From this evidence, Lincoln concluded that the will of the framers would have been to prohibit slavery in the territories. By invoking the historical, political authority of voting records, Lincoln demonstrated that the Constitution could not be the summation of government because it could not explicitly answer all questions facing contemporary Americans. To get answers, Lincoln found history to be the greatest teacher. He appealed to the authority of voting practices and not a single document to decide the right action.

Constitution as Flexible Tool

In his speech, Lincoln characterized the Constitution as a dynamic document rather than a rigid outline for government. For Lincoln, the Constitution was not a hammer, but a Swiss army knife—a multifaceted tool with assorted functions that could change and should change to meet societal needs. He said, "Now, and here, let me guard a little against being misunderstood. I do not mean to say we are bound to follow implicitly in whatever our fathers did. To do so, would be to discard all the lights of current experience—to reject all progress—all improvement" (39). Lincoln reduced the Constitution's power to only part of the framework for government, and he gave greater authority to contemporary leadership and political processes to decide the role of government. At Cooper Union, Lincoln marshaled public opinion toward a broader constitutionalism—one that would later allow him, as president, to work beyond the limits of the Constitution to preserve public morality. He closed his argument in the following way: "Neither let us be slandered from our duty by false accusations against us, nor frightened from it by menaces of destruction to the Government nor of dungeons to ourselves. Let us have faith that right makes might, and in that faith, let us, to the end, dare to do our duty as we understand it" (77). Lincoln's word choice was important here, because the onus to interpret the boundaries of government was upon the immediate audience and contemporary public opinion. Per Lincoln, the relationship of governing bodies and the governed was dictated by the living, so to speak. This interpretation emphasizes the flexibility of the Constitution regarding the responsibilities of the government. Lincoln argued that a flexible government was an intentional provision by the framers, and therefore it was justified. Because "a mode was provided for amending [the original document]," and "twelve amendatory articles [have been] framed and adopted since," Lincoln concluded that the Constitution was written to function as a catalyst for leaders to accomplish their moral ends and do what was right for the country in any given situation (34). And yet, Lincoln also recognized that the Constitution could not be infinitely malleable.

Constitution as Interdiction of Slavery

While Lincoln engaged a broad constitutional rhetoric to accomplish his own end, he employed a strict constitutional rhetoric to justify federal restraint of pro-slavery powers. In paragraph 42, Lincoln investigated the claims of "the Southern people," condemning them for demanding rights that were not explicitly provided in the Constitution. He stated,

But you will break up the Union rather than submit to a denial of your Constitutional rights. That has a somewhat reckless sound; but it would be palliated, if not fully justified, were we proposing, by the mere force of numbers, to deprive you of some right, plainly written down in the Constitution. But we are proposing no such thing.... But no such right is specifically written in the Constitution. That instrument is literally silent about any such right. We, on the contrary, deny that such a right has any existence in the Constitution, even by implication. (57-59)

There is a noticeable shift in Lincoln's approach to the Constitution between justifying the extension of federal power and denying the rights of slaveholders in the territories. Where Lincoln used the flexibility of the Constitution to justify action, he used the same language to limit the extension of rights where they were not explicitly provided. Here, Lincoln demonstrated that the boundaries of broad constitutionalism were set along philosophies of virtue. Lincoln's philosophical orientation valued the preservation of equal rights—at least to the degree to prevent slavery's extension—though not yet its abolition. At the time of Cooper Union, Lincoln was not an abolitionist because he did not yet support the total eradication of slavery from slave-holding states. Instead, Lincoln sought to prevent the spread of slavery into Northern states and newly formed territories.

Lincoln's opposition was less concerned with equality and more concerned with the preservation of individual rights, specifically the rights of white, land-owning males. Opponents, like Stephen Douglas, employed a rhetoric of democracy and individual rights to justify the preservation of slavery. This rhetoric pierced the heart of post-revolutionary hatred for tyrannical oppression, reminding Americans that the Constitution was not just created for the welfare of government, but as a protection of individual freedom. To counter such appeals, Lincoln used this strict constructionist rhetoric to support his argument that the right to own slaves was not explicitly provided by the Constitution and thus did not warrant protection by federal powers. This strategic shift between broad and strict constitutional arguments allowed Lincoln to justify federal action and prohibit the extension of slavery in the territories for his audiences. To close his speech at Cooper Union, Lincoln returned to a broad constitutional rhetoric.

Constitution as Catalyst for Change

Lincoln concluded his speech with the idea that the Constitution was not just a means of change, but a catalyst for change. Throughout his speech, Lincoln argued that unless the Constitution expressly prohibited the federal control of power, then federal action was not only permitted, but also warranted and required. Specifically, Lincoln argued that nothing "in the Constitution, was violated by Congress prohibiting slavery in federal territory" (26). He clinched this argument in his closing statement: "Let us have faith that right makes might, and in that faith, let us, to the end, dare to do our duty as we understand it" (77). Again, Lincoln used a broad constitutional rhetoric to defend federal action in the territories. In Lincoln's broad constructionism, if the Constitution did not explicitly prevent the allocation of federal powers, then there was cause for federal action so long as that action was grounded in the universality of human rights. For Lincoln, the people were best served when the laws of government were not dictated by the Constitution of the dead, but by the constitution of the living "as [they] understand it" (77). Conversely, a strict constructionist view would maintain that if the Constitution did not explicitly provide for federal action, then federal action had to be

prohibited, especially when such actions violated the rights of humanity. To justify his broad rhetoric, Lincoln turned to political and historical arguments to justify a moral “duty” to do what was right. By Lincoln’s logic, if the action was morally just, it was supported by the Constitution. Lincoln’s argument justified federal action for the “greater good” and cited that individual freedoms were necessarily protected by the failsafe of democracy. Lincoln’s constitutionalism placed faith in the American political system to prevent the rise of tyranny and corruption, and simultaneously relied upon a strict view of the Constitution to strengthen his philosophical vision.

Conclusion

At Cooper Union, Lincoln successfully established himself as a respectable presidential candidate in the North. The documented responses of his immediate audience at Cooper Union, and his subsequent nomination, provide reasonable grounds to claim that this speech was an important moment on his road to the White House. The day following the speech the *New York Herald*, one of the major newspapers covering the event, remarked that there was “applause,” “loud applause,” and “boisterous laughter” throughout the speech. In a letter to his wife Mary, Lincoln himself acknowledged the success of Cooper Union: “The speech at New York, being within my calculations before I started, went off passably well and gave me no trouble whatsoever.”⁶⁶ Though the speech was not enough to deter New York voters and delegates from nominating William Seward at the Republican convention in May, Cooper Union nevertheless provided Lincoln with a platform to campaign beyond the West. Cooper Union afforded Lincoln access to the New York press, which ultimately meant reaching a broader audience and securing the favor of New York Republicans—a necessary constituent. This *kairotic* moment allowed for Lincoln to transcend the highly sectionalized political climate and become a national candidate. Because copies of the speech were reprinted and widely distributed in pamphlet form by the Young Men’s Central Republican Union, the Cooper Union speech solidified Lincoln as a viable candidate for the presidency, and paved the way for his nomination.⁶⁷

In the late nineteenth century, Abraham Lincoln and Stephen Douglas publicly divided over their readings of the Constitution and this division persists in constitutional discourse today. One example of this persistent discord manifested in a 2013 Supreme Court case. In *United States v. Windsor*, the majority opinion of the Court ruled that the Constitution prevented the federal government from treating state-sanctioned heterosexual marriages differently from state-sanctioned same-sex marriages.⁶⁸ In this strict constructionist vision of the Constitution, federal authorities had no power to deny the legitimacy of a same-sex marriage if the state supported the marriage. In this case, a strict interpretation of the Constitution allowed the court to strengthen a philosophical vision of equality. More than two hundred years later, American society remains divided over how to interpret the Constitution, and how to appropriately allocate the powers of government.

Author's Note: Lauren Hunter is a doctoral candidate in the Department of Communication at the University of Maryland. She thanks Shawn J. Parry-Giles for her help in writing this essay. Lauren dedicates this work to Marshall R. Wood, the inspiration for this study and a true friend.

Notes

- ¹ Harold Holzer, *Lincoln at Cooper Union: The Speech That Made Abraham Lincoln President* (New York: NY, Simon & Schuster, 2004), 111-115.
- ² Michael Pfau, *The Political Style of Conspiracy: Chase, Sumner, and Lincoln* (East Lansing, MI: Michigan State University Press, 2005): 43.
- ³ John Poulakos, "Towards a Sophistic Definition of Rhetoric," *Philosophy & Rhetoric* 1, no. 16 (1983): 36-41.
- ⁴ John Poulakos, "Towards a Sophistic Definition of Rhetoric," 36.
- ⁵ Charles C. Nott, "Letter to Abraham Lincoln," *The Abraham Lincoln Papers at the Library of Congress* (February 9, 1859).
- ⁶ Harold Holzer, *Lincoln at Cooper Union: The Speech That Made Abraham Lincoln President* (New York: NY, Simon & Schuster, 2004), 3.
- ⁷ Brian R. Dirck, *Lincoln and the Constitution* (Carbondale, IL: Southern Illinois University Press, 2012), 9.
- ⁸ U.S. Constitution, Article 1, Section 8.
- ⁹ Michael Burlingame, *The Inner World of Abraham Lincoln* (Urbana, IL: University of Illinois Press, 1994), 37.
- ¹⁰ Plowden, David, *Lincoln and His America: 1809-1865* (New York, NY: The Viking Press, 1970), 10.
- ¹¹ Michael Burlingame, *The Inner World of Abraham Lincoln*, 37.
- ¹² Michael Burlingame, *The Inner World of Abraham Lincoln*, 20.
- ¹³ Doris Kearns Goodwin, *Team of Rivals: The Political Genius of Abraham Lincoln* (New York: NY, Simon & Schuster, 2005), 54.
- ¹⁴ Abraham Lincoln and Paul M. Zall, *Lincoln on Lincoln* (Lexington, KY: University Press of Kentucky, 1999), 21.
- ¹⁵ Abraham Lincoln and Paul M. Zall, *Lincoln on Lincoln*, 23.
- ¹⁶ Abraham Lincoln and Paul M. Zall, *Lincoln on Lincoln*, 23.
- ¹⁷ Abraham Lincoln and Paul M. Zall, *Lincoln on Lincoln*, 23.
- ¹⁸ Michael Burlingame, *The Inner World of Abraham Lincoln*, xii.
- ¹⁹ Robert Bray, *Reading with Lincoln* (Carbondale, IL: Southern Illinois University Press, 2010), 41-80.
- ²⁰ William Blackstone, *Commentaries on the Laws of England* (Chicago, IL: Chicago University Press, 1979).
- ²¹ Brian R. Dirck, *Lincoln and the Constitution* (Carbondale, IL: Southern Illinois University Press, 2012), 9.
- ²² Nathaniel Grigsby, Silas Richardson, Nancy Richardson, and John Ro- mine, interview with William H. Herndon, Sept. 14, 1865, in Douglas L. Wilson and Rodney O. Davis, eds., *Herndon's Informants: Letters, Interviews, and Statements about Abraham Lincoln* (Urbana: University of Illinois Press, 1997), 450-541.
- ²³ Brian R. Dirck, *Lincoln and the Constitution*, 9.
- ²⁴ Lincoln, "Notes for a Law Lecture, c. July 1850," *Collected Works of Abraham Lincoln*, 2:81.
- ²⁵ Michael Burlingame, *The Inner World of Abraham Lincoln*, 150.
- ²⁶ Harold Holzer, *Lincoln at Cooper Union*, 47.
- ²⁷ Michael Burlingame, *The Inner World of Abraham Lincoln*, 1.
- ²⁸ Michael Green, *Lincoln and the Election of 1860*, 11.
- ²⁹ Michael Burlingame, *The Inner World of Abraham Lincoln*, 1.
- ³⁰ Michael Burlingame, *The Inner World of Abraham Lincoln*, 244.
- ³¹ Sean Wilentz, *The Rise of American Democracy: Jefferson to Lincoln* (New York, NY: Norton, 2005), 736.
- ³² Michael Hogan and Leroy Dorsey, "Public Opinion and the Nuclear Freeze: The Rhetoric of Popular Sovereignty in Foreign Policy Debate," *Western Journal of Communication* 55, no. 4 (1991), 320.
- ³³ Harold Holzer, *Lincoln at Cooper Union*, 29.

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- ³⁴ David Zarefsky, "Abraham Lincoln, 'A House Divided': Speech at Springfield, Illinois (16 June 1858)," *Voices of Democracy* 6 (2012): 23.
- ³⁵ Michael Burlingame, *The Inner World of Abraham Lincoln*, 245.
- ³⁶ Michael Burlingame, *The Inner World of Abraham Lincoln*, 249.
- ³⁷ Michael Burlingame, *The Inner World of Abraham Lincoln*, 250.
- ³⁸ Michael Burlingame, *The Inner World of Abraham Lincoln*, 250.
- ³⁹ Harold Holzer, *Lincoln at Cooper Union*, 10.
- ⁴⁰ Doris Kearns Goodwin, *Team of Rivals: The Political Genius of Abraham Lincoln* (New York: NY, Simon & Schuster, 2005), 8.
- ⁴¹ Timothy Good, *Lincoln For President: An Underdog's Path to the 1860 Republican Nominaiton*, (Jefferson, NC: McFarland & Company, Inc), 9.
- ⁴² Allan Nevins, *The Emergence of Lincoln*, (New York: NY, Charles Scribner's Sons, 1950), 3.
- ⁴³ David Zarefsky, "Lincoln and the House Divided: Launching a National Political Career," *Rhetoric & Public Affairs* 13, no. 3 (2010), 423.
- ⁴⁴ David Zarefsky, "Lincoln and the House Divided: Launching a National Political Career," *Rhetoric & Public Affairs* 13, no. 3 (2010), 423.
- ⁴⁵ David Zarefsky, "Lincoln and the House Divided," 423.
- ⁴⁶ Michael Green, *Lincoln and the Election of 1860*, 7.
- ⁴⁷ Michael Green, *Lincoln and the Election of 1860*, 11.
- ⁴⁸ Michael Green, *Lincoln and the Election of 1860*, 11.
- ⁴⁹ Joseph Fornieri, *The Language of Liberty: The Political Speeches and Writings of Abraham Lincoln* (Washington, DC: Regnery Publishing Inc, 2009), xxvii
- ⁵⁰ Harold Holzer, *Lincoln at Cooper Union*, 29.
- ⁵¹ Michael Green, *Lincoln and the Election of 1860*, 15.
- ⁵² Horace Greeley, *The Case of Dred Scott in the United States Supreme Court: The Full Opinions of Chief Justice Taney and Justice Curtis and abstracts of the opinions of other judges*, (New York, NY: Horace Greeley & Co, Tribune Buildings, 1860).
- ⁵³ Allan Nevins, *The Emergence of Lincoln*, 62-67.
- ⁵⁴ Harold Holzer, *Lincoln at Cooper Union*, 73
- ⁵⁵ David Zarefsky, "Lincoln and the House Divided," 424.
- ⁵⁶ Harold Holzer, *Lincoln at Cooper Union*, 11.
- ⁵⁷ Allan Nevins, *The Emergence of Lincoln*, 5-27.
- ⁵⁸ Allan Nevins, *The Emergence of Lincoln*, 5-27.
- ⁵⁹ Allan Nevins, *The Emergence of Lincoln*, 5-27.
- ⁶⁰ Timothy Good, *Lincoln for President*, 64.
- ⁶¹ Allan Nevins, *The Emergence of Lincoln*, 5-27.
- ⁶² U.S. Constitution, Article 1, Section 8.
- ⁶³ Brian R. Dirck, *Lincoln and the Constitution*, 10.
- ⁶⁴ Brian R. Dirck, *Lincoln and the Constitution*, 9-10.
- ⁶⁵ Brian R. Dirck, *Lincoln and the Constitution*, 9-10.
- ⁶⁶ Abraham Lincoln, "Letter to Mary Todd," *The Papers of Abraham Lincoln: The National Archives and Library of Congress* (March 4, 1860).
- ⁶⁷ Charles C. Nott, Abraham Lincoln, Cephas Brainerd and Young Men's Republican Union, "The Address of the Hon. Abraham Lincoln in vindication of the policy of the Framers of the Constitution and the principles of the Republican Party" *Young Men's Republican Union Pamphlet* (New York, NY: Nesbitt & Co., 1860).
- ⁶⁸ Supreme Court of the United States, *United States v. Windsor* (June 23, 2013)
https://www.supremecourt.gov/opinions/12pdf/12-307_6j37.pdf