

Private Citizens: Government Behind Closed Doors

United States Of America, a nation with a history as colorful as its flag. One of the eras in the nation's history that to this day is studied by historians is the American Civil War. The American Civil war took place from April of 1861 to April of 1865, resulting in one of the most gruesome and bloodiest chapters in America's history. What a lot of people never realize, is that the war was not just a series of battles fought between two sides of a once unified country, but it was a war surrounded by politics that were influenced by many great people at the time. A private citizen by the name of Francis Lieber, is one of the great unsung heroes of the civil war.

In order to understand the accomplishments of Francis Lieber, you first need to look at the events that made up the man behind the accomplishments. As a young boy, he grew up in the chaos that was the Napoleonic Wars; old enough to participate in the battle of Waterloo. After which he continued his study of the teachings of Friedrich Ludwig Jahn¹. This shows how Lieber was dedicated enough to not only learn about what he believed in, but also willing to fight for what he believed in. After going into war, no man ever returns the same, showing how his life possibly effected his views later on. Lieber soon took up mathematics in Berlin where he was labeled as liberal and a conspirator by the government². Due to Lieber's inability to stay out of the spotlight because of his views and ideals, he knew something had to change. Growing up, he bounced around from Berlin to England, becoming more and more aware of what the world was really like around him. He desired more. In 1827, Lieber came to Boston where he took charge of a gymnasium, swimming school, and went on to convince influential people of his literary abilities; resulting in the increase of his prestige among scholarly people in the United States³. This not only put Lieber on the map, but gave him optimism of what his future could be, living in the "land of the free."

Once marrying Matilda Oppenheimer in 1834, he was called to the chair of history and political economy in the University of South Carolina. Here he distinguished himself as a teacher and produced what some might say, the most valuable works of his

¹ Frank Freidel, "Francis Lieber, Nineteenth Century Liberal," *The Journal of Negro History*, vol. 33 No.3 (July 1948): 358

² Freidel, 359.

³ Freidel, 359.

career ⁴. Landing a job in the South gave Lieber an insight on the second half of America, an observation that would come in handy when faced with decision during the Civil War. Lieber was an informed, respected man. Because of the life he had begun to make for himself in the United States, he not only became more aware of the issues, but was seen as an asset on the Civil War to come. "Although a slaveholder himself, he could never accept the institution as a positive good and earnestly desired a gradual improvement of the slaves by elevations in gradations from slavery to serfdom and finally from serfdom to peasantry." ⁵ This shows where Lieber's morals were and foreshadow what his position will be later on in during the Civil War. It is even sparked by letters written to pro-slavery leaders like John C. Calhoun by Lieber at the time. This marked the start of a long future of using his pen to make his mark in this newly developing nation. In 1857, Lieber became a professor at Columbia University where he added further to his reputation as a figure in the political science community ⁶. Lieber had come a long way from the young man he used to be in Berlin, Germany. He had seen a lot in his life, and his genuine desire to do what he believed in led to his overall acceptance by those in high positions in the government.

Government officials were faced with pressures one cannot even begin to fathom at the outbreak of the Civil War. The nation looked toward them for guidance, and the government looked at Francis Lieber for the resolution. "No matter how many requests came to him from government officers, he cheerfully complied. This work, coupled with his labors as a propagandist for the Union cause, has led historians to recognize him as one of the most active and helpful of private citizens during the Civil War. ⁷" It's sort of mind boggling to think that one man that was not even part of the government had so much influence in the nation's bloodiest war even to this day. Francis Lieber, devoted to the ideals of democracy and freedom, was ready and willing to help out the Union, truly proving that the pen is mightier than the sword. Because of his time spent in the South, and the fact that one of his son's even went on to fight for the Confederacy, Lieber had obtained many southern friends and might of even had an interest in the South's

⁴ Freidel, 359.

⁵ Freidel, 359.

⁶ Freidel, 359.

⁷ Brainerd Dyer, "Francis Lieber and the American Civil War," *Huntington Library Quarterly*, vol. 2, no. 4. (July 1939): 449

philosophy of life, but it did not push him to ride the fence in any way. He went on to write to a friend, "Behold in me the symbol of civil war: Oscar probably on his march to Virginia under that flag of shame, Hamilton in the Illinois militia at Cairo, Norman writing today to President Lincoln for a commission in the United States Army."⁸ Lieber was a loyal member of the Union's cause. Always siding with his fellow anti-slavery enthusiast from the get-go.

Leader of the Radical Republicans during the Civil War and Reconstruction, Charles Sumner, partook in various conversations between Francis Lieber and himself. One short letter that stands out is regarding Lieber's stand on slavery. One of the many controversial topics on the table during the Civil War. This view of Lieber is seen lingering all throughout the war, making an important stride toward anti-slavery any chance he received.

[⁹]

TO CHARLES SUMNER.

NOVEMBER 29, 1861.

. . . Let Congress declare that all negroes coming into our lines are free, because they cannot be otherwise, if fleeing from rebels. I think this would be a stride.

Many historians will argue that the most important of Lieber's contributions would be those in connection with drafting the Instructions for the government of armies of the united states in the field. it has frequently been stated since, that Lieber had a part in preparing these instructions, but the exact nature of that part has not been clear. Lieber's correspondence reveals that the original suggestion that such instructions should be issued was his and that it was he who did most of the actual work of preparing them¹⁰. Being a professor and Columbia University and earlier position at South Carolina university, gave Francis Lieber that tools needed to take on such a task. *[This excerpt from his instructions shows how strongly Lieber believed in the constitution. It shows his belief of innocent until proven guilty and did not let his possible*

⁸ Francis Lieber, letter to Charles Sumner, 29 November 1861.

⁹ Lieber to Charles Sumner.

¹⁰ Dyer, 454.

But when guerrilla parties aid the main army of a belligerent, it will be difficult for the captor of guerrilla-men to decide at once whether they are regular partisans, distinctly authorized by their own government; and it would seem that we are borne out by the conduct of the most humane belligerents in recent times, and by many of the modern writers, if the rule be laid down, that guerrilla-men, when captured in fair fight and open warfare, should be treated as the regular partisan is, until special crimes, such as murder, or the killing of prisoners, or the sacking of open places, are proved upon them; leaving the question of self-constitution unexamined.

hatred of the confederacy to dictate whether he would be fair or immoral in the treatment of prisoners of war. ^{11]}

Francis Lieber grew an interest in the constitutional and legal problems of the war, resulting in a well documented correspondence with Attorney-General Edward Bates and Major General Henry W. Halleck ¹². This clearly showed the key role Francis Lieber played in government without ever holding an official position. He never asked for recognition for his contributions, he just used the morals he gained from his past to motivate his letters and thoughts. This can be seen as early as the first weeks of the war. When Lincoln suspended the privilege of the writ of habeas corpus, General Edward Bates received a letter regarding this controversial topic. This letter a few months later was revised and printed as a pamphlet, creating a widespread discussion ¹³. Already it is visible the impact Lieber's words were having on the war. Tying back to my original view that the civil war was a political war. A war where politicians abused human lives to get the results they wanted in the government. Lieber was a contributing factor when it came to what view a lot of people would take on during these tension filled times. With Lieber's pamphlet, he influenced politicians and citizens alike.

¹¹ George B. Davis, "Doctor Francis Lieber's Instruction for the Government of Armies in the Field," *The Journal of International Law*, vol. 1, no. 1 (January - April 1907): 17.

¹² Dyer, 450.

¹³ Dyer, 450-451.

NEW YORK, January 8, 1863.

MY DEAR SUMNER,— This will be, indeed, a trial of your temper. If you have not smitten me in your heart, you are a good, kind-hearted fellow. I am just now excessively busy with a number of widely different subjects. You know how this *rags* the mind. Excuse me; it is all I can say for the past, and for the additional request, which I fear you will call impudent, — to try to get a copy of Mr. Read's MS. for me. Would the author give me one, if applied to? You ask me what I think of it. I will simply state what I still think of the suspension of the Habeas Corpus in our country, and at the present juncture.

First. The analogy between the crown of England and our Executive, regarding the suspension of the Habeas Corpus, does not exist and never existed.

Second. Although there exists in England a division of powers, and clearly has existed there earlier than in any other country, yet Parliament, combining the three estates, has absolute and sovereign power, unstinted and unlimited. It can suspend and does suspend Habeas Corpus.

Third. Our Constitution prohibits this emphatically. Neither Congress nor Executive (the latter is not included in Congress as the King is in Parliament) shall suspend it, forevermore, except,

Fourth. In cases of insurrection or rebellion. Who, then, shall have the right to suspend the Habeas Corpus?

Fifth. Every one who maintains that it can be proved with absolute certainty that the framers of the Constitution meant that Congress alone should have the power, and in all cases of insurrection, &c., is in error. There is doubt — two-fold doubt. It cannot mathematically be proved from the Constitution itself, or from analogy which does not exist, or from the debates, or history.

Sixth. The Constitution most clearly does not contemplate a state of things such as exists now. No framer ever thought of such a thing, or could have thought of it.

Seventh. If the power belongs to Congress alone, all it can do in cases of great emergency is the general grant of suspension to the Executive. Congress cannot enact the suspension in each case. It would amount to hardly anything more than the Congressional right to declare whether there is a rebellion or not, for the court has already declared that if there be an insurrection, it may be suspended.

Eighth. What is to be done if an insurrection takes place while Congress is not sitting, as was the case in the present Civil War, or when Congress cannot be assembled? This case may be readily imagined.

Ninth. I defy any assemblage of as stout lovers of liberty as I am, as patriotic as William the Silent, and as calm and unselfish as Washington, to say that a country can be saved in her last extremity, when the ship of state is drifting toward breakers, without the Executive's possession of the power to make arrests, disregarding the ever-glorious bars with which Anglican civicism has hedged in each citizen. This is dangerous; who does not know it? but all things of high import, all truths of elementary or highest character are dangerous. All medicine, all power, all civilization, all food, — all are dangerous.

Tenth. But this power in the Executive is less dangerous in the United States than in other countries; and no more dangerous in the Executive than in the Legislature, because responsibility centres, in the Executive, in an individual. Who can impeach a Congress? You can do it as little as you can try a people. God alone can do that, and does it severely, too.

Eleventh. If, in such a state of things as indicated in *ninth*, the Executive has not the power alluded to, that will happen which always happens — it must arrogate it; and usurpation is a greater danger still.

Twelfth. This whole question must not be arrogated by lawyers as a subject belonging to them alone, — or, I should say, to the lawyer alone. It is a question to be argued, weighed, and disposed of by the citizen and patriot within each of us, and by the statesman, in the loftiest sense. No party platitudes or wheel-rattling of favorite theories, no special pleading of the keenest one-sidedness, no oratory of the finest flight, no insisting on the pound of flesh, can decide this question. . . .

General Bates found comfort in turning to Lieber for advice on political issues. In October of 1863, Bates sought after Lieber's views on the nature and force of constitutions, writing the following: "You know that I am liable every day, to have hard questions put to me, by the President and heads of Departments, and that I am bound to answer them, as best I can. Some of these questions touch the organization of our system and the ground-principles of our institutions. Often I have wished, before finally committing myself upon paper, to have an hour's conversation with you upon the subject in hand, in order that I might be either strengthened in my faith, or (my fallacies being made apparent) put upon a better line of thought .¹⁵" Francis Lieber has shown his value when it comes to difficult situations, and this quote shows how much General Bates grew to depend on Lieber for advice during the Civil War. The domino effect that Lieber created through his ideologies, reached all the way to president Lincoln. To think that a single private citizen was capable of this, shows how the government was truly being influenced by the people during the war. Once Lieber received the letter, he responded with a letter of his own where he traced the history of constitutions, classified them, and discussed their relative binding qualities ¹⁶. In a way, Lieber's role in effecting the Union in a less noticeable manner was the best thing possible, as to not corrupt his morals with political pressure. Something that could have happened if he were to have held a position in government. For instance, President Lincoln's reforms were hindered by political goals that he needed to maintain, because if he pursued what he truly wanted, a second term would not have been possible. The pressure to conform to what his political party wanted led to the slight change in his actions. Something that luckily couldn't happen to Lieber because of his position as a private citizen. As political issues during the civil kept blossoming, Lieber's letters kept coming.

General Bates and Francis Lieber kept discussing ideas all throughout the civil war. A few weeks after their conversation regarding constitutions, General Bates approached Lieber with the question whether a nation can blockade its own seaports. "such an act would involve no acknowledgment of the South as an independent power. 'Blockading means blocking up...' he wrote. 'If the books on international law use the

¹⁵ Dyer, 451.

¹⁶ Dyer, 451.

word Blockade in a distinct sense (because they treat necessarily of independent nations), that does not prove that it has lost its sense of blocking up or closing up in general.... The word does in no way affect the right that a sovereign has to cork up and close his own seaports'. This was but a confirmation of a position taken by Lieber more than a year before, when he had written to Bates that it might have been better to use the term 'blocking up;' but 'Blockade or not Blockade, a government has a right to shut a port as I have a right to close my door and open another, if I see fit.'¹⁷ " Francis Lieber was an intelligent man who saw things in a way that helped save the Union during the Civil War. His letters influences the likes of Abraham Lincoln, need I say more?

The year of 1863 was particularly busy for Francis Lieber. At the start, he was questioned about his opinion on Lincoln's suspension of habeas corpus, later he gave his ideas on constitutions and also gave an insight on the blockade occurring at the time. If that wasn't enough, Lieber went on to write to General Bates regarding General David Hunter's proclamation freeing the slaves of the South Atlantic Slaves and the return of fugitive slaves by the military governor of North Carolina, Edward Stanley ¹⁸. To many historian's surprise, Lieber supported Lincoln's countermanding of Hunter's proclamation with the explanation of no general being able to issue a proclamation of such importance, basically undermining the president's authority. Stating that Hunter had no right to claim to be acting under martial law since the area was not controlled by his army.

Francis Lieber, the government's greatest kept secret, urged the president to declare against the return of such slaves. There should be great reasoning behind this at this point, wouldn't you suppose? Lieber states that "No matter what may be ultimately determined upon regarding slavery in general, law, usage, and reason establish it as a fact, that the slave escaping during war from one belligerent to another, for protection, becomes thereby free. Slavery exists by municipal law; not by the law of nature.... when men are arrayed against each other as belligerents, municipal law falls from them like scales.... Our general has not only no power, but as a commander in

¹⁷ Dyer, 451-452.

¹⁸ Dyer, 452.

War, he has actually no faculty, to discriminate between a free and a bond man.¹⁹” Lieber having influences in parties such as the radical republicans, made this view known quite quickly. Here, his anti-slavery ideology is seen again, showing his dedication to a cause that put him on thin ice with many of the confederate leaders during the Civil War. This did not stop Lieber from giving advice to Judge Advocate General Holt when faced with a court martial involving spies²⁰. Lieber was just an overall respected individual who through letters, made a lasting impact on the American Civil War.

On August 1, 1863, Lieber showed how far his importance and connections can get him. He started off by writing to Halleck that his notes on the subject of "Guerrilleros" were close to being complete and that thoughts on how to get them to be seen by the public have emerged in his mind. Not wanting to repeat the same actions regarding the subject of fugitive slaves, he asked General Halleck, "Can there be such a thing as being called upon by high authority, by you for instance, or Secretary Stanton, to give my views?²¹" This led to General Halleck arranging the War Department to appropriate \$300 for 5,000 copies of the article to be distributed to the public. Lieber's tenacity and desire to invoke positive changes during the Civil War are supported by his influential connections throughout the Union. General Halleck being one of many.

Propaganda during the civil war was crucial in keeping not only citizens at ease with the proposals government tried to push, but to give soldiers that feeling of nationalism that would help the Union ultimately win the war. And yes, Lieber took part in propaganda during the war as well. From the start of the war, multiple works done by that famous pen of his made appearances in newspapers and magazines, all written with the aspiration of molding public opinion and building support for the Union's cause²². Lieber was actually a leading figure in the Loyal Publication Society, founded because of its member's need to put a stop to the spread of disloyal documents and journals among the soldiers. Under Lieber's leadership, in the society's first year, forty-three pamphlets and their 300,000 copies had been distributed along with twelve

¹⁹ Dyer, 452.

²⁰ Dyer, 454.

²¹ Dyer, 453.

²² Dyer, 457.

single-sheets items circulated at about 155,000 copies per year ²³. The most significant of these pamphlets was his appeal to the Germans in America, during the campaign of 1864, under the title, Lincoln over McClellan. The pamphlet ended up being so popular that it had to be published by the society in German, English and Dutch. In this pamphlet Lieber urged all the Germans to: “realize that the right to vote carried with it the duty to exercise that right. Do not be misled by the name ‘Democratic’ and not to overlook the fact that a strong element in the Democratic convention at Chicago had been former Know-Nothings, bitter in their opposition to foreigners. A German does not support the idea of state sovereignty; Do not be disturbed by the Democrats who were shouting so loudly that the Constitution was being violated, for the Democrats were guilty of far greater violation than the Republicans, whose administration was in no sense a tyranny but on the contrary permitted great freedom. ²⁴” This quote shows how Lieber attempted to appeal to citizens of all walks of life. Hoping that his words would transform into votes toward Lincoln. As the Civil War progressed and became more aggressive, so did Lieber and his attempts to fight for the Union’s cause. In this form of propaganda, (pamphlet excerpt) Lieber is playing the chess game that is politics. Effectively getting his point across during a time where he wanted nothing more but for McClellan to not win presidency.

At this point, the American Civil war had been in it’s third year and Francis Lieber really had no end in sight of the war. So in return, he wrote to General Halleck with a proposal of a continuation of the draft in the army, which would be a draft where a state would be required to send a certain amount of men every month, year, etc. He went on to state the benefits of this plan, in hopes of influencing the war tactics as well ²⁵.

[²⁶]

²³ Dyer, 458.

²⁴ Dyer, 458 -459.

²⁵ Francis Lieber, letter to General Halleck, 30 June 1864.

²⁶ Lieber to General Halleck.

TO GENERAL HALLECK.

NEW YORK, June 30, 1864.

MY DEAR GENERAL, — I desire to submit to your consideration, and to that of the Secretary of War, an idea which has repeatedly occurred to my mind, namely, the idea of a continued draft; I mean a draft according to which a district should be obliged to send so many men, say every month or three weeks or a fortnight. The advantages of such a distribution of drawing men, over a long time, seem to me obvious.

(1.) The army would benefit by receiving a continuous afflux of men in small numbers, instead of receiving from time to time large numbers in entire regiments of raw soldiers. The recruits would *fall in* much easier, and the system would resemble the European method of continuously replenishing the battalions in the field from the “home stations,” or whatever other names are given to the recruiting bodies distributed over the country, where recruits are drilled for the different regiments.

(2.) The drawing of men would be done easier. There would be no repeated and periodical excitement, and ever-renewed discussion of the constitutionality of the draft.

(3.) Communities would find it easier, as all distributed burdens are easier to bear. Men and substitutes could be easier found.

(4.) In point of political economy, it is always easier for a community to adapt itself to a comparative gentle and continuous withdrawal of capital or labor, than to a sudden or spasmodic withdrawal.

There are doubtless objections to my proposal. If they overbalance the advantages the plan must be thrown aside. You, in the centre of government, must judge of this. You have information and the counsel of many, which a single man in his library has not; and for which his patriotism, however ardent, or his attention to public affairs, however keen and regular, forms no substitute. . . .

President Lincoln's election regarding his second term was approaching and Francis Lieber was unsure about the outcome. After the years of his words and ideas having an influence over matters involving the Civil War, finally came an instance where he felt he did not have much say over. In one of his most famous letters to General Halleck, he describes his hunch of how “individuals wear out quickly during revolutionary times.”²⁷ The only hope he saw was if either the Union army obtained a victory, Richmond preferably, or if Lincoln withdrew. At that point, you begin to see

²⁷ Francis Lieber, letter to General Halleck, 1 September 1864.

the reality of who Francis Lieber is. He does not play favorites, he for the most part, is not biased. He plainly tells politics how he sees them and at that point in time, he was looking out for the greater good of the Union, or he at least thought he was. Through this letter to General Halleck, he showed the low morality spread out throughout the Union in 1864. The Civil War took a toll on everyone in the country, no matter confederate, Native American, or politician. Everyone was exhausted, but the war had to go on. Total war is total war and Francis Lieber still had a bit of ink left in his pen. [28]

TO GENERAL HALLECK.

NEW YORK, September 1, 1864.

MY DEAR FRIEND,—I write, but do not know very well why, unless it be that a sad heart will run over as well as a joyous one. Things look very, very gloomy. The shameless, disgraceful, and treasonable proclamation of the McClellan convention, with the universal support it finds with high and low of all anti-administration people, and the utter apathy of the loyal people for Lincoln, are fearful. There are but two things that could save us—a telling victory, or rather the taking of Richmond, and Mr. Lincoln's withdrawal. The first will not take place with our decimated army; the other will not occur. Mr. Lincoln might withdraw very patriotically and gracefully, but he would hardly do it individually, and certainly not be allowed to do it by his cabinet. A new convention would take up Grant, I dare say. . . . All this is nothing necessarily against Mr. Lincoln; but individuals wear out quickly in revolutionary times, were it for no other reason than that familiarity with a name takes from it the enthusiasm. Even Napoleon would not have been able to mount and bridle the steed of revolution, had he come in at first. The fact is—no matter what the reason—the *fact* is, that there is no spark of that enthusiasm or

inspiring motive-power, call it what you may, for Mr. Lincoln, without which you cannot move so comprehensive an election as that of a president. We must have a new man against a new man, and we cannot have him without Mr. Lincoln's withdrawal. Oh, that an angel could descend and show him what a beautiful stamp on his name in history such a withdrawal would be! He could say in his letter that it is a universal law that names wear out in revolutions and civil wars, and that he withdraws, &c. I do not know that history would record a nobler act than this would be. If he does not speedily withdraw we are beaten; if we are beaten, our country is extinguished, and loathsome disgrace is our children's inheritance. . . . If this country gets ultimately through, safe and hale, no matter with how many scars, a great civil war with a presidential election in the very midst of it (while the enemy has to stand no such calamity), I shall set it down as the most wonderful miracle in the whole history of events. Sometimes I feel as if I should write to the President; but then, how would he listen to a private individual in a matter of such moment? Rulers do not divest themselves of crowns by being piped to on a single flute. Would to God you could write to me more cheerfully!

Lieber's best bet was to stick it out with Lincoln, and so he did.

The persistence of Francis Lieber to end slavery throughout the civil war was incredible. He refused to accept the possibility of the war ending and not taking slavery down with it. One specific letter written to Charles Sumner shows his passion for the cause, it shows the deep underlying division that slavery was causing, worse than any geographical division could do²⁹. He even asked Sumner to reach out to the president if possible to get the message across. Why? Because Francis Lieber saw the the country

²⁸ Lieber to General Halleck.

²⁹ Francis Lieber, letter to Charles Sumner, 11 December 1864.

for what it could be. Francis Lieber saw the country for what it should be. That is something no historian can disagree with, especially after reviewing his letters. There he was, 1864, still trying to influence the government to be what the founders envisioned it to be. [30]

TO CHARLES SUMNER.

New York, December 11, 1864.

. . . War to the knife to slavery. Let us have no "slavery is dead." It is not dead. Nothing is dead until it is killed. I trust our President feels this in his inmost soul. His message seems to pin him down to it. Now let the nation pin itself down by the Amendment. This Amendment is the clear idea, the distinct formulation, motto and principle, of all the inarticulated roar of our battles — the test, the battle-cry, the article of faith. The sooner it is pronounced, so that no receding is possible, the better for all concerned. . . .

Slavery dead? Why, did you see how the secretary of the Citizens' Association but yesterday spoke of Abolitionists? A man who now declares himself for the Union but not against slavery seems to me much like one who might have begged St. Chrysostom to baptize him fully and wholly unto Christ, but to allow him not to give up his Jove and Venus, and the rest. We fight for our country, that is, for its integrity, and slavery cuts it asunder far more clearly and injuriously than any geographic division could do. Such a division can be removed by a treaty, by force of arms, by the brush of the map-maker; but slavery is an institution, and has all the tenacity of institutions, whether they be for weal or woe, until they are destroyed, and the life is bruised out of their head.

If you see the President, and have an unofficial conversation with him, tell him how much those citizens who have no office or place, but simply love their country with all their heart, and have given their sons for that country, have thanked God for the passages in his message which relate to slavery. . . .

About a year after the bloody slaughter at Fredericksburg, Lieber spoke about his opposition to an armistice: "Bad as our cause stands at this precise moment ... an armistice would make it infinitely worse.... An armistice would simply be a suicide, and a

³⁰ Lieber to Charles Sumner.

peculiarly disgraceful one' In the winter of 1864-65, as the pressure of the Confederacy increased and the end of the war seemed at hand. Comfort your friend a little by telling him, if you can, that there is absolutely no foundation whatever for all that talk about commissioners, armistice and peace. Who would say to the blacksmith, stop, when the iron begins to curve for the horse shoe? Strike, strike, and strike again, is the word. If peace means a settlement between two parties, we want no peace. We want the Country, we want extinction of slavery, and everything short of that is only 'Peace, peace, when there is no peace: President Lincoln has indeed been re-elected on these two positive and avowed conditions, but why this running to and fro of Mr. Blair? Things begin to assume a somewhat disintegrating character, in the South, but they only begin, nor have we anything to do with that, except to further that state of things by men like Sherman not by gentlemen like Mr. Blair. They do not seem to cease their foulmouthed vituperation of the North and all that is sacred to America. Write me something positive and comforting.³¹ Strong words from Lieber, done to hopefully keep the spirits up of the weary Union. He is in other words, explaining that the Union has done too much, lost too many lives, to settle for anything less than a completely slave free, full nation again. Lieber was surely not going to keep quiet during the final mile of the civil war.

To combat the suggestions of an armistice, Francis Lieber developed his own peace resolution which he presented to the Union League Club of New York, which when on to be adopted by the organization. He was even asked to make a constitution by the president of the club, John Jay, showing the incredible reputation Lieber had obtained for himself³².

³¹ Dyer, 460-461.

³² John Jay, letter to Francis Lieber, 16 May 1867.

LETTER OF JOHN JAY, ESQ., PRESIDENT OF THE UNION
LEAGUE CLUB, TO DR. FRANCIS LIEBER.

UNION SQUARE, NEW YORK.
May 16th, 1867.

DEAR SIR: I have the honor to advise you that the Club, at its monthly meeting on May 9th, after a deliberate discussion, unanimously adopted the following preamble and resolution:

"In view of the early meeting of the Convention for the formation of a new Constitution of the State, it is deemed advisable to obtain all the light which study and experience afford upon this important subject; and believing that the distinguished ability of Dr. Francis Lieber, and his erudition in all matters connected with public law, qualify him especially to speak on the subject: Therefore, be it

Resolved, That Dr. Francis Lieber be requested to write his views on the subject as to the principal points to be looked to in the formation of the new Constitution, and that the Publication Committee of the Club be instructed to print the same and send a copy to each member of the Convention, the governor and judges of the State, and the members of the Legislature; also, to circulate it generally."

"An extract from the minutes.

"Attest:

"CHARLES S. WEYMAN,
"Resident Secretary."

In communicating this action of the Club, embodying so high a tribute to your eminence as a publicist, and which, I trust, will secure to the approaching Convention the benefit of your valuable suggestions, I beg to add that the Publication Committee will be requested immediately to advise with you upon the subject with which they are charged by the resolution.

I am, dear sir,

With great respect,

Faithfully yours,

JOHN JAY,

President, &c.

TO FRANCIS LIEBER, LL.D.,
New York.

It was 1865 and Lieber was still doing what he could to support the Union. His resolution went as follows: “declared that there should be no peace, and no peace conference, except upon the following terms, distinctly and plainly laid down and defined, namely: No armistice on any account; No foreign mediation; No slavery; No assumption of the Southern Debt; No state rights inconsistent with the supreme and paramount authority of the Union, and, above all, no right of secession; No diminution of our country by one inch of land or one drop of water. ³⁴” His plan showed what the results of his hardships in Germany and his education in the United States had done. And with that in mind and through his contacts with General Halleck, General Bates, Charles Sumner, and the Loyal Publication Society, Lieber hoped to influence yet again, both leaders and citizens, ultimately contributing to the solution of the nation’s problem which was the Civil War.

Francis Lieber went through the Civil War with a desire for the Union to prevail victorious with the right government to support it in the end. He managed to do all of this without including his personal life, or emotional involvement. Not to mention the fact that he was a reluctant supporter of President Lincoln. But even in Francis Lieber’s case, the President’s assassination angered him and that led to the push for harsh treatment of the South. He even went as far as calling for the reinstatement of the draft and a clean sweep of the South. In a letter to General Halleck, he professed “Drive the fiends from our soil and let Grant be a stern uncompromising man of the sword, and sword alone, until the masses in the States rise against their own fiends and hang them or drive them out, and until the masses offer themselves, re-revolutionized, back to the Union, freed from slavery and assassins and secret society. ³⁵” At this point, Francis Lieber’s pen ran out of ink in the government’s eyes. Of course Lieber kept writing and continued his position at Columbia University, but once he let his emotions or anything at that matter, fog up his clear ideology, he was just another citizen with opinions of its government.

Francis Lieber without a shadow of a doubt, contributed tremendously to the American Civil War without ever holding an official government position. Through an analysis of his letters and events following, no one can argue that without Lieber, the

³⁴ Dyer, 461.

³⁵ Dyer, 461-462.

war could have turned out to be quite different. Being the man people turn to for help and staying humble as Lieber did, helped cement his efforts during the Civil War. His lasting impact includes the Code for the Government of Armies in the Field, which set the stepping stones for conventions governing the behavior of troops during times of war or conflict. Hopefully the leaders of today look back on his philosophies and learn from the time he spent helping the government. Francis Lieber is a perfect example of what dedication and education can get you in the United States Of America.

Bibliography

Primary Sources:

Francis Lieber, letter to Charles Sumner, 29 November 1861.

George B. Davis, "Doctor Francis Lieber's Instruction for the Government of Armies in the Field," *The Journal of International Law*, vol. 1, no. 1 (January - April 1907): 17.

Francis Lieber, letter to Charles Sumner, 8 January 1864.

Francis Lieber, letter to General Halleck, 30 June 1864.

Francis Lieber, letter to General Halleck, 1 September 1864.

Francis Lieber, letter to Charles Sumner, 11 December 1864.

John Jay, letter to Francis Lieber, 16 May 1867.

Secondary Sources:

Freidel, Frank. "Francis Lieber, Nineteenth Century Liberal." *The Journal of Negro History*, vol. 33 No.3 (July 1948): 358-361.

Dyer, Brainerd. "Francis Lieber and the American Civil War." *Huntington Library Quarterly*, vol. 2, no. 4. (July 1939): 449-465.

Davis, George B. "Doctor Francis Lieber's Instruction for the Government of Armies in the Field." *The Journal of International Law*, vol. 1, no. 1 (January - April 1907): 13-25.

Perry, Thomas S., ed. *The Life and Letters of Francis Lieber*. Boston: James R. Osgood, 1882.