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**General orders, no. 91. Headquarters, Department of the Gulf,
New Orleans, December 30, 1863.**

United States. Army. Department of the Gulf.

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GENERAL ORDERS }
No. 91. }

HEADQUARTERS, DEPARTMENT OF THE GULF,

New Orleans, December 30, 1863.

I. The following Proclamation of the President of the United States is published for the information of all concerned :

PROCLAMATION.

Whereas, In and by the Constitution of the United States, it is provided that the President shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment ; and

Whereas, A rebellion now exists, whereby the loyal States and governments of several States have for a long time been subverted, and many persons have committed and are now guilty of treason against the United States ; and

Whereas, With reference to said rebellion and treason, laws have been enacted by Congress, declaring forfeitures and confiscation of property and liberation of slaves, all upon terms and conditions therein stated, and also declaring that the President was thereby authorized, at any time thereafter, by proclamation, to extend to persons who may have participated in the existing rebellion in any State, or part thereof, pardon and amnesty, with such exceptions, and at such time and on such conditions as he may deem expedient for the public welfare ; and

Whereas, The Congressional declaration for limited and conditional pardon accords with well established judicial expositions of the pardoning power ; and

Whereas, With reference to said rebellion, the President of the United States has issued several proclamations with provisions in regard to the liberation of slaves ; and

Whereas, It is now desired by some persons, heretofore engaged in said rebellion, to resume their allegiance to the United States, and to inaugurate loyal State governments within and for their respective States—

Therefore, I, ABRAHAM LINCOLN, President of the United States, do proclaim, declare and make known to all persons who have directly, or by implication, participated in the existing rebellion, except as hereinafter excepted, that a full pardon is granted to them and each of them, with restoration of all rights of property, except as to slaves, and in property cases where the rights of third parties shall have intervened, and upon the condition that every such person shall take and subscribe an oath, and thenceforward keep and maintain said oath inviolate, and which oath shall be registered for permanent preservation, and shall be of the tenor and

effect as follows : "I do solemnly swear, in the presence of Almighty God, that I will henceforth faithfully support, protect and defend the Constitution of the United States and the Union of the States thereunder, and that I will in like manner abide by and faithfully support all acts of Congress passed during the existing rebellion with reference to slaves, so long and so far as not repealed, modified or held void by Congress, or by decision of the Supreme Court ; and that I will in like manner abide by and faithfully support all proclamations of the President made during the existing rebellion having reference to slaves, so long and so far as not modified or declared void by decision of the Supreme Court. So help me God."

The persons excepted from the benefits of the foregoing provisions, are all who are or shall have been civil or diplomatic officers or agents of the so-called Confederate States, and all who have left judicial stations under the United States to aid the rebellion, and all who are or shall have been military or naval officers of said so-called Confederate government above the rank of colonel in the army or lieutenant in the navy, and all who left seats in the United States Congress to aid in the rebellion, and all who resigned their commissions in the army and navy of the United States, and afterwards aided the rebellion, and all who have engaged in any way in treating colored persons, or white persons in charge of such, other than as prisoners of war, and which persons may have been found in the United States service as soldiers or seamen, or in any other capacity ; and I do further proclaim, declare and make known, that whenever, in any of the States of Arkansas, Texas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida, South Carolina and North Carolina, a number of persons, not less than one-tenth in number of the votes cast in such State at the Presidential election of the year of our Lord 1860, each having taken the oath aforesaid, and not having since violated it, and being a qualified voter by the election law of the State existing immediately before the so-called act of secession, and excluding all others, shall re-establish a State government which shall be Republican, and in no wise contravening said oath, which shall be recognized as the true government of the State ; and the State shall receive thereunder the benefit of the constitutional provision which declares that the United States shall guarantee to every State in this Union a Republican form of government, and shall protect each of them against invasion, on application of the legislature, or of the executive, when the legislature cannot be convened, against domestic violence. I do further proclaim, declare and make known, that any provision which may be adopted by each State government, in relation to the freed people of such State, which shall recognize and declare their permanent freedom and provide for their education, and which may yet be consistent, a temporary arrangement with their present condition as a laboring, landless and houseless class, will not be objected to by the national executive. And it is engaged, as not improper, that in constructing a loyal State government, in any State, the name of the State, the boundary, the subdivision, the constitution and the general code of laws, as before the rebel-

tion, be maintained, subject only to modifications made necessary by the conditions hereinbefore stated, and such others, if any, not contravening said conditions, which may be deemed expedient by those framing the new State government. To avoid misunderstanding, it may be proper to say that this proclamation, so far as it relates to State governments, has no reference to States wherein] loyal State governments have all the while been maintained, and for the same reason it may be proper to further say, that whether members sent to Congress from any State shall be admitted to seats, constitutionally rests exclusively with the respective Houses, and not to any extent with the executive; and, still further, that this proclamation is intended to present to the people of the States wherein the national authority has been suspended and loyal State governments have been subverted, a mode in and by which the national authority over every loyal State government may be re-established within said States, or in any of them, and while the mode presented is the best the executive can suggest with his present impressions, it must not be understood that no other possible mode would not be accepted.

Given under my hand at the City of Washington, the 8th day of December, A. D. 1863, and of the independence of the United States of America the eighty-eighth.

[Signed]

ABRAHAM LINCOLN.

WM. H. SEWARD, *Secretary of State.*

II. The following extract from the annual message of the President to Congress, is also published for the information of the people.

"When Congress assembled a year ago, the war had already lasted nearly twenty months, and there had been many conflicts on both land and sea, with varying results; the rebellion had been pressed back into reduced limits, yet the tone of public feeling and opinion at home and abroad was not satisfactory. With other signs, the popular elections, then just passed, indicated uneasiness among ourselves, while, amid much that was cold and menacing, the kindest words coming from Europe were uttered in accents of pity, that we were too blind to surrender a hopeless cause. Our commerce was suffering greatly by a few armed vessels, built upon and furnished from foreign shores, and we were threatened with such additions from the same quarters as would sweep our trade from the sea and raise the blockade. We had failed to elicit from European governments anything hopeful on this subject.

The preliminary emancipation proclamation, which was issued in September, was running its assigned period to the beginning of the new year. A month later the final proclamation came, including the announcement that colored men of suitable condition would be received in the war service. The policy of emancipation and of em-

ploying black soldiers gave to the future a new aspect, about which hope and fear and doubt contended in uncertain conflict. According to our political system, as a matter of civil administration, the Government had no lawful power to effect emancipation in any State, and for a long time it had been hoped that the rebellion could be suppressed without resorting to it as a military measure. It was all the while deemed possible that the necessity for it might come, and that if it should, the crisis of the contest would then be presented. It came, and as was anticipated, it was followed by dark and doubtful days. Eleven months having now passed, we are permitted to take another review. The rebel borders are pressed still further back, and by the complete opening of the Mississippi, the country dominated by the rebellion is divided into distinct parts, with no practical communication between them. Tennessee and Arkansas have been substantially cleared of rebel control, and influential citizens in each, owners of slaves and advocates of slavery at the beginning of the rebellion, now declare openly for emancipation in their respective States. Of the States not included in the emancipation proclamation, Maryland and Missouri, neither of which three years ago would tolerate any restraint upon the extension of slavery into the new territories, only dispute now as to the best mode of removing it within their own limits. Of those who were slaves at the beginning of the rebellion, full one hundred thousand are now in the United States military service, about one-half of which number actually bear arms in the ranks, thus giving the double advantage of taking so much labor from the insurgent cause, and supplying the places which otherwise must be filled with so many white men. So far as tested, it is difficult to say they are not as good soldiers as any. No servile insurrection, or tendency to violence or cruelty has marked the measures of emancipation and arming the blacks. These measures have been much discussed in foreign countries, and cotemporary with such discussions the tone of public sentiment there is much improved. At home the same measures have been fully discussed, supported, criticised and denounced, and the annual elections following are highly encouraging to those whose official duty it is to bear the country through this great trial. Thus we have the due reckoning. The crisis which threatened to divide the friends of the Union is past. Looking now to the present and future, and with reference to a resumption of national authority within the States wherein that authority has been suspended, I have thought it fit to issue a proclamation—a copy of which is herewith transmitted. On examination of this proclamation, it will appear, (as is believed,) that nothing is attempted beyond what is amply justified by the constitution. True, the form of an oath is given, but no man is coerced to take it. The man is only promised a pardon in case he voluntarily takes the oath. The constitution authorizes the executive to grant or withhold the pardon at his own absolute discretion, and this includes the power to grant on terms, as is fully established by judicial and other authorities. It is also proffered that if in any of the States named a State government shall be recognized and guaranteed by

the United States, and that under it the State shall, on the constitutional conditions, be protected against invasion and domestic violence. The constitutional obligation of the United States to guarantee to every State in the Union a republican form of government, and to protect the State in the cases stated, is explicit and full. But why tender the benefits of this provision only to a State government set up in this particular way? This section of the constitution contemplates a case wherein the element within a State favorable to a republican form of government in the Union may be too feeble for an opposite and hostile element, external to and even within the State, and such are precisely the cases with which we are now dealing. An attempt to guarantee and protect a revived State government, constructed in whole or in preponderating parts from the very element against whose hostility and violence it is to be protected, is simply absurd. There must be a test by which to separate the opposing elements, so as to build only from the sound, and that test is a sufficiently liberal one which accepts as sound whoever will make a sworn recantation of his former movements. But if it be proper to require, as a test of admission to the political body, an oath of allegiance to the United States, and the Union under it, why not also to the laws and proclamations in regard to slavery? Those laws and proclamations were enacted and put forth for the purpose of aiding in the suppression of the rebellion. To give them the fullest effect there had to be a pledge for their maintenance. In my judgment they have aided, and will further aid, the cause for which they were intended. To now abandon them, would be not only to relinquish a lever of power, but would also be a cruel and astounding breach of faith. I may add, at this point, that while I remain in my present position, I shall not attempt to retract or modify the emancipation proclamation, nor shall I return to slavery any person who is free by the terms of that proclamation, or by any of the acts of Congress. For these and other reasons, it is thought best that support of these measures shall be included in the oath, and it is believed the executive may lawfully claim it in return for pardon and restoration of forfeited rights, which he has a clear constitutional power to withhold altogether, or grant upon the terms which he shall deem wisest for the public interest. It should be observed, also, that this part of the oath is subject to the modifying and abrogating power of legislation and supreme judicial decision. The proposed acquiescence of the national executive in any reasonable temporary State arrangement for the freed people, is made with the view of possibly modifying the confusion and destitution which must at best attend all classes by a total revolution of labor throughout the whole States. It is hoped that the deeply affected people in those States may be somewhat more ready to give up the cause of their affliction, if to this extent the vital matter is left to themselves, while no power of the national executive to prevent an abuse is abridged by the proposition. The suggestion in the proclamation as to maintaining the political framework of the States on what is called reconstruction, is made in the hope that it may do good without danger of harm. It will

save labor and avoid great confusion ; but why any proclamation now upon the subject? This subject is beset with the conflicting views that the step might be delayed too long, or be taken too soon. In some States the elements for resumption seem ready for action, but remain inactive—apparently for want of a rallying point—a plan of action. Why shall A adopt the plan of B, rather than B that of A? And if A and B should agree, how can they know but that the General Government here will reject their plan? By the proclamation, a plan is presented which may be accepted by them as a rallying point, and which they are assured in advance will not be rejected here. This may bring them to act sooner than they otherwise would. The objections to a premature presentation of a plan by the national executive, consists in the danger of committing itself on points which could be more safely left to further developments. Care has been taken to so shape the document as to avoid embarrassment, from this source, saying that on certain terms certain classes will be pardoned, with rights restored. It is not said that other classes or other terms will never be included. Saying a reconstruction will be accepted, if presented in a specified way. It is not said it will never be accepted in any other way.

The movement by State action for emancipation in several of the States not included in the emancipation proclamation, are matters of profound gratulation. And while I do not repeat in detail what I have heretofore so earnestly urged upon this subject, my general views and feelings remain unchanged; and I trust that Congress will omit no fair opportunity of aiding these important steps to the great consummation. In the midst of other cares, however important, we must not lose sight of the fact that the war power is still our main reliance. To that power alone can we look yet for a time to give confidence to people in contested regions, that insurgent power will not again overrun them. Until that confidence shall be established, little can be done anywhere for what is called reconstruction. Hence, our chiefest care must still be directed to the army and navy, which have thus far borne their harder part so nobly and well ; and it may be esteemed fortunate that in giving the greatest efficiency to these indispensable arms, we do honorably recognize the gallant men, from commander to sentinel, who compose them, and to whom, more than to others, the world must stand indebted for the home of freedom, disenfranchised, regenerated, enlarged and perpetuated.

ABRAHAM LINCOLN.

December 8th, 1863.

III. Persons desiring to avail themselves of the amnesty above proclaimed by the President, will report themselves to the nearest Provost Marshal and subscribe to the prescribed oath.

The Provost Marshal General will give the necessary instructions to his subordinates.

BY COMMAND OF MAJOR GENERAL BANKS :

G. NORMAN LIEBER,

Acting Assistant Adjutant General.

OFFICIAL :

Acting Assistant Adjutant General.