

Abraham Lincoln-Mock Congressional Hearing¹
Summer Institute 2022
Power in America's Republic
The Framers' Plan and History's Response

Time slot: 9:45-11:45

Revised simulation directions:

The purpose of this mock congressional simulation is to bring forward and discuss the long-debated question, *“Did President Lincoln violate the Constitution in 1861 when, in his efforts to preserve the Union, he suspended habeas corpus with no scheduled end and established Martial Law without Congressional authorization? (See complete prompt below)*

For academic debating purposes the individual members of three mentor teams will be combined to form a *Group*. Each *Group* has been assigned a position, either supporting or refuting the evidence that President Abraham Lincoln usurped his executive authority, violating the U.S. Constitution when he suspended habeas corpus during the Civil War. *(See complete prompt below)*

Collectively, through diplomatic conversation each Group may decide how best to use their individual members. Some may choose to present the position paper, while others may elect to defend the group facts and evidence as presented. The choice is up to each group. However, each Group is allocated **5 minutes** for the prepared statement and **10 minutes** for judges to pose follow up questions.

Judging: While each Group is presenting, the mentors of the non-presenting teams will evaluate each presentation on historical accuracy, constitutional reference and application and strength of argument. Upon completion, the judges will summarize their findings. There will be no winner or loser, this is an academic argument.

Time frame sequence: (Hearing schedule)

9:45-10:00 AM	Introduction and overview of simulation followed by Q & A.
10:00-10:30 AM	Group discussion and preparation
10:35-10:50 AM	Group One argues Lincoln did not violate the U.S. Constitution
10:50-10:55 AM	Feedback from judges
11:00-11:15 AM	Group Two argues Lincoln did violate the U.S. Constitution
11:15-11:20 AM	Feedback from judges
11:21-11:30	Debrief, benefits, challenges and application to local curriculum.

¹ Revised June 21, 2022;RES

Assignment of teams:

Group One will consist of individuals from the following mentors: Wells, Baumgartner and Charles.

Group Two will consist of individuals from the following mentors: Boesch, McGuinn and Newton

Complete Prompt:

Did President Lincoln violate the Constitution in 1861 when, in his efforts to preserve the Union, he suspended habeas corpus with no scheduled end and established Martial Law without Congressional authorization?

- Lincoln said to Lyman Trumbull *"I do not know of any law to authorize some of the things I did, but there was a necessity for them, & that to save the Constitution & the laws generally, it might be better to do some illegal acts, rather than suffer all to be overthrown."* Do you agree or disagree with Lincoln?
- Due to the unprecedented crisis caused by the Civil War and lack of legal precedent was Lincoln's interpretation of Article I, section 9 of the Constitution and his authority as Commander-in-chief justified?

Potential arguments and reference: (Groups are not limited to these references)

The following graphic organizer has been provided to help your team with compiling initial data to support both positions. You are not limited to these statements and are free to research other facts/data. Be advised, all information included in your presentation must be defensible, accurate and based upon presidential actions and/or constitutional and legal interpretation.

Arguments in support of Lincoln's actions	Arguments against Lincoln's actions
<ul style="list-style-type: none">• "Taking it for granted, therefore, that all men of sense will agree in the necessity of an energetic executive..." (Federalist 70, A. Hamilton)• Lincoln contended that he removed the Writ of Habeas Corpus to ensure victory and preserve the union.• Due to the unprecedented crisis caused by the Civil War and lack of legal precedent, was Lincoln's interpretation of Article I, section 9 of the Constitution and his authority as Commander-in-chief justified?	<ul style="list-style-type: none">• Lincoln suspended the Writ of Habeas Corpus and upheld the Declaration of Independence above the Constitution.• In September of 1862, Lincoln removed the writ, it also established Martial Law. It gave full power to close down "hostile, antiwar newspapers," and to arrest individuals for protesting the war.• Roger Taney, Supreme Court Chief Justice, contended that Article I of the Constitution declares: "a state of

<ul style="list-style-type: none"> • Congress was not in session and Lincoln was forced to act on “sheer assumption of presidential power.” 	<p>rebellion is the only time when Congress could declare the writ removed.”</p> <ul style="list-style-type: none"> • The power to suspend the Writ, Article I, section 9 of the Constitution, the “describing congressional duties”
--	---

Sources:

<https://www.loc.gov/item/02017129/>

<https://www.abrahamlincolnsclassroom.org/abraham-lincoln-in-depth/abraham-lincoln-and-power/>

<https://supreme.findlaw.com/legal-commentary/did-lincoln-violate-the-constitution.html>

<https://www.heritage.org/defense/report/abraham-lincoln-and-civil-liberties-wartime>

<https://www.abbevilleinstitute.org/the-dark-side-of-abraham-lincoln/>

<https://billofrightsinstitute.org/units/presidents-and-the-constitution-volume-1>

Judges Sheet:

	Positives	Suggestions
Understanding of prompt		
Constitutional reference and application		
Reasoning of prepared statement		
Supporting evidence		
Participation of group members		
Combined presentation and defense		