**THE EMANCIPATION PROCLAMATION**

**Delivered on January 1, 1863** [[1]](#footnote-1)

By the President of the United States of America:

Whereas, on the twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-two, a proclamation was issued by the President of the United States, containing, among other things, the following, to wit:

"That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free;[[2]](#footnote-2) and the Executive Government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.[[3]](#footnote-3)

"That the Executive will, on the first day of January aforesaid, by proclamation, designate the States and parts of States, if any, in which the people thereof, respectively, shall then be in rebellion against the United States; and the fact that any State, or the people thereof, shall on that day be, in good faith, represented in the Congress of the United States by members chosen thereto at elections wherein a majority of the qualified voters of such State shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such State, and the people thereof, are not then in rebellion against the United States."[[4]](#footnote-4)

Now, therefore I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as Commander-in-Chief, of the Army and Navy of the United States in time of actual armed rebellion against the authority and government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and in accordance with my purpose so to do publicly proclaimed for the full period of one hundred days, from the day first above mentioned, order and designate as the States and parts of States wherein the people thereof respectively, are this day in rebellion against the United States, the following, to wit:

Arkansas, Texas, Louisiana, (except the Parishes of St. Bernard, Plaquemines, Jefferson, St. John, St. Charles, St. James Ascension, Assumption, Terrebonne, Lafourche, St. Mary, St. Martin, and Orleans, including the City of New Orleans) Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia, (except the forty-eight counties designated as West Virginia, and also the counties of Berkley, Accomac, Northampton, Elizabeth City, York, Princess Ann, and Norfolk, including the cities of Norfolk and Portsmouth[)], and which excepted parts, are for the present, left precisely as if this proclamation were not issued.

And by virtue of the power, and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States, and parts of States, are, and henceforward shall be free; and that the Executive government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary self-defence; and I recommend to them that, in all cases when allowed, they labor faithfully for reasonable wages.

And I further declare and make known, that such persons of suitable condition, will be received into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

And upon this act, sincerely believed to be an act of justice, warranted by the Constitution, upon military necessity, I invoke the considerate judgment of mankind, and the gracious favor of Almighty God.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this first day of January, in the year of our Lord one thousand eight hundred and sixty three, and of the Independence of the United States of America the eighty-seventh.

By the President: ABRAHAM LINCOLN
WILLIAM H. SEWARD, Secretary of State.

1. The Emancipation Proclamation actually consisted of two executive orders. What is an executive order? How does it differ from a law?

The first executive order, issued shortly after the Battle of Antietam in September of 1862, called for the designation in January of 1863 of all the states that remained in rebellion and decreed that all slaves in those rebelling states would be free. The text before you here is the second executive order issued in January of 1863 that restates the order of 1862 and took the next step of detailing the states in rebellion. Does this executive order end slavery everywhere in the Union or only free the slaves in the rebelling states? In other words, might it be the case here that the Emancipation Proclamation freed the slaves in the rebelling states but did not outlaw slavery? [↑](#footnote-ref-1)
2. Remember that this paragraph is part of the original executive order. To which states does this apply? States in the Union that didn’t secede? States in the Confederacy? What about states that had seceded from the Union that the Union Army had occupied during the course of the War and returned to the Union? [↑](#footnote-ref-2)
3. This seems a rather odd way to describe the process of making the slaves free doesn’t it? According to this statement, what is it specifically that the President has committed the Union forces to do with regard to freeing the slaves? What constitutes “freedom” by this characterization of free? By whose power are they protected in their freedom? What is the implication of this? [↑](#footnote-ref-3)
4. This paragraph, again, that appeared in the preliminary executive order, gives the Southern states an opportunity to make a choice. What is the choice and what is the connection between the first paragraph and this paragraph? Might it be possible for a rebelling state to choose to rejoin the Union and preserve slavery within its borders pursuant to this paragraph? [↑](#footnote-ref-4)