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Abraham Lincoln: Was it necessary to suspend Habeas corpus?

According to *Black’s Law Dictionary* habeas corpus is defined as “A writ employed to bring a person before a court, most frequently to ensure that the party’s imprisonment or detention is not illegal.” (Garner (Ed.) pg. 728)

President Abraham Lincoln was inaugurated the sixteenth President of the United States of America on March 4, 1861(Rehnquist pg. 11). During President Lincoln’s inaugural address on the day of March 4, 1861 he stated that no state within the Union had the legal authority to secede under from the Union under the United States Constitution (Rehnquist pg. 11). When President Abraham Lincoln took the office of the Presidency on that March 4 day in 1861 he wasn’t off to a very good start. It was at first no fault of his own to the rocky road that was ahead of him, and the nation. When Lincoln first took the office of the presidency he didn’t have the period of grace that most presidents experience. The period of grace that other presidents had experience during their first couple months in office was interrupted by Major Robert Anderson’s dreadful news that Fort Sumter which is located off Charleston, South Carolina had supplies that would only last a couple of weeks. The longest the fort and the federal troops could stretch their supplies to was a little more than a month (Rehnquist pg. 12).

From the position that Fort Sumter was at off the harbor in Charleston, South Carolina, it would have been divested by Confederate artillery (Rehnquist pg. 12). Also, Fort Sumter needed more troops to defend it from the Confederates. The number that was given to defend the foot was estimated at twenty thousand troops (Rehnquist pg. 12). The Union began an uphill battle from the start of the war. They were not already hurting for more supplies to be sent as quickly as possible to Fort Sumter whose supplies were dwindling by the day. Lincoln had another problem thrown on his plate when Confederate forces were not allowing any type of supplies from the Union to enter and resupply Fort Sumter (Rehnquist pg. 12). Earlier that year Confederate forces had fired on Union ships that were carrying supplies to Fort Sumter. For President Abraham Lincoln at this point in time looked like there was going to be no easy fix to the growing “treasonous speech” or “treasonous acts.” Lincoln’s actions to the matter and how he responded with them made the reactions even more intense throughout the South (Rehnquist pg. 12).

During this critical point in time some of the states that would ultimately leave the Union and join the Confederacy where still a part of the Union. These were known as the Upper South comprising the states of Tennessee, Arkansas, North Carolina, and Virginia (Rehnquist pg. 13). The states that made up the Upper South were playing possum where if the Union would attack the Deep South they would leave the Union and join the Confederacy. They knew what they wanted to do the entire time from the moment that Lincoln took office. They wanted President Lincoln to believe that the federal government had enough territory between the Confederate enemy and Washington D.C. (Rehnquist pg. 13).

Along with the states of the Upper South, there were three states that made up the Border States consisting of Maryland, Kentucky, and Missouri. The Border States were still slave states like the states in the Upper South, and the Deep South. But, the main difference was the idea of leaving the Union and joining the Confederacy to fight under the Stars and Bars. Public opinion in the Border States was divided equally when it came to the issue of leaving the Union (Rehnquist pg. 14). The nation’s capital of Washington D.C. had a lot to worry about if both Virginia, and Maryland both left the Union, and fought under the flag of the Confederacy. Their main concern was about Maryland leaving the Union. If Maryland would have voted to secede from the Union, and join the Confederacy this would mean that Confederate territory was just right across the river from Washington D.C. This would have dealt kind of a death blow to the morale of the Union. The Union’s effort to crush the Confederacy in battle would have taken a serious hit (Rehnquist pg. 14).

The situation that President Lincoln was facing early in his presidency went from bad to worse when General P.G.T. Beauregard sent a note to Major Anderson telling him to surrender Fort Sumter over to the Confederate forces. When Major Anderson refused General P.G.T. Beauregard request to surrender Confederate forces opened up, and leveled Fort Sumter on the days of April 12, and April 13, 1861. On April 14th Major Anderson and the rest of the Union forces had taken enough shelling from the Confederates, and surrendered to the Confederates that bombarded them for the past two days. Fort Sumter was now in the hands of the Confederacy (Rehnquist pg. 15).

On April 15, 1861 President Abraham Lincoln made his first announcement for troops to stand up, and fight to defend the Union. With the president’s call to arms on April 15, 1861 a national rally around the flag took place in the North. Veterans of past wars came out to support the president. There were funds raised for the troops, and their families. Crowds of people sang national songs (Rehnquist pg. 16). In the states of the Upper South, and the Border States there was a much different reaction to the president’s call to arms to defend the Union. Those states in the Upper South, and the Border States didn’t send the president any troops. Virginia went as far not just to refuse to send troops, but they voted to leave the Union, and join the rest of the states in the Deep South as part of the Confederacy (Rehnquist pg. 17). On May 21, 1861 the state of North Carolina which was one of the states that made up the Upper South followed Virginia, and seceded from the Union to fight under the Stars and Bars of the Confederacy. Arkansas which was also classified as a state in the Upper South seceded from the Union on May 6, 1861. But, Arkansas had voted to secede from the Union in March of that year but failed by a very narrow margin (Rehnquist pg. 17-18). On April 18, 1861 troops arrived in Washington D.C. to adhere to the president’s call to arms (Rehnquist pg. 18).

The Governor of Maryland at the time when Lincoln took office in 1861 was a man by the name of Thomas Hicks. Governor Hicks was sympathetic with the Union cause but he did so in a way that the citizens of the state would not know since many of the state’s citizens were Southern Sympathizers (Rehnquist pg. 20). Governor Hicks only wanted the militia of Maryland to be used in Maryland or Washington D.C. (Rehnquist pg. 20). The citizens of Maryland didn’t want anything to do with either their Governor of President Lincoln. Federal troops that were to be sent to Washington D.C. to defend the capital were placed on railroad cars in Baltimore to make the trip to Washington D.C. The citizens didn’t take lightly to federal troops in the city. The citizens broke the glass of one of the railroad cars. The Union soldiers that were on board were forced to fight their way through the mob of angry Confederate Sympathizers (Rehnquist pg. 20-21). Even the mayor of Baltimore tried to calm the crowd by walking with the troops. Unfortunately, that didn’t lead to anyone in the crowd or the angry mob from calming down. It leads the citizens to throw stones at the soldiers. The soldiers didn’t take too kindly from being on a railroad car that the windows were smashed in by angry citizens, and now they were having stones thrown at them. They responded in one way they knew would work. The soldiers fired into the crowd while the citizens were still throwing stones (Rehnquist pg. 21). At the end of the skirmish between angry citizens of Baltimore, and federal troops the troops had made it to their destination which was Camden station where from there they were to be sent to Washington D.C. (Rehnquist pg. 21). Lives were lost on that day. The total death count was four federal soldiers, and twelve civilians of Baltimore (Rehnquist pg. 21).

As a result of the twelve civilians being killed by federal troops, and with the level of Confederate Sympathizers in the state there were calls to fight the federal forces (Rehnquist pg. 21). To prevent federal military troops from coming into Baltimore again Governor Hicks burned the railroad bridges north of Baltimore. This led up to the decision that they didn’t want any federal troops to set a single foot inside the state of Maryland (Rehnquist pg. 21-22).

As a result of the activities taken by the Confederate Sympathizers in the city of Baltimore, and the actions of the so called Union sympathizer Governor Hicks burning some of the railroad bridges in his own state did the very idea of suspending the writ of habeas corpus enter into Lincolns mind (Rehnquist pg.22-23).

When President Lincoln first learned the news of the meeting with the leaders of the state of Maryland which included Governor Hicks, and Mayor Brown he thought about cutting the meeting a bit short by arresting them. But, after Lincoln discussed the matter with his advisors he had decided against arresting them (Rehnquist pg. 24). President Lincoln stated that they had the legal right to assemble. Also, he stated that there was nothing that they could do if they wanted to assemble, or vote to leave the Union (Rehnquist pg. 24). But, only two days later after saying that it was their constitutional right to assemble, and saying that they could do nothing to stop them if they wished to exercise that constitutional right he had sent an order to General Winfield Scott on April 27, 1861 to suspend habeas corpus. President Lincoln stated that it was not just for public safety, but for the safety of Washington D.C. and the nation (Rehnquist pg. 25).

President Abraham Lincoln formally suspended habeas corpus on May 10, 1861 (Neely Jr. pg. 9). President Lincoln’s reason for suspending the writ of habeas corpus was due to the fact that it was in the Deep South. Also, Florida had long left the Union being one of the first states to join the Confederacy (Neely Jr. pg. 9). President Lincoln believed that the writ of habeas corpus didn’t apply to the states that left the Union to join the Confederacy. He not only believed that the writ of habeas corpus didn’t apply to them anymore, but other liberties under the U.S. Constitution didn’t to apply to them as well. President Lincoln believed that they gave those constitutional rights away when they left the Union, and committed the act of treason against the United States of America (Neely Jr. pg. 10).

President Lincoln had a man by the name of John Merryman arrested. John Merryman was accused of training men from Maryland to join, and fight for the Confederacy (Neely Jr. pg. 10). Chief Justice Taney of the United States Supreme Court didn’t see eye to eye with President Lincoln in how he was suspending the writ of habeas corpus by himself. Chief Justice Taney believed that it was not within President Lincoln’s power to suspend habeas corpus. That was the responsibility of Congress which Lincoln sidestepped completely to violate the United States Constitution (Neely Jr. pg. 10).

President Lincoln wanted to try to do the best that he could to back up his actions of suspending the writ of habeas corpus, and having the Maryland legislators thrown in jail. On July 4, 1861 he had set up a special session with congress to try and defend his actions up to that point (Neely Jr. pg. 11). In his address to Congress the president had stated that his actions up to that point in time whether legal or illegal were what the public wanted. Also, most importantly the actions that he took were for national security in the mind of President Lincoln (Neely Jr. pg. 12).

The man that was given the responsibility to take the presidents order to suspend the writ of habeas corpus, and also given the responsibility to make military arrests of civilians was Secretary of State William H. Seward (Neely Jr. pg. 19). One man was arrested by the federal government for having envelops that had the Confederate motto on them (Neely Jr. pg. 27). Others were arrested by the federal government for making speeches that the Union thought of as treasonous speeches, or speeches from Southern Sympathizers (Neely Jr. pg. 28).

I believe that President Abraham Lincoln was wrong in his actions during the early days of the Civil War. After doing the research I believe that President Lincoln escalated the war by violating the United States Constitution, and calling on states that were in the Upper South to form militias to fight their Southern brothers. President Lincoln had established a bad precedent when he violated the United States Constitution, and suspended habeas corpus. Presidents can look back to his actions when he violated the United States Constitution by suspending the writ of habeas corpus to violate it any ways that they believe will be for national security. The United States Constitution is a sacred document which should never be violated by a president such as Lincoln overstepping his powers, and throwing innocent people in jail.

Reference Page

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