

**The privilege of the writ  
of habeas corpus shall not  
be suspended, unless  
when in cases of rebellion  
or invasion the public  
safety may require it.**

**U.S. Const. art. 1, 9, cl. 2**



**April 19, 1861 Confederate Sympathizers' Attack  
on 6th Massachusetts Regiment in Baltimore**

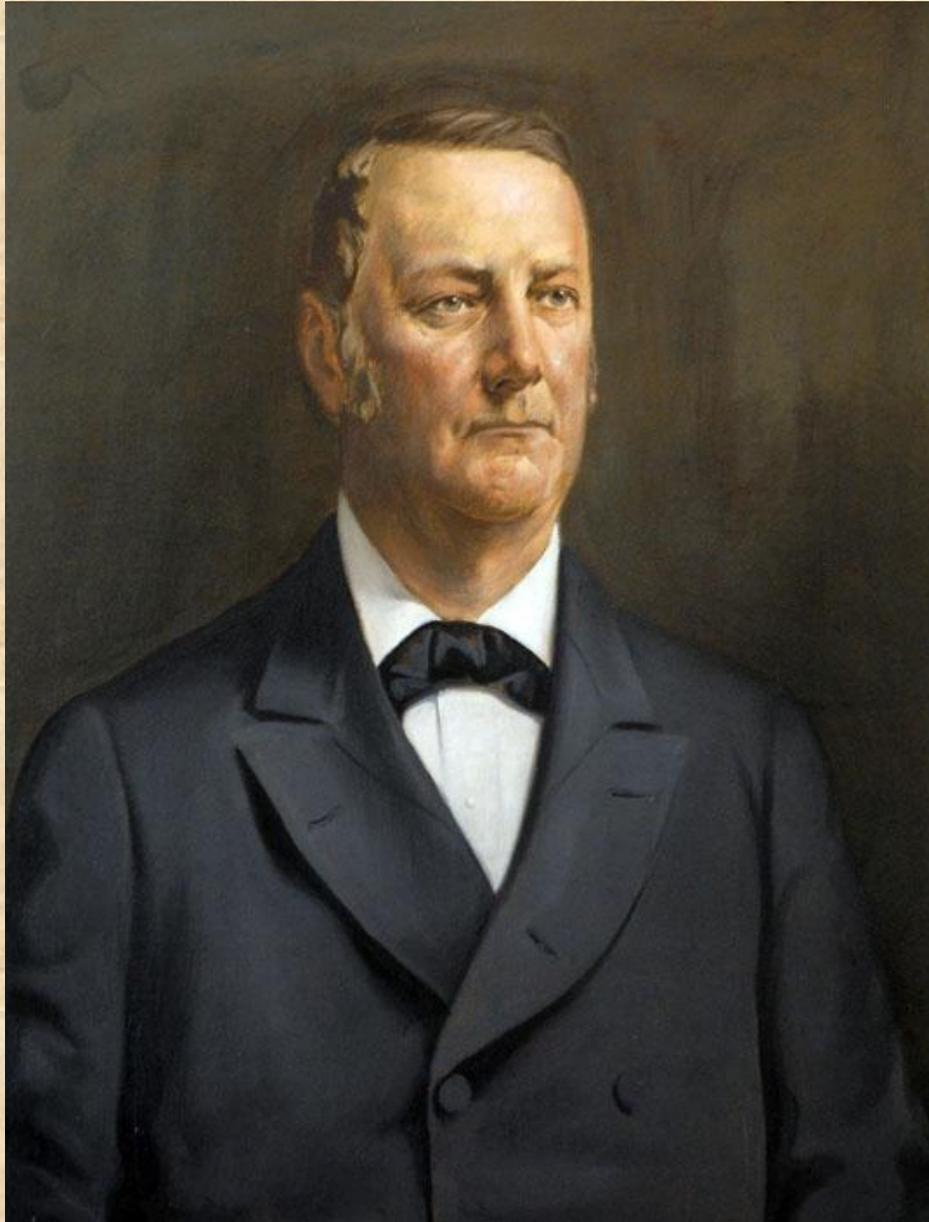
*To the Commanding General of the Army of the United States:*

*You are engaged in suppressing an insurrection against the laws of the United States. If at any point on or in the vicinity of any military line which is now or which shall be used between the City of Philadelphia and the City of Washington you find resistance which renders it necessary to suspend the writ of Habeas Corpus for the Public Safety, you personally, or through the officer in command at the point at which resistance occurs, are authorized to suspend the writ.*

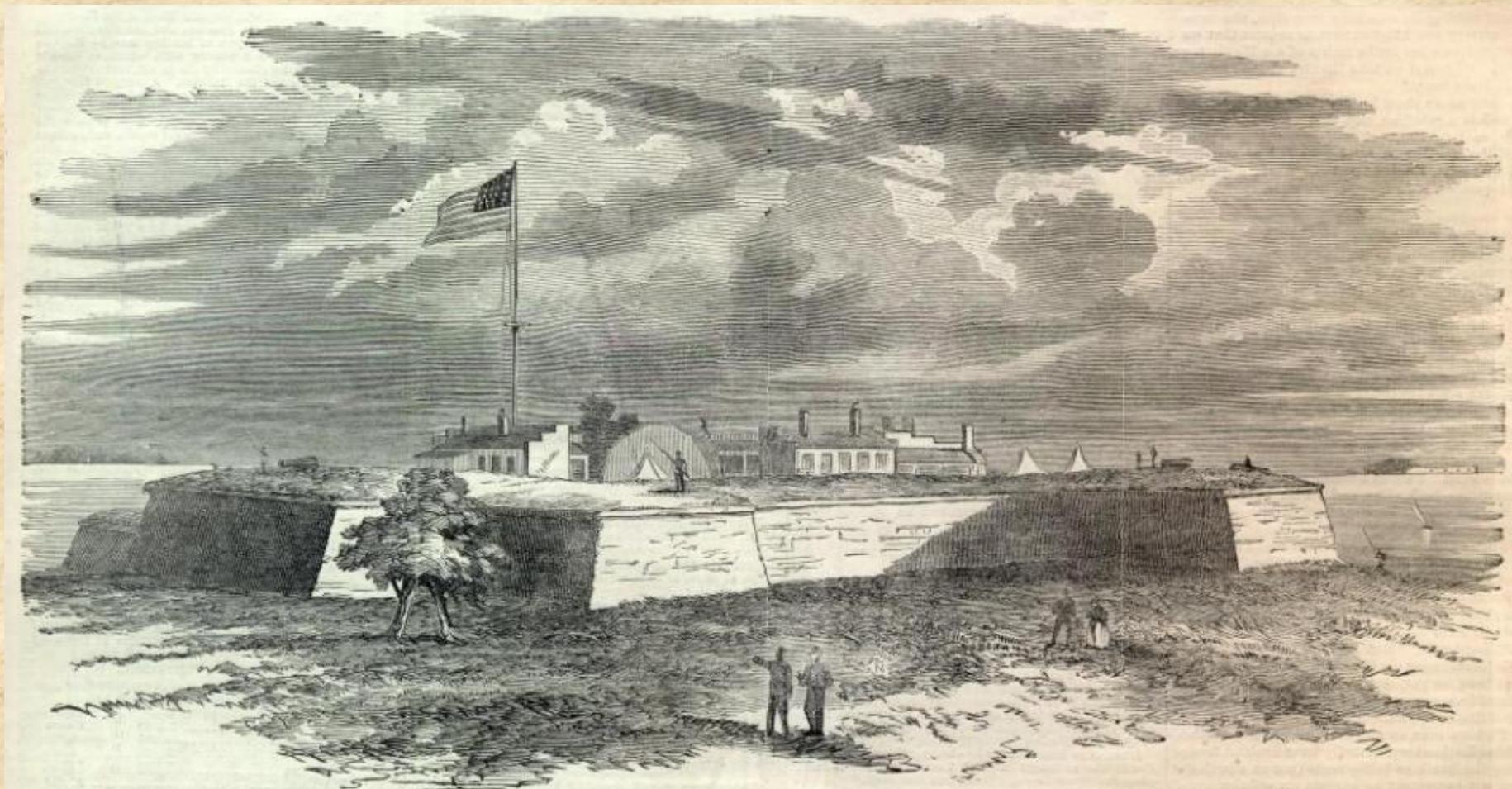
*Given under my hand and the seal of the United States, at the City of Washington, this twenty seventh day of April, 1861, and of the Independence of the United States, the eighty-fifth.*

*Abraham Lincoln.  
By The President of the United States.  
William H. Seward.  
Secretary of State.*

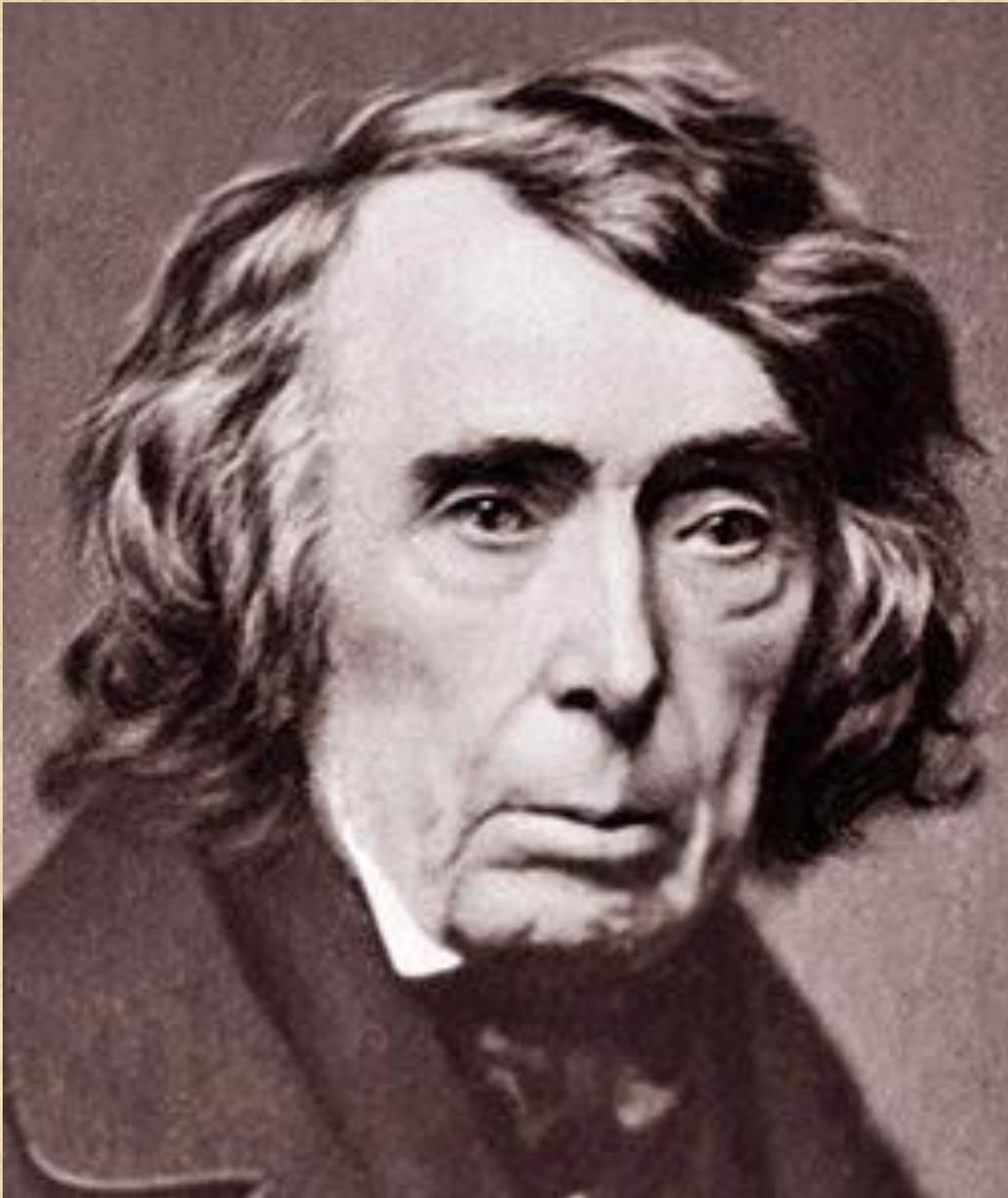
**Exec. Order (Apr. 27, 1861)**



**John  
Merryman**



**Fort McHenry**



**Roger  
Taney**

*... are all the laws but  
one to go unexecuted,  
and the government  
itself go to pieces, lest  
that one be violated? ...*

Abraham Lincoln, Message to Congress (July 4, 1861)

*By the President of the United States of America:  
A Proclamation*

*Whereas it has become necessary to call into service not only volunteers, but also portions of the militia of the States by draft in order to suppress the insurrection existing in the United States, and disloyal persons are not adequately restrained by the ordinary processes of law from hindering this measure and from giving aid and comfort in various ways to the insurrection;*

*Now, therefore, be it ordered, first, that during the existing insurrection, and as a necessary measure for suppressing the same, all Rebels and Insurgents, their aiders and abettors, within the United States, and all persons discouraging volunteer enlistments, resisting militia draft, or guilty of any disloyal practice, affording aid and comfort to Rebels against the authority of the United States, shall be subject to martial law and liable to trial and punishment by Courts Martial or military commission:*

*Second. That the Writ of Habeas Corpus is suspended in respect to all persons arrested, or who are now, or hereafter during the rebellion shall be, imprisoned in any fort, camp, arsenal, military prison, or other place of confinement by any military authority or by the sentence of any Court Martial or Military Commission.*

**Proclamation No. 94 (Sept. 24, 1862)**



**William  
Seward**



**Edwin  
Stanton**



**Clement  
Vallandigham**



**Ambrose  
Burnside**



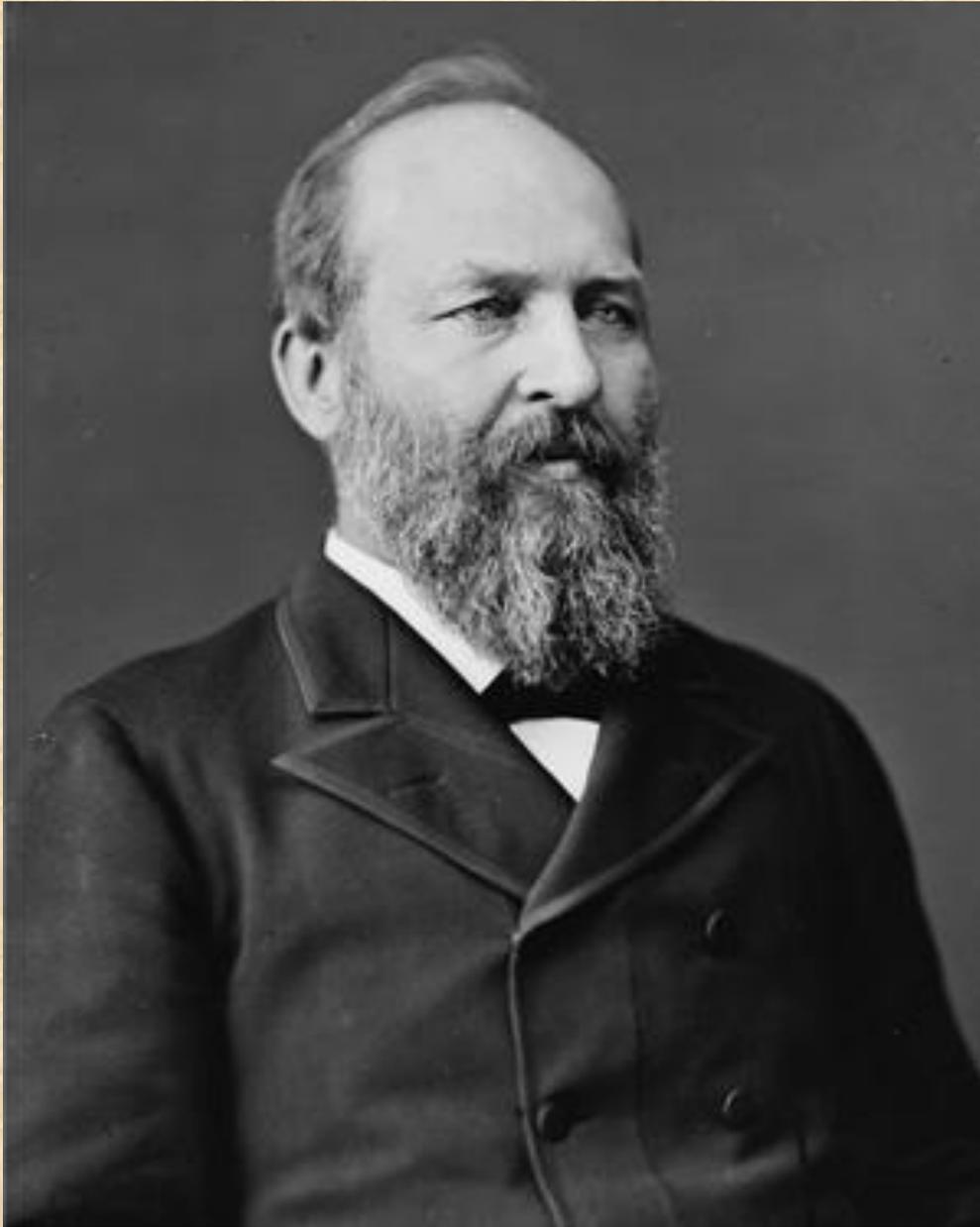
**Lambdin  
Milligan**



**Salmon  
Chase**



**Benjamin  
Butler**



**James  
Garfield**



**David  
Dudley  
Field**



**David  
Davis**

# References

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William Rehnquist, All the Laws but One: Civil Liberties in Wartime. Knopf, 1998 [KF4750 .R44 1998](#) ; Vintage Books, 2000.

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