

The impact of the Civil War

The Civil War brought about a variety of unexpected changes, many of which had a lasting effect. Government took up more powers in order to wage war effectively. Economies had to adapt to supply and equip large armies. Political parties changed, and society had to respond to the demands of war. Devastation caused by death and injuries had to be absorbed. Slavery was abolished, and a way of life in the South that had existed for generations went with it. Few anticipated at the start of the war just how great its impact would be.

Civil liberties

Loss of civil liberties in the North

To win wars, governments often take away many of the rights that citizens usually enjoy. The American Civil War was no exception. The rights and freedoms of Americans are laid out in the Bill of Rights, the first ten Amendments to the Constitution. One of these rights is the freedom from arrest and imprisonment without good reason. If a prisoner feels he has been arrested and detained without good reason, then he can ask the courts to release him by issuing what is known as a 'writ of **habeas corpus**'. However, the Constitution maintains that if there is a 'rebellion or invasion' the courts should not issue these writs.

The Merryman case

The Merryman case is an example of a writ of habeas corpus being ignored by the courts. John Merryman was a Maryland politician who had been involved in the Baltimore riots of April 1861, at the very start of the Civil War. In these riots, thousands of Southern sympathisers stopped US troops from getting to Washington, DC. For a week, the city was cut off from the rest of the USA. As a result, Lincoln suspended habeas corpus along a key railway line in the state of Maryland. John Merryman was placed under military arrest for his role in organising resistance to US forces by committing acts such as cutting telegraph wires. Merryman appealed to Judge Roger B. Taney to issue a writ of habeas corpus and get him released. Taney did so, and waited for the local army general, George Cadwalader, to bring Merryman to him. The general sent one of his colonels instead, who explained that Cadwalader had been authorised by the president to suspend habeas corpus. Taney ordered a court official to bring the general to him the next day, but Cadwalader did not appear. Taney then ruled that the president was acting unconstitutionally.

Lincoln simply ignored Judge Taney, and Congress supported the president. Taney could do nothing. Merryman was soon charged and released on bail, but he was never tried. The suspension of habeas corpus was itself later suspended, but was then introduced again in August 1862. This time, the suspension applied to the whole of the USA. Thousands of people were detained without trial, often for the flimsiest of reasons. In 1863, Congress supported this nationwide suspension. With no means of enforcing his decision, Judge Taney was powerless.

Note:

The Bill of Rights, made up of the first ten Amendments to the US Constitution, lists the rights of all US citizens. These include the right to free speech, the right of assembly and the right to due process of law. The Bill of Rights guarantees more freedom to its citizens than in any other country in the world.

habeas corpus

The right of any person under arrest to appeal to a court of law before being detained; this ensures that no one is held without sufficient legal evidence.

Copperheads

Also known as Peace Democrats, the Copperheads were a group of Democrats who were outspoken in their opposition to the Civil War; their name was a derogatory label given to them by the Republicans, likening these dissidents to the venomous copperhead snake.

The Vallandigham case

With popular support for his use of emergency powers during the war, Lincoln was able to restrict opponents' liberties when he felt it necessary. An example of this was the case of Clement Vallandigham, a politician from Ohio and, until the 1862 elections, a US congressman. Vallandigham became a leading opponent of the conduct of the Civil War. He was the unofficial leader of the **Copperheads**, the name given to Northern Democrats who wanted an early peace with the South.

On 1 May 1863, Vallandigham addressed a crowd of 10,000 in Ohio. He spoke for about two hours in what Lincoln described in a letter as 'words of burning eloquence of the arbitrary measures and monarchical usurpations of the Administration, the disgraceful surrender of the rights and liberties by the last, infamous Congress and the conversion of the government into a despotism'. Five days later, Vallandigham was arrested, accused of breaking a military order prohibiting speeches sympathetic to the South. Soon after, the army also closed down the *Chicago Times* for supporting Vallandigham, using its emergency powers to control the press.

Vallandigham was tried by a military court, which did not have to follow usual legal processes. He applied for a writ of habeas corpus but was refused, as habeas corpus was suspended. The court found Vallandigham guilty and sentenced him to imprisonment until the war was over. A political storm broke out in both Ohio and Washington, DC, where Lincoln's Cabinet ministers opposed the use of the military to limit freedom of speech. Under pressure, Lincoln responded in the following ways:

- He backed the army.
- He exiled Vallandigham to the South rather than put him in prison.
- He overturned the ban on the *Chicago Times*.
- He wrote an open letter to a group that had criticised his actions, in which he defended himself by asking, 'Must I shoot a simple-minded soldier boy who deserts while I must not touch the hair of an agitator who induces him to desert?'

Vallandigham escaped to Canada. In February 1864, the US Supreme Court refused to issue a writ of habeas corpus on Vallandigham's behalf, saying that it had no authority over military commissions. In June 1864 Vallandigham, heavily disguised, returned to the USA. This time, however, the authorities left him alone. He played an important part in the Democratic Party Convention in the autumn of 1864, by which time the Union was clearly winning the war and Lincoln did not feel he was much of a threat.

The Milligan case

Another example of the government removing conventional US civil liberties can be found in the Milligan case. Lamdin P. Milligan was a lawyer and a Peace Democrat. In October 1864, in the Northern state of Indiana, Milligan and four others were arrested and charged with treason. They were alleged