

I. Clement Vallandigham Flays Despotism (1863)

To preserve the Constitution, Lincoln was forced to take liberties with it. His arbitrary acts included a suspension of the writ of habeas corpus, and a consequent imprisonment without trial of scores of Southern sympathizers. Many Democrats in the North—dubbed Copperheads—condemned such highhanded action. The most notorious of these was Clement L. Vallandigham, an eloquent and outspoken critic of this “wicked and cruel” war. He regarded it as a diabolical attempt to end slavery and inaugurate a Republican despotism. Convicted by a military tribunal in Cincinnati of treasonable utterances, he was banished by Lincoln to the Confederacy. After a

short stay, he made his way by ship to Canada. From there he ran for the governorship of Ohio in 1863 and, though defeated, polled a heavy vote. Some two months before his arrest in 1863, he delivered this flaming speech in New York to a Democratic group, assailing the recent act of Congress that authorized the president to suspend habeas corpus during the war. Is this speech treasonable? Should habeas corpus have been suspended?

... [The Habeas Corpus Act] authorizes the President whom the people made, whom the people had chosen by the ballot box under the Constitution and laws, to suspend the writ of *habeas corpus* all over the United States; to say that because there is a rebellion in South Carolina, a man shall not have freedom of speech, freedom of the press, or any of his rights untrammelled in the state of New York, or a thousand miles distant. That was the very question upon which the people passed judgment in the recent [congressional] elections, more, perhaps, than any other question. . . .

The Constitution gives the power to Congress, and to Congress alone, to suspend the writ of *habeas corpus*, but it can only be done in case of invasion or rebellion, and then only when the public safety requires it. And in the opinion of the best jurists of the land, and indeed of every one previous to these times, Congress could only suspend this writ in places actually in rebellion or actually invaded. That is the Constitution. [Cheers.] And whenever this question shall be tried before a court in the state of New York, or Ohio, or Wisconsin, or anywhere else, before honest and fearless judges worthy of the place they occupy, the decision will be that it is unconstitutional.* [Loud applause.] . . .

Was it this which you were promised in 1860, in that grand [Lincoln] “Wide Awake” campaign, when banners were borne through your streets inscribed “Free speech, free press, and free men”? And all this has been accomplished, so far as the forms of the law go, by the Congress which has just expired. Now, I repeat again that if there is anything wanting to make up a complete and absolute despotism, as iron and inexorable in its character, as the worst despotisms of the old world, or the most detestable of modern times, . . . I am unable to comprehend what it is.

All this, gentlemen, infamous and execrable as it is, is enough to make the blood of the coldest man who has one single appreciation in his heart of freedom, to boil with indignation. [Loud applause.] Still, so long as they leave to us free assemblages, free discussion, and a free ballot, I do not want to see, and will not encourage or countenance, any other mode of ridding ourselves of it. [“That’s it,” and cheers.] We are ready to try these questions in that way. But . . . when the attempt is made to take away those other rights, and the only instrumentalities peaceably of reforming and correcting abuses—free assemblages, free speech, free ballot, and free elections—THEN THE HOUR WILL HAVE ARRIVED WHEN IT WILL BE THE DUTY OF FREE MEN TO FIND SOME OTHER AND EFFICIENT MODE OF DEFENDING THEIR LIBERTIES. [Loud and protracted cheering, the whole audience rising to their feet.]

Our fathers did not inaugurate the Revolution of 1776, they did not endure the sufferings and privations of a seven years’ war to escape from the mild and moderate control of a constitutional monarchy like that of England, to be at last, in the

third generation, subjected to a tyranny equal to that of any upon the face of the globe. [Loud applause.]