

## **Oppression in the Defense of Liberty: Abraham Lincoln and Freedom of the Press during the Civil War**

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The founding fathers of the United States of America knew that the value of free press brought to a democratic society was both immeasurable and undeniable. Without a means to disseminate relevant political and social information to the voting public, the power of elected officials would likely run unchecked and threaten to destroy the historic work of the Constitutional Convention. For that very reason, freedom of the press was fused into the bedrock supporting the nation by enshrining it in the first amendment in the Constitution's Bill of Rights.

Despite its prominent position in the country's founding, many groups throughout United States' history have challenged freedom of the press. In his Gettysburg Address, Abraham Lincoln proclaimed that America is run by a government "of the people, by the people, for the people." True to Lincoln's statement, the citizens of America during the 1860s had an enormous impact on the interpretation of civil liberties as laid out in the Bill of Rights. The following paper explores some of the prevailing public attitudes, professional beliefs, and governmental actions affecting freedom of the press under the Lincoln Administration during the Civil War. During this time period, public citizens and newspaper professionals had at least as much to do with shaping the freedom of the press as government officials.

Although the Constitution has always guaranteed certain rights to all citizens, the interpretation and limit of those rights has evolved within American society over more than two hundred years. Close scrutiny into the evolution of our civil rights is an excellent way to fully appreciate their application to modern society, which in turn fosters understanding of the potential impact of governmental and societal restrictions of these rights. The free speech limitations imposed by Abraham Lincoln, news editors, and public citizens in the name of preserving the Union illustrate the difficulty of protecting civil rights in a complicated landscape like the one created by the Civil War.

There is no doubt that the 1860's press played a vital role in both the social and political landscape of the nation. The number of newspapers in circulation grew rapidly in the first half of the nineteenth century until "there were almost 2,500 on the eve of the Civil War."<sup>1</sup> Newspapers during this time were often associated with a particular political party, and

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<sup>1</sup> Brayton Harris, *Special!: Correspondents and Newspapers of the American Civil War* (New York: Potomac Books, 1999), 9.

generally put forth no claim of impartiality. Despite the unabashed political motivation that existed amongst most editors during the 1860s, “the ability of a newspaper to expose hypocrisy or express an opposing view was as vital as it is today.”<sup>2</sup> The abundance of print-worthy news created by the outbreak of war in 1861 fueled the first industry-wide use of the telegraph; used extensively by field reporters to send accounts of battles and other news back to their home offices in large cities like New York and Chicago. Telegraph rates were high, but so was the potential for profit by being on the leading edge of a story.

This unprecedented use of communications technology to speed the rate at which stories went to press resulted in some serious and valid concerns for the military. If news stories could be reported from the battlefield, transmitted to the printer in a matter hours, to be printed the next day, then any mention of troop movements or other vital strategic information in the articles could provide crucial information to the enemy. It became common practice to require military officials to approve outgoing telegraph messages before transmission. Such military officials had broad legal authorities due to the implementation of martial law by Lincoln during the war.

There are some historians who portray President Lincoln as a villain, claiming that he actively manipulated the press throughout his political career. In their book, *Lincoln's Wrath*, Jeffrey Manber and Neil Dahlstrom comment on some of the acts of vandalism targeted against printing presses during the Civil War and conclude that it is “not as outrageous as it may initially seem to believe that the destruction of dissenting voices was in accordance with the wishes of the president.”<sup>3</sup> While Lincoln’s actions during the Civil War were extraordinary, not all historians view him so negatively. In fact, according to an article written by Stephen Towne in a journal titled *Civil War History*, “most historians... have argued that in the North under Lincoln’s leadership, no concerted, official policy of governmental interference with the press existed.”<sup>4</sup> Those who defend Lincoln’s actions point to his unenviable task of conducting a war based upon civil liberties for slaves while combating sedition and insurrection by secessionist citizens of the Union.

Even critics of Lincoln like Manber and Dahlstrom have cited the fact that Lincoln and many of his cabinet appointees owed much of their political success to positive, long-standing relationships with newspaper editors. Lincoln, like many of his political contemporaries, realized that newspaper editors were the gatekeepers in any effort to relay political ideas

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<sup>2</sup> Jeffrey Manber, *Lincoln's Wrath: Fierce Mobs, Brilliant Scoundrels and a President's Mission to Destroy the Press* (Naperville, IL: Sourcebooks, 2005), 8.

<sup>3</sup> Manber, 7.

<sup>4</sup> Stephen E. Towne, “Killing the Serpent Speedily: Governor Morton, General Hascall, and the Suppression of the Democratic Press in Indiana, 1863.” *Civil War History* 52, no. 1 (Mar. 2006): 4.

to the public. The President himself had been quoted saying “no man be he citizen or president of the United States, can successfully carry on a controversy with a great newspaper, and escape destruction, unless he owns a newspaper equally great, with a circulation in the same neighborhood.”<sup>5</sup> Lincoln had a profound respect for the ability of the press to rally the public to a cause.

The question then becomes whether Lincoln’s respect for an association with the press motivated him to support or hinder it during his time in office. The truth of the matter remains open for debate among historians. Even so, it is clear that Lincoln possessed an iron-willed determination to both win the war and reunite the country. To this end, he took unprecedented measures to stamp out dissidence and protect the Union during the Civil War.

An unparalleled level of animosity among American citizens shaped the political landscape during the Civil War. The nation had literally been torn in half along political lines between the anti-slavery Union to the North and the pro-slavery Confederacy to the South. The separation was not a clean break, however, as there were many citizens of the Union who sympathized with the cause of the South. Further, there was a prominent anti-war movement in the North that supported the creation of a sovereign Confederacy if it would bring peace.

As the head of the Union, President Lincoln acted as a lightning rod for political dissidents in the press who wished to attack the leadership of the North. Lincoln “was mercilessly lampooned, viciously libeled, and relentlessly satirized in his own time.”<sup>6</sup> Newspapers throughout the country attacked the president both for political reasons and out of malice. Press criticism rarely intimidated Lincoln during this troubling time. Lincoln took no notice of the personal attacks on his character during his time in office. There were, however, several events and circumstances during the war that did motivate him to lash out against the press.

Due to the nature of the Civil War, enemies of the Union were sprinkled throughout the North. There was no easy way to track down these southern sympathizers and deport them. Thus, sedition was one of President Lincoln’s primary concerns throughout the conflict. “Lincoln had little tolerance for anything that smacked of dissidence.”<sup>7</sup> One common form of sedition during the war was to attempt to persuade soldiers to desert their posts. Desertion was a serious crime during the war that was dealt with quite harshly by the government. Lincoln, therefore, did not hesitate to strike out against individuals who interfered with military discipline; claiming that he found it “incongruous that he ‘must shoot a simpleminded soldier boy, who deserts, while he must not touch a hair of

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<sup>5</sup> Manber, 8.

<sup>6</sup> Harold Holzer, “Lincoln Takes the Heat,” *Civil War Times Illustrated* 39, no. 7 (Feb. 2001): 44.

<sup>7</sup> Wyatt Kingseed, “The Fire in the Rear,” *American History* 42, no. 3 (Aug. 2007): 48.

the wily agitator who induces him to desert. I think...to silence the agitator, and save the boy, is not only constitutional, but...a great mercy.”<sup>8</sup> Maintaining the integrity and reliability of the military remained a focus of Lincoln’s policies throughout the war.

In September of 1862, Lincoln issued an executive order suspending the writ of habeas corpus for “not only rebels and insurgents but also abettors who were ‘discouraging volunteer enlistments’ or ‘resisting militia drafts.’”<sup>9</sup> In addition to the suspension of habeas corpus rights, Lincoln declared that people arrested for these seditious acts were “subject to ‘martial law’ and... ‘liable to trial and punishment by Courts Martial or Military Commission.’”<sup>10</sup> The legal implications for members of the press were enormous. Military officials could now decide to imprison members of the press through accusations of sedition with no habeas corpus protection. Given the level of distaste that many generals had for the coverage that they received from the press, it is not surprising that the fear of imprisonment led to a certain level of self-censorship by some reporters.

The press had routinely clashed with military commanders since the onset of the war. One well documented example involved General Halleck in mid-1862. While many Union officers were respectful of and even friendly with members of the press, there were some who chafed under the glare of constant public attention that embedded reporters inevitably brought to the battlefield. Halleck “was becoming increasingly impatient with the reporters who hung around headquarters,” and goes on to say that Lincoln “was also under considerable pressure from several of his division commanders and certain staff officers who resented the needling criticisms of the reporters.”<sup>11</sup> In May of 1862, Halleck issued Field Order No. 54, which called “for the expulsion of all ‘unauthorized hangers on’ from his army.”<sup>12</sup> When questioned about the definition of the phrase “unauthorized hangers on,” by his subordinate commanders, Halleck made it clear that he considered newspaper reporters to be unauthorized. Most field reporters were expelled from the ranks of Halleck’s forces and denied first-hand access necessary to report on battles and troop morale. Although there were several examples of broad-based military suppression of the media, many actions were aimed at smaller groups or individuals.

When targeting reporters or newspapers proved ineffective at squelching damaging coverage, members of the military were quick to arrest and prosecute private citizens suspected of providing information to the press. As in most American wars, there arose a vocal anti-war political

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<sup>8</sup> *Ibid.*, 50.

<sup>9</sup> Sean Mattie, “Prerogative and the Rule of Law in John Locke and the Lincoln Presidency,” *Review of Politics* 67, no. 1 (2005): 98.

<sup>10</sup> *Ibid.*

<sup>11</sup> J.C. Andrews, *The North Reports The Civil War* (Pittsburgh: University of Pittsburgh Press, 1955), 183.

<sup>12</sup> *Ibid.*, 184.

movement, the Peace Democrats, during the Civil War. Peace Democrats, referred to as “Copperheads” by Republican newspapers, “wanted to end the war, even if it meant continued slavery. They held little sympathy for blacks and believed that Lincoln had consistently acted unconstitutionally in conducting the war.”<sup>13</sup> Ohio Congressman Clement Vallandigham, a very vocal critic of Lincoln and his policies, led Copperhead movement. In fact, “in December 1862, he had boldly introduced a congressional resolution calling for Lincoln’s imprisonment.”<sup>14</sup> Although such a resolution had little chance of being taken seriously in the House of Representatives, Vallandigham had a large public following and strong associations with several newspaper editors, including the editors of the *Columbus Crisis* and *Chicago Times*.

Vallandigham, through both newspapers and public speeches, vehemently criticized both the Lincoln administration and the war. As he traveled across the North, “he articulately and energetically pushed the envelope in speech after speech, encouraging soldiers to desert and inciting weary crowds, all the while knowing he enraged official Washington.”<sup>15</sup> The huge influence of this congressman meant that any attempted prosecution under sedition laws risked turning him into a martyr, which caused Lincoln to remain cautious in the hope that success on the battlefield would turn the tides of public opinion away from Vallandigham. The unofficial policy of Lincoln was to avoid drawing attention to the outspoken critic.

Unfortunately for the president, General Ambrose Burnside had no such reservations. In April 1863, Burnside “threw down the gauntlet and issued Order No. 38, threatening death or banishment to anyone committing treason... A military tribunal would try perpetrators.”<sup>16</sup> Vallandigham, who by this time was running for governor in Ohio, saw an opportunity to get some much needed publicity. A few days after Order No. 38 was issued, Vallandigham gave a speech “at Mount Vernon, Ohio, aware that undercover officers stood ready to record his every word.”<sup>17</sup> Vallandigham proceeded to declare his disdain for President Lincoln, General Burnside, and Order No. 38 in very plain and inflammatory language.

Four days later Vallandigham was arrested in the middle of the night by military authorities. The congressman was escorted to Cincinnati, where a military court convicted him of inciting the public in an attempt to undermine the government. Since Lincoln had suspended the writ of habeas corpus, the gubernatorial hopeful had little recourse when “Burnside

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<sup>13</sup> Kingseed, 47.

<sup>14</sup> Ibid., 48.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid., 49.

<sup>17</sup> Ibid.

ordered Vallandigham imprisoned for the duration of the war.”<sup>18</sup> Unfortunately for Lincoln, the result of the military trial played into the plans of his congressional nemesis.

Though imprisoned, “Vallandigham watched a firestorm of protest rise throughout the North in an 1860s media frenzy. Free speech and the right to a fair, civilian trial were the crucial issues.”<sup>19</sup> In imprisoning the influential congressman, Burnside had unwittingly created the political martyr that Lincoln had hoped to avoid. Protests after the arrest of Vallandigham were widespread and sometimes violent. Mob actions included the destruction of the offices of a Republican newspaper, the *Dayton Journal*. Although Lincoln believed that military justice had fittingly punished the actions of Vallandigham, he knew swift action was needed to staunch the political bleeding. Lincoln had Vallandigham banished to the Confederate States, where he would be unable to rabble rouse the northern population. Through this creative response, Lincoln diffused the situation and eliminated a dangerous political rival.

Angry mobs frequently destroyed newspaper offices and printing presses during the Civil War. As with the occurrence at the offices of the *Dayton Journal*, attacks were often politically motivated and targeted newspapers that were perceived as intolerably critical of the war. In August of 1861, mobs descended upon and destroyed the offices of “the Bangor (Maine) Democrat, August 11; the Easton (Pennsylvania) Sentinel August 19; the West Chester (Pennsylvania) Jeffersonian, August 20; the Cumberland (Virginia) Alleghanian, August 23” and several other newspapers for printing material considered to be in opposition of the Union cause.<sup>20</sup> Although most efforts to suppress newspapers during the Civil War involved government sanctions, the public had a hand in “censoring” newspapers as well. If enough people believed that a specific newspaper was lending an inappropriate level of support to the enemy, then protests were likely.

Not all public action against newspapers culminated in the destruction of property. Angry groups of citizens often sent strongly-worded messages to the editor, “encouraging” the self-censorship of potentially offensive articles. But there was seldom any hesitation to employ more “aggressive” means of persuasion. In Massachusetts a mob targeted the editor of the *Haverhill Essex County Democrat*. The unfortunate victim “was ‘forcibly taken from his house by an excited mob, and refusing information, was covered with a coat of tar and feathers, and ridden on a rail through the town.’”<sup>21</sup> After enduring this painful demonstration of civic displeasure, the editor apologized for the material that he had printed

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<sup>18</sup> Ibid.

<sup>19</sup> Ibid., 50.

<sup>20</sup> Brayton Harris, *Special! : Correspondents and Newspapers of the American Civil War* (New York: Potomac Books, 1999), 98.

<sup>21</sup> Ibid., 100.

and swore to never again print articles advocating secession. Other editors throughout the Union, in the face of similar reprisals, either abandoned their presses or agreed to “swear allegiance to the U.S. Government.”<sup>22</sup>

Although mob violence occasionally targeted editors who supported Union forces, a far more pervasive source of suppression was self-imposed. Even as secessionist publications criticized and condemned every move the North made during the war, anti-secessionist editors often spoke out regarding the importance of censoring material considered “damaging” to the Union cause. On June 12, 1863, Joseph Medill, editor of the *Chicago Tribune*, wrote:

It is license they want, not liberty! License to stab the bosom of the Republic – our beautiful mother! And drag her corpse to be trampled upon by the blaspheming South – to the end that they may set up in her stead the loathsome harlot of the Confederacy. If ruffians like these are not to be arrested and punished with severe penalties, there is no reason in our fighting the rebels at Vicksburg.<sup>23</sup>

Editors supporting the Northern cause frequently spoke out in against any newspaper deemed to have printed unpatriotic material. Medill’s statements “typify what most of the editors wrote.”<sup>24</sup> In addition to the censorship imposed by the public at large, the editorial profession itself suppressed the publication of anything considered too provocatively critical of government policy.

The freedoms of speech and the press, enshrined in our Constitution, act as the cornerstones of our liberty. Throughout our country’s history, public and governmental interpretations of these rights have continued to shape and evolve. It is illuminating to look beneath the surface narrative of a famous historical event like the American Civil War and discover that the war itself was not the only conflict raging at the time. The actions of key players on the battlefield like Generals Halleck and Burnside, along with political leaders in Washington like President Lincoln and Congressman Vallandigham, helped to shape attitudes and set precedents that affect both our perception and the government’s enforcement of our constitutional rights.

Historians have tended to be pragmatic in their assessment of the appropriateness and scope of media suppression by the government during the Civil War. Menahem Blondheim write:

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<sup>22</sup> Ibid.

<sup>23</sup> Hazel Dicken-Garcia and Giovanna Dell’Orto, *Hated Ideas and the American Civil War Press* (New York: Marquette Books, 2007), 159.

<sup>24</sup> Ibid.

The record does show dozens of wartime incidents that could be considered substantive infringement of press freedom, even by nineteenth-century standards. However, when weighing the number of the violations and the limited and temporary nature of most of them against the long duration of the war, the huge number of Northern newspapers, and the enormous volume of public information, not to mention the vehemence of opposition speech, the significance of those isolated, unsystematic infringements would appear minimal.<sup>25</sup>

In contrast to previous conflicts in the history of the United States, in which the government took an active role in suppressing the media, the opposition press was given an enormous amount of latitude during the Civil War. President Lincoln focused his media suppression efforts toward specific publications actively damaging the war effort, rather than against the industry as a whole. Even then, governmental actions were often temporary and rarely heavy-handed.

Public sentiment during the 1860s tended to mirror the actions of the government. Union judges generally agreed that rulings imposing shut-downs of secessionist newspapers were rarely necessary. Public protests and mob actions would often shut these presses down faster than official sanctions. The patriotic attitudes of most Union editors often resulted in a cautious approach toward the publication of information that might hinder the North's war effort. These factors rendered broad-based government suppression of the media largely unnecessary.

The United States has come a long way since the onset of the Civil War. Landmark Supreme Court cases, public protests, and the proliferation of advocacy groups have advanced the causes of free speech and free press greatly over that last 150 years. However, thoughtful inspection of the not-too-distant past provides valuable insight into the evolution of these rights since the Civil War era.

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<sup>25</sup> Menahem Blondheim, "Public Sentiment Is Everything: The Union's Public Communications Strategy and the Bogus Proclamation of 1864," *The Journal of American History* 89, no. 3 (2002): 871.