PRESIDENT LINCOLN'S REPLY

Executive Mansion, Washington, June 12th 1863

Hon. Erastus Corning *and others* :

Gentlemen: Your letter of May 19th, inclosing the resolutions of a public meeting held at Albany N.Y., on the 16th of the same month, was received several days ago.

The resolutions, as I understand them, are resolved into two propositions, first the expression of a purpose to sustain the cause of the Union, to secure peace through Victory, and to support the Administration in every constitutional and lawful measure to suppress the Rebellion, and secondly, a declaration of censure upon the Administration for supposed unconstitutional action, such as the making of military arrests. And from the two propositions, a third is deduced, which is that the gentlemen composing the meeting are resolved to doing their part to maintain our common government and country, despite the folly or the wickedness, as they may conceive, of any Administration. This position is eminently patriotic, and I thank the meeting and congratulate the nation for it. My own purpose is the same; so that the meeting and myself have a common object, and can have no difference, except in choice of means and measures for affecting that object . . . . But the meetings, by their resolutions, assert and argue that certain military arrests, and proceedings following them, for which I am ultimately responsible, are unconstitutional. I think they are not. . . . [T]hese provisions of the Constitution have no application to the case we have on hand, because the arrests complained of were not made for treason – that is, not for the reason defined in the Constitution, and upon conviction of which the punishment is death – nor yet were they made to hold persons to answer for any capital or otherwise infamous crimes; nor were the proceedings following in any constitutional or legal sense, "criminal prosecutions." The arrests were made on totally different grounds, and the proceedings following accorded with the grounds of the arrests. Let us consider the real case with which we are dealing, and apply to the parts of the Constitution made for such cases. . . . . The insurgents had been preparing for it more than thirty years, while the Government had taken no steps to resist them. . . . It undoubtedly was a well pondered reliance with them that, in their own unrestricted efforts to destroy Union, Constitution and law, all together, the Government was restrained by the same Constitution an law from arresting their progress. Their sympathizers pervaded all departments of the Government and nearly all communities of the people. From this material, under cover of *"liberty of speech," "liberty of the press," and "habeas corpus,"* they hoped to keep on foot among us a most efficient corps of spies, informers, suppliers and aiders and abettors of their cause in a thousand ways. . . . . Yet, thoroughly imbued with a reverence for the guaranteed rights of individuals, I was slow to adopt the strong measures which by degrees I have been forced to regard as being within the public exceptions of the Constitution, and as indispensable to public safety. Nothing is better known to history than that courts of justice are utterly incompetent to such cases; civil courts are organized chiefly for trials of individuals, or, at most, a few individuals acting in concert; and this in quiet times, and on charges of crimes well defined in law. Even in times of peace, bands of horse thieves and robbers frequently grow too numerous and

powerful for the ordinary courts of justice. But what comparison in numbers, have such bands ever borne to the insurgent sympathizers even in many of the most loyal states? Again, a jury too frequently has at least one more member ready to hang the panel than to hang the traitor. And yet again, he who dissuades one man from volunteering, or induces one solider to desert, weakens the Union cause as much as he who kills a Union soldier in battle. Yet this dissuasion or inducement may be so conducted as to be no crime of which any civil court would take cognizance.

. . . . This provision [of habeas corpus] plainly attests the understanding of those who made the Constitution, that ordinary courts of justice are inadequate to "cases of rebellion" – attests their purpose, in such cases men may be held in custody whom the courts, acting on ordinary rules, would discharge. Habeas corpus does not discharge men who are proved to be guilty of defined crime; and its suspension is allowed by the Constitution on purpose that men may be arrested and held who cannot be proved to be guilty of a defined crime. . . . This precisely our present case – a case of rebellion, wherein the public safety *does* require the suspension.

. . . . It is asserted, in substance, that Mr. Vallandingham was, by a military commander, seized and tried "for no other reason than words addressed to a public meeting, in criticism of the course of the Administration, and in condemnation of the Military orders of the general." Now of if there be no mistake about it if this assertion is the truth and the whole truth; if there was no other reason for the arrest warrant, then I concede that the arrest was wrong. *But the arrest, as I understand, was made for a very different reason. Mr. Vallandingham avows his hostility to the* WAR *on the part of the Union, and his arrest was made because he was laboring, with some effect, to prevent the raising of troops, to encourage desertions from the army, and to leave the rebellion without an adequate military to suppress it. He was not arrested because he damaging the political prospects of the* ADMINISTRATION*, or the personal interests of the Commanding General, but because he was damaging the* ARMY, *upon which the vigor of which the life of the Nation depends. He was warring upon the* MILITARY, *and this gave the Military constitutional jurisdiction to lay hands upon him. If Mr. Vallandingham was not damaging the military power of the country, then his arrest was made on the mistake of fact, which I would be glad to correct on reasonably satisfactory evidence.*

I understand the meeting, whose resolutions, I am considering, to be in favor of suppressing the Rebellion by military force – by armies. Long experience has shown that armies cannot be maintained unless desertions shall be punished by the severe penalty of death. . . . Must I shoot a simple-minded solider boy who deserts, while I must not touch the hair of wilily agitator who induces him to desert?. . . I think that in such a case to silence the agitator and save the boy is not only constitutional, but withal a great mercy.

. . . . In giving the resolutions that earnest consideration which you request of me, I cannot overlook the fact that the meeting speak as "Democrats." Nor can I, with full respect for their known intelligence . . . be permitted to suppose that this occurred by accident, or in any way other than that they preferred to designate themselves "Democrats" rather than "American citizens." In this time of national peril, I would have preferred to meet you upon a level one step higher than any party platform . . . we could do better battle for the country that we all love than we possible can from lower ones where, from the force of habit, the prejudices of the past, and selfish hopes of the future, we are sure to expend much of ingenuity and strength in finding fault with, and aiming blows at each other.

. . . . I further say that, as the war progresses, it appears to me, opinion and action, which were in great confusion at first, take shape and fall into regular channels, so that necessity for a strong dealing with them gradually decreases. I have every reason to desire that it should cease all together, and fare from the least is my regard for the opinions and wishes of those

who, like the meeting at Albany, declare their purpose to sustain the Government in every Constitutional and lawful measure to suppress the Rebellion. Still, I must continue to do so much as may seem to be required for public safety.

A. LINCOLN.