

### Abraham Lincoln and the Northern Anti-War Press

In present day America, there is still great concern for the preservation of the freedom of speech and the freedom of the press. Recent controversial incidents include the incarceration of journalist Judith Miller for refusing to reveal the identities of anonymous sources, as well as the revelation of a U.S. attempt to track the finances of terror groups in the pages of the *NY Times* in 2006. Both of these examples illustrate the continuing rift between the U.S. government and the American media.

There seems to be a pervasive belief that we live in a country with a rich heritage of respecting the freedom of the press. In fact, a thorny relationship has existed between press and state since the founding of America. Just a decade after the ratification of the Constitution, President John Adams signed into law the Sedition Act, making it a crime to publish material that was overly critical of the president or either house of Congress. From its very beginning, America has experienced incidents such as the Sedition Act that have threatened the freedom of speech, and in particular, the right of the press to freely express itself.

Among the most notable episodes in the history of the American press was the Lincoln Administration's treatment of the anti-war Northern newspapers during the Civil War. Father Abraham, as his most admiring supporters refer to him, is widely considered to be one of our greatest presidents. His extraordinary popularity is likely the reason that many of his administration's controversial actions are seemingly glossed over. These questionable measures include excluding newspapers from the public mail, the confiscation of newspapers, the arrests of publishers and editors, and the censorship of telegraphic messages. Though all of these

measures may well be both constitutional and justifiable, it is of the utmost importance that all government actions of this nature be heavily scrutinized.

The Lincoln administration's most earnest attempts at suppressing anti-war sentiment in the North were preceded by a wave of violent attacks against newspapers that harbored critical opinions of the war. This civil unrest was caused by a convergence of two factors: the homecoming of Northern soldiers after a three-month tour of duty, and growing doubt and uneasiness surrounding the war efforts after the Union's defeat at Bull Run (the First Battle of Manassas). The harsh criticism of the press was not only directed at politicians in Washington, but also at the local returning soldiers. Incidents of lawlessness quickly spread across the North in the summer of 1861 (Sprague 129).

The first paper targeted by angry mobs was the *Democratic Standard* of Concord, New Hampshire. On August 8<sup>th</sup>, a crowd led by former soldiers broke down the door of the paper's office and began destroying everything in sight. Though the desks and other belongings of the paper were burned on the sidewalk, the publishers escaped with their printing presses intact (Sprague 129-133).

The Bangor *Democrat* was not so fortunate when it was targeted just several days later. The offices of editor Marcellus Emory were so thoroughly demolished that the paper was unable to resume publication. Emory would later say of the incident, "thus hath the freedom of the press been stricken down here in Maine" (Sprague 134).

One of the worst examples of Northern mob violence took place on August 19<sup>th</sup>. That night in Haverhill, Massachusetts, a large crowd dragged Ambrose Kimball out of his house. Kimball, the editor of the local Essex County *Democrat*, was tarred and feathered at the center of town after he refused to acknowledge that he should not have published his criticism.

Thoroughly embarrassed, he was made to repeat a lengthy apology in front of the crowd: “I am sorry that I have published what I have, and I promise that I will never again write or publish articles against the North and in favor of secession, so help me God” (Sprague 135).

The violence continued through the end of August, and a breaking point was reached when prominent newspapers in New York City were threatened with violence. Publications that supported Lincoln and his war called for an end to the mob violence, but not because of their support for the freedom of the press. Instead, these papers called on the federal government to suppress anti-war sentiment rather than the public. The *New York Times* stated this view explicitly: “If these newspapers are to be suppressed, let it be done by virtue of public law, and not by reckless violence...If their continued existence puts the Government in peril, let it be arrested; but let it be done by the law and its agents and not by a mob” (Sprague 140).

The Lincoln administration’s response would undoubtedly be highly consequential. On the one hand, if it did nothing, the violence would continue and likely intensify. Any attempt by the administration to protect publishers and allow them to publish their critical editorials would be massively unpopular, and the government would lose the backing of its strongest supporters. However, if it followed the advice of the *NY Times* and dealt with Northern dissent, the Lincoln administration would need to take extraordinary measures that were then unprecedented in American history. As Dean Sprague explains in his book Freedom Under Lincoln, “any action by the federal government [to suppress anti-war sentiment] would require a radical readjustment in the balance of power between the states and the federal government” (Sprague 140).

The Lincoln administration began its campaign against critical newspapers in New York City, where the largest paper in the city, the *Journal of Commerce*, as well as the *New York Daily News*, both distributed their anti-war articles to newspapers across the country to be reprinted.

Montgomery Blair, the Postmaster General, sent out an order for the city's anti-war papers to be excluded from the mails. This measure had a devastating effect on the targeted publications.

"Almost the entire distribution of newspapers in 1861 was done through the mail." Denying the papers access to the mail "very clearly meant their end" (Sprague 144).

The handful of newspapers affected by the government's order responded in differing ways. In the case of the *Journal of Commerce*, owner and editor Gerard Hallock had written the editorials that enraged the government. As Hallock would later state, he could not "contend with the government" and therefore entered into negotiations with the authorities. He agreed to sell his share of the paper in order to see it continue its publication. Two weeks later, the *Journal* resumed its distribution through the mail (Sprague 144-145).

The *Daily News*, another of the opposition papers excluded from the mails, was owned by NYC congressman Ben Wood, whose brother, Mayor Fernando Wood, had previously proposed that the city of New York secede from the Union. Ben Wood attempted to combat the government's measure by using private delivery services to send copies of the paper West and South where there was more anti-war sentiment. The federal government countered this move by ordering that all copies of the paper throughout the country be seized and confiscated. The extent of the government's vigilance was such that "one newsboy in Connecticut was arrested and sent to prison for selling [copies of the *Daily News*]." Wood ultimately realized that the paper was doomed to financial ruin and he had no choice but to cease publication. He poignantly noted that the papers were "confiscated by Government officials, acting without warrant or process of law" (Sprague 146).

Many newspaper editors were unable to look past the politics of the moment and rejoiced in the fate of the *Daily News*. As Sprague relates, "James Gordon Bennett's *Herald* was

‘gratified to announce’ the death of the paper. The *New York Times* added that Ben Wood should be thankful he could ‘walk the streets with as much impunity as if he were a true man’” (Sprague 146). These reactions were commonplace after the downfall of a paper. Sprague notes that “even the country’s leading editors refused to rise in defense of their stricken comrades” (Sprague 153).

*Daybook* was the third NY paper targeted by the federal government. The paper’s ownership offered to cease any discussion in its pages of the merits of the war, and devote itself entirely to discussing the issue of slavery in America, renaming itself the *Weekly Caucasian*. The government’s response to this proposal is noteworthy. “Since the war in 1861 was not being fought on the question of slavery but to preserve the Union, the request was approved” (Sprague 146-147). And so the *Daybook* transformed itself to regain its ability to circulate.

Though many publishers capitulated to the government’s demands without much fuss, a select few were more stubborn. James McMasters, editor and publisher of the *Freeman’s Journal*, countered the government’s ban of his paper from the mail by downsizing the publication to reduce the cost of running it. Ultimately, a copy of the paper was sent to William Seward, Secretary of State at the time and former Governor of New York. His response was swift and curt: “You will arrest and send [McMasters] to Fort Lafayette” (Sprague 147-148). McMasters was arrested without a warrant and remained in prison for over a month.

James McMasters was but one of many citizens arrested in 1861 without due process of law. Earlier in the year on April 19<sup>th</sup>, riots erupted in the city of Baltimore. The outburst was sparked by the passage of a regiment of Northern soldiers through the city. When the news of the riots reached Washington, the administration became nervous that it would lose control of a city with such strategic importance. If the Confederates were to take over the city, they could cut off

railroad shipments to the capital. Northern soldiers were dispatched to regain control of Baltimore.

However, Lincoln believed it was necessary to respond more boldly, and on April 27<sup>th</sup> he unilaterally suspended Habeas Corpus. Dean Sprague provides the following analysis: “By this action he declared war on his enemies as he had, by calling up the militia after Fort Sumter, declared war on his enemies in the South” (Sprague 25). And yet, as more soldiers poured into the state of Maryland from the North, the administration felt at greater ease, and there were not many arrests made after the initial suspension of the writ.

The outbreak of what Sprague calls a “mania for arrests” (Sprague 151) did not occur until later in the year, shortly after the incarceration of James McMasters. As Secretary Seward widened his attempt to suppress anti-war sentiment to the rest of his home state, Simon Cameron, Lincoln’s short-lived Secretary of War, focused his attention on his own home state of Pennsylvania. Cameron singled out Pierce Butler, a wealthy landowner whom he knew personally, and ordered his imprisonment in Fort Lafayette. Butler was released after a month, and he then proceeded to file suit against Cameron in Pennsylvania state court for false imprisonment. This suit was the first of its kind, and the precedent it could have potentially set frightened Cameron and the rest of the administration. However, Butler ultimately dropped his suit (Sprague 151).

On the night of August 22<sup>nd</sup>, a series of incidents took place in an effort to suppress opposition papers. The evening began with the seizure of copies of New York’s *Daily News* from a train headed south to Baltimore and Washington. Later that night, soldiers arrested Amasa Converse, editor of the *Christian Observer*, and took possession of his paper’s office. And still later, the printing shop of the *Jeffersonian* was seized (Sprague 152).

Even politicians were not protected from the wrath of the Lincoln administration. Mayor Berrett of Washington D.C. was also arrested and sent to Fort Lafayette. A known Southern sympathizer, Berrett refused to take the oath of allegiance as was expected of him upon being appointed to the Washington Board of Police Commissioners. Berrett claimed he had already sworn his allegiance in his capacity as mayor, and that it was therefore unnecessary for him to take the oath again. However, Attorney General Bates thought otherwise, and Berrett was imprisoned. In order to be released, he stepped down from his position as mayor (Sprague 154-155).

One of the more interesting anecdotes from this period involves the arrest of Baltimore resident Francis Key Howard, grandson of Francis Scott Key. Key Howard was incarcerated for publishing anti-war articles in the paper he edited. While imprisoned, he wrote to Seward demanding his immediate release, refusing to appear before a military tribunal or apologize for his actions (Randall 504). The most remarkable detail is that Francis Key Howard was arrested without a warrant or charges brought against him and sent to Fort McHenry, the exact place where his grandfather composed "The Star Spangled Banner" (DiLorenzo 133).

The Lincoln administration began its campaign against the press earlier in 1861, albeit in a more subtle manner. In April of that year, the government began to censor telegraphs leaving Washington. Among the messages excluded were

communications giving military information, and also those which were deemed to convey too much news concerning the activities of the Government. Reports of delicate diplomatic questions, criticisms of Cabinet members, comments giving the mere opinion of correspondents, advance information of contemplated measures, and stories injurious of officers, were denied the wires.(Randall 482).

By censoring telegraphic communication, the Lincoln administration made it more difficult for Northern press outlets to receive valuable information from their sources in the South.

In due time, this program would be greatly expanded. On February 2<sup>nd</sup> 1862, the Congress authorized the President to supervise all telegraph lines in the United States. This undertaking was carried out by military personnel, and the War Department censored messages when necessary. “All telegraphic communications concerning military matters not authorized by the Secretary of War, or the commanding general of the district, were forbidden” (Randall 483). The Treasury, State, and War Departments were all in control of the lines of communication at various points during the course of the war.

The various measures undertaken by the Lincoln administration to suppress anti-war sentiment were often unprecedented in American history. Scholars have grappled with these actions in a myriad of ways. In his book Freedom Under Lincoln, Dean Sprague writes three hundred pages detailing the extraordinary ways in which civil liberties were curtailed in 1861. And yet, he concludes his work with a chapter entitled “Lincoln, The Humanitarian.” Sprague does not attempt to justify Lincoln’s actions from a constitutional perspective but instead boldly proclaims that such measures were necessary to preserve the Union. Sprague even goes so far as to praise Lincoln for being “a man of iron who was willing to see hundreds of thousands of young men die for the sake of the Union and not above sending a few hundred to prison for opposing the war” (Sprague 302). In Sprague’s view, the denial of basic freedoms and the deaths of several hundred thousand Americans was apparently a reasonable price to pay for the preservation of the Union.

Earlier in his book, Sprague tries to distance Lincoln from some of the overt attacks on Northern newspapers by asserting that members of his cabinet were largely responsible for these



orders. Indeed, Secretaries Seward and Cameron played pivotal roles in the development of a strategy against opposition papers. However, later in the war, when the *New York World* published objectionable and likely false statements tied to the president, Lincoln personally signed a letter authorizing the use of force against that paper as well as the *Journal of Commerce*. On May 18<sup>th</sup> 1864, Lincoln ordered General John Dix to “arrest and imprison...the editors, proprietors and publishers of the aforesaid newspapers... You will also take possession by military force, of the printing establishments of the *New York World* and *Journal of Commerce*...and prohibit any further publication thereof” (Randall 496-497). Perhaps Lincoln had little hand in some of the wartime orders, but it would seem inaccurate to say that he was not directly linked to a fair number of them.

Furthermore, Sprague’s analysis of Lincoln’s historic decision to suspend Habeas Corpus is also questionable. “Although the Constitution provided that the privilege of the writ of habeas corpus could be suspended when ‘in Cases of Rebellion or Invasion the public safety may require it,’ it was silent as to exactly where the power of suspension resided” (Sprague 25). Sprague’s claim that there was a lack of clarity as to which branch of government could authorize a suspension is puzzling because the passage pertaining to the suspension of Habeas Corpus is found in Article 1 Section 9 of the Constitution. This first article is concerned solely with the powers and limitations of the Legislative Branch. As such, one would logically conclude that the framers had placed this power in the hands of Congress.

James G. Randall defends Lincoln in a very different manner in his book Constitutional Problems Under Lincoln. He continually downplays the measures taken by the administration, and as such it would appear that he does not believe that there were many Constitutional problems at all. Randall begins his assessment of the relationship between Lincoln’s

administration and the press by stating that “a striking fact concerning the subject of journalistic activity during the Civil War was the lack of any real censorship” (Randall 481). Regarding the censorship of telegraphic messages, he writes that “this governmental supervision of the telegraph was but a feeble measure of news control” (Randall 483). Randall later adds that

the continual revelation of military information by the newspapers of the Civil War period seems a shocking thing in contrast to the elaborate restrictions that were imposed for safeguarding military secrecy during the World War. Plans of campaign, movements of troops, the location and strength of military units—all such information was regularly published to the world. (Randall 485).

A striking feature of Randall’s remarks is his frequent use of relativism. There clearly were instances in which opinions were suppressed, so when Randall claims that there was “a lack of any real censorship” during the Civil War, one cannot help but wonder, in comparison to what? When Randall states that the kind of information disseminated by the press was “shocking” compared to the lack of knowledge during the World War, he is making a criticism based on a comparison. The problem with this method of analysis is that the rights at stake (i.e. the freedom of speech and the freedom of the press) are not relative, but are instead widely thought to be absolute. They are the kind of rights Thomas Jefferson would likely refer to as “inalienable,” just as he described the right to life, liberty, and the pursuit of happiness in the Declaration of Independence. Abraham Lincoln and his administration cannot be vindicated by merely proving that they were not as bad as government officials of another era.

Thomas DiLorenzo describes the typical justification for Lincoln’s actions given by historians as follows: “Their argument has essentially been that the ends justified the means” (159). He states that scholars have most commonly asserted the dialectical argument that in order

to save the Union and the Constitution, the Constitution must be violated or plainly ignored. Dean Sprague wrote that the antebellum era was a time when “the states were still sovereign. The federal government in 1861 was a weak and incomplete thing compared with the government we now know—almost without power except as provided to it voluntarily by the states” (Sprague 142). What divides those who view Lincoln’s measures as justified and those who view them as unjust is likely a difference in political beliefs. Those who do not mind or even favor a stronger and more centralized government in Washington will probably be less perturbed by the suppression of the anti-war press than those who lament the collapse of the voluntary union of states. It is doubtful that this issue will ever be settled, but it is nonetheless vital for the American public to remain aware of the periods in our history when the freedom of the press was not absolute in order for us not to take our rights for granted.

Works Cited

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