

## **PROCLAMATION SUSPENDING WRIT OF HABEAS CORPUS**

September 15, 1863  
Abraham Lincoln

*In response to rioting in Baltimore, along the most important railroad supply line into Washington, D.C., Lincoln authorized General Winfield Scott to suspend the writ of habeas corpus, allowing him to imprison suspected subversives without charge. Lincoln later would expand this suspension to other areas. Supreme Court Chief Justice Roger Taney (sitting as an appellate court judge) declared Lincoln's suspension of the writ of habeas corpus unconstitutional in ex parte Merryman—a decision that was ignored. Congress did not immediately embrace Lincoln's suspension of habeas corpus, taking no action in regard to it until, in 1863, it gave its authorization and set guidelines for future suspensions.*

By the President of the United States of America.

### A PROCLAMATION.

Whereas the Constitution of the United States has ordained that the privilege of the writ of *habeas corpus* shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require it; and

Whereas a rebellion was existing on the 3d day of March, 1863, which rebellion is still existing; and

Whereas by a statute which was approved on that day it was enacted by the Senate and House of Representatives of the United States in Congress assembled that during the present insurrection the President of the United States, whenever in his judgment the public safety may require, is authorized to suspend the privilege of the writ of *habeas corpus* in any case throughout the United States or any part thereof; and

Whereas, in the judgment of the President, the public safety does require that the privilege of the said writ shall now be suspended throughout the United States in the cases where, by the authority of the President of the United States, military, naval, and civil officers of the United States, or any of them, hold persons under their command or in their custody, either as prisoners of war, spies, or aiders or abettors of the enemy, or officers, soldiers, or seamen enrolled or drafted or mustered or enlisted in or belonging to the land or naval forces of the United States, or as deserters therefrom, or otherwise amenable to military law or the rules and articles of war or the rules or regulations prescribed for the military or naval services by authority of the President of the United States, or for resisting a draft, or for any other offense against the military or naval service:

Now, therefore, I, Abraham Lincoln, President of the United States, do hereby proclaim and make known to all whom it may concern that the privilege of the writ of *habeas corpus* is suspended throughout the United States in the several cases before mentioned, and that this suspension will continue throughout the duration of the said rebellion or until this proclamation shall, by a subsequent one to be issued by the President of the United States, be modified or revoked. And I do hereby require all magistrates, attorneys, and other civil officers within the United States and all officers and others in the military and naval services of the United States to take distinct notice of this suspension and to give it full effect, and all citizens of the United States to conduct and govern themselves accordingly and in conformity with the Constitution of the United States and the laws of Congress in such case made and provided.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed this 15<sup>th</sup> day of September A.D. 1863, and of the Independence of the United States of America the eighty-eighth.

[seal.] ABRAHAM LINCOLN.

By the President:

William H. Seward, *Secretary of State*.