

# Lincoln's Suspension of Habeas Corpus: The Pamphlet Literature and Congressional Debate

Compiled and with Introductions by Douglas W. Lind

*An amazing and intriguing story of a chapter of history!*

The intent of this work is to identify, record, and disentangle pamphlet literature so that it can be read in a framework which allows for a better understanding of the wartime constitutional discourse about Lincoln's suspension of habeas corpus. Because seemingly minor events take on a greater meaning when placed in the context of larger decisions, it was decided not to selectively reprint titles, but rather to be as comprehensive as possible. *Also included with the historical work is a fully searchable DVD.*



*Until now, there was no single source which contains a comprehensive collection of contemporary pamphlets addressing Lincoln's suspension of habeas corpus.*

Collectively, these pamphlets tell an amazing and intriguing story of a chapter of American history—a story that can be told on several levels. The readings include:

- Illustrations of individual liberties pitted against the need to preserve the Union
- Struggles for authority between the executive, legislative, and judicial branches
- Examples of mid-nineteenth century political polemics in the dissemination of party platforms leading up to an election year
- Records of arrests and the conditions under which those imprisoned lived
- The passion of speeches given on the floor of Congress and in state legislatures
- The response by a president who, for more than a year after making the decision to suspend habeas corpus, had remained silent on the topic as the arrests continued and the debate and the war raged on

*111 documents and 2,500 pages on Lincoln's suspension of habeas corpus!*

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## *Chronological and Comprehensive Arrangement of Pamphlets*

Although the habeas corpus debate continued in pamphlet format through the election of 1864 and after the Civil War, the period of coverage embodied in this work is 1861 through 1863. This timeframe represents the date from Lincoln's speech to Congress, which generated pamphlets containing his original order suspending the writ, until just after Congress authorized and indemnified his actions through the Habeas Corpus Suspension Act of 1863.

The included pamphlets have been organized to allow the reader to follow the debate both chronologically and topically.

⋮  
→ *For example:*

Pamphlets produced in response to *Ex parte Merryman* have been grouped together early in the work and pamphlets produced in response to Horace Binney's argument are arranged chronologically and presented later in the work.

Furthermore, because it is arranged chronologically, the researcher can see how the scholarly debate unfolded as the war developed.

*There is no other source that provides an annotated timeline of the  
Congressional debate on the topic!*

## *How were the 111 pamphlets chosen for this work?*

This is the only source which contains a comprehensive collection of contemporary pamphlets addressing Lincoln's suspension of habeas corpus. A decision was made to interpret broadly what constitutes a habeas corpus pamphlet. Several of the pamphlets included here are not devoted entirely to the debate, but contain additional wartime discourse. Rather than omit them on grounds of being out of scope they were included because they do add to the topical debate. Similarly, two pamphlet-length newspaper articles were included in this collection because they represent the first scholarly constitutional debate relating to Taney's *Merryman* decision and are referred to in subsequent pamphlets.

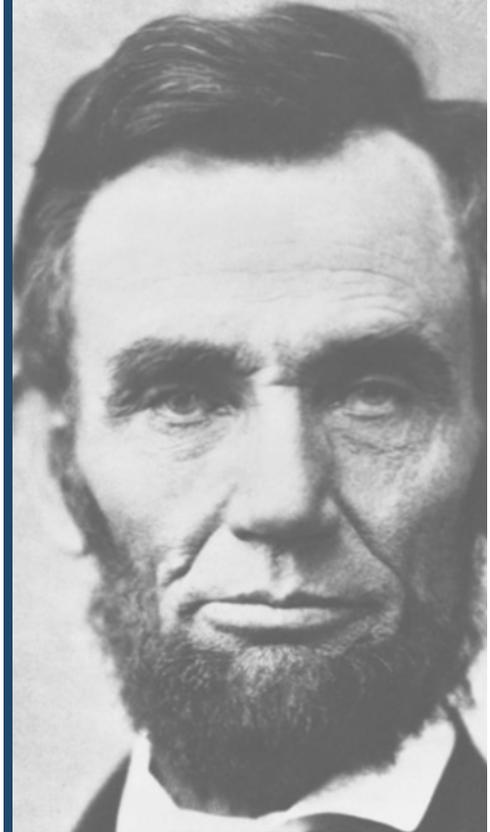
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## *About Douglas W. Lind*

Lind currently is the Director of the Law Library and Associate Professor of Law at Southern Illinois University. He received a B.A. degree in political science from Purdue University, a J.D. degree from Valparaiso University, and an M.I.L.S. from The University of Michigan. Prior to coming to Southern Illinois University School of Law, Professor Lind was the Head of Collection Development at Georgetown University School of Law Library where he also taught Advanced Legal Research and Seminar Research Methods.

His writing and research interests focus on the history of the American publishing industry in the mid-19th to early 20th centuries.



*This collection fills a bibliographic void in the vast canon of Lincoln scholarship.*



*“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.”*

*- United States Constitution  
Article I, Section 9*

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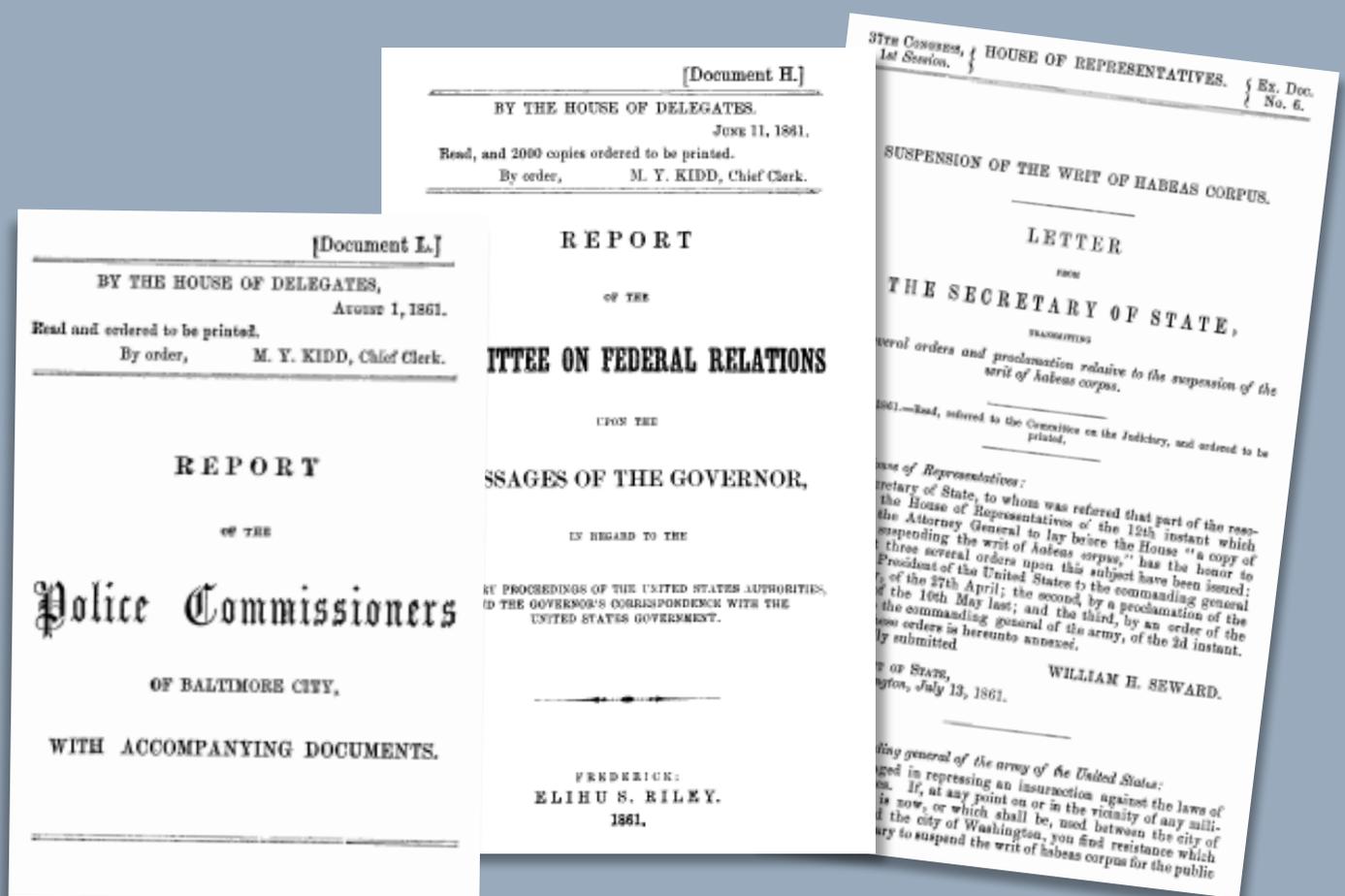
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