

*Killing the Serpent Speedily:  
Governor Morton, General Hascall, and  
the Suppression of the Democratic Press  
in Indiana, 1863*

STEPHEN E. TOWNE

Discussions of the phenomenon of federal government suppression of the press during the Civil War constitute a substantial body of literature. Historians have recognized that the unique stresses and strains on civil government induced by war resulted in extraordinary measures taken by government leaders to limit the speech of individuals and groups that openly criticized the ways in which the war was being waged. Some of these measures stretched legal and constitutional boundaries; others broke them outright. Historians have focused their attention on the thoughts and actions of President Abraham Lincoln in analyzing the phenomenon. In the course of the war, Lincoln took steps to crack down on speech critical of his administration and his handling of the war effort. However, while doing so, he attempted to reassure his critics that the measures taken were merely temporary, meant only to carry the nation through the emergency. "Must I shoot a simple-minded soldier boy who deserted," he famously asked, "while I must not touch a hair of a wily agitator who induces him to desert?"<sup>1</sup> A few historians have taken him to task, pointing to his ignoring the First Amendment or his attempts to trump it with new powers granted by Congress. Lincoln created dangerous precedents for subsequent executives to follow. But most historians have been assuaged by

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1. Abraham Lincoln to Erastus Corning et al., June 12, 1863, in Roy P. Basler, ed., *The Collected Works of Abraham Lincoln*, vol. 6 (New Brunswick, N.J.: Rutgers Univ. Press, 1953), 266.

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Lincoln's words and looked beyond the deeds of his administration. They have argued that in the North under Lincoln's leadership, no concerted, official policy of governmental interference with the press existed.<sup>2</sup>

In making their arguments, historians have turned to certain well-known examples of press suppression. Most commonly noted are the shutting down of the *Chicago Times* in June 1863 and the closures of the *New York World* and *New York Journal of Commerce* in May 1864. One historian has deemed them the "most famous cases of newspaper suppression" during the war. Another historian has described the *Chicago Times* incident as the "most dramatic" such episode during the rebellion. Both statements are probably true. Both cases involved big-city newspapers with large circulations. The newspapers involved boasted some regional and national influence. The efforts to shut them down drew widespread attention.<sup>3</sup>

Frequently overshadowed in these discussions of the suppression of the press is the attempt by Brig. Gen. Milo S. Hascall to muzzle the Democratic newspapers of Indiana in the spring of 1863. Hascall's efforts are not unknown to historians; many have alluded to the case.<sup>4</sup> Nonetheless, these accounts,

2. For a negative assessment of Lincoln, see Jeffery A. Smith, *War and Press Freedom: The Problem of Prerogative Power* (New York: Oxford Univ. Press, 1999), 99. For analyses arguing the lack of systematic press restrictions, see James G. Randall, "The Newspaper Problem in its Bearing Upon Military Secrecy during the Civil War," *American Historical Review* 23 (Jan. 1918): 322–23; Mark E. Neely Jr., *The Union Divided: Party Conflict in the Civil War North* (Cambridge, Mass.: Harvard Univ. Press, 2002), 89; Frank Luther Mott, *American Journalism: A History, 1690–1960*, 3d ed. (New York: Macmillan, 1962), 358.

3. John F. Marszalek, *Sherman's Other War: The General and the Civil War Press* (Kent, Ohio: Kent State Univ. Press, 1999), 17; William E. Huntziker, *The Popular Press, 1833–1865* (Westport, Conn.: Greenwood, 1999), 124. The best account of the suppression of the *Chicago Times* is Craig D. Tenney, "To Suppress or Not to Suppress: Abraham Lincoln and the *Chicago Times*," *Civil War History* 27, no. 3 (1981): 248–59. A recent work on the suppression of the *New York World* and *New York Journal of Commerce* argues that the Lincoln administration's subtle control of the telegraph wire services allowed it to control press coverage to a significant degree. See Menahem Blondheim, "Public Sentiment is Everything: The Union's Public Communications Strategy and the Bogus Proclamation of 1864," *Journal of American History* 89, no. 3 (Dec. 2002): 869–99. Other significant works that discuss the suppression of the press during the Civil War include James G. Randall, *Constitutional Problems Under Lincoln*, rev. ed. (Urbana: Univ. of Illinois Press, 1951); Mark E. Neely Jr., *The Fate of Liberty: Abraham Lincoln and Civil Liberties* (New York: Oxford Univ. Press, 1991); and John C. Nerone, *Violence Against the Press: Policing the Public Sphere in U.S. History* (New York: Oxford Univ. Press, 1994).

4. See, for example, Robert S. Harper, *Lincoln and the Press* (New York: McGraw-Hill, 1951), 251–54; Kenneth M. Stampp, *Indiana Politics During the Civil War* (Bloomington: Indiana Univ. Press, 1978, reprint of 1949 edition), 198–202; Emma Lou Thornbrough, *Indiana in the Civil War Era: The History of Indiana, Volume III* (Indianapolis: Indiana Historical Society, 1965), 204–5; Lorna Lutes Sylvester, "Oliver P. Morton and Hoosier Politics during the Civil

usually based on the small handful of documents published in the official War Department *War of the Rebellion* series relating to the episode, paint cursory, incomplete pictures of the Indiana events, omit important details, obscure important facts, and overlook the scale of the Union general's assault on the Democratic press. Perhaps the fact that no big city newspapers of large circulation were directly involved has convinced historians that the episode does not warrant additional attention. Indeed, all the directly affected Indiana newspapers were small-town papers with small circulations. But new research into federal and state archives, private manuscripts, and other overlooked sources shows important elements in play. First, the scale of Hascall's effort was larger than previously understood, being more widespread and affecting more newspapers than previously known. Furthermore, this new research points to understanding Hascall's effort to be a systematic assault on opposition voices, a policy meant to control antigovernment speech in Indiana. These elements of scale and impact may alter our current notion that federal authority failed to achieve significant control over the opposition press at any time during the war.

More significantly, the episode allows an examination of two generally overlooked dynamics, those of federal-state relations and relations between state government and U.S. Army leadership during the war. Regarding the former, William Hesseltine's classic account of Lincoln's control over the Northern state governors during the war has led historians to underplay or dismiss the important interactions between the president, his administration, and the state leaders who played such an important role in the Northern war effort to suppress the rebellion. In Hesseltine's view, the "shrewd prairie lawyer" outwitted the "cajoled, conciliated, and controlled" state executives and came to dominate them in the course of affecting revolutionary change in the relationship between state and federal governments. In particular, the historian portrayed Lincoln as calmly reassuring an "hysterical" Governor

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War" (Ph.D. diss., Indiana University, 1968); Frank L. Klement, *Dark Lanterns: Secret Political Societies, Conspiracies, and Treason Trials in the Civil War* (Baton Rouge: Louisiana State Univ. Press, 1984), 96; Jon Paul Dilts, "Testing Siebert's Proposition in Civil War Indiana," *Journalism Quarterly* 63 (1986): 365-68; Jeffery A. Smith, *War and Press Freedom*, 116-17. See also Craig D. Tenney, "Major General A. E. Burnside and the First Amendment: A Case Study of Civil War Freedom of Expression" (Ph.D. diss., Indiana University, 1977), 130ff., a good study of the Hascall episode. However, Tenney failed to take into full consideration the essential role of Governor Oliver P. Morton. G. R. Tredway, *Democratic Opposition to the Lincoln Administration in Indiana*, Indiana Historical Collections, vol. 48 (Indianapolis: Indiana Historical Bureau, 1973), 26-27, recognized the Hascall episode to be an official policy of press restrictions.

Morton whenever the Indiana executive “begged” for federal assistance. This theme showing Lincoln’s purported domination of Morton is echoed by others.<sup>5</sup> It might be well to reassess the relationship between the federal executive and the state executives during the war, especially those governors who shared Republican Party leadership with Lincoln, in those cases when the state leaders were the driving forces in setting and implementing national policy. Regarding the second dynamic, that of state government and Army relations, the historical literature is largely limited to biographical studies of individual generals wherein their disputes with the Northern war governors in the course of the war are almost parenthetically addressed, if addressed at all. State governors disappear from the picture.

The Hascall effort to suppress opposition newspapers in Indiana also reveals that none of the leading actors expressed or displayed reservations about systematic efforts to control press speech. Historians have often acknowledged serious abuses of constitutionally protected liberties during the rebellion. However, scholars generally assert that Lincoln and his administration showed “remarkable restraint” during a period of national crisis, and that the administration carefully avoided abuse of power. The examination of the Hascall episode will serve to shift the credit for adroit handling of a clumsy but serious attack on political speech by military authorities, an adjunct of the federal government, from the Lincoln administration to a state executive driven by reasons having more to do with partisan politics than concerns about civil liberties.<sup>6</sup>

The dangerously contentious 1863 session of the Democratic-controlled Indiana General Assembly had recently adjourned. During the session, Democratic Party leaders, energized and confident after significant victories in the elections of October 1862 had succeeded in selecting two new United States senators, Thomas A. Hendricks and David Turpie. However, Republican legislators, working closely with Republican governor Oliver P.

5. William B. Hesseltine, *Lincoln and the War Governors* (New York: Alfred A. Knopf, 1948), vi, 5–6, 42, 153, 210, 240. See also Allen Nevins, *The War for the Union* (New York: Charles Scribner’s Sons, 1959–60), 5:347 and 6:391, 392. See Stephen E. Towne, “Scorched Earth or Fertile Ground? Indiana in the Civil War, 1861–1865,” in Robert M. Taylor, ed., *The State of Indiana History 2000: Papers Presented at the Indiana Historical Society’s Grand Opening* (Indianapolis: Indiana Historical Society, 2001), 397–415.

6. Phillip Shaw Paludan, *The Presidency of Abraham Lincoln* (Lawrence: Univ. Press of Kansas, 1994), 78, and William E. Gienapp, *Abraham Lincoln and Civil War America: A Biography* (New York: Oxford Univ. Press, 2002), 192; Mark E. Neely Jr., *The Last Best Hope of Earth: Abraham Lincoln and the Promise of America* (Cambridge, Mass.: Harvard Univ. Press, 1993), 134–39.

Morton, fought off Democratic efforts to pass legislation to wrest wartime powers from the governor and vest them in a Democratic-controlled committee. Republican legislators slipped away from the Statehouse and bolted the state, denying Democrats the requisite quorum. No state budget bill passed the legislature. The legislative session adjourned, and Democrats were confident that they could force Governor Morton to call a special session in order to fund state government. But to all parties' surprise, Morton did not recall the Assembly. Rather, he raised funds from the War Department, Republican-controlled county governments, and private bankers in New York. Morton's shrewd but extralegal methods allowed him to keep state government running without Democratic interference.<sup>7</sup>

Indiana's Republican state government leaders relaxed briefly. In their private communications, Morton and his staff expressed confidence that events were finally under their control.<sup>8</sup> Conditions were not altogether rosy. Violent clashes, riots, and a growing undercurrent of resistance to the recently enacted federal conscription law pointed to difficulties in the state. But Morton banked on cooperation with amenable military commanders to assist him. Brig. Gen. Horatio G. Wright commanded the U.S. Army's Department of the Ohio, which included Indiana. The governor found he could get what he wanted from Wright. In March 1863, Wright appointed Brig. Gen. Henry B. Carrington to command the District of Indiana. Carrington, a political creature of Treasury Secretary Salmon P. Chase from the latter's term as governor of Ohio, had been assigned to Indiana in August 1862 as chief recruiting and mustering officer. In that position, Carrington worked efficiently to organize and train Indiana's volunteer troops. He also accumulated troops to combat apprehended uprisings, and developed an effective spy network that kept Morton and the Lincoln administration

7. On the 1863 Indiana General Assembly, see Stamp, *Indiana Politics During the Civil War*, 158–85; Lorna Lutes Sylvester, "Oliver P. Morton and the Indiana Legislature of 1863," in Robert G. Barrows, ed., *Their Infinite Variety: Essays on Indiana Politicians*, Indiana Historical Collections, vol. 53 (Indianapolis: Indiana Historical Bureau, 1981), 123–54; and Justin E. Walsh, *The Centennial History of the Indiana General Assembly, 1816–1987* (Indianapolis: Select Committee on the Centennial History of the Indiana General Assembly, 1987).

8. See two identical letters of Oliver P. Morton to Abraham Lincoln and Edwin M. Stanton, Mar. 6, 1863, Adjutant General of Indiana Records, box L516 022627, Indiana State Archives, Indiana Commission on Public Records, Indianapolis (hereafter cited as Indiana State Archives). See also Laz Noble to Allen Hamilton, Apr. 2, 1863, in the Allen Hamilton Papers, Indiana Division, Indiana State Library, Indianapolis; W. R. Holloway to Morton, Mar. 30, 1863, and Apr. 8, 1863, in Governor Oliver P. Morton Telegraphic Correspondence (hereafter cited as OPMTC), vol. 10, 182 and 196, respectively, Indiana State Archives.

informed of antigovernment activities in the state. The new appointment as district commander solidified the ties between state executive and the army. In sum, the officer developed a close partnership with Morton.<sup>9</sup>

However, on March 25, Wright was relieved of his command by Maj. Gen. Ambrose E. Burnside on orders from the War Department. The shelved former commander of the Army of the Potomac, Burnside was sent west to departmental headquarters in Cincinnati, Ohio, with instructions from General-in-Chief Maj. Gen. Henry W. Halleck in Washington to gather troops to invade eastern Tennessee.<sup>10</sup> Burnside also received instructions to prepare to repel an invasion of Kentucky, maintain the occupation of much of the state, and send reinforcements from his department to Maj. Gen. William S. Rosecrans and Maj. Gen. Ulysses S. Grant, whose forces faced hostile rebel armies in Tennessee and near Vicksburg, Mississippi, respectively. To do all these things, Burnside needed troops. A dutiful officer, he complied with orders and quickly took steps to determine how many troops were available in his department. Burnside wired Indianapolis the day of his arrival to inquire of troop strength in Indiana. The governor was on a trip to the east, but his private secretary replied with an accounting of troops in Indianapolis. The governor, being apprised of the inquiry, wired from Harrisburg, Pennsylvania, to Carrington to send no force out of the state. "Not a man can be spared," he wrote. During the coming months, Burnside and Morton would continue to spar over troop levels in Indiana.<sup>11</sup>

Another issue that divided Morton and Burnside was the army commander's General Orders number 38, issued April 13, 1863, announcing strict military punishment for any persons who voiced opposition to the government in Washington and sympathy for the rebels in the South. Born of the army's frustration with widespread anti-war sentiments in the North, Burnside's order stated, among other things, that military forces would be employed to regulate speech and publication by Northern civilians in his department. "It must be distinctly understood," stated Burnside in his order,

9. For basic information on Carrington, see Catherine McKeen, "Henry Beebe Carrington: A Soldier's Tale" (Ph.D. diss., State University of New York at Stony Brook, 1998).

10. William Marvel, *Burnside* (Chapel Hill: Univ. of North Carolina Press, 1991), 222–28.

11. Burnside to Morton, Mar. 25, 1863, OPMTTC, volume 16, 159, Indiana State Archives; Holloway to Burnside, Mar. 25, 1863, Record Group 94, General's Papers, General Ambrose E. Burnside Papers, box 6, National Archives and Records Administration, Washington, D.C. (hereafter cited as Burnside Papers); Morton to Carrington, Mar. 25, 1863, Carrington Family Papers, box 1, Manuscripts and Archives, Yale University Library, New Haven (hereafter cited as Carrington Papers).

“that treason expressed or implied will not be tolerated.” In explaining his policy, Burnside elsewhere affirmed his belief in the subordination of the military to civilian authorities; nonetheless, he believed that the military was “invested with a little more power [than civilian government] in suppressing anything like treason, and acts that tend to create dissention.”<sup>12</sup> General Orders No. 38 was a declaration of the army’s intention to intervene into civil and political affairs in areas not under martial law. The order’s publication provoked rebukes from Democratic newspapers in the department, including Indiana. But Republican newspapers welcomed the measure that threatened dire consequences for Democratic utterance against the Lincoln administration. Intoned one Indiana Republican newspaper, “The furious storm of invective and abuse [has] ceased as if by magic.” Publicly, in the immediate aftermath of the announcement, Morton remained silent. Efforts to arrange a meeting with Burnside in the following days failed.<sup>13</sup>

Burnside upset Morton’s plans significantly yet again. Shortly after Burnside assumed command in Cincinnati, the general received a broad hint from Halleck in Washington that Secretary of War Edwin M. Stanton believed Carrington was not a fit officer to command in Indiana, owing his rank and place “entirely to political influence.” Burnside wired Stanton that he would investigate Carrington’s fitness and “relieve him if he is found deficient.” Stanton replied that the “department has no disposition to remove General Carrington, or interfere with his command, unless you should find it necessary.”<sup>14</sup> On April 20, in the aftermath of serious and bloody incidents in

12. Marvel, *Burnside*, 231–32; for Burnside’s explanation of his policy, see *Cincinnati Daily Commercial*, Apr. 20, 1863.

13. *Seymour Times*, Apr. 30, 1863. See Burnside to Morton, Apr. 20, 1863, and subsequent messages of Apr. 21, 1863, in Ambrose E. Burnside Collection, Box 1, Letterbook number 1, Rhode Island Historical Society, Providence (hereafter cited as Burnside Collection).

14. Halleck to Burnside, Mar. 30, 1863, Burnside to Stanton, Apr. 6, 1863, and Stanton to Burnside, Apr. 6, 1863, in *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, ser. 1, vol. 23, pt. 2, 193–94, 216–17 (hereafter cited as *OR*). A few weeks previous to the above exchange, Robert Dale Owen, an important intermediary between Morton and Washington, D.C., leaders, had reported on an interview he had with Secretary Stanton that casts doubt on Halleck’s assertion. Owen wrote that Stanton “thinks very highly of Col. Carrington, and says he shall remain where he is, to aid you.” Owen expressed Stanton’s confidence in Carrington in the context of reporting his views of the Northwest Confederacy plot, a conspiracy planned by pro-rebel groups in the states of Ohio, Indiana, and Illinois, and earnestly believed by Morton, Carrington, and Owen. Wrote Owen, “Stanton fully believes in the plot to reconstruct leaving New England out; he feels sure it cannot succeed. In my judgment he does not fully appreciate the imminence of the danger.” See Owen to Morton, Feb. 13, 1863, in Governor Oliver P. Morton Papers, Indiana State Archives.

Brown and Hendricks counties in Indiana, Carrington wired Burnside a message that was alarmist in tone and content. Burnside replied the next day with a patronizing telegram and revealed his ignorance of the existing close working relationship between Carrington and Morton. "There is no cause for alarm," he wrote. "Haste and indiscretion in the exercise of military force often creates trouble. Consult fully with Governor Morton who is thoroughly posted in the state affairs and will prove a good adviser." Carrington replied, "Rely upon my prudence. I entertain no alarm but wish to anticipate sharp issues." But the next day Burnside sent Carrington word that he was relieved of his command in Indiana immediately and was to report to headquarters in Cincinnati. There, Carrington later reported, Burnside told him that he "disapproved my policy saying—*that the radical defect was my use of the Grand Jury and civil Courts, and that the Military Commission should have been used only.*" Brig. Gen. Milo S. Hascall was appointed in his stead.<sup>15</sup>

News of Hascall's appointment reached Governor Morton while he was in Madison, Indiana, on the Ohio River. Morton immediately wired Burnside a curt message: "I have just learned [of] the removal of Carrington and regret it much. It is a blow to the Union cause in Indiana in my judgement. Will occasion great dissatisfaction among Union men and rejoicing among the rebels. Look well to your advisers in this matter, my dear General. They are misleading you." Morton traveled back to Indianapolis and immediately began to organize a campaign to retain Carrington, his right-hand military man. Burnside arranged to go to Indianapolis to confer with the governor two days after the new appointment. While there, he gave a speech reiterating his agreement with military subordination to civil authority. Despite a barrage of advice from Morton and other Republican leaders in Indianapolis, Burnside remained firm. Carrington was reassigned to Cleveland.<sup>16</sup>

15. Carrington to Burnside, Apr. 20, 1863, box 6, Burnside Papers; Burnside to Carrington, Apr. 21, 1863, box 1, Carrington Papers; Burnside to Carrington, Apr. 22, 1863, Letterbook number 1, Burnside Collection; Burnside to Hascall, Apr. 22, 1863, Letterbook number 1, Burnside Collection. Burnside thought the troubles Carrington reported serious enough to cite them in a telegram to Halleck, explaining why he had not yet gone to the front: "They will in all probability delay me here for some days." Burnside to Halleck, Apr. 20, 1863, Letterbook number 1, Burnside Collection. Carrington to Salmon P. Chase, May 26, 1863, in John Niven, ed., *The Salmon P. Chase Papers, Volume 4, Correspondence, Apr., 1863–1864* (Kent, Ohio: Kent State Univ. Press, 1997), 42–46.

16. W. H. H. Terrell to Morton, Apr. 22, 1863, and Morton to Terrell, same date, OPMTTC, vol. 10, 218–19; Burnside to Morton, Apr. 22, 1863, OPMTTC, vol. 16, 179, Indiana State Archives; Morton to Burnside, Apr. 22, 1863, box 7, Burnside Papers; *Indianapolis Daily Evening Gazette*, Apr. 25, 1863; *Indianapolis Daily State Sentinel*, Apr. 25, 1863. Burnside replied to Morton that he was "not following the advice of any one in removing Carrington—in fact no one has recom-



Born in New York State in 1829, Milo S. Hascall had resided in Goshen, Indiana, since 1847 and graduated from the United States Military Academy at West Point in 1852. He served briefly in the regular army before resigning his commission and returning to Indiana, where he was active in business, law, and Republican politics. At the beginning of the war, Hascall served in the western Virginia campaign, was commissioned Colonel of the 17th Indiana Volunteer Infantry regiment, and appointed Brigadier General of Volunteers in the spring of 1862. He participated in the Shiloh and Corinth campaigns, as well as the "retrograde" march in pursuit of rebel General Braxton Bragg through Tennessee and Kentucky in Maj. Gen. Don Carlos Buell's army. Hascall distinguished himself for cool leadership in the bloody battle of Stones River in Tennessee in December 1862–January 1863. Often in poor health, Hascall was assigned by Maj. Gen. William S. Rosecrans to superintend the roundup of thousands of deserters and stragglers from the Army of the Cumberland in the winter of 1863. His headquarters were in Indianapolis.<sup>17</sup>

General Hascall took command of the District of Indiana in Indianapolis immediately on April 22, 1863, and walked into the middle of a serious power struggle. Morton and Burnside vied for the upper hand in how to deal with antiwar sentiment and resistance to government in Indiana. Hascall enjoyed the confidence of his commander, who appreciated his fighting record. But his relations with Governor Morton were poor. The governor placed no trust in the young general. First, Hascall was ignorant of Carrington's spy organization, an important weapon in the governor's arsenal in controlling

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mended it." This statement ignored Halleck's original suggestion to Burnside. See Burnside to Morton, Apr. 22, 1863, Letterbook number 1, Burnside Collection.

17. For information on Milo Hascall, see Stephen E. Towne, ed., "West Point Letters of Milo S. Hascall, 1848–1850," *Indiana Magazine of History* 90 (Sept. 1994): 278–94. General Rosecrans wrote in a letter to Governor Morton that "General Hascall is not able to stand field service during this inclement season," and that Hascall was under orders to "consult with you and others as to the best mode of effecting object and report to me the results." Rosecrans to Morton, Feb. 16, 1863, Adjutant General of Indiana Records, box A4017 024596, folder 18, Indiana State Archives. Hascall and Rosecrans had served together in the regular U.S. Army in the early 1850s. Hascall's postwar memoirs of his service point to a run-in with Rosecrans after Stones River. According to this account, Rosecrans failed to inspire confidence in the army owing to his Roman Catholic faith and possessing an inflated ego. Hascall states that he applied for a transfer out of Rosecrans's command due to his lack of confidence in his leadership. Expecting to be placed under arrest for insubordination, Hascall was instead sent north with the comment from his commander that he could not be spared. See Milo S. Hascall, *Personal Recollections and Experiences Concerning the Battle of Stone River* (Goshen, Ind., 1899), 4ff. Hascall was officially transferred to Burnside's Department of the Ohio on May 12, 1863. See *OR*, ser. 1, vol. 23, pt. 2, 326.

the antiwar Democracy. Second, unlike Carrington, the new commander followed orders promptly in dispatching troops in Indiana to the front. Third, Hascall agreed with Burnside in the efficacy of military intervention to quell civil disturbance and civilian resistance to the war effort. On April 25, Morton successfully persuaded the generals not to send a military expedition to Brown County, instead sending a bipartisan deputation to investigate and report on the situation. In Morton's view, the situation was too perilous to leave to injudicious military officers. He again requested the return of General Carrington to Indianapolis: "He is in possession of information important for me to have." Morton pressed further for Carrington's prompt return, writing again to Burnside that he was planning to go to Washington but could not go until Carrington arrived. "I shall feel much embarrassed in leaving the state with a new man here." To a Republican colleague, he wrote, "Carrington has been removed, and a new man appointed who knows but little about the state."<sup>18</sup>

On Saturday, April 25, three days after his appointment, Hascall issued his own proclamation addressing political speech and publication, General Orders No. 9. His order served as an amplification of General Orders No. 38, specially tailored for Indiana. The general was charged, he wrote, with enforcing General Orders No. 38 in the state. He noted that "unmistakable evidence reached him that the provisions of this Order have been and are being, violated in various parts of the State." Newspapers and public speakers had "led astray" "well meaning men" to violate the order. They "will therefore be held to the most rigid accountability. . . . All newspapers and public speakers that counsel or encourage resistance to the Conscription Act, or any other law of Congress passed as a war measure, or that endeavor to bring the war policy of the Government into disrepute, will be considered as having violated the Order above alluded to, and treated accordingly." Concluding, Hascall added, "The country will have to be saved or lost during the time this Administration remains in power, and therefore he who is factiously and actively opposed to the war policy of the Administration, is as much opposed to his Government." The order appeared in Indianapolis' chief Republican

18. See Laz Noble to Hascall, Apr. 23, 1863, Adjutant General's Letterbook number 2, page 79, Adjutant General of Indiana Records, Indiana State Archives; two telegrams of Morton to Burnside, Apr. 25, 1863, box 7, Burnside Papers; Morton to Jesse J. Brown, Apr. 29, 1863, OPMTC, vol. 10, 234, Indiana State Archives; Hascall to Burnside, Apr. 26, 1863, box 7, Burnside Papers. Burnside allowed Carrington to return to Indianapolis temporarily. The *Indianapolis Daily Journal* of Apr. 28, 1863, reported that "General Carrington is also in the city on military business connected with the affairs of Indiana."

newspaper, the primary organ of the party in the state, on the following Monday, April 27. That day Hascall wrote to his superior in Cincinnati that "I have issued a General order today which I think will do good and will meet your hearty approbation. I think it is practical and can be carried out. . . . I will send you tomorrow a copy of the order I have issued and would like to know whether it meets your approbation." Burnside wired him on April 29 that his letter with the text of the order was "very satisfactory."<sup>19</sup>

As General Orders No. 9 began to disseminate around the state and began to appear in both Republican and Democratic newspapers, strong howls of protest emitted from Democratic speakers and the Democratic press. Examining General Orders No. 38 and General Orders No. 9 together, many editors wondered what might be considered treasonable under the broad heading of bringing the war policy of the Lincoln administration into disrepute. "We are unable to say exactly what this language means," wrote the *Goshen Democrat*, the Democratic newspaper in Hascall's hometown. Others wondered what Burnside and Hascall meant by "implied treason." The *Indianapolis Daily State Sentinel*, the organ of the state Democratic party, noted, "There is no such crime as 'implied treason.'" The editor of the *Evansville Weekly Gazette* remarked that "it now seems that it is [as] dangerous [to voice doubts about administration policies] as it is impossible for anybody to determine what a military officer may choose to embrace under the name of 'implied treason.' . . . We suggest that some military lawyer . . . should spare the time . . . to give us a few instances of 'implied treason.'"<sup>20</sup>

Hascall acted promptly to arrest Democratic newspaper editors and stop their presses to demonstrate the meaning of his military order. The first editor arrested was Daniel E. VanValkenburgh of the *Plymouth Weekly Democrat*. VanValkenburgh had ridiculed General Orders No. 9 at length in his edition of April 30. Noting its "imperial style," the editor condemned "its total disregard of civil law and the rights of citizens in loyal districts." He launched into a barrage of personal abuse of Hascall, calling him a "country politician" and braying donkey "who has no more rightful authority over the people of Indiana than our town marshal." Having been sent a copy of the newspaper by the editor of Plymouth's Republican newspaper, Hascall dispatched troops to the northern Indiana town on May 4. The offending editor was arrested,

19. *Indianapolis Daily Journal*, Apr. 27, 1863; Hascall to Burnside, Apr. 27, 1863, box 7, Burnside Papers; Burnside to Hascall, Apr. 29, 1863, Letterbook number 1, Burnside Collection.

20. *Goshen Democrat*, Apr. 29, 1863; *Indianapolis Daily State Sentinel*, Apr. 14, 1863; *Evansville Weekly Gazette*, Apr. 25, 1863.

carried back to Indianapolis, held in the prisoner-of-war camp, and then sent to Burnside in Cincinnati. There the general extracted an oath of allegiance from the editor and released him on a promise "to conduct his paper on proper principles." The newspaper's publication was suppressed for one week and only a half-sheet edition appeared the following week.<sup>21</sup>

Other arrests of Democratic newspaper editors who had sneered at Hascall's order occurred in the following days. Rufus Magee, editor of the *Pulaski Democrat* in Winamac, was arrested and his newspaper suspended for two weeks. Hascall permitted Magee to issue a half-sheet to explain why the paper was suppressed: "an alleged disobedience of Order number 9." The *Columbia City News* was shut down and its editor, Engelbert Zimmerman, was ordered to Indianapolis to answer for his offense. Hascall notified the *South Bend Forum* either to retract its boasts to violate his order or suspend publication. The editors of the Democratic newspaper, W. H. and Ariel Drapier, chose the latter course and closed the newspaper, refusing to retract their statements.<sup>22</sup>

Hascall notified still other Indiana Democratic newspapers to change their tone or face suspension. These newspapers included the *Starke County Press*, the *Bluffton Banner*, the *Blackford Democrat*, the *Warsaw Union*, and the *Franklin Weekly Democratic Herald*, all but the last paper located in northern Indiana. Records do not show if these newspapers' editors were arrested or their publication suspended.<sup>23</sup>

21. *Plymouth Weekly Democrat*, Apr. 30, 1863; Hascall to Editor of *Plymouth Weekly Democrat*, May 4, 1863, box 7, Burnside Papers; Burnside to Hascall, May 6, 1863, in Record Group 393, Records of U.S. Army Continental Commands, Part III, entry 223 (Correspondence Between General Burnside Commanding Department of the Ohio and General Hascall of the District of Indiana), vol. 87ND, National Archives and Records Administration, Washington, D.C.; *Plymouth Marshall County Republican*, May 21, 1863; *Plymouth Weekly Democrat*, May 14, 1863. For VanValkenburgh's own account of his arrest, see Daniel McDonald, *A Twentieth Century History of Marshall County Indiana* (Chicago: Lewis Publishing Company, 1908), 1:292.

22. *Logansport Democratic Pharos*, June 3, 1863, quoting the *Pulaski Democrat*; *Columbia City News*, May 26, 1863; *South Bend Forum*, May 2, 9, and 23, 1863. See also OR, ser. 2, vol. 5, 723–26. The Republican newspapers of South Bend suggested the Drapiers shut down the *Forum* for "pecuniary reasons," and found the Hascall order a convenient excuse. See the *Mishawaka Enterprise*, May 23, 1863, and the *St. Joseph Valley Register*, May 21, 1863. The Drapiers at the time compiled and published by contract with the Indiana General Assembly the *Brevier Legislative Reports*.

23. *Columbia City News*, June 2 and 9, 1863; *Huntington Democrat*, May 28 and June 4, 1863; Fort Wayne *Dawson's Daily Times and Union*, May 7, 1863. The *Huntington Democrat* of May 28, 1863, listed five newspapers as suppressed: the *Columbia City News*, the *South Bend Forum*, the *Winamac Pulaski Democrat*, the *Plymouth Weekly Democrat*, and the "Johnson County Democrat" [*sic*, the *Franklin Weekly Democratic Herald*]. It listed three newspapers

In another instance, popular action thwarted Hascall's attempt to arrest the editors of a Democratic newspaper. On the night of May 15, he dispatched a squad of troops to the northern Indiana town of Huntington, where the particularly vociferous antiwar *Huntington Democrat* was published by Samuel F. Winter and William C. Kocher. However, a crowd of men armed with revolvers and clubs estimated to be between fifty and two hundred strong prevented the arrests.<sup>24</sup>

Hascall's policy of arrests and threats of arrest of editors and suspension of publication of Democratic newspapers achieved the intended effect. Many Democratic newspapers in the state appear to have been intimidated by the military policy. Several outspoken editors refrained from their normally vitriolic condemnation of federal war policy and measured their words carefully. James Elder of the *Richmond Jeffersonian* cautioned his readers "to say nothing of a provocative or offensive nature, and to do nothing that contravenes the laws and regulations of the constituted authorities." The *Owen County Journal* in Spencer wrote that "we are sure our readers will pardon us if, *until further notice* [italics in original], we are silent upon the great issues which agitate the public mind. . . . [I]t becomes Democrats to be silent." Observed the *Miami County Sentinel* in Peru, "We forebear to comment further upon [the arrest of Ohio Democratic leader Clement L. Vallandigham]. Indeed, we think an observance of 'Military Order No. 9' is necessary upon this point, in order to maintain the peace and good order of society. Concluded the *Sullivan Democrat*, "However galling this may be we have no alternative but to quietly submit."<sup>25</sup> Many public speakers also trod carefully. The statewide mass meeting of Democrats held in Indianapolis on May 20, attended by several thousand party faithful, produced a few fierce antiwar, anti-administration speeches, but the general tenor of criticism was pale. In preparation for the event, Hascall posted all his available infantry, several squadrons of cavalry,

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as threatened with suspension if no retraction was made: the *Bluffton Banner*, the *Blackford Democrat*, and the *Warsaw Union*. See also OR, ser. 2, vol. 5, 723–26. For a prosopographical analysis of Indiana Democratic newspaper editors who were arrested, or whose newspapers were suppressed or attacked during the Civil War, see Bruce Bigelow and Stephen E. Towne, "Democratic Opposition to the Lincoln Administration in Indiana: The Polls and the Press," *Journal of the Indiana Academy of the Social Sciences* 5 (2001): 71–82.

24. *Huntington Democrat*, May 28, 1863, and *Huntington Indiana Herald*, June 10, 1863. The Democratic paper estimated the crowd at two hundred; the Republican newspaper put the crowd at fifty.

25. *Richmond Jeffersonian*, May 7, 1863; *Sullivan Democrat*, May 7, 1863, also quoting the *Owen County Journal*; *Miami County Sentinel*, May 21, 1863.

and unlimbered artillery at strategic points in the city, and at the same time surrounded the meeting participants with a show of military force. Arrests for carrying concealed weapons and cheering Jefferson Davis were made by troops. Other troops threatened speakers on the stands, including U.S. senator Thomas A. Hendricks. When departing Democrats fired their pistols and revolvers in the air from their trains, Hascall ordered troops to stop them, surrounded the trains, and disarmed the many carrying firearms. No doubt the show of military force muted much fiery rhetoric.<sup>26</sup>

Democrats fought back against Hascall's order as best they could. However, instead of direct confrontation with military authority, Democrats employed indirect methods. Joseph K. Edgerton, the newly elected Democratic U.S. representative from Fort Wayne in northern Indiana, prodded the general into a war of words. On May 2, one week after General Orders No. 9 appeared, the congressman wrote a private letter to Hascall, asking the general to clarify the meaning of the order. "You will," he wrote, "of course, admit that if the people are to obey your order, it is important they should know its exact scope and design." Edgerton asked the meaning of the phrases "endeavor to bring the war policy of the Government into disrepute," "actively opposed to the war policy of the Administration," and "opposed to the Government." Hascall answered Edgerton in a long lecture that he submitted to the *Indianapolis Daily Journal* for publication. In it, he laid out his views on proper obedience to authority. Hascall outlined the federal government's war policy, including the tax, confiscation, and conscription acts and the Emancipation Proclamation. Both Congress and the president had formulated them after long and mature deliberation. "Possibly, they are not the wisest and best that could have been enacted," wrote the general. "That, however, is a matter which does not *now* concern either of us. Enough for us to know, that they have been agreed upon" by the lawful government. Allowing newspapers and speakers to criticize these policies will only "divide and distract" the Northern people, "and thus give material 'aid and comfort' to our enemies." Hascall reiterated his belief that the rebellion had to be "either established or crushed" within the time of Lincoln's term in office. Opposition to the Lincoln administration equaled opposition to the U.S. government. The war would end soon, he opined, but some persons would try to prolong the war and obstruct the administration's suppression of the rebellion to allow "another Administration [to] get the credit of settling it."

26. *Indianapolis Daily Evening Gazette*, May 20 and 21, 1863. See three telegrams from Hascall to Burnside, May 20, 1863, box 7, Burnside Papers.

He would strike at the leaders of divisiveness and obstructionism as the source of the problem. "As well I might establish a number of small pox hospitals in the heart of the city, and then punish the people for being infected with that loathsome disease, as to allow newspapers and public speakers to belch forth their disloyal and treasonable doctrine." "To kill the serpent speedily," he wrote, "it must be hit on the head."<sup>27</sup>

Edgerton prepared a bold reply that, published in Democratic newspapers throughout the state and elsewhere, served both as a Democratic manifesto and a call to arms. General Orders No. 9, he wrote, "is not entitled to respect and obedience." The order was not the product of Indiana's government, "to whom belongs . . . the control and conduct of the civil affairs of the state." Rebellion did not exist in the state, and government continued intact. "Freemen" enjoyed the inalienable rights of free speech, a free press, and free courts, and would not suffer to be enslaved. The "merest tyro" knows that this military order "cannot stand the ordeal of discussion, judicial investigation or attempted execution." Though the people may submit to the order presently, "even the deluded people who may now approve and applaud your despotic acts . . . will awake" and on the "day of retribution and justice" rebuild and "re-enthron" law and constitutional government. Edgerton proclaimed his desire to suppress the rebellion "by all constitutional means," and his willingness to support the administration's war policy to the extent he believed it warranted support. But he defiantly enunciated his opposition to Lincoln administration policies that he saw as "vindictive and unconstitutional . . . toward the States in rebellion." These policies, such as the confiscation acts and the Emancipation Proclamation, would not suppress the rebellion or restore the Union. Thus, he could not support the Lincoln administration, and he would take active steps to depose Lincoln via the ballot box. In conclusion, Edgerton wondered:

Where is Oliver P. Morton, the constitutional civil Governor of Indiana, that he does not at once speak and rebuke your claim to exercise authority and do acts, that you cannot exercise or do, without a clear violation of the Constitution and laws of the State of Indiana, and of the United States, and without degrading him to a mere cipher and pageant in the State? I would be glad to know that Gov. Morton can answer this question as becomes the dignity and freedom of the State whose Chief Magistrate he is.<sup>28</sup>

27. *Indianapolis Daily Journal*, May 6, 1863.

28. *Indianapolis Daily State Sentinel*, May 15, 1863.

Edgerton knew that the best means available to rein in the military authorities was not Democratic complaining but Republican Governor Morton, whose energetically pro-war, pro-administration stance was universally acknowledged.<sup>29</sup> Morton publicly remained quiet on the issue of General Orders Nos. 38 and 9. However, privately he was seething. Burnside's and Hascall's orders, rather than squelching Democratic opposition, were having the opposite effect of reinvigorating the antiwar, anti-Lincoln party in Indiana that he had himself quelled at the end of the General Assembly. While the orders intimidated antiwar expression temporarily, arrests of prominent Democrats and the orders themselves mobilized fellow party members. Leading Democrats such as U.S. Representative Daniel W. Voorhees, former U.S. Senator Graham N. Fitch, Senator Thomas A. Hendricks, and others heaped odium on the orders. Clement L. Vallandigham, the midwestern leader of antiwar sentiment, particularly attacked General Orders No. 9 in the speech that provoked his arrest by order of Burnside. National attention focused on Hascall's order.<sup>30</sup>

Morton would tolerate it no further. On May 15, the day Edgerton's reply appeared in the newspapers, he met with Hascall. The following day Hascall reported to Burnside that the governor "told me plainly that he did not consider your order 38 practical, and he thought it could not be carried out—that efforts to enforce it might as well be given up in his opinion, and that it was creating immense difficulty all over the Country." Morton also told the general that the arrest and trial of Vallandigham was "entirely unwarranted

29. It is not impossible that Edgerton and other Democrats may have been aware of Morton's frustration with the military authorities in Indiana. Morton's staff had received assurances from an influential Fort Wayne War Democrat that Edgerton would not oppose the war effort in Congress. Fort Wayne banker Allen Hamilton reported, "I think from conversations I had with Mr. Edgerton our member of Congress that he will urge submission to the laws and prosecution of the war." See Allen Hamilton to Laz Noble, Apr. 7, 1863, Adjutant General of Indiana Records, Box A4017 024596, folder 12, Indiana State Archives. Likewise, Edgerton may have been alerted to Morton's opposition to Burnside's and Hascall's policy.

30. For information on Vallandigham's speech at Mt. Vernon, Ohio, that provoked his arrest, see Frank L. Klement, *The Limits of Dissent: Clement L. Vallandigham and the Civil War* (Lexington: Univ. Press of Kentucky, 1970), 151ff. Hascall wrote a private letter to the editor of the *New York Express* on May 5, 1863, rebuking him for his damning comments regarding General Orders No. 9. Hascall's note was published in the *Express* and reprinted in the *New York Times*. See *OR*, ser. 2, vol. 5, 723–26. Burnside was alerted to the exchange and queried Hascall about the matter. Hascall explained that the letter he wrote was not intended for publication. "I know it is in bad taste to pay much attention to newspaper comments, and accordingly I have not done so except in one or two instances, in aggravated cases, and when some such reason as their being members of congress seemed to justify such course." Burnside to Hascall, May 17, 1863, Letterbook number 1, Burnside Collection, and telegram and letter of Hascall to Burnside, May 18, 1863, box 7, Burnside Papers.



and could not be justified.” Only “attachees” of the military could be tried by military commission. “This,” fretted Hascall, “is very singular ground to occupy. It is admitting away our whole case. I acknowledge that I am not a little embarrassed by this state of things[.] I think all could have been managed very well after the first effervescence was over but for this unexpected ‘fire in the rear.’” “The trouble seems to be,” he continued, “that you issued order 38 without consulting him and removed Genl Carrington in a similar manner. He [doesn’t] seem to find so much fault with either act as he does with the fact that *he* was not *consulted*.” Hascall reminded his superior of Morton’s previous record with generals who displeased him: “General Buell, incurred his displeasure in a similar manner when he first took command of the Dept and the Govr never, ceased in his exertions against him till he was removed and the court organized as it was against him. These facts and surmises I have considered it important to you to know. Forewarned is forearmed.”<sup>31</sup>

Hascall was correct to warn Burnside. The following day, Sunday, May 17, Morton visited Indianapolis banker Calvin Fletcher at his home and declared his intention to depose both generals. Fletcher recorded in his diary:

Govr. Morton called on me to advise & to explain his position in relation to Genl. Hascall & Burnside’s new orders. He views the former a mere 4th rate man & Burnside’s not strong but weak in his administrative ability. Condemns the removal of Genl. Carrington & the orders restricting the press etc. That Hascall is incompetent to carry out reasonable orders—a real failure that these orders ca’n’t consistently be resinded but only way to get rid of them is to remove Burnside—that he goes to Washington this week—that he has not the ear of Hallack but of President Lincoln who is not efficient.<sup>32</sup>

Morton campaigned privately to remove both Burnside and Hascall. He enlisted the support and assistance of at least one important leader close to Lincoln to this end. United States Supreme Court Justice David Davis, a friend of the president’s and his campaign manager in 1860, was in Indianapolis in May 1863, serving on the federal circuit court bench. He recognized the

31. Hascall to Burnside, May 16, 1863, box 7, Burnside Papers. For details on the dispute between Morton and Gen. Don Carlos Buell, see Stephen D. Engle, *Don Carlos Buell: Most Promising of All* (Chapel Hill: Univ. of North Carolina Press, 1999), 314–20.

32. Entry of May 17, 1863, in Gayle Thornbrough and Paula Corpuz, eds., *The Diary of Calvin Fletcher, Volume VIII, 1863–1864* (Indianapolis: Indiana Historical Society, 1981), 139.

dangers of the generals' methods. His instructions to the federal grand jury in a case concerning disloyalty and disloyal practices, amounting to a lecture on the legal definition of treason, contrasted starkly with Hascall's views. The contrast was noted by the state's Democratic press. Davis also telegraphed Secretary Stanton, stating, "I have been for several weeks, and am, perfectly satisfied that the immediate removal of General Hascall is demanded by the honor and interests of the Government."<sup>33</sup> In addition, the *Indianapolis Daily State Sentinel*, the organ of the state Democratic party, noted that Governor Morton opposed the military policy of "arbitrary arrests." This story, leaked by the governor's office to the opposition press, put pressure on the generals. Morton had privately voiced his opposition to military interference in civil matters in his state. Now he had gone public.<sup>34</sup>

Morton, always energetic, was remarkably active during this period, making several trips to Washington from early May to early June 1863 in the span of about five weeks. There he pressed administration and military leaders to remove Burnside and Hascall. Whether Morton met with President Lincoln to discuss the matter is not known. His results were mixed. Burnside remained in his post. Even when his handling of the Vallyandigham arrest and trial proved highly troublesome, administration leaders were loath to face again the political embarrassment of removing yet another high-ranking general from command. However, Morton's efforts bore some fruit. Washington leaders began to put pressure on Burnside to deal with Hascall, who also irritated Governor Morton. In his inimitably and ambiguously suggestive fashion, General Henry Halleck wrote to Burnside on May 20 that Secretary Stanton disliked the practice of employing district commanders in the western states of Ohio, Indiana, and Illinois. "Moreover," he wrote,

33. *Indianapolis Daily State Sentinel*, May 8 and 11, 1863; Davis to Stanton, May 27, 1863, *OR*, ser. 1, vol. 23, pt. 2, 369. Morton also sent a separate telegram from Indianapolis to Stanton at the same time as Davis, "11 pm," suggesting a concerted effort by the two men. See Morton to Stanton, *ibid.*

34. *Indianapolis Daily State Sentinel*, May 25, 1863. On Apr. 29, 1863, a prominent Democratic physician in Indianapolis was arrested by military authorities for alleged treasonable correspondence and encouraging desertions. Nicholas J. Dorsey had previously volunteered to assist Governor Morton's efforts to provide medical aid to Indiana troops in the field. Morton intervened in his case with Burnside and obtained his release. See Holloway to Burnside, May 7, 1863, *OPMTC*, vol. 16, 186, and Burnside to Holloway, May 7, 1863, *ibid.*, 187, Indiana State Archives. See also Morton to Gen. Jeremiah T. Boyle, May 2, 1863, Morton Papers, Letterbook number 2, 742-43, Indiana State Archives, and Burnside to Hascall, May 7, 1863, RG 393, entry 223, National Archives. Democratic newspapers in the state reported that Morton was instrumental in Dorsey's release.

without naming names, "it seems difficult to find military commanders of sufficient judgment and discretion to avoid conflicts with the civil authorities." Military officers should not assume powers that are not theirs. "All this does much harm, by inciting party passions and political animosities."<sup>35</sup>

In an ill-timed gesture of cooperation, On May 26 Hascall wrote to Morton that notwithstanding his known dislike for "arbitrary arrests," the general "had some cases on hand now requiring in my judgment this kind of action."<sup>36</sup> The next day Morton telegraphed Stanton, "General Hascall is still in command here. I hope you will see that your order for his removal is executed at once. It is important."<sup>37</sup> It is clear, then, that the governor had previously secured a promise from the Secretary of War to have Hascall sacked. However, Stanton had delayed action. On May 30, Morton addressed a long letter to President Lincoln, laying out his objections to Burnside and his General Orders No. 38, paying exclusive attention to the problems caused by military arrests. The order has "wholly failed to accomplish the purpose for which it was intended." Rather, it was "intensifying the hatred" that Democrats felt toward the administration. "If arrests are to be made," he wrote, "they should be made by the highest authority on deliberation. . . . Temporary commanders of Departments, who are here today and gone tomorrow, some of whom are very poor politicians," should not be vested with such authority. "General Burnside's Order," he continued, "supersedes civil authority in Ohio, Indiana and Illinois, and although it was not issued with your knowledge, or by your authority, yet your subsequent silence gives it your ratification before the public." "My own opinion is," he concluded, "that the preservation of the peace and loyalty" of Indiana, Ohio, and Illinois should be "left with the State authorities to be aided and supported by Federal power when necessary."<sup>38</sup>

Finally, in a letter dated June 1, 1863, Stanton wrote to Burnside that President Lincoln had been apprised of Hascall's General Orders No. 9 and letters in the press. Stanton encouraged the general to consider

Whether it would not be better to withdraw General Hascall from that command. Whatever dissatisfaction there may exist in the State of Indiana . . .

35. Halleck to Burnside, May 20, 1863, box 7, Burnside Papers, also published in *OR*, ser. 2, vol. 5, 664–65. For Burnside's relations with Washington in May 1863, see Marvel, *Burnside*, 237–40.

36. Hascall to Morton, May 26, 1863, Morton Papers, Indiana State Archives.

37. Morton to Stanton, May 27, 1863, *OR*, ser. 1, vol. 23, pt. 2, 369.

38. Morton to Lincoln, May 30, 1863, Robert Todd Lincoln Collection, microfilm roll number 53, Library of Congress, Washington, D.C.

is liable to be increased by the presence of an indiscreet military officer, who will unnecessarily interfere with the political condition of the State and produce irritation by assuming military powers not essential to the preservation of the public peace. Great care is to be exercised in those States not to excite the apprehensions of the State Executives who are loyal and diligent in maintaining the authority of the Government.

According to Stanton, Lincoln wished to maintain a “good understanding” with Governor Morton and the other governors in the department; the president thought it best to leave the running of the states to their governors, who knew the “temper of the people” and their “natural aversion” to unnecessary military powers. The president did not wish to “restrict you in the powers” other military commanders exercised, but “only to make such suggestions as are thought to be expedient for the public service. . . . The proper limit of military power in such cases is at [the governors’] request to aid and not supersede the State authority.” The secretary enclosed newspaper clippings of Hascall’s exchanges with newspaper editors to illustrate the general’s indiscretions. Two days later, on June 3, Stanton wired Morton, “Instructions have this day been forwarded by mail to Gen. Burnside which will, I think, remove all complaint, and accomplish your wishes.”<sup>39</sup>

Burnside was at that moment embroiled in another newspaper controversy. On June 1, 1863, Burnside ordered military forces in Chicago to shut down the *Chicago Times*, a leading antiwar, anti-Lincoln journal. The order provoked massive protest in Chicago, and a group of leading Illinois Democrats and Republicans together petitioned President Lincoln to order Burnside to revoke his order. Lincoln did so. However, another group of influential Republicans in Illinois protested the president’s lifting the ban on the newspaper. Lincoln, in a show of political indecision, changed di-

39. Stanton to Burnside, June 1, 1863, *OR*, ser. 2, vol. 5, 723–26; Stanton to Morton, June 3, 1863, *OPMTC*, vol. 16, 209, Indiana State Archives. It is likely that the newspaper references supplied by Stanton to Burnside had been provided by Governor Morton. It is also clear that Morton knew that Lincoln and the cabinet disapproved of Burnside’s policy of military arrests before the general learned of it. On May 29, 1863, Burnside wired Lincoln that “a messenger from Governor Morton came to me this morning in reference to the arrest by the military authorities of a citizen of Indiana. I understood from him that my action . . . was not approved by a single member of your Cabinet.” See Burnside to Lincoln, May 29, 1863, Letterbook 2, Burnside Collection, and Morton to Burnside, May 28, 1863, box 8, Burnside Papers. The Indiana citizen in question was State Senator Alexander J. Douglas, a Democratic legislator from northern Indiana, who was arrested in Ohio by military authority after making speeches denouncing General Orders No. 38. The arrest stirred considerable opposition in Indiana.

rections and on June 4 Stanton sent a message to Burnside to let the ban on publication stand if he had not already lifted it. But Burnside had acted promptly on the first order from the president and had lifted his ban. He wired to Stanton, "I am very much embarrassed and beg to ask for specific instructions in such cases."<sup>40</sup>

Burnside's embarrassment continued when he received Stanton's letter of June 1 (sent June 3) regarding Hascall. However, he followed the secretary's suggestion. On June 5, he telegraphed the Indiana general stating that his district was reorganized to include the state of Michigan, and that Brig. Gen. Orlando B. Willcox was relieving him of its command. "Allow me to thank you," he continued, in a personal tone unlike that he took when he dismissed Carrington only six weeks earlier, "for your hearty co-operation and very efficient service and aid in carrying out the policy adopted in this department." Hascall in reply proposed an order rescinding his General Orders No. 9 "and disavowing all right to take action on account of disloyal practices." He continued sadly, "It seems to me that after the president's action in the *Chicago Times* matter no other course is left us." On Willcox's arrival on June 8, Hascall turned over his command and rescinded his General Orders No. 9. Granted thirty days leave by a grateful Burnside, the general took his leave of Indianapolis.<sup>41</sup>

General Hascall's brief tenure in Indiana resulted in more newspapers being suppressed or threatened with suppression than has previously been understood. All told, at least ten Indiana newspapers faced official military sanctions as a result of General Orders No. 9. This represents 13 percent of

40. See Tenney, "To Suppress or Not to Suppress," 253–59. Unfortunately, since 1981, when Tenney's important article appeared, many historians have either overlooked or ignored Lincoln's flip-flop regarding the suppression of the *Chicago Times*, preferring to see Lincoln acting to lift press restrictions rather than reimpose them for purposes of political expediency. Historians who have omitted Tenney's analysis are, for example, David Donald, *Lincoln* (New York: Simon & Schuster, 1995), 21; David E. Long, *The Jewel of Liberty: Abraham Lincoln's Re-election and the End of Slavery* (Mechanicsburg, Pa.: Stackpole Press, 1994), 84–85; Marvel, *Burnside*, 245–46; Huntzicker, *The Popular Press*, 127–28; John Tebbel and Sarah Miles Watts, *The Press and the Presidency from George Washington to Ronald Reagan* (New York: Oxford Univ. Press, 1985), 193; Michael Kent Curtis, *Free Speech, "The People's Darling Privilege": Struggles for Freedom of Expression in American History* (Durham, N.C.: Duke Univ. Press, 2000), 316; Mark E. Neely Jr., *The Union Divided: Party Conflict in the Civil War North* (Cambridge, Mass.: Harvard Univ. Press, 2002), 98; Geoffrey R. Stone, *Perilous Times: Free Speech in Wartime from the Sedition Act of 1798 to the War on Terrorism* (New York: W. W. Norton, 2004), 118.

41. Burnside to Hascall, June 5, 1863, Letterbook number 2, Burnside Collection; Hascall to Burnside, June 5, 1863, box 8, Burnside Papers; *Indianapolis Daily State Sentinel*, June 8, 1863. See also Holloway to Morton, June 6, 1863, original telegrams, Morton Papers, Indiana State Archives.

the approximately seventy-five Democratic newspapers published in Indiana in 1863.<sup>42</sup> In addition, antiwar, anti-administration utterance by the press was markedly dampened in early May 1863, as a number of newspaper editors toned down their criticisms in light of Hascall's actions against fellow Democratic newspapers and editors. However, this self-censorship appears to have lasted only briefly; the suppression of newspapers and the arrest of Democrats for various alleged offenses energized the party and its organs. It is important to note that Hascall appears to have perceived the reinvigoration of Democratic antiwar rhetoric and contemplated additional actions to control Democratic opposition. In his May 16 letter to Burnside, in which he reported Governor Morton's displeasure with his and Burnside's actions, he expressed his plan to renew the assertion of military authority in the state. "I have made up my mind," he wrote, "to keep things as quiet as possible till after the mass meeting here on the 20th and then take hold again."<sup>43</sup> What he meant by to "take hold" undoubtedly refers to resuming his systematic campaign against anti-administration utterance. Thus, Hascall contemplated resuming his policy of arrests of editors and the suppression of their newspapers. His letter to Morton of May 26 further points to his intention to use military power to make "arbitrary arrests."

For reasons unexplained, Hascall did not resume the arrests of Democratic editors after the Democratic mass meeting in Indianapolis on May 20. Records do not indicate that Burnside either encouraged Hascall or suggested restraint regarding "taking hold" again. Indeed, from the *Chicago Times* case we know that Burnside continued to employ placing restrictions on press utterance. Other cases of plans to resort to press restrictions in his department existed as well.<sup>44</sup> Burnside viewed military restrictions on newspaper and political speech within the purview of his responsibility to manage the U.S. Army and maintain order in his department. Shortly after the double embarrassments of having to rescind his *Chicago Times* order and relieving

42. It is difficult to ascertain the exact number of newspapers in circulation at the time. Copies of many titles are no longer extant, and for many other titles complete runs of issues do not exist. Information on many publications must often be gleaned from surviving copies of rival newspapers. For general information on Indiana newspapers, see John W. Miller, *Indiana Newspaper Bibliography* (Indianapolis: Indiana Historical Society, 1982). In the figure of seventy-five Democratic newspapers published in 1863, I include eight Union Democrat or War Democrat titles. These newspapers supported the war effort.

43. Hascall to Burnside, May 16, 1863, box 7, Burnside Papers.

44. See Burnside to Gen. Orlando B. Willcox, Apr. 19, 1863, Burnside to Gen. Jeremiah T. Boyle, Apr. 27, 1863, and Burnside to Gen. John S. Mason, May 13, 1863, Letterbook number 1, Burnside Collection.

Hascall under pressure, Burnside vented his anger in a personal letter to a friend. The general lamented that "treason is rife in this department." Unfettered newspapers and public speakers surpassed secret political societies in their threat to order. "The civil law is too slow," and cannot combat these dangerous elements. "Arbitrary power" was needed to combat them. "No general," he wrote, "can be efficient without such power."<sup>45</sup> Burnside supported the use of military force to suppress what he viewed as dangerous speech. But he was frustrated by the success of Governor Morton in pressuring the Lincoln administration to control the Army.

While the issues of freedom of the press and freedom of speech resound in our thoughts, we should not understand the Hascall episode to be a victory for the proponents of free-speech rights. Concerns for unrestricted political utterance were far from the forefront in the minds of those who caused Hascall's (and Burnside's) policy to be overturned. Governor Morton, the chief instigator in removing Hascall, never complained of military restrictions on the Democratic press in his state. Rather, he consistently voiced his displeasure and concern about infringements on civil authority by military officers generally. When he discussed specific infringements, he cited military arrests of civilians in his state. In his most detailed and fullest disquisition on the topic, his letter to Lincoln of May 30, Morton noted that General Orders No. 38 violated federal law by removing the power to try persons from the federal courts and giving it to military commissions. However, he argued, if military authorities were to be given powers to arrest civilians, the decision to do so should be made by the "highest authority," that is, the president. Morton saw Burnside's policy as illegal and "highly inexpedient." Rather, he wrote, leave matters in the hands of state authorities. General Halleck's admonition to Burnside of May 20, a reaction to Morton's complaints, similarly ignored specifically addressing the issue of the suppression of the press. He simply stressed avoiding conflicts with civil authorities. Likewise, Stanton's often-quoted letter dated June 1, while pointing to Hascall's indiscretions with the Democratic press, meant to illustrate the difficulties created when military officers interfered in matters best handled by state authorities. His letter was the promised result of Morton's pressure. Hascall's and Burnside's policy of suppressing anti-administration utterance received wildly popular support among Indiana Republicans, who reveled in their partisan adversaries' discomfort.<sup>46</sup> Throughout this episode, including

45. Burnside to Jonathan Sturgis, June 7, 1863, Box 8, Burnside Papers. Burnside composed two drafts of this letter, one in pencil, and the other in ink. I have quoted both versions.

46. For examples of Republican support for military action against Democratic newspapers,

the *Chicago Times* case, Lincoln and his administration showed that they were more concerned with placating an important political ally than preserving the constitutional liberties of citizens.

Governor Morton clearly was the chief instigator for the removal of General Hascall and the end of General Orders No. 9 in Indiana. Morton used his enormous influence and authority in Washington to convince national leaders to control the military authority where it infringed on his ability to manage affairs in his state. If we are to explain why Hascall did not "take hold" again of the Indiana Democratic press after the May 20 mass meeting, the governor must be considered the reason. Morton prevailed over the generals. However, he did not succeed in all the conflicts he had with Burnside. Burnside continued to refuse to reinstate General Carrington as district commander in Indiana, although he allowed Carrington to return to wrap up his business there and eventually allowed him to remain in a lesser capacity.<sup>47</sup> Moreover, Morton failed to keep the number of troops he desired in Indiana. Hascall and his successor, Willcox, managed to transport reinforcements to Rosecrans's and Grant's armies much to the governor's chagrin.<sup>48</sup> Finally, while he knew he would not get Carrington back in command, Morton tried unsuccessfully to remove Willcox shortly after his arrival in Indianapolis and replace him with another general with whom he could cooperate closely. Burnside retained Willcox in Indianapolis until the beginning of the east Tennessee campaign in September 1863.<sup>49</sup>

We would be making Morton a hypocrite if we were to paint a portrait of him as a champion of press freedom. The governor was no paragon of civil

see letter of "J.H.P." in *New Castle Courier*, May 14, 1863; *Lafayette Daily Journal*, May 25, 1863; *Marshall County Republican*, May 21 and June 11, 1863. Many Republican newspapers and speakers voiced similar sentiments prior to Burnside's and Hascall's appointments. See *Kokomo Howard Tribune*, Mar. 26, 1863; *Logansport Weekly Journal*, Feb. 28, 1863; *Delphi Journal*, Feb. 11, 1863; *Steuben Republican*, Mar. 7, 1863. This evidence contradicts assertions by some historians that bipartisan consensus existed in protest of military repression. See Donna Lee Dickerson, *The Course of Tolerance: Freedom of the Press in Nineteenth-Century America* (Westport, Conn.: Greenwood, 1990), 179, and Curtis, *Free Speech*, "The People's Darling Privilege," 6, 316.

47. See Col. W. P. Anderson to Carrington, May 7, 1863, Burnside to Carrington, May 16, 1863, and Salmon P. Chase to Carrington, June 1, 1863, all in box 1, folder 16, Carrington Papers. See also Hascall to Burnside, May 14, 1863, box 7, Burnside Papers; Burnside to Hascall, May 16, 1863, Letterbook number 2, Burnside Collection.

48. See Laz Noble to Burnside, June 2, 1863, Stanton to Burnside, June 7, 1863, and four telegrams of Willcox to Burnside, dated June 12, 13, 16, and 17, 1863, all in box 8, Burnside Papers.

49. W. R. Holloway to Morton, June 18, 1863, OPMTC, vol. 11, 62, Indiana State Archives. See Robert Garth Scott, ed., *Forgotten Valor: The Memoirs, Journals, and Civil War Letters of Orlando B. Willcox* (Kent, Ohio: Kent State Univ. Press, 1999).



liberties. In the course of the Civil War, Morton advocated or affected the arrest of Democratic editors and public speakers, and the suppression of opposition newspapers. He did so when it suited his purposes or needs.<sup>50</sup> In this case, Morton understood clearly that Hascall's policy of military suppression of the Democratic press in Indiana not only failed in its aim of bringing the opposition under control, but it energized the antiwar Democrats in their fight against what they considered to be government tyranny. Morton's success in ending that policy was merely a by-product of his larger power struggle with federal military authorities to control affairs in Indiana.

50. See Morton's speech of Apr. 11, 1863, quoted in William M. French, *Life, Speeches, State Papers and Public Services of Governor Oliver P. Morton* (Indianapolis: 1877), 362. See also W. R. Holloway to John Hanna, Aug. 15, 1862, John Hanna Papers, Lilly Library, Indiana University, Bloomington. For Morton's responsibility for the arrest of *Indianapolis Daily State Sentinel* editor J. J. Bingham in 1864, see Klement, *Dark Lanterns*, 176.