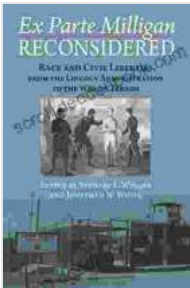


Ex Parte Milligan Reconsidered: A Long Tail Analysis



Ex Parte Milligan Reconsidered: Race and Civil Liberties from the Lincoln Administration to the War on Terror by Jonathan W. White

★★★★★ 5 out of 5

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Ex Parte Milligan was a landmark Supreme Court case that ruled that military tribunals could not try civilians in areas where the civil courts were still functioning. The case was decided in 1866, during the Reconstruction Era following the Civil War. At the time, there was considerable debate about the extent of the federal government's power to impose martial law and suspend the writ of habeas corpus.

The Milligan case arose out of the arrest and trial of Lambdin P. Milligan, a civilian who was accused of conspiring with Confederate guerrillas in Indiana. Milligan was tried by a military tribunal and sentenced to death. However, the Supreme Court ruled that the military tribunal had no jurisdiction over Milligan, and that he was entitled to a trial by a civil court.

The Milligan decision was a major victory for civil liberties. It established the principle that the military cannot try civilians in areas where the civil courts are still functioning. This principle has been reaffirmed by the Supreme Court in subsequent cases, and it is now considered to be settled law.

The Historical Context of Martial Law

To understand the Milligan decision, it is important to consider the historical context of martial law. Martial law is the imposition of military authority over a civilian population. It is typically used in times of war or civil unrest, when the civil authorities are unable to maintain order.

The use of martial law has a long history in the United States. The first instance of martial law in the United States occurred in 1775, when General George Washington declared martial law in Boston after the Battle of Bunker Hill. Martial law was also used during the Civil War, when President Lincoln suspended the writ of habeas corpus in certain areas of the country.

The use of martial law has always been controversial. Critics argue that martial law is a violation of civil liberties, and that it gives the military too much power over civilians.

The Milligan Decision

The Milligan decision was based on the Court's interpretation of the Constitution. The Court held that the Constitution prohibits the military from trying civilians in areas where the civil courts are still functioning. The Court also held that the writ of habeas corpus cannot be suspended except in cases of rebellion or invasion.

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The Legacy of Milligan

The Milligan decision has had a profound impact on American law. It has been cited in numerous cases, and it is considered to be one of the most important Supreme Court decisions in history. The Milligan decision has also been influential in other countries, and it has helped to shape the development of international law on martial law.

The Milligan decision is a testament to the importance of civil liberties. It is a reminder that even in times of war and civil unrest, the government cannot suspend the Constitution. The Milligan decision is a victory for the rule of law, and it is a reminder that the rights of individuals must always be protected.

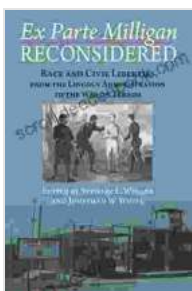
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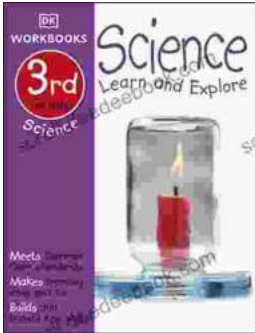
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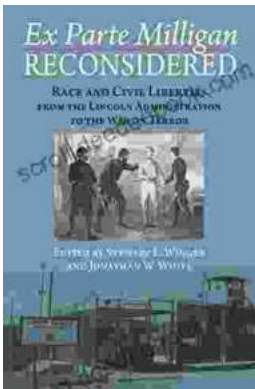
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