

Overview

Summary: The main purpose of this lesson is to use primary sources to help students explore the ways that forced military service affected the lives of Virginians over the course of the Civil War. Working in groups, students will analyze petitions filed by Virginian soldiers who believed that they should have been exempt from serving in the Confederate Army. The class will come together to discuss the results of each soldier's request. Students will assess how studying these court cases impacted their understanding of both the experiences of average Virginians and the priorities of the Confederate government.

Essential Question: How do military decisions during wars affect the lives of citizens as a whole?

Grade Level(s): 8-12

Time Needed: 30-45 minutes

Objectives

Learning Objectives or Topic:

The students will be able to use primary sources to identify and analyze evidence and place it in a broader context.

The students will be able to collaborate as a group and use research and investigation to develop a written and oral product.

The students will be able to work together to make and adjust predictions and to use evidence to draw conclusions and make generalizations.

Standards:

USI.9.F The student will apply history and social science skills to understand the cause, major events, and effects of the Civil War by analyzing the effects of the war from various perspectives of Union and Confederate soldiers, Indigenous people, women, European Americans, and enslaved and free Blacks during the war including, but not limited to Clara Barton, John Brown, Robert Smalls, Harriet Tubman, Elizabeth Van Lew, and Mary Bowser.

VUS.9.C The student will apply history and social science skills to analyze the major turning points of the Civil War and Reconstruction eras by evaluating and explaining the impact of the war on Americans, with emphasis on Virginians, enslaved and free Blacks, the common soldier, and the home front.

Tools to Evaluate Learning

Primary Sources Worksheet: Civil War Writs of Habeas Corpus

Instructor Resources

Establishing Context:

What is a Writ of Habeas Corpus?

Habeas Corpus is a Latin phrase that essentially means “show the body.” The right to habeas corpus is guaranteed by the United States Constitution. It protects citizens from being arrested by the government and held in custody without legal justification. A person who is being held in government custody, or their representative, can file a petition for a writ of habeas corpus. A writ of habeas corpus requires the person or group holding the detainee to bring them to court, show that they are alive and well, and provide evidence that they are being held for a valid reason.

Where do these Writs of Habeas Corpus come from?

The Library of Virginia’s local records collections include military writs of habeas corpus. These records are from periods in Virginia’s history when the state and localities maintained their own companies and militias. Soldiers would petition for a writ of habeas corpus in their local courts if they believed they had been illegally forced into military service.

This was especially true during the Civil War. In 1862, the Confederate Congress passed the first Confederate Conscription Act. The law required all white Virginian men to enlist unless they met a limited set of exemptions. At the same time, the section of the Confederate Constitution granting the right to habeas corpus remained the same as the section included in the U.S. Constitution—although that right was suspended for various periods as the war progressed.

For this activity, we’ve included a set of petitions from the Library of Virginia collection *Richmond (Va.) Writs of Habeas Corpus, 1861-1866*. These petitions were filed by and for Virginia’s Confederate soldiers who believed that they met the Confederacy’s military exemption requirements. They hoped that the court hearing their writ of habeas corpus would agree and allow them to be discharged and sent home.

Vocabulary:

- Writ of habeas corpus
- Conscription

- Military exemption

Materials:

- Copy of *Primary Sources Worksheet: Civil War Writs of Habeas Corpus* document for every student
 - *Document and Transcription: Civil War Writs of Habeas Corpus*; one copy for each student in a group
 - *Civil War Writs of Habeas Corpus* PowerPoint presentation with transcriptions to present to the class
 - Pencils for each student
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Lesson

Before Class:

Determine how many groups you will have in each class and how many students will be in each group. This activity allows for 5 to 8 groups, one group for every primary source document. Documents 6-8 can be analyzed together as a class at the end of the activity if time and class size require a smaller number of groups [see **Alterations/Extensions** below]. Each group should consist of 2-5 students.

Make copies of the primary source worksheets, the facsimiles, and the document transcriptions. Every student will need one primary source worksheet, one facsimile of their group's document, and one copy of the transcription that corresponds to that facsimile.

Activity:

1. Open by asking students what they know about the right to writ of habeas corpus and the Confederate Army. Introduce any additional information that is necessary to establish context for the activity and the records that they are about to analyze.
2. Students will be broken into pairs or groups. Each group will be assigned a number that corresponds to a soldier's petition. Provide every student in a group with a photocopy of their group's original document, the matching transcription, and a primary source worksheet. Using the worksheet, the students will identify who the soldier was, who filed the petition, when it was heard in court, and the reasons they gave for requesting an exemption from military service.
 - Give each group approximately 5-10 minutes to discuss the questions themselves, then spend 5-10 minutes visiting each group and asking them

guided questions to help with their document analysis. [See the **Answer Key** below for the name, date, and reason for military exemption for each record.]

3. Once the students have completed the worksheet, they will regroup as a class. Each group will present their soldier and his case to the “court”—their fellow classmates. This will require one student from each group to present their answers to the questions on the worksheet to the rest of the class.
4. After hearing about the soldier and his reasons for requesting a military exemption, the instructor will ask the class to vote on whether they think the person would have been discharged from the army or forced to return to the front lines.
 - Ask each side to explain why they made their choice, based on the soldier’s reasons and their knowledge of the Civil War.
5. Once the class has voted on and discussed each soldier, the instructor will reveal what the actual court decision was. [See the **Answer Key** below for the court’s final decision and an explanation of the reasoning behind it.]
 - Ask the students to discuss their reaction to the court decision, and the ways it does or does not affect their prior knowledge and understanding.

Alterations/Extensions

Changing the Number of Groups

If you do not have enough time or students to create groups for all eight documents, you have the option of only creating groups for Documents 1-5.

If there is enough time after students have analyzed and voted on the five core documents, instructors can present Document 6-9 to the class. This will involve presenting the information about who the soldier was, the final date of the record, and his reason for requesting a discharge. After presenting each petition, repeat the process of asking them to vote based on their knowledge from the first five documents, then reveal the final decision and the reasoning behind it.

Changing the Record Type for the Activity

Although this lesson was originally designed for Civil War writs of habeas corpus, the structure of this lesson can be replicated with other court record types that include a final legal decision.

Example:

- **Coroners' Inquisitions** – Coroners' Inquisitions contain investigations by the county coroner and coroners' jury into the deaths of individuals who died in a sudden, violent, unnatural or suspicious manner, or who died without medical attendance. The instructor can provide students with evidence from various inquisitions and have the class act as the coroners' jury to try to determine cause of death, before revealing the actual jury decision.
 - This variation in the lesson will help students to better understand historical legal processes. These records overlap with many other subjects such as 18th-early 20th century medical history, business history, labor history, and transportation history.
 - Original documents and transcriptions are available online through the [Coroners' Inquisitions Digital Collection](#). Visit the [research guide](#) for this collection to learn more about the historical context, causes of death, and tips for finding records in this digital collection.

Explore More

Research Guides

- The [Virginia in the Civil War research guide](#) provides an overview of major subjects pertaining to the history of Virginia during the Civil War, as well as links to many additional sources for further research.
- The [Using Virginia Civil War Service and Veterans Records research guide](#) provides an overview of sources for many other types of Civil War military service records from both the Union and the Confederacy.

Answer Key – Primary Sources: Civil War Writs of Habeas Corpus

Petitions for Writs of Habeas Corpus Needed for the Core Activity

[1]	Worksheet Answers: • James Bellew • Filed by his father William Bellew • Sworn in court in 1865 • Discharge requested by father for being underage (fifteen years old). Final Court Decision: • Returned to service. James Bellew had joined the army with a parental consent form. Even though his father William claimed the form was forged, James was not allowed to leave the Confederate Army and had to return to military service.
[2]	Worksheet Answers: • John H. Clarkson • Filed petition himself • Date sworn in court not given • Discharge requested because he owned and oversaw a plantation with fifteen enslaved workers. Final Court Decision: • Discharged. John H. Clarkson was allowed to leave the Confederate Army because he was the only white man overseeing a group of enslaved workers. This qualified as an exemption under the Confederacy's "Twenty Slave Law."
[3]	Worksheet Answers: • Thomas Rourke • Filed petition himself • Sworn in court in 1864 • Discharge requested because he was from Great Britain and wasn't a naturalized citizen or planning to stay in the country. Final Court Decision: • Returned to service. Because he originally entered service willingly and not as a forced conscript, Thomas Rourke was not allowed to leave the Confederate Army and had to return to military service.

[4]	Worksheet Answers: • E. G. Hudgens • Filed petition himself • Sworn in court in 1863 • Discharge requested because he had hired another man to be his substitute in the army after he was originally drafted, and because of his job as a freight boat captain. Final Court Decision: • Discharged. E. G. Hudgens was allowed to leave the Confederate Army even though the man substitute he had hired had left military service. This was partly because of his occupation as a freight boat captain. Because this job oversaw the delivery of supplies, it was one of the jobs that was considered important enough to the Confederacy to qualify for an exemption anyway. • Presentation in Attachment 3 includes an image of the discharge papers he was granted after he hired a substitute.
[5]	Worksheet Answers: • John D. L. Petross • Filed petition himself • Date sworn in court not given • Discharge requested because of his occupation as a doctor. Final Court Decision: • Dismissed. John D. L. Petross’s petition didn’t make it through the courts until 1866, when the court dismissed it from the docket because it was no longer relevant. Because no formal decision was made while he was enlisted, he would have had to remain in the army until the war was over. • Presentation in Attachment 3 includes images of the petition signed by residents of Henry and Pittsylvania counties asking that he be discharged because of how important his medical services were to the community.

Additional Writs of Habeas Corpus for Lesson Expansion

[6]	Worksheet Answers: • Andrew G. Hudson • Filed petition himself • Sworn in court in 1863 • Discharge requested because he had hired another man to be his substitute in the army after he was originally drafted. Final Court Decision: • Returned to service. Andrew G. Hudson was not allowed to leave the Confederate Army and had to return to military service because the substitute he had hired had taken the payment and disappeared. • Presentation in Attachment 3 includes images of the petition signed by residents of Henry and Pittsylvania counties asking that he be discharged because of how important his medical services were to the community.
[7]	Worksheet Answers: • Alexander Mull • Filed by his father James Mull • Date sworn in court not given • Discharge requested because he had hired another man to be his substitute in the army after he was originally drafted. Final Court Decision: • Discharged. Alexander Mull was allowed to leave the Confederate Army. Unlike James Bellevue ([1]), his consent form was incorrect and signed by his mother, and his petition was filed two years earlier. • Presentation in Attachment 3 includes an image of the consent form that was signed by his mother and incorrectly listed his age as seventeen.
[8]	Worksheet Answers: • C. T. DeCăniél • Filed petition himself • Sworn in court in 1864 • Discharge requested because he was from England and wasn't a naturalized citizen or planning to stay in the country, and because he was physically disabled. Final Court Decision: • Dismissed. Despite filing his petition in 1864, C. T. DeCăniél's petition didn't make it through the court until 1866, after the end of the war, when the court dismissed it from the docket. Because no formal decision was made while he was enlisted, he would have had to remain in the army until the war was over.