

What happened to Confederate leaders after the Civil War?

Walter L. Williams, Ph.D.

Were there trials and prosecutions of Confederate leaders after the US Civil War (like there were after World War II)? If not, why not?

After most civil wars, the leaders of the losing side were almost always summarily executed. The practical reason for such executions was the fear that those leaders would mount another revolt later on. The American Civil War is almost a lone exception, in that none of the Confederate leaders were killed. The only deaths decreed were those involved with the assassination of President Lincoln, and Confederate Captain Henry Wirtz, commander of the infamous Andersonville Prison.

In 1863 Abraham Lincoln drew up a list of those Southerners who he felt should be charged with treason. Leading the list were those Confederates who had previously served in the U.S. government, as civilian or military officers. They had all taken an oath to always support the United States. The Constitution defines "treason" as "waging war against the United States" which the Confederates certainly did. And the punishment for treason was death.

But by 1865 Lincoln had mellowed, and he wished the Confederate leaders would just leave the country and not return. For the Confederate armies, he instructed General Grant to "let the defeated soldiers off easy." When General Robert E. Lee surrendered his army to Grant, on April 9, 1865, he was surprised at the lenient terms that Grant offered: that as long as they engaged in no further fighting all officers and enlisted men could return home and live in peace.

This lack of punishment was a mistake. As soon as the Southern state governments were reconstituted, in the summer and fall of 1866, Southern white men voted for the same politicians they had previously supported.

Voters in Georgia even re-elected Alexander Stephens to the US Congress. Stephens was the former vice president of the Confederacy! This revival of the old Southern white planter class to political leadership was a great shock to Northerners, who asked what had they risked their lives fighting for, if the same Southerners were now back in power?

What should have happened is for the US government to begin executing Confederate leaders for treason, starting with Jefferson Davis and Alexander Stephens, but then letting it be known that former Confederate civil or military officers would not be stopped if they left the United States and promised never to return. This is what Confederate Secretary of State Judah Benjamin did, when he emigrated to Britain, as well as several Confederate generals who moved to Brazil. If the entire Confederate leadership had left, that would have opened up political opportunities for white Southern Unionists, Northern transplants, and African Americans. And much of the troubles the South experienced during and after the brief Reconstruction period, could have been avoided.

Instead, the most severe reaction was in the 14th Amendment to the Constitution, which specified that any Confederate civil official or military officer could not serve in a state or federal office. And a later Congress allowed former Confederate officers to serve in state and local offices in 1872, only seven years after the war ended.

Even though African American men (not women) were given the right to vote by the 15th Amendment, white former Confederates began a reign of terror to intimidate and sometimes kill black men who voted or ran for office. They then declared themselves the winners of local and state elections, often involving massive fraud, and took over crucial positions like sheriffs and judges. These former rebels, who called themselves "Redeemers", were very oppressive toward former enslaved persons. Their goal was white supremacy, and total domination over black people.

What should have been done in 1865, at the least, is to make the terms of the surrender of Confederate armies such that any enlisted man, military officer or civilian government official should never be able to vote, or serve

in any local, state, or federal job for the rest of their lives. That would be the only way that black men would be able to constitute a majority of the voters, and without majority control they would be subject to total discrimination.

In the first years after the war, Northern abolitionists who were committed to black civil rights should have moved South to serve in these local and state offices. Meanwhile, the US Freedmen's Bureau should have expanded its focus to educate the former slaves and prepare them to take on political leadership roles later on.

U.S. Representative Thaddeus Stevens drafted a plan whereby former Confederate officials would be forced to give up the majority of their lands, and those lands to be redistributed to the freed slaves as a payment for their decades of unpaid labor. Such a plan was actually enacted by General William Tecumseh Sherman in 1865, to redistribute former Confederate lands along the coastal area of Georgia and South Carolina, with 40 acre land plots for each black family. This is where the term "forty acres and a mule" originated.

However, in 1868 US President Andrew Johnson made a terrible mistake when he pardoned Confederate leaders, and restored their lands to them.

Thus, the best opportunity for the freed slaves to have a secure economic future by owning their own farms was lost. This was the greatest tragedy of the entire Civil War era, because without land they were politically freed but still economically dependent on the white landowning class. Most black people had no choice but to become tenants, many working for their same old slavemaster. They were forced into the "sharecropping" system, which practically ensured that they would remain impoverished and politically powerless for the next hundred years.

It was only with the civil rights laws and the voting rights act of 1965 that marked the end of the Jim Crow era of severe discrimination. This whole century of oppression could have been avoided if the former Confederate

leaders had left the USA, or if they had been permanently disfranchised and their lands redistributed as repayment to their former slaves.

It is good that America avoided mass executions at the end of the Civil War, which has been the typical result for the defeated rebels, but a tragedy that the former Confederates regained political power and economic dominance over the freed slaves. America's racial troubles of the past century are a direct result of the lack of firm treatment of the defeated Confederates in 1865. It would have been better for the South, and for the nation as a whole, if most of the Confederate leaders had followed the example of Judah Benjamin, and emigrated to other countries.

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