Combat Ends, 1865
Politics

With President Abraham Lincoln's reelection on November 4, 1864, the Confederacy and the Civil War entered their last act. There was little doubt on either side that the South was losing the fight, and that its attempt at secession was on the ropes. Confederate forces in the field and on the high seas continued the fight, but for the most part they were being manhandled by Union forces. A few in the South, most notably President Jefferson Davis, were determined to continue the fight come what may, seeking a path to victory or at least salvation of the secessionist cause, but many looked for other ways to salvage the South's aims.

Thoughts on both sides, North and South, were increasingly focusing on what would come next. How would the South be reintegrated into the Union? How would the reunified nation cope with the political, economic, and social aftermath of the war? Economically, the South had been crippled, but its spirit and passions, though diminished, persisted. The Confederacy would have to "bend the knee," as it were, but that meant political resistance would take a different form. Harsh views abounded in the North, but so did more sober thinking. President Lincoln's vision was made clear in his remaining days.

The Executive Branches

State of the Union, December 1864

President Lincoln submitted his fourth State of the Union message to Congress on December 6, 1864. It ran close to 5,900 words.[1] In the first third of it, he gave a rundown of the foreign and financial affairs of the Union, and then worked his way through highlights of the various federal departments. President Lincoln went on to speak more generally about the war, saying, "The war continues. Since the last annual message all the important lines and positions then occupied by our forces have been maintained and our arms have steadily advanced, thus liberating the regions left in rear, so that Missouri, Kentucky, Tennessee, and parts of other States have again produced reasonably fair crops. The most remarkable feature in the military operations of the year is General Sherman's attempted march of 300 miles directly through the insurgent region." He made clear how the Union was quashing "the genius of rebellion" and strengthening the sense of union in Missouri, Kentucky, Tennessee, and Maryland. He also admonished Congress for not moving more quickly on the proposed Constitutional amendment to abolish slavery.

President Lincoln then got to the heart of his message – his thinking – by describing the will of nation. "The most reliable indication of public purpose in this country is derived through our popular elections. Judging by the recent canvass and its result [the November election], the purpose of the people within the loyal States to maintain the integrity of the Union was never more firm nor more nearly unanimous than now… It is an unanswerable argument to this effect that no candidate for any office whatever, high or low, has ventured to seek votes on the avowal that he was for giving up the Union…but on the

distinct issue of Union or no Union the politicians have shown their instinctive knowledge that there is no diversity among the people."

He spoke to the continuing strength of the nation with respect to its resources to continue the conflict, and with these "unexhausted and…inexhaustible" resources, "no attempt at negotiation with the insurgent leader could result in any good. He would accept nothing short of severance of the Union, precisely what we will not and can not give. His declarations to this effect are explicit and oft repeated. He does not attempt to deceive us. He affords us no excuse to deceive ourselves. He can not voluntarily reaccept the Union; we can not voluntarily yield it. Between him and us the issue is distinct, simple, and inflexible." He had captured President Davis' mindset exactly.

He ended his report with a clear statement that there would be no backtracking on emancipations thus far achieved – no return to the *status quo ante*. "In presenting the abandonment of armed resistance to the national authority on the part of the insurgents as the only indispensable condition to ending the war on the part of the Government, I retract nothing heretofore said as to slavery."

The Second Inaugural Address

The President's second inaugural, delivered on March 4, 1865, just six weeks before his assassination, is considered by many to be one of the most iconic speeches in American history. In 702 words (the second shortest inaugural speech in our history [2]), he showed how his views had evolved since the war began.[3] He took an entirely different tone from his first inaugural. The war was ending differently than originally envisioned by almost everyone, North and South. He laid out goals for ending the war and the means of getting there. It was a forceful, positive speech ending, in essence, with a warning to anyone North or South (but particularly the South) that his Administration would be in control of the war's ending.

The day of his second inauguration was cloudy and rainy. The President and a small entourage walked through the Capitol to its East Front for his swearing in. Actor and insurrectionist John Wilkes Booth slipped into the group as they moved along, having gotten into the inaugural events in the Capitol in the first place because he was dating the daughter of abolitionist New Hampshire Senator John Hale. President Lincoln led the way, with Booth right behind him. Benjamin Brown French (Commissioner of Public Buildings), who was overseeing these activities, spotted Booth. Not recognizing him, French had him stopped and questioned. Booth responded angrily and was let go. (Yes, things worked differently in those days.) He did not continue with the entourage and wound up in the crowd outside. Six weeks later, after the assassination, French recognized in the picture of Booth, the young man he had stopped.

It is possible Booth would have made his move that day had he felt comfortable with the opportunity, but it would have been premature. His cohorts were not in a position to execute their parts simultaneously. Still, it would have been the ultimate stage for him. He had played Brutus on stage and perhaps had a similar vision for that day, but if he did, he did not act on it.[4]

President Lincoln gave passing mention to the military situation as he opened his inaugural. Acknowledging that after four years of war and all of the public discourse covering every aspect of it along the way, “The progress of our arms, upon which all else chiefly depends, is as well known to the public as to myself; and it is, I trust, reasonably satisfactory and encouraging to all. With high hope for the future, no prediction in regard to it is ventured.”

In his second paragraph, President Lincoln reiterated that he held Secessionists responsible for disunion. “On the occasion corresponding to this four years ago, all thoughts were anxiously directed to an impending civil war. All dreaded it – all sought to avert it. While the inaugural address was being delivered from this place, devoted altogether to saving the Union without war, insurgent agents were in this city seeking to destroy it without war – seeking to dissolve the Union, and divide effects, by negotiation. Both parties deprecated war, but one of them would make war rather than let the nation survive, and the other would accept war rather than let it perish. And the war came.”

And the war came. The tone of the speech turned passive, not condemnatory; a statement of political fact yielding to an acknowledgement of what had occurred. Most in the audience wanted to hear that the rebels were going to be punished, but he instead talked of how both sides were guilty, not just the rebels.

In the third paragraph, he attributed the war to slavery. “These slaves constituted a peculiar and powerful interest. All knew that this interest was, somehow, the cause of the war. To strengthen, perpetuate, and extend this interest was the object for which the insurgents would rend the Union, even by war; while the government claimed no right to do more than to restrict the territorial enlargement of it.” A few lines later, “If we shall suppose that American Slavery is one of those offences which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South, this terrible war, as the woe due to those by whom the offence came, shall we discern therein any departure from those divine attributes which the believers in a Living God always ascribe to Him?” Powerful words, laying blame for the war to both sides. Contrast this to his strategic aims in his first inaugural. He neither would have nor could have given this speech even a year earlier.[5]

He closed with an appeal to reintegrate the Secessionist states with compassion rather than a desire for revenge or retribution, to repair the nation and move forward. “With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan -- to do all which may achieve and cherish a just, and a lasting peace, among ourselves, and with all nations.” A strong vision to put the war – the “great unpleasantness” – behind them and move forward without rancor, supported by divine will.

Reaction to the speech predictably split. Democrats didn't like it. Some Republicans thought it was too fire and brimstone (apparently, they did not hear the *With malice toward none* peroration). Frederick Douglass believed that the sentence that preceded “With malice toward none,” “every drop of blood

drawn with a lash be repaid by one drop with the sword," was the greatest line he had ever heard in American speech.

A month later, on April 11, President Lincoln gave his final speech from the window of the White House. It began on a joyful note, "We meet this evening, not in sorrow, but in gladness of heart. The evacuation of Petersburg and Richmond and the surrender of the principal insurgent army, give hope of a righteous and speedy peace," and he promised a day of "national thanksgiving." The tone changed with a reminder that the nation now faced a task "fraught with great difficulty," that of "re-inauguration of the national authority—reconstruction."

President Lincoln was asking the country to consider black suffrage albeit only at first for the educated and those who fought in the army. It sounds like a form of means testing, but in fact this was the first time an American president ever asked for African American suffrage.

Booth was in the audience that day, too. He turned to a friend and said, "That means n—- citizenship! Now, by God, I'll put him through. That is the last speech he will ever make."[6] It *was* the last speech President Lincoln would make. Four days later, Booth assassinated him.

The Legislative Branches

US Congress

In addition to reelecting President Lincoln, the elections of 1864 saw the Republicans gain 51 seats in the House (from 85 in the 38th Congress to 136 in the 39th Congress), turning their plurality into a majority. The remaining 57 seats were spread among the Democrats (38), Unconditional Unionists (13), Unionists (5) and Independent Republicans (1). The Democrats were deeply divided between Copperheads that advocated an immediate negotiated peace and War Democrats that supported the war. Note that the total number of seats had increased by 7, from 184 in the 38th Congress to 193 in the 39th Congress.

In the Senate, Republicans gained several seats and continued to hold a majority. With 2 seats from Nevada (which had achieved statehood on October 31, 1864) added in the Senate, the total in the Senate went from 52 in the 38th Congress to 54 in the 39th Congress. The Republicans gained 6 seats (from 33 seats to 39, most notably in Ohio, Iowa, Missouri, and New York) and Democrats gained 1 (from 10 seats to 11). Unconditional Unionists lost 2 seats (5 seats to 3) and Unionists lost 3 (from 4 seats to 1).[7]

The Freedmen's Bureau

In 1863 Representative Thomas Dawes Eliot (R, MA-1) proposed a bill establishing a bureau of emancipation within the War Department to provide protection and support to newly freed African Americans. Freedmen aid societies had been advocating for such an agency through memorials, petitions, and direct lobbying. The House spent two months debating the bill and finally passed it by a

vote of 69 to 67 on March 1, 1864. The bill was then referred to the Senate's Select Committee on Slavery and Freedom, chaired by Charles Sumner of Massachusetts, a Radical Republican.

Senate debate focused on which executive department should run the bureau. Some senators objected to placing it in the War Department, favoring the Department of the Treasury instead. Insisting that the well-being of freedmen depended on their connection to the land, these senators noted that Congress had placed control of confiscated lands in the Treasury Department and argued that freedmen and lands should be handled by one authority. Senators who favored the War Department believed it had more experience than any other agency in addressing the needs of freedmen and thought military power was necessary to protect former slaves.

Despite the fact that an amended bill would have to go back the House — where it had only narrowly passed before — the Senate placed the bureau under Treasury and passed its amended bill on June 28, 1864, by a vote of 21 to 9. The House refused to agree to the Senate's changes, however, so the bill went to conference. The conference committee reported a new bill on February 2, 1865, authorizing an independent *Department of Freedmen and Abandoned Lands*, not subject to either War or Treasury.

Ultimately, the Senate voted not to concur with the conference report and requested a second conference, which agreed to place control of the bureau in the War Department as the *Bureau of Refugees, Freedmen, and Abandoned Lands*, usually referred to simply as the *Freedmen's Bureau*. Although several senators vociferously opposed the legislation, the Senate adopted the conference report on March 3, 1865, by a vote of 21 to 9, with 2 members abstaining. The House quickly followed suit, and President Lincoln signed the bill that same day.

The Freedmen's Bureau was an important agency of early Reconstruction that assisted in the political and social reconstruction of post-war Southern states and helped formerly enslaved people make the transition from slavery to freedom and citizenship. It was to operate "during the present war of rebellion, and for one year thereafter." The extension of its authority past that would lead to another legislative fight that will be covered in Part 8.[8]

The Thirteenth Amendment, Abolition of Slavery

Congress' most significant piece of legislation in this period was passage in the Senate of the Thirteenth Amendment. Although Congress had abolished slavery in the District of Columbia in 1862, and President Lincoln's Emancipation Proclamation in 1863 ended the practice of slavery in areas still under Confederate control, come 1864 the question of slavery remained unresolved at the national level.

Senator Sumner, along with Senators Lyman Trumbull (R, IL) and John Brooks Henderson (R, MO), sponsored resolutions for a constitutional amendment to abolish slavery nationwide. The Thirteenth Amendment — passed by the Senate on April 8, 1864, by a vote of 38 to 6; by the House on January 31, 1865, by a vote of 119 to 56; and ratified by the requisite three-fourths of the states on December 6, 1865 — abolished slavery in the United States and provided that, "Neither slavery nor involuntary

servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." Congress required former Confederate states to ratify the Thirteenth Amendment as a condition of regaining federal representation.

Confederate Congress

Authority to Enlist Slaves as Soldiers

There was a lot of wrangling going on in the Confederate Congress as it entered 1865, much of it dealing with how to get more men in the service to defend the Confederacy. They were looking to curtail exemptions to service, for example. And then there was the arming of slaves, conscripting them into the army. All was occurring against the backdrop of growing animosity between Congress and President Davis.

Slaves had been hired and impressed into service as laborers, teamsters, and helpers from the very beginning of the Confederacy. Moreover, before the outbreak of the war and the beginning of actual hostilities, local authorities throughout the South had permitted the enrollment for military service of organizations formed of *free* Negroes (for example, the Louisiana Native Guards in New Orleans), although no action had been taken or suggested by the Confederate Government. Some of these troops remained in the service of the Confederacy during the period of the war, but that they did not take part in any important engagements.[9]

Nonetheless, there were calls to bring slaves into the army as soldiers periodically throughout the South. During February 1862, the Virginia state legislature considered a bill to enroll all free Negroes in the State for service with the Confederate forces. Other state legislatures considered such action as well. Military and civil leaders, along with the Confederate Congress, and War Department debated the relative value of employing slaves as soldiers.

In April 1862, President Davis was authorized to call out and place in service all white males between the ages of 18 and 35; in September the range was increased to include the ages of 35 and 45; and in February 1864, all white males between the ages of 17 and 50 were made liable to military service. As the demand for men intensified, so did controversy over the advisability of employing slaves as soldiers.

In his address to the Second Confederate Congress on November 7, 1864, President Davis had expressed optimism about the Confederacy's prospects, though he did concede that the nation was in "a time of public exigency." He put as positive a face as he could on the military situation, and then made an interesting comment. He said Confederate triumph did not depend upon holding any specific area or place, even Richmond. "The indomitable valor of its troops… [and] the unquenchable spirit of its people" would control the outcome of the war – an outcome in which the Confederacy surely would prevail. "There is no military success of the enemy which can accomplish its destruction."[10] Hubris or denial, or perhaps setting the stage for widespread guerilla warfare?[11]

Among the last acts of the Confederate Congress was passage on March 13, 1865, of an act to increase the military force of the Confederate States by enlisting slaves. It had the active support of General Robert E. Lee and Governor William Smith of Virginia and the approval of President Davis. The Act "authorized to ask for and accept from the owners of slaves, the services of such number of able-bodied negro men as he may deem expedient, for and during the war, to perform military service in whatever capacity he may direct." It also authorized the General-in-Chief (i.e., General Lee) to organize them into military units and required, "That while employed in the service the said troops shall receive the same rations, clothing, and compensation as are allowed to other troops in the same branch of the service." Note that this, at face value anyway, was better treatment than US Colored Troops received. The Act stipulated that if President Davis were unable "to raise a sufficient number of troops to prosecute the war successfully," he could call upon each state to fill a quota of 300,000 men "irrespective of color."

> *If slaves make good soldiers, our whole theory of slavery is wrong.*
> ***–Maj. General Howell Cobb to Secretary of War James A. Seddon, January 8, 1865***

Interestingly, the law was put into effect not as a published public law but rather as a military order: General Orders, No. 14, signed March 23, 1865, by General Samuel Cooper, Adjutant and Inspector General (and the senior general officer in the Confederacy throughout the war).[12] The General Order provided a series of instructions as to how the army would implement the act.

The Act and the General Order were impossible to implement at this point in the war in any meaningful way. Before collapse of the Confederacy, only two companies were organized, both in Richmond.[13] On March 18, as Union forces tightened their grip on Richmond, the Confederate Senate held its last session and then hastily left town. For it, the war was effectively over.[14]

President Lincoln Visits Richmond

On April 4, 1865, two days after Confederate forces evacuated Richmond, President Lincoln and his son Tad visited the city's still-smoldering ruins, transported there by the USS Malvern. They were instantly recognized and greeted ecstatically. "No electric wire could have carried the news of the President's arrival sooner than it was circulated through Richmond. As far as the eye could see the streets were alive with negroes and poor whites rushing in our direction, and the crowd increased so fast that I had to surround the President with the sailors with fixed bayonets to keep them off….They all wanted to shake hands with Mr. Lincoln or his coat tail or even to kneel down and kiss his boots!" said Admiral David D. Porter, who had landed with President Lincoln.

The crowd around President Lincoln grew as he attempted to make his way to the Confederate White House. Evacuated by President Davis only days before, it was now the headquarters of Richmond's new military governor, Maj. General Godfrey Weitzel. After a quick tour of the mansion, President Lincoln at last entered President Davis' s office, sinking down into one of President Davis's easy chairs. It was the "supreme moment," as one spectator remembered.[15]

After the meeting, a carriage was brought out, and President Lincoln and Tad rode through Richmond, touring the sites such as the State Capitol and Libby Prison. Finally, they reached Rocketts Landing on the north bank of the James River, where the USS Malvern had docked, and boarded the warship for the night. The next day, they departed Richmond, never to return.

Reflecting on the heady events of the past few days, Admiral Porter said, "I should have preferred to see the President of the United States entering the subjugated stronghold of the rebels with an escort more befitting his high station, yet that would have looked as if he came as a conqueror to exult over a brave but fallen enemy. He came instead as a peacemaker, his hand extended to all who desired to take it."[16]

Altered Course

President Lincoln is Assassinated

The murder of President Lincoln — the first assassination of a US president — was the culmination of a conspiracy that had been brewing for months in the minds of several individuals. The assassin, John Wilkes Booth, and his fellow conspirators hoped that the deaths of Lincoln and other Union leaders would aid the Confederacy in the war or, at the very least, avenge the Confederacy's losses. Booth also appears to have desired fame, believing that by killing the president he would become "immortal in history" (which he did in fact achieve).

The group of conspirators included Booth, Mary E. J. Surratt, George A. Atzerodt, David E. Herold, Lewis T. Powell, John H. Surratt Jr., Dr. Samuel A. Mudd, Samuel B. Arnold, Michael O'Laughlen Jr., and Edman "Ned" Spangler. When Booth brought the conspirators together in late 1864, they planned at first not to kill President Lincoln but only to kidnap and hold him for ransom in order to demand the release of Confederate prisoners of war. They also hoped the kidnapping might buy the Confederacy valuable time to sue for peace in a conflict they were otherwise destined to lose.

Booth's conspiracy included the murder a number of top members of the Lincoln Administration, including General Grant, who was expected to attend the play with the President and his wife, Mary Todd. Grant and his wife were not fond of the First Lady, however, and declined Lincoln's invitation to the play, saying they were visiting family in New Jersey. Had General Grant been there, he may have been assassinated as well, or (as he believed) might have foiled Booth's attempt, something he regretted later in life.[17]

President Lincoln's death was a devastating event for the Union and an overwhelming shock to the nation as a whole. The timing of the event was itself unsettling, given that the Confederacy was all but over. The assassination followed Lee's surrender at the Appomattox Court House on April 9 but occurred before the official surrender of the Confederate government and the capture of President Davis. Many feared that President Lincoln's assassination would cause a resurgence in the conflict, and there was a widespread belief that Confederate agents had committed the attack as a desperate attempt to do just

that. The immediate reaction of many in the North was to blame the Confederacy either for tacitly supporting the plot or for carrying it out directly. The hunt for and killing of Booth, the ultimate capture of his co-conspirators, and their eventual trial by a military commission brought some measure of clarity to the situation.

The Fall of the Confederate Government

Meanwhile, southwest of Richmond, the Confederate government was on the run. By 1865, it was apparent to most that the simple law of numbers had worked against the Confederacy for too long. And especially after the reelection of President Lincoln in November 1864, when it was made evident that the North was willing to stay the course. Arguably, the only chance the Confederacy had of ever winning was if the North had been willing to lose. The reelection of President Lincoln sent the signal that the North was not willing to lose.

Jefferson Davis was a remarkable man, extremely intelligent. There was no one more dedicated to the Confederate cause in the entire South. He had begun the war as a champion of Southern rights, of localism, of states' rights, and an opponent of big government. It did not take long, however, to realize how impractical this notion of states' rights was, how impractical the idea of localism was when the nation was in crisis. Someone had to act fast and make decisions. Circumstances usually could not wait for eleven sovereign states to hold votes on whether they wanted to go along with something.

As the war went on, President Davis became the ultimate Confederate nationalist. Indeed, much of the criticism against him was that he had usurped power, was tyrannical; that he was taking too much power to himself, centralizing too much power in Richmond that rightfully belonged to the states. (This kind of argument is still with us today.) President Davis had reached a point where he had invested so much of himself in the Confederacy that it had become a part of him. He simply was incapable of wrapping his brain around the idea the Confederacy might lose, that it might be defeated, that it would not be independent. So, by early 1865, all he could think of was new ways to galvanize the will of the people around renewed effort to make one more sacrifice.

> *The war...must go on till the last man of this generation falls in his tracks. And when he is gone, our sons must take up our arms and continue the fight... unless you acknowledge our right to self-government. We are not fighting for slavery. We are fighting for Independence, and that, or extermination, we WILL have.*
>
> ***— Jefferson Davis***

President Davis was very hard on his cabinet. He was a firm believer that if he wanted something done right, he must do it himself, and so almost all his cabinet secretaries during his presidency were reduced to being essentially little more than glorified clerks – the Secretary of War in particular. He had run through five Secretaries of War up to this point. No president in US history has ever had as many incumbents in one Cabinet office.

President Davis had reached a point where he was no longer able to view the situation rationally. Into this situation came a completely different person.

On February 6, President Davis brought in his sixth and last Secretary of War, but this was an altogether different man: Major General John C. Breckenridge of Kentucky. Interestingly, Kentucky had not even seceded. It was not a Confederate state, but now the Secretary of War would be a Kentuckian. (Compare that with US Vice President Andrew Johnson being a Tennessean.)

Breckinridge had enormous political, military, and popular prestige in the South before and during the war. He had been the Southern Democratic nominee for president, coming in second in the Electoral College behind Lincoln. He received some 800,000 votes in the South. By late 1864, he had served in every Confederate state except Arkansas. Moreover, he was on good terms with almost every senior Confederate commander (the exception being Braxton Bragg). President Davis could not treat him as a clerk.[18]

Breckenridge disagreed with President Davis over the run-out strategy of the Confederacy. Breckenridge advocated seeking terms with the North while the South still had armies in the field. As outnumbered and beaten as they may be, they still constituted some level of threat. He hoped that by surrendering and ending the war and, thereby, saving the North (President Lincoln) the blood and treasure it would take to defeat remaining Confederate forces in detail, the Confederacy might still salvage something of its original goals. President Davis would have none of that. He wanted to continue the fight to the bitter end.

Breckenridge began meeting with prominent members of the Confederate Congress to discuss introducing on the floor of the Senate resolutions calling on President Davis to open negotiations with the Union leading towards surrender. Of course, President Davis would want to veto any such resolutions, but if they could build a veto-proof majority in the Senate, he would have no choice.

A key person involved in these meetings was General Lee. He had come to realize by this time that he represented the Confederacy for his soldiers in the Army of Northern Virginia as well as many people across the South. His army, what remained of it, by now was fighting more for him than for the Confederacy per se. He said as much to Breckenridge, that adding his voice to the call for President Davis to open negotiations would be seen as speaking not just for the Army of Northern Virginia but for all Confederate armies. Recall that as of February 6, he was General in Chief of all Confederate armies.

It did not work out. Breckinridge tried another tack. He called on the heads of all the departments within the Bureau for their honest statement of the condition of their departments. He knew the responses would be nothing but woe and gloom and a tale of dissolution, chaos, and shortage. He added to these reports that from General Lee. He hoped the Senate would simply call for these reports to be made public, and that that would force President Davis to do something. In the end, Grant's spring campaigns began, and the fall of Richmond essentially broke up any further chances for this political maneuver.

Breckinridge approached Governor Zeb Vance of North Carolina. When Richmond fell (Breckinridge had started preparing for the fall of Richmond the day after he took office as Secretary of War in February

1865, two months before it happened), Virginia would be untenable. He contacted Vance and told him North Carolina would be very important very soon and urged the governor to introduce to the state legislature a call for a convention between the states for President Davis to approach the North about surrender.

Again, his efforts were overtaken by events. Richmond fell on April 2. Breckinridge organized the evacuation from Richmond of the Confederate government. The Confederacy became a government in wagons and on horseback.

Breckinridge left behind his Assistant Secretary of War, Johnny Campbell, with instructions to meet with President Lincoln if he could and try to present Breckenridge's plan for reconstruction. The South would surrender as a nation and—

1. The Confederate armies would not surrender but would disband. There was an important distinction between the two. *Surrender* meant the troops would turn over their weapons, and the units would disperse and go home. *Disbanding* meant they would keep their weapons and would go home as organized units. The interior of the South was suffering almost complete civil breakdown by this time, and there was no one to impose order. Breckinridge's idea was that if military units were sent home intact, with their small arms, they could immediately become a civil police, impose order, and thereby make the transition back into the Union that much easier.
2. There would be no trials, no prosecutions for treason (except presumably for President Davis and the high functionaries of the government), and no mass confiscations of property.
3. Most important, the North would recognize the existing state governments of the constituent Confederate states. The governors and the state legislatures would continue to hold their offices. This, in Breckinridge's mind, would lead to a smooth continuity in the process of transitioning from Confederate states back into the United States. It would keep acrimony to a minimum and to try to ease as much as possible what was going to be a very difficult problem in any case of reconstructing the Union.

Campbell managed to meet with President Lincoln when he visited Richmond and proposed this. According to Campbell, President Lincoln seemed favorably disposed. It never came to fruition, however. The assassination was but a few days away.

With the fall of Richmond, President Davis and what was left of his cabinet fled, first to Danville, Virginia (April 3-10, 1865), then on to Greensboro, North Carolina (April 14-15, 1865), and Charlotte, North Carolina (April 19-26, 1865). In each of them, they went through the motions of conducting business, but they had effectively lost contact with most of what was left of the Confederacy. Nonetheless, President Davis, being who he was, wanted to keep fighting, but they were on the run, eventually to be captured.

After Appomattox, General Joseph Johnston requested permission to meet with Union Major General William T. Sherman to discuss terms of surrender of Johnston's Army of the Tennessee near Durham, North Carolina. Johnston, like Lee and Breckinridge, realized it was over.

President Davis agreed. He did not expect anything would come of it, but it would buy time for him to try to rally support to continue the fight. Johnston asked Breckenridge to accompany him to the negotiations, and very quickly it turned into something altogether different. Johnston and Breckinridge opened negotiations *not for the surrender of Johnston's army but for the surrender of all remaining Confederate armies*. Only President Davis had the authority to do this, but in the discussions with Sherman, Breckenridge assured him that he would take the authority, the responsibility, himself. It was a usurpation of presidential power, but if such a surrender was negotiated, there was little President Davis could do about it. He had lost control of events.[19]

It eventuated that the agreement with Sherman included everything Breckenridge had wanted – recognition of existing state governments, disbanding of the armies, taking their weapons with them, going home as units, no mass confiscation. This went far beyond military issues; it was setting civil policy for reconstruction. Interestingly, even though Breckenridge privately admitted, as did Johnston, that slavery was almost surely dead, nowhere in their agreement with Sherman was any mention either of the Emancipation Proclamation or the recently passed 13th Amendment abolishing slavery.[20]

Of course, President Lincoln rejected Sherman's peace agreement. Sherman only had authority to negotiate the surrender of Johnston's army.

President Davis continued his flight. Unable to countenance defeat and losing what in retrospect would seem to be all sense of reality, he hoped to turn westward and link up with whatever Confederate field forces he could find and continue the resistance – if not in the Deep South, then in Texas or New Mexico, even in Mexico itself if that is what it took. Along the way his party grew smaller as cabinet members and others dropped off. These men were aware they were under indictment in Washington for treason or expected to be. (Breckenridge was under indictment in his home state of Kentucky as well as the District of Columbia.)

Finally, on May 10, they reached Irwinville in south-central Georgia. There, what remained of the party (including his wife, Varina) was surrounded, surprised, and captured. One can truly say that was *the night the lights went out in Georgia* – and in the rest of the Confederacy.

* * * * *

With President Lincoln's death, the arc of reunion changed. There has been and continues to be much speculation as to how Reconstruction might have progressed had President Lincoln completed his second term. The reality, though, is that it was not to be. Vice President Johnson served out that term with different ideas but always in President Lincoln's shadow.

But the war, while coming to a close, was not over quite yet. The pedestrian view is that the Civil War ended when Lee surrendered to Grant at Appomattox Courthouse in Virginia. That was not the end of the war — in fact, it was not even the end of combat — but it was an overarching finale in the war. Combat continued for a few more months, and President Davis continued his desperate attempt to avoid capture and continue the fight, but most on both sides realized the South's bid for independence died when Generals Grant and Lee came to agreement in Wilmer McLean's parlor in his house at Appomattox.[21]

The collapse of the Confederacy marked the war's end but did not end the conflict, though. It just changed venues, moving from the military battlefield back to the political. The trauma of Reconstruction was upon the nation.

Notes

[1] Full transcript available at State of the Union Address: Abraham Lincoln (December 6, 1864) (infoplease.com).

[2] At 135 words, President George Washington's Second Inaugural address is the shortest.

[3] For a full transcript, see Our Documents - Transcript of President Abraham Lincoln's Second Inaugural Address (1865)

[4] Lincoln's Second Inaugural, presentation by Edward Achorn, November 14, 2020, C-SPAN American History TV. Abraham Lincoln's Second Inauguration | C-SPAN.org

[5] An Interview with Historian Gary Gallagher | American Battlefield Trust (battlefields.org)

[6] "What Lincoln Said in His Final Speech", Sarah Pruitt, What Lincoln Said in His Final Speech - HISTORY

[7] For a breakout of changes by state and party, see 1864 and 1865 United States House of Representatives elections - Wikipedia.

[8] U.S. Senate: Freedmen's Bureau Acts of 1865 and 1866

[9] "The Employment of Negroes as Soldiers in the Confederate Army," Charles H. Wesley; The Journal of Negro History, Vol. IV, No. 3, July 1919; 243.

[10] Cooper, William J. Jr., Jefferson Davis, American; New York: Alfred A.Knopf, 2000; 500.

[11] it was not inevitable that the Civil War would end as it did, or for that matter, that it would end at all well. There were many in the South, for example, disposed to continue the conflict with guerrilla warfare and bleed the North. General Lee, to his everlasting credit, quashed this notion within his Army of North Virginia as he and his staff and commanders contemplated surrender at Appomattox in April 1865, as did others such as Lt. General Nathan Bedford Forrest with his men when they surrendered in Alabama in May. Jay Winik, April 1865: The Month that Saved America; New York: HarperCollins Publishers, 2001; 145-166; and John R. Scales, The Battles and Campaigns of Confederate General Nathan Bedford Forrest 1861-1865; El Dorado Hills, 2017; 445.

[12] For the full text of the Act and the General Order, see Confederate Law authorizing the enlistment of black soldiers, March 13, 1865, as promulgated in a military order (umd.edu)

[13] Davis, 519.

[14] U.S. Senate: Creating a Confederate Senate

[15] *Lincoln's Triumphant Visit to Richmond - The New York Times (nytimes.com)*

[16] *Lincoln's Visit to Richmond - Richmond National Battlefield Park (U.S. National Park Service) (nps.gov)*

[17] *Ulysses S. Grant, Personal Memoirs of U. S. Grant, Vol. II; New York: Charles L. Webster & Company, 1886; 508-510. See also, H. W. Brands, The Man Who Saved the Union: Ulysses Grant in War and Peace; New York: Doubleday, 2012; 374-375; and Abraham Lincoln's assassination: 5 facts you may not know - CBS News.*

[18] *Most of this discussion of Breckenridge's role is drawn from "An Honorable Defeat: The Last Days of the Confederate Government," presentation by William C. "Jack" Davis, July 2, 2001, C-SPAN American History TV. [An Honorable Defeat: The Last Days of the Confederate Government] | C-SPAN.org*

[19] *Interestingly, President Davis felt he did not have authority to surrender the Confederacy. The Confederate Constitution and his oath of office required him to preserve, protect, and defend the Confederacy. By default, therefore, authority to surrender rested with the individual, sovereign states. They would have to meet in convention to sue for peace. Likely, an argument of convenience since he did not countenance surrender in the first place.*

[20] *If under this plan those Confederate states managed to slide back into the Union without being forced to acknowledge and ratify the 13th Amendment as a precondition for readmission to the Union (as eventually would be required), after reunion they might have been able to vote against it, and those eleven states would have been more than enough to defeat ratification the 13th Amendment – they might have lost the war but won the peace by holding on to slavery.*

[21] *When did the ACW end?*

April 9, 1865 – AoNV (Robert E. Lee) surrenders to AoP (Ulysses S. Grant) at Appomattox Court House, Virginia

April 26, 1865 – Army of Tennessee (Joseph E. Johnston) surrenders to Sherman Johnston's Surrender (wadehamptoncamp.org)

May 4, 1865 – Lt. Gen. Richard Taylor (son of President Zachary Taylor) surrenders in Alabama

May 9 – Nathan Bedford Forrest surrenders at Gainesville, Alabama

May 10 – President Jefferson Davis is captured by Union cavalry near Irwinville, Georgia

May 13 – Private John Jefferson Williams (Company B, 34th Indiana Infantry) is killed at the BTTLE OF Palmito Ranch; generally recognized as the last soldier killed in the Civil War

May 26, 1865 – Army of the Trans-Mississippi (Kirby Smith) surrenders at Galveston, Texas

June 23, 1865 – Brig. General Stand Watie, the last Confederate general to surrender, at Doaksville, Choctaw Nation (in present-day Choctaw County, Oklahoma, near Ft. Towson) Doaksville, Choctaw Nation - Wikipedia

November 6, 1865 – CSS Shenandoah lowers its colors on the River Mersey, Liverpool, United Kingdom.

August 20, 1866 – President Andrew Johnson declares an end to the Civil War. https://gratefulamericanfoundation.com/what-was-the-last-confederate-state-to-reunite-with-the-union/ and Proclamation 157—Declaring that Peace, Order, Tranquillity, and Civil Authority Now Exists in and Throughout the Whole of the United States of America | The American Presidency Project (ucsb.edu)

August 2, 1956 – Albert Henry Woolson, the last known surviving member of the Union Army and the last surviving Civil War veteran on either side whose status is undisputed, dies at the age of 109..

May 31, 2020 – Irene Triplette, the last person in the United States to receive a Civil War-era pension died. Irene Triplett received a monthly check for $73.13 from the Department of Veterans Affairs as her father, Mose Triplette, deserted the Confederates just before Gettysburg and later joined the Union Army. She received the monthly payment because she suffered from cognitive impairments and qualified as "a helpless adult child of a veteran." Mose Triplett married Elida Hall, his second wife and Irene Triplett's mother, in 1924. Mose Triplett was nearly 50 years older than Elida, and he was weeks away from turning 84 when Irene Triplett was born in 1930. Mose Triplett died in 1938. *https://www.usatoday.com/story/news/nation/2020/06/10/irene-triplett-last-civil-war-pensioner-73-monthly-dies/5333830002/*