

The Picket Post

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After Action Report

I AM FAR FROM RECONSTRUCTED

Jubal A. Early in Exile, 1865-1869

by Sandy von Thelen



On June 18, 2018 Katie Shively came over from Richmond to deliver a stirring account to the Round Table on Jubal A. Early in his self-imposed exile after Lee's surrender at Appomattox. Early, long a colorful fellow was born November 3, 1816 in sleepy Rocky Mount, Franklin County, Virginia. He was the third of ten children and lost his nurturing mother at age sixteen. A year later he began attending West Point and graduated in 1837 an uninspiring 18th in a class of fifty. He made this comment on his years as a cadet, "I was not a very exemplary soldier... I had very little taste for scrubbing brass."

He saw brief service in the Second Seminole War and resigned from the army on July 31, 1838. He started his law career and became a Virginia politician and in 1846 was a Major in a Virginia regiment in the Mexican-American War. He saw no combat but along the way developed rheumatism which over time forced him to walk with stooped shoulders which in turn made him look much older than he was. During the turbulent times leading up to the war at the Virginia Secession Convention he voted twice to remain in the Union, but once Virginia seceded, Early was all in becoming a convicted southern nationalist. In reflecting on his personal interactions during this period he judged, "I was never blessed with popular ...

manners and the consequences was that I was often misjudged and thought to be haughty and disdainful."

Although these characteristics were not reversed in his wartime career, certainly Robert E. Lee's high regard for Early leavened his receptivity by his fellow officers. Lee clearly liked Early, calling him "my bad old man" (old? Early was 44 at the beginning of the conflict) and entrusting him with difficult assignments second only to those tasked to Stonewall Jackson. But while public opinion was captivated by the austere Jackson, Early was portrayed as cantankerous, irreligious, a world class cusser, given to drink and brazenly immoral as he fathered four illegitimate children by his illiterate, white mistress. The Alexandria Gazette described him as a "man of considerable corpulence with a full face (like the) full moon ... at its height in redness ... his voice sounds like a cracked Chinese fiddle ... accompanied with an interlopation of oaths." His homeliness rivalled "his Satanic majesty." Not exactly flattering.

Early saw solid, dependable service through the early years of the war and more than fulfilled Lee's wishes when sent to the Valley in independent command in the spring of 1864. His fortunes took a radical turn for the worse when Philip Sheridan became his primary opponent

Continued on page 2

THE WRIGHT STUFF

September 17, 2018

**HONORING PRESIDENT
ROBERT E. LEE**



WILLIAM CONNERY

William Connery grew up in Baltimore, Maryland, rebel territory during the War Between the States. He has a degree in history from the University of Maryland-College Park. Mr. Connery has been contributing to the Civil War Courier, and the Washington Times Civil War page. He has spoken to the Roundtable on his History Press books. In 2012, he was awarded the prestigious Jefferson Davis Historical Gold Medal for his first book, *Civil War Northern Virginia 1861*. His second book, *Mosby's Raids in Civil War Northern Virginia*, focuses on the extraordinary life and times of the Gray Ghost of the Confederacy. He will have copies of both books available. He can be reached at william.connery@verizon.net

He is available for Mosby Tours and Tours of the Inner Harbor.



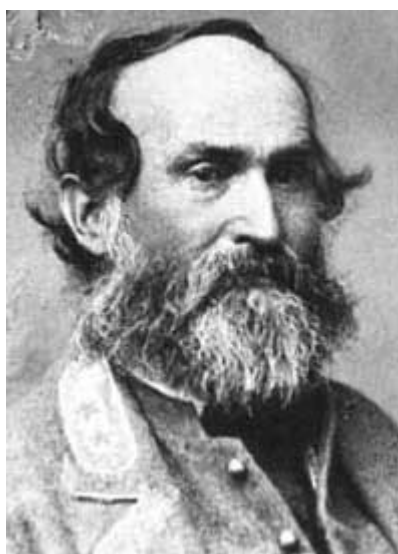
in the Valley in September of 1864. After a string of defeats at Third Winchester, Fisher's Hill, Cedar Creek and Waynesboro, Lee relieved Early of command via telegraph asking him to turn over his command to John Echols and sent him a letter of explanation as promised which arrived three weeks after Appomattox. "I have reluctantly arrived at the conclusion that you cannot command the ... support of the people ... and full confidence of the soldiers ... which is so essential to success," but Lee added that he "retained confidence" in Early's "ability, zeal and devotion to cause."

As the Confederacy collapsed in the spring of 1865 Early had reason to fear for his safety. After all he had not surrendered or signed a loyalty oath and as he had shelled Washington and ordered the burning of Chambersburg, PA. he had reason to fear retribution at the hands of the victorious Yankees. Seeking to avoid capture and punishment he fled to Texas, the Caribbean, Mexico, back to the Caribbean and finally to Canada where he remained until the spring of 1869 when he returned to Virginia. His fear of capture and then being forced to face the bar of justice was not something a gentleman publicly admitted to for fear of appearing craven, but Early's rapid flight and correspondence with his closest brother Sam betrayed his concern. To the public he presented himself as a defiant Confederate, "I am far from reconstructed and shall never return to the States unless I can come back under the Confederate flag."

In his four years away Early was able to seize the narrative of the Confederate defeat and successfully re-engineer the discussion about the war on his terms which were readily embraced by a country desperate to put the horrors of a fratricidal conflict behind it and thus began the myth of the Lost Cause. Early embraced his role as martyr to the cause working from exile to resuscitating his reputation as a failed General to self-sacrificing patriot interweaving his suffering and defeat with that of the Confederacy. He went on to argue that far from being outgeneraled in the Shenandoah by Sheridan he was overwhelmed by superior numbers much as the Confederacy had succumbed to a deficit in manpower. To Early, loyalty to the Confed-

eracy meant loyalty to him and his mentor, Robert E. Lee. What made all this work was Early's ability to flood his arguments in print from exile, preempting the competition and retaining his close association with Lee.

Early began his Lost Cause thesis as early as October 1865 when he wrote Lee about how "overwhelming numbers and resources ..." "... thwart (ed) all your efforts." Lee responded, "I wish you every happiness ... you will always be present to my recollections." Moreover Lee praised Early's "high intelligence," "bravery" and "theoretical and practical knowledge as a soldier."



Jubal A. Early

A line that Early probably did not like was Lee opining, "I think the South requires the presence of all her sons ... I am determined ... to share the fate of my people." After all Lee had more to fear retribution from the victorious Republic than Early likely did, and he remained in Virginia awaiting his fate. Early maintained his correspondence with ex-Confederates from the beginning of his exile writing Jedidiah Hotchkiss exchanging numbers on the Valley Campaign in his initial efforts to color the history of his defeats to Sheridan and famously to the New York News declaring that Confederate newspapers were "muzzled by military rule."

He also said he wished to set the record straight on two counts. First,

he was unreconstructed, "Having seen it stated in several papers published in the United States that I am an applicant for pardon, I desire to say ... there is no truth whatever in this statement ... I have nothing to regret ... (and) my faith in the justice of (the Confederate) cause is not at all shaken by the result." Second, seeking redemption for his 1864 Valley Campaign debacle, he wrote the editor of the New York News, "Which has retired from the conflict with more true glory, that heroic band of Confederates who so long withstood the tremendous armies and resources of the United States or that 'Grand Army of the Union' which ... was enabled by continuous hammering to so exhaust its opponent, by mere attrition?" This sparked Phil Sheridan to call Early "worse than (a) coward," with Early retorting that Sheridan was "no gentleman" and "as a military commander ... a mere pretender." This being only a small sample of Early's willingness to mix it up with his foes both Yankee and Confederate.

When finally settling in Canada, Early busied himself copying his memoir for Lee's comments and potential edits. Lee cautioned Early correctly to appear dispassionate and apolitical in tone, "I would recommend ... that while giving facts ... that you omit all epithets or remarks calculated to excite bitterness or animosity." Lacking funds, Early prevailed upon his brother Sam to underwrite the publishing of his first war memoir. He then had printed 1000 copies distributed to his former Army of the Valley veterans, to other historians writing about the war and copies to the James Masons in England and the John Breckenridges in France to further disseminate. As northern and southern newspapers began reviewing the pamphlet, the reviews were strikingly positive no doubt due to the even tempered tone and the skillful use of primary sources. More importantly Early imparted the printing rights and donated the financial pro-

ceeds to the Southern Ladies Memorial Association. The act of donation underlined the veracity of Early's account to his Victorian American audience as those who could not profit from their writings had no reason to tell anything but the truth.

Soon newspapers began to report on the religious virtues of Early's Canadian exile to which Early was only too eager to respond, "It is sad, sad indeed to be an exile from my country, and still sadder to mourn the loss of the most just and most sacred cause for which man ever fought," conflating his own martyrdom with that of the fallen Confederacy. Nor did the passage of time neutralize the bile he felt for the Yankees, writing, "I have got to that condition, that I think I could scalp a Yankee woman and child without winking my eyes." Likewise there was no change in his regard for Virginia's and the United States' newest citizens – the emancipated slaves. Throughout his life Early took the position of an unquestioned white supremacist, believing that "reason, common sense, and true humanity to the black, as well as the safety of the white race, required that the inferior race be kept in a state of subordination."

Eventually convinced by President Andrew Johnson's 1868 Christmas Day pardon with no oath of loyalty attached, Jubal Early returned to the states and settled in Lynchburg in April of 1869. Never serene or forgiving, Early did however understand his ability for historical argument and his growing body of writing impressed and intimidated his competitors. His friend Daniel Harvey Hill wrote Early in 1869, "Honestly, I believe you are nearer to the hearts of the Southern people than any other man." (Hill must have never forgiven Lee, who was still very much alive, for his demotion.) His friend Charles Button reprinted in the Daily Lynchburg, "General Early commands our admiration for his undying pluck. He is Confederate and Virginian to the backbone. He fought like a Roman through the war." With this sort of recognition and support, a defeated South was eager to embrace the tenets of the Lost Cause as promulgated by Early in order to justify the tremendous

loss of life and treasure defending a slave republic. The unbowed Jubal Early, more than anyone, was able to shade the history of the war to a southern viewpoint. There can be little question that Jubal Early deserved his sobriquet as the most unreconstructed rebel to have survived the war.

Sandy von Thelen
September 1, 2018



FREE EVENT

On Thursday, September 20 at 5pm, the Nau Center will host John Marszalek at the Small Special Collections Library Auditorium at the University of Virginia to talk about his new annotated edition of Ulysses S. Grant's famous account of the Civil War, *The Personal Memoirs of Ulysses S. Grant.*



John Marszalek is the Giles Distinguished Professor Emeritus at Mississippi State University and the executive director and managing editor of the Ulysses S. Grant Presidential Library. His new edition of the Memoirs is based on original manuscripts and fully annotated with the aid of the vast collection of Grant's personal correspondence owned by the Grant library. The memoirs provide important insight into the war from the perspective of the North's most famous and successful General.

This event is free and open to the public and no advance registration is required. Paid parking is available nearby at the Central Grounds Parking Garage located near the UVA bookstore.

Upcoming

Oct 15, 2018:

John Reeves

*The Lost Indictment
of Robert E. Lee*

ROTUNDA ROOM

**Westminster Canterbury
of the Blue Ridge, Pantops**

See: charlottesvillecwrt.org

Dinner Menu: Choice of
prime rib, grilled salmon,
or crab cakes

**Dinner is optional,
but reservations are required.**

Please respond to
Sandy von Thelen
971-8567 (W) or 202-7064 (H)
or make your reservation on the
webpage before 10:00 AM
Thursday, Sep 13th, 2018.

The Picket Post

The monthly newsletter of the Charlottesville-Albemarle County Civil War Round Table.

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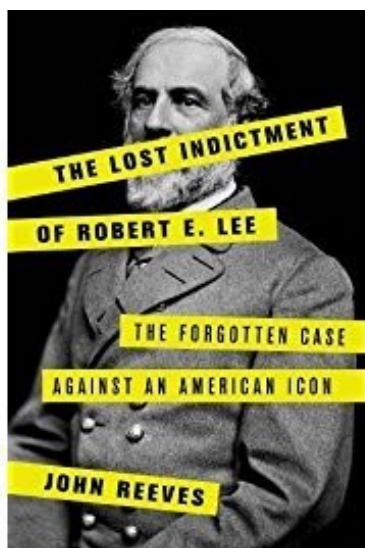
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THE LOST INDICTMENT OF ROBERT E. LEE

By

John reeves

The question of why communities across the country should continue to honor the man who 157 years ago took command of the Army battling U.S. troops has been a roiling debate for some years — intensified since the out-of-control protests in Charlottesville last summer over steps to remove the city's monument to Robert E. Lee.



Just last month, for instance, Columbia, Missouri, renamed the Robert E. Lee elementary school; the Ft. Myers, Florida, city council held a hearing on whether to remove a bust of Lee from Monroe Street; and the city council in Alexandria, Virginia, moved forward with a plan to change Lee Highway's designation to Richmond Highway.

But rather than question why such memorials stay in place, in his new book John Reeves asks an even more basic question: Why the adulation of Lee in the first place? Why was this man, who took the formidable military skills he received as a West Point cadet and turned them against his own country, not punished as a traitor? Why was this man, who was unrepentant in his belief that freed slaves of African descent

were inherently inferior beings, not looked upon as a pariah?

Lee had, after all, been indicted as a traitor. But not only was he never tried, all the records of the indictment had for decades disappeared. It is the fact that the documents have now been recovered that lead Mr. Reeves to write "The Lost Indictment of Robert E. Lee." The core problem in determining whether the heroes of the South should be called to task for the insurrection, Mr. Reeves points out, was the tension between healing and justice.

In May 1865, President Andrew Johnson issued a sweeping amnesty for those who had participated in the rebellion against the Union. But that proclamation excluded those who had held significant positions in the Confederacy. Those men had to apply individually for a pardon, including in their application an oath of allegiance to the United States. Virtually all such requests for pardons were granted. Lee's was not.

The explanation was that Lee's loyalty oath was lost. In 1970, the pledge was discovered at the National Archives. This was the missing piece that would have led Andrew Johnson to pardon Lee. And so, more than a century later, Congress passed, and President Gerald Ford with much ceremony signed, a pardon.

There's a good bit of hooey in that story. Officials at the Archives said that the oath had never been lost and in fact had been on public display. In the 1975 congressional debate over the Lee pardon measure, Rep. John Conyers tried ferociously to get those facts to his fellow lawmakers, but "for the overwhelming majority of congressmen, the 'story' was far more attractive than the truth," Mr. Reeves writes.

The truth: Andrew Johnson never had the slightest intention of pardoning Lee; he considered him guilty of treason and considered punishment a national imperative.

The tangled, at times farcical, tale of why Lee never faced trial on the treason indictment makes up the bulk of Mr. Reeves' book.

Those charges could not immediately go to trial until the war was officially ended, and that did not happen until Johnson on April 2, 1866, proclaimed the

Insurrection over. The Johnson administration felt that to give credibility to Lee's trial, Chief Justice Salmon Chase had to be a presiding judge. But since the indictment was handed down in Virginia, the trial had to be conducted there, and Chase refused to participate as long as Virginia was still under military control. Not until Aug. 20, 1866, did Johnson proclaim that civil, rather than military, authority was in effect throughout the country.

But a realignment of the judicial circuits, and then his duty to preside over Johnson's impeachment trial, kept Chase unavailable until the summer of 1868. By then it was clear that no jury made up of Virginians would be likely to convict Lee. So on Christmas Day, 1868, Johnson bowed to the inevitable and granted full amnesty to everyone who had participated in the South's rebellion, including those still under indictment.

Almost immediately, Lee's friends began the job of burnishing his image. The portrait that emerged: Lee was not only a brilliant General and an estimable gentleman, but that he was merely following his obligations as a citizen of Virginia to lead its troops once the state withdrew from the Union. It is only in recent years that that image is being questioned — but the image might have been quite different had the man actually been convicted of treason.

By

Daniel B. Moskowitz has written broadly about legal affairs, including articles for BusinessWeek, the American Bar Association Journal and the Journal of American Law.

THE WASHINGTON TIMES



INCLEMENT WEATHER

Check the meeting status with

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