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## **True Friends of the Confederacy**

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Many citizens of the Confederate States of America were unaware of the peace movement during the final years of the Civil War. Long after the war was over, Jehu A. Orr, who had organized and commanded the 31st Mississippi Regiment and later served in the Second Confederate Congress, described the effort to reconstruct the Union:

The men in the Congress who favored re-construction were not the enemies of the Confederacy. They had been convinced that a further prosecution of the War would be far worse for the people of the South than re-construction. They believed that persistence would only result in a greater loss of life, and destruction of property, and end in disastrous consequences for the people of the South, the magnitude of which could not be measured.<sup>1</sup>

### **Foreword**

The work of Jehu Orr and other Confederate Congressmen who supported efforts to negotiate with the United States to end the war received little attention from nationally known writers on the war for many decades. This began to change with the 1957 article “The Peace Movement in the Confederate Congress” by Wilfred Buck Yearns Jr. in the *Georgia Historical Quarterly* and then, three years later, the 1960 appearance of a full-scale study in *The Confederate Congress*. The latter work depicted President Davis as the most powerful force in the Confederate government. In 1972, Thomas Alexander and Richard Beringer produced a study of voting behavior and influences in the Congress with *The Anatomy of the Confederate Congress: A Study of the Influences of Member Characteristics on Legislative Voting Behavior 1861–1865*. Some of their conclusions help explain why the peace movement never led to congressional success at direct peace negotiations. The conscious decision among Confederate leaders to avoid formation of political parties and the perceived negative effects of partisanship was explored by George C. Rable in *The Confederate Republic: A Revolution against Politics*; in practice the refusal to form strong factions or parties also strengthened Davis’s leadership position. “True Friends of

the Confederacy” is a more focused view of the activities of the Second Confederate Congress, which met May 1864–March 1865, and its members who had concluded that the Confederacy was incapable of winning the war. These men, a number who had served in the Confederate army during the first two years of the war, believed that the Confederacy was incapable of winning the war and that the time to reconstruct the Union had arrived. The article describes their efforts to accomplish this end through congressional approval of legislative initiatives for peace negotiations and the rejection of any peace proposal by a president unable or unwilling to accept the reality of the military situation and obsessed by an unwavering commitment to an enduring Confederacy.

### **Introduction**

During the first two years of the Civil War, very few Congressmen advocated peace negotiations with the Lincoln administration. Nevertheless, some well-known men hoped to capitalize upon the Confederacy’s early victories and strong position to end the war and assure Confederate independence rather than risk possible later reversals. Vice President Alexander H. Stephens and Congressman Henry Foote of Tennessee urged that a peace commission be dispatched to Washington, D.C. At the time, such actions did not seem pressing to the great majority in the First Confederate Congress.<sup>2</sup>

When the Second Confederate Congress convened in Richmond on May 2, 1864, for its first session, many Southerners had come to believe that the Confederacy would be unable to attain its independence. During 1863, Confederate armies had suffered devastating defeats at Gettysburg and Vicksburg in July and at Lookout Mountain-Missionary Ridge in late November. The Confederate states had been divided into two parts when Federal forces established control of the Mississippi River; Grant had assumed command of the Union armies. The Union armies in Virginia and Georgia under Grant and Sherman were poised to begin final offensives that would end the war.

On the diplomatic front, France and Great Britain had declined to officially recognize the independence of the Confederate States of America. The two countries had, however, maintained their economic ties with the Confederacy by declaring their neutrality in the conflict, a position usually applied to two warring nations rather than to a domestic rebellion within a single nation. The likelihood of foreign financial or material aid seemed small.

On the home front, shortages of food, goods, and forage; unpopular taxation, financial regulations, and conscription and impressment laws; and

the suspension of the writ of habeas corpus had led to doubts in some parts of the South that Jefferson Davis's leadership was capable of carrying the war to a successful conclusion.

But it was the never-ending casualties that had affected many families and communities, leading many otherwise patriotic citizens to question the wisdom of war as a means of attaining Southern independence. An Augusta County, Virginia, farmer likely spoke for many in his day journal entry for Christmas 1863: "There are many who were alive one year ago who are now in their graves, many of whom died of disease, others were killed in battle and were denied burial, in this unrighteous and desolating war."<sup>3</sup>

The results of the 1863 elections for the Second Congress reflected this growing unease among the voters, particularly in North Carolina and Georgia. In the Second Congress, 47 of the 107 House members were first-time representatives; in the Senate, three of its 26 members were newly elected. Twenty of the newly elected House members and the three new Senators held views that reflected the concerns of many voters that Southern independence would not be realized. They joined four or five incumbent House members and four sitting senators who shared their concerns.<sup>4</sup> Together they constituted a loosely knit peace coalition whose members believed the time had arrived for the Confederacy to initiate peace negotiations with the Lincoln administration. Their position on the need for peace negotiations would receive little support, and they were viewed with suspicion by Davis, their congressional colleagues, and the general public.

### **The Peace Coalition**

The Peace Coalition faced a nearly impossible task, for a large majority of the members of both houses opposed peace negotiations, supporting President Davis's unyielding policy that peace negotiations to end the war would have to be initiated by the Lincoln administration and be based on Southern independence. Most newspapers ridiculed the peace advocates and accused them of favoring reconstruction of the Union—which Jehu Orr openly discussed in his later writings—and believed they were traitors to the Southern cause. As the military situation worsened during the course of the Second Congress, support for peace negotiations grew but never to the level where a specific proposal received majority support.

The coalition's members made up slightly more than 20 percent of the total membership in each house of the Second Congress. Their limited numbers and the lack of a leader to organize the peace advocates into a disciplined political unit compromised their ability to craft, introduce, and effectively debate peace legislation. Vice President Alexander H. Stephens

was capable of providing the needed leadership, but because of his personal animosities and policy disagreements with Jefferson Davis, he had elected to remain at home in Georgia throughout the Second Congress's first session.<sup>5</sup> The philosophical decision to avoid formation of political parties and factions inside the Confederacy, the "revolution against politics," prevented a stronger peace coalition.<sup>6</sup> Despite this constraint, the majority of the peace advocates shared a common political philosophy based on their prewar Whig and Unionist beliefs.

### **Identities of the Peace Advocates**

The peace advocates in the Senate<sup>7</sup> were William A. Graham, North Carolina, whose five sons served in the Army of Northern Virginia; Richard W. Walker, Alabama, a former state legislator and justice of the Alabama Supreme Court; and John W. C. Watson, Mississippi, who had two sons killed in battle. They were joined by incumbent Senators James L. Orr (brother of Jehu Orr), South Carolina; Benjamin H. Hill, Georgia; and Herschel V. Johnson V, Georgia. Senator R. M. T. Hunter of Virginia joined the peace advocates following Davis's February 9, 1865, public speech condemning Lincoln for the failure of the Hampton Roads Peace Conference.

In the House of Representatives, there were 20 first-term peace advocates and incumbents.<sup>8</sup> They were Warren Akin Sr. (minister), Georgia 10th; Hiram Parks Bell (Confederate Army veteran), Georgia 9th; Marcus H. Cruikshank, Alabama 4th; Joseph H. Echols (minister), Georgia 6th; Thomas C. Fuller (Confederate Army lieutenant), North Carolina 4th; Rufus K. Garland (Confederate Army veteran), Arkansas 2nd; John Adams Gilmer, North Carolina 6th; J. T. Lambkin (Confederate Army captain), Mississippi 7th; James Madison Leach (Confederate Army veteran), North Carolina 7th; James Thomas Leach, North Carolina 3rd; George N. Lester (Confederate Army captain), Georgia 8th; George W. Logan, North Carolina 10th; Humphrey Marshall (Confederate Army general), Kentucky 8th; Jehu A. Orr (Confederate Army colonel and brother of Senator Orr of South Carolina), Mississippi 1st; James Graham Ramsey, North Carolina 8th; William E. Smith (Confederate Army lieutenant), Georgia 2nd; J. M. Smith (Confederate Army colonel), Georgia 7th; G. W. Triplett (Confederate Army major), Kentucky 2nd; Josiah Turner (Confederate Army captain), North Carolina 5th; and Williams Wickham (Confederate Army general), Virginia 3rd, elected to the second session. They were joined by incumbents Henry S. Foote, Tennessee 5th; Augustus H. Garland, Arkansas 3rd; William Nathan Harrell Smith, North Carolina 2nd; William Russell Smith, Alabama 2nd; and possibly William W. Boyce, South Carolina 6th.

Five of the newly elected peace advocates in the House were from congressional districts located in the Great Appalachian Valley: Akin, Bell, Cruikshank, Lester, and Logan. They would be joined in later votes by several other congressmen whose districts were also located west of the Blue Ridge and where slave populations were significantly smaller than in other House districts<sup>9</sup>: Baldwin and McMullin from Virginia's 11th and 13th Districts; Moore and Elliott from Kentucky's 10th and 12th Districts; and Heiskell, Swan, and Coylar from Tennessee's 1st, 2nd, and 3rd Districts.

These western men believed their votes were diluted and legislative influence compromised by the constitutional requirement that representatives be apportioned by adding to the total number of free persons three-fifths of all slaves, effectively offsetting the political influence of white majorities in many districts west of the Blue Ridge. Many resented this requirement and had opposed leaving the Union. Despite misgivings and a distaste for secession, they had remained loyal to their states and cast their lot with the Confederacy and the cause of Southern independence. They would later provide significant support for the January 12, 1865, unsuccessful vote for peace and reconstruction of the Union.

Peace resolutions were offered during the Second Congress by James T. Leach, Henry S. Foote, Josiah Turner, and Jehu A. Orr from the House; jointly by Foote and Senator James L. Orr on behalf of a group convened by Senator John W. C. Watson; and by Senator William A. Graham.

Graham was a past governor of North Carolina, had represented the state in the United States Senate, and had served as secretary of the navy in the Fillmore administration. Foote had represented Mississippi in the United States Senate and had defeated Jefferson Davis for the governor's office in 1851. He represented Tennessee in the Confederate Congress, where he renewed his political rivalry with Davis. His intense dislike of Davis and his policies ultimately led him to abandon his House seat in an unsuccessful attempt to cross Union lines and meet with Lincoln to effect a peace agreement.<sup>10</sup>

The only peace resolution that received serious consideration during the first session was crafted by a small group of peace advocates from the House and Senate convened by Senator Watson in the early days of the first session. Their proposal reflected a consensus response to the dire military situation facing the Confederacy.<sup>11</sup>

## **First Session Peace Resolutions May 2–June 14, 1864**

### **James T. Leach’s May 23 Proposal**

Three peace resolutions were considered during Congress’s first session. The first, presented by James T. Leach of North Carolina, was an appeal to President Davis to appoint commissioners who would propose an armistice of 90 days preliminary to peace negotiations based on state sovereignty and independence. The terms of peace agreed to by the commissioners would be endorsed by the president and Senate and submitted to the people for their ratification or rejection. His resolution was tabled 62 to 21, his support coming from the peace advocates.<sup>12</sup>

### **Henry S. Foote’s May 28 Proposal**

The second peace proposal was presented by Foote on May 28 as an amendment to a resolution offered by W. C. Rives of Virginia, chair of the House Foreign Affairs Committee and a supporter of the Davis administration. The Rives resolution provided for a joint committee to prepare a manifesto stating the principles and purposes for which the war was being fought and the nation’s desire to see an end to the conflict.<sup>13</sup> By introducing a non-controversial call for peace, a stronger peace proposal being prepared by Senator John W. C. Watson’s group would be rendered moot. Foote, a member of both the Rives committee and the Watson group, supported the manifesto’s objective. He believed, however, that a provision for initiating peace negotiations with the Lincoln administration should be included. To accomplish this goal, he proposed an addition to Rives’s resolution, leaving to President Davis the responsibility of determining if Lee’s defeat of Grant at the battles of the Wilderness (May 5–6) and Spotsylvania Courthouse (May 10–12) had sufficiently influenced Northern public opinion to warrant sending commissioners to Washington to discuss peace negotiations based on Southern independence. The House adjourned without taking action on either Foote’s amendment or Rives’s manifesto.<sup>14</sup>

### **Senator John W. C. Watson’s Peace Proposal**

Senator Watson and several members of the Peace Coalition shared Foote’s view that Lee’s success was an opportunity to present a peace proposal. They believed the time was right for negotiations to end the war.<sup>15</sup> In late May, they met in Senator Watson’s quarters to craft peace legislation. The Watson group included Senators Graham, Johnson of Georgia, and

James Orr of South Carolina and Representatives Boyce, Jehu Orr, and several others. Foote was likely one of the unidentified House members.<sup>16</sup>

Jehu Orr reported that “a resolution was agreed on, in which the sentiment was expressed, that the time had arrived for the true friends of the Confederacy to take measures looking to the reconstruction of the Union, in which the institution of slavery was to be secured by compact with the Government of the U.S.”<sup>17</sup> The formal resolution stated:

That it is now the *deliberate judgment of the Congress of the Confederate States* [emphasis added] that whenever the two armies of the enemy [Grant in Virginia and Sherman in Georgia] ... have been subjected to signal defeat, it will be ... wise and expedient on the part of our Government to send commissioners to Washington City for the purpose of opening negotiations for peace upon the basis of Southern independence, ... setting on foot ... a temporary armistice [that] it is ... believed would eventuate in the restoration of peaceful and amicable relations.<sup>18</sup>

The most significant feature of the Watson proposal was its challenge to President Davis’s constitutional authority for conducting foreign affairs, leaving to the Congress rather than the president the responsibility for sending peace commissioners to Washington. The Watson proposal was introduced in both houses on June 2. Members from the foreign relations committees of each house were selected to present the joint resolution, Foote from the House and James Orr from the Senate, chair of its Foreign Relations Committee.

### **Consideration of the Watson Proposal**

In the House, Foote offered the proposal as an amendment to the resolution Rives had introduced on May 26. It was rejected on June 10 without a recorded vote.<sup>19</sup> In the Senate, James Orr introduced the Watson proposal as a joint resolution “in relation to the opening of negotiations for peace between the Confederate States and the United States.”<sup>20</sup>

On June 10, Senator Johnson of Georgia, one of the Senate’s peace advocates, proposed an amendment to leave to the president rather than the Congress the responsibility to determine the appropriate time to initiate peace negotiations. Johnson’s amendment was defeated, with the other peace advocates voting against his proposal, indicating their unwillingness to change the resolution’s requirement that left to the Congress the decision to decide when it was time to open negotiations.<sup>21</sup> They had concluded that the president would have to be excluded from the peace process for negotiations

with the North to succeed, even if based on Southern independence. The Senate then rejected the Watson Peace Proposal 14 to 5.<sup>22</sup>

### **Final Days of the First Session**

The Second Congress completed its first session on June 14, 1864. All efforts to pass a peace resolution had been rejected. President Davis and a congressional majority believed the Confederacy was winning the war and there was no justification for making peace overtures. It was their view that the Northern people were war-weary and that the Democrats would win the 1864 presidential and congressional elections, making possible the negotiation of a peace treaty based on Southern independence.

### **The Summer and Fall of 1864**

The May successes of Lee's and Johnston's armies continued into the summer. Grant suffered a devastating defeat at Cold Harbor on June 7, forcing him to abandon his effort to take Richmond. He then moved his army to the south side of the James River below Richmond and Petersburg, initiating what became a 10-month siege of the two cities that also blocked any effort by Lee and Johnston to join forces.

Sherman entered Atlanta on September 2, despite having suffered a defeat by Johnston's small army on June 27 at Kennesaw Mountain. Following the occupation of Atlanta, Sherman continued his advance to the sea, devastating a wide swath of the countryside before reaching Savannah on December 22.

The outnumbered Confederate armies had suffered irreplaceable losses of men and material. Many were ill-clothed and shoeless. Morale had begun to suffer, and Davis and Congress were proving incapable of providing the armies with adequate food, forage, and munitions.

On the political front, there were no indications that the people of the North were tiring of the war. Lincoln had been re-elected by a substantial majority, strengthening his resolve to suppress the rebellion and reconstruct the Union. There was no longer any possibility that Lincoln would be receptive to a peace proposal based on Southern independence.

### **Second Session of the Second Congress November 7, 1864–March 18, 1865**

These were the circumstances facing President Davis when he addressed the Second Congress when it convened for its second session on November 7, 1864. His message was an unrealistic view of the nation's future and failed to offer any military strategy that would offset the North's

overwhelming advantage in the resources of war. That Davis was ignoring or was incapable of accepting existing realities was evidenced by the following excerpts from his message:

Repeatedly during the war have formidable expeditions been directed by the enemy against points ... supposed to be of vital importance to the Confederacy. ... If we had been compelled to evacuate Richmond as well as Atlanta, the Confederacy would have remained as erect and defiant as ever. Nothing could have been changed in the purpose of its Government. ... The baffled and disappointed foe would have scanned the reports of your proceedings ... for any indication that progress had been made in his gigantic task of conquering a free people. The truth ... must ere long be forced upon the reluctant Northern mind. There are no vital points on the preservation of which the continued existence of the Confederacy depends. There is no military success of the enemy which can accomplish its destruction. Not the fall of Richmond, nor Wilmington, nor Charleston, nor Savannah nor Mobile nor of all combined, can save the enemy from the constant and exhaustive drain of blood and treasure which must continue until he shall discover that no peace is attainable unless based on the recognition of our indefeasible rights.<sup>23</sup>

Davis had made clear that there would be no peace without Southern independence.

Despite his uncompromising message, Davis and the majority of Congress continued to ignore military and political realities, believing that independence could be attained. For the peace advocates, negotiations with the Lincoln administration were now more critical than ever.

Those in the Watson group were convinced that the Confederate armies would be unable to withstand another campaign year like 1864. They found little comfort in Davis's view that "[w]hen we contemplate the results of a struggle apparently so unequal we cannot fail ... to recognize the protection of a kind Providence in enabling us to successfully withstand the utmost efforts of the enemy for our subjugation."<sup>24</sup>

The peace advocates were determined to continue the effort to craft a plan for peace negotiations that would receive majority support in the Congress. Preferably the plan would be based on Southern independence, with reconstruction of the Union an acceptable alternative. President Davis would be excluded from the negotiations.

There was also a growing dissatisfaction with Davis's leadership among other members of the House and Senate. John Baldwin, a member of

the influential House Ways and Means Committee, had concluded that the rejection of the peace advocates' proposals during the first session required a different approach which would attract majority support.

Baldwin, from Augusta County, represented Virginia's 11th District. Much of his Shenandoah Valley district was occupied by Union forces, a situation faced by many members of Congress. He believed that if it could be shown that the Confederacy did not have sufficient resources to win the war, a congressional majority would demand that Davis initiate peace negotiations.

### **John B. Baldwin's Special Joint Committee Proposal December 28, 1864**

On December 28, Baldwin submitted a resolution calling for a joint committee of three senators and five representatives to "conference with the President and by such other means as they shall deem proper, to ascertain our reliable means of public defense, present and prospective, and to report thereon without delay, such suggestions they may deem to be required by the public interest."<sup>25</sup> The resolution creating the Select Joint Committee on the Means of Public Defense was adopted. Baldwin chaired the House group and Allen Caperton chaired the Senate group. Caperton was from Monroe County in Virginia's 12th district, which had become a part of the newly formed state of West Virginia in 1863. The committee began its work immediately, interviewing Gen. Lee and several of his general officers, concentrating on the military situation on the Richmond-Petersburg front and the condition of the Army of Northern Virginia.

Baldwin submitted the committee's written report to the House on January 25, 1865, during the time when Davis was preparing his plan to send peace commissioners to confer with the Lincoln administration. The House tabled the report without a recorded vote; motions to reconsider tabling and printing the report were lost, again without a recorded vote.<sup>26</sup> In the Senate, Caperton submitted the report (No.6), which was read. However, it was not included in the Senate Journal or Proceedings.<sup>27</sup> The special joint committee's report likely concluded that the Confederacy was no longer capable of defending itself, a conclusion that a majority in either house was apparently unwilling to accept.

### **Second Session Peace Proposals**

Concurrent with the work of the Select Joint Committee on the Means of Public Defense, J. A. Orr and the other members of Senator Watson's group had developed in the first days of the second session a series of peace resolutions that were introduced in the House Foreign Affairs Committee.

The committee initially rejected the resolutions, but Orr continued to work for their approval.<sup>28</sup> In the interim, Representatives Henry Foote and Josiah Turner, also on the House Foreign Affairs Committee, proposed separate peace resolutions, neither contingent on Southern independence.

Foote's proposal was likely in response to reports that the legislatures of Alabama and North Carolina had discussed the advisability of discussing separate peace proposals with the Lincoln administration. There were also rumors that Governor Brown of Georgia had discussed his state's return to the Union with General Sherman.<sup>29</sup> Foote's resolution, introduced on November 30, 1864, stated that such action was "unwise and unpatriotic" but was allowable if the individual states conferred together and granted to the central government the additional powers needed to end the war and restore peace. Foote's proposal was tabled 63 to 13.<sup>30</sup>

Turner introduced his proposal on December 16, 1864. It requested the president to appoint 13 commissioners to propose to the Lincoln administration a conference for negotiating an honorable peace. If rejected, the commissioners were to seek an exchange of prisoners and, if possible, negotiate an understanding with the Union on how to conduct the war in a manner that would "mitigate its horrors and atrocities."<sup>31</sup>

Ethelbert Barksdale of Mississippi's 6th District and a Davis ally responded with a substitute proposal on behalf of the House majority, stating that peace would be possible whenever the Lincoln administration was willing to accept an independent Confederacy.<sup>32</sup>

On December 19, LaFayette McMullin, who represented Southwest Virginia's 13th District, offered a substitute to Barksdale's proposal. It proposed that the "House of Representatives ... should dispatch ... a body of commissioners ... to meet and confer with ... the United States Government ... and to agree, if possible, upon the terms of a lasting and honorable peace."<sup>33</sup> McMullin, one of the 13 House members who had supported Foote's resolution, was hoping to minimize the irreconcilable differences between the peace advocates and President Davis and his allies in the Congress.

Turner's proposal and the two substitutes were referred to the Foreign Affairs Committee. On January 12, 1865, Rives, the committee's chairman, recommended that they "lie on the table," eliminating any further consideration.<sup>34</sup> This recommendation was agreed to, allowing J. A. Orr to report on a series of peace resolutions that the Foreign Affairs Committee had rejected in early November. The worsening military situation had changed the mood in the committee, and despite the opposition of Chairman Rives, six of the nine committee members voted in favor of introducing

Orr's resolutions in the House. They reflected Orr's views and were similar to Senator Watson's June 2, 1864, peace resolutions. Vice President Stephens had also assisted in crafting the resolutions following his return to the Senate in early December.<sup>35</sup>

### **J. A. Orr's Peace Resolutions January 12, 1865**

Jehu Orr's peace proposal consisted of five resolutions. Taken together they were crafted to attract support from President Davis and his congressional supporters. The first four resolutions included a demand that the Confederacy's independence be recognized; noted that there was popular support in the North for suspension of the war and peace negotiations; suggested that all issues between the two countries be resolved by a national convention of commissioners from all the states, Union and Confederate; and included a statement emphasizing Congress's responsibility to its soldiers and citizens to initiate negotiations with the United States government.

The fifth resolution was the most important. It challenged the president's constitutional authority to conduct foreign policy by delegating that authority to three commissioners, allowing them to consider any other terms offered by the Lincoln administration that would lead to a peaceful settlement. It stated:

That the President of the Confederate States be informed of these resolves, and that he be requested to grant permission to three persons selected by this House ... to cross our lines, who shall immediately proceed to ask and obtain ... an informal ... conference with the authorities at Washington ... to see if any such plan for inaugurating negotiations for peace, upon the basis set forth, can be agreed; and *if not, to ascertain any other or what terms, if any, of a peaceful settlement may be proposed by the authorities at Washington* [emphasis added]; and the said commissioners shall be authorized to bring into view the possibility of cooperation between the Confederate and United States in maintaining the principles and policy of the Monroe Doctrine in the event of a prompt recognition of the independence of the former (the Confederacy) by the latter (the United States) and should this effort fail, we shall have the consolation of knowing that we ... have done our duty. . . . [T]he rejection of the overture by the President of the United States ... will demonstrate to our people that his object as to them is nothing short of an unconditional subjugation or extinction.<sup>36</sup>

The House of Representatives faced a far-reaching and difficult decision. Would it continue to support President Davis and his supporters' unyielding insistence on peace based on Southern independence, or would it support the Orr resolutions and the all-important provision authorizing the commissioners to determine any terms for peace that might be proposed by the Washington authorities?

Davis's supporters moved immediately to defeat Orr's resolutions. Perkins of Louisiana, a member of the Foreign Affairs Committee, presented a minority report, which was tabled, but Staples of Virginia's 12th District then moved that the resolutions be postponed "until the bill to amend the act to organize forces to serve during the war be disposed of."<sup>37</sup>

Consideration of the Orr resolutions had reached a critical point, and the vote on the Staples amendment would be the Second Congress's most important and critical decision. The vote would determine, at least from the Confederate side, if the war would continue to a tragic conclusion or if there would be meaningful peace negotiations with the North.

Orr's peace resolutions were defeated when the Staples amendment was approved 42 to 38. His peace proposal was never reconsidered because the bill referred to in Staples's amendment was not disposed of until March 17, 1865, the day before the Congress adjourned.<sup>38</sup>

Of the 38 members supporting the Orr resolutions with negative votes for the Staples amendment, eight were from districts west of the Blue Ridge, including two from Virginia: Baldwin from the 11th District and McMullin from the 13th.<sup>39</sup> Akin of Georgia and Ramsey of North Carolina, also peace advocates from west of the Blue Ridge, did not vote. The vote marked the final opportunity for the peace advocates in the House to advance the cause of peace negotiations based on reconstruction of the Union.

The near majority vote in favor of Orr's January 12 peace proposal and its majority support in the Committee on Foreign Affairs shocked Davis and his supporters. The substantial support for Orr's proposal, specifically the responsibility given to the three House members to determine what peace terms might be proposed by the Lincoln administration, placed his commitment to Southern independence in danger and challenged his constitutional authority. He had a festering rebellion on his hands. It was imperative that he isolate the peace advocates and assume control of the strengthening desire in Congress for peace negotiations with the Lincoln administration.

Davis moved immediately. On January 13, he had one of his supporters, Dupree of Louisiana, report to the House that the January 12 "movement for

the conference met with the approval of the President, and that he himself would appoint three gentlemen to carry out the purposes which the report had in view."<sup>40</sup> Although this statement is not recorded in the House Journal for January 13, other sources indicate that many members of Congress believed Davis was ready to modify his policy on peace negotiations.<sup>41</sup> With the exception of J. T. Leach, the uncompromising peace advocate from North Carolina, the peace advocates were willing to take Dupree's statement in good faith,<sup>42</sup> delaying any further peace proposals. Leach broke ranks however, and on January 23 introduced an uncomplicated plan for peace, leaving to commissioners the responsibility for offering an armistice to Federal authorities. If agreed to, a second group of commissioners would meet with the Federal authorities to agree on peace terms. His proposal was defeated by referral to the House Foreign Affairs Committee.<sup>43</sup>

### **Francis C. Blair Sr.'s Shuttle Diplomacy**

On January 12, 1865, at the same time the Orr peace resolutions were being considered in the House and Baldwin's Select Joint Committee was preparing its report, Francis P. Blair Sr. arrived in Richmond. A newspaper editor and an influential Democratic Party activist, he had decided to make a personal effort to meet with Davis, an old acquaintance, and others in the Confederate Congress and suggest his personal plan for a path to peace that would end the war. It would prove to be an opportunity for Davis to gain full control of the peace process.

Blair had known Davis prior to the war and was aware of his insistence that peace negotiations be initiated by Lincoln. In early December 1864, he approached Lincoln with his plan. Lincoln was not impressed but Blair was insistent, and on December 28, 1864, after the fall of Savannah, Lincoln granted Blair a pass through the Union lines to go to Richmond. He had "no authority to speak or act for the Government" and Lincoln had no knowledge of the details of Blair's plan or what he would say or do.<sup>44</sup>

Blair met with Davis on two occasions and had separate interviews with J. A. Orr, Boyce, and other congressmen.<sup>45</sup> Following their discussions, Davis addressed a letter to Blair dated January 12, 1865, stating, "I have deemed it proper, and probably desirable to you to give you in this form the substance of remarks made by me to be repeated by you to President Lincoln." Davis continued, "I am willing, as heretofore, to enter into negotiations for the restoration of peace. . . . I would, if you could promise that a commissioner . . . would be received, appoint one immediately, and renew the effort to enter into conference, with a view *to secure peace to the two countries* [emphasis added]."<sup>46</sup>

Davis informed Congress of his meetings with Blair. Details of the meetings and his message were not provided, but the news elicited a generally favorable reaction. Senator Graham wrote his wife on January 14 of his surprise that Davis had communicated with Lincoln without requiring his acknowledgement of Southern independence.<sup>47</sup> Graham and other members of Congress were unaware that Davis had specified that negotiations were to secure peace to the two countries.

Blair promptly returned to Washington and conveyed Davis's January 12, 1865, message to Lincoln. Following consultation with Secretary of War Stanton, Lincoln prepared a reply, dated January 18, for Blair to take to Davis. In the reply, Lincoln acknowledged that he had seen Davis's letter and that Blair may say to him:

I have constantly been, ... and shall continue ready to receive any agent whom he [Davis] or any other influential person now resisting the national authority, may informally send to me with the view of *securing peace to the people of our one common country* [emphasis added].<sup>48</sup>

Blair returned to Richmond and delivered Lincoln's message to Davis on January 21. Returning to Washington without a written response from Davis, Blair reported to Lincoln on January 28 that he had delivered his (Lincoln's) January 18 letter to Davis. To confirm delivery of Lincoln's letter, Blair dictated and authorized Lincoln to note on the back of his copy of the January 18 letter the following:

That at the time of delivering it Mr. Davis read it over twice in Mr. Blair's presence, at the close of which he (Mr. Blair) remarked that the part about our one common country related to the part of Mr. Davis's letter about the two countries, to which Mr. Davis replied that he so understood it.<sup>49</sup>

Blair's diplomatic mission had ended. Lincoln and Davis had communicated to the other the basis on which they were willing to discuss peace, but Congress remained unaware of Lincoln's position on peace for our one country. Many members remained hopeful that Lincoln's response to Davis's January 12 letter would set forth a basis for peace and Southern independence.<sup>50</sup>

Davis had effectively used Blair's mission to regain control of the peace process. He was now free to initiate any future peace overtures on his terms, but the deteriorating military situation required his immediate attention. By

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January 21, when he received Lincoln's January 18 letter, Sherman had started his drive north from Georgia into the Carolinas, and the country's last open port at Wilmington had been closed when Federal forces captured Fort Fisher. Opposed only by Joseph Johnston's small army, Sherman's ultimate objective was to join Grant at Petersburg. Sheridan had cleared the Shenandoah Valley of all Confederate forces and was on his way to support Grant at Petersburg. Lee's army was outnumbered two to one and was being gradually destroyed by Grant's constant pressure and overwhelming manpower and equipment resources. The Confederates were plagued by irreplaceable losses of men and ordnance. Desertion was a problem and the men were undernourished, exhausted, and ill equipped. Morale was low, with discouraging news from home about the deteriorating situation in Georgia and the Carolinas leading to an increase in desertions. Cavalry and artillery operations were compromised by a lack of forage for the horses.

The South faced certain defeat. Davis decided to consult with his cabinet before proceeding with any further diplomatic initiative.

### **Davis's Response to Lincoln's January 18 Letter**

Davis and his cabinet met on January 27, 1865. After considerable discussion, the group decided the best option was to continue the peace dialogue and accept Lincoln's offer to receive any agent informally send to him by Davis. Davis and his cabinet decided to immediately send three peace commissioners to Washington. Lincoln would not be advised of their coming.

The peace commissioners selected by Davis were Vice President A. H. Stephens, Senator R. M. T. Hunter and Assistant Secretary of War John A. Campbell. They met with Davis on the 28th and received his verbal instructions, following which they left to prepare for their trip. Concurrently, Secretary of State Judah P. Benjamin was preparing written instructions for the commissioners. The first draft of his instructions, dated January 28, was discussed with Hunter and possibly with the other two commissioners. The instructions were broad in nature and imposed no limitations on negotiating options. Benjamin's instructions included a copy of Lincoln's January 18 letter specifying his willingness to discuss peace with the "people of our one common country."<sup>51</sup>

Benjamin's first draft of the instructions was sent to Davis later that day for his review and signature. Davis found them unacceptable and instructed that they be revised to require the commissioners to "informally conference with him [Lincoln] upon the issues involved in the existing war, and for the purpose of securing peace to the two countries."<sup>52</sup> Davis, by

ignoring Lincoln's position, had intentionally written his instructions to be rejected.<sup>53</sup> They were given to the three commissioners as they were leaving Richmond for City Point (present-day Hopewell).<sup>54</sup> The men arrived at City Point unannounced on January 29 and requested permission to pass through the Federal lines to go to Washington as peace commissioners. That they would be allowed to proceed was in doubt, but after several days of inconclusive negotiations, Grant intervened with Lincoln, convincing him of the sincerity of the Confederate commissioners and their mission.<sup>55</sup> Lincoln attached great importance to the meeting and agreed to meet with the Southerners, electing personally to represent the United States, assisted by Secretary of State William Seward and Gen. Grant. The two groups met on the *River Queen*, anchored in the Hampton Roads, on February 3, 1865.

### **The Hampton Roads Peace Conference**

The Hampton Roads Peace Conference was conducted in an informal atmosphere. No secretaries were present. Lincoln's peace terms required the Confederacy to agree to reconstruction of the Union, to accept the emancipation of the slaves, and to immediately cease all military operations. There would be no armistice suspending the ongoing fighting. The commissioners' peace terms, as specified by Davis, required the United States to recognize the Confederate States as an independent nation. It was immediately apparent that each party's position was non-negotiable, precluding any agreement that would end the war.

An amicable exchange of views followed. Lincoln advised that the U.S. Congress had passed the 13th Amendment to the Constitution, which prohibited slavery, and added his personal view that the United States government might be willing to set aside \$400 million to reimburse slave owners. Lincoln also indicated that if peace were restored, private property could be returned to its owners and individuals subject to penalty under United States law might rely on his liberal use of his presidential authority to remit such penalties.<sup>56</sup>

The meeting lasted several hours. Its most significant aspect was Lincoln's observation that while the Confederate commissioners had not yielded on their demand for Southern independence, neither had they rejected reconstruction of the Union.<sup>57</sup> Unfortunately, the peace commissioners had been unwilling to disobey Davis's instructions and discuss reconstruction. The last opportunity for a peace settlement had passed.

Lincoln and Seward, unaware of the peace commissioners' restricted negotiating instructions, were disappointed when they did not submit several different peace propositions during the course of the conference.

Commissioner Campbell, a former Supreme Court justice, was also frustrated by the limited discussions with Lincoln and Seward, for he believed that further peace negotiations could be fruitful.

In mid-February, Campbell shared with Senator Graham a full account of the meeting with Lincoln and Seward, his own earnest desire for peace, and his belief that another mission should immediately be sent to Washington to negotiate terms of peace based on reconstruction of the Union. His account also included the personal views Lincoln had informally shared with the commissioners during the Conference.<sup>58</sup>

Lincoln had in fact drafted a proposal to Congress requesting authorization to pay \$400 million to the Southern states in compensation for the emancipated slaves, distributed according to their slave populations, to be paid in two increments, the first if all resistance had ceased by April 1, the second by July 1 if the 13th Amendment had been ratified.<sup>59</sup> Like previous efforts to find a path to peace, Campbell's hope for further negotiations and Lincoln's plan for ending the war were not to be. Campbell knew that Davis would not agree to such a mission on any basis other than Southern independence, and Lincoln's draft proposal to Congress was rejected by his cabinet.<sup>60</sup>

### **Davis's Duplicity**

Davis submitted the Peace Commissioners' report to Congress on February 6, 1865. The report was a straightforward and factual account of Lincoln's formal peace terms, prepared by Judge Campbell and endorsed by Stephens and Hunter. No mention was made of the matters discussed informally by either Lincoln and Seward or the three commissioners. The report failed to satisfy Davis, who wanted it to state that Lincoln had demanded immediate acceptance of abolition and insulted Southern honor. The commissioners rejected this order on two occasions. Years later, Davis would characterize the report as inadequate as his explanation for the commissioners "failure and the reasons for it."<sup>61</sup>

In presenting the report, Davis did not advise Congress that the commissioners had been instructed to negotiate solely on the basis of Southern independence, intentionally ignoring Lincoln's prior written statement to him that peace discussions were possible only on the basis of a reconstructed Union.<sup>62</sup> Neither was Congress made aware of Lincoln's and Seward's informal remarks describing a reasonable basis for reconstruction of the Union or of the friendship, courtesy, and respect with which the commissioners had been received.<sup>63</sup>

Congress was also unaware that Davis had not honored his January 13 promise to carry out the purposes of the Orr Peace Resolutions, specifically

the consideration of other alternatives to peace “proposed by the authorities at Washington”<sup>64</sup> if Southern independence was not possible.

Davis had intentionally sabotaged the peace conference to demonstrate to the Southern people the futility of peace negotiations with the Lincoln administration and to rally them to a renewed commitment to continue the war. It was a tragic, irresponsible, and unjustified decision that denied the inevitable and condemned the young nation and its armies to two further months of suffering.

What possessed Davis to make such a decision? It appears that he had become so obsessed by his vision of a Southern Confederacy that he was unable to make the wise decisions and judgments so desperately needed in the winter of 1864-1865. By all measures, the war was lost, a reality that Davis refused to accept, convinced that somehow the war would be won and Southern independence realized. A friend described Davis “as unbending in his conviction and continually sustained by the serene approval of his mind and conscience.”<sup>65</sup> Gen. Lee later remarked that Davis “had a remarkable faith in the possibility of still winning our independence.”<sup>66</sup> Davis had retreated from reality, unable to admit defeat. Senator William Graham had remarked soon after the peace commissioners had presented their report to Davis that “the situation is critical and requires a guidance beyond human ken. I have a very strong conviction that there has been very great duplicity towards a large portion of the Southern people displayed in this little drama. It is most offensive to me.”<sup>67</sup> The well-being of the country and its citizens and soldiers seemed to be of little concern to Davis.

The reaction to the failure of the conference was everything that Davis had intended. He was quoted in the February 7, 1865, edition of the *Richmond Times Dispatch* as being “willing to yield up everything he had on earth” before acceding to Northern demands and predicted that before another year had passed the South would be able to secure peace on its own terms, with separation [independence] and slavery intact.<sup>68</sup>

In an inflammatory public speech on February 9, he condemned Lincoln for the failure of the peace conference, telling the country that the South had no option but to continue the war either until independence was attained or the country was utterly defeated. Many Southerners responded with renewed patriotism and a desperate determination; mass meetings and community leaders called on the people to make greater sacrifices. Many regiments adopted resolutions pledging their continued commitment to defeat the enemy, and the Richmond newspapers were strident in their support of Davis and his call for a renewed commitment to continue the war.

## **The Congressional Response** *In the House of Representatives*

Nowhere was the support for Davis more evident than in the House of Representatives. A majority of its members shared his absolute commitment to Southern independence and uncompromising opposition to reconstruction of the Union. There was no misunderstanding his position, for he had stated in the February 13, 1865, edition of the *National Republican* newspaper: "I can have no common country with the Yankees. My life is bound up in the Confederacy; and, if any man supposes that, under any circumstances, I can be an agent of reconstruction of the Union, he has mistaken every element of my nature!"<sup>69</sup>

On February 20, the House Foreign Affairs Committee presented a joint resolution expressing the sense of Congress on the subject of the Peace Commission.<sup>70</sup> Its principal features were that the Congress had always desired negotiations to settle all differences with the United States; the peace commissioners had been informed that the United States would not negotiate and "complete submission to their rule" was the only basis for peace; the country was called on to support its soldiers for their service and hardships; the people were invited to renew their vows of devotion to the cause of independence; and Congress pledged the passage of "the most energetic measures" that would ensure the ultimate success of the Confederacy's fight for independence. To conclude, Congress expressed its regret that there was no alternative left to the people of the Confederate states but to continue the war, and Congress, acting on their behalf, declared its determination to prosecute the war until the United States "shall desist from its efforts to subjugate them" and the independence of the Confederacy be established.<sup>71</sup>

The House adopted the Sense of Congress Resolution on February 24, 62 members in favor with one opposed. The lone defiant voice for peace was cast by James T. Leach. Seventeen of the 38 House members who had supported Orr's Peace Resolutions, including John Baldwin, supported Leach and expressed their opposition by not voting.<sup>72</sup> Despite their abstentions, the vote was an overwhelming endorsement of Davis's call for a renewed effort to continue the war.

## *In the Senate*

There was little enthusiasm for the Sense of Congress Resolution in the Senate. It was received from the House on February 25 and referred to its Foreign Relations Committee. Although some Senators questioned Davis's fitness "for the present duties of his position,"<sup>73</sup> the resolution was reported with amendments on March 9 and, without a vote, was returned to the House of Representatives for its concurrence.<sup>74</sup>

The joint resolution was approved by President Davis on March 13. It was an irresponsible view of the war's outcome, a meaningless political statement that offered no hope or comfort to the South's beleaguered people.

### **William A. Graham's Resolution for Peace March 3, 1865**

Senator Louis Wigfall of Texas, one of Davis's most vocal critics, presented a resolution during a March 3, 1865, secret session to name three Senators "to confer with the President confidentially in reference to the present condition of the country, and to ascertain if possible, his plans and purposes."<sup>75</sup> The resolution was approved and Graham, Hunter, and James L. Orr were named to confer with Davis.

Later that day, Senator Graham reported on their conference. There is no record of what Graham reported, and a motion to present a written report failed nine to seven. There are no further references to the three Senators or their activities in the Senate Journal. Other sources indicate that Davis rejected the committee's overture.<sup>76</sup> The absence of any record of the committee's discussions with Davis indicates that the Senate was unwilling to violate its instruction for the committee to confer confidentially with the president. It is believed, however, that the three Senators presented a peace proposal at the confidential meeting with the president. Graham had likely prepared the proposal. He had written David Swain, president of the University of North Carolina, in late February that "[o]pinion is growing in favor of new negotiations to save the wreck of our affairs if military affairs continue adverse" and that he would be meeting with "some friends ... on that topic."<sup>77</sup> The result of Graham's discussions with his friends was a *Resolution for Peace*. It reads:

Resolved that the Senate do advise the President to open communications with the Government of the United States *to ascertain upon what terms* and conditions the existing war may be terminated, provided the several States constituting the Confederacy shall *consent to readopt the constitution of the United States* - and the President be requested to transmit such information, when obtained, to the Senate, if in Session, and if not to the Governors of the several States.<sup>78</sup>

That the three Senators presented a peace proposal is supported by Wilfred Yearns, author of *The Confederate Congress*. Yearns describes a mid-February meeting of three senators with Davis, advising him to work for favorable reconstruction terms, "the first time the peace leaders had

proposed anything short of independence and Davis disdainfully asked them to make their proposal through formal Senate channels. Both he and they knew that honor forbade such action.”<sup>79</sup> Stephen Mallory, a member of Davis’s cabinet, believed Davis would have reacted favorably had he realized their meeting was the result of a formal Senate resolution.<sup>80</sup>

Additional support for identifying Graham as the author of the Resolution for Peace is based on the similarity of the italicized language in the resolution with that part of Graham’s March 20 report to Governor Vance discussing the sentiment for separate peace agreements with the Union by North and South Carolina and Georgia. The language is as follows:

I had conferred with the Pre’t and found him, though in an anxious frame of mind, constrained by the scruple that he could not “commit suicide” by treating his Government out of existence – “nor even ascertain for the States, *what terms* would be yielded, provided they consented *to readopt the Constitution of the United States*.”<sup>81</sup>

### **The Final Days of the Second Confederate Congress**

By March 1865, the Second Congress was anxious to adjourn and leave Richmond before Grant breached Lee’s defenses at Petersburg. Legislation moving the seat of government and its archives from Richmond was adopted, and on March 13, they met to receive Davis’s message on the crisis facing the country.

Davis began by stating his belief that “it is within our power to avert the calamities which menace us and to secure the triumph of the sacred cause for which so much sacrifice has been made, so much suffering endured, so many precious lives lost.”<sup>82</sup> Congress was blamed for the critical situation facing the Confederacy and was advised of the “necessity of further and more energetic legislation” and “for the adoption of the measures required to guard them [the people of the Confederacy] from threatened perils.”<sup>83</sup> The Senate was not pleased by Davis’s criticism and on March 16 publicly admonished the president, stating that “Congress would be derelict in its duty to permit its legitimate and constitutional influence to be destroyed by Executive admonitions.”<sup>84</sup>

On March 18, 1865, President Davis advised the House and Senate that “he had no further communication to make.”<sup>85</sup> The Second Confederate Congress then adjourned “sine die.” It was appropriate that the Confederacy’s last Congress adjourn without setting a date for resumption. The disintegration of the Confederacy was complete when Davis and his cabinet left Richmond on April 2, 1865, leaving John A. Campbell, assistant secretary of war, to surrender the city to President Lincoln and Grant’s army.

Sadly, the peace advocates and the chairmen of the Select Joint Committee on the Means of Public Defense could take little comfort in knowing that their proposals for peace and reconstruction had been correct. Their counsel and proposals had been rejected at every turn by Davis and a congressional majority who refused to acknowledge that the Confederacy lacked the resources to win the war and establish an independent country. Unwilling to accept reality, the president and his congressional allies had abandoned the nation to a dark and uncertain future, leaving to its soldiers and citizens the negotiation of surrender terms with the occupying Union armies.

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78. Williams, *Graham's Papers*, 270. The Resolution for Peace is recorded without reference to its source and is dated only by the year, 1865.
79. Years, *The Confederate Congress*, 183.
80. Davis, *Jefferson Davis*, 592.
81. Williams, *Graham's Papers*, 294. Graham's discussion with Davis is also described by Walter Clark in his 1916 Graham biography. Clark, who was a Justice of the North Carolina Supreme Court, wrote: "Davis declared himself without power to come to any terms that would put an end to the Confederacy. Thereupon Senator Graham gave notice that to save further effusion of blood he would introduce a resolution for negotiations looking to a return to the Union, but the notice was unfavorably received."
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