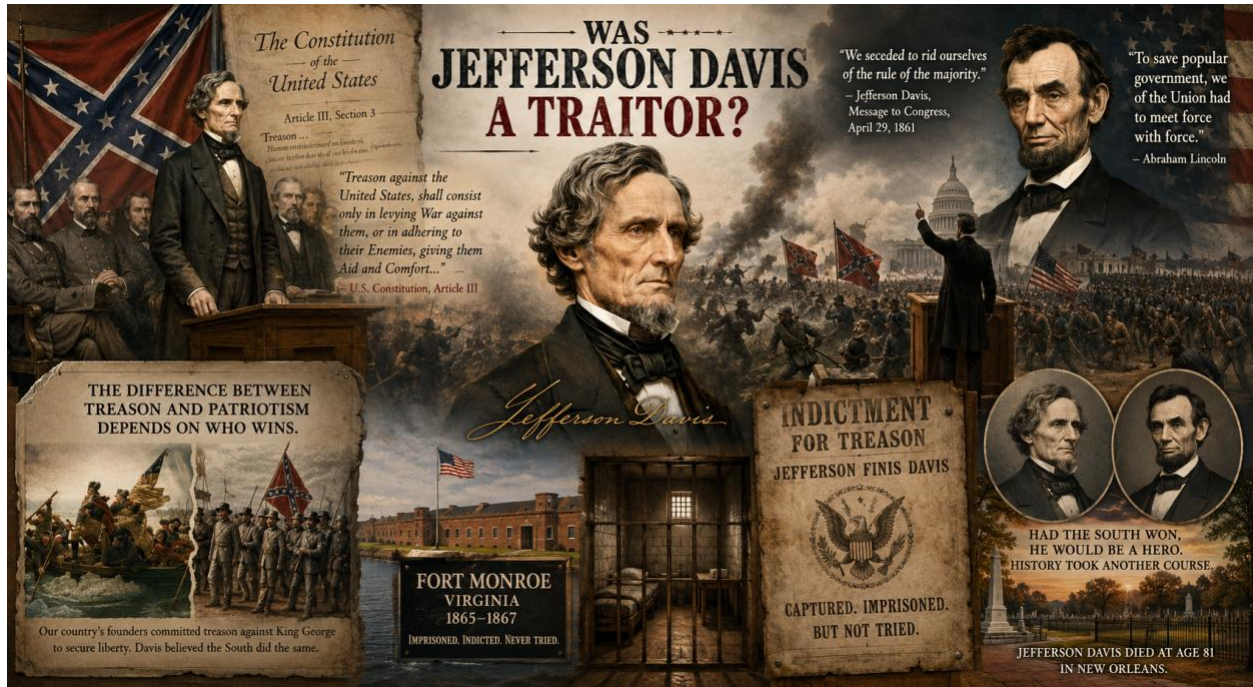


Was Jefferson Davis a Traitor?

By Curtis Jerry Smothers



Jefferson Finis Davis was born on June 3, 1808. He was the first and only president of the Confederacy and presided over the Southern rebellion that tore the country apart from 1861 to 1865. Over 600,000 young men died in bloody battles like Shiloh, Antietam, and Gettysburg.

Davis was an unapologetic advocate of states' rights and a true believer in slavery. As a U.S. senator, he opposed any compromise that threatened the power of southern planters. He believed in Manifest Destiny, the notion that United States territory must spread from coast to coast. Davis wanted the western territories to allow southern settlers to bring their slaves.

Never Tried for Treason

After the defeat of the Confederacy, Jefferson was captured and indicted for treason. He spent two years behind bars in Fort Monroe, Virginia, but he was never tried. In the politically charged atmosphere following mass pardons of lower-level Confederate officers and officials, it seemed doubtful to prosecutors that Davis could get a fair hearing. Also, the newly reunited country's leaders were reluctant to stir up the passions that were the root cause of the Civil War..

But was Jefferson Davis a traitor? Was his assertion that secession was legally correct? The answer to the latter was settled by the Supreme Court, which ruled that secession ordinances of southern states were “absolutely null.” As to the former question—was Davis a traitor? The answer in the strict legal sense is an unqualified “yes.”

The Constitution defines treason.

In the literal meaning of the term "treason," Jefferson Davis was a traitor. Significantly, treason is the only crime the framers of our Constitution bothered to define. Realizing how a capricious, tyrannical government could arbitrarily change the meaning of "treason" to suit its purposes, our founders wanted there to be no doubt about what treason was.

So, they wrote in Article III of the U.S. Constitution, "Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort..." Jefferson Davis was guilty of the former and would probably have done the latter if he could have convinced England and France to enter the fray on the side of the Confederacy.

The difference between treason and patriotism depends on who wins.

History, of course, has many, many examples demonstrating the fine line between patriotism and treason, and supporters of Jefferson Davis and the Confederacy readily point that out.

The founders of the United States committed treason against King George and gladly supported the French to gain aid and assistance to our cause. Jefferson Davis adamantly and passionately felt that he never led a treasonous cause. Rather, the southern states were exercising the rights guaranteed by the U.S. Constitution, regardless of the aforementioned contrary ruling by the Supreme Court.

The Constitution, Davis and his followers held, "represented a compact among INDEPENDENT states." That fact, Davis argued, was placed beyond any doubt when "amendments were added to the Constitution reserving to the states all their sovereign rights and powers not expressly delegated to the United States."

Davis held that states had a right to secede.

It followed, then, that those rights would include dissolving that voluntary compact when the national government became oppressive and inimical to the interests of the slaveholding South.

In his Message to the Confederate Congress on April 29, 1861, Davis said simply, "We seceded to rid ourselves of the rule of the majority." When the North chose not to let the Confederacy leave in peace, Davis and his followers saw no other choice but to fight for their rights, just as our country's founders fought against the British.

Lincoln's goal was to "save popular government"

Abraham Lincoln, on the other hand, saw the issue differently. In his remarks to colleagues, Lincoln addressed his core beliefs over the central issue of the U.S. Civil War:

"The war," he said, "represented to the whole family of man the question whether a democracy - a government of the people, by the same people - can maintain its territorial integrity against its domestic foes. It presented the question whether discontented individuals can always break up their government."

Lincoln continued: "To save popular government, we of the Union had to meet force with force. We had to teach southern traitors the folly of being the beginners of war. We had to show the world that those who could fairly carry an election could also suppress a giant insurrection. We had to show the world that popular government was a workable system, that people could rule themselves, and that the course of history was against the return of class, caste, and despotism."

Union victory in the Civil War settled the question.

So which side was right? History also teaches us that the winners in any conflict get to call the shots. The South lost, and Jefferson Davis was captured, imprisoned in Fort Monroe, Virginia, and eventually indicted for treason. As previously mentioned, in the national reconciliation that followed the Civil War, the Federal Government decided to drop all charges, rightfully judging that hanging Jefferson Davis would cause further division.

On the other hand, had the South won, Jefferson Davis would have been considered the George Washington of the South. Abraham Lincoln's fate might have been as a failed, one-term President, spending his declining years insisting, as Davis did, that he was right. Instead, fate took over. Lincoln was assassinated in Washington, DC, and Davis became an insurance salesman, dying at age 81 in New Orleans.