

YOUR KINDLE NOTES FOR:

Jefferson Davis: High Road to Emancipation and Constitutional Government

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> Yet, the Yankee Empire's sycophants in academia and press falsely claim that the North is the center of racial love and respect, while slandering Davis and his Southern countrymen as evil, racist, haters of blacks. The truth is that Davis looked toward the day in which slaves would be free and become a prosperous part of the South. He did more than talk about it, he actively worked for it! Davis's plantation, Briarfield, was an example of how this would occur. As explained in Chapter 6 Davis set-up a system of judge and jury operated by slaves for judging and punishing breaches in plantation rules or actual crimes against fellow slaves. Davis saw this as a way to prepare a race that had never formed a democratic society on its own for membership in Southern society: …the preparation of that race for civil liberty and social enjoyment…When the time shall arrive at which emancipation is proper; those most interested will be most anxious to effect it."15 From this it is easy to understand why many whites referred to Jefferson Davis as "the friend" of blacks. In this he was only following the example already set by other slave-owning Southerners—many of whom prior to 1830 were active members of abolition societies. General Robert E. Lee's father-in-law left provisions in his will for the freeing of his slaves. It is said that the only time that General Lee took leave from the Confederate Army was when he went home to execute his father-in-law's last will and testimony. John Randolph of Roanoke, Virginia, left instructions for his slaves to be sent as free men into the open lands of the Northwest Territory but "compassionate" Yankees refused to allow blacks into the Ohio territory.16 Randolph's words demonstrate the unique and close relation that existed between most Southern slave owners and their slaves.

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> John Randolph's words as quoted above are not the words of a cruel, evil, white racist but are the words typical of the vast majority of Southern slave owners. What impact did Jefferson Davis's attitude toward the black race have on the blacks he owned? Were they filled with hatred toward the man who owned them or were they grateful for the good treatment and opportunities Davis afforded his slaves? The words of three former slaves leave no question about their admiration and love for their former master—all to the astonishment of Yankees then and now.

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> Was slavery, even under a benevolent master, a good, long term, social system? No! Jefferson Davis and the majority of Southerners understood this but the question was not “should slavery be abolished” but how to emancipate slaves without creating a mass of unemployed vagrants roaming across the South. Jefferson Davis believed it could be done if the North would allow the South to take the slow but steady high road to emancipation. But the “high road to emancipation” did not fit into the North’s aggressive political ambitions.

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> St. George Tucker, (1752-1827) of Virginia was a champion of the original Constitution and an abolitionist. In his treatise against slavery, Tucker described three forms of slavery: (1) Political slavery. Political slavery exists when a nation (such as the Confederate States of America) is conquered by another nation (such as the United States of America). Tucker states that the “subjection of one nation or people, to the will of another, constitutes the first species of slavery.”24 In the state of political slavery, the people of the conquered and subjugated nation are denied the right to live under a government based upon the consent of the governed. The day-to-day existence of each member of society may be relatively free, yet it is the ruling government and not the people that has the ultimate authority over the society. (2) Civil slavery. Civil slavery exists any time the government encroaches upon the liberties of the citizens more than is absolutely necessary for the maintenance of a peaceful society. According to Tucker, this happens “whenever the laws of a state respect the form, or energy of the government, more that the happiness of the citizen.”25 This idea is similar to James Madison’s writings in the Federalist number 43, “…the safety and happiness of a society are the objects at which all political institutions must be sacrificed.” Tucker also notes that civil slavery exists any time laws are unequally enforced or any time there is “inequality of rights or privileges between the subjects or citizens of the same state.” (3) Domestic slavery. Domestic slavery is a condition in which “one man is subject to be directed by another in all his actions.”26 A little remembered example of Domestic or Chattel slavery is when St. Patrick was held as a slave in Ireland before he escaped and returned as a Christian missionary to the heathen Irish. Chattel slavery is not unique to one race or ethnic group—no race of men has been spared the humiliation of slavery. The very word “slave” derives from the white Slavic people who were captured and sold into slavery by the Muslim Turks. Statelessness is a prerequisite for political slavery. When viewing the various aspects of slavery as described by Tucker, it becomes evident that modern-day Americans who hold traditional conservative political and moral values are a stateless people. We have

no government that protects and (more importantly) promotes our values. The existing government is at war with our values. As such, we are being held in political slavery.

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The unbiased historian will notice that this struggle was made by white men in an effort to secure for themselves rights to Indian lands. In the light of these facts, the vaunted cry by the men of these Northern states, when dealing with the institution of Southern slavery, that they believe in the struggle for the rights and the freedom of their fellow man, rings hollow. Indeed, the new states to be formed in the Northwest were “free” states; free from the red and black man. By war and prohibitory legislation, the “rights” of white men were protected, but the same cannot be said for the rights of either the red man or the black man.88

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One year after the end of the Black Hawk War, an incident occurred that would portend much difficulty for Davis and the nation. In 1832, South Carolina, the home state of Davis’s mother, was locked in a struggle with the Federal Government over the state’s nullification of the federal tariff. At this time, it appeared that United States troops would be called upon to “enforce” the will of the Federal Government upon South Carolina. This call gave Davis, an adherent to the policy of States’ Rights, much concern.

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This was Davis’s first time, but not his last, to contemplate how to respond to an unconstitutional act by the Federal Government vis-a-vis a sovereign state. Indeed, Davis’s life would center around the very question he first faced as a lieutenant in the United States Army. With the close of the Black Hawk War, Davis’s career as a commissioned officer in the United States Army was coming to an end. After service in Wisconsin, Illinois, Michigan, Arkansas, and Kentucky, 1st Lt. Jefferson Davis resigned his commission from the United States Army on June 30, 1835. With his marriage to General Taylor’s daughter, Sarah Knox Taylor, he established himself as a cotton planter in Mississippi. The tragic death of his bride, only six months after their marriage, cast a pall of melancholy upon Davis for several years.

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Davis’s tender regard for people did not stop at the color line. His relationship with people of color was one of love and respect. As with his parents, Davis advocated the

biblical view of slavery, a view held by the better elements of Southern slave society. The biblical view of slavery, almost unheard of today, was articulated well by theologians of both Protestant and Catholic churches in the South. Indeed, this very same view was held by New England clerics during the colonial period of American history. Forgotten in the history of American slavery is the fact that the first colony to enact positive laws for the benefit of slavery masters was the colony of Massachusetts in 1641.103 As long as slavery was necessary for the development of the region, it was maintained. Only after slave labor became a threat to white labor did the people of Massachusetts and, indeed, New England legislate against it. None other than John Adams of Massachusetts testified that the only reason slavery was abolished in the North was because white workers did not wish to have to compete with black workers.104 Central to the theme of biblical slavery is the

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America's great nineteenth-century showman, P. T. Barnum, even got into the act by staging skits of Davis being captured in a woman's attire.248 What Barnum did not show his audiences was Yankee Empire troops stealing ladies' clothes and jewelry, and blue coated soldiers stealing food from the hands of the Davis children and kidnaping Jim Limber. In desperation, Davis protested to the commanding officer, "The worst of all is that I should be captured by a band of thieves and scoundrels."249 But, as Davis and the entire South were to learn, words could not stop a people whose passion had been spoiled by years of vengeful anti-South propaganda. Davis, his family, and all those in his party were placed under arrest and delivered to United States military authorities. The sorrowful journey from capture to Fortress Monroe remained a bitter and vivid memory for Varina. Even as late as 1890, one year after her husband's death, Varina still found it difficult to describe the "horrors and sufferings" inflicted upon the president's family and companions. Before his incarceration in Fortress Monroe, Davis sent a note to his old friend and Union officer, General Saxton, with a request for him to look after Jim Limber and see to Jim's education. As has been noted, Jim did not wish to leave and "fought like a tiger" to stay with his family.250

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All that Davis could now do was to await trial and a chance to clear his name and to vindicate the cause of the South. The hope for a public hearing and trial for himself and his cause was uppermost in Davis's mind during the dark days of imprisonment.252 Even as the guns of the South were stacked in surrender, Davis was far removed from the defeated person that the Northern press ridiculed. For Davis, the struggle would continue, only on a different field of battle and at a different level. During the flight from Richmond, a companion of Davis mentioned to the president that all seemed to

be lost for the Southern cause, whereupon, Davis remarked, “It appears so. But the principle for which we contended is bound to reassert itself though it may be at another time and in another form.”253

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President Davis was handed over to the not-so-tender care of Gen. Nelson A. Miles. Miles had received orders from Maj. Gen. Henry W. Halleck to ensure the captivity of Davis and Clay. Their imprisonment was accomplished by order of the secretary of war, and Miles was commanded, “No writs or orders of any civil courts will be recognized or obeyed.”258 The spectacle of civilian prisoners being held on orders of the military and said military not being amenable to civil authority is a haunting legacy for all Americans who love liberty.

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What the enemies of Davis did not understand at that time was that escape was not what Davis wanted. Above all else, Jefferson Davis desired a trial in open court. This was his one last hope for the vindication of the cause of Southern independence. If given the promise of a trial, Davis could have been made secure with just one guard, and that one could have been blind! Insulated from the world by thick stone walls, iron doors, and window grates, with no one to speak to, forbidden to have any news from his family, not allowed a newspaper, Davis suffered in damp silence in casemate number two. The only article allowed the prisoner was his Bible. Such mundane requests, by the prisoner, as being allowed a prayer book and tobacco, had to be cleared with the authorities in Washington.260 Yet, General Miles was not content to allow Davis the freedom to move about in his small cell unimpeded. One last insult was left at Miles’s command: shackles!261 In solitary' confinement with his Bible in hand, Davis was astonished, when on the morning of May' 23, into his cell walked Capt. Jerome E. Titlow of the Third Pennsylvania Artillery followed by a blacksmith and his assistant, carrying some heavy' shackles. Dr. John J. Craven, Davis’s personal physician while Davis was incarcerated, wrote a somewhat melodramatic account of Davis’s life in prison. Many historians believe that Dr. Craven was greatly assisted in writing his account of Davis’s prison life by a General Halpine.262 Although Craven’s account has been shown to be more dramatic than one would expect from the rather reserved nature of Jefferson Davis, Craven’s account did not do an injustice to what Davis called “the inexcusable privations and tortures which Dr. Craven has but faintly described.”263 Craven gives the following account of Davis’s being shackled:

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closed the story of Jefferson Davis's prison life."285 The prison life was indeed over, but Davis was far from being a free man. He had been transferred from military to civilian authorities, but he was out on bail, not a free man. He was awaiting his trial for treason and a chance for the vindication of the Southern cause. Davis was always prepared and always eager for the opportunity to take his case to court, but his wait was in vain. As each new trial date approached, the Empire's government determined that it was not yet ready to try the case and would postpone the trial to a more "convenient season." In December 1868, President Andrew Johnson issued a general amnesty that was considered to include Davis. Shortly thereafter, an order was entered in the circuit court of Richmond dismissing all charges of treason against those so indicted by the court. Among those so named were Jefferson Davis and Robert E. Lee.286 The Yankee Empire had managed to dodge the last bullet an old Confederate had in his gun; Jefferson Davis would die never having a chance to clear his name and the good name of the Southern people in an open court. Reverend

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It must never be forgotten that it was the Yankee Empire, not Jefferson Davis, who was afraid to give their false charge of treason against President Davis and the South a fair hearing in an open court! Tyranny always censors the truth! Tyrants will never allow the oppressed people a fair hearing in the court of public opinion. Tyrants hate monuments to heroes of the conquered nation. Tyrants pull down monuments hoping the conquered people will forget their past and accept their assigned position on the "stools of everlasting repentance."288

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Having completed your introduction into the life and character of the accused, you, the jury, must now evaluate the charges and the evidence to support those charges against President Jefferson Davis. As we have demonstrated, several charges were leveled against Davis, and through him, the South, after the defeat of the Confederate States of America. By the time of his capture, Davis was accused of the following "crimes": (1) conspiracy and culpability in the assassination of Abraham Lincoln; (2) conspiracy to cause the deaths of Union POWs at the Andersonville, Georgia, Confederate prisoner of war camp; (3) participating in and attempting to assist in the growth of the system of slavery; and, (4) treason against the United States of America—which, by now, has morphed into the Yankee Empire. Because of the lack of evidence sufficient to obtain a conviction, all charges against President Davis were eventually dropped. For Davis, having the charges dropped was a great disappointment. Neither he nor his attorneys desired or asked to have the charges dismissed. Davis, along with most Southerners, always desired a fair public hearing in a court of law. It cannot be overly stressed that it

was Jefferson Davis's desire to have a fair trial in order to clear his name and through him, the name of the South, against the charge of treason. Although Davis was never tried or convicted on these charges, the very announcement of the charges did have detrimental effects upon his good name. The effects of the first three slanderous charges made against Davis are important because of their impact upon his defense against the charge of treason. If the prosecution is allowed to paint Davis as a loathsome individual, it becomes easier to then transfer that attitude to him as it relates to the primary charge of treason.

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prisoner of war camp in Andersonville, Georgia.318 Although cited as a co-conspirator in two of America's most famous court cases, Jefferson Davis was never allowed a day in court to defend his name. It would be almost two years after his capture before Davis would even be allowed in a courtroom. But, even then, the Yankee Empire would not allow Davis's much sought-after trial for treason to begin. We will, therefore, expose the shallow nature of the above charges before we proceed to the most relevant charge which you, the jury, must consider: Was Jefferson Davis a traitor?

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On the day after his capture, Davis was to learn that President Andrew Johnson had issued a reward for the arrest of Jefferson Davis and other Confederate government officials as accessories in the murder of Abraham Lincoln. Everyone in the Confederate president's party was shocked by the news of the charge against Davis. Moreover, the effect upon his captors was noted by Varina:

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freedom. In the closing remarks of the minority report of the House committee, Representative Rogers condemned the actions of the Republican majority of the committee and those who perpetrated the "Davis conspiracy scandal." Rogers stated, "[T]he cool turpitude of the whole crew sickened me with shame, and made me sorrow over the fact that such people could claim the name of American."330 Soon thereafter, the charges of conspiracy to assassinate President Lincoln against Davis and his fellow Confederates were dropped.

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Yet, while many Americans can readily identify the Southern POW camp of Andersonville, very few have the slightest knowledge of Northern camps such as Elmira, New York, or Camp Douglas, Illinois. These Yankee Empire POW camps had a death rate almost as high as Andersonville in the Confederate states. Although the South was suffering from invasion all across its land and from a naval blockade which caused suffering to all those south of the Mason-Dixon line, the North had food and medicines in abundance; yet the death rates in Northern POW camps were almost as high as in their Southern counterparts. This fact alone should prove that the Confederate States of America was not engaged in an effort to starve Northern POW inmates. In

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an innocent one.340 In the preceding speech, Lincoln made the very points that Davis and many Southerners had often stated. Lincoln stated that (1) the South was not responsible for the origin of slavery in America; (2) the institution was difficult to abolish; (3) free blacks were not always better off than slaves; (4) the nation, North and South, was not ready to accept blacks as equals; (5) the South had constitutional rights that had to be protected; and (6) the right of reclaiming fugitive slaves was constitutional. Now, consider the response from the liberal establishment when modern Southerners state these facts in defense of the South. In light of Lincoln's view of Southern slavery, how can anyone believe that Southerners such as Jefferson Davis, who desired gradual emancipation, were attempting to expand slavery in the United States? Secession, rather than expanding the cause of slavery in America actually decreased the territorial expansion of the institution. When the "slave states" seceded from the Union, they surrendered all claims to the commonly held territory from which new "slave states" could have been formed. From the formation of the Confederate States of America, the expansion of slavery in the territory controlled by the United States was a dead issue. How can anyone believe that secession could increase the power of the defenders of slavery in the United States? When shown these facts, the antagonists of the South wall fall back on the argument that, by seceding, the Southern states were attempting to defend the institution of slavery from those who desired the abolition of slavery. They assert this even though Abraham Lincoln, in his first inaugural address, assured slave holders of America that their slave property would be protected by his administration. Lincoln stated, I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so.341 If Southern slave holders wanted protection for their property, all they had to do, according to Lincoln's inaugural address, was to remain in the Union. There is other evidence that the South, by seceding from the Union, was not seeking the ultimate protection of the institution of slavery. The following historical facts will demonstrate that the South also had a desire to attenuate or end slavery: (1) The first abolition

society in America was established in the South, and for many years thereafter most members of abolition societies were Southern men and women. Southerners turned against the abolition movement only after radical cultural bigots in the North captured the movement and proceeded to use it as a weapon against the South. (2) It was a Southern Colony (Virginia), and not a Northern colony, that first demanded the end to the slave trade in America. (3) When the Confederate States of America adopted its constitution, it was the first American…

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The history of the South, from its earliest point, offers evidence of the type of government its people desired. Francis Butler Simkins, a noted Southern historian, points out that the propensity of the South for limited decentralized government has been asserted twice, once against the central government in London and once against the central government in Washington: “The Southern feeling for state's rights has a Colonial background”400 [emphasis added].

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If the Yankee Empire’s constitutional theory that the American people in the aggregate ordained the Constitution is correct, then the American people (that is, a mere majority of the total numbers of the people of the United States) in the aggregate possess absolute authority over the Constitution. Therefore, the majority of the American people possess the sovereign authority to express the national will. The states, under this theory, are but mere subdivisions of people within the greater nation. In this system, the states are to the nation what counties are to the states. Abraham Lincoln put forward this view in one of his first speeches made after his election. But how does this theory comport with constitutional and historical reality? Did the federal Congress authorize a general election after the completion of the Constitution in 1787? Did the American people in the aggregate vote to authorize a national government under the new Constitution? Who among President Davis’s accusers can give the tally of such a vote? Let those with accusations of treason in their mouths quiet their slanderous tongues until first they give the number of the American national aggregate vote representing the sovereign will of the American people that was cast to ratify the Constitution! They will not give it, they cannot give it, because it does not exist! Like demons from hell, they would beg to be sent into swine rather than be forced to stand in the presence of truth! As we have seen, the Yankee Empire’s school of “one people, one nation indivisible” rushes from one craftily constructed subterfuge to yet another in an attempt to prop up its weak case for a unitary national authority, i.e., the current supreme Federal Government (the Yankee Empire). The proponents of this philosophy are forever arguing in the alternative, declaring that if thus and such does not prove

that the Federal Government possesses the supreme law of the land, then certainly this new theory will prove it! Thus, it is with their theory that the thirteen colonies' joint Declaration of Independence created a unitary, national government with supreme authority over "We the people" of the sovereign states. They purposefully elect to ignore the plain language of the document that declared "these United Colonies are, and of Right ought to be FREE AND INDEPENDENT STATES."485 Note the use of the plural "states." Also note that at that time the word "state" had the same meaning as "nation." President Davis and the people of the South understood the significance of this document, and in that spirit as "free, independent, [and sovereign] States" they acted upon the words of the document that declared, "When in the Course of human events, it becomes necessary for one people to dissolve …." You, the jury, must determine if the South's decision to declare its independence from a union that no longer protected its liberty, but actually endangered its liberty; is tantamount to treason; you must determine…

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Notice that James Monroe, future president of the United States, detailed how Massachusetts was the originator of a scheme to dismember states from the Union. Where were the charges of treason against the people of Massachusetts? James Monroe added a postscript to this letter declaring: The objective in the occlusion of the Mississippi on the part of these people, so far as it is extended to the interests of their States is to break up so far as this will do it, the settlements on the western waters, prevent any in future, and thereby keep the States southw'd as they now are, or if settlements will take place that they shall be on such principles as to make it the interest of the people to separate from the Confederacy, so as effectually to exclude any new State from it. To throw the weight of population eastward and keep it there …. In short, it is a system of policy which has for its object the keeping the weight of government and population in this quarter [the North], and is proposed by a set of men so flagitious, unprincipled, and determined in their pursuits, as to satisfy me beyond a doubt they have extended their views to the dismemberment of the gov't.514 Here we see the scheme of the ancestors of many Northern "unconditional Union men" making secret plans to dismember the government of the Union! Are these Northerners publicly tainted with the tar brush of treason and banished from the society of patriotic Americans? Of course not, but the question remains why it was not treason for the North to scheme secretly to dismember the Union, while the open and public secession of the sovereign states of the South is counted as treason? These Northern schemes to dismember the Union happened long before the 1860s. They happened while America was taking its first steps toward a constitutional federal republic of sovereign states. Patrick Henry was governor of Virginia during this period. He had been instrumental in rallying the Southern states to the aid of New England during the early days of America's struggle for independence. Time and time again, he

had treated with the political leaders of New England, assuming them to be gentlemen worthy of trust. He had reassured his people that New England would be a faithful partner in the American Union. The Jay affair had a marked effect on Governor Henry and changed his attitude toward the South's partners in these United States.

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We presented to you the evidence of how the threat of secession by the New England states was used in an attempt to prevent the admission of the Southern states of Louisiana and Texas into the Union. We then presented you with the specter of a purely sectional party (the Republican Party) developing in America. We gave you evidence of the Republican Party wedded to the peculiar interests of the North and pledged to work against the interests of the South.

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