What If the South Had Won the Civil War? 4 Sci-Fi Scenarios for HBO's "Confederate"

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What If the South Had Won the Civil War? 4 Sci-Fi Scenarios for HBO’s "Confederate"

Abstract
“What if” has always been the favorite game of Civil War historians. Now, thanks to David Benioff and D.B. Weiss — the team that created HBO’s insanely popular Game of Thrones — it looks as though we’ll get a chance to see that “what if” on screen. Their new project, Confederate, proposes an alternate America in which the secession of the Southern Confederacy in 1861 actually succeeds. It is a place where slavery is legal and pervasive, and where a new civil war is brewing between the divided sections.

The wild popularity of Game of Thrones has already set the anxiety bells of progressives jangling over how much a game of Confederate thrones might look like a fantasy of the alt-right. Still, if Benioff and Weiss really want to give audiences the heebie-jeebies about a Confederate victory, they ought to pay front-and-center attention to how close the real Confederacy also came to the fantasies of the alt-left, and what the Confederacy’s leaders frankly proposed as their idea of the future. [excerpt]

Keywords
Civil War, south, Confederacy, HBO, science fiction

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RECONSTRUCTION
Chapter One

Vengeance: April–December 1865

"Today the city is wild with grief and anger over the report that President Lincoln was assassinated last night by a Southerner, John Wilkes Booth," wrote a newly discharged Union lieutenant in Lowell, Massachusetts, on April 15, 1865. "All flags are at half-mast, public and private buildings draped in black, and business is suspended. . . . It is all a man's life is worth to show any feeling but sorrow or anger." The scene in Lowell was repeated across the North that day. In Philadelphia, "old men bowed their heads in sorrow and wept like children." On every block of Chestnut Street, between Third and Thirteenth, "the whole street, as far as the eye could stretch, was wailing the loss of the Chief Magistrate of the nation." And not the least in mourning was Washington, DC, where only a few hours were allowed to elapse in the capital before Lincoln's vice president, Andrew Johnson, was sworn in as the seventeenth president by Chief Justice Salmon P. Chase.

Johnson had not been an obvious choice as Lincoln's vice president. When Lincoln was elected president in 1860, his vice president was Hannibal Hamlin, a Maine abolitionist who had left the Democratic Party for the Republicans. But Hamlin had not been a consequential figure, and in 1864 the Republican National Convention substituted Johnson, a lifelong Tennessee Democrat, on Lincoln's reelection ticket as a way of demonstrating the Republicans' bipartisan dedication to re-union. Although Johnson never openly embraced the Republicans, he had earned warm applause in the North for his lonely refusal, at the beginning of the war, to abandon
his seat in the US Senate and follow Tennessee into secession. He also had the advantage of having been reasonably successful as Lincoln's military governor of Tennessee from 1862 to 1865, and he had commended himself to the most radical members of Lincoln's Republican Party for promising black Tennesseans in October 1864 that he would be "your Moses, and lead you through the Red Sea of war and bondage to a fairer future of liberty and peace."

At the same time, Johnson was also a loner, an outsider in Washington politics who concealed his insecurities behind a wall of quiet. Lincoln was taken aback when Johnson suggested that political business in Tennessee should excuse him from attending his own inauguration, and he nearly sank himself into political oblivion when he did show up for the inauguration, visibly intoxicated, and proceeded to deliver a rambling monologue that sent eyes rolling helplessly upward. "This Johnson is a queer man," Lincoln remarked, and in April, when Lincoln visited Richmond, he ignored a suggestion that he and Johnson meet in the ruined ashes of the Confederate capital.

Any uncertainties Johnson generated, though, were banished in the wake of Lincoln's assassination by Johnson's promises to deal harshly with the guilty Confederacy. Indeed, it was not only Lincoln's death that motivated Johnson; John Langdon Sibley, the librarian of Harvard College, was deeply depressed to see the swelling numbers of "infirm men & cripples in the streets. . . . The terrible battles which have been fought have been turning out more & more, & it is painful to see the large number . . . who have lost an arm or a leg or are otherwise maimed & move on crutches." When the members of Congress's Joint Committee on the Conduct of the War called on Johnson the day after Lincoln's death, he assured them that he would deal harshly with the rebels who had been responsible for the war and the assassination. "Robbery is a crime; rape is a crime; murder is a crime; treason is a crime, and crime must be punished." The perpetrators of those crimes included many more than just John Wilkes Booth (who was still at large). Johnson continued, "Treason
must be made infamous and traitors must be impoverished.” Radical Republicans were delighted: the Confederacy, wrote Michigan senator Jacob Howard, “should be made to bear the brand of dishonor & enduring shame.”

How this sentiment was to be translated into policy was another question, however. Reconstruction of the Union would require dealing with a thorny hedge of legal, constitutional, and political questions. Were the eleven states that seceded to form the Confederacy in 1861 still states in any meaningful sense of the term? Radical Republicans certainly thought not, and now that Lincoln was no more, the way seemed clear for Congress to step forward and reshape the South in the same way the Constitution authorized Congress to oversee the federal territories in the West. And what was the standing of the Confederacy’s ordinary legal actions? Was the federal government obligated to assume the debts that the Confederate states had contracted during the war? Above all, what was to become of the 3.9 million emancipated African Americans whose legal status as chattel had been extinguished by the war, by Lincoln’s Emancipation Proclamation, and by the Thirteenth Amendment? “Shall they be men; be clothed with the rights and duties of freemen,” asked the Union League of Philadelphia, “or shall they be returned to a worse slavery than that from which we have freed them? ... Shall our old notions about race and color shut our eyes to the manifest march of the times or shall we accept and solve the problem with truth and reason?”

For the moment, Andrew Johnson had to concentrate his attention on ending the war. The rebel army surrendered by Robert E. Lee, and the paroled by General Ulysses S. Grant, at Appomattox Court House on April 9, 1865, was the most important, but not the only, Confederate army still in existence. Negotiations were already under way for the surrender of the next-largest Confederate force, in North Carolina. Meanwhile, the assassin Booth dodged federal pursuers until he was cornered in a tobacco barn in Virginia on April 26 and shot to death, and Confederate president Jefferson Davis and his cabinet would remain beyond federal reach until Union cavalry captured them near Irwinville, Georgia, on May 10. Two other Confederate commands in Alabama and Texas would not surrender until May 4 and May 26.

Unlike the rebel paroles at Appomattox, few of these other defeated Confederates had much hope for mercy, especially from Andrew Johnson. The new president had already authorized the trial of John Wilkes Booth’s collaborators in a military tribunal rather than in a civil court, and the only question seemed to be how many of them would be hanged. When Union general William T. Sherman appeared to have granted excessively lenient terms to the Confederate army in North Carolina that included “recognition” of the wartime Confederate state governments and the “practical” cancellation of “the confiscation laws, and relieved rebels of every degree ... from all pains and penalties for their crimes,” Sherman was swiftly rebuked and ordered to renegotiate the surrender. It was “clear and settled” in Johnson’s mind “that no civil authority should be recognized which has its source in rebel election or appointment.” This gave Johnson all the appearance of an avenging angel, and even hesitant Northerners suspected that “the presidential chair is occupied by a man who has pledged himself to make the blood of the educated and influential rebels run in streams.”

But despite his newfound radical reputation, Johnson’s bark was very different from his bite. Lincoln and the leadership of the Republican radicals had been Whigs (before 1856, when the Whig Party collapsed over the slavery issue); Johnson was, as one English observer shrewdly perceived, “a Democrat ... of the [Andrew] Jackson type” who believed “that freedom in the United States ought to tend toward social equality”—although the equality Jacksonians had in mind did not extend across the divide of race. He “had a latent hostility towards money-power, and the aggregation of property, as essentially aristocratic.” But he had owned slaves himself and (as Indiana congressman George W. Julian discovered) “was, at heart, as decided a hater of the negro and of everything savoring of
abolitionism, as the rebels from whom he had separated." His real animus was directed at the plantation nabobs, and he extended his grudge against the planter class to Northern financiers. "The aristocracy based on negro property disappears at the Southern end of the line," he snarled, "but only to reappear in an oligarchy of bonds and national securities in the States which suppressed the rebellion." Although he did not mind promising to be the freedmen's Moses, he did not expect the Promised Land to make them the social or political equals of whites. "I am for a white Mans [sic] Government in America," he told a Tennessee supporter.  

Gradually, Johnson began rolling back the wartime measures Lincoln had improvised from 1861 onward. At first, these rollbacks were uncontroversial: on April 29, he lifted the sanctions on trade with the former Confederate states east of the Mississippi; on May 9, he formally recognized the Virginia government-in-exile (which had been established in 1862 under Francis Pierpont) as the new Virginia state government; and on May 22, he formally dissolved the US Navy's blockade of Confederate ports. He gave particular cheer to Radical Republican hearts on May 15, when he appointed the "Christian soldier," the unapologetically evangelical Major General Oliver Otis Howard, to head the newly created Bureau of Refugees, Freedmen and Abandoned Lands (which became known simply as the Freedmen's Bureau) and begin redistributing to the freed people "all the abandoned lands, and those in the Government's possession under the Confiscation Act, and all those acquired by Treasury tax sales or otherwise."  

The cheer began to dissipate, however, on May 29, when Johnson issued a proclamation, built on Lincoln's December 1863 amnesty proclamation, granting "to all persons who have, directly or indirectly, participated in the existing rebellion . . . . amnesty and pardon, with restoration of all rights and property, except as to slaves and except in cases where legal proceedings under the laws of the United States providing for the confiscation of property . . . have been instituted." There followed a long list of exclusions—"civil or diplomatic officers" of the Confederacy, "military or naval officers . . . above the rank of colonel in the army or lieutenant in the navy;" and any Southerners "who have voluntarily participated in said rebellion . . . whose taxable property is over $20,000." But even the most notorious could still make "special application" to Johnson for executive clemency.  

The intent of the proclamation puzzled congressional Republicans. "It was supposed that President Johnson would err, if at all, in imposing too harsh terms" on the rebels, recalled Ohio US senator John Sherman. After all, Johnson himself repeatedly claimed that he wanted "the prompt initiation of legal proceedings against the leaders of the civil war." But as it turned out, what he really wanted was for them to come to him on bended knee and experience some of the humiliation he had lived with as a "plebian." After that, he was more than satisfied to trade the garb of Moses for that of Pharaoh. When John Eaton, who had been the general commissioner of freedmen in Tennessee, pressed Johnson about "establishing schools and organizing new industries" for the freedmen, Johnson's habitual curtain of silence descended. "He was quite obviously bored, and all that might have been said on the subject had no more inclination to stay by him than has water to stay on a duck's back."  

Puzzlement turned to anger with the release of a second presidential proclamation, this time authorizing the appointment of a civilian "provisional governor" for North Carolina. The person chosen for this new position was William W. Holden, who had voted in favor of secession in 1861 but then transformed himself into a "peace" candidate for governor of North Carolina in 1864. Holden was charged with "convening a convention . . . for the purpose of altering or amending" the state constitution and "to restore said State to its constitutional relations to the Federal government."  

In short order, through June and July, Johnson proceeded to do likewise for Mississippi (where he appointed as governor William L. Sharkey, "a man of mind and culture," a judge and former Whig, but "offensive . . . on the subject of slavery"), Georgia (where he
installed James Johnson, a Unionist lawyer and personal friend from Johnson’s days in Congress, in the governorship), Texas (where Andrew Hamilton, who had fumbled Lincoln’s appointment as a military governor of Texas, now became provisional civilian governor), Alabama (Lewis Parsons, a New York–born lawyer who had briefly held a Confederate army commission), South Carolina (Benjamin F. Perry, a Unionist newspaper editor who had also agreed to serve as a Confederate judge), and finally Florida (here the nominee was William Marvin, a former federal district judge who had actually spent most of the war practicing law in New York City).13

It took some convincing to believe that these nominees were the best men to reestablish the vacant courts and the wrecked machinery of day-to-day governance, to summon state conventions, and to encourage the conventions to erase all traces of slavery from the state statute books. “For Gods [sic] sake appoint a sober man,” erupted a fellow Tennessee Unionist, “instead of A. J. Hamilton; better known as drunken Jack Hamilton.” What was more appalling was the realization that Johnson’s governors promised to do little more than return the South, and the freed slaves, to a status only marginally different from what had prevailed before the war. These “quondam rebels,” complained a Louisianan who had suffered real “rebel persecution,” may “talk like union men and have ears like union men but they don’t smell much like union men.”14

What incensed Republicans in particular was that Johnson set up civilian governments without so much as a by-your-leave to Congress, which had closed the last session of the Thirty-Eighth Congress on March 3, 1865 (the Senate stayed in special session until March 14) and would not reconvene as the new Thirty-Ninth Congress until December. It was one thing to create military governors, since their authority came strictly from Johnson’s constitutional position as commander in chief of the army and navy and would expire the moment Johnson declared the war emergency over. But appointing civilian governors was a gesture ominously similar to Congress’s authority to appoint civilian governors for the territories, and it implied that Johnson was reaching for much more power than Lincoln had ever dreamt or that Congress was willing to relinquish. “How the executive can meddle [sic] the States in the union is past my comprehension,” roared Thaddeus Stevens. He could see “how he could govern them through military governors until they are recognized,” but civilian governments were “a question for the Legislative power exclusively.” But worse still were the omissions in Johnson’s proclamations: not a word about the Confederate and state war debts, nor any eligibility restrictions on ex-Confederates who had received amnesty—or who would receive it after applying to Johnson, nor the slightest indication that the state constitutional conventions were obliged to consider the civil rights—and especially voting rights—of the freedmen.

The émigré Republican Carl Schurz, who had spent most of the war as a Union general, chided Johnson for proclamations that have “been generally interpreted as a declaration of policy on your part adverse to the introduction of negro suffrage. . . . The old pro-slavery and disloyal element, I mean the oath-taking rebels,” he predicted, would seize control. To Charles Sumner, it seemed pure political apostasy. “Andrew Johnson is the impersonation of the tyrannical slave power. In him it lives again.”15 But Johnson waved the protests away. He had never stopped considering himself a Southerner and “cherished the kindest feeling towards the people of the Southern States.” He told a South Carolina delegation that Reconstruction was really a “question of restoration,” and he expected that the procedures described in his proclamations would so accelerate that process that the entire work of Reconstruction might be finished by the time Congress reconvened.

To recalcitrant Southerners, the proclamations were like a second wind. In the weeks after Appomattox, Hannah Rawlins (of Orange County, Virginia) confessed to feeling “as if it could not be reality, but . . . some hideous nightmare” that the Confederacy was no more. Stunned into passivity by the surrender, Rawlins remembered that “for three days after we learned of the fate of our devoted
army, I don't think there were a dozen sentences spoken in the family where I was. A stranger would have thought there was a corpse in the house.” But the passivity was only temporary and not the same thing as acquiescence. The war had pushed many Southerners beyond the ‘point of reconciliation to their conquerors. “A lady near by,” recorded Confederate War Department clerk J. B. Jones, “while surveying her dilapidated shoes, and the tattered sleeping gowns of her children, burst forth...’ I pray that I may live to see the United States involved in a war with some foreign power, which will make refugees of her people, and lay her cities in ashes!” One Virginia woman believed that “the feeling here against the North is intense, tho’ smothered. . . . Mothers will teach their young children to abhor the slayers of their fathers and brothers, they will teach it to them from their earliest infancy. Had I sons, this is the religion that I would inculcate from the time they could lisp.” The Johnson proclamations revived Southern hopes for pulling some form of victory back from the abyss of defeat and seemed to the Cincinnati journalist Whitelaw Reid “to have called into active utterance all the hostility to Northerners.” Strategies of resistance now began to take substance, and Confederate veteran Ruben Wilson hoped that “with the aid of the democratic party (which is bound to be very strong) of the north we will be able to check the republican party in their wild scheme.”

Meanwhile, Johnson unwittingly fed the tidal return of Southern defiance. Petitions for pardons came in by the hundreds, and were given the presidential signature by the hundreds, from General George Pickett (of “Pickett's Charge” fame at Gettysburg) and Alexander H. Stephens (the Confederate vice president) to James A. Cheatham, a Confederate postmaster and railroad station agent. Ultimately, Johnson would issue 13,500 pardons by the fall of 1867 and had to appoint a pardon clerk, Matthew Pleasant, just to deal with the correspondence.

Once Johnson's provisional governors had arranged for the election of their state conventions, Republican confidence turned to disbeliefing fury, as offices and legislatures filled up with generously pardoned Confederates, who only a few months before had been striving to overturn the government they now expected to rejoin. William Holden called for the election of North Carolina's state convention on September 21, but when it assembled on October 2 in Raleigh, it was top-heavy with ex-Confederate officers: Dennis D. Ferebee, the colonel of the Fifty-Ninth North Carolina; Samuel H. Walkup, lieutenant colonel of the Forty-Eighth North Carolina; Giles Mebane, a member of the 1861 secession convention and speaker of the North Carolina state senate. Almost their first concerns were “the State's assuming the debt contracted during the rebellion” (as though North Carolina's Confederate expenses were as legal as any other debt) and granting immunity from prosecution to any “person who have aided in the passage or execution of any law of the State of North-Carolina or of the Confederate States.” This pattern was repeated in Mississippi's convention in August, over the protest of “the colored citizens of Mississippi” who feared “that the Legislature will pass such proscriptive laws as will drive the freedmen from the State, or practically re-enslave them.”

Nothing, however, offered more calculated defiance than the representatives and senators whom the newly revived Southern states proposed to send to the opening of the Thirty-Ninth Congress. The new Georgia legislature defied reason by dispatching as Georgia's two senators the former Confederate vice president, Alexander Stephens, and former Confederate senator Herschel V. Johnson; South Carolinians elected to the House of Representatives a Confederate general, Samuel McGowan, as did Alabama, which elected Cullen A. Battle. All told, Johnson's self-reconstructed states chose for senators and representatives (in addition to Stephens) six Confederate cabinet officers, four Confederate generals, and fifty-eight members of the Confederate Congress.

Throughout all of these deliberations, not a single one of the rehabilitated legislatures took any step in favor of civil rights for the freedpeople. To the contrary, the new state legislature created by
the Alabama state convention ratified the Thirteenth Amendment with the express reservation that "it does not confer upon Congress the power to legislate upon the political status of freedmen in this State." Even worse, freshly elected state legislatures in six states created a hedge of "black codes," designed to bind the freedmen into, for all practical purposes, peonage. Beginning in the Mississippi legislature on November 22, the "black codes" defined as "vagrants" or "paupers" any freed person who appeared unemployed, and allowed local officials to bid them out (as they had once been at slave auctions) as laborers for up to a year. Other provisions of the codes forbad black-white intermarriage; curtailed free speech (including "insulting gestures"); and most ominous of all, banned free people from owning firearms, ammunition, and even knives.²¹

This was not what Johnson had been expecting. He warned the provisional governors to mind their states' behavior, given that Congress would have the ultimate word on their future, and he even pressed his governor in Mississippi, William Sharkey, to "extend the elective franchise to all persons of color who can read the Constitution of the United States in English and write their names, and to all persons of color who own real estate valued at not less than two hundred and fifty dollars, and pay taxes thereon." In November, he tried to make it clear to Alexander Stephens that showing up for the next session of Congress as though he was only suffering from four years' worth of amnesia would be "exceedingly impolitic." Above all, Johnson did not withdraw federal troops from the South. Although the Union armies began demobilizing at rapid rates, there were still ninety thousand soldiers in uniform at the end of the year, spread over three hundred posts across the former Confederacy, and exercising a dual jurisdiction with Johnson's self-reconstructed governments.²²

These cautions garnered Johnson no sympathy whatsoever from the Republicans, whose disenchantment with the president rose hand in hand with their incredulity at the actions of new Southern state governments. "We almost believed him honest," charged the abolitionist and feminist journalist Jane Grey Swisshelm, but "we now fall back upon first impressions":

The first time we saw him was at the great Union meeting in the Capitol, in April 1863. His speech then was like all his succeeding speeches, all about Andrew Johnson, and him crucified, and every idea three times expressed. We greatly regretted his nomination, but friends persuaded us, almost, that we were mistaken, and we made our second effort at playing conservative by coddling poor Andy Johnson by way of aiding thousands of honest men in their vain efforts to troll him along the path of rectitude, as sheep are led by walking before with a pan of salt.²³

Party conventions in Massachusetts and Ohio that summer saw barely restrained outbreaks of protest against the Johnson governments. By July, Charles Sumner was suspected by Navy Secretary Gideon Welles of "organizing and drilling . . . to make war upon the Administration policy and the Administration itself." Ohio's Benjamin Wade worried about the practical effect of Johnson's decisions on the Republican Party itself. "To admit the States on Mr. Johnson's plan," Wade confided to Sumner, "would compromise the party's control of Congress and amount to "nothing less than political suicide."²⁴

Remembering the unhappy result of the Wade-Davis reconstruction plan, Ben Wade was not eager to engage in another political war with a president. Johnson, after all, had control of the vast web of executive patronage, and Wade feared that "too many men . . . wanted their brothers and friends appointed to office, and knew that ANDY was bidding high for votes." But when Wade called on Johnson at the White House, he found the president's "ante-room full of rebels and Copperheads," and Wade soon concluded that Johnson intended to "subordinate . . . Congress and the Judiciary" to the "Executive."²⁵

Matters came to a head two days before the opening of Congress, as newly arrived congressional Republicans in Washington caucused
in the Capitol. Thaddeus Stevens, who was convinced that "we must put the rebel states under territorial governments at once," called for the creation of a joint House-Senate committee of fifteen members, modeled on the wartime Joint Committee on the Conduct of the War, to determine whether the Johnson-appointed state governments were sufficiently sanitized of rebellion to merit the readmission of their representatives to Congress. The joint committee's report would decide the standing, not only of Johnson's rehabilitated states, but also Tennessee (which had reinstated a civilian government in February 1865, and then elected eight congressman in July), Louisiana, and Francis Pierpont's Virginia. Until such a report was submitted, "no member shall be received into either House from any of the so-called Confederate States." But lurking at the back of Radical minds was a bigger question: would the political confrontation that was brewing tip the country back into a fresh civil war? That would very much depend on what happened on the day the new Congress assembled.