



Spring 2013

# Jeff Davis, a Sour Apple Tree, and Treason: A Case Study of Fear in the Post-Civil War Era

Brianna E. Kirk  
*Gettysburg College*

Follow this and additional works at: [https://cupola.gettysburg.edu/student\\_scholarship](https://cupola.gettysburg.edu/student_scholarship)

 Part of the [Cultural History Commons](#), [Social History Commons](#), and the [United States History Commons](#)

**Share feedback about the accessibility of this item.**

---

Kirk, Brianna E., "Jeff Davis, a Sour Apple Tree, and Treason: A Case Study of Fear in the Post-Civil War Era" (2013). *Student Publications*. 100.

[https://cupola.gettysburg.edu/student\\_scholarship/100](https://cupola.gettysburg.edu/student_scholarship/100)

This is the author's version of the work. This publication appears in Gettysburg College's institutional repository by permission of the copyright owner for personal use, not for redistribution. Cupola permanent link: [https://cupola.gettysburg.edu/student\\_scholarship/100](https://cupola.gettysburg.edu/student_scholarship/100)

This open access student research paper is brought to you by The Cupola: Scholarship at Gettysburg College. It has been accepted for inclusion by an authorized administrator of The Cupola. For more information, please contact [cupola@gettysburg.edu](mailto:cupola@gettysburg.edu).

---

# Jeff Davis, a Sour Apple Tree, and Treason: A Case Study of Fear in the Post-Civil War Era

## **Abstract**

The end of the Civil War raised many questions, one being how to piece back together the violently torn apart Union. With such an unprecedented war in American history, the exact course of how to do so was unknown. Would the country survive through Reconstruction, and how would sectional reconciliation be achieved? An even larger question was who to blame for the four long years of violence. In the minds of many northerners, that man was Jefferson Davis. Davis had not only led the secessionist movement, but was a traitor to the Union. By analyzing the calls for and against Jefferson Davis's trial and execution, the fear and uncertainty over the Union's future that existed in 1865 and years after depicted the conflicting and paradoxical ways to heal a nation.

## **Keywords**

Jefferson Davis, treason, American Civil War, American History, reconciliation, reconstruction, fear, Horace Greeley, secession

## **Disciplines**

Cultural History | History | Social History | United States History

# Jeff Davis, a Sour Apple Tree, and Treason: A Case Study of Fear in the Post-Civil War Era

Brianna Kirk

May 3, 2013

Reconstruction and Legacy of the Civil War

Professor Brian Matthew Jordan

*I affirm that I have upheld the highest principles of honesty and integrity in my academic work  
and have not witnessed a violation of the Honor Code.*

Fear plays an immense and significant role in events that are unprecedented. The Civil War was arguably the first major conflict Americans experienced in the early years of the nation where they faced an unmatched size and scope of violence. The violence that besieged the country in the early 1860s, though physically ended with Lee's surrender on April 9, 1865, remained etched indelibly in the mental and emotional psyches of Americans. With such an unparalleled event, the effects on the citizen body of the nation to reconcile with the war and determine how to effectively heal can be traced through the Reconstruction years. Historians David Blight, Heather Cox Richardson, and Nina Silber offer three major points of explanation for how sectional healing and reconciliation occurred in the immediate post-war. Race, class, and gender have personified the explanations for reconciliation.<sup>1</sup>

However, in more recent years, certain scholarship has evolved that deals with fear as yet another driving force behind sectional reconciliation that deserves to be put alongside race, class and gender. In his recent book *A Dangerous Stir*, Mark Summers analyzes this paralytic fear that overwhelmed the minds of Americans in the days, weeks, months and years after the Civil War. With an unprecedented war that challenged the very existence of American democracy, citizens were scared of the direction the country would take when that war ended. In other words, society was less prepared to deal with the outcomes and consequences of the war that they were ill-equipped to fight in the first place. The war's meaning was not clearly seen in 1865, Summers argues, and for good reason. Democracy had been in danger, assassination plots were formed, and rebels were in fact jailed.<sup>2</sup> The unknown depth of "wounds" from four years of horrific

---

<sup>1</sup> David Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge: Harvard University Press, 2001); Nina Silber, *Romance of Reunion: Northerners and the South, 1865-1900* (Chapel Hill: University of North Carolina Press, 1993); Heather Cox Richardson, *West from Appomattox: The Reconstruction of America after the Civil War* (New Haven: Yale University Press, 2007).

<sup>2</sup> Mark Wahlgren Summers, *A Dangerous Stir: Fear, Paranoia, and the Making of Reconstruction* (Chapel Hill: University of North Carolina Press, 2009), 70.

fighting “could only intensify the search for subversives” in post-war America.<sup>3</sup> Fear uses a unique strategy of manipulation, one that controls and fuels human emotions under immense distress. By analyzing the demands for treasonous retribution against Jefferson Davis and the calls for both his trial and execution, scholars are beginning to understand how northern fear created an instantaneous need for reconciliation and therefore the vast differences in how to achieve healing alongside justice become fathomable.

The Civil War was the first time in United States history where a group of states came together and concurrently agreed to secede from the Union. The constitutionality of secession was highly debated among the federal government, arguing against, and proponents of the south, arguing for. Did the southern states have the constitutional right to secede? President Abraham Lincoln fervently believed that secession was unconstitutional, and refused to recognize the South’s claim of separation from the Union.<sup>4</sup> Article I, Section 10 of the U.S. Constitution states that “no state shall enter into any Treaty, Alliance, or Confederation,” and is followed in Article III, Section 3 which defines treason as consisting “only in levying War” against the United States.<sup>5</sup> With the South’s ‘secession’ from and declaration of war against the Union, the question of whether such an act constituted treason was raised. Many agreed that secession warranted treason, and following the Confederacy’s loss in the Civil War, firmly believed that those responsible for secession deserved punishment.

Among the top ‘ring leaders’ of the Confederacy, majority of the call for treasonous punishment focused on Jefferson Davis, the former Confederate president. With the capture of Davis on May 10, 1865, the calls for convictions of treason became rampant among many,

---

<sup>3</sup> Mark Wahlgren Summers, *A Dangerous Stir: Fear, Paranoia, and the Making of Reconstruction* (Chapel Hill: University of North Carolina Press, 2009), 70.

<sup>4</sup> Abraham Lincoln, First Inaugural Address, Page 3

<sup>5</sup> U.S. Constitution, art. 1, sec. 10, cl. 1; art. 3, sec. 3, cl. 1

mainly northern newspapers, Union veterans, and freed slaves. Davis represented the “quintessential wrongdoer,” a man blamed for Lincoln’s assassination, the horrid prison of Andersonville, and, more importantly, treason.<sup>6</sup> Gary Gallagher writes that soldiers and northern civilians viewed Davis as the “prime traitor seeking to undo the Union.”<sup>7</sup> Lincoln himself expressed the main purpose of the war was to preserve the Union.<sup>8</sup> Gallagher argues similarly; slavery, although a large cause of the war, was not the primary cause. Northern motivation to fight was “maintenance of the Union,” with slavery and the Thirteenth Amendment becoming the “means to secure” the preservation Lincoln desperately wanted.<sup>9</sup> Davis, the architect behind the southern secession, literally ripped the nation in two, and therefore was labeled a traitor who desired disunion and in the process committed treason.

Talk and preparation of a trial ending with Davis’s hanging quickly spread. However, Davis never faced trial, conviction, or execution. The signing of a bail bond by *New York Tribune* editor Horace Greeley and others ensured that Davis was never put on trial; instead he was released from Fortress Monroe with air remaining in his lungs. The man who represented secession and the four long years of war kept his life while Lincoln gave his to save the Union equaled injustice to many. The answer to why Davis never faced trial and was hanged has puzzled historians since the signing of his bail bond in 1867. Northerners expressed anger over Davis and his crimes committed during the war, and wanted him to pay for the unprecedented loss of life they believed he was at fault for. The calls for and against Jefferson Davis’s execution depicted the emotional status of the country in the immediate post-war, those who sought retribution for the Civil War and those who sought reconciliation to avoid another one.

---

<sup>6</sup> Grady McWhiney, “Jefferson Davis: The Unforgiven,” *Journal of Mississippi History* 42, no. 2 (1980): 113.

<sup>7</sup> Gary Gallagher, *The Union War* (Cambridge: Harvard University Press, 2011), 57.

<sup>8</sup> Gary Gallagher, *The Union War* (Cambridge: Harvard University Press, 2011), 33.

<sup>9</sup> Abraham Lincoln, Fourth Annual Message to Congress, December 6, 1864. Found at <http://www.presidency.ucsb.edu/ws/?pid=29505>.

The United States faced the issue of treason once before in its history, in the founding years of the nation. Benedict Arnold betrayed the Continental Army by corresponding with the British Army to surrender the West Point Fort in return for compensation. When Arnold's workings with the British Army became public knowledge, he fled to New York and eventually to England. He never faced trial for his treasonous acts of betrayal. The vehement reactions of the colonists to Arnold were found throughout society; drawings portrayed Arnold as a friend of the devil, one "leagued with Satan."<sup>10</sup> Colonists viewed Arnold as a traitor to the cause of virtue, and were fearful their chance of independence from Britain had been jeopardized. Hatred of Arnold stayed alive after the war, and even into the present; his name is one virtually synonymous with treason and traitor. The lack of punishment in Arnold's case did not allow a precedent to be set for future treasonous acts, like that of Jefferson Davis. Consequently, the absence of a precedential punishment for treason and the existence of a lack of punishment against Arnold might explain why, despite calls for Davis's trial and execution, he never legally received sentencing.

The violence that occurred between 1861 and 1865 was unprecedented in the United States. The sheer loss of life, of men young and old, had the greatest impact on the living post-war. The country never before faced the task of dealing with death on such a large scale, let alone the task of finding permanent resting places for the dead. The emotional burdens placed on the living to reunite the nation was immense; the responsibility of the people to reconcile with and understand the dead while also moving forward as a new country proved a difficult undertaking. The war alone proved a shocking experience. The aftermath was even more traumatizing. With the nation dealing with new, repressed, and difficult emotions of making

---

<sup>10</sup> *A Representation of the Figures exhibited and paraded through the Streets of Philadelphia, on Saturday, the 30<sup>th</sup> of September 1780* as quoted in Charles Royster, "'The Nature of Treason': Revolutionary Virtue and American Reactions to Benedict Arnold," *The William and Mary Quarterly* 36, no. 2 (April 1979).

sense of the war and reconstruction in mid-1865, cries for punishment of the Confederate leadership, namely Jefferson Davis, becomes understandable.

The arrest of Davis provided the perfect opportunity for northerners to unleash their emotional anger, a combination of the horrors and sufferings of the war, and the seemingly invisible answer on how to recover from the loss. The hostility towards Davis was easily found throughout society. Illustrations, stamps, and newspaper articles spread quickly. Many illustrations mocked Davis hanging from a sour apple tree, and even associated him with Benedict Arnold and Judas, the traitor who betrayed Jesus. Davis was considered “no less than the damned traitor Benedict Arnold,” the phrase paired alongside a picture of Davis descending to hell where “Traitor Arnold” gave “Traitor Davis” a warm welcome.<sup>11</sup> Some even decided to hang him in effigy.<sup>12</sup> *Harper’s Weekly* first wrote of Davis and his treasonous implications on May 27, seventeen days after his capture. The speed of publication speaks to the emotional state of the country; serious northern animosity existed at the end of the war and focused itself on Davis. The article declaring the “treason of Jefferson Davis” discussed how his arrest and eventual “execut[ion]” must be used as an “emphatic warning” to the newly rejoined southerners.<sup>13</sup> The unprecedented act of punishing treason in the United States, set with Benedict Arnold, appeared to be advancing in the direction of finally creating a precedent for the future. Such an act as secession, deemed unconstitutional and treasonous, was believed in the eyes of the northern public to be a crime against the country. Davis surely would be tried for the “horrid crime” of treason before he could commit anything of the like again.<sup>14</sup>

---

<sup>11</sup> Brian F. Carso, Jr., *Whom Can We Trust Now?: The Meaning of Treason in the United States from the Revolution through the Civil War* (Lanham: Rowman & Littlefield, 2006), 203.

<sup>12</sup> Grady McWhiney, “Jefferson Davis: The Unforgiven,” *Journal of Mississippi History* 42, no. 2 (1980): 114.

<sup>13</sup> “Jefferson Davis,” *Harper’s Weekly*, May 27, 1865.

<sup>14</sup> Horace Greeley, *What Horace Greeley Knows about the Rise and Fall, the Arrest and Imprisonment, the Trial and the Release on Bail, of Jefferson Davis* (Union Republican Congressional Committee, 1872), 94.



Northern fear was also unleashed with Davis's capture. Their unsettled fear of a "second American revolution," virtually a second civil war, was something many northerners wanted to avoid.<sup>15</sup> In order to do so, implicating Davis in the Lincoln assassination was added to the list of wrongs. His position as leader of the secession and the supposed arch enemy of Abraham Lincoln seemed enough to claim his involvement with John Wilkes Booth and the plot. There was no evidence to discount his participation, after all. A dispatch from the war department suggested the assassination plot had been given the "go-ahead in Richmond."<sup>16</sup> Northerners confidently believed Davis would be "inculpated in the plot" to murder President Lincoln, despite the minimal evidence.<sup>17</sup>

The range of accusations from northern citizens demonstrates the incredible amount of fear and panic this unprecedented war and assassination had on society. The people wanted someone to pay the punishment for the tragedies of war, and they wanted to single that person out quickly. Jefferson Davis acted as their scapegoat, the man in the limelight at the time. By focusing the blame for the entire war and Lincoln's assassination on him, and then by calling for his trial and execution, he became a surrogate for the rest of the Confederate leaders and citizens, where his removal from society would hopefully rush in a renewed sense of reconciliation to the country.

Horace Greeley, the infamous *New York Tribune* editor, wrote during the war that Jefferson Davis was the "leader of a Conspiracy," a "pseudo-President," and a "bloody-minded villain."<sup>18</sup>

Northerners echoed this rhetoric almost immediately after the 4th Michigan Cavalry of James H.

---

<sup>15</sup> Mark Wahlgren Summers, *A Dangerous Stir: Fear, Paranoia, and the Making of Reconstruction* (Chapel Hill: University of North Carolina Press, 2009), 5.

<sup>16</sup> Mark Wahlgren Summers, *A Dangerous Stir: Fear, Paranoia, and the Making of Reconstruction* (Chapel Hill: University of North Carolina Press, 2009), 41.

<sup>17</sup> Horace Greeley, *What Horace Greeley Knows about the Rise and Fall, the Arrest and Imprisonment, the Trial and the Release on Bail, of Jefferson Davis* (Union Republican Congressional Committee, 1872), 94.

<sup>18</sup> Horace Greeley, *What Horace Greeley Knows about the Rise and Fall, the Arrest and Imprisonment, the Trial and the Release on Bail, of Jefferson Davis* (Union Republican Congressional Committee, 1872), 93-94.

Wilson captured the Confederate president in May of 1865.<sup>19</sup> The war had ended, and the perpetrators of the failed southern cause were in Union hands. Northern voices quickly called for his fate to be determined, emphatically calling Davis's actions treasonous, citing treason as the "highest crime" found in the Constitution.<sup>20</sup> Davis was the symbol of "southern wickedness," and represented all the Union military had "discredited – slavery, states' rights, and secession."<sup>21</sup> Everything Davis stood for, in the North's eyes, reeked of treason. When Lee, unable to protect the Confederate capital at Richmond, surrendered to Grant at Appomattox, Davis fled to Georgia where Wilson's cavalry caught and arrested him. From the moment of his capture, Union soldiers' excitement for his punishment echoed in songs like "Jeff in Petticoats," narrating that Davis knew the Yankee soldiers came to "hang old Jeff."<sup>22</sup>

Emotions still ran high in the United States six months after Davis's capture and imprisonment in Fortress Monroe. *Harper's Weekly* published another article dealing with Davis's treasonous implications on November 25, 1865, writing that a jury's agreement of treason would only "affirm what the country has already decided."<sup>23</sup> In essence, a judicial decision would not change the minds of northerners; Davis was already guilty and singled out as the Confederate scapegoat. His execution would only calm the fears and emotions of the north. But, would Davis's conviction and execution cause uproar in the south? The end of the article debates the intent of trial and execution for treason: is it "revenge or prevention" for the future?<sup>24</sup> This evidence of the shift in rhetoric regarding Davis's fate, and one of the first times a conversation concerning the discrepancies found between healing and justice was initiated. The

---

<sup>19</sup> Nina Silber, *Romance of Reunion: Northerners and the South, 1865-1900* (Chapel Hill: University of North Carolina Press, 1993), 29.

<sup>20</sup> "Jefferson Davis," *Harper's Weekly*, May 27, 1865.

<sup>21</sup> Grady McWhiney, "Jefferson Davis: The Unforgiven," *Journal of Mississippi History* 42, no. 2 (1980): 116

<sup>22</sup> George Cooper and Henry Tucker, *Jeff in Petticoats: A Song for the Times*. (Wm. A. Pond & Co., 547 Broadway, 1865). Page 5. <http://jhir.library.jhu.edu/handle/1774.2/17320>.

<sup>23</sup> "The Trial of Davis," *Harper's Weekly*, November 25, 1865.

<sup>24</sup> "The Trial of Davis," *Harper's Weekly*, November 25, 1865.

article even states as the last sentence that the “public mind [views the] point very differently,” clearly meaning the public was not yet over the war and still saw Davis as the prime traitor.<sup>25</sup>

Horace Greeley echoed this shift in rhetoric as well in the *New York Tribune* nearly a month after the arrest. He wrote in June of 1865 that the only reason to hang Davis would be if the hanging “would benefit either the blacks or the poor whites of the south.”<sup>26</sup> Greeley’s fear was hanging these rebel chiefs in cold blood; he did not believe execution would help the reconciliation process. Justice would “greatly interfere with the more important goal of reconciliation,” or healing.<sup>27</sup> Rather, it would cause Davis to become a martyr to the south, essentially angering the ex-Confederates, who would raise arms again against the Union supporters still in the south – the newly emancipated blacks.

The alteration in rhetoric seen from *Harper’s Weekly* and Horace Greeley opens the question of the country’s emotional status post-Davis’s indictment. There appears to be a large difference in the rhetoric of the people when compared to some newspapers and popular figures. Eight months after the arrest, the Kansas State Senate passed a resolution that favored the “trial, conviction and hanging” of Jefferson Davis, leader of the rebellion and “guilty of treason.”<sup>28</sup> The stance of the public had not changed since his arrest. Anger, revenge, and retribution still remained in the northern minds. Davis, unlike Robert E. Lee, refused to “admit any guilt” or “apologize for his actions and the cause he had led.”<sup>29</sup> He acted as if the war had never ended, as if the southern cause was still in existence. This apologetic refusal spilled over and gave the

---

<sup>25</sup> “The Trial of Davis,” *Harper’s Weekly*, November 25, 1865.

<sup>26</sup> Horace Greeley, *What Horace Greeley Knows about the Rise and Fall, the Arrest and Imprisonment, the Trial and the Release on Bail, of Jefferson Davis* (Union Republican Congressional Committee, 1872), 95.

<sup>27</sup> Brian F. Carso, Jr., *Whom Can We Trust Now?: The Meaning of Treason in the United States from the Revolution through the Civil War* (Lanham: Rowman & Littlefield, 2006), 183.

<sup>28</sup> “The Kansas Legislature on Jefferson Davis,” *New York Times*, January 19, 1866.

<sup>29</sup> Grady McWhiney, “Jefferson Davis: The Unforgiven,” *Journal of Mississippi History* 42, no. 2 (1980): 119.

southern “Lost Cause its lifeblood.”<sup>30</sup> Had Davis accepted defeat, the northern public might have accepted him, his cause, and the southern people back more willingly into the Union. The lack of confession from Davis also fueled northern fear that a second war was soon to follow. If the leader of the traitors was to not accept defeat, what stood in the way of the ex-Confederates raising arms again? In other words, Jefferson Davis’s negligence to accept his failed cause hindered the reconciliation process, and, furthermore, scarred the way his legacy is remembered to this day by Americans.

The alteration also shows a glimpse into what the larger process of reconciliation and reunion meant to the country after the war. Initially, the tone of the nation seemed to chant ‘Hang Jeff Davis from a sour apple tree,’ echoed in songs like “Good Bye Jeff” by Phillip P. Bliss and “Jeff in Petticoats” by George Cooper and Henry Tucker. These phrases became popular to the public in the immediate post-war. After all, hanging the rebel leader appeared to be the only ‘quick fix’ to the question of reconciliation and reunion. How was the nation to move forward when the leader of the rebellion was not turned into a public example of the consequences of rebellion and treason? Anti-Davis phrases continued to stay popular years after the war. Grand Army veterans, meeting in Albany in 1886, broke out into “We’ll Hang Jeff Davis from a Sour Apple Tree” towards the end of their assembly meeting.<sup>31</sup>

Based on Greeley’s changing opinion from the *New York Tribune*, though, the entire nation did not continue this anti-Davis sentiment for too long after the end of the war. The emotional hot-headedness and fear wore thin within a year of his imprisonment, as is exhibited by Greeley

---

<sup>30</sup> David Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge: Harvard University Press, 2001), 260.

<sup>31</sup> “They Object to Jefferson Davis.” *The Washington Post*. April 30, 1886.

on June 22, 1866. He questions the use of “persisting in a cheat” where “nobody is cheated,”<sup>32</sup> implying that Davis, after living in a jail cell for a year with no trial, committed no wrong and should receive a clean slate cleared of any misdeeds. James Harlan, Secretary of the Interior, thought that Davis should be pardoned, fearful of no conviction of treason and the federal government becoming a “calamitous” fool, one embarrassed and unable to “assert its dominance” over the south during Reconstruction following Davis’s acquittal.<sup>33</sup>

Fear surrounded the supposed trial of Jefferson Davis that many hoped would produce a guilty verdict, locking the traitor up until his walk to the gallows. Uncertainty as to whether there was even enough evidence to convict Davis was the primary concern. The constitutionality of secession, the main reason he was labeled a traitor, was still highly debated. No clear ruling had previously been determined as to what the legal stance was regarding secession. Many held opinions regarding the constitutionality, but doubt of whether those opinions would hold in court bred fear of Davis being granted freedom. The fear alone that Davis might escape a guilty sentence for treason was enough for some to give up hope or “expectation of convicting him.”<sup>34</sup> Another fear of trying Davis was that in the event he was found guilty and sentenced to hanging, the healing and reunion process of bringing the north and south together would be disrupted, if not permanently damaged. With northerners already feeding their unsettled fear of a second civil war, the conviction and execution of Davis would only intensify the possibility of a southern revolt that resulted in exactly that fear of a second war.

---

<sup>32</sup> Horace Greeley, *What Horace Greeley Knows about the Rise and Fall, the Arrest and Imprisonment, the Trial and the Release on Bail, of Jefferson Davis*. (Union Republican Congressional Committee, 1872). 96.

<sup>33</sup> Elizabeth D. Leonard, *Lincoln’s Avengers: Justice, Revenge, and Reunion after the Civil War* (New York: W.W. Norton & Company, 2004), 149.

<sup>34</sup> Horace Greeley, *What Horace Greeley Knows about the Rise and Fall, the Arrest and Imprisonment, the Trial and the Release on Bail, of Jefferson Davis*. (Union Republican Congressional Committee, 1872). 96.

After two long years of imprisonment in Fortress Monroe, Jefferson Davis was released on a \$100,000 bail bond paid for by eighteen men, three of them “wealthy and prominent Northerners:” Gerrit Smith, Cornelius Vanderbilt, and Horace Greeley.<sup>35</sup> The irony in those who helped free the leader of the secessionist movement complicates the narrative of Davis’s indictment. What motivated these individuals, all who were champions of abolition and advocates of fair trials, to fund the release of a man many considered a criminal? The question has no direct answer, but in all likelihood was influenced by fear. The quick and radical change in rhetoric and action, especially in Greeley’s case, point at no other motivating factor except fear. A year before Davis’s release on bail, Greeley wrote in the *New York Tribune* that “it seems to us he ought to be [tried, and] we can imagine no reason for deferring his trial.”<sup>36</sup>

Why, then, did he contribute money to free Davis? Greeley wrote in 1871 that of the men who signed the bail bond, no one ever criticized them for signing, “not even Wendell Phillips.”<sup>37</sup> Phillips, an abolitionist, had spoken exactly ten days before Davis’s release encouraging others to reject the conciliation efforts, and not to forget the lessons from the prior thirty years.<sup>38</sup> Why did he fall short of his own advice and not condemn those who released Davis? These unanswered questions only complicate the already conflicting and unparalleled reconciliation situation Americans faced in the post-war years. The fear of the unknown results of reunion efforts, and the raw emotions that traumatized and scared society gave way to two differing poles of reconciliationist solutions – healing and justice – both with the intent of helping the nation move on.

---

<sup>35</sup> David Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge: Harvard University Press, 2001), 58-59.

<sup>36</sup> Horace Greeley, *What Horace Greeley Knows about the Rise and Fall, the Arrest and Imprisonment, the Trial and the Release on Bail, of Jefferson Davis* (Union Republican Congressional Committee, 1872), 96.

<sup>37</sup> Horace Greeley, *What Horace Greeley Knows about the Rise and Fall, the Arrest and Imprisonment, the Trial and the Release on Bail, of Jefferson Davis* (Union Republican Congressional Committee, 1872), 96.

<sup>38</sup> David Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge: Harvard University Press, 2001), 50.

The contradictory views surrounding Jefferson Davis, convictions of treason, and his release from prison with no trial opens a more in depth dialogue on the larger process of reconciliation in terms of healing and justice, and how northerners came to terms with the war and its aftermath. Fear, by and large, was the principal motivation behind both sides of the spectrum in regards to calls for Davis's trial and execution, and also to his eventual release. The war, with its massive scope of destruction, the first in American history, almost forced the public to place their full faith into President Andrew Johnson to lead them through Reconstruction. Johnson, though, had a reputation of allowing his "impulsive" mind to dictate his actions, which more often than not angered many of his fellow politicians.<sup>39</sup> His unpredictable style of leadership put his loyalty to the Union in question, primarily because he was unreliable. At the end of the war, Johnson promised "traitors must be punished," but then leniently handed out pardons to ex-Confederates, numbering over 7,000 in 1866.<sup>40</sup> The considerable number of ex-Confederates granted amnesty by Johnson practically fueled the fire of fear, alarming northerners – veterans and citizens alike – that traitors were set free with no punishment. With the knowledge that no punishment was even an option in Johnson's reconstruction policy, fear became instilled into northern minds that the war was not yet over. The unsettled fear of a second war seeped through society and affected the ending results of reconciliationist efforts.

The approach to reconciliation through the healing lens focused itself around two notions: the fears of not achieving sectional reconciliation with Davis's public hanging and of a second war erupting with Davis's execution. These fears help explain why the ex-Confederate president was never tried or sentenced. The struggle to attain northern and southern reunion encountered obstacles from the start, namely the new role of emancipated slaves in society and the state of the

---

<sup>39</sup> Mark Wahlgren Summers, *A Dangerous Stir: Fear, Paranoia, and the Making of Reconstruction* (Chapel Hill: University of North Carolina Press, 2009), 92.

<sup>40</sup> Eric Foner, *A Short History of Reconstruction* (New York: Harper & Row, 1990), 89.

southern economy. The nation wrestled with how to unite two economically and culturally different sections after the war, especially after one had been victorious over the other. Popular figures questioned whether healing and sectional reconciliation would ever be achievable if more blood was to spill. Henry Ward Beecher argued on April 14, 1865 at the raising of the “Old Flag” at Fort Sumter that “effective reconciliation” was a “greater priority” than punishing rebels.<sup>41</sup> Greeley echoed Beecher’s point that “universal amnesty” would “foster a speedy and successful” reconciliation.<sup>42</sup> This rhetoric speaks to why some northerners feared any type of punishment being inflicted on Davis. Would his public execution really help the reconciliation process between the north and the south? The slightest doubt that his death would only hinder the healing process was enough for some to back away from publically calling for his trial and execution. Greeley believed in a policy against “momentary gratification” stemming from “fierce and intolerant” passions.<sup>43</sup> After all, Davis would become a martyr to the south upon his death. The lack of a precedent in punishing traitors also explains the hesitancy to execute him. As time passed from Lee’s surrender and the realization that healing would be a long process set in, the fear of messing up already made progress played into the reasoning why Davis lived.

The approach to reconciliation through justice also had two notions: the fear of not achieving sectional reconciliation unless Davis was hanged and the fear of a second civil war beginning unless Davis’s execution acted as a warning for future rebellions. These unsettled fears that the Civil War was not yet over in the minds of northerners help explain why people called for Davis’s trial and hanging. With Davis acting as the scapegoat for all Confederate

---

<sup>41</sup> Brian F. Carso, Jr., *Whom Can We Trust Now?: The Meaning of Treason in the United States from the Revolution through the Civil War* (Lanham: Rowman & Littlefield, 2006), 183.

<sup>42</sup> *Whom Can We Trust Now?: The Meaning of Treason in the United States from the Revolution through the Civil War* (Lanham: Rowman & Littlefield, 2006), 184.

<sup>43</sup> *Whom Can We Trust Now?: The Meaning of Treason in the United States from the Revolution through the Civil War* (Lanham: Rowman & Littlefield, 2006), 184.



wrongdoings, his removal from the puzzle of reconstruction and reunion could have made the process easier. Davis represented the Confederacy and its failures, and if he had been made a public example of treason, the precedent for treasonous punishment would finally be set for future reference. Panic of a possible second civil war also fueled northerners to call for Davis's execution. Union veterans had just returned home from war, tired and often times maimed, not wanting to fight another long, hard war again. Emancipated slaves also feared that another war would break out if Davis was not to be executed. The fear of emancipation and the Thirteenth Amendment being declared null and void fueled their desire for Davis to pay the price for slavery and the war. Blacks, fearful the benefits they received after the war would be taken away, were close to rioting upon Davis's release.<sup>44</sup> With no clear discourse of how to approach sectional reconciliation, and the idea that national healing could only be achieved by enacting justice on the Confederate traitors, fears of never healing and the start of a second war help explain the callings for Davis's trial and execution.

In the aftermath of the Civil War, society faced the task of piecing together the nation that had almost been ripped apart. This unmatched period, soaked with incredible violence and destruction, wounded the psyches of all Americans – north, south, veterans, blacks, and every day citizens. The emotional trials and tribulations gave way to multiple responses on how to heal the north and south back together. Historians Blight, Richardson, and Silber offered three strict lenses to view the reconciliation process. However, an underlying tone that encompasses those three lenses gives a fuller and meatier study of northern societal reactions to reconciliation. Americans were blind on how to lead themselves through this reconstructive process. No reunion on this scale was available to serve as a foundational guide. With no knowledge of whether

---

<sup>44</sup> David Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge: Harvard University Press, 2001), 58.

reconciliation would be successful and how it would be accomplished, fear influenced the actions taken immediately after the war. The calls for and against Jefferson Davis's trial and execution epitomize this addition of fear to memory studies. Race, class, and gender all fall under the umbrella of fear; each explains various actions during Reconstruction that affected sectional reconciliation. By placing those categories under a larger one of fear, the impulsive nature of the actions are better understood. Fear adds another complex layer to the reconciliation solutions of healing and justice, and how those answers to reunion were fueled by more than one simple answer of race, class or gender. Ultimately, fear, in unfamiliar situations, motives people to act politically. By studying what people called for and why they called for it in regards to Jefferson Davis's life, the conflicting views and paradoxical cycle of how to approach sectional reconciliation and heal a nation after a bloody war proves that reconstruction is a process, and is composed of more than one element that fueled the reconciliationist engine in the late 1860s.

## Bibliography

- Blight, David. *Race and Reunion: The Civil War in American Memory*. Cambridge: Harvard University Press, 2001.
- Carso Jr., Brian F. *Whom Can We Trust Now?: The Meaning of Treason in the United States from the Revolution through the Civil War*. Lanham: Rowman & Littlefield, 2006.
- Cooper, George and Henry Tucker. *Jeff in Petticoats: A Song for the Times*. Wm. A. Pond & Co., 547 Broadway, 1865. Found at <http://jhir.library.jhu.edu/handle/1774.2/17320>.
- Foner, Eric. *A Short History of Reconstruction*. New York: Harper & Row, 1990.
- Gallagher, Gary. *The Union War*. Cambridge: Harvard University Press, 2011.
- George Jr., Joseph. "The Conspiracy Trial's 'Suppressed Testimony': An Attempt to Implicate Jefferson Davis in Lincoln's Assassination." *Lincoln Herald* 111, no. 2 (2009): 94 – 127.
- Greeley, Horace. *What Horace Greeley Knows about the Rise and Fall, the Arrest and Imprisonment, the Trial and the Release on Bail, of Jefferson Davis*. Union Republican Congressional Committee, 1872.
- "Jefferson Davis." *Harper's Weekly*, May 27, 1865.
- Leonard, Elizabeth D. *Lincoln's Avengers: Justice, Revenge, and Reunion after the Civil War*. New York: W.W. Norton & Company, 2004.
- Lincoln, Abraham. *First Inaugural Address*, March 4, 1861. Abraham Lincoln Papers. Library of Congress.
- Lincoln, Abraham. *Fourth Annual Message to Congress*. December 6, 1864. Abraham Lincoln Papers, Library of Congress.
- McWhiney, Grady. "Jefferson Davis: The Unforgiven." *Journal of Mississippi History* 42, no. 2 (1980): 113 – 127.
- Richardson, Heather Cox. *West from Appomattox: The Reconstruction of America after the Civil War*. New Haven: Yale University Press, 2007.
- Silber, Nina. *Romance of Reunion: Northerners and the South, 1865-1900*. Chapel Hill: University of North Carolina Press, 1993.
- Summers, Mark Wahlgreen. *A Dangerous Stir: Fear, Paranoia, and the Making of Reconstruction*. Chapel Hill: University of North Carolina Press, 2009.
- "The Kansas State Legislature on Jefferson Davis." *New York Times*. January 19, 1866.

“They Object to Jefferson Davis.” *The Washington Post*. April 30, 1886.

“The Trial of Davis.” *Harper’s Weekly*, November 25, 1865.