

*"They write politics, we write government"*

# ROBERT E. LEE

## An Icon of the Antebellum South and the Jim Crow South

*"Obedience to lawful authority is the foundation of manly character." – Robert E. Lee*

One hundred and fifty years after his death, he is known as the Marble Man. It is only fitting that the controversy today is about his statues.

Lee's real life and his legend are mixed up in a complex web of lore, clouded by the passage of time. He often seems more fictional character than a real person. A man of such reverence during the Civil War, ownership of his image today is part of a many-sided battle over the legacy of the Confederacy. Interest groups push narratives to advance their cause, rather than the truth. Some of these causes are unjust or even un-American.

There are shelves full of fine biographies of Lee and libraries of Civil War books in which he takes a star turn. We're not going to review his papers or make some new historical discovery. The questions we try to answer here are about his legacy. He clearly accomplished great things, but most were in the furtherance of a terrible cause. We merely try to tally the ledger.

- Why did Robert E. Lee join the Confederate Army?
- What did he do during the war?
- Why did Lee surrender? What did he do after the War?

### Why did Robert E. Lee join the Confederate Army?

The Lees were – and still are – one of Virginia's "first families," as close to nobility as has ever existed in the Old Dominion. A trip up the list of Lee's ancestors tells us a little about the world into which Robert E. was born:

- Henry Lee III (father of R.E.): a senior General in Washington's Army, known as

"Light-horse Harry Lee." Later called back into service by President Washington to fight the Whiskey Rebellion.

- Charles Lee (brother of Henry III, uncle of R.E.): appointed Attorney General by George Washington, serving until the end of the Adams Administration. A third brother, Richard Bland Lee, was an early Congressman.<sup>1</sup>

<sup>1</sup> I always thought that Fort Lee, New Jersey was named after Light-horse Harry Lee, but it was actually named after Charles Lee. I also thought that "Charles Lee (Revolutionary War General)" was the same person as "Charles Lee (attorney general and R.E. Lee's uncle)." But

the town was named after a different guy with the same name, unrelated to our Lees. The other Charles Lee was born in England and only moved to the colonies in 1773. So far as I can tell, he left England because he had annoyed

- Thomas Lee (great-great-uncle of R.E.): Colonial luminary, Governor of Virginia (1749-1750)
- Richard Henry Lee (son of Thomas Lee): Began the process in the Continental Congress that resulted in the Declaration of Independence. Served one term as President under the Articles of Confederation. Inaugural Senator from Virginia.
- Francis Lightfoot Lee (brother of Richard Henry): Another signer of the Declaration of Independence.<sup>2</sup>
- Zachary Taylor (3<sup>rd</sup> cousin, once removed): Mexican War hero and twelfth U.S. President.
- Sara Knox Taylor (daughter of Zachary): wife of Jefferson Davis, President of the Confederate States of America.

I could belabor the point with other significant Lee family members,<sup>3</sup> but he clearly had extensive family relationships in Virginia. Members of his family were critical in her fight for union with the other states.

Lee's upbringing was not as gold-plated as one might imagine.<sup>4</sup> We think of Lee on the great plantation in Arlington, but this was the property of his wife's family, coming into his possession only after the death of his father-in-law. Lee's father had a challenging life in the new nation he had fought valiantly to create. After a term as Governor of Virginia, Light-horse Harry lost everything in the

Panic of 1796-1797; he served one year in a debtor's prison. Riots in Baltimore would also prove tragic. Defending a friend against a mob of political enemies, Light-horse Harry suffered serious injuries, including what we today would likely call post-traumatic stress disorder.<sup>5</sup> He moved to the West Indies to convalesce. He never again saw Virginia, passing when Robert E. was eleven years old. Lee's mother was left with six children and little means of support.

Times were certainly tough, but Virginia still provided a nice safety net to her First Families who had fallen on hard times. Robert secured appointment to the Military Academy, graduating from West Point in 1829. He excelled, graduating second in a class of forty-five cadets.<sup>6</sup> Lee followed the prestigious track of military engineering, and began a slow climb up the ranks. In what appears to be a typical military career, he spent the next fifteen years shuttling between distant outposts and desk jobs. He worked on the design and construction of new forts, became a master of processing the massive volumes of military paperwork, and laid out the boundary between Michigan and Ohio.<sup>7</sup>

The life of a mid-nineteenth-century junior officer in the U.S. Army rested on the foundation of long stretches of tedium. Lee would likely have spent twenty more years doing important but monotonous work in ignominy had the Mexican War not broke out. Despite the United States' *causus belli* being

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every single person in the mother country. For more on "Charles Lee the General," see [American National Biography Online](#).

<sup>2</sup> Unlike his brother, who was out of town on July 2<sup>nd</sup>, Francis Lee signed the Declaration punctually.

<sup>3</sup> OK, one more. R.E. Lee's wife, Mary Custis Lee, was a great-grand-daughter of Martha Custis, better known as Martha Washington, meaning that our subject was a step-great-grandson-in-law to George Washington. Mary Lee was also Robert E.'s 3<sup>rd</sup> cousin in two different ways, as well as his 4<sup>th</sup> cousin via a third lineage. I do not recommend going down the Lee family tree rabbit hole further than I did, but [Wikipedia](#) is a good starting point and [WikiTree](#) has a genealogy that appears accurate.

<sup>4</sup> Let's not go too far with this. Lee's upbringing still compared favorably with, say, the upbringing of the slaves owned by his family.

<sup>5</sup> For more on the 1812 Baltimore Riot, see the [National Park Service](#)

<sup>6</sup> It is often claimed that he was the only Cadet in history to graduate without any demerits; this is a myth. He indeed had a spotless record, but was one of five in his class alone.

<sup>7</sup> There were some problems with said boundary, and the two states fought the (nearly bloodless) "Toledo War" to settle it. Lee was promoted for his work during this period, so we can presume this conflict was not his fault.

morally questionable (at best), it created the opportunity for unquestioned military glory. Lee found himself in a great position for the coming conflict, being named a chief aide to commanding General Winfield Scott during his Mexico City Campaign.

An audacious move that would have impressed Napoleon or Alexander, Scott landed 12,000 troops on Mexico's Gulf Coast. He marched them more than 300 miles inland, through the heart of his enemy's territory, winning numerous battles, and occupying Mexico City. This forced a settlement of the War that was highly favorable to the United States.<sup>8</sup> During the campaign, Lee demonstrated his personal bravery by personally reconnoitering the enemy's position on several occasions. His work was important to the campaign's success and his reputation quickly grew. He was slated for advancement to possible high command, and began to receive choice assignments such as commandant at West Point.<sup>9</sup>

A full consideration of the causes of the Civil War is a topic for another day.<sup>10</sup> Eight states seceded immediately after the 1860 Election. This included Texas, where Robert E. Lee was stationed as part of the 4,000-strong Army contingent. These troops were immediately surrendered to the state Confederate government by their Confederate-sympathizing commander. Lee returned to Washington. General Scott, now Commander-in-Chief of all Union forces, wanted Lee to receive one of the several critical upcoming commissions. But, when the Battle of Fort Sumter and Lincoln's call for

troops ensured Virginia's secession, Lee resigned his commission in the U.S. Army. Just five days after Virginia had voted to leave the Union, Lee was commander of its state militia. One week after Virginia was admitted to the Confederacy, Lee was one of its five initial generals. If he had a period of intense consideration, deciding whether to betray the country he swore to protect, it is not apparent in the record.

### **What did he do during the War?**

Today, Lee's military genius is taken as an axiom. But as we have said already, history often confuses Lee with his legend. Forgetting about the worthiness of his cause, we can consider Lee purely as military commander.

Lee was not immediately given one of the Confederacy's major field commands. At the Civil War's first major battle, Bull Run, the Armies of the Potomac and Shenandoah were commanded by Generals Beauregard and J.E. Johnston, respectively. Opposition to the Union advance up the Tennessee and Cumberland Rivers was opposed by A.S. Johnston.<sup>11</sup> The Western theater, critical to the control of the Mississippi River, was led by Ben McCulloch, Sterling Price and other Generals of whom you have likely never heard. Lee was relegated to commanding a small force in the second-tier theater of Western Virginia.<sup>12</sup>

In this first command, Lee fought one battle: Cheat Mountain. He was soundly defeated by a force much smaller than his. A strong plan to envelop 3,000 Federal troops failed utterly due to poor co-

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<sup>8</sup> It really was just a war of conquest, started on a pretext, intended to take some of Mexico's richest provinces just because we could.

<sup>9</sup> Lee also commanded the force that defeated John Brown's raid at Harper's Ferry, Virginia, an attempt to provoke a mass slave uprising by the most radical of the Abolitionists. When thinking about Lee's big decision, one can only wonder what this event, along with the death of his father resulting from the Baltimore Riots, taught Lee about the nature and consequences of civil disobedience.

<sup>10</sup> Quickly: yes, it was caused by slavery; no, that is not a complete answer.

<sup>11</sup> Who was killed at the first major battle in the theater, Shiloh. Considered by CSA President Davis to be the South's finest soldier, Johnston was the most senior General killed in the entire War. We often are asked what might have happened if General Thomas J. "Stonewall" Jackson had not died in battle; the same must be asked of Johnston.

<sup>12</sup> Which would soon break away from Virginia and rejoin the Union as West Virginia.

ordination between Lee's subordinates and the General's timidity. A minor battle with little strategic importance, Cheat Mountain is relevant because Lee lost his field command, being placed in charge of fortifications on the South Atlantic Coast. Back in his milieu of engineering, he again excelled. Several of the forts he designed and constructed became Confederate strongholds, foiling repeated attempts by the Union to take them.<sup>13</sup> This critical and excellent work was not rewarded in the public eye. Lee soon became known as the "King of Spades" for the extensive trenchworks he had constructed as well as "Granny Lee" for his hesitancy.

In early 1862, Union General George McClellan, attempted a flanking maneuver, landing a large army on the Virginia coast, between the York and James Rivers. Union troops won several initial battles, advancing on Richmond and wounding the Confederate commander.<sup>14</sup> Lee, almost by process of elimination, was given command of the troops defending Richmond. For the first of many times, Lee properly sized up<sup>15</sup> his opposing commander.

McClellan delayed his attack on the Rebel capital fearing enormous but non-existent Rebel hordes. Lee used the pause to improve Richmond's defenses and prepare his forces. After three weeks of lull, with the capital reasonably secure, Lee launched a series of attacks, known as The Seven Days. While the individual battles of The Seven Days were mostly inconclusive at the tactical level, McClellan's will was

broken as he retreated first down and then off the peninsula.

However, Richmond was soon threatened again, this time by troops advancing from the north. Fighting on top of the old Bull Run battlefield, Lee thrashed the Union Army commanded by John Pope. Ninety days earlier, the Union stood on the doorsteps of the Rebel capital. Lee had defeated two forces, both larger than his own, on two separate fronts. Now, the tables were turned, Lee stood only twenty miles from Washington, D.C.

Lee's plan was to move the war into the Union, sparing his home state further destruction. His first crossing of the Potomac came in the fall of 1862. Narrowly avoiding destruction of his Army at the Battle of South Mountain, Lee took up a position on the west side of a small creek, near a town in western Maryland. The stage was set for Antietam (Sharpsburg), the bloodiest day in American history.

Lee again faced McClellan, who had the good fortune of finding Lee's battle plan on the person of a captured courier. McClellan therefore

knew his enemy's troop dispositions, if not the exact plans. Even with this advantage, he proved unable to coordinate an attack at the start of the day. Instead, McClellan's charge came piecemeal: on the right in the morning, in the center at lunch and on the left in the late afternoon. This allowed Lee to transfer troops to threatened sectors and gave critical

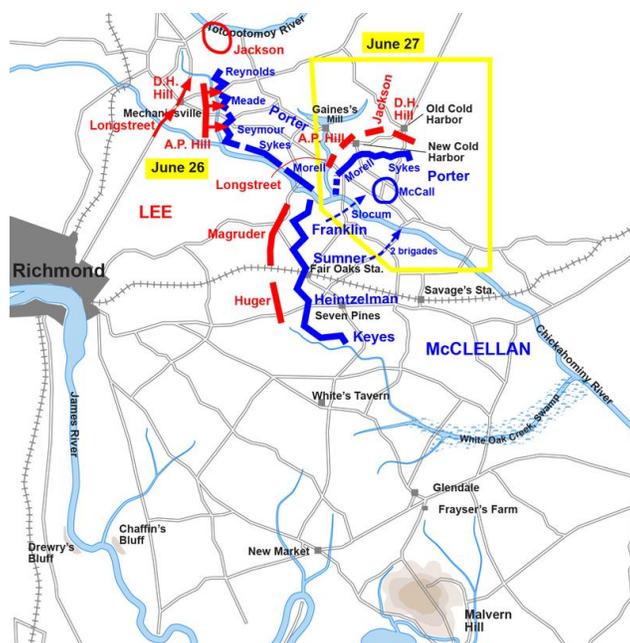


IMAGE 1 - GAINES MILL (THE SEVEN DAYS)

<sup>13</sup> One example was Lee's fortifications of Savannah. Savannah did not fall to any seaborne attacks, standing firm under General W.T. Sherman's approach by land, against which it was never intended to protect.

<sup>14</sup> J.E. Johnston, again.

<sup>15</sup> Or, in fact, sized down. McClellan was a poor commander, especially in this campaign. He was also small of stature.

reinforcements time to arrive. Antietam was a tactical draw. However, having taken casualties of 31% of his Army in a single day, Lee was forced to retreat from Maryland. Despite not losing the battle, his first invasion of the North was over, a strategic defeat.

After the Battle of Antietam came Lee's greatest victories: Fredericksburg and Chancellorsville. In the former, Lee executed a nearly flawless defensive strategy, taking the high ground and holding it against repeated frontal assaults. He caused three Union casualties for every one of his own and forced the Union to retreat across the Rappahannock River.

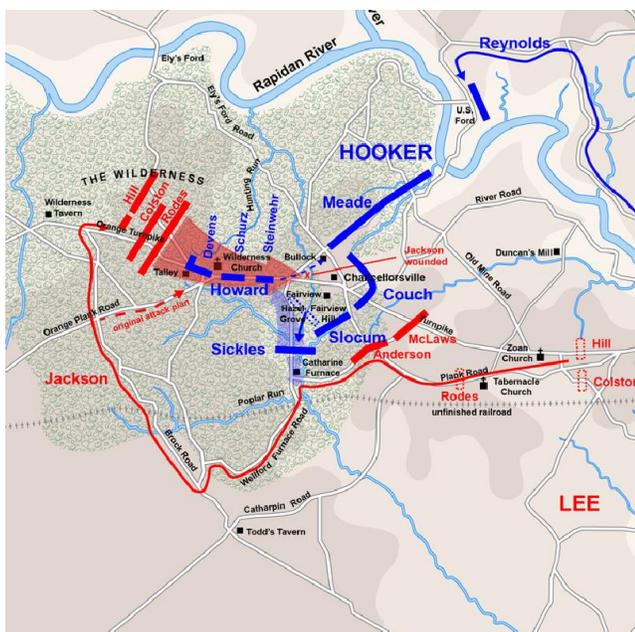


IMAGE 2 - CHANCELLORSVILLE

At Chancellorsville, he executed one of the greatest flanking attacks in military history. Defying all military theory by dividing his forces against a larger enemy, this bold move routed the Union XI Corps. Again, the Union was forced to retreat behind the river to safety. But these victories came at a steep price, as Lee's senior corps commander, General Thomas J. "Stonewall" Jackson, was killed at Chancellorsville.

With Confederate confidence approaching the point of hubris, Lee again decided to invade the North. The

story of the Battle of Gettysburg has been written many times and the blame for the South's loss is a controversy that continues 150 years later. I suppose it's impossible to know who was at fault. Who knows exactly what orders were given to whom and when. What we know for sure is that the so-called Lost Cause has conducted a coordinated, century-long campaign to deflect the blame for Gettysburg from Lee onto his subordinates. According to them:

- Cavalry commander J.E.B. Stuart was out of touch with his commander leading up to the battle. This prevented Lee from knowing Union troop disposition.
- A.P. Hill (Jackson's replacement) should not have started a battle in the first place, as Lee had ordered him to avoid a general engagement.
- General Ewell failed to take the high ground on July 1. Had he held the high ground, the Union would have been unable to make a stand.
- General Longstreet didn't attack aggressively enough on July 2, when Union defenses weren't yet secure.
- General Early failed to attack the Union right on July 3, which might have broken their position, combined with Pickett's charge in the center.

I've read a number of those books about Gettysburg. Lee was not served especially well by his subordinates. From the Seven Days through Chancellorsville, the Army of Northern Virginia command operated so well together that the difference at Gettysburg is striking. On the other hand, poor co-ordination itself is the fault of Lee, the overall commander. With the possible exception of Stuart, each of these subordinates was operating within discretion given to him by Lee. Lee was kept constantly informed of their dispositions. Had Lee wanted them to take specific actions, he needed only to give direct orders – this was, after all, a military operation. And even the greatest of the Lee apologists has no explanation for his ordering of the

disastrous Pickett's Charge on July 3. The losses taken here would leave his army depleted and demoralized; there were victories left to come, but military victory was now unlikely.

Both Armies were exhausted after the Gettysburg Campaign. After the Confederate retreat, there was little fighting for a period of nine months.<sup>16</sup> When fighting resumed in May 1864, Lee faced a new enemy commander, General Ulysses S. Grant.

Abraham Lincoln had finally found a leader shared his understanding of the strategic situation. The Civil War wasn't about conquering territory or even taking Richmond; what mattered was to destroy the Rebel armies in the field. This strategic realization would have two great effects: massive casualties on both sides and eventual Union victory.

The Overland Campaign, concentrated in less than thirty days, featured four major battles interspersed with many skirmishes.

During this period, Lee did not lose any significant battle. The Battles of The Wilderness and Spotsylvania Court House were bloody draws between punch-drunk heavyweights.<sup>17</sup> Cold Harbor was a defensive victory for Lee, of a nature similar to Fredericksburg. But win, lose or draw, Grant kept coming. Soon, Grant was sieging the critical transport junction of Petersburg, complicating any possibility of Lee's troops escaping in good order.

Once there, Grant slowly extended his siege lines, thinning the outmanned Confederates until they could no longer hold. After the surrender of Petersburg (and Richmond) on April 3, 1865, a portion of Lee's command was able to escape. It moved towards supplies available at Danville via the tiny hamlet of Appomattox. It had less than a week remaining before its surrender.

What do we make of Lee's generalship? It is easy to see why Lee is viewed to this day as a tactical master. I haven't listed force strengths for these battles, but Lee was always outnumbered, often by a nearly 2:1 ratio.<sup>18</sup> Despite this, he held the field at the end of his major battles, with just that one big exception. That being said, Lee's strategy to actually win the war has never been clear to me. Perhaps a significant victory on Union soil would have brought intervention from European powers and forced the North to the negotiation table. But, his two major invasions were longshots to succeed. Of course, it's always easy to know that 150 years later. Maybe these unlikely stabs across the Potomac River were the best chances for a Confederacy that was outmanned and outgunned.

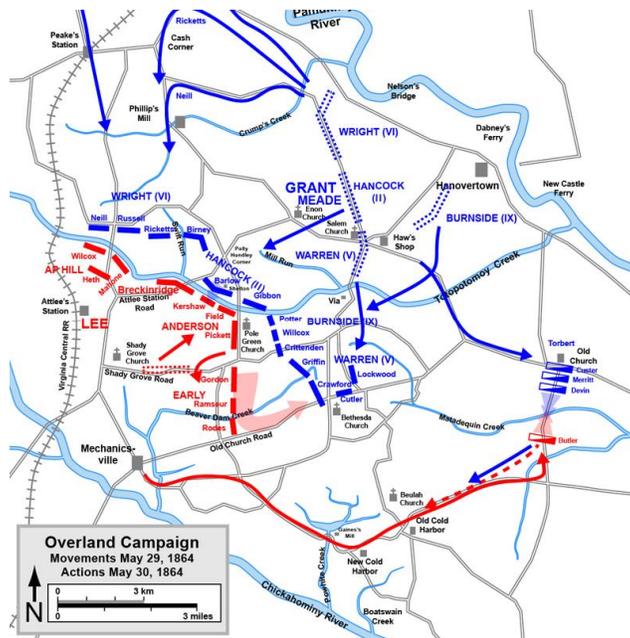


IMAGE 3 - OVERLAND CAMPAIGN

<sup>16</sup> Lee did conduct "invasions" of the North during this period, but these were in fact little more than raids. He also suffered a significant tactical defeat at the Battle of Bristoe Station.

<sup>17</sup> The Wilderness was an especially horrific battle. Briefly, during the first day of fighting, the field of battle itself

caught fire, with many wounded, immobile soldiers reaching a horrific end.

<sup>18</sup> The only exception to this, funny enough, was at Gettysburg, where two sides were of approximately equal strength. On the first day, Lee actually held a significant advantage.

## Why did Lee surrender? What did he do after the War?

After Petersburg fell, Lee and his subordinates knew that the Army of Northern Virginia had little time left as a traditional fighting force. Some of his advisors wanted Lee to disband the troops that remained, encouraging them to disappear into the Virginia countryside, and launch an endless guerilla war. Lee rejected this idea, knowing its likelihood to destroy the country. There is no sign that he gave it even slight consideration. If the insurgency had formed, it may have been as difficult to defeat as the formal Confederacy, as well as causing great suffering, North and South. Lee's action in preventing this outcome deserves praise.

In addition to pre-empting a possible guerilla war, Lee used his enormous prestige to promote reconciliation between the North and South. He testified before Congress in favor of Reconstruction – at least in its less radical forms. Following the policy of Lincoln and Grant, Rebels who returned to their towns and farms were treated gently. Troops of the Army of Northern Virginia were not taken captive. Even the Confederate leaders, like Lee, faced little physical punishment.<sup>19</sup> Lee was not incarcerated in any way, although he did temporarily lose his citizenship and right to vote. Lee's promotion of reconciliation, as well as his visible re-assimilation into the American nation, did much to promote trust between North and South in this critical period.<sup>20</sup>

In 1865, in Lexington, Virginia, there was a small college that took the name of its once-benefactor, George Washington. During, and likely due to, the War, Washington College had fallen on hard financial times. Its Trustees offered Lee the Presidency. The

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<sup>19</sup> Many in the Union were not thrilled when former Rebel leaders became fully assimilated in the post-War society. More famously, Confederate Vice President Alexander Stephens was elected to the Senate after the War. Each state is permitted just two statues in the Capitol's Statuary Hall. Stephens is one of several Confederate leaders represented, as is Lee.

hope seems to have been to raise funds off of his famous name. But clearly, they did not know the old engineer. He completely transformed the school, focused on improving academics and student life. He recruited students from the North, with the stated purpose of promoting reconciliation. By every account I am aware of, Lee was an exemplary college president. Soon, the school was back on solid footing. It survives to this day as Washington and Lee University.<sup>21</sup>

Robert E. Lee died on October 12, 1870. Late in his life, he said that his greatest mistake was pursuing a military education.

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How do we balance the ledger of Lee's legacy? How do we acknowledge the reverence achieved during his life in the South in the context of the purpose for which the Confederacy existed? Do we reward him for opposing secession, even though he joined? How much credit for his method of surrender, or for the five final years of his life? Do we penalize him for the fact that in death he has become a symbol of those who promote racial prejudice and inequality? In no previous Volume have I started my research without my thesis in mind.

I've read dozens of books about the Civil War; they tend to treat Lee kindly, so I was pre-disposed to do the same. Lee likely was a "good person," in the sense that he was certainly devoted to his wife, family, friends and soldiers. His service in the Mexican War was exemplary. He was critical in preventing our nation from descending into guerrilla warfare that might have caused unhealable wounds. He was an able college administrator. We

<sup>20</sup> In 1868, Lee (with other Confederate Generals) signed a letter supporting General Grant in his bid for the Presidency.

<sup>21</sup> For what it's worth, Washington and Lee was segregated during Lee's tenure. It didn't enroll its first African-American student until 1966.

needn't skip over the good things he did in life or the positive facets of his character. We shouldn't erase him from our history. Images of Lee on the Washington and Lee campus seem appropriate, especially if presented with proper context. Perhaps also the Lee Barracks at West Point, given his importance to that institution before the War.

But against Lee's accomplishment and finer points of his character is the act of ultimate treason. That is the only word that describes his decision. As an officer in the U.S. Army, he took an oath; he broke the oath and with it the most central law of any nation. It was only the benevolence of the victors that prevented him from spending the rest of his life in prison, or even facing execution. Treason is a serious crime with serious consequences. We don't put up statues of Benedict Arnold, Alger Hiss or Julius and Ethel Rosenberg. Lee caused far more American deaths than all of them combined.

Our public spaces should be reserved for honoring those who accomplished great things for our city, state or nation. Actions taken in furtherance of the Confederacy do not count towards this standard. Would there be statues of Robert E. Lee standing today in public squares, had he not taken his treasonous decision? Of course not – the remainder of his life, great or otherwise, is remembered solely because he stridently fought for the worst cause in our nation's history.

I have said nothing so far on the topic of whether Lee "believed" in slavery. Lee's defenders offer evidence of his opposition; specifically, he freed many of his personal slaves during the War. Unfortunately, to say Lee opposed slavery requires a selective reading of history. Under his direct instructions, Lee's troops enslaved African Americans captured in battle. Only after the war did he begin to make statements against slavery. Even then, while Lee was in favor of some civil rights, he was stridently against allowed African-Americans

the right to vote. A view of Lee's opinion on slavery during the relevant period is seen in an 1856 letter to his wife:

*"I think [slavery] however a greater evil to the white than to the black race, & while my feelings are strongly enlisted in behalf of the latter, my sympathies are more strong for the former. The blacks are immeasurably better off here than in Africa, morally, socially & physically. The painful discipline they are undergoing is necessary for their instruction as a race, & I hope will prepare & lead them to better things. How long their subjugation may be necessary is known & ordered by a wise Merciful Providence."*

I know the other argument: could Lee, scion of a First Family, be expected to take up arms against his own state. But, this argument has a fatal flaw – fully 40% of Virginian officers remained loyal to the Union, including senior military leaders like General George Henry Thomas and Admiral David Farragut.<sup>22</sup> Winfield Scott himself was a Virginian who remained loyal. Had the thought of attacking his home state been truly unbearable, Lee even had a third choice. He could have resigned his post and found a quiet piece of land on which to pass the four years of conflict. He was not forced to pick up a gun.

So, to me, the conclusion is clear. Lee was not a monster. He didn't cause the Civil War. But it is giving him too much credit to say that he was simply a product of his circumstances. One way we know this is that Lee's treachery was singled out contemporaneously for special treatment among the Rebels. His home was turned into Arlington National Cemetery. The War's casualties would be buried in view of his front porch, specifically so that he would never be able to return. Those who fought against him thought little of Lee's finer points of character.

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<sup>22</sup> Two of Lee's cousins remained with the Union, and served as officers.

What about Washington and Jefferson? They owned slaves too. Madison literally enshrined the right to own other human beings into the Constitution.<sup>23</sup> The difference is that also did great things that were not treasonous or in furtherance of slavery. Washington kept the Continental Army together through long years and explicitly turned down becoming a military dictator. Jefferson was critical in the push towards Independence as well as in gaining foreign aid during the Revolutionary War. He also purchased the Louisiana Territory as a highlight of the eight years of his Presidency. Madison included many compromises in his great work; without them, the Constitution would not have been ratified, and the United States as we know it would never have come to pass. The world would be a far worse place had any of these men not existed.

I can't make such a statement about Lee. Any "greatness" stems from actions taken to directly promote slavery. For this he should be penalized, not credited. Taking down Confederate statues is not erasing our history; Lee's story, the good parts and the bad parts, should be told in books and museums of history. Recall also that veneration of Lee and other Confederate leaders was usually intended to be specific symbols to opposing equality and Civil Rights. We have again reached a point on our nation's history when racial tensions are at the surface, and some of our leaders are again tacitly supporting institutionalized racism. The time has come for all of us to make clear what our nation stands for. The statues should come down.

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<sup>23</sup> Twelve Presidents owned slaves. Even Ulysses S. Grant owned a slave, William Jones. Fortunately, and despite

being in a fairly desperate financial situation, Grant freed Jones rather than selling him.