

Oath of Officers

In “General of the Lost Cause,” Mackubin T. Owens writes that “Lee and the other [former United States military] officers who fought for the Confederacy, however, did take and then violate th[eir] oath [to defend the United States Constitution]” (Spring 2015). Although it is true that some officers who had taken oaths to defend the Constitution later took Confederate commissions and Confederate oaths and fought for the Confederacy, they *resigned* first. The resignation discharged the previous oath. Many U.S. federal judges from rebel states became Confederate judges, but only one—West H. Humphreys—was impeached by the United States House of Representatives and convicted, removed, and disqualified by the United States Senate from holding future office. He had failed to formally resign from his U.S. post before taking the Confederate position.

Likewise, today, when a sitting congressman is reelected to his seat, he does not rely on the oath of office which he took at the start of his first term. Rather, a new oath must be taken at the start of each successive term. I agree with Owens that all U.S. military officers who fought for the Confederacy committed treason, but that is because they levied war against the rightful government of the United States, not because they violated any oath.

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