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**APPROVED**

**AUG 5 - 1975**

*Ceremony -  
Lee Memorial,  
Washington, Va. (2:12pm)  
Statement  
issued 8/5/75*

*To RDC:WWS  
8/6/75*

**ACTION**

**Last Day: August 5**

**THE WHITE HOUSE**

**WASHINGTON**

**August 4, 1975**

**MEMORANDUM FOR: THE PRESIDENT**  
**FROM: JIM CANNON**  
**SUBJECT: S.J. Res. 23 - Citizenship  
for General Robert E. Lee**

Attached for your consideration is S.J. Res. 23, sponsored by Senator Byrd, which would posthumously restore to General Robert E. Lee full rights of U.S. citizenship, effective June 13, 1865.

Additional background on the enrolled resolution is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus), and I recommend approval of the enrolled resolution. Paul Theis will provide you with remarks for your use this afternoon.

**RECOMMENDATION**

That you sign S.J. Res. 23 at Tab B.



**APPROVED**  
AUG 5 - 1975



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

JUL 30 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Resolution S.J. Res. 23 - Citizenship for  
General Robert E. Lee  
Sponsor - Sen. Byrd (Ind. D) Virginia

Last Day for Action

August 5, 1975 - Tuesday

Purpose

To posthumously restore to Robert E. Lee full rights of U.S. citizenship.

Agency Recommendations

Office of Management and Budget

Approval (Signing Statement attached)

Department of Justice

No objection

Discussion

This enrolled joint resolution, would, pursuant to Section 3 of the 14th Amendment to the U.S. Constitution, remove the legal disabilities placed upon General Lee as a result of his Civil War military service and posthumously restore to him the full rights of citizenship, effective June 13, 1865. Section 3 of the 14th Amendment prohibits any person from holding office as a member of Congress, as a civil or military officer of the United States, or as an executive, legislative, or judicial officer of any State if that person has previously taken an oath as such an officer to support the Constitution and later engaged in an insurrection, rebellion, or treasonous action against the United States.

The history of General Lee's bid for restoration of full citizenship is complicated by a series of intervening events affecting his eligibility for amnesty.

Following General Lee's surrender of the Army of Northern Virginia at Appomatox on April 9, 1865, President Andrew Johnson issued four Proclamations of Amnesty, the first of which, dated May 29, 1865, contained exceptions applicable to people of General Lee's rank. Facing an indictment for treason, General Lee applied on June 13, 1865 to the President, through General Ulysses S. Grant, for restoration of full citizenship. However, General Lee's application was defective in that the oath of allegiance required, by a subsequent Presidential order, to accompany such applications was not included in Lee's petition. It was not included because the order requiring it had not reached Richmond in time. General Grant nevertheless endorsed Lee's application and recommended that amnesty and pardon be granted.

On October 2, 1865, General Lee executed an oath of allegiance which met the conditions of President Johnson's first Proclamation of Amnesty. However, it is reported that Secretary of State William H. Seward gave Lee's application to a friend as a souvenir and the oath of allegiance was apparently pigeonholed.

The second and third amnesty proclamations issued by President Johnson in 1867 and 1868 also excepted people in categories including General Lee -- namely, those of high military rank and those under indictment for treason.

On February 15, 1869, the indictment for treason against General Lee was dismissed. However, General Lee died on October 12, 1870 without action having been taken on his petition for restoration of his citizenship. President Johnson's fourth proclamation of amnesty on December 25, 1875 was unconditional and without exception and it would have posthumously restored full rights of citizenship to Lee had not the ratification of the 14th Amendment intervened.

In 1970, General Lee's oath of allegiance was discovered among old State Department records located in the National Archives. In response to this discovery, joint resolutions were introduced in the 92nd and 93rd Congresses. These resolutions were not passed by Congress.

Your approval of the enrolled resolution would complete the action that President Johnson presumably would have taken but

for the misdirection of General Lee's application and would restore to General Lee full citizenship.

We have attached a signing statement for your consideration.

*James M. Frey*

Assistant Director  
for Legislative Reference

Enclosures

To: J. Conaway  
7-30-75  
11:00 a.m.



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

JUL 30 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Resolution S.J. Res. 23 - Citizenship for  
General Robert E. Lee  
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The history of General Lee's bid for restoration of full citizenship is complicated by a series of intervening events affecting his eligibility for amnesty.

Following General Lee's surrender of the Army of Northern Virginia at Appomatox on April 9, 1865, President Andrew Johnson issued four Proclamations of Amnesty, the first of which, dated May 29, 1865, contained exceptions applicable to people of General Lee's rank. Facing an indictment for treason, General Lee applied on June 13, 1865 to the President, through General Ulysses S. Grant, for restoration of full citizenship. However, General Lee's application was defective in that the oath of allegiance required, by a subsequent Presidential order, to accompany such applications was not included in Lee's petition. It was not included because the order requiring it had not reached Richmond in time. General Grant nevertheless endorsed Lee's application and recommended that amnesty and pardon be granted.

On October 2, 1865, General Lee executed an oath of allegiance which met the conditions of President Johnson's first Proclamation of Amnesty. However, it is reported that Secretary of State William H. Seward gave Lee's application to a friend as a souvenir and the oath of allegiance was apparently pigeonholed.

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*James M. Frey*  
Assistant Director  
for Legislative Reference

Enclosures



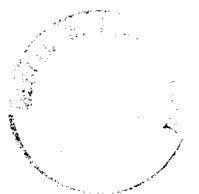
STATEMENT BY THE PRESIDENT

I have today signed S.J. Res. 23, restoring posthumously full rights of citizenship to General Robert E. Lee.

General Lee was a widely respected military figure and a person whose dedication to duty has never been questioned. During his distinguished career, he honorably served both the United States and his native State of Virginia. However, as a result of his service as General of the Army of Northern Virginia, his citizenship had been forfeited. He faced defeat at the close of the Civil War with dignity and he later humbly sought to regain his full rights of citizenship in accordance with the Proclamations of Amnesty of President Andrew Johnson.

This resolution responds to the formal application of General Lee to the President on June 13, 1865 for the restoration of full rights of citizenship. Although this petition was endorsed by General Grant and forwarded to the President through the Secretary of War, Lee's application did not include his oath of allegiance, simply because notice of this additional requirement had not reached Richmond prior to the forwarding of his application. Upon his inauguration as President of Washington College on October 2, 1865, General Lee executed a notarized oath of allegiance. However, his application was never acted upon by the President apparently since the oath of allegiance had been lost only to be discovered over 100 years later in 1970 in the National Archives.

In passing and approving this joint resolution, the Congress and the President, respectively, have removed the legal disabilities placed upon General Lee as a result of his Civil War



military service in accordance with Section 3 of the 14th Amendment and in recognition that General Lee had, in the course of his petition for restoration of full rights of citizenship, fulfilled the conditions for amnesty and pardon contained within President Andrew Johnson's Proclamations of Amnesty.

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

*RRR*

Date: July 30

Time: 11:30am

FOR ACTION: Dick Parsons  
Max Friedersdorf  
Ken Lazarus  
Paul Theis

cc (for information) Jim Cavanaugh  
Jack Marsh

**RETURN TO RESEARCH  
ROOM 123**

FROM THE STAFF SECRETARY

*RR*

DUE: Date: August 1

Time: 400pm

SUBJECT:

S.J. Res. 23 - Citizenship for General Robert E. Lee

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

1975 JUL 30 PM 1 29



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James H. Cavanaugh  
For the President

insert

ral Lee was a widely respected leader  
dedication to duty has never been  
ioned. He played a particularly  
icant role in unifying the nation  
e years immediately following the  
l War.

insert

General Lee was a widely respected leader whose dedication to duty has never been questioned. He played a particularly significant role in unifying the nation in the years immediately following the Civil War.

*Revised  
to remarks*

STATEMENT BY THE PRESIDENT

I am pleased to have signed today S.J. Res. 23, restoring posthumously the long overdue full rights of citizenship to General Robert E. Lee.

*insert* ~~General Lee was a widely respected military figure whose dedication to duty has never been questioned.~~ During his distinguished career, he honorably served both the United States and his native State of Virginia. However, as a result of his service as General of the Army of Northern Virginia after having served in the Union Army, his full rights of citizenship had been forfeited. He faced defeat at the close of the Civil War with dignity and he later humbly sought to regain his full rights of citizenship in accordance with the Proclamations of Amnesty issued by President Andrew Johnson.

This resolution responds to the formal application of General Lee to the President on June 13, 1865, for the restoration of full rights of citizenship. Although his petition was endorsed by General Grant and forwarded to President Andrew Johnson through the Secretary of War, General Lee's application did not include his oath of allegiance because notice of this additional requirement had not reached him before he forwarded the application. Upon his inauguration as President of Washington College on October 2, 1865, General Lee executed a notarized oath of allegiance. However, his application was never acted upon by the President apparently because the oath of allegiance was lost. It was discovered in the National Archives more than 100 years later in 1970.

In passing and approving this joint resolution, the Congress  
and the President <sup>has</sup> ~~have~~ removed the legal disabilities placed  
upon General Lee as a result of his Civil War military service.  
I am delighted to sign this ~~bill~~ *resolution*.

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: July 30

Time: 11:30am

FOR ACTION: Dick Parsons *pk*  
Max Friedersdorf  
Ken Lazarus *cc don't change S.S.*  
Paul Theis *pk*

cc (for information): Jim Cavanaugh  
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: August 1

Time: 400pm

SUBJECT:

S.J. Res. 23 - Citizenship for General Robert E. Lee

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

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Draft Reply

For Your Comments

Draft Remarks

REMARKS:

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If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.  
For the President



OK M  
Slark  
Senator Byrd's Office

ROOM 128  
RETURN

STATEMENT BY THE PRESIDENT

RETURN TO ROOM 128  
I am pleased to have signed today

Long overdue

today signed S.J. Res. 23, restoring posthumously the full rights of citizenship to General Robert E. Lee.

after having served in the Union Army

General Lee was a widely respected military figure and a person whose dedication to duty has never been questioned.

During his distinguished career, he honorably served both the United States and his native State of Virginia. However, as

this sentence is misleading  
It was because he had also been a colonel in the Union Army before the Civil War

a result of his service as General of the Army of Northern Virginia, his full rights of citizenship had been forfeited. He faced defeat

at the close of the Civil War with dignity and he later humbly sought to regain his full rights of citizenship in accordance with the Proclamations of Amnesty issued by President Andrew Johnson.

This resolution responds to the formal application of General Lee to the President on June 13, 1865, for the restoration of full rights of citizenship. Although this petition was

endorsed by General Grant and forwarded to the President through the Secretary of War, Lee's application did not include his

oath of allegiance, ~~simply~~ because notice of this additional requirement had not reached Richmond prior to the forwarding of

~~the~~ application. Upon his inauguration as President of Washington College on October 2, 1865, General Lee executed a notarized

oath of allegiance. However, his application was never acted upon by the President apparently since the oath of allegiance

was had been lost, only to be discovered over 100 years later in 1970.

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In passing and approving this joint resolution, the Congress and the President respectively have removed the

the President)

and ~~respectively~~ have removed the legal disabilities placed upon General Lee as a result of his Civil War military service, ~~in accordance with Section 3 of the 14th Amendment and in recognition that General Lee had, in the course of his petition for restoration of full rights of citizenship, fulfilled the conditions for amnesty and pardon contained within President Andrew Johnson's Proclamations of Amnesty.~~

I am hereby asked to sign  
This bill.

THE WHITE HOUSE  
WASHINGTON

July 30, 1975

MEMORANDUM FOR: JIM CAVANAUGH  
FROM: MAX L. FRIEDERSDORF *M.L.F.*  
SUBJECT: S.J.Res. 23 - Citizenship for General Robert E. Lee

The Office of Legislative Affairs concurs with the agencies  
that the subject resolution be signed.

Attachments

*I recommend signing  
ceremony - Max.*

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: July 30

Time: 11:30am

FOR ACTION: Dick Parsons  
Max Friedersdorf  
Ken Lazarus  
Paul Theis

cc (for information): Jim Cavanaugh  
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: August 1

Time: 400pm

SUBJECT:

S.J. Res. 23 - Citizenship for General Robert E. Lee

*No objection.  
Richard D Parsons  
med.*

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

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James M. Cavanaugh  
For the President

THE WHITE HOUSE

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FOR ACTION: Dick Parsons  
Max Friedersdorf  
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FROM THE STAFF SECRETARY

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DUE: Date: August 1

Time: 400pm

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SUBJECT:

S.J. Res. 23 - Citizenship for General Robert E. Lee

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

This bill is offensive to certain Members of Congress who consider it to be presumptuous and reflective of Northern dominance of the South. The draft signing statement is very artfully drafted to meet this minor problem and should not be changed.

KEN LAZARUS 7/31/75

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James H. Cavanaugh  
For the President

**Department of Justice**  
**Washington, D.C. 20530**

JUL 25 1975

Honorable James T. Lynn  
Director, Office of Management  
and Budget  
Washington, D.C. 20503

Dear Mr. Lynn:

In compliance with your request, I have examined a facsimile of the enrolled resolution S.J. Res. 23, "To restore posthumously full rights of citizenship to General R.E. Lee."

Clearly, the purpose of the resolution is to remove, in accordance with section 3 of the Fourteenth Amendment, the legal disabilities placed upon General Lee as a result of his service as General of the Army of Northern Virginia, and to posthumously restore to General Lee the full rights of citizenship effective June 13, 1865.

Section 3 of the Fourteenth Amendment provides that no person shall hold federal or state office, who, having previously sworn to support the Constitution of the United States, has engaged in insurrection or rebellion against the United States. The last sentence of section 3 is explicit: "But Congress may by a vote of two-thirds of each House, remove such disability." Although the President would not have to approve a joint resolution to remove the section 3 disabilities, S.J. Res. 23 would require such Executive approval because, by posthumously restoring the full rights of citizenship, it purports to do more than remove the section 3 disabilities.

We note that the enrolled resolution lacks any express indication of passage by a two-thirds vote of each House. Although the House of Representatives on July 22, 1975, passed the resolution by a recorded vote of 407 to 10, 121 Cong. Rec. H7195 (daily ed. July 22, 1975), the vote in the Senate was not recorded, 121 Cong. Rec. S5785 (daily ed. April 10, 1975). The attestation clause in the Senate-passed version that was referred to the House fails to indicate two-thirds passage in the Senate.

RECEIVED

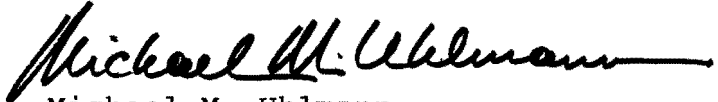
975 APR 25 PM 3:34

OFFICE OF MANAGEMENT  
AND BUDGET

The resolution itself, while not reciting the two-thirds vote requirement, does state that the legal disabilities placed upon General Lee as a result of his Civil War military service are removed "in accordance with section 3 of amendment 14." This reference to article 3 of Amendment Fourteen and the lack of any evidence that the resolution passed the Senate by less than a two-thirds vote is sufficient, we believe, for Executive approval.

Accordingly, the Department of Justice has no objection to Executive approval of S.J. Res. 23.

Sincerely,

A handwritten signature in black ink, reading "Michael M. Uhlmann". The signature is written in a cursive style with a long horizontal flourish at the end.

Michael M. Uhlmann



OFFICE OF THE WHITE HOUSE PRESS SECRETARY

---

THE WHITE HOUSE

REMARKS OF THE PRESIDENT  
AT THE  
SIGNING CEREMONY FOR S.J. RES. 23,  
RESTORATION OF CITIZENSHIP RIGHTS  
TO GENERAL ROBERT E. LEE

LEE MANSION  
ARLINGTON, VIRGINIA

2:12 P.M. EDT

Governor Godwin, Senator Byrd, Congressman Butler, Congressman Harris, Congressman Satterfield, Congressman Downing and Congressman Daniel, distinguished guests, ladies and gentlemen:

I am very pleased to sign Senate Joint Resolution 23 restoring posthumously the long overdue full rights of citizenship to General Robert E. Lee. This legislation corrects a 110 year oversight of American history. It is significant that it is signed at this place.

Lee's dedication to his native State of Virginia chartered his course for the bitter Civil War years causing him to reluctantly resign from a distinguished career in the United States Army and to serve as General of the Army of Northern Virginia. He, thus, forfeited his right to U.S. citizenship.

Once the war was over, he firmly felt the wounds of the North and South must be bound up. He sought to show by example that the citizens of the South must dedicate their efforts to rebuilding that region of the country as a strong and vital part of the American Union.

In 1865, Robert E. Lee wrote to a former Confederate soldier concerning his signing the Oath of Allegiance, and I quote, "This war, being at an end, the Southern States having laid down their arms, and the questions at issue between them and the Northern States having been decided, I believe it to be the duty of everyone to unite in the restoration of the country and the reestablishment of peace and harmony."

MORE

This resolution passed by the Congress responds to the formal application of General Lee to President Andrew Johnson on June 13, 1865, for the restoration of his full right of citizenship.

Although his petition was endorsed by General Grant and forwarded to the President through the Secretary of War, an Oath of Allegiance was not attached because notice of this additional requirement had not reached Lee in time.

Later, after his inauguration as President of Washington College on October 2, 1865, Lee executed a notarized Oath of Allegiance. Again his application was not acted upon because the Oath of Allegiance was apparently lost. It was finally discovered in the National Archives in 1970.

As a soldier General Lee left his mark on military strategy. As a man he stood as the symbol of valor and of duty. As an educator, he appealed to reason and learning to achieve understanding and to build a stronger nation. The course he chose after the war became a symbol to all those who had marched with him in the bitter years towards Appomattox.

General Lee's character has been an example to succeeding generations, making the restoration of his citizenship an event in which every American can take pride.

In approving this Joint Resolution, the Congress removed the legal obstacle to citizenship which resulted from General Lee's Civil War service. Although more than a century late, I am delighted to sign this Resolution and to complete the full restoration of General Lee's citizenship.

END (AT 2:17 P.M. EDT)

# Ninety-fourth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday, the fourteenth day of January,  
one thousand nine hundred and seventy-five*

## Joint Resolution

To restore posthumously full rights of citizenship to General R. E. Lee.

Whereas this entire Nation has long recognized the outstanding virtues of courage, patriotism, and selfless devotion to duty of General R. E. Lee, and has recognized the contribution of General Lee in healing the wounds of the War Between the States, and  
Whereas, in order to further the goal of reunion of this country, General Lee, on June 13, 1865, applied to the President for amnesty and pardon and restoration of his rights as a citizen, and  
Whereas this request was favorably endorsed by General Ulysses S. Grant on June 16, 1865, and  
Whereas, General Lee's full citizenship was not restored to him subsequent to his request of June 13, 1865, for the reason that no accompanying oath of allegiance was submitted, and  
Whereas, on October 12, 1870, General Lee died, still denied the right to hold any office and other rights of citizenship, and  
Whereas a recent discovery has revealed that General Lee did in fact on October 2, 1865, swear allegiance to the Constitution of the United States and to the Union, and  
Whereas it appears that General Lee thus fulfilled all of the legal as well as moral requirements incumbent upon him for restoration of his citizenship: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3 of amendment 14 of the United States Constitution, the legal disabilities placed upon General Lee as a result of his service as General of the Army of Northern Virginia are removed, and that General R. E. Lee is posthumously restored to the full rights of citizenship, effective June 13, 1865.*

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*

## RESTORING POSTHUMOUSLY FULL RIGHTS OF CITIZENSHIP TO GEN. R. E. LEE

---

MARCH 19 (legislative day, MARCH 12), 1975.—Ordered to be printed

---

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

### REPORT

[To accompany S.J. Res. 23]

The Committee on the Judiciary, to which was referred the joint resolution (S.J. Res. 23) to restore posthumously full rights of citizenship to Gen. R. E. Lee, having considered the same, reports favorably thereon, without amendment, and recommends that the joint resolution be agreed to.

#### PURPOSE

The purpose of the joint resolution is to restore posthumously full rights of citizenship to Gen. R. E. Lee.

#### STATEMENT

In introducing S.J. Res. 189, a similar resolution in the 93rd Congress, Senator Harry F. Byrd, Jr. on February 21, 1974, said on the Senator floor:

Mr. President, nearly 3 years ago, on March 10, 1971, I introduced legislation to restore posthumously the full rights of citizenship of Gen. Robert E. Lee. That legislation was prompted by the discovery in the National Archives in 1970 of the bona fide amnesty oath signed by General Lee. The resolution, unfortunately, was not acted upon before the 92d Congress adjourned.

I am reintroducing this measure today.

Again I can say, as a Virginian, I take this step with much pride, and I call to the attention of the Senate that this belated action is not sectional in nature, but rather is a step that should have been taken by the Nation as a whole long ago.

I could, of course, speak at great length on the subject of General Lee's ability as a military commander and his deeds in the service of Virginia and the South. I would rather emphasize to the Senate the sterling character of General Lee, which has stood as an unequaled example of gentlemanly demeanor, both in victory and adversity.

Historians have long recognized the beneficial effects of General Lee's conduct subsequent to the War Between the States. Instead of harboring bitterness in his heart, General Lee, both by word and deed, put his full effort into healing the wounds of that tragic conflict. His actions represented the noblest attributes of our national character and were in full accord with the fervent desire for peaceful reunion so eloquently expressed by President Lincoln.

I regard President Lincoln and General Lee as two of our greatest Americans. Their character, their leadership, their courage and their ability will stand as a monument for all time.

Only 2 months after the surrender of the Army of Northern Virginia at Appomattox Court House, General Lee on June 13, 1865, applied to President Johnson for amnesty and restoration of his rights as a citizen, pursuant to the President's Amnesty Proclamation of May 29, 1865.

In furtherance of the conciliatory spirit and fairness he displayed to General Lee and his soldiers at Appomattox Court House, Gen. Ulysses S. Grant graciously forwarded the request to the President on June 20, 1865. Always have I been impressed with the magnanimity of General Grant. The endorsement of General Lee's application for amnesty and pardon follows:

Respectfully forwarded through the Secretary of War to the President, with the earnest recommendation that this application of General R. E. Lee for amnesty and pardon may be granted him. The oath of allegiance required by recent order of the President to accompany applications does not accompany this for this reason, as I am informed by General Ord, that the order requiring it has not reached Richmond when this was forwarded.

Unknown to General Lee on June 13, when he requested amnesty and restoration of citizenship, was the requirement that an oath of allegiance accompany such a request.

The next several months in General Lee's life were busy ones; during this period, he moved to Lexington, Va., and became president of what was then Washington College, the institution which is now Washington and Lee University.

On October 2, 1865, General Lee, as an example to the people of the South, laid aside his role as a military leader and became a leader of young men. On that day he was inaugurated president of Washington College and dedicated the remaining years of his life to preparing young men to be servants of the reunited States of the Union.

On that same day, General Lee, apparently having become aware of the requirement of an amnesty oath, appeared in Lexington before Charles A. Davidson, a notary public for the county of Rockbridge, Va., to whom he gave the following oath:

I, Robert E. Lee, of Lexington, Virginia, do solemnly swear, in the presence of Almighty God, that I will henceforth faithfully support, protect and defend the Constitution of the United States, and the Union of the States thereunder, and that I will, in like manner, abide by and faithfully support all laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves, so help me God—Signed, R. E. Lee.

I believe we can safely assume that had this oath reached the hands of the President, that General Lee's citizenship would have been restored in full. But it was lost for quite some period of time, and was discovered only a few years ago.

In the 1970 winter issue of Prologue, the journal of the National Archives, Mr. Elmer O. Parker wrote an excellent article describing the discovery of General Lee's oath among the State Department records of the National Archives. Apparently the oath was submitted separately and was never joined to General Lee's request of June 13, 1865.

I recite these facts again to the Senate in order to show that General Lee fulfilled every requirement for the restoration of his citizenship.

As is known to many, on February 15, 1869, the outstanding treason indictments against General Lee, his sons, and 14 other general officers of the Confederacy, were dismissed by the United States. Thus, the only bar to the citizenship of General Lee is the 3d section of the 14th amendment to the Constitution, which provides that no person who has previously taken an oath as an officer of the United States and is subsequently engaged in rebellion against the same, can hold office. The amendment provides that Congress, by a two-thirds vote of each House, can remove such a disability.

Mr. President, I feel that Congress should act now to restore the full rights of citizenship to one of the greatest Americans of all time.

Mr. President, I ask unanimous consent that the text of this joint resolution which I send to the desk for appropriate reference be printed in the RECORD at this point.

\* \* \* \* \*

Mr. President, I also ask unanimous consent that a copy of General Lee's letter of June 13, 1865, to President Johnson; his letter of the same date to General Grant; General Grant's

endorsement of June 16, 1865; General Grant's letter to General Lee of June 20, 1865; a copy of the oath itself, and a copy of the article by Mr. Parker be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RICHMOND, VA., *June 22, 1865.*

His Excellency ANDREW JOHNSON

DEAR SIR: Being excluded from the provisions of the amnesty and pardon in the proclamation of the 29th ult., I hereby apply for the benefits and full restoration of all rights and privileges extended to those enclosed in its terms. I graduated at the Military Academy at West Point in June 1829; resigned from the United States Army, April, 1861; was a general in the Confederate Army, and included in the surrender of the Army of Northern Virginia, April 9, 1865. I have the honor to be, very respectfully,

Your obedient servant,

R. E. LEE.

RICHMOND, *June 13, 1865.*

Lieut. Gen. U. S. GRANT,  
*Commanding Armies of the United States.*

GENERAL: Upon reading the President's proclamation of the 29th ultimo, I came to Richmond to ascertain what was proper or required of me to do, when I learned that with others I was to be indicted for treason by the grand jury at Norfolk. I had supposed that the officers and men of the Army of Northern Virginia were, by the terms of their surrender, protected by the United States Government from molestation so long as they conformed to its conditions. I am ready to meet any changes that may be preferred against me. I do not wish to avoid trial, but if I am correct as to the protection granted by my parole, and am not to be prosecuted, I desire to comply with the provisions of the President's proclamation, and therefore inclose the required application, which I request in that event may be acted on.

I am, with great respect, your obedient servant.

R. E. LEE.

[Indorsement]

HEADQUARTERS ARMIES OF THE UNITED STATES,

*June 16, 1865.*

In my opinion the officers and men paroled at Appomattox Court House, and since, upon the same terms given to Lee, cannot be tried for treason so long as they observe the terms of their parole. This is my understanding. Good faith, as well as true policy, dictates that we should observe the conditions of that convention. Bad faith on the part of the Government, or a construction of that convention subjecting officers to trial for treason, would produce a feeling of insecurity in the minds

of all the paroled officers and men. If so disposed they might even regard such an infraction of terms by the Government as an entire release from all obligations on their part. I will state further that the terms granted by me met with the hearty approval of the President at the time, and of the country generally. The action of Judge Underwood, in Norfolk, has already had an injurious effect, and I would ask that he be ordered to quash all indictments found against paroled prisoners of war, and to desist from further prosecution of them.

U. S. GRANT,  
*Lieutenant-General.*

HEADQUARTERS ARMIES OF THE UNITED STATES,

*Washington, June 20, 1865.*

General R. E. LEE,  
*Richmond, Va.:*

Your communications of date of the 13th instant, stating the steps you had taken after reading the President's proclamation of the 29th ultimo, with a view of complying with its provisions when you learned that, with others, you were to be indicted for treason by the grand jury at Norfolk; that you had supposed the officers and men of the Army of Northern Virginia were by the terms of their surrender protected by the United States Government from molestation so long as they conformed to its conditions; that you were ready to meet any charges that might be preferred against you, and did not wish to avoid trial, but that if you were correct as to the protection granted by your parole, and were not to be prosecuted, you desired to avail yourself of the President's amnesty proclamation, and enclosing an application therefor, with the request that in that event it be acted on, has been received and forwarded to the Secretary of War, with the following opinion endorsed thereon by me:

"In my opinion that officers and men paroled at Appomattox Court-House, and since, upon the same terms given to Lee, cannot be tried for treason so long as they observe the terms of their parole. This is my understanding. Good faith, as well as true policy dictates that we should observe the conditions of that convention. Bad faith on the part of the Government, or a contraction of that convention subjecting the officers to trial for treason, would produce a feeling of insecurity in the minds of all the paroled officers and men. If so disposed they might even regard such an infraction of terms by the Government as an entire release from all obligations on their part. I will state further that the terms granted by me met with the hearty approval of the President at the time, and of the country generally. The action of Judge Underwood, in Norfolk, has already had an injurious effect, and I would ask that he be ordered to quash all indictments found against paroled prisoners of war, and to desist from the further prosecution of them."

This opinion, I am informed, is substantially the same as that entertained by the Government. I have forwarded your application for amnesty and pardon to the President, with the following endorsement thereto:

"Respectfully forwarded through the Secretary of War to the President, with the earnest recommendation that this application of General R. E. Lee for amnesty and pardon may be granted him. The oath of allegiance required, by recent order of the President to accompany applications does not accompany this for the reason, as I am informed by General Ord, the order requiring it had not reached Richmond when this was forwarded.

U. S. GRANT,  
*Lieutenant-General.*"

OFFICE OF  
NOTARY PUBLIC,  
*Rockbridge County, Va., October 2nd, 1865.*

#### AMNESTY OATH

I Robert E. Lee, of Lexington, Virginia do solemnly swear, in the presence of Almighty God, that I will henceforth faithfully support, protect and defend the Constitution of the United States, and the Union of the States thereunder, and that I will, in like manner, abide by and faithfully support all laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves, so help me God.

R. E. LEE.

Sworn to and subscribed before me, this 2nd day of October 1865.

CHAS. A. DAVIDSON,  
*Notary Public.*

#### WHY WAS LEE NOT PARDONED?

(By Elmer Oris Parker)

Archivists have recently discovered Robert E. Lee's oath of amnesty among State Department records in the National Archives. To those historians of the Civil War and Reconstruction who believe that Lee did not satisfy the requirements for amnesty this may come as a surprise.

Facing an indictment for treason, Lee read in Richmond newspapers President Andrew Johnson's proclamation of May 29, 1865, "to induce all persons to return to their loyalty." Lee immediately informed Gen. Ulysses S. Grant that he wanted to comply with the provisions of the proclamation and enclosed "the required application." It was not in order for it was not accompanied by an oath of allegiance to the United States. Such an oath was required by an order of the President. Lee's action was premature.

General Grant attempted to justify the absence of the oath. He explained to the President that Gen. E. O. C. Ord, commanding the Department of Virginia at Richmond, informed him that the order requiring it had not reached the city when Lee's application was forwarded. Grant, therefore, earnestly recommended that amnesty and pardon be granted the old warrior.

Meanwhile, Lee had been elected president of Washington College and had proceeded on "Traveller" by easy paces to Lexington where he was inaugurated on October 2. This was an important day in his life. Not only did he take up the life of a useful citizen, he also subscribed to the amnesty oath, thereby complying fully with the provisions of Johnson's proclamation. Thus, Lee had every reason to expect he would be pardoned and restored to full citizenship.

But this never happened, Secretary of State William H. Seward gave Lee's application to a friend as a souvenir and his oath was evidently pigeonholed. Although attempts have been made in recent years to have Congress restore Lee's citizenship posthumously, all have come to naught. As far as was known Lee, after laying down his arms at Appomattox, had not sworn "to support, protect and defend the Constitution of the United States." But the discovery of his oath of amnesty proves that he had indeed done so. Furthermore, he had also sworn to "faithfully support all laws and proclamations made during the rebellion with reference to the emancipation of slaves." Lee's oath was duly executed, signed, and notarized, and for a century it has remained buried in a file in the nation's archives.

Mr. HARRY F. BYRD, Jr. Mr. President, since I originally introduced this legislation in the 92d Congress, the alternative of present-day Executive pardon has been suggested as a means for more expeditious handling of this matter. I am advised that the necessity for congressional action—by the legislative process established under the third section of the 14th amendment to the Constitution—has been indicated by both the White House, through the Office of the Counsel to the President, and by the Department of Justice, through the Office of the Deputy Attorney General.

There has been a groundswell of support for my proposal from all over the Nation, which has grown ever since its original introduction 3 years ago. That it has not waned is, I believe, amply supported by the recent articles in the Washington Star-News, dated February 10, 1974, and in Time magazine, dated February 25, 1974. I ask unanimous consent that these articles be printed in the Record at this point:

There being no objection, the articles were ordered to be printed in the Record, as follows:

## GENERAL LEE'S LAST BATTLE: CITIZENSHIP

(By Brian Kelly)

RICHMOND.—Virginia's State senate has jointed the parade of those asking Congress to restore full U.S. citizenship to Confederate Gen. Robert E. Lee, the native son who died 103 years ago with his personal plea to rejoin the Union as a restored citizen still pending.

Members of the Senate agreed yesterday to a resolution asking the posthumous action with no audible dissent. Virginia's House of Delegates is expected to concur wholeheartedly.

Citing Lee's "contribution" in "healing the wounds" of the Civil War, the resolution also took note of the disappearance a century ago of an oath of allegiance that Lee swore out in 1865, after the Civil War, and dispatched to President Andrew Johnson, Abraham Lincoln's successor.

Why the necessary oath never reached Johnson remains a mystery. It turned up in the National Archives in 1970, discovered there by military archivist Elmer O. Parker, according to a spokesman of U.S. Sen. Harry F. Byrd Jr., who asked Congress in 1971 to restore Lee's citizenship.

The Lee bill, which has been endorsed by Alabama's legislature and a parade of editorialists, columnists and others, failed to win any action in the Senate Judiciary Committee in the last session of Congress, but Byrd apparently has not given up the cause of Lee's citizenship.

In the meantime, it appears Lee took two steps in 1865 to seek presidential amnesty and restoration of his citizenship, partly as a symbolic gesture designed to encourage a spirit of reunion in the shattered nation of that era.

First, in June, he sat down here and wrote a petition of amnesty to Johnson. Gen. Ulysses S. Grant, Lee's chief Union adversary, endorsed the petition and personally forwarded it to Johnson.

But Lee didn't know he also was required to swear out an oath of allegiance to the U.S. Constitution, as Grant noted in his endorsement.

Finally informed of the added requirement, Lee went on Oct. 2, 1865, the day he became President of Washington College in Lexington, Va. (now Washington and Lee University) to notary public Charles Davidson in Lexington and swore out the oath.

"He sent it," George Shanks, a legislative assistant to Byrd, said, "and that was the last that anybody saw of it until Parker came up with it in 1970."

Three years ago Byrd said, "I think we can safely assume that had this oath reached the hands of the President (Johnson), Gen. Lee's citizenship would have been restored in full."

Introduced by Democratic State Sen. Paul Manns, whose district includes Lee's birthplace at Stratford Hall, the Vir-

ginia Senate resolution says the Confederate leader "fulfilled all of the legal and moral requirements incumbent upon him for restoration of his citizenship."

The Virginia resolution also asks Congress to grant the citizenship effective June 13, 1865, the day Lee prepared his amnesty petition to Andrew Johnson here in the one-time capital of the Confederacy.

### RESTORING LEE

For more than 100 years, Robert E. Lee has been something of a man without a country. Never mind that he was one of the most illustrious and magnanimous generals in U.S. history. After he surrendered his sword at Appomattox, he apparently failed to take an oath of loyalty to the U.S. Constitution, which many Confederates were obliged to do if they wished to regain the full U.S. citizenship that they had forfeited. Up to his death in 1870, he was denied citizenship. Ever since, Southern sympathizers have been trying to recover it for him posthumously.

Their seemingly lost cause revived in 1970 when a researcher discovered that there was a Lee loyalty oath, after all, buried among State Department records in a file at the National Archives. Initially, before he knew of the oath, Lee had written to the White House requesting amnesty. Later he went to a notary and swore his allegiance, but somehow the oath never caught up with the amnesty petition.

General Lee's supporters are making a drive in this session of Congress to restore his lost citizenship. Last week the senate in Virginia, where Lee was born and died, passed a resolution calling upon Congress to correct the longstanding error. It seemed a modest enough request a century after the War Between the States.

Mr. HARRY F. BYRD JR. Mr. President, I point out further that the Virginia Senate just recently unanimously adopted a resolution memorializing Congress to take such action.

Subsequently on March 11, 1974, Senator Harry F. Byrd, Jr., said on the Senate floor:

### RESTORATION OF CITIZENSHIP TO ROBERT E. LEE

Mr. HARRY F. BYRD, JR. Mr. President, on February 21, 1974, I introduced Senate Joint Resolution 189, a resolution to restore posthumously full rights of citizenship to Gen. Robert E. Lee. On that day, I indicated that the Virginia General Assembly had favorably considered related legislation.

I have recently received a copy of Virginia Senate Joint Resolution No. 38. Its principal sponsor is Senator Paul W. Manns. His district, the 28th Senatorial District, includes the counties of Caroline, Essex, King George, Lancaster, Northumberland, Stafford, and Westmoreland, and the city of Fredericksburg.



As students of Virginia history and admirers of General Lee know, Westmoreland County is General Lee's birthplace and the location of the Lee family home, Stratford Hall. The residents of that county in Virginia's historic "Northern Neck" take a special pride in having in close proximity this stately home of one of America's most distinguished families.

Virginia Senate Joint Resolution No. 38 was cosponsored by practically every Senator in that 40 member body. It passed by acclamation on February 7, 1974, the same date as its introduction.

Action in the Virginia House of Delegates was completed on February 20, 1974, when the 100 member House passed the measure unanimously.

Clearly, both by the explicit language of the resolution and the affirmative acts of both of Virginia's legislative bodies it is the sense of the General Assembly of the Commonwealth of Virginia that the Congress of the United States restore to General Lee all the rights which he, as a beloved Virginian and a great American, so rightly deserves. It is important to note that General Lee himself requested in unity the restoration of his rights.

\* \* \* \* \*

I ask unanimous consent that text of Senate Joint Resolution 38 of the Virginia Senate be printed in the RECORD.

There being no objection, the text of the resolution was ordered to be printed in the RECORD, as follows:

#### SENATE JOINT RESOLUTION No. 38

Whereas, this entire Nation has long recognized the outstanding virtues of courage, patriotism, and selfless devotion to duty of General R. E. Lee, and has recognized the contribution of General Lee in healing the wounds of the War Between the States; and

Whereas, in order to further the goal of reunion of this country, General Lee, on June thirteen, eighteen hundred sixty-five, applied to the President for amnesty and pardon and restoration of his rights as a citizen; and

Whereas, this request was favorably endorsed by General Ulysses S. Grant on June sixteen, eighteen hundred sixty-five; and

Whereas, General Lee's full citizenship was not restored to him subsequent to his request of June thirteen, eighteen hundred sixty-five, for the reason that no accompanying oath of allegiance was submitted; and

Whereas, on October twelve, eighteen hundred seventy, General Lee died, still denied the right to hold any office and other rights of citizenship; and

Whereas, a recent discovery has revealed that General Lee did in fact on October two, eighteen hundred and sixty-five, swear allegiance to the Constitution of the United States and to the Union; and

Whereas, it appears that General Lee thus fulfilled all of the legal as well as moral requirements incumbent upon him for restoration of his citizenship; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the legal disabilities placed upon General Lee as a result of his service as General of the Army of Northern Virginia should be removed, and that General R. E. Lee should be posthumously restored to the full rights of citizenship, effective June thirteen, eighteen hundred sixty-five, by the Congress of the United States.

Resolved, further, That the clerk of the Senate is directed to send copies of this Resolution to the members of the delegation to the Congress of the United States of this Commonwealth in order that they may be apprised of the sense of this Body.

The committee believes that the resolution is meritorious and recommends it favorably.

○

July 24, 1975

Dear Mr. Director:

The following bills were received at the White House on July 24th:

S.J. Res. 23 ✓  
H.J. Res. 560 ✓  
H.R. 6950 ✓

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder  
Chief Executive Clerk

The Honorable James T. Lynn  
Director  
Office of Management and Budget  
Washington, D. C.