



# PERSPECTIVES

by Rinaldo S. Brutoco



*Rinaldo S. Brutoco is the Founding President and CEO of the Santa Barbara-based World Business Academy and co-founder of JUST Capital. He's a serial entrepreneur, executive, author, radio host, and futurist who's published on the role of business in relation to pressing moral, environmental, and social concerns for over 35 years.*

## A New Federalism, Part 3 of 4

The last installment in this series covered the rise of U.S. Federalism characterized by a strong federal government from the Great Depression to the 1970s, and the breakdown of that strong centralized role starting with Ronald Reagan and running through to the present day. Why did this happen? How did the Reagan Revolution so successfully begin the dismantling of our strong federal government at the center with “States Rights” as less powerful “outriggers” for social organization? Well, you can answer that with the Confederate chant: “Forget like hell!”

At the core of our current form of broken federalism is a central government so hobbled it cannot adequately protect us as a nation from the ravages of coronavirus or an insufficient supply of farm labor to pick our crops. It has also left us totally naked to the ravages of climate extremes. This breakdown traces back to the fact that the Civil War never ended. In that a Treaty of Surrender was never formally (or even informally) signed by General Lee.

When General Lee showed up at the Appomattox Courthouse on April 9, 1865 he came expecting to surrender on behalf of his Army of Northern Virginia. That didn't happen. Instead, General Grant wrote a letter to General Lee by hand in pencil, sitting across the room, stating the terms by which hostilities could cease. The terms were the most generous of any ever offered by the victor to the vanquished. Lee immediately wrote a response to Grant's offer and that was how the termination of hostilities occurred. Although the word “surrender” appeared one time in General Lee's letter, President Lincoln had specifically instructed General Grant to permit the hostilities to end without any punitive surrender terms whatsoever.

### Lincoln's Magnanimous Gesture to the Confederacy

The former Confederate soldiers were allowed to keep their horses and mules, travel home for free if necessary on Union ships and railroads, receive rations (they hadn't eaten for a couple of days), retain their sidearms and swords if they were officers, and were instantaneously fully paroled of all their offenses against the Union. In an historically magnanimous gesture, President Lincoln (murdered only days later) ordered Grant to treat the Confederates as reunited brothers rather than as defeated enemies.

And, even then, the cessation of hostilities only occurred for Lee's Army of Virginia as the rest of the Confederacy fought on in other regions. More than a year later, on August 20, 1866, President Andrew Johnson finally declared the war over (even though fighting continued in Texas and Oklahoma) so that active hostilities could cease. Even as Confederate President Jefferson Davis was captured on May 10, 1865 in Georgia whilst making plans to set up a government in exile, there was never any surrender agreement negotiated and signed. Like all other Confederates, Jefferson Davis was fully paroled and allowed the full restoration of all his worldly possessions.

The critical takeaway here is the South never surrendered. That's why statues to Confederate “war heroes” have been erected until recent times all over the South. That's why you see Confederate flags at every rally from the founding of the Tea Party Patriots Foundation in 2010 to

present day demonstrations “liberating” Michigan, Wisconsin, and Virginia from stay-at-home orders. It's why Confederate flags have a prominent place at every Trump rally, mixed in with all those red Make America Great Again hats. The Confederacy fighting on may or may not have something to do with Michigan state senator Dale Zorn publicly wearing a confederate flag corona face mask just a scant few days ago.

### Our Civil War Never Ended

To the Confederates, who remain active and alive as an “alt” political force in our Republic, they never surrendered so the South didn't lose the war and the battle goes on. This is the taproot cause for the raging divide between “red” states and “blue” ones. Even more importantly, it is the pedestal upon which “States' Rights” now firmly sits and is the reason we no longer possess the ability to act as one nation even in times of dire national peril such as these. It is also the implicit justification for suppressing the votes of black, brown, and student citizens because the southern Republican controlled states do not respect the legitimacy of the central government to safeguard voting as a basic right. In order to maintain control of their territory, in certain individual states, some mostly white citizens believe that they are entitled to control the levers of government in violation of the “one man, one vote” standard. Oddly enough, the refusal to treat African Americans as equal citizens under the law was a core issue underlying the Civil War. And, because there was no surrender, the South's rebellion continues to the present day.

We have often described the conflict raging in the US since the 70's as a “cultural revolution.” That term is absolutely correct. The South was a hierarchical, plantation culture with 1-2% of the white people at the top of a very steep sided triangle with people of color on the bottom. Sound familiar? Doesn't that sound like the hierarchy we built in the US with the increasing reallocation of wealth from the bottom tiers of society to the very top? The culture war that first erupted with the Civil War has been brewing unabated since then, because that culture, of which slavery and disenfranchisement was the central pillar, was never actually defeated, i.e. never actually surrendered. In the interest of “binding up the nation's wounds,” we never made it clear that we fought to win a more egalitarian culture of broad-based economic opportunity as well as universal suffrage.

The North was an industrial culture of broad civic participation that was able to beat the South in battle because it had superior military and economic strength as well as a superior federal model. Meanwhile the plutocratic South had to rely on slavery as its economic taproot and a plantation culture which did not allow for the dynamism of a modern state. Had the South surrendered, this culture war would long ago have ended, and Confederate soldiers would not be seen as “war heroes” but as traitors to and adversaries of the Union.

What sort of nation will we choose to be going forward? How we make that choice, and re-design our Federalism, remains the question. And that's the subject of our final installment in this series. Stay tuned...