



# The Belo Herald

Newsletter of the Col. A. H. Belo Camp #49

And Journal of Unreconstructed Confederate Thought

**March 2016**

This month's meeting features a special presentation:

**J. Pat Baughman**

**The Scottish Migration to the South**



The Belo Herald is an interactive newsletter. Click on the links to take you directly to additional internet resources.

## Col. A. H Belo Camp #49

Commander - David Hendricks  
1<sup>st</sup> Lt. Cmdr. - James Henderson  
2<sup>nd</sup> Lt. Cmdr. - Charles Heard  
Adjutant - Jim Echols  
Chaplain - Rev. Jerry Brown  
Editor - Nathan Bedford Forrest



Contact us <http://www.facebook.com/BeloCamp49>

Follow us on **Twitter** at [belocamp49scv](https://twitter.com/belocamp49scv)

Texas Division: <http://www.scvtexas.org>

National: [www.scv.org](http://www.scv.org)

<http://1800mydixie.com/>

<http://www.youtube.com/user/SCVORG>

Commander in Chief on **Twitter** at [CiC@CiCSCV](https://twitter.com/CiC@CiCSCV)

*Our Next Meeting:*

**Thursday, March 3<sup>rd</sup>: 7:00 pm**

**La Madeleine Restaurant**

**3906 Lemmon Ave near Oak Lawn, Dallas, TX**

**\*we meet in the private meeting room.**

All meetings are open to the public and guests are welcome.



**Have you paid your dues??**

Come early (6:30pm), **eat**, fellowship with other members, learn your history!



**"Everyone should do all in his power to collect and disseminate the truth, in the hope that it may find a place in history and descend to posterity." Gen. Robert E. Lee, CSA Dec. 3<sup>rd</sup> 1865**



## COMMANDER'S REPORT



Dear Belo Compatriots,

Greetings again everyone. Hope to see each of you this Thursday the 3<sup>th</sup> at **la Madeleine** for the dinner hour from 6:00 – 7:00p.m. and our meeting starting at 7:01p.m.. James continues to have great guest speakers lined up this year. That in and of itself is worth the price of admission.

We are pleased to have some events on the calendar! Starting with Confederate History Month (April) we plan on a trip to the **gun range the third Saturday of April** (April 16, 2016) at the **Grand Prairie Gun Club** ([www.gpgc.net](http://www.gpgc.net) – this is where we have met before). Our plan would be for those of you that want to meet and eat lunch do so (noonish) and then go to the club afterwards. The club opens at 1:00pm on Saturday. So let's say 1:15 at the gate, with rifle, handgun and shotgun. More details will follow.

Secondly, **Rock Creek Barbeque Club** begins on Sunday April 24<sup>th</sup>. For those of you that have attended in the past, you know how great this is! They are very SCV / Confederate friendly and we plan on having a table this year for opening Sunday. The price is \$22.00 for all you can eat barbeque and beer. Their website is [www.rcbbq.org](http://www.rcbbq.org) for directions/ information. They begin serving at noon.

We are working on all issues within the camp and with our current officer corps. we should have more things accomplished soon. Also keep in mind the national convention that begins July 13-17, 2016, to determine if we as a camp want to participate in some of the activities and/or the process of determining our delegates.

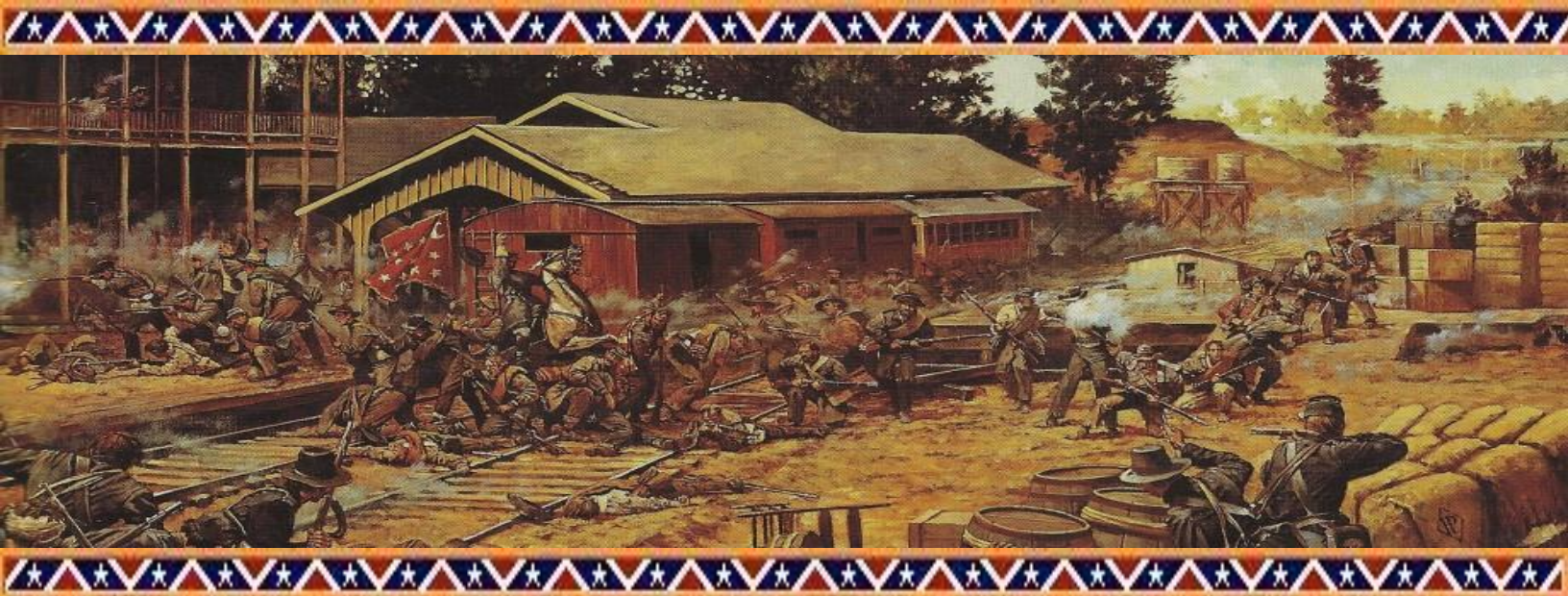
Please as always bring those dollar bills for the book raffle (and all who participate may receive a little surprise this month!!)

Again we welcome all to our meetings, so please come out and support Belo Camp.

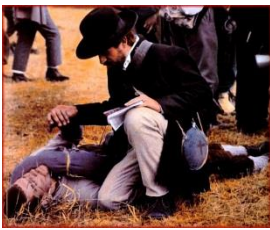
So years later, I hope it can be said for each one of us, "**Decori decus addit avito**".

Deo Vindice,

David Hendricks







# Chaplain's Corner

## Here and Now!

Everywhere you look the American people are growing weary of being used and taken for granted by a government that has simply gotten too big. We the people, the majority who have supported this country and continue to do so, are tired of being ignored by a bureaucratic government that promotes its own agenda and caters to the demands of a few malcontents. Americans are becoming more and more dissatisfied; many to the point of anger, and our elected leaders are not listening.

The Bible says, "The wicked shall be turned into hell, and all nations that forget God." (Ps. 9: 17) Have you noticed that the further this country moves from the God of our fathers, and His Son, Jesus Christ our Lord, the worse things get? Our politically correct politicians and other leaders say we're being tolerant. Or, inclusive. Or, diversified. Or, anything but Godly. America is heading for hell because America is forgetting God.

The good news is that the time is ripe for evangelism. Remember, for the first several hundred years the Lord's Church grew and prospered under very adverse conditions. However, to do so would require us to be like those early Christians. We must become something more than smiley faced, sweet talking, Sunday-go-to-meeting, Bible toters. Preachers must be allowed, and have the conviction, to quit worrying about offending Sister Suzie or Brother Joe, and preach the truth of God's Word to a lost world. Churches speak of having a revival, when what they really need is a renewal. What they need is to return to the faith of our fathers.

And, what of the Sons of Confederate Veterans? Does not the circumstances today present an opportunity to reach out with the truth of our Cause? Aren't Americans becoming more aware the country they love has been lost to a centralized government our founding fathers never intended to exist? Isn't this the time for our Confederation to grow in strength and numbers?

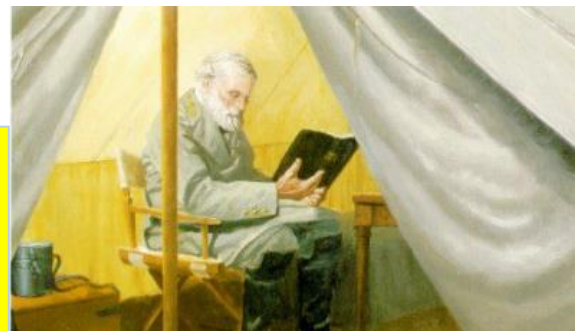
Our former president, the honorable Jefferson Davis, said, "The principle for which we contend is bound to reassert itself, though it may be at another time and in another form." Question: If it is not up to us, the historic Sons of Confederate Veterans. If it is not up to us, the descendants of those who bravely fought to defend our Southern homeland. If it is not up to us, who know and understand the truth of the Confederate cause. If it is not up to us to reassert and contend. Then who? And, if that time is not here and now, then where and when?

Speaking to the Mississippi legislature in 1881, Jefferson Davis also stated, "The contest is not over, the strife is not ended. It has only entered upon a new and enlarged arena." This was true in 1881, and it's true today. It's not over! Our Southern heritage, homeland, and values are still being attacked by malicious, self-serving misfits and it's up to us to stand and firmly contend for the truth and honor of our Confederate Cause. And, the time is here and now!

However, for our Cause to be successful we must join together as a band of brothers with a common purpose in faithful support of each other and our SCV leaders, and turn to God, putting our faith and trust in Christ our Lord.



**Bro. Len Patterson, Th.D**  
Past Chaplain, Army of Trans-Mississippi  
1941-2013



**"IN ALL MY PERPLEXITIES AND DISTRESSES, THE BIBLE HAS NEVER FAILED TO GIVE ME LIGHT AND STRENGTH."**

**-GENERAL ROBERT E. LEE**

Please be in prayer for the family of Compatriot Randy Spikes of Camp 1904 SCV. A believer in our Lord Jesus Christ, Randy went to be with the Lord on February 19<sup>th</sup>. He was buried with full Confederate honours.

Please keep in prayer the family of Les Pettigrew, who suddenly died Sunday evening 28 February. He held several positions such as Adjutant of the TMVI reenactors, Commander of the 15th Texas Infantry Regt. reenactors, Past Texas Division SCV 9th Brigade Commander, Past Commander 13th Texas Infantry SCV Camp 1565 of Brazoria County, Texas.

Please keep Mike Smith in our prayers for improved health.

# Belo Camp 49 Upcoming Meetings: 2016

March 3<sup>rd</sup> – J. Pat Baughman – The Scottish Migration to the South

April 7<sup>th</sup> - Evault Boswell – Red River Rebels

Saturday, April 16<sup>th</sup> – Grand Prarie Gun Range - [www.gpgc.net](http://www.gpgc.net)

-1:15pm at the gate, with rifle, handgun and shotgun shoot .

Sunday, April 27<sup>th</sup> – Rock Creek Bar-B-Q - [www.rcbbq.org](http://www.rcbbq.org)

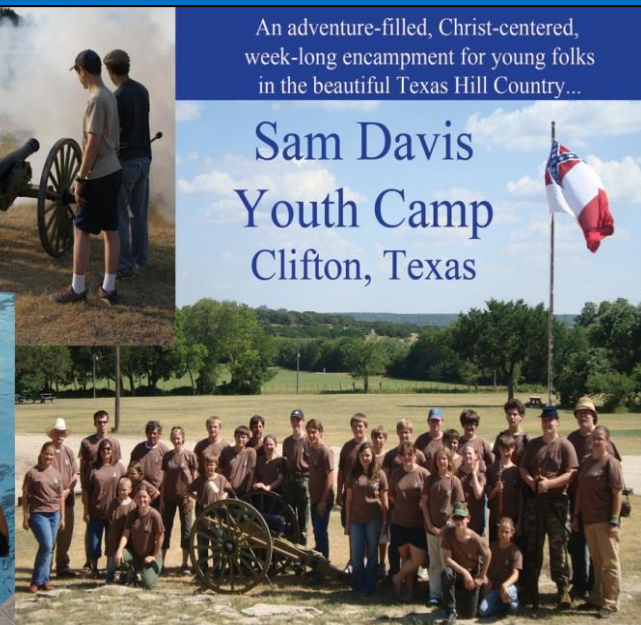
-\$22.00 for all you can eat barbeque and beer.



Do your kids and grandkids know the real reasons the war was fought? Has school taught them that Lincoln is their "favourite President?"

Send them to Sam Davis Youth Camp 2016 to learn the truth about their heritage and why it is important!

[https://www.youtube.com/watch?v=qZtiM\\_smgBU](https://www.youtube.com/watch?v=qZtiM_smgBU)



An adventure-filled, Christ-centered, week-long encampment for young folks in the beautiful Texas Hill Country...

Sam Davis  
Youth Camp  
Clifton, Texas



# **Not to miss in this issue!**

## **PAUL GRAMLING CANDIDACY ANNOUNCEMENT**

Confederate Flag Day – March 5<sup>th</sup>

Mississippi lawmakers not erasing Confederate emblem on flag

Black Mississippians defend Confederate flag: 'That's our history'

1872 PUBLISHED WORKS DEFINE LINCOLN'S VIEWS ON GOD

On Secession: An Analysis of Texas v. White

Violating the Lieber Code: The March From the Sea

The Southern Cross - poem

Clearing the Name of Nathan Bedford Forrest

An Open Letter & Open Report - Black History Month by H.K.

How Confederate Dared Union Fire to Comfort Colored Comrade

What is PC?

Executive Usurpation

GRAVE MARKER CHANGES, AGAIN!

S. Carolina Trump Supporters Say They'll Never Forgive Nikki Haley For Removing Confederate Flag

**YANKEE WAR CRIMES** Six Hundred Southern Officers at Morris Island

Va Flaggers: I-95 Wade Hampton Flag Raised in Prince George County

New Civil Rights Movement: Lee-Jackson Day Reflections From a First-Time Flagger

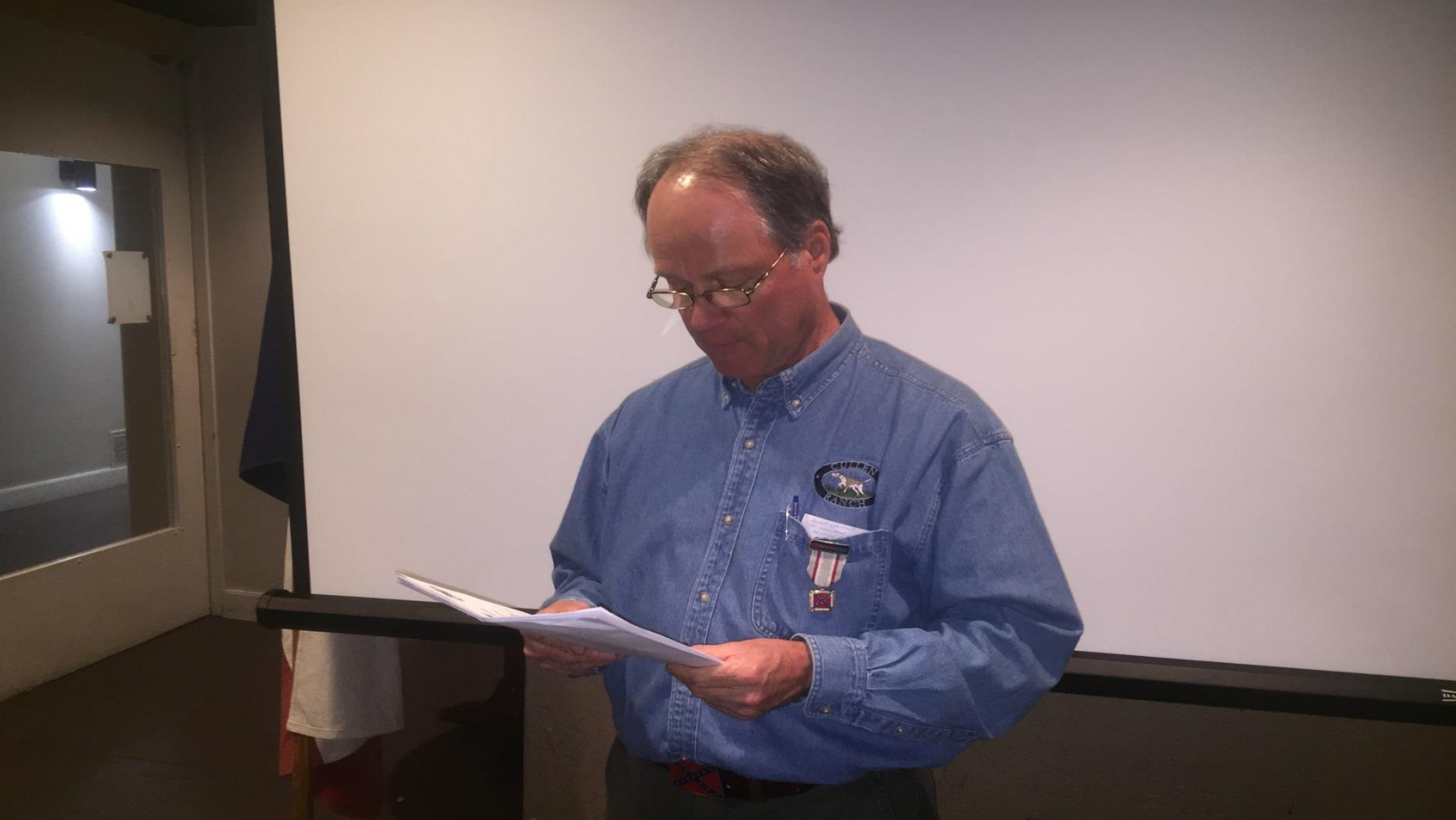
ILLINOIS SLAVE HOUSE

NEW YORK HERALD COMPARES DAVIS TO LINCOLN

**And MUCH MORE !**



*The Unsundered Banner  
Of The Southern People  
1865 - Present*



**Our February meeting was fun and eventful. Commander David Hendricks led us with the Charge. Past Adjutant Stan Hudson reported on the Stockyard flagging and flyover in Ft Worth. Newly elected 2<sup>nd</sup> Lt. Commander Charles Heard looks on.**







**Commander David Hendricks presented Stan Hudson with a commendation medal for his years of service as Adjutant. Stan has been an integral part of the success of Belo Camp. Well done sir! 2<sup>nd</sup> Lt. Commander James Henderson introduced our guest speaker. James has a great schedule lined up for us and is doing an excellent job finding great speakers and programs for us.**







**Our speaker for February was Mark Vogl. His military training brings a special insight into his presentations. Mark brought to life the Red River Campaign for us. His research into primary sources brings fascinating and often critical facts that most people aren't aware of. Mark is a Distinguished Military Graduate of THE CITADEL, the Military College of South Carolina, a former U.S. Army Infantry officer and Asst. Professor of Military Science at Fordham University, a political aide at the county and state levels in New York from 1990 to 2003. Mark's fourth book, Southern Fried Ramblings with Grits and All the Fixins is a survey of the modern Southern movement. If your camp is looking for an intriguing speaker, Contact Mark Vogl!**





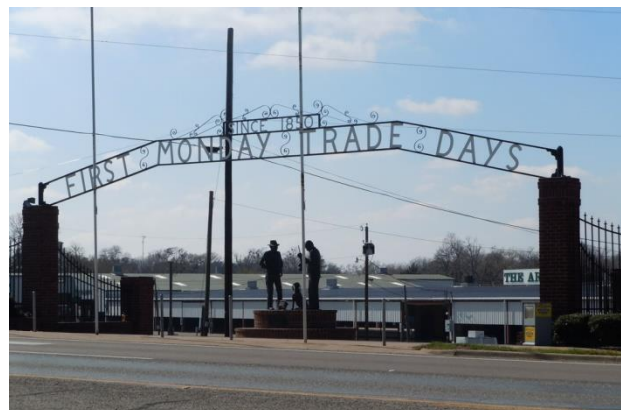
# EAST TEXAS CONFEDERATE FLAG DAY

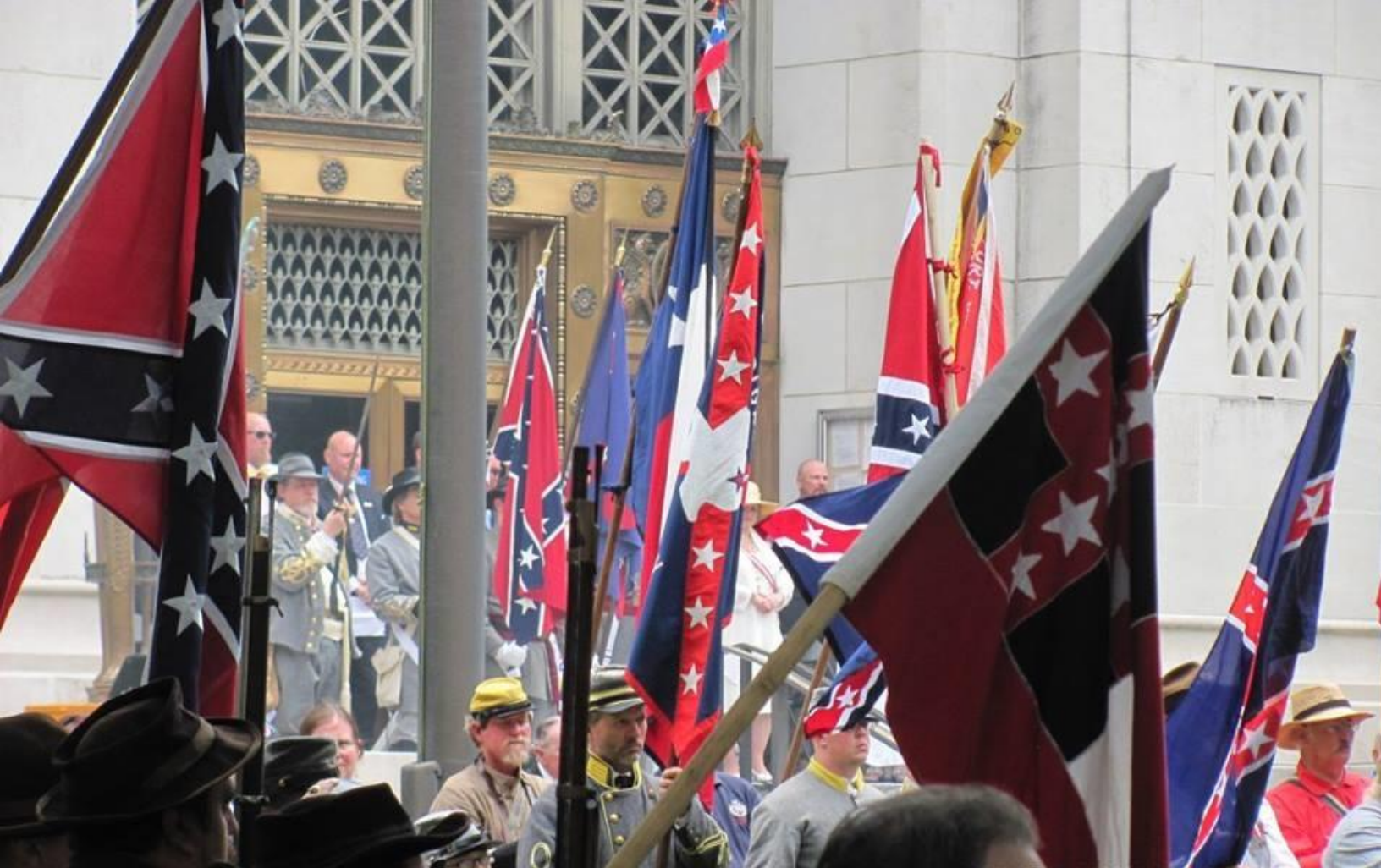
This Saturday is Confederate Flag Day all across the South. Here in East Texas the Major RL Dabney Camp #2261 of Canton is going to have a *Fly our Flag(s) Day* at the 1<sup>st</sup> Monday Canton Trades Day in Canton. We will be flying our CONFEDERATE Flags and passing out literature. Any and all CONFEDERATE Flags including the Lone Star Flag of Texas is welcome to be flown and we especially encourage the flying of THE CSA Flag, the St. Andrews/Southern Cross Battle Flag. This is CONFEDERATE FLAG DAY and thus no flags but recognized, historical, CONFEDERATE Flags will be flown. Any SCV member along with anyone else who supports our Flag and the Cause that it stands for are welcome to join in and with us in this effort.

**We will meet on Saturday, March 5 on the west lawn of the Van Zandt County Courthouse in Canton at 10:00.** We will make our plans there and then we will proceed to the public walkways around the Trade Grounds on Hwy 19. Any literature to be passed out needs to be approved by the RL Dabney Camp. Please if possible let me know if you are planning on joining with us for this event.

For further information and/or to confirm your attendance you can call me at 903-724-3905/903-731-7045 or email me at [rudyray1951@hotmail.com](mailto:rudyray1951@hotmail.com)

Rudy Ray  
Adjutant  
Major RL Dabney Camp #2261  
Canton, Texas





## Confederate Flag Day

March 5th, 2016

National Event

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Compatriots,

Join us in a Confederate Flag "rolling rally" on March 5TH 2016 for SCV Flag Day which is being held across the South. We will be forming a rolling Battle Flag display with as many vehicles and flags as we can muster. We need your support to see how large we can make this caravan! The largest to date was in Florida and that one was eight miles long with 2500 supporters! Can Texas beat that one? Bring your friends and family and make this event huge!



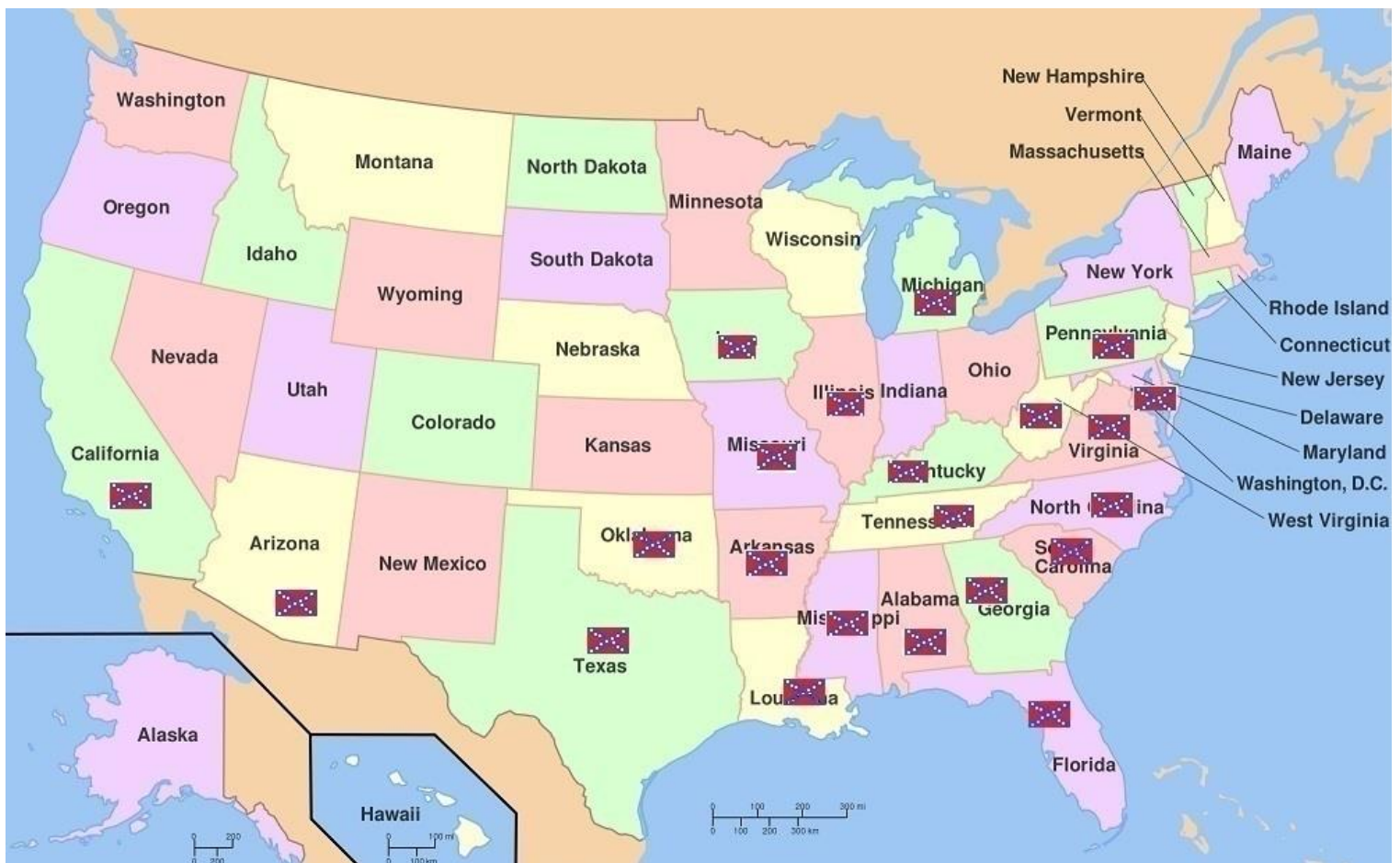
We will meet at the Ol South Pancake House, 1509 S. University Drive in Fort Worth the morning of the 5th and start driving and flagging at 10 AM moving through Fort Worth then out to interstate 35 North driving to Denton at that point we will head East on 380 to McKinney then turn South on HWY 75 to Dallas and turn West on I-30 returning to Fort Worth.

We could hold a rally in one spot BUT by doing a "rolling rally" we will gain the most exposure with thousands of people seeing our flags and cheering and honking for our cause as we cruise through their towns and cities along the way. If you have ever wanted to go flagging now is your time to do so. Join us as we defend our Confederate heritage! Fight back with all your heart! Show your pride in our Confederate veterans.

I will see you at the rally!

Gary D. Bray  
Commander Texas Division

<http://www.csaflag.org/index.html>





# Paul Gramling



## Candidacy Announcement

Paul Gramling Candidacy Announcement

Compatriots Of The SCV,

One hundred and twenty years ago, our Confederate Veteran Ancestors were faced with the realization the true history of the South and the cause for which they fought and died would be falsely portrayed. They knew there would come a time when someone they could trust, would take a stand against the eradication of all things Confederate. Their Sons and Grandsons were the men the Confederate Veteran put their trust in.....that's US and that time is NOW!!! Our current state of affairs is the exact reason the SCV was established. We must stand together and make our Ancestors proud!!!

Never before, during the history of our organization, is it more imperative for the Sons, and ALL Southerners, to uphold the Charge given to us by Gen. Stephen D. Lee. Now, more than ever, the SCV needs strong and decisive leadership to guide us through these perilous times. At our National Reunion in Dallas, TX this July, I will be standing for the position of Lt. Commander-In-Chief.

Within the past year, men have applied for SCV membership like we've never seen. Although we have Confederate descendants "knocking down our door" to join, there are present members walking out that same door. One of my foremost goals is to work with Camps, Brigades, and Divisions to increase our retention percentage. There are numerous Southern supporters that would give anything to qualify for membership in the SCV. We must instill in our members, who are thinking about walking out that door in which they joined, that they have done the work and are fortunate to have the blood of Confederates running through their veins. Now, more than ever, the South needs all of Her Sons.

As Lt. Commander-In-Chief, I WILL stand with you, just as I have in the past, to insure the defeat of those intent on the eradication of everything we hold dear.

Your support is greatly appreciated. If you have any questions or comments, please contact me by phone: 318-294-1563, email: paul1863@cs.com, visit my Face Book page or you can visit my website: [gramling-scv.net](http://gramling-scv.net).

In The Bonds Of The South  
Fighting Phase 2 Of Reconstruction

Paul Gramling, Jr.

Photos:

Paul Gramling and wife Lynda, Temple Texas, June 8, 2015

Paul Gramling May 30, 2015

Paul Gramling May 03, 2015









# Mississippi lawmakers not erasing Confederate emblem on flag

By Associated Press Feb. 23, 2016



**JACKSON, Miss. (AP) — Mississippi legislators this year won't attempt to redesign the last state flag that features the Confederate battle emblem because leaders say they can't reach consensus on removing the symbol.**

**Tuesday was the deadline for legislative committees to act on general bills, and flag proposals are among hundreds of measures dying without debate.**

**Some bills proposed redesigning the flag to remove the rebel cross, while others would have stripped state money from colleges and local governments that refuse to fly the current banner. One bill offered separate-but-equal flags, keeping the current one and having a second with a magnolia tree.**

**Confederate symbols have been debated since the slaying of nine black worshippers last June at a South Carolina church. The man charged had posed for photos with the rebel flag.**

[http://www.wtva.com/news/regional/Mississippi\\_lawmakers\\_not\\_erasing\\_Confederate\\_emblem\\_on\\_flag.html#sthash.ilrr4euf.dpuf](http://www.wtva.com/news/regional/Mississippi_lawmakers_not_erasing_Confederate_emblem_on_flag.html#sthash.ilrr4euf.dpuf)



# UPDATED: Mississippi Governor Declares April 'Confederate Heritage Month,' No Slavery Mention



Gov. Phil Bryant spoke at the groundbreaking of Mississippi's new Civil Rights Museum next to the state flag containing the Confederate battle symbol. Myrlie Evers-Williams, the widow of slain Jackson civil-rights hero Medgar Evers, is visible below the flow. Photo by Trip Burns

By **Donna Ladd** Wednesday, February 24, 2016 8:45 p.m. CST

**#JACKSON** — Two weeks before the [Mississippi Legislature](#) allowed 19 state flag bills to die in committee, Gov. Phil Bryant took out a pen and signed an official governor's proclamation, declaring the month of April "Confederate Heritage Month," a routine occurrence in Mississippi and several other southern states.

[Download .PNG](#)

**#The** proclamation, which does not appear on the [State of Mississippi's website](#) with other proclamations, such as about emergency inclement weather, is posted on the website of the [Sons of Confederate Veterans](#), which is ferociously against changing the Mississippi flag to remove the Confederate battle flag—which supporters like to call the "Beauregard flag"—from its canton.

**#SCV** is also an organization that pushes revisionist history about the Civil War and the reasons the Confederacy formed, such as [selling books by James Ronald Kennedy](#) and his



twin brother [Walter Donald Kennedy](#) at Jefferson Davis' Gulf Coast home, Beauvoir, which SCV manages. The Kennedy brothers are founding members of the [League of the South](#). These organizations stand in strong denial of the reasons [the Confederates themselves said they seceded, joined the Confederacy and started the war](#)—to maintain slavery, extend it to new states and force the return of fugitive slaves who had made their way to free states.

#On Bryant's gubernatorial letterhead, the proclamation starts out by explaining that April is the appropriate month to honor Confederate heritage because it "is the month in which the Confederate States began and ended a four-year struggle." It adds that the state celebrates Confederate Memorial Day on April 25 to "recognize those who served in the Confederacy."

## Confederates Speak

In their own words, Confederate leaders explain secession, the Civil War and their views about black people.



#It then explains that it is "important for all Americans to reflect upon our nation's past" and "to gain insight from our mistakes and successes," adding that we must "earnestly strive to understand and appreciate our heritage and our opportunities which lie before us."

#Bryant refuses to take a position on changing the Mississippi flag, saying it should be up to the voters, who decided in 2001 to leave the old flag in place, in a vote that fell largely along racial lines.

#Mississippi, along with Arkansas and Alabama, also celebrate Confederate Gen. Robert E. Lee's birthday on the same day as the federal Martin Luther King Jr. birthday in January.

#Ironically, [a war-weary Gen. Lee said after the Civil War ended](#) that its symbols, including flags, should be put "in your attics." That is the last thing the Sons of Confederate Veterans, or Phil Bryant for that matter, clearly intend to do.

#Bryant has apparently made the same declaration in past years. Here is one from [2012 on the Mississippi United Daughters of the Confederacy website](#), [discussion on the Dixie Outfitters website](#) and [on the American Renaissance website](#) in 2013. Read more about [Jared Taylor and American Renaissance here](#), as well as in [this Jackson Free Press article](#) about the network of organizations that influenced Dylann Roof.

#Mississippi is [not the only former Confederate state to celebrate the rebellion to maintain](#) every April. The state joins Louisiana, Alabama, Florida, Georgia, Texas and, until recently, Virginia in the practice, with some calling it "Confederate History Month" instead. In 2010, Virginia Gov. Bob McDonnell, a Republican, issued a similar proclamation, it caused a major outcry. In response, McDonnell issued a statement apologizing for not mentioning slavery in the proclamation:

#"The proclamation issued by this Office designating April as Confederate History Month contained a major omission. The failure to include any reference to slavery was a mistake, and for that I apologize to any fellow Virginian who has been offended or disappointed. The abomination of slavery divided our nation, deprived people of their God-given inalienable rights, and led to the Civil War. Slavery was an evil, vicious and inhumane practice which degraded human beings to property, and it has left a stain on the soul of this state and nation."



#Then Mississippi Gov. Haley Barbour defended McDonnell on CNN's "State of the Union," saying the outcry was "just a nit." He added: "It's trying to make a big deal out of something that doesn't matter for diddly." He also told Candy Crowley that he didn't think it mattered that the proclamation hadn't mentioned slavery. Barbour, the former head of the [Republican National Committee](#), also said that Democratic Legislatures in Mississippi had also signed on to honoring Confederate heritage.

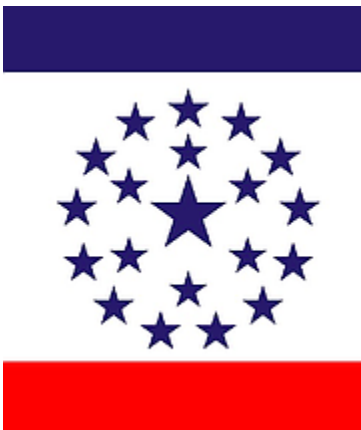
#In 2015, the Magnolia State Heritage Campaign announced intentions to get the Mississippi "[Confederate Heritage](#)" Amendment, Initiative 46 on Mississippi's November ballot. It would have defined Mississippi as a "Christian" and "Southern" state, designed April as "Confederate Heritage Month" and the last Monday of April as a state holiday, "Confederate Heritage Day." It would have required "appropriate information about Mississippi's Confederate history, heritage, achievements, and prominent people, including Mississippi's African American and Native American veterans" in public-school curriculum, and amended the state constitution to ensure that the state's current flag remain in place.

#The initiative would have made "Dixie" as the official state song and required "Dixie" to be played whenever the national anthem was played in Mississippi. It would have also prevented the consolidation of Alcorn State University, Delta State University, Jackson State University, Mississippi University for Women and Mississippi Valley State University.

It failed to get the 107,216 signatures by the October 15 deadline to make the ballot.

## #MSFlagDIY Gallery

Since July 2015, JFP readers have submitted designs for a new Mississippi Flag.



#UPDATE: Bryant's spokesman, former Clarion-Ledger reporter Clay Chandler, hasn't responded to messages from the Jackson Free Press, but he [did give a statement to the Times-Picayune](#) about it, after they picked up this story this morning. He stated: "Like his predecessors -- both Republican and Democrat -- who issued similar proclamations, Gov. Bryant believes Mississippi's history deserves study and reflection, no matter how unpleasant or complicated parts of it may be," Chandler said. "Like the proclamation says, gaining insight from our mistakes and successes will help us move forward."

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#For the reasons the Confederate states seceded and joined the war, read their [Declarations of Secession here](#).

#View [50 alternative Mississippi flag designs submitted by Jackson Free Press readers](#) since July 2015.

#For a different perspective on Confederate history, read [Driving Old Dixie Down](#).

#Also, note that several Mississippians are using hashtag #confedtruth on Twitter to tweet facts about the Confederacy and dispel myths.

*#Editor's note: I first typed "Confederate History Month" instead of "Confederate Heritage Month" for Mississippi's version of the celebration. Some other states use "Confederate History Month" I've corrected it above.*

<http://www.jacksonfreepress.com/news/2016/feb/24/mississippi-governor-declares-april-confederate-hi/>

# Black Mississippians defend Confederate flag: ‘That’s our history’



FEBRUARY 24, 2016

BY VICTOR SKINNER

The fight to change the Mississippi state flag is revealing there’s a lot of black people who would prefer to keep it the way it is, including the Confederate stars and bars some see as a symbol of racism.

“That’s our history. That tells people who we are. We’re Mississippians,” Corinthian Sanders, a black man, told [WAPT](#). “It represented the Confederate States of America, not racism or the KKK. Those groups came and took and hijacked that flag like they hijacked the cross and the United States flag.”

The news site highlighted numerous black folks who are objecting to calls by other blacks to strip the state flag of the Confederate symbol that’s been in place since it was adopted in 1894. Competing ballot proposals – one to enshrine the current flag in the state constitution and another to remove the Confederate symbol – are expected for the 2018 ballot, but Gov. Phil Bryant has called on lawmakers to help decide the issue sooner, [The Clarion-Ledger](#) reports.



"I think they are trying to use the color of my skin – black – as an excuse to take down everything that is Confederate related," Arlene Barnum, a flag supporter, told the WAPT.

She's certainly not alone. The news station spoke with numerous black folks who provided very rational reasons for their support of the current state flag.

"It's very obvious for me. I would like to see the state flag remain as it is for various reasons, but primarily I think it honors those who actually died during a very horrible war and I see no value in dishonoring those men," said Al Arnold, author of a book on his great, great grandfather Turner Hall's work as an orderly for Robert E. Lee and life as a former slave of Nathan Bedford Forrest, a Confederate lieutenant general.

Arnold told WAPT that millions of people trace their lineage through black and whites who fought proudly in the Confederate Army, and calls to erase their heritage is offensive.

"I say African Americans need to be a little bit more receptive to the fact that there are over 70 million descendants of those who fought in the Confederate armies, Mississippi just happens to be one of the last states to hold up that symbol to allow those individuals to honor their dead," he said.

Arnold said he believes that if any flag symbolizes slavery, it's the American flag.

"It was the United States flag, of America, that brought slaves over here for hundreds of years before the Confederate flag," he said.

Some other black folks in Mississippi seemed receptive to other black residents who want to continue to honor their heritage with the state flag's current design.

"For the African Americans who do feel as if we should keep the flag, I think they should voice their opinions more and tell everyone why," an unidentified black woman told WAPT.

Otis Pickett, professor of early American history at Mississippi College, told the news site several thousand blacks fought for the Confederacy during the Civil War, some were free and others slaves. He said it makes sense that their ancestors want to keep the flag untouched.

"History is complex ... and you cannot say this did not happen," Pickett said, noting that he believes most blacks sided with the union. "So there are going to be African Americans who participate in roles in the Confederacy."

Meanwhile, some blacks who want to change the flag see no value in honoring the black soldiers who fought for the Confederacy, or preserving their Southern heritage.

"I have absolutely no idea why anyone would want to keep a divisive symbol that represents a minority in this state, in 2016," black woman Christian Scott said.

<http://www.theamericanmirror.com/black-mississippians-defend-confederate-flag-thats-our-history/>

# STATE OF MISSISSIPPI

Office of the Governor



## PROCLAMATION

**WHEREAS**, April is the month in which the Confederate States began and ended a four-year struggle; and

**WHEREAS**, on Confederate Memorial Day, we recognize those who served in the Confederacy; and

**WHEREAS**, April 25, 2016, is set aside as Confederate Memorial Day to honor those who served in the Confederacy; and

**WHEREAS**, it is important for all Americans to reflect upon our nation's past, to gain insight from our mistakes and successes, and to come to a full understanding that the lessons learned yesterday and today will carry us through tomorrow if we carefully and earnestly strive to understand and appreciate our heritage and our opportunities which lie before us:

**NOW, THEREFORE**, I, Phil Bryant, Governor of the State of Mississippi, hereby proclaim the month of April 2016 as

## ***CONFEDERATE HERITAGE MONTH***

in the State of Mississippi.



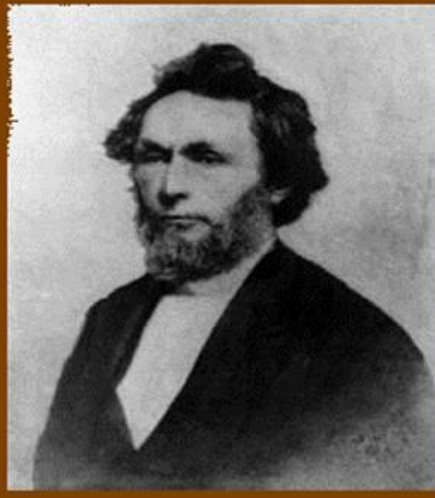
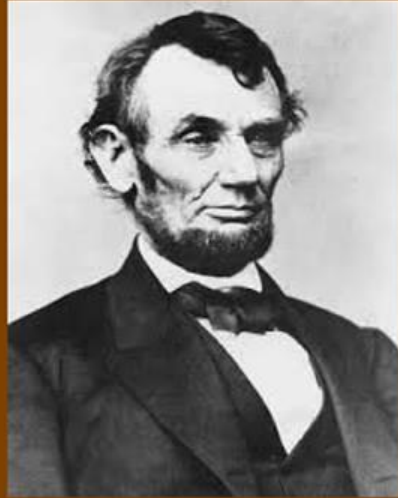
IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Mississippi to be affixed.

DONE in the City of Jackson, on the tenth day of February in the year of our Lord, two thousand and sixteen, and of the Independence of the United States of America, the two hundred and fortieth.

Handwritten signature of Phil Bryant in blue ink.

PHIL BRYANT  
GOVERNOR





**"As to Mr. Lincoln's religious views, he was, in short, an infidel - atheist. He did not believe that Jesus was God, nor the Son of God — was a fatalist, denied the freedom of the will. Mr. Lincoln told me a thousand times, that he did not believe the Bible was the revelation of God, as the Christian world contends." William H. Herndon, Esq**

## 1872 PUBLISHED WORKS DEFINE LINCOLN'S VIEWS ON GOD...

Ward H. Lamon was a close friend of Lincoln. He knew Lincoln in the days of his poverty and insignificance through the days of his power and presidency. In the biography he wrote about the 16th president, he shared Lincoln's views on the Bible and Christianity. The following is what one of Lincoln's close friends had to say about him:

**"As to Mr. Lincoln's religious views, he was, in short, an infidel - atheist. He did not believe that Jesus was God, nor the Son of God — was a fatalist, denied the freedom of the will. Mr. Lincoln told me a thousand times, that he did not believe the Bible was the revelation of God, as the Christian world contends." William H. Herndon, Esq**

Travis [ >< ]

Source: THE LIFE OF ABRAHAM LINCOLN: FROM HIS BIRTH TO HIS INAUGURATION AS PRESIDENT, By Ward H. Lamon, 1872.

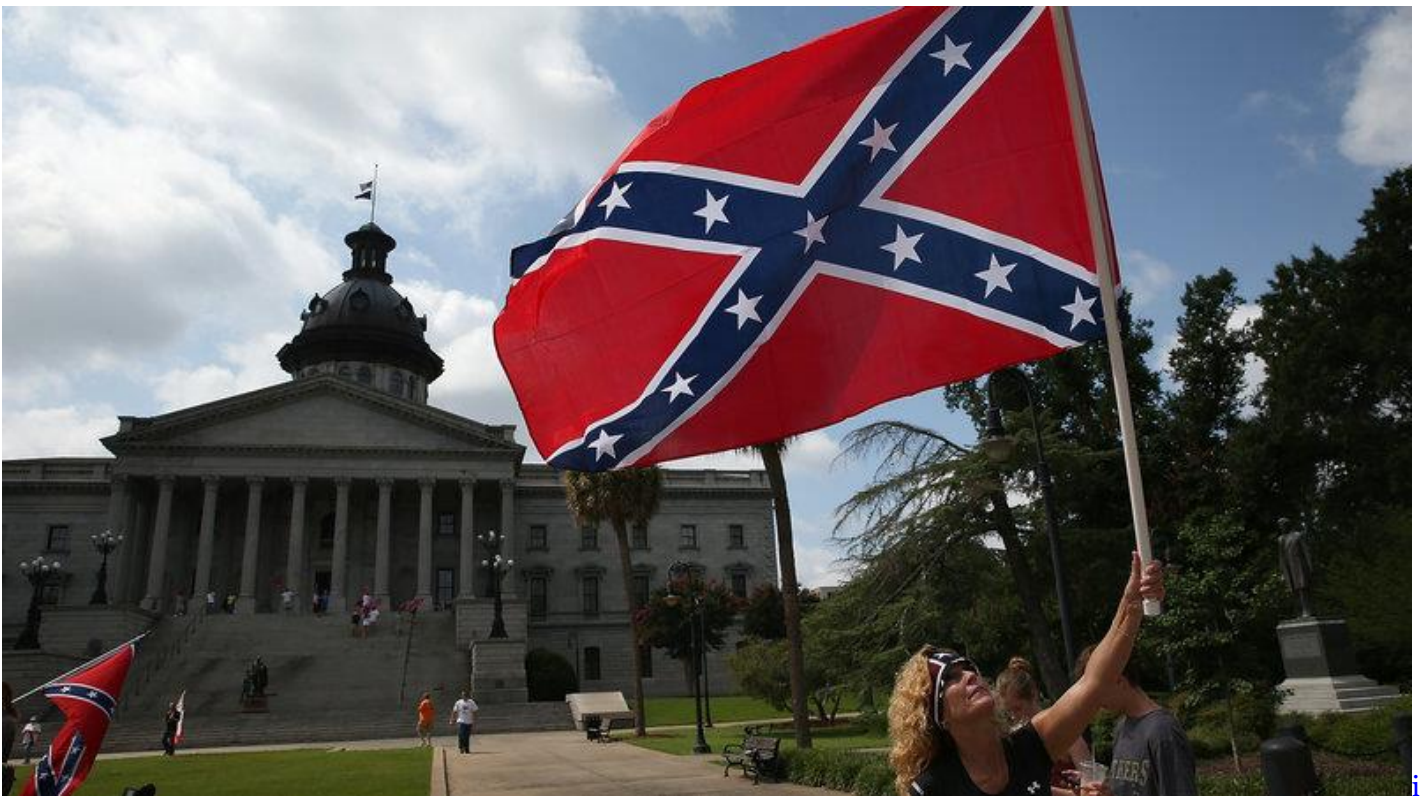
Link to book: <http://www.gutenberg.org/files/40977/40977-h/40977-h.htm>

# Pro-Cruz SuperPAC Slams Trump For Confederate Flag Removal, Gay Rights

Updated February 19, 2016 10:57 PM ET Published February 19, 2016 8:56 PM ET

[Domenico Montanaro](#)

[Sarah McCammon](#)



Barbie Byrd, of Columbia, S.C., joins a group of demonstrators on the grounds of the South Carolina State House calling for the Confederate battle flag to remain on the Capitol grounds in June 2015. **Win McNamee/Getty**

It wouldn't be South Carolina without stuff like this.

A superPAC supporting Ted Cruz is hitting Donald Trump in South Carolina radio ads and robo calls for his support of the removal of the Confederate battle flag from the State Capitol grounds. Another robo call out Friday night is also hitting Trump for appearing to be supportive of "forward motion" on LGBT equality.

"People like Donald Trump are always butting their noses into other people's business," an announcer says over dark music in the ad from Courageous Conservatives PAC. "But Trump talks about our flag, like it's a social disease."

Listen to the ad here:



## [Confederate flag radio ad/robo call](#)

Nikki Haley, the state's Republican governor, [called for the flag's removal](#) in June of last year after nine black parishioners were killed in a Charleston church in a racially motivated attack.

The other ad, from the same group, highlights a questioner at a Trump event, who identifies herself as lesbian and asking if under a Trump presidency there would be "more forward motion on equality for gays and lesbians." Trump says in response, "Well, you can, and look that's your thing and other people have their thing. We have to bring all people together."

The announcer says, "Stop! What does she mean by forward motion? What's he agreeing to? It's not about tolerance anymore. It's about mandatory celebration. It's about forcing people to bake cakes and forcing people to photograph gay weddings. Forcing clergy to officiate. It's about transgender bathrooms in your child's school. It's about tearing down our Judeo-Christian values. It's about tearing down our America."

Listen to it here:

## [Ad hitting Trump on LGBT Rights](#)

The ads and robo calls comes just a day before the crucial GOP primary in South Carolina, where Trump and Cruz are jostling for the top-two spots.

The Cruz campaign, for its part, denounced the Confederate flag ad. "This is from someone not affiliated in any way with our campaign, and it is not something we condone," Cruz spokeswoman Catherine Frazier told NPR before the LGBT rights ad came out.

The Confederate flag ad highlights a rift between the old and new guards in the state — and in the South. Florida Sen. Marco Rubio, who is on Cruz's heels, got Haley's endorsement this week. It was a striking picture on stage, one the Rubio campaign was eager to highlight, of Rubio, who is Hispanic, with Haley, an Indian-American woman, and Tim Scott, the state's first black U.S. senator.

The Republican Party has worked hard over the last several years to put that kind of new face on the party by recruiting candidates of color after it has struggled mightily to win over non-white voters. Those efforts have produced the most diverse field of candidates in history for Republicans.

At the same time, ironically, Trump, who is being targeted in this pro-Cruz ad, has grabbed the spotlight time and again in this campaign with impolitic rhetoric that threatens the GOP's diversity effort.

The ad is a reminder that there are lingering resentments that groups, like the pro-Cruz superPAC, hope to exploit. Reached by phone, Rick Shaftan, a spokesman for the superPAC, told NPR the spot is running on the radio and as a robo-call in South Carolina Friday only.

Shaftan said he believes the flag removal was a product of "silly political correctness." He said the ad "criticizes Trump for jumping in and telling South Carolina what to do," which he said showed "arrogance" and a "lack of empathy."

(The group [landed in controversy back](#) in November when it ran a radio ad touting Cruz as someone who "makes things happen." And: "After Sandy Hook, Ted Cruz stopped Obama's push for new gun-control laws.")

Shaftan pointed out that Cruz, when asked about his thoughts on the flag's removal, said the matter should be decided at the state level. Back in June of last year, Cruz said he could see "both sides," but that it was up to South Carolina to decide.

"I think that's a question for South Carolina," Cruz told the [Washington Post](#) then, "and the last thing they need is people from outside the state coming in and dictating how they should resolve that issue."

The Trump campaign did not immediately responded to a request for comment, but Trump has accused Cruz of being a "liar." In a recent debate, Trump called him the "single-biggest liar. You are probably worse than Jeb Bush."

Taking up a Cruz line of attack against Trump's conservative credentials, the ad hits Trump for bankrolling "every major Democrat in the country."

It concludes this way: "On Saturday, send Donald Trump and his New York values back to Manhattan. Ted Cruz for president. Let's take our country back. Now, before it's too late."

Here's a transcript of the Confederate flag ad:

TRUMP: "Put it in the museum, let it go."

ANNOUNCER: "That's Donald Trump, supporting Nikki Haley, removing the battle flag from the Confederate memorial in Columbia."

TRUMP: "Respect whatever it is that you have to respect, because it was a point in time, and put it in a museum."

ANNOUNCER: People like Donald Trump are always butting their noses into other people's business. But Trump talks about our flag, like it's a social disease.

TRUMP: "Respect whatever it is that you have to respect. Let it go. Put it in a museum."

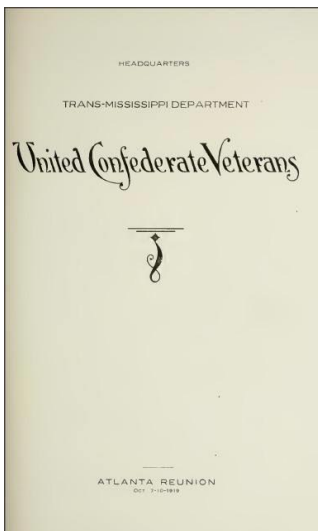
ANNOUNCER: "Donald Trump's bankrolled nearly every major Democrat in the country. He's funded our enemies. He's ridiculed our values."

TRUMP: "Respect whatever it is that you have to respect. Let it go. Put it in a museum."

ANNOUNCER: "On Saturday, send Donald Trump and his New York values back to Manhattan. Ted Cruz for president. Let's take our country back. Now, before it's too late."

"Courageous Conservatives PAC paid for this ad and is solely responsible for its content. It's not authorized by any candidate or candidate committee. CourageousConservatives PAC.com"

<http://www.npr.org/2016/02/19/467427120/pro-cruz-superpac-slams-trump-for-supporting-removal-of-confederate-flag>



*"The War between the States was not caused by the question of the emancipation of the slaves, nor did it begin with the firing on Fort Sumter. The cause and its declaration centered in the order issued by Abraham Lincoln for 2,400 men and 265 guns for the defense of Sumter, followed by his call for 75,000 troops to coerce the South back into the Union.*

*The determination expressed by Lincoln in his inaugural address to hold and occupy and possess the property and places belonging to the United States precipitated the outbreak, and his determination to collect duties and imports was practically an announcement of an offensive war. (Hosmer's History of the American Nation, Volume XX, page 20.)*

*The attempt to reinforce Sumter will provoke war. The very preparation of such an expedition will precipitate war. I would instruct Anderson to return from Sumter. (Secretary William Seward in Lincoln's Cabinet.)*

*That the war was not waged for the emancipation of the slaves has an unanswerable argument in the fact that General Grant, the commander of the Union forces, was a slaveholder and retained possession of his slaves until freed by the war. General Lee, commander of the Confederate forces, freed his slaves before the war.*

*Another strong argument is in the fact that there were 315,000 slaveholders in the North and nonseceding States and only 200,000 in the Confederacy.*

*The war was inaugurated by the North and defended on an unconstitutional basis. (The Opening of the Twentieth Century.)*

*The North waged war to coerce the South back into the Union. Southern men fought a defensive war for States rights and State sovereignty with a holy ardor and self-denying patriotism that have covered even defeat with imperishable glory. (Charles Beecher Stowe.)"*

**Confederate Veteran, Volume 28 (S.A. Cunningham, 1920), 463.**



# Confederate flag creates controversy in Oklahoma City

- By Janelle Stecklein CNHI OKLAHOMA
- Feb 26, 2016



Photo Submitted Larry Logan stands with his ancestor's grave at Ellis Chapel Cemetery north of Wister. Logan says he visits the grave every few months to place a Confederate flag and to remember the man who fought in the Civil War.

Larry Logan admits that the Confederate battle flag has become a controversial symbol, but that won't stop him and perhaps a hundred others from waving it at the state Capitol for the first time in decades.

The last time supporters of the flag gathered en masse at the Capitol was in the 1990s, as lawmakers debated whether the banner that flew over Southern armies during the Civil War should continue to fly on the south side of the Capitol.

The Legislature ultimately voted to lower the flag.

Logan, adjutant of the Lt. Col. Jackson F. McCurtain chapter of the Sons of Confederate Veterans in Moore, is helping to plan a rebirth of the Confederate flag rally on the afternoon of March 5. More than a dozen similar events, organized by the Sons of Confederate Veterans, are expected elsewhere in the country.

Logan, 70, who lives in Oklahoma City, said the past year has been “tough” for those who want to celebrate their Confederate heritage.

“We’ve been likened to people who have hateful hearts,” he said. “This rally is trying to take a first step in trying to restore the dignity of the Confederate soldier.”

Given his roots, it’s unsurprising that Logan is such an ardent defender of the flag and its history. His ancestor, Robert Donald Logan, fought under the “Stars and Bars” during the Civil War.

His thumb shot off during the Battle of Gettysburg, Robert Logan spent the last days of the Civil War as a northern prisoner of war. He died nearly two decades before Larry Logan was born.

Still, the mere idea of a rally around the Confederate flag causes some lawmakers to bristle.

“I’m not in support of flying that flag,” says state Sen. Anastasia Pittman, former chairwoman of the state’s Black Legislative Caucus.

Pittman said the flag’s history has made it a symbol of discord and inequality, and it is sometimes used to promote ulterior motives.

She said it’s “unfortunate” that just one symbol, and such a controversial one, is associated with soldiers who sacrificed their lives.

“Veterans wear many symbols of honor and commitment and service,” she said.

Sen. Kevin Matthews, current chairman of the Black Legislative Caucus and a Tulsa Democrat, said he respects the decision that earlier lawmakers made not to fly the flag at the Capitol.

Still, he believes that every person has a right to rally, particularly at their state’s Capitol.

“Although, I’m not in favor of raising that flag again,” he added.

“I’m not saying that everybody who agrees with it is a bad person. I’m not saying that it causes hatred,” he said. “I’m just saying, the symbol has been used, unfortunately, in ways to support division instead of unity.”

Logan acknowledges the flag elicits controversy and strong feelings. Apart from the Confederacy’s defense of slavery, its battle flag has since been brandished by Southern segregationists and, in more recent times, white supremacists.

But Logan said those who wave the flag with racially charged notices don’t reflect his group’s interests.

“We are not that. We are a proud organization,” he said. “We’re proud of who we were, and we’re proud of who are ancestors are.”

He insists that his group does not espouse hate. He angrily recalls the “nut” in South Carolina who posted images of himself with the Confederate battle flag before killing members of a Bible study group at a black church in South Carolina.

In the aftermath of that shooting, which killed nine church members including a pastor, Confederate flags have been removed from public displays, statues of those who fought for the South have been taken down, and names of schools have been changed.



“You cannot lump us into that same category as some guy who wears a hood and burns a cross,” Logan said, adding that any white supremacists who show up at the rally will be asked to leave.

“We want to tell our story, and we want to tell it in ways that people will listen to it,” said Logan, who admitted that it may be difficult for some Oklahomans to swallow that.

The Sons of Confederate Veterans, based in Columbia, Tenn., boasts more than 30,000 members. Each must have an ancestor who fought for the Confederacy.

Two years ago, Logan said his local chapter had a membership of seven. Its ranks have since swelled to 44. Its growth, he said, is driven by “increasing awareness” among those whose ancestors fought for the Confederacy.

“They’re basically under assault. Their ancestors are being denigrated daily,” he said.

After the Civil War, Logan said his ancestor lost everything in Alabama. He drifted to Mississippi, then to the area that later became Oklahoma.

Logan learned through research that his ancestor rebuilt his life and was highly regarded. He now visits his grave every three months to tend it and ensure that a Confederate flag sits on it.

Few may want to talk about the bravery of the Confederate soldier, Logan said, but he is intent on doing his part to make sure his ancestor is remembered for his service.

Janelle Stecklein covers the Oklahoma Statehouse for CNHI’s newspapers and websites. Reach her at [jstecklein@cnhi.com](mailto:jstecklein@cnhi.com)

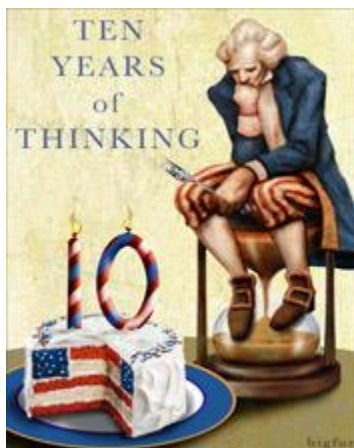
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Captain, Second Virginia  
Cavalry  
**CHARLES  
LANDON  
GARTER MINOR**

*“While the private character of Lincoln has been made by his eulogists to appear the thing it was not, his public career has been described by them as meriting unqualified approbation. It is of the latter alone I would speak here. What was he then?—the ‘liberator’ who set free slaves that did not belong to him in order to injure a people over whom he had no sort of jurisdiction; the ‘saviour of the Union’ who called armies into action to force a confederacy of States back into a federation they had abjured? He was in truth the Constitution breaker, the violator of solemn political obligations, and the prime agent in a gigantic act of robbery and confiscation. To justify themselves, the Northern people glorify Lincoln, set a nimbus about his head, crown him with bays as their protagonist in the drama by which the great crime of the century was consummated—the suppression of Southern independence. With unconscious irony Lincoln is compared by these illogical idolaters with Washington. To liken the oppressor of whole communities to the arch ‘rebel’ who achieved the independence of these communities is surely the veriest climax of inconsequentness. Washington led thirteen colonies to independence; Lincoln deprived thirteen States of the rights secured to them by the arms of Washington. The one fought for the principle that governments derive their just powers from the consent of the governed; the other upheld the doctrine that governments should rest on force and not on consent.”*

**Charles L. C. Minor, The Real Lincoln  
(Richmond: Everett Waddey, 1901), 3-4.**



# American Thinker

## On Secession: An Analysis of Texas v. White

By [Cory Genelin](#)

I was recently hired to review the Supreme Court opinion in the case of *Texas v. White*, 74 U.S. 700 (1869). The opinion in that matter was written by [Chief Justice Salmon P. Chase](#), who had served in Lincoln's cabinet during the Civil War prior to his appointment as chief justice. In the recent talk of secession, this case is often thrown out as having settled the matter legally, just as the Civil War settled the matter militarily.

This memorandum of course does not address the wisdom of secession and does not advocate secession. It is devoted solely to analysis of whether *Texas v. White* is, as is suggested, binding precedent as to the future legality of a state attempting to secede.

### **1. Secession was not the ultimate issue in *Texas v. White*.**

*Texas v. White* is often cited as a case which definitively and directly ruled on Texas' right to secede. That is not the case. *Texas v. White* was a case about government bonds. It's all a little boring but it's important to understand just how far removed the decision is from what it is often presented to be.

In 1851, the Federal Government issued bonds to the State of Texas as payment for the resolution of a boundary dispute. The bonds were payable to the State of Texas, or bearer, meaning that Texas could redeem them itself, or sell them on the secondary market. The Texas legislature then passed an act which indicated that the bonds could not be sold unless endorsed by the Governor of Texas. Texas redeemed most of the bonds prior to the Civil War, but it still had a few left when the war broke out. These were not yet signed by the governor.

When Texas putatively seceded, its governor, G. W. Paschal, remained loyal to the Union and was replaced by a governor loyal to the Confederacy.



Texas traded some of the remaining bonds to Mr. White and others in exchange for supplies. These bonds were not signed by G.W. Paschal. Paschal warned the Union that Texas would try to use the bonds in support of the war effort. The bonds would be easily identified because they would not be signed by Paschal or any prior Governor of Texas, if they were signed at all. The U.S. Treasury made it well known that it would not redeem such bonds and so no attempt was made to redeem them.

By 1865, Texas and the Confederacy were defeated. The U.S. President appointed a new governor of Texas and directed the formation of a reconstruction government. In 1866 the State Convention passed an ordinance directing the governor to repossess the bonds. The State of Texas (now loyal to the Union) brought suit against Mr. White and the other bond holders, arguing that the bonds were never properly endorsed and so still belonged to Texas.

The bondholders argued, among other things, that Texas had no right to sue in the Supreme Court because: "Texas by her rebellious courses had so far changed her status, as one of the United States, as to be disqualified from suing in this court."

This was not a contest of the merits of secession. This was not a case of a pro-secession state arguing in favor of secession. The reconstruction government of Texas was arguing in favor of Texas' standing in federal court and therefore Texas was arguing against the secession argument raised by the bondholders.

## ***2. The opinion in Texas v. White is limited to the set of facts set forth in that case.***

The question in *Texas v. White* was not whether a state can ever cease to be a member of the Union. The Court defines the question as: "Did Texas, in consequence of these acts, cease to be a State? Or, if not, did the State cease to be a member of the Union?"

What then are "these acts," which the Supreme Court found insufficient for secession? The Court describes them in great detail:

On the 1st of February a convention, called without authority, but subsequently sanctioned by the legislature regularly elected, adopted an ordinance to dissolve the union between the State of Texas and the other States under the Constitution of the United States, whereby Texas was declared to be 'a separate and sovereign State,' and 'her people and citizens' to be 'absolved from all allegiance to the United States, or the government thereof.'

It was ordered by a vote of the convention and by an act of the legislature that this ordinance should be submitted to the people, for approval or disapproval, on the 23d of February, 1861.

Without awaiting, however, the decision thus invoked, the convention, on the 4th of February, adopted a resolution designating seven delegates to represent the State in the convention of seceding States at Montgomery, 'in order', as the resolution declared, 'that the wishes and interests of the people of Texas may be consulted in reference to the constitution and provisional government that may be established by said convention.'

Before the passage of this resolution the convention had appointed a committee of public safety, and adopted an ordinance giving authority to that committee to take measures for obtaining possession of the property of the United States in Texas, and for removing the National troops from her limits. The members of the committee, and all officers and agents appointed or employed by it, were sworn to secrecy and to allegiance to the State. Commissioners were at once appointed, with instructions to repair to the headquarters of General Twiggs, then representing the United States in command of the department, and to make the demands necessary for the accomplishment of the purposes of the committee. A military force was organized in support of these demands, and an arrangement was effected with the commanding general, by which the United States troops were engaged to leave the State, and the forts and all the public property, not necessary to the removal of the troops, were surrendered to the commissioners.

These transactions took place between the 2d and the 18th of February, and it was under these circumstances that the vote upon the ratification or rejection of the ordinance of secession was taken on the 23d of February. It was ratified by a majority of the voters of the State.

The convention, which had adjourned before the vote was taken, reassembled on the 2d of March, and instructed the delegates already sent to the Congress of the seceding States, to apply for admission into the confederation, and to give the adhesion of Texas to its provisional constitution.

It proceeded, also, to make the changes in the State constitution which this adhesion made necessary. The words 'United States,' were stricken out wherever they occurred, and the words 'Confederate States' substituted; and the members of the legislature, and all officers of the State, were required by the new constitution to take an oath of fidelity to the constitution and laws of the new confederacy.

Before, indeed, these changes in the constitution had been completed, the officers of the State had been required to appear before the committee and take an oath of allegiance to the Confederate States.

The governor and secretary of state, refusing to comply, were summarily ejected from office.

By laying the facts out in such detail, Chase presents myriad opportunities for future jurists and states to distinguish between future secession attempts and that of Texas in 1861. Even if taken as binding precedent, *Texas v. White* stands only for the proposition that somewhere in the above described events, there was some procedural flaw making Texas' secession invalid. For instance, Chase could be read as saying that the process of secession taken by Texas failed because it was initiated by "a convention, called without authority" and because it did not receive the ratification of the elected governor and secretary of state.

Chase makes no statement as to the validity of secession undertaken by a majority vote of a state legislature and enacted by its executive.

### ***3. Texas v. White contains little by way of citation to authority.***

Even within the narrow ground covered by the opinion, the opinion is not well supported.



Admittedly, no legal tradition supplies a common law governing secession -- except perhaps that the topic must be off limits with punishments ranging from drawing and quartering in medieval times, to rolled eyes at a present day cocktail party. With such a dearth of case law, Chase was left to do what he could with moral and philosophical arguments.

He begins by conceding that: "The Republic of Texas was admitted into the Union, as a State, on the 27th of December, 1845. By this act the new State, and the people of the new State, were invested with all the rights, and became subject to all the responsibilities and duties of the original States under the Constitution."

Note the passive voice: "Texas was admitted . . . ," and "the people . . . were invested . . . ." A skilled politician and jurist like Chase doesn't use the passive voice accidentally. Had he named Texas as the entity doing the admitting and investing, he would have to acknowledge some of the contradictions I address below. More likely, in Chase's view it was the Union doing the admitting and investing, but to treat Texas as having played a passive role in its own admission to the Union would have been to openly distort recent history.

He continues:

From the date of admission, until 1861, the State was represented in the Congress of the United States by her senators and representatives, and her relations as a member of the Union remained unimpaired. In that year, acting upon the theory that the rights of a State under the Constitution might be renounced, and her obligations thrown off at pleasure, Texas undertook to sever the bond thus formed, and to break up her constitutional relations with the United States.

Strangely, after going to the trouble of laying out Texas' procedure for its attempt at secession, Chase, in his argument, practically ignores them. If, as is proffered, *Texas v. White* holds that no process could ever affect secession, then Chase's reasoning is more implicit than explicit. It is implied that the politicians representing Texas in 1845 were able to forever bind all Texans to the Union, yet the politicians representing Texas 16 years later had no power to unbind them. Did one of these governments have the consent of the governed and not the other? How is it possible for one generation of Texans to grant to their government the authority over every following generation until the end of time? If we assume that the holding in *Texas v. White* is absolute, and that Chase's criticisms went beyond procedural flaws, then these questions must be answered. There were certainly not answered by Chase.

Chase's argument is particularly troubling in light of his discussions regarding just what a state is. Essentially, Chase seems to say that the State, in the sense of the people, or the nation, lives on perpetually, while the State, in the sense of the government, can come and go. This certainly comports with history. However, as applied to the actual history of Texas, his logic would hold that the ephemeral state (government) can perpetually bind the eternal state (people).

#### **4. Chase's historical arguments do a poor job of supporting his opinion.**

Chase notes: "The Union of the States never was a purely artificial and arbitrary relation. It began among the Colonies, and grew out of common origin, mutual sympathies, kindred principles,

similar interests, and geographical relations. It was confirmed and strengthened by the necessities of war . . . ." This of course would fully apply to the relations between Great Britain and its colonies as well as it would describe the Union of the States. Chief Justice Chase makes no attempt to differentiate between the secession of Texas and the Independence of the Thirteen Colonies.

Chase concludes, "The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States." Chase makes no explanation as to what would have made the Magna Carta (or any subsequent British constitution) look more destructible.

### ***5. Chase's reference to the Articles of Confederation is confusing.***

Chase next places a clumsy weld between the old Articles of Confederation and the United State Constitution. He notes that the Union "received definite form, and character, and sanction from the Articles of Confederation. By these the Union was solemnly declared to 'be perpetual.'" He then attempts to tie the Articles to the Constitution but in so doing contradicts himself: "when these Articles were found to be inadequate . . . the Constitution was ordained 'to form a more perfect Union.'"

Chase is implying that somehow a portion of the Articles survived the ratification of the Constitution. Yet this introduces another contradiction: If the Articles were "perpetual" then how could they have been replaced by the Constitution? Are the Articles still in force? Are they in full force, or did only two words -- "be perpetual" -- survive?

These questions take on a new dimension when we consider that Texas was never a party to the Articles; by the time Texas joined the Union the Articles had been replaced by the Constitution. If Texas was somehow bound by the 'perpetual' Articles of Confederation, could it then secede from the Union formed by the Constitution but remain bound to the other states by the Articles of Confederation?

Half of Chase's argument corresponds to history. The Articles were found to be inadequate. However there is no basis to assume, as Chase has done, that any provision of the Articles was judged adequate and somehow incorporated into the Constitution. The Constitution is not simply an addendum to the Articles; both in a broad sense and in particulars it directly contradicts the Articles. If "the Constitution was ordained for form a" union more perfect than that union formed by the Articles of Confederation, this would suggest that no provision of the Articles would survive. At the very least, our starting assumption should be that any provision in the Articles, which was not included in the "more perfect" Constitution, was deliberately abandoned.

In summary, *Texas v. White*, even if given the utmost respect, and considered binding precedent, does not stand for the proposition that no state may ever break its bonds with the Federal Government of the United States. At the same time, if it is considered the final word on the Federal Government's right to prohibit a state from seceding, then that right is far from established.

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In 1851, the Federal Government issued bonds to the State of Texas as payment for the resolution of a boundary dispute. The bonds were payable to the State of Texas, or bearer, meaning that Texas could redeem them itself, or sell them on the secondary market. The Texas legislature then passed an act which indicated that the bonds could not be sold unless endorsed by the Governor of Texas. Texas redeemed most of the bonds prior to the Civil War, but it still had a few left when the war broke out. These were not yet signed by the governor.

When Texas putatively seceded, its governor, G. W. Paschal, remained loyal to the Union and was replaced by a governor loyal to the Confederacy.

Texas traded some of the remaining bonds to Mr. White and others in exchange for supplies. These bonds were not signed by G.W. Paschal. Paschal warned the Union that Texas would try to use the bonds in support of the war effort. The bonds would be easily identified because they would not be signed by Paschal or any prior Governor of Texas, if they were signed at all. The U.S. Treasury made it well known that it would not redeem such bonds and so no attempt was made to redeem them.

By 1865, Texas and the Confederacy were defeated. The U.S. President appointed a new governor of Texas and directed the formation of a reconstruction government. In 1866 the State Convention passed an ordinance directing the governor to repossess the bonds. The State of Texas (now loyal to the Union) brought suit against Mr. White and the other bond holders, arguing that the bonds were never properly endorsed and so still belonged to Texas.

The bondholders argued, among other things, that Texas had no right to sue in the Supreme Court because: "Texas by her rebellious courses had so far changed her status, as one of the United States, as to be disqualified from suing in this court."

This was not a contest of the merits of secession. This was not a case of a pro-secession state arguing in favor of secession. The reconstruction government of Texas was arguing in favor of Texas' standing in federal court and therefore Texas was arguing against the secession argument raised by the bondholders.

## ***2. The opinion in Texas v. White is limited to the set of facts set forth in that case.***

The question in *Texas v. White* was not whether a state can ever cease to be a member of the Union. The Court defines the question as: "Did Texas, in consequence of these acts, cease to be a State? Or, if not, did the State cease to be a member of the Union?"

What then are "these acts," which the Supreme Court found insufficient for secession? The Court describes them in great detail:

On the 1st of February a convention, called without authority, but subsequently sanctioned by the legislature regularly elected, adopted an ordinance to dissolve the union between the State of Texas and the other States under the Constitution of the United States, whereby Texas was declared to be 'a separate and sovereign State,' and 'her people and citizens' to be 'absolved from all allegiance to the United States, or the government thereof.'

It was ordered by a vote of the convention and by an act of the legislature that this ordinance should be submitted to the people, for approval or disapproval, on the 23d of February, 1861.

Without awaiting, however, the decision thus invoked, the convention, on the 4th of February, adopted a resolution designating seven delegates to represent the State in the convention of seceding States at Montgomery, 'in order', as the resolution declared, 'that the wishes and interests of the people of Texas may be consulted in reference to the constitution and provisional government that may be established by said convention.'

Before the passage of this resolution the convention had appointed a committee of public safety, and adopted an ordinance giving authority to that committee to take measures for obtaining possession of the property of the United States in Texas, and for removing the National troops from her limits. The members of the committee, and all officers and agents appointed or employed by it, were sworn to secrecy and to allegiance to the State. Commissioners were at once appointed, with instructions to repair to the headquarters of General Twiggs, then representing the United States in command of the department, and to make the demands necessary for the accomplishment of the purposes of the committee. A military force was organized in support of these demands, and an arrangement was effected with the commanding general, by which the United States troops were engaged to leave the State, and the forts and all the public property, not necessary to the removal of the troops, were surrendered to the commissioners.

These transactions took place between the 2d and the 18th of February, and it was under these circumstances that the vote upon the ratification or rejection of the ordinance of secession was taken on the 23d of February. It was ratified by a majority of the voters of the State.

The convention, which had adjourned before the vote was taken, reassembled on the 2d of March, and instructed the delegates already sent to the Congress of the seceding States, to apply for admission into the confederation, and to give the adhesion of Texas to its provisional constitution.

It proceeded, also, to make the changes in the State constitution which this adhesion made necessary. The words 'United States,' were stricken out wherever they occurred, and the words



'Confederate States' substituted; and the members of the legislature, and all officers of the State, were required by the new constitution to take an oath of fidelity to the constitution and laws of the new confederacy.

Before, indeed, these changes in the constitution had been completed, the officers of the State had been required to appear before the committee and take an oath of allegiance to the Confederate States.

The governor and secretary of state, refusing to comply, were summarily ejected from office.

By laying the facts out in such detail, Chase presents myriad opportunities for future jurists and states to distinguish between future secession attempts and that of Texas in 1861. Even if taken as binding precedent, *Texas v. White* stands only for the proposition that somewhere in the above described events, there was some procedural flaw making Texas' secession invalid. For instance, Chase could be read as saying that the process of secession taken by Texas failed because it was initiated by "a convention, called without authority" and because it did not receive the ratification of the elected governor and secretary of state.

Chase makes no statement as to the validity of secession undertaken by a majority vote of a state legislature and enacted by its executive.

### ***3. Texas v. White contains little by way of citation to authority.***

Even within the narrow ground covered by the opinion, the opinion is not well supported.

Admittedly, no legal tradition supplies a common law governing secession -- except perhaps that the topic must be off limits with punishments ranging from drawing and quartering in medieval times, to rolled eyes at a present day cocktail party. With such a dearth of case law, Chase was left to do what he could with moral and philosophical arguments.

He begins by conceding that: "The Republic of Texas was admitted into the Union, as a State, on the 27th of December, 1845. By this act the new State, and the people of the new State, were invested with all the rights, and became subject to all the responsibilities and duties of the original States under the Constitution."

Note the passive voice: "Texas was admitted . . . ," and "the people . . . were invested . . . ." A skilled politician and jurist like Chase doesn't use the passive voice accidentally. Had he named Texas as the entity doing the admitting and investing, he would have to acknowledge some of the contradictions I address below. More likely, in Chase's view it was the Union doing the admitting and investing, but to treat Texas as having played a passive role in its own admission to the Union would have been to openly distort recent history.

He continues:

From the date of admission, until 1861, the State was represented in the Congress of the United States by her senators and representatives, and her relations as a member of the Union remained unimpaired. In that year, acting upon the theory that the rights of a State under the Constitution

might be renounced, and her obligations thrown off at pleasure, Texas undertook to sever the bond thus formed, and to break up her constitutional relations with the United States.

Strangely, after going to the trouble of laying out Texas' procedure for its attempt at secession, Chase, in his argument, practically ignores them. If, as is proffered, *Texas v. White* holds that no process could ever affect secession, then Chase's reasoning is more implicit than explicit. It is implied that the politicians representing Texas in 1845 were able to forever bind all Texans to the Union, yet the politicians representing Texas 16 years later had no power to unbind them. Did one of these governments have the consent of the governed and not the other? How is it possible for one generation of Texans to grant to their government the authority over every following generation until the end of time? If we assume that the holding in *Texas v. White* is absolute, and that Chase's criticisms went beyond procedural flaws, then these questions must be answered. There were certainly not answered by Chase.

Chase's argument is particularly troubling in light of his discussions regarding just what a state is. Essentially, Chase seems to say that the State, in the sense of the people, or the nation, lives on perpetually, while the State, in the sense of the government, can come and go. This certainly comports with history. However, as applied to the actual history of Texas, his logic would hold that the ephemeral state (government) can perpetually bind the eternal state (people).

#### ***4. Chase's historical arguments do a poor job of supporting his opinion.***

Chase notes: "The Union of the States never was a purely artificial and arbitrary relation. It began among the Colonies, and grew out of common origin, mutual sympathies, kindred principles, similar interests, and geographical relations. It was confirmed and strengthened by the necessities of war . . ." This of course would fully apply to the relations between Great Britain and its colonies as well as it would describe the Union of the States. Chief Justice Chase makes no attempt to differentiate between the secession of Texas and the Independence of the Thirteen Colonies.

Chase concludes, "The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States." Chase makes no explanation as to what would have made the Magna Carta (or any subsequent British constitution) look more destructible.

#### ***5. Chase's reference to the Articles of Confederation is confusing.***

Chase next places a clumsy weld between the old Articles of Confederation and the United State Constitution. He notes that the Union "received definite form, and character, and sanction from the Articles of Confederation. By these the Union was solemnly declared to 'be perpetual.'" He then attempts to tie the Articles to the Constitution but in so doing contradicts himself: "when these Articles were found to be inadequate . . . the Constitution was ordained 'to form a more perfect Union.'"

Chase is implying that somehow a portion of the Articles survived the ratification of the Constitution. Yet this introduces another contradiction: If the Articles were "perpetual" then how could they have been replaced by the Constitution? Are the Articles still in force? Are they in full force, or did only two words -- "be perpetual" -- survive?



These questions take on a new dimension when we consider that Texas was never a party to the Articles; by the time Texas joined the Union the Articles had been replaced by the Constitution. If Texas was somehow bound by the 'perpetual' Articles of Confederation, could it then secede from the Union formed by the Constitution but remain bound to the other states by the Articles of Confederation?

Half of Chase's argument corresponds to history. The Articles were found to be inadequate. However there is no basis to assume, as Chase has done, that any provision of the Articles was judged adequate and somehow incorporated into the Constitution. The Constitution is not simply an addendum to the Articles; both in a broad sense and in particulars it directly contradicts the Articles. If "the Constitution was ordained for form a" union more perfect than that union formed by the Articles of Confederation, this would suggest that no provision of the Articles would survive. At the very least, our starting assumption should be that any provision in the Articles, which was not included in the "more perfect" Constitution, was deliberately abandoned.

In summary, *Texas v. White*, even if given the utmost respect, and considered binding precedent, does not stand for the proposition that no state may ever break its bonds with the Federal Government of the United States. At the same time, if it is considered the final word on the Federal Government's right to prohibit a state from seceding, then that right is far from established.

Read more: [http://www.americanthinker.com/2013/01/on\\_secssion.html#ixzz40rtx2bcz](http://www.americanthinker.com/2013/01/on_secssion.html#ixzz40rtx2bcz)

**"EVERY RECORD HAS BEEN DESTROYED OR FALSIFIED, EVERY BOOK REWRITTEN, EVERY PICTURE HAS BEEN REPAINTED, EVERY STATUE AND STREET BUILDING HAS BEEN RENAMED, EVERY DATE HAS BEEN ALTERED. AND THE PROCESS IS CONTINUING DAY BY DAY AND MINUTE BY MINUTE. HISTORY HAS STOPPED. NOTHING EXISTS EXCEPT AN ENDLESS PRESENT IN WHICH THE PARTY IS ALWAYS RIGHT." — GEORGE ORWELL, 1984**



# Violating the Lieber Code: The March From the Sea

By Kirkpatrick Sale



On April 24, 1863—just three months after the cruel and retaliatory Emancipation Proclamation—Lincoln issued an order drafted by Columbia University law professor Francis Lieber that codified the generally accepted universal standards of warfare, particularly as it related to the lives and property of civilians. Among the actions it deemed to be criminal and prohibited were the “wanton devastation of a district,” “infliction of suffering” on civilians, “murder of private citizens,” “unnecessary or revengeful destruction of life,” and “all wanton violence...all robbery, all pillage or sacking...all rape, wounding, maiming, or killing.”

It is true that it also provided, in its articles 14 and 15, a slippery provision called “military necessity,” under which “destruction...of armed enemies” and of “other persons whose destruction is incidentally unavoidable” was completely permissible, and allowed “the appropriation of whatever an enemy’s country affords” by the conquering army. But it is clear that the overall intent of the Code was to rein in atrocities by the Union Army, particularly toward civilians.

The Union Army in the preceding years of the war had generally observed such principles as the Lieber Code set out, although there had been many instances of victorious troops that, as one general said of the Union troops in Baton Rouge, “regard pillaging not only right in itself but a soldierly

accomplishment” and there were a few instances of renegade generals who led their troops into wholesale devastation of civilian targets.

But when the new element to the war became the cause of eliminating slavery, a certain moral fervor was cast upon the troops, or a good many of them at least, that eventually added a kind of John-Brown-like zealotry to the Union cause. It was not that there was any particular passion to see black people freed but rather to abolish slavery itself, an easily condemnable institution that was the economic and political pillar of the hated Southerners. That is why, within just a few months of the Emancipation Proclamation, a number of commanders in the field, despite the recently released Lieber Code, felt sanctioned to unleash the equivalent of what in the 20th century came to be called “total war”—a war upon civilians and their property in the South, with attendant looting, murder, arson, and rape, and neither women, children, the old and infirm, or oftentimes even blacks, were spared.

And with the sanction of General Henry Halleck, General-in-Chief of the Union Army, who let it be known on March 31, 1863—a slim month after the Lieber Code was issued to the troops— that Union generals should now enlarge the conflict in ways that General Halleck could say that spring changed “the character of the war” and allowed, “no peace but that which is forced by the sword.”

To which Grant wrote responded:

Rebellion has assumed that shape now that it can only terminate by the complete subjugation of the South...It is our duty to weaken the enemy, by destroying their means of subsistence, withdrawing their means of cultivating their fields, and in every other way possible.

It was the following year—150 years ago—that the Union Army was able to start this “complete subjugation,” largely through the work of General William Sherman, who totally shredded the Lieber Code and trod it under the feet of his three powerful armies. He went through Mississippi, then Tennessee, then into Georgia, where he destroyed Atlanta in September and then moved south to Savannah, where he contemplated his march northward through South Carolina. As Sherman wrote to Halleck once he settled in Savannah, “The truth is the whole army is burning with an insatiable desire to wreck vengeance upon South Carolina. I almost tremble at her fate, but feel that she deserves all that seems in store for her.”

So the subsequent campaign was, unbelievably, even fiercer than the Georgia one, for after all South Carolina had been the first to secede and first to fire a shot (though in answer to a Union invasion of Charleston Harbor); a reporter for a Northern newspaper wrote: “As for wholesale burning, pillage, devastation, committed in South Carolina, magnify all I have said of Georgia fifty-fold, and then throw in an occasional murder.”

The army, still 60,000 strong, marched north through the state in two swaths, one going up the coast toward Charleston and the larger unit going northwest to Columbia, the capital, where the vengeance it planned was indeed insatiable, and on into North Carolina. Resistance was meager, there being not more than a few thousand able-bodied soldiers left in the whole state. Destruction of property, military



and civilian, through the countryside was nonetheless total. A Union captain wrote that “the destruction of houses, barns, mills, etc. was almost universal,” and a Sherman aide testified that “a majority of the Cities, towns, villages and country houses have been burnt to the ground,” many of which were never rebuilt even after the war. A Union major, George Nichols, wrote this condemnation: “Aside from the destruction of military things, there were destructions overwhelming, overleaping the present generation... agriculture, commerce, cannot be revived in our day. Day by day our legions of armed men surged over the land, over a region forty miles wide, burning everything we could not take away.” At least 35 towns and cities in South Carolina, and perhaps a hundred or more plantations, were torched and destroyed.

A Union Captain George Pepper classified the devastation:

First, deliberate and systematic robbery for the sake of gain. Thousands of soldiers have gathered by violence hundreds of dollars each, some of them thousands, by sheer robbery.... This robbery extends to other valuables in addition to money. Plate and silver spoons, silk dresses, elegant articles of the toilet, pistols, indeed whatever the soldier can take away and hopes to sell.... A second form of devastation... consisted in the wanton destruction of property which they could not use or carry away.... This robbery and wanton waste were specially trying to the people, not only because contrary to right and the laws of war [you see, they did know what was right], but because it completed their utter and almost hopeless impoverishment. The depth of their losses and present want can hardly be overstated.

The devastation of Barnwell, South Carolina, 80 miles northwest of Savannah, seems to have been typical. South Carolina literary light William Gilmore Simms would write:

On what plea was the picturesque village of Barnwell destroyed? We had no army there for its defense: no issue of strength in its neighborhood had excited the passions of its combatants. Yet it was plundered—and nearly all burned to the ground; and this, too, where the town was occupied by women and children only. So, too, the fate of Blackville, Graham, Bamberg, Buford’s Bridge, Lexington, etc., all hamlets of most modest character, where no resistance was offered—where no fighting took place—where there was no provocation of liquor even, and where the only exercise of heroism was at the expense of women, infancy, and feebleness.

A Mrs. Aldrich remembered the sight of Barnwell after the Union army left:

All the public buildings were destroyed. The fine brick Courthouse, with most of the stores, laid level with the ground, and many private residences with only the chimneys standing like grim sentinels; the Masonic Hall in ashes. I had always believed that the archives, jewels and sacred emblems of the Order were so revered by Masons everywhere... that those wearing the “Blue” would guard the temple of their brothers in “Gray.” Not so, however: Nothing in South Carolina was held sacred.

All this was exceeded by Sherman’s obliteration of Columbia, which his army reached in mid February 1865, and though the city surrendered without resistance Sherman set his troops loose to pillage and burn the hated center of secession, the soldiers “infuriated, cursing, screaming, exulting in their work,”

according to one account. It goes on: “The drunken devils roamed about, setting fire to every house the flames seemed likely to spare... They would enter houses and in the presence of helpless women and children, pour turpentine on the beds and set them on fire.” By midnight “the whole town was wrapped in one huge blaze.”

Simms draws these pictures:

Hardly had the troops reached the head of Main street, when the first work of pillage began. Stores were broken open within the first hour after their arrival, and gold, silver, jewels and liquor eagerly sought.... Among the first fires at evening was one about dark, which broke out in a filthy purlieu of low houses of wood on Gervais street, occupied mostly as brothels.... Almost at the same time a body of the soldiers scattered over the eastern outskirts of the city and fired the dwellings.... There were then some twenty fires in full blast, in as many different quarters... thus enveloping in flames almost every section of the devoted city.... By midnight, Main street, from its northern to its southern extremity, was a solid wall of fire.... And while these scenes were at their worst—while the flames were at their highest and most extensively ranging—groups might be seen at the several corners of the streets, drinking, roaring, reveling—while the fiddle and accordion were playing their popular airs among them.

And this was not the happenstantial work of a few renegade soldiers. This was what Sherman intended, giving loose to his army’s “insatiable desire.” In his memoirs he bluntly bragged that he had “utterly ruined Columbia.”

On March 3, Sherman’s troops captured the little city of Florence, in northern South Carolina, on their way to North Carolina. A Union officer, noting the army’s path, wrote: “The sufferings which the people will have to undergo will be most intense. We have left on the wide strip of country we have passed over no provisions which will go any distance in supporting the people.” On that same day, 350 miles north, Abraham Lincoln addressed a crowd from the steps of the capitol after his second inauguration. He promised to continue the war being fought “with malice toward none; with charity for all.” *With malice toward none.*

The next month, in Virginia, at General Grant’s headquarters, Sherman regaled Lincoln with reports on his successful marches through the South. He recalled in his memoirs that the President was particularly keen on his stories of the foragers in uniform and their pillaging and burning as they wreaked their vengeance on the enemy, or at least the enemy’s countryside and civilian population.

Sherman’s campaign, along with those of General Philip Sheridan in the Shenandoah Valley (where he followed out Grant’s instructions to leave it “a barren waste”) and Grant’s in Virginia against Lee’s declining forces, had their desired effect. The Confederacy’s back was effectively broken, and with burnt-out fields, decimated livestock, devastated populations, and no slave labor under control it was left without means to recover and regroup. On April 9 Lee surrendered to Grant at Appomattox and within a month or so other Confederate commands followed suit.

As was said in another context, they made a desert and called it peace.

In the end, after four years of brutal war, the bloodiest in American history, the first to be fought on civilian soil, the South had lost at least 50,000 civilians, by the commonly reckoned account, mostly to disease and starvation but not a few to weaponry. Another 426,000 soldiers died, at a bare minimum, maybe 30 per cent of white males of military age in the South, and some 320,000 were wounded; suicide and mental illness amounted to what scholar Diane Miller Sommerville has called “a virtual epidemic of emotional and psychiatric trauma among Confederate soldiers and veterans.” The South suffered an estimated \$3.3 billion in property damage, including railroads, bridges (one third said to be destroyed), banks, factories, warehouses, and homes. And some 3.5 million slaves, reckoned in 1860 to be worth \$3.5 billion in 1860 dollars, were taken from their owners, what historian R. R. Palmer has called “an annihilation of individual property rights without parallel...in the history of the modern world,” no people anywhere having “to face such a total and overwhelming loss of property values as the slave-owners of the American South.”

If the estimate of the total cost of the war is accurate—put at \$6.6 billion by the Encyclopedia of the Confederacy, not counting the slaves—then the South would have paid the much greater part of that, and yet with an infrastructure demolished in most places it had no real means of recovery. All of its prewar railroads were destroyed (except for the Louisville & Nashville, which the Union Army used), and even as late as 1880 the South had only a third of its prewar mileage. Its entire economy, almost entirely based on plantation agriculture, was destroyed, and even where farming was taken up again it was mostly done by sharecroppers now. The North, which expanded its manufacturing and railroad sectors threefold during the war years, hardly suffered at all and was able in the war’s aftermath to build a prosperous infrastructure for the future.

But the toll on the South was far greater even than the huge number of people lost and the devastated landscape. For the South was a conquered country, whipped, disheartened, demoralized, beaten in soul and spirit, its social fabric in tatters, its customs and traditions trampled on, its institutions gutted, and its very civilization shaken to its roots. The Nation magazine, a pro-Union publication that started this year, wrote in September: “There has probably never been a people, since the Gauls, so thoroughly beaten in war as the Southerners have been....This generation is certainly as the mercy of its conqueror, and incapable of offering the least opposition to its mandates.”

Thanks to the complete and utter disregard of the Lieber Code, an unprecedented disaster, and one that would leave scars and wounds for at least a century and a half.

## **About Kirkpatrick Sale**

Kirkpatrick Sale is an independent scholar and founder of the Middlebury Institute. He is the author of dozens of books and scholarly publications, including his most recent *Emancipation Hell: The Tragedy Wrought By the Emancipation Proclamation 150 Years Ago*.

<http://www.abbevilleinstitute.org/review/violating-the-lieber-code-the-march-from-the-sea/>



# The Southern Cross

By G.B.F. McCullum

Look upon our flag of red;  
Where many a Southern Soldier bled.  
Upon that cross Saint Andrew died;  
Our Southern Nation was crucified.

Through tear stained eyes I now recall;  
Our Southern Banner upon the wall.  
A thousand trumpets warn the call;  
Never again we let it fall.

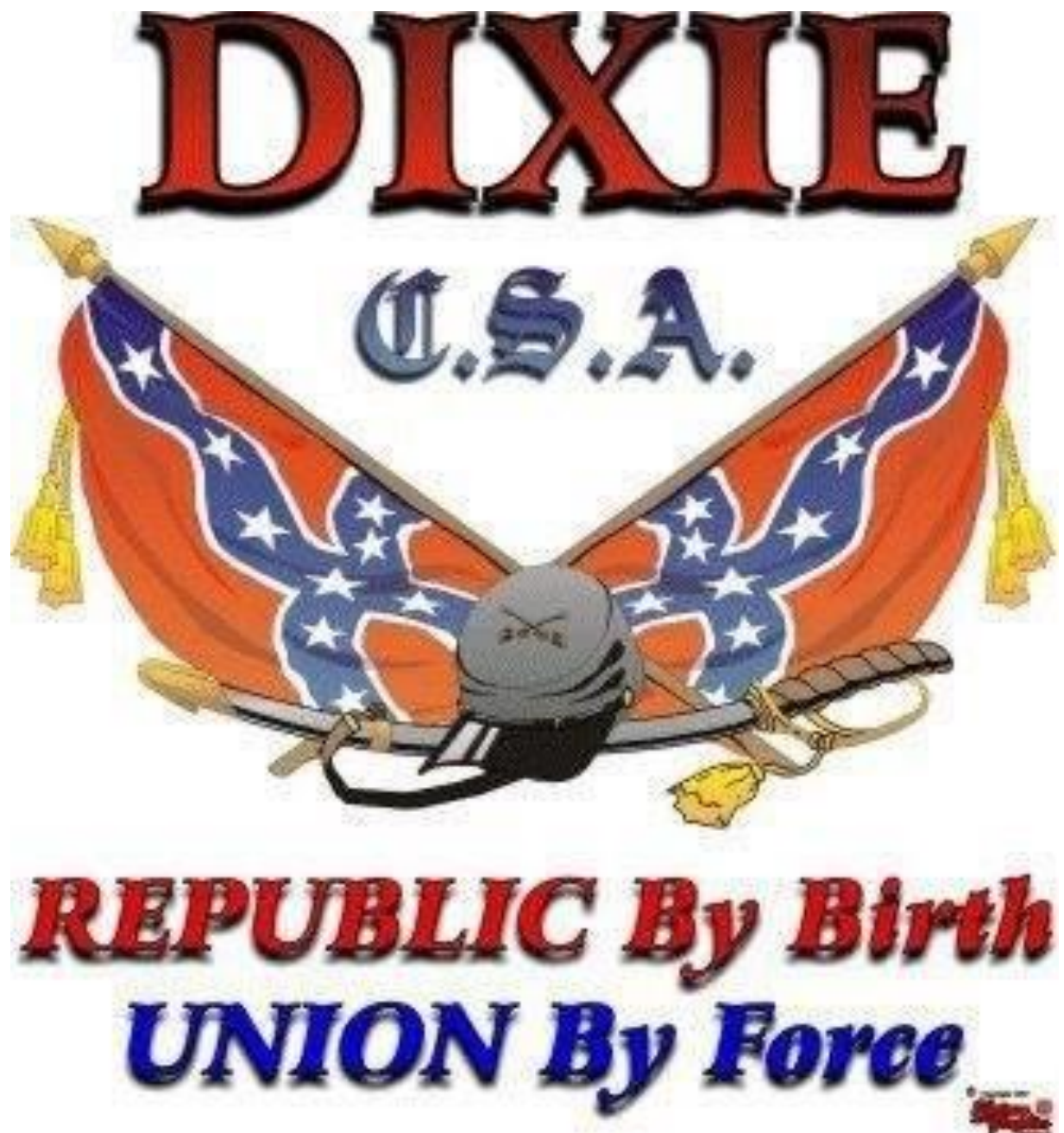
Take her out of dusty places;  
Put a smile upon your faces.  
O look again upon the wind;  
Let not our flag again descent.

Should the past return again;  
A Southern Nation at last to win.  
In all the world they beckon call;  
The Southern People to stand up tall.

We ourselves must take their places;  
Of fallen warriors in all those spaces.  
If once again her foes descend;  
Our Southern Cross will feel the wind.

Never again nor at all once more;  
Our Southern Flag as it was before;  
Be furled away to be seen no more;  
Forgotton memories a long ago war.

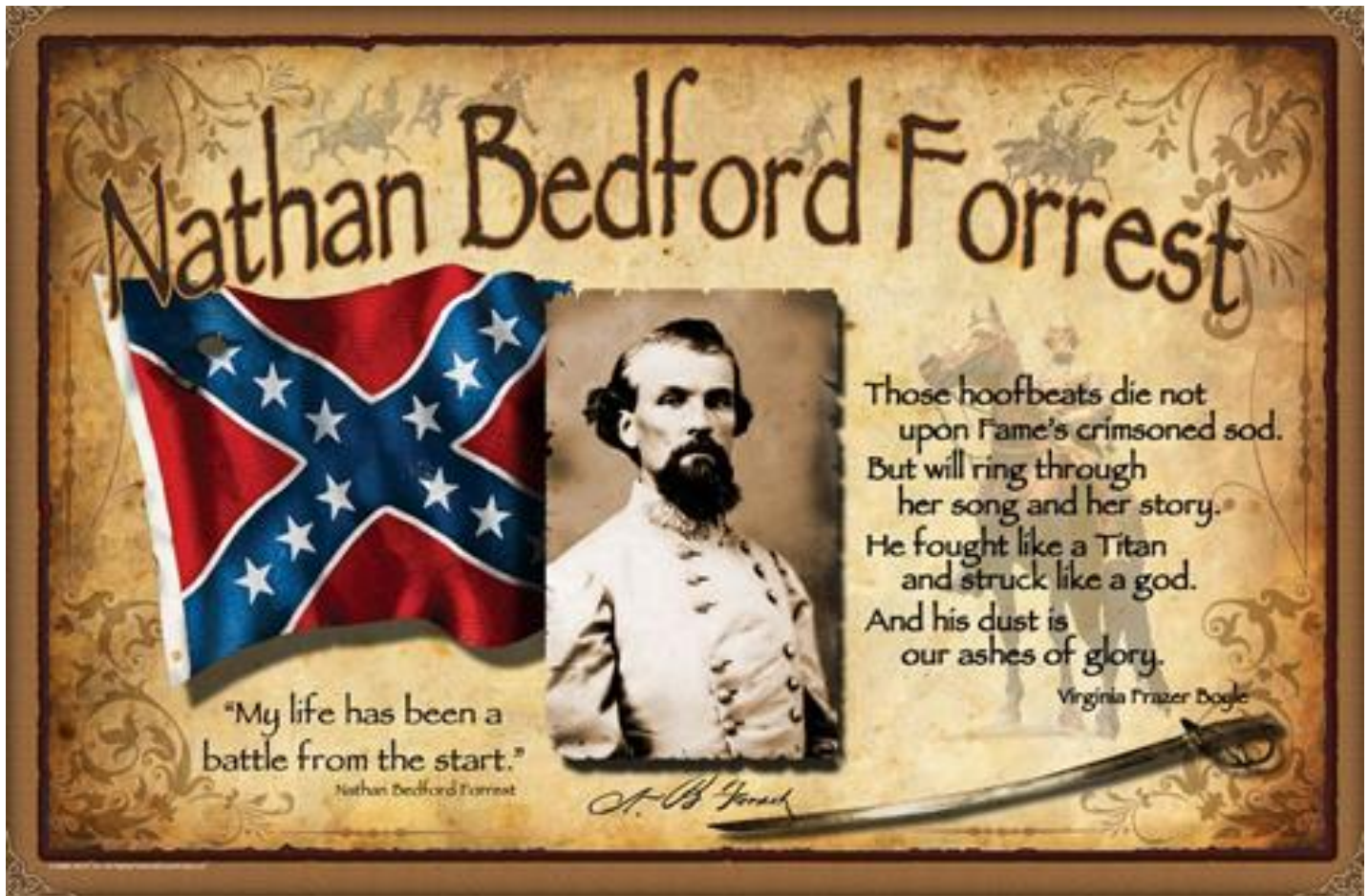




"--That to secure these rights, Governments are instituted among Men, deriving their just powers **from the consent of the governed**, --That whenever any Form of Government becomes destructive of these ends, it is the **Right of the People to alter or to abolish it**, and to institute new Government."

Congress July 4th 1776





**This article was written by Compatriot Harry W. Reineke IV, and bravely submitted during a course at the local College of Dupage in Glen Ellyn, Illinois.**

## Clearing the Name of Nathan Bedford Forrest

Nathan Bedford Forrest is one of the most controversial figures in the history of the American South and of the American Civil War. Growing up in Mississippi, Forrest was a businessman, and later moved to Memphis to become a slave trader, a “notorious profession,” but one that made him a millionaire (Kastler 12). Forrest enlisted into the Confederate army on June 14, 1861, and he would later go on to attain the status of a General Officer of the Confederacy within the year (Kastler 13; Henry 30). As a General Officer, Forrest would become known as the man who led the massacre of the Federal garrison of Fort Pillow, which is recounted in various amounts of detail in almost every book written about him (Kastler 97-101; Wyeth 307-369; Henry 248-269). After the war, Forrest returned to his native Mississippi to be a planter, but then embarked on various business ventures in Tennessee (Henry 452). Though historians have taken a view that Forrest was an early member of the Ku Klux Klan, hard proof of such membership is not recorded anywhere, for Forrest was not in the same town when he is supposed to have joined (Hurst 287). In his article “The Contested Image of Nathan Bedford Forrest,” Court Carney notes that “Forrest became an obvious target for African American anger and contempt, especially in the late twentieth century” (601). Given all of the available information, and a keen, objective, and academic view of the sources, it is easily demonstrated that Forrest was neither a member of the Ku Klux Klan, nor a notable racist, and not a war-butcher responsible for a great massacre, but was truly a man of great good will and fraternity toward the freed African Americans in the postbellum Southern United States.

The idea that Forrest was a founding member of the Ku Klux Klan, and even that he was somehow the leader – styled Grand Wizard – of the organization has become common opinion in American culture, even being immortalized in the 1994 film *Forrest Gump* (Kastler 121). Kastler goes on in the same sentence to say that “nothing could be further from the truth, adding that “once a myth is propagated over a long period . . . it



becomes truth . . . regardless of the facts that prove otherwise” (121). The facts show that the Klan was founded in Pulaski, Tennessee in 1865 by six Confederate veterans: Captain John C. Lester, Captain John B. Kennedy, Captain James R. Crowe, Frank O. McCord, Richard R. Reed and J. Calvin Jones (Horn 9; Hurst 278). While this information fully removes from Forrest’s shoulders the foundation of the Klan, the question of his membership and early involvement remain. While many biographers treat the KKK myth as fact, an examination of the sources calls it into question. Kastler’s book *The Redemption of Nathan Bedford Forrest*, one of the newest books, published in 2010, cites the biography by Jack Hurst written in 1993. In a published 2001 journal article “The Contested Image of Nathan Bedford Forrest,” author Court Carney also cites Hurst when alleging that Forrest was a member (Carney 603). When reviewing Hurst’s source list in his book, he is simply recounting the story published by Stanley Horn in *Invisible Empire: The Story of the Ku Klux Klan 1866-1871*. In that book, Horn tells two versions of the story, both of which involve Forrest’s former subordinate, John W. Morton, answering Forrest’s questions about the Klan before giving him the oath of initiation (314-315). For Henry’s source material, he cites the same sources used by Robert Selph Henry in his own famous biography *First with the Most*, namely, the appendix to Morton’s 1909 book *Forrest’s Artillery*, which was itself an expansion of a September 1905 article in the *Metropolitan Magazine* by Thomas Dixon, Jr, and which bore the title “The Story of the Ku Klux Klan,” and is admitted to be circumstantial by Horn (Horn 315). Unfortunately for historians, Dixon’s account has neither sources nor is contemporary to the life of General Forrest who died in 1877. Dixon’s account of Forrest’s initiation reads well, with great detail of dialogue, and a great plot twist wherein while Forrest is speaking with Morton about the Klan, Morton doesn’t admit to his own membership (Dixon 667-668). The end of the story is told as such:

The young man avoided the issue and took his old commander for a ride. Forrest persisted in his questions about the Klan, and the youth kept smiling and changing the subject. On reaching a dense woods in a secluded valley outside the city, Morton suddenly turned to his former leader and said: “General, hold up your right hand!” Forrest did as he was ordered and the youth, trembling with excitement and his eyes misty with tears, solemnly administered the preliminary oath of the order. (Dixon 668)

While Dixon’s ability to tell a story for a magazine is not doubted, his credibility on this count ought to be called into question. As already noted, Dixon’s story is not contemporary with Forrest, nor with the organization about which he is writing.

The 1905 article is the not the first reference to Forrest’s involvement in the Ku Klux Klan as a member. It was in the first decade of the 1900s that Forrest’s name became associated with the Ku Klux Klan “for the first time since the early 1870s,” with the first public references to his alleged Grand Wizard role in 1901, though that reference called him the “Grand Cyclops” (Carney 610). The reference to the 1870s alludes to the 1871 Congressional Committee testimony, in which the Congress found through his denial, Forrest’s “statements . . . were full and explicit” and the “evidence sustains [him]” which was quoted by John Allen Wyeth in his 1899 biography of Forrest (588). In that testimony, Forrest admits to having been a member of an organization called the Pale Faces, which he describes as “something like Odd Fellowship, Masonry, orders of that sort . . . for the purpose of preventing crime, . . . protecting each other . . . [and] preventing disorder” (United States Congress 23). Every time Forrest was asked if he was a member or organizer, he claimed no knowledge. He was asked by the chairman if he had knowledge of disguised men in Pontotoc, Mississippi, which he denied (United States Congress 8). Later, the same chairman asked if Forrest had taken any steps to organize the Klan; Forrest answered negatively (United States Congress 11). When questioned about signs of the organization, Forrest said that he had not seen them used, nor had he “seen the organization together” and any dealings he had with the Klan were to “stop it, disband it, prevent it” (United States Congress 11). Furthermore, Forrest’s understanding was that the organization had been disbanded since 1868 (United States Congress 12). Ku Klux Klan “General Order Number One,” which called for the Klan to be disbanded and the costumes destroyed, is dated 25 January 1869 (Kastler 130).

Another problem with Forrest as he is viewed through history is the idea that he was a great and notable racist. He was in fact a slave trader before the American Civil War, and while it wasn’t the most respectable of professions, it did make him a lot of money (Kastler 12). Forrest’s pre-war views on race were nothing special in America at the time, North or South. Even Abraham Lincoln, the “Great Emancipator,” had a record of racist

attitudes. In the 1858 race for the US Senator seat in Illinois, Lincoln debated Stephen Douglas several times (*Lincoln Douglas Debates*). In Ottawa, Illinois, on 21 August 1858, Lincoln said “I had no thought in the world that I was doing anything to bring about a political and social equality of the black and white races.” (*First Debate: Ottawa*). One month later, in a similar debate on 18 September, Lincoln was more specific, saying:

I will say then that I am not, nor ever have been, in favor of bringing about in any way the social and political equality of the white and black races, that I am not nor ever have been in favor of making voters or jurors of negroes (sic), nor of qualifying them to hold office, nor to intermarry with white people . . . and I as much as any other man am in favor of having the superior position assigned to the white race. (*Fourth Debate: Charleston*)

Later, in his first inaugural address, Lincoln, also infamously said that he had neither the “lawful right” nor the “inclination” to interfere with slavery in the states where it was presently legal. Forrest’s activities as a slave trader did not make him anything special for the time. Alexis de Tocqueville, the mid-nineteenth century French writer, even noted that what would in the later twentieth century be termed “racism” was stronger “in those States which have abolished” slavery, and white workers would “not work side by side with the blacks in the North, but do it in almost every Southern State” (Rutherford 92). Forrest’s role as a slave trader should also be understood in light of the fact that slaves were not owned solely by white men (Kennedy 64). In their book *The South War Right*, a thoroughly researched volume, James and Walter Kennedy note that the 1830 United States Census shows that more than 10,000 slaves were owned by free men of color (64-65). This ownership by fellow African-Americans took place not only in the South, but in New York, where “eight free men of color owned seventeen slaves” (Kennedy 65). The Kennedys quote a book by Larry Kroger to note that “free Negro masters . . . exploited the labor of slaves with the desire for profits” just like their white counterparts (Kennedy 65).

During the war, Forrest was labeled a butcher for the actions revealed in the press regarding the so-called massacre of Fort Pillow. David Keithly brings up Fort Pillow in his article from *Civil Wars* titled “Paying the Devil Asymmetrically: Nathan Bedford Forrest in the American Civil War.” He notes that Forrest’s force conducted raids up into Kentucky before returning to Tennessee to capture Fort Pillow (93). After the capture of the fort, Forrest’s men “unleashed a notorious slaughter of its garrison . . . of 560 troops, half of whom were black” (93). Of the 400 casualties, a majority were deaths (Keithly 93) Keithly quotes a Union eyewitness on the carnage conducted by the Confederates, and specifically says that this account an early use of the word “butchery” to describe the actions (93). Another Union eyewitness, Second Lieutenant Daniel Van Horn of the 6th US Colored Artillery, was present at the battle and describes it in a letter dated two days afterward on April 14, 1862:

Arrangements were scarcely completed and the men placed in the rifle-pits before the enemy came upon us and in ten times our number . . . They were repulsed with heavy loss; charged again and were again repulsed . . . The order was then given to retire inside the fort, and General Forrest sent in a flag of truce demanding an unconditional surrender of the fort, which was returned with a decided refusal . . . After the flag had retired, the fight was renewed and raged with fury for some time, when another flag of truce was sent in and another demand for surrender made . . . Another refusal was returned, when they again charged the works and succeeded in carrying them. Shortly before this, however, Lieut. John D. Hill, Sixth U. S. Heavy Artillery, was ordered outside the fort to burn some barracks, which he, with the assistance of a citizen who accompanied him, succeeded in effecting . . . At 4 o’clock the fort was in possession of the enemy, every man having been either killed, wounded, or captured . . . There never was a surrender of the fort, both officers and men declaring they never would surrender or ask for quarter. (*Report of Van Horn*)

This contradicts several reports of Fort Pillow as the war’s “most notorious atrocity” (Ward 3). While many did die at Fort Pillow, the idea that it was the product of anything other than battle without surrender is noted in Van Horn’s report above. Ward indicates in his chapter, “River Run Red: Massacre,” that after the fort itself was taken by the Confederate army, but while many Union soldiers were escaping, the Confederates were guilty of killing soldiers trying to cross the nearby river so as to get away from the Confederates (206-212). While the men under Forrest may have created much carnage and loss of life, such is the reaction to a refusal to surrender in war. It cannot and must not be assumed that the fort was attacked, nor the soldiers guarding the fort were

killed, because of racist motivation on the part of Forrest, but simply by a military commander doing his duty to take areas under enemy control by any means necessary.

After the war, Forrest became rather progressive on the subject of race relations. In 1866, when all African-Americans under his employ were, by virtue of the Thirteenth Amendment, free, Forrest took to protecting them. At the end of March 1866, Forrest was involved in an incident which led to the death of Thomas Edwards (Hurst 272-273). Forrest was trying to stop Edwards' abuse of Edward's wife, which was apparently a common occurrence, as noted in a letter from A. M. Henderson on the following day; Forrest stood up for Mrs. Edwards and struck Thomas Edwards on the head after warning him, whereupon Mr. Edwards attacked Forrest with a knife, and Forrest seized an axe in the cabin, striking a blow on his head, thereby killing him (Hurst 272-273). This was a classic act of self defense, and standing up for women, expected behavior in the 1860s. Kastler discusses the incident, noting that Mrs. Edwards sided with her husband, which is "fairly common among abused wives, accustomed to living in fear . . . of their husband's actions" (116). Hurst notes that Forrest was brought to trial for this event and exonerated by both the court and the Freedmen's Bureau, whose investigation found that Thomas Edwards was provoked to insubordination by employees of Forrest's partner, was a leader of resentful African-Americans, and had whipped a mule to death a month earlier (274). Captain N. D. Collins, the head of the Freedmen's Bureau, described Forrest as rather lenient, as Kastler notes, because he "paid wages much higher than most plantations did, and he allowed the black workers to buy and possess firearms (116). He also writes that Collins said that "[he] 'did not think the ex-slaves could handle [this] type of freedom and personal responsibility . . . and recommended that he no longer tolerate armed employees on his land,' referring to Forrest as 'too liberal a character'" (Kastler 116-117). He notes that in the twenty-first century, people oppose Forrest as a racist, but that in his own day, he was considered too liberal in the realm of civil rights (Kastler 117).

Between the Civil War and his death, Forrest repeatedly showed himself a friend to the African-American community. In the event just described, even the head of the Freedmen's Bureau noted Forrest's progressive stance. Later, he would be exonerated from any personal dealings with the racist organization, the Ku Klux Klan, and by the time of his death, he was even invited to speak to African-American organizations. Hurst and Kastler both quote in full a speech Forrest gave on 5 July 1875 to the Independent Order of the Pole-Bearers, on an invitation extended to him to foster "peace, joy, and union" (Hurst 366; Kastler 145). In his speech, he accepts flowers from Miss Lou Lewis, who offered them "as a token of reconciliation and an offering of peace and good-will" with the words "I accept the flowers as a memento of reconciliation between the white and colored races" (Hurst 366; Kastler 145). Forrest further says that he accepts the gift "more particularly as it comes from a colored lady, for if there is any one on God's earth who loves the ladies [he believes] it is [him]self" (Hurst 366-367; Kastler 145). He said that he came to speak, against the advice of white people who saw his acceptance of the invitation as something wrong, and says that he will "do much to assist the people in strengthening fraternal relations" (Hurst 367; Kastler 145). His speech must be allowed to speak for itself; it continues:

I want to elevate you to take positions in law offices, in stores, on farms, and wherever you are capable of going. I have not said anything about politics today. I don't propose to say anything about politics. You have a right to elect whom you please; vote for the man you think best, and I think, when that is done, you and I are freemen. . . . I came to meet you as friends, and welcome you to the white people. I want you to come nearer to us. . . . We have but one flag, one country; let us stand together. We may differ in color, but not in sentiment. . . . Go to work, be industrious, live honestly and act truly, and when you are oppressed I'll come to your relief. (Hurst 367; Kastler 145)

The speech was met with prolonged applause (Hurst 367; Kastler 145).

Kastler's book, in the last chapter, focuses on Forrest's conversion to Christianity. Kastler notes that Forrest viewed the Christian God as distant, and while he found Christianity interesting, he was never a faithful member (134). His wife was a committed Christian, and toward the end of his life, he began to attend church with her (Kastler 136). In 1875, he became a Christian by way of prayer with the Presbyterian minister (Kastler 142). Kastler proposes that it was his conversion to Christianity, and the change of heart that often accompanies



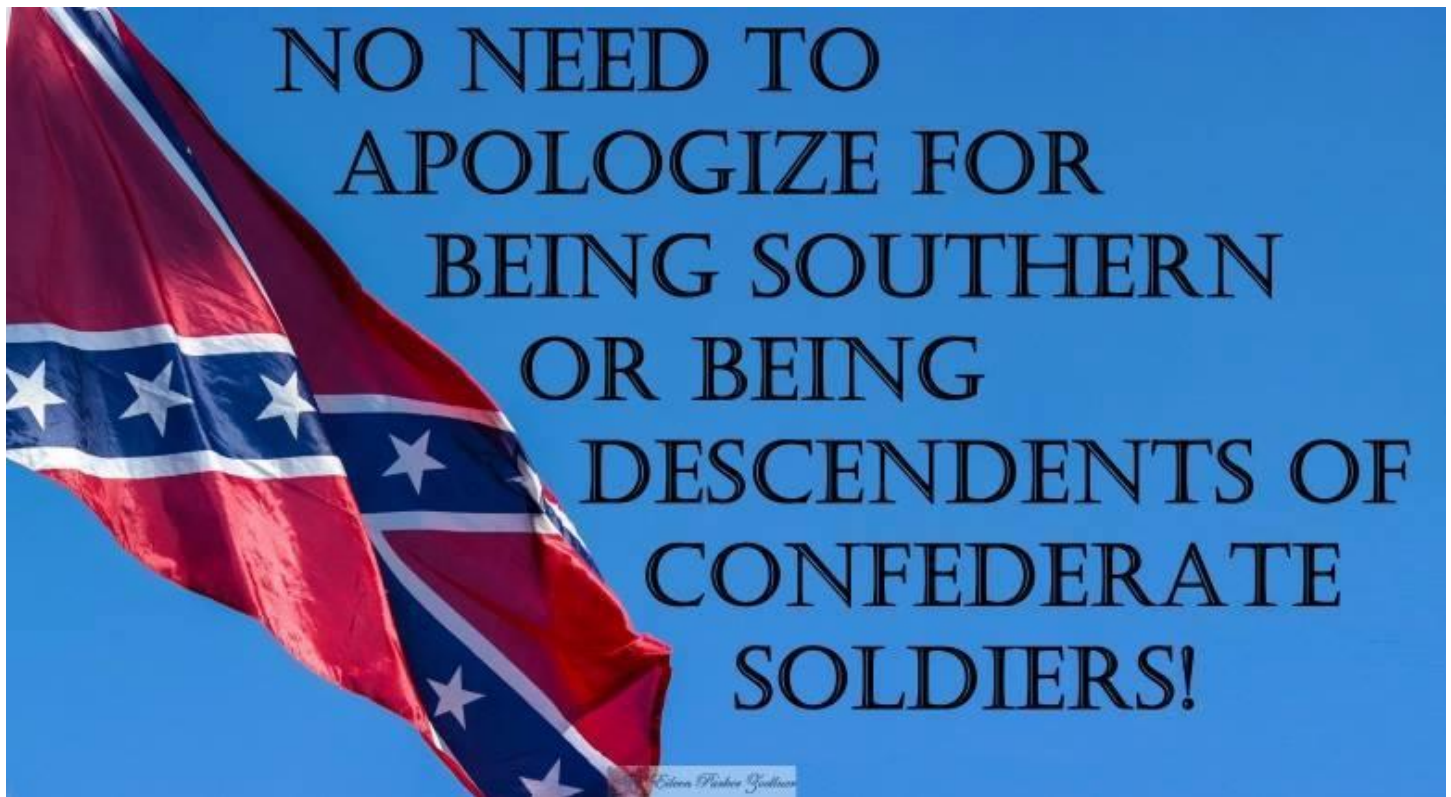
religious conversion, that led him to the mindset that he demonstrated in the Pole-Bearers speech (144). In his last days, he told Major Charles Anderson that his life was spared and he avoided many dangers thanks to the prayers of his wife (Wyeth 592).

At the time of his death, Forrest was beloved by some members of the African-American community. At the time of his funeral, thousands of people of both races lined the streets for his funeral, and some of the African-Americans had forgiven him (Kastler 155, 161). Hundreds paid respect to his remains at the funeral, with one newspaper writing one reason could be that African-Americans “had opportunities to see and know [Forrest’s] goodness and to recognize his charity and benevolence,” while another could be that they really wanted to make sure he was dead (Carney 605).

This paper has attempted to demonstrate that common and popular opinions of the Confederate General Nathan Bedford Forrest are misunderstandings of history. He was never a member of the Ku Klux Klan, and while racism can be read back into his actions from the viewpoint of the twenty-first century, he was not particularly racist for his time period by any standards in place during the nineteenth century. Forrest was ahead of his time in encouraging freed slaves to arm themselves not only with weapons, but with positions in society, education, and money, showing solidarity with them not only in words, but in actions. So, even with the modern re-reading of Forrest as a racist, Kastler says it best, that if we choose to see Forrest as a notable racist earlier in his life, he could still “easily be held up by civil rights leaders as the very model of what they wish all racists would become” (Kastler 161). Though history continues to see Forrest in a negative light, it is time to revisit the facts and understand the man Forrest became, from notorious slave-trader to African-American friend and encourager. This is the Forrest of whom Americans can, and should, be proud.

#### Works Cited

- Carney, Court. “The Contested Image of Nathan Bedford Forrest.” *Journal of Southern History* 67.3 (2001): 601-630. *Academic OneFile*. Web. 15 July 2014.
- Dixon, Thomas Jr. “The Story of the Ku Klux Klan: Some of Its Leaders, Living and Dead.” *Metropolitan Magazine*. 22.6 (Sept 1905) 657-669. *Google Books*. Web. 25 July 2014.
- “First Debate: Ottawa, Illinois.” *The Lincoln-Douglas Debates of 1858*. National Park Service, n.d. Web. 2 Aug. 2014. <<http://www.nps.gov/liho/historyculture/debates.htm>>.
- “First Inaugural Address of Abraham Lincoln.” *Lincoln’s First Inaugural Address*. Library of Congress, n.d. Web. 2 Aug. 2014. <<http://www.loc.gov/teachers/newsevents/events/lincoln/pdf/avalonFirst.pdf>>.
- “Fourth Debate: Charleston, Illinois.” *The Lincoln-Douglas Debates of 1858*. National Park Service, n.d. Web. 2 Aug. 2014. <<http://www.nps.gov/liho/historyculture/debates.htm>>.
- Henry, Robert Selph. *First with the Most*. New York: Konecky & Konecky, 1992. Print.
- Horn, Stanley F. *Invisible Empire: The Story of the Ku Klux Klan 1866-1871*. Cos Cob: John E. Edwards, 1969. Print.
- Hurst, Jack. *Nathan Bedford Forrest: A Biography*. New York: Alfred A. Knopf, 1993. Print.
- Kastler, Shane E. *Nathan Bedford Forrest’s Redemption*. Gretna: Pelican, 2010. Print.
- Keithly, David. “Paying The Devil Asymmetrically: Nathan Bedford Forrest In The American Civil War.” *Civil Wars* 5.4 (2002): 77-102. *Academic Search Complete*. Web. 12 July 2014.
- Kennedy, James Ronald, and Walter Donald Kennedy. *The South Was Right!* 1991. 14th ed. Gretna: Pelican, 2008. Print.
- “Report of Lieut. Daniel Van Horn, Sixth U.S. Colored Heavy Artillery, of the capture of Fort Pillow.” *Shotgun’s Home of the American Civil War*. N.p., n.d. Web. 20 July 2014. <<http://www.civilwarhome.com/vanhornftpillowor.html>>.
- Rutherford, Mildred L. *Truths of History*. Athens: M. L. Rutherford, 1907. Print.
- United States Congress. *Report of the Joint select committee appointed to inquire into the condition of affairs in the late insurrectionary states, so far as regards the execution of laws, and the safety of the lives and property of the citizens of the United States and Testimony taken*. 1872. Ann Arbor Michigan: University of Michigan Library, Making of America Books, 2005. Web. 18 July 2014
- Ward, Andrew. *River Run Red: The Fort Pillow Massacre in the American Civil War*. New York: Penguin, 2005. Print.
- Wyeth, John Allan. *The Life of Nathan Bedford Forrest*. 1899. New York: Barnes & Noble, 2006. Print.
- [http://www.scvcamp516.org/?page\\_id=132](http://www.scvcamp516.org/?page_id=132)



Defending the Heritage

**Before the war Southern treasuries were looted by the northern dominated congress, during the war Southern homes and farms were looted by northern invaders and after the war northern carpetbaggers came down and looted some more.**

**Weren't we blessed to be in "Union" with such as these....**

~Robert~

Dateline: Wednesday, Feb 24, 2016

## **Subject: An Open Letter & Open Report - Black History Month**

On Friday, February 12, 2016, I would don the uniform of the Southern soldier and post his Colors in the Free Speech Zone at the University of North Carolina - Asheville. I would be greeted warmly by the Chief of Campus Police who would tell me that he was glad to see me again. He would go on to tell me that he was conducting a class on campus preparedness downstairs in the building behind where I stood; and if I needed anything, to just call on him or any of his people.

Shortly thereafter, I would find myself surrounded by a crowd of young people full of questions. One young white man from Florida couldn't reconcile how or why a black man could be so brazened to put on a Confederate uniform and post the Battle Flag on this campus, especially after Governor Haley condemned it in South Carolina and tied it to the murders of nine black people.

I told him that Haley had lied just like the Northern press had lied when they convicted the Flag as the 'perpetrator' of that crime; and further, that if she had been a true Southern conservative, she would have never allowed that lie to continue. I said I might have been the person who gave the young man that battle flag; just as I have given out flags to many, many school kids not only at the Battle of Columbia, but also as I made my way across the state on the Historic March Across Dixie, or on the march to the recovery of the Hunley Confederate submarine, or when I gave the keynote address for Confederate Memorial Day on the capitol grounds in Columbia.

I would go on to tell him and those gathered around me to remember that Black History Month has become "Beat Up on the White Folks in the South Month" by the Poverty Pimps, Scalawags, White Guilt folks, self-proclaimed historians with no real historical knowledge, and those who have planned and orchestrated this renewed Reconstruction that is the death knell for social-vertical mobility for Southern Blacks and arguably Northern Blacks as well.

I would tell them that the only people in America who ever cared for the African people were the Christian White folks in the South. That would garner a sigh from the crowd of black students who huddled together, but they couldn't deny what I said. One young white girl continued to press me about which presidential candidate I would vote for, even after I told her that one could lose family or friends answering that question. She called me a coward for not answering and I promptly told her that Donald Trump was the only person presently in the race that could be trusted and would get my vote.

She promptly lost it and began calling me a stupid mother-----. I told her that her behavior and language was not lady-like. She told me she was not a f---ing lady and that I could go to hell, especially for disrespecting Lincoln's birthday. All those gathered quickly turned their backs on her and told me to continue the dialogue with them because she had shown her true nature and was no longer worthy to be in the conversation.

After some thirty minutes or more, I would hug everyone as they thanked me for honoring their campus with the knowledge and bravery that I had displayed on this day so deemed one of Black History that none would ever forget. God bless you!

Your brother,

HK - Honorary Life Member of the Texas Division of the Sons of Confederate Veterans







# How Confederate Dared Union Fire to Comfort Colored Comrade

The Osceola Democrat has started a movement for the purpose of raising money to send "Uncle George" McDonald of St Clair County, one of the few colored confederate veterans in the state, and perhaps the only one, to the Confederate reunion at Columbia next month. "Uncle" George went with the confederates that enlisted from St. Clair County, and fought in several engagements. At Wilsons Creek, where a Minnie ball ploughed through his hip and a buckshot struck him in the face.

George lay groaning upon the ground when he was found by Owen Snuffer, lieutenant of his company. For Snuffer, George had all affection...and Snuffer knew it.

The white man stooped down and examined the black man's wounds and stanchd the flow of blood from them. "For God's sake," cried the suffering, "give me a drink of water." Snuffer's canteen was empty, but midway between the firing lines was a well. To reach it was to become to target of sharpshooters, and it meant almost certain death. But the groans of his black friend was more powerful than love of life, and with bullets falling around him like hailstones he pushed forward until the well was reached. And then he discovered the bucket had been taken away and the windlass removed. The water was thirty feet down, and the depth unknown.



The well was an old-fashioned stone walled one and Owen determined to get water or know the reason why. He pulled off his long cavalry boots and taking one in his teeth, he let himself down slowly, laboriously hand over hand until the water was reached and the boot filled, and then he began climbing up the same way he went down, straddling the well and clutching with hands and feet at the rocky walls. Reaching the surface again he picked up the other boot and made his way back to the confederate lines. George drank copiously and the cooling water was poured upon his burning wound. Although he lives at Monegaw he still insists that the only water fit to drink was that which he drained out of that boot. Returning from the war he settled near Monegaw Springs and has raised a most industrious family.

One of them educated himself, graduated from the University in Sedalia, and is in charge of a church in Kansas. Another is waiter at the Commercial Hotel in Osceola and is known for his strict integrity. The satisfaction of seeing him giving the old rebel yell will be sufficient recompense the democrat thinks, for the small amount of money required to give him perhaps the last opportunity to march again in the rapidly thinning ranks of those who wore the gray."

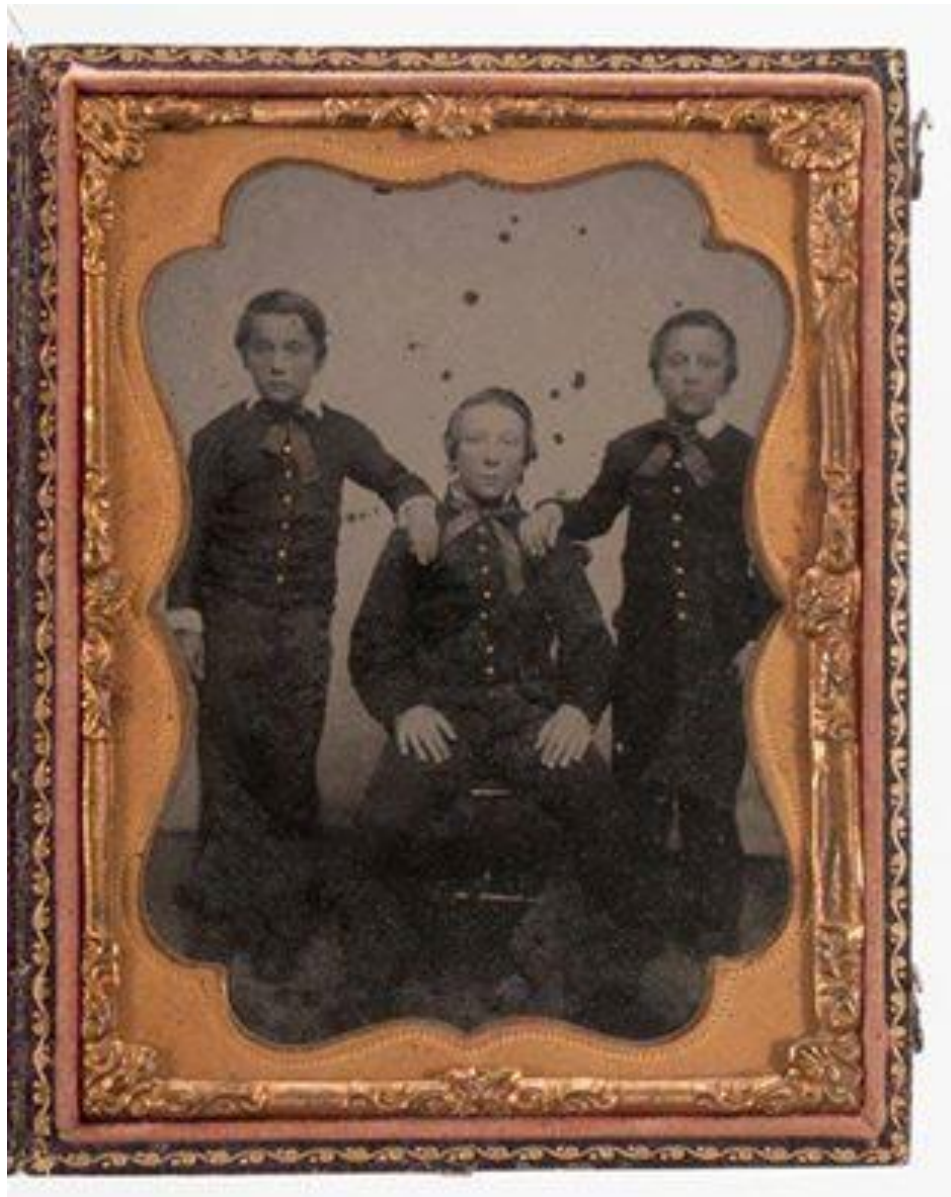
EVENING STAR  
August 26, 1903"

Photo-Still shot from a reunion in 1938



**Our Confederate ancestors faced death to fly the Battleflag in the face of tyranny. The least we can do is to fly it proudly in the face of "political correctness."**





### [Southern Historical Society](#)

**THIS is WHY we won't forget, EVER. It has been covered up and lied about and NEVER ATONED FOR TOTAL WAR against unarmed children...**

"Also taken prisoner by Federals was civilian teenager Henry Rhodes from Front Royal who had hoped to join the partisans. "Rhodes was lashed with ropes between two horse," recounted a friend who witnessed his death, "and dragged in plain sight of his agonized relatives to the open field of our town, where one man volunteered to do the killing, and ordered the helpless, dazed prisoner to stand up in front of him while he emptied his pistol upon him."

**WAR CRIMES AGAINST SOUTHERN CIVILIANS**

Walter Brian Cisco

2013

# A Tale of Two Southern Books

By [Gail Jarvis](#) on Feb 29, 2016



This time of year we begin seeing recommendations of books for Christmas presents. This article is also a recommendation for a gift book but I admit that I have an ulterior motive. I intend to compare this book with another one in order to illustrate a political phenomenon that has always intrigued me.

The phenomenon I am referring to is how political trends exert a disproportionate influence on art and entertainment. Conversely, art and entertainment, i.e. works of fiction, have the power to sway political opinions.

In the last one hundred years American political beliefs have changed more rapidly and radically than during any previous century. Most of these changes have not been propitious. And, beginning around 1960, writers realized that they had a better chance of being published if their books reinforced current political trends.

To demonstrate these changes, let's look at two books beginning with the similarities, which are striking: Two female authors both born and raised in the South. Each wrote a first novel that became a best seller but neither was able to produce a second. Both books were set in the South and both won Pulitzer Prizes for literature. Both novels were made into successful Hollywood films and both films won Academy Awards in various categories.

When I tell you that one book was published in the 1930s and the other in the 1960s you will know I am referring to Margaret Mitchell's *Gone With the Wind* and Harper Lee's *To Kill a Mockingbird*. But with all the similarities mentioned above, it would be difficult to imagine two more disparate books.

Margaret Mitchell loved her native Georgia and the South in general. Her father, a prominent attorney, was president of the Atlanta Historical Society and from childhood she was immersed in the history of the region, especially the Confederacy and what became known as the Civil War and its aftermath.

Unlike some writers, Margaret didn't spend time navel-gazing or hanging out with literary types. After graduating from college, she immediately went to work as a reporter for the Atlanta Constitution. This profession kept her in touch with people from various walks of life as well as helped her to hone her writing skills.

Ms. Mitchell became concerned about the number of recollections of the Confederacy that were disappearing from library shelves and being discontinued by publishing companies. To friends she confided the uncanny foresight that posterity would take a one-sided, unfavorable view of the Old South. So she decided to write about that period and she selected the novel format. Her goal was simply to produce a book that would inform future Georgians and other Southerners about the Confederacy before, during and after the Civil War. The result was *Gone With the Wind*.

Harper Lee was almost the exact opposite of Margaret Mitchell. She was one of those starry-eyed, 'There's a novel in me' types who left her hometown of Monroeville, Alabama, and made a beeline to New York City where she lived the life of the struggling bohemian writer, while being subsidized by friends. Ms. Lee made contacts with all the important people and socialized with literati. Having Truman Capote as a friend from childhood was certainly a door opener.

Ms. Lee dreamed of writing a famous novel, one that would be made into a Hollywood film. But after churning out numerous unreadable and unpublished short stories, she began to feel her dream was eluding her. Then the process I mentioned in the opening paragraphs came into play.

In the late 1950s the civil rights movement was gaining momentum and book publishers, tv executives and Hollywood producers were aggressively seeking stories depicting racism. It was in this environment that Harper was encouraged to write *To Kill a Mockingbird*. She concocted a story of an innocent black man falsely accused of raping a white woman, convicted by a bigoted white jury, and murdered by sadistic white prison guards. Obviously the story was set in the South. Harper Lee knew she had found a winning formula and she also knew her Southern background would lend credence to her novel.

First novels often contain flaws, but *To Kill a Mockingbird* had more than its share. As the book has now been almost canonized because of its political message, it may be difficult to believe that its publication was not well received by many literary critics of the time. They viewed the book as simplistic, predictable, and overly moralistic. The characters were perceived as one-dimensional



stereotypes more suited for children's stories than adult literature. Indeed the novel is often called a child's book.

Ms. Lee seriously overestimated her writing skills when she decided to tell the story through the eyes of an eight-year-old girl. This literary technique is difficult enough for a seasoned author but with Ms. Lee's limitations as a writer, it turned out to be a disaster. Sometimes the young girl sounds like an authentic eight-year-old but as one reviewer complained, she is too "self-consciously cute." At other times she sounds like an adult, using phrases such as: "it was a time of vague optimism," "the summer passed in routine contentment," and "my cries were monosyllabic."

Often Ms. Lee forgets about her young storyteller and slips into the voice of a neutral third party. Naturally this is jarring to the reader and interrupts the flow of the story. Consequently it takes an effort to read the book all the way through although it covers less than 300 pages.

In contrast, Margaret Mitchell avoided gimmicks because she realized that the voice of an omniscient third party was necessary for her to properly tell her story. She was able to vividly portray people, their moods, landscapes and action. Her characters are not cardboard but real people with both good and bad qualities. Like any well-written novel, the characters are permanently changed by the events that they experience.

Contrary to what many may think, GWTW doesn't eulogize the Confederacy or try to mitigate the effects of slavery. In fact, most of the main characters are opposed to secession and do not support a war with the North that they think the South cannot win. They are simply individuals, complex and attractive individuals, caught up in tragic events. How these events impact their goals and lifestyles and how they react to these upheavals is what makes for a great book, especially in the hands of an outstanding author like Margaret Mitchell.

If you didn't know better, you would never guess GWTW is the author's first novel. Margaret Mitchell avoids the clumsiness and mistakes usually found in a first outing. Her sentences have a continuous, faultless rhythm, which is not hindered by flashbacks and dialogue. *Gone With the Wind* is more than 1000-pages long, but it holds your interest from beginning to end.

Conversely, *To Kill a Mockingbird* has such serious flaws, that, had it not been for the subject matter and the political climate in which it was issued, I do not believe it would have won a Pulitzer Prize. In fact, I believe, in any other time, a publisher would have demanded numerous corrections and revisions before even considering the book for publication.

It is politics rather than literary merit that keeps this work of fiction in the public's eye. Currently, *To Kill a Mockingbird* is on the reading lists of many schools because some educators prefer to avoid complexity in favor of simplistic approaches to issues. In addition to the book being required reading at schools around the country, showing the film has become an annual event with the television industry.

It's hard to imagine an educator recommending *Gone With the Wind* in today's political climate. In fact, I don't believe that any book that didn't condemn the Old South would be recommended. But Mrs. Mitchell's book doesn't need reading lists or teachers' recommendations to improve its popularity. Her loyal readers have boosted sales to more than 28 million copies. And it continues to sell after six decades. Because of its popularity in other countries it has been translated into 25 languages.

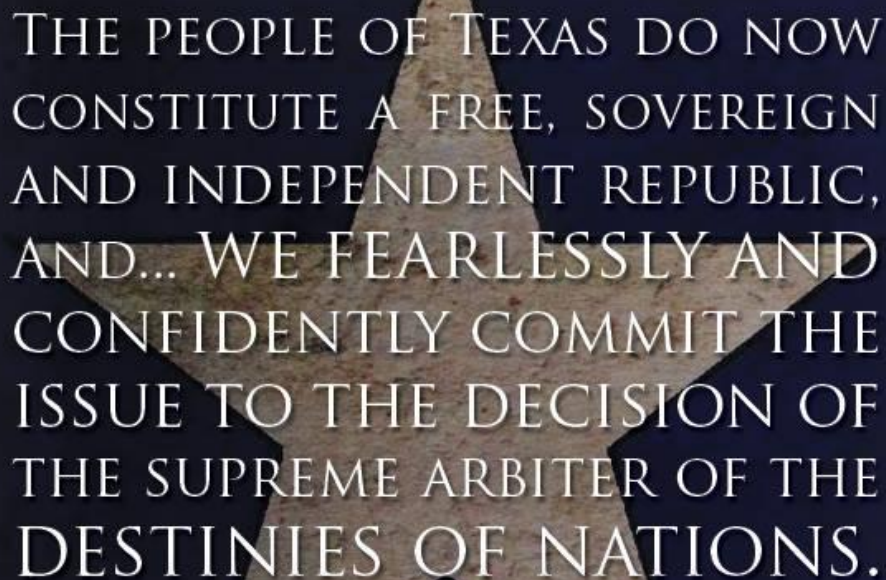
The full importance of *Gone With the Wind* as a great work of literature has yet to be realized, although the book is being rediscovered by hordes of new readers. Margaret Mitchell did indeed write the great American novel.

Whereas Mrs. Mitchell's book is a result of an almost filial devotion to the South, Miss Lee's book seems to be an opportunistic exploitation of the region. *To Kill a Mockingbird* is probably the most overrated book of the century just ended. Also, with the new problems facing our nation the book is no longer politically useful. If educators take a fresh and impartial view of Miss Lee's book, they will realize that it is simply passe.

*To Kill a Mockingbird* will not satisfy a discerning reader. But if you are looking for a Christmas gift for such a person, you can't do better than *Gone With the Wind*; a hardback copy, of course. The recipient should read it slowly, chapter by chapter, savoring Mrs. Mitchell's singular literary achievement. I suspect that every few years they will take it off the shelf and read it again.

#### ***About Gail Jarvis***

Gail Jarvis is a Georgia-based free-lance writer. He attended the University of Alabama and has a degree from Birmingham Southern College. As a CPA/financial consultant, he helped his clients cope with the detrimental effects of misguided governmental intrusiveness. This influenced his writing as did years of witnessing how versions of news and history were distorted for political reasons. Mr. Jarvis is a member of the Society of Independent Southern Historians and his articles have appeared on various websites, magazines, and publications for several organizations. He lives in Coastal Georgia with his wife.

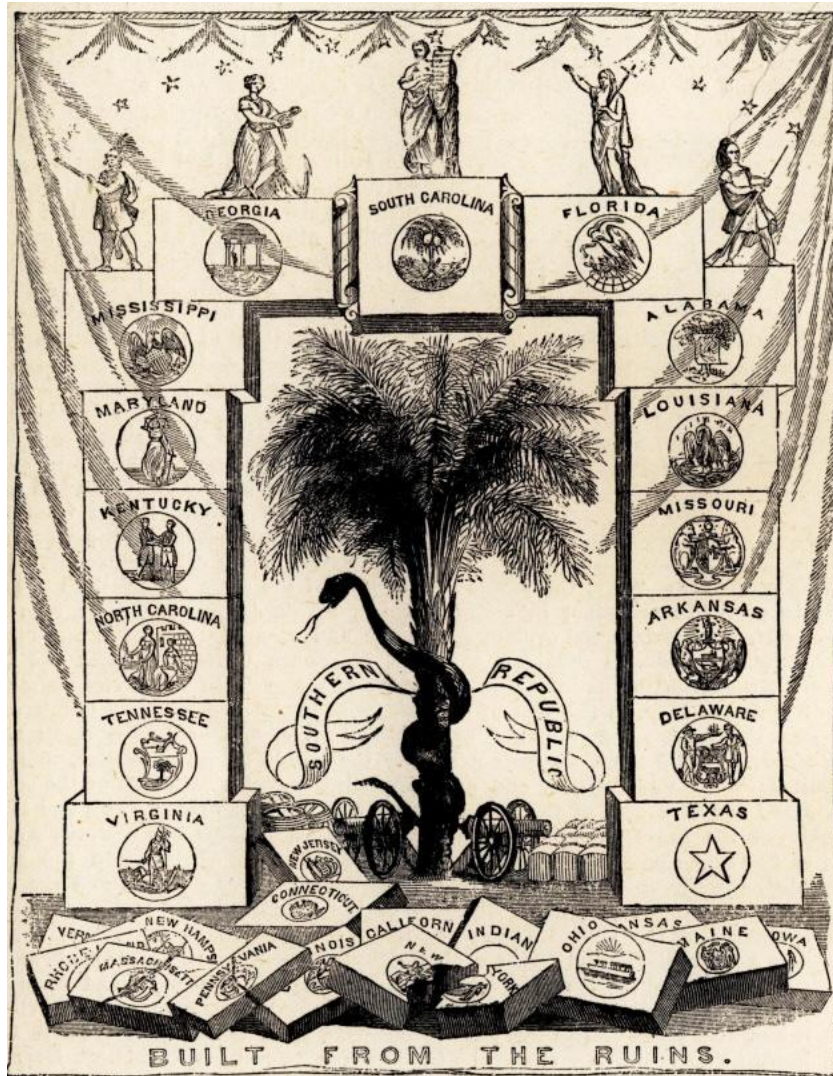


THE PEOPLE OF TEXAS DO NOW  
CONSTITUTE A FREE, SOVEREIGN  
AND INDEPENDENT REPUBLIC,  
AND... WE FEARLESSLY AND  
CONFIDENTLY COMMIT THE  
ISSUE TO THE DECISION OF  
THE SUPREME ARBITER OF THE  
DESTINIES OF NATIONS.

DECLARATION OF INDEPENDENCE  
REPUBLIC OF TEXAS, MARCH 2, 1836

# What is PC?

By **Clyde Wilson** on Mar 2, 2016



*This talk was delivered on Friday, February 26, 2016 at the Abbeville Institute Conference "The PC Attack on the South."*

We are here to deal with the PC attacks on Southern Tradition. We have become so familiar with PC in everyday life that our perception of what it actually is has been dulled.

PC is a deceptive cover name for fellow traveling Cultural Marxism.

Let's remind ourselves what Marxism is. It is a mélange of crazed abstractions designed to destroy and remake society by eliminating Christianity, private property, and economic freedom. Its fruits have been horrendous quantities of lies, oppression, and death. It is obviously fueled by a hatred of Western civilization. Its true evil nature has been recognized everywhere except among American college professors.

By the way, Marxists never had any quarrel with centralized capitalism. They rightly regard it as a giant step in their direction. Part of the Southern tradition, from Jefferson to the Agrarians and beyond, has been recognition that centralized capitalism is like Marxism an enemy of Christianity, private property, and economic freedom. It is no mystery that the great capitalists embrace Cultural Marxism. Indeed, they collaborate in enforcing and financing it.



So what is Cultural Marxism? The Devil never rests in his machinations and has countless disguises. Economic Marxism having failed, he invented Cultural Marxism. Western civilization could be destroyed by a long march through its cultural institutions—press, education, religion, morals, national identity. The ideal of Cultural Marxism is to denounce as bad everything good and venerable in our life and praise everything bad and destructive.

In truth we must recognize that Cultural Marxism has been a tremendous success among the rootless American public and the shallow American intelligentsia. It has gone from victory to victory. It controls the press, the educational system, many of our religious institutions, the Supreme Court, one political party and much of the other. It has gathered strength daily. The regime of Political Correctness has no room for antiquated notions of free thought, free speech, and the democratic will of the majority.

The South, though increasingly attenuated, is a reality created by Providence through history. It came into existence in the combining of Tidewater and upcountry frontier long before anyone had ever heard of something called the United States of America. It still is a source of an identity different from the American mainstream to millions of people. We can debate definitions and boundaries, but Southern includes history, speech, manners, customs, religious faith, music, literature, cuisine, a distinct idea of the proper dividing line between public and private matters, and what Richard Weaver called “social bond individualism,” that is honourable behavior through shared values without a need for government intervention.

When we say Southern we know what we mean. But what about that American mainstream? Does it exist any more? If we give up our Southern tradition what will we be left with? Think about it. What is “American” identity? Is it not disappearing as we speak? Some people say it is a “proposition nation” defined by common values. But there is no such thing as an abstract nation, and those propositions rest upon a fraudulent reading of the Declaration of Independence.

America means rule by a machine in Washington which issues orders that we must obey, whether we like it or not, a machine more answerable to Wall Street and the media than to the people. The machine includes armed forces that are increasingly employed in foreign aggressions by our petty rulers crazed with delusions of world dominance, which aggressions are accumulating incalculable payback to blight our future. These armchair warriors even send into harm’s way women forced into the ranks by poverty, something no Southerner would ever be guilty of.

Americans share a standard of living which was once the envy of the world but is now fast deteriorating. Americans share a popular culture which, if you look closely, has become abominably sordid and trivial. America means a multicultural celebration of all groups except those which founded it. In this regime there is no core and a great deal of hatred simmers under the official inclusiveness.

Is there anything in Politically Correct America that, in contrast to the South, represents a civilization offering any substance and comfort to human beings?

I see opponents of the present massive immigration saying that they want to preserve “the historic American nation.” Some of them, alas, are too ignorant to understand that the South is the core of that historic nation.

America is a creature of the moment, ever transforming itself. It has no ancestors and no posterity. The South has a soul—a soul a little sad and cynical, perhaps, from hard knocks, but still brave and realistic. As for America, it has no soul at all.

PC has chosen the Southern tradition for its heaviest assaults because it is the most concentrated unconquered remnant of Western civilization yet remaining in North America. Let’s remember that speaking up for the Southern tradition is nothing less than engaging in a desperate defense of civilization.

It is entirely possible that our rulers will continue to make this speaking more difficult than it is already, which is all the more reason to keep it up.

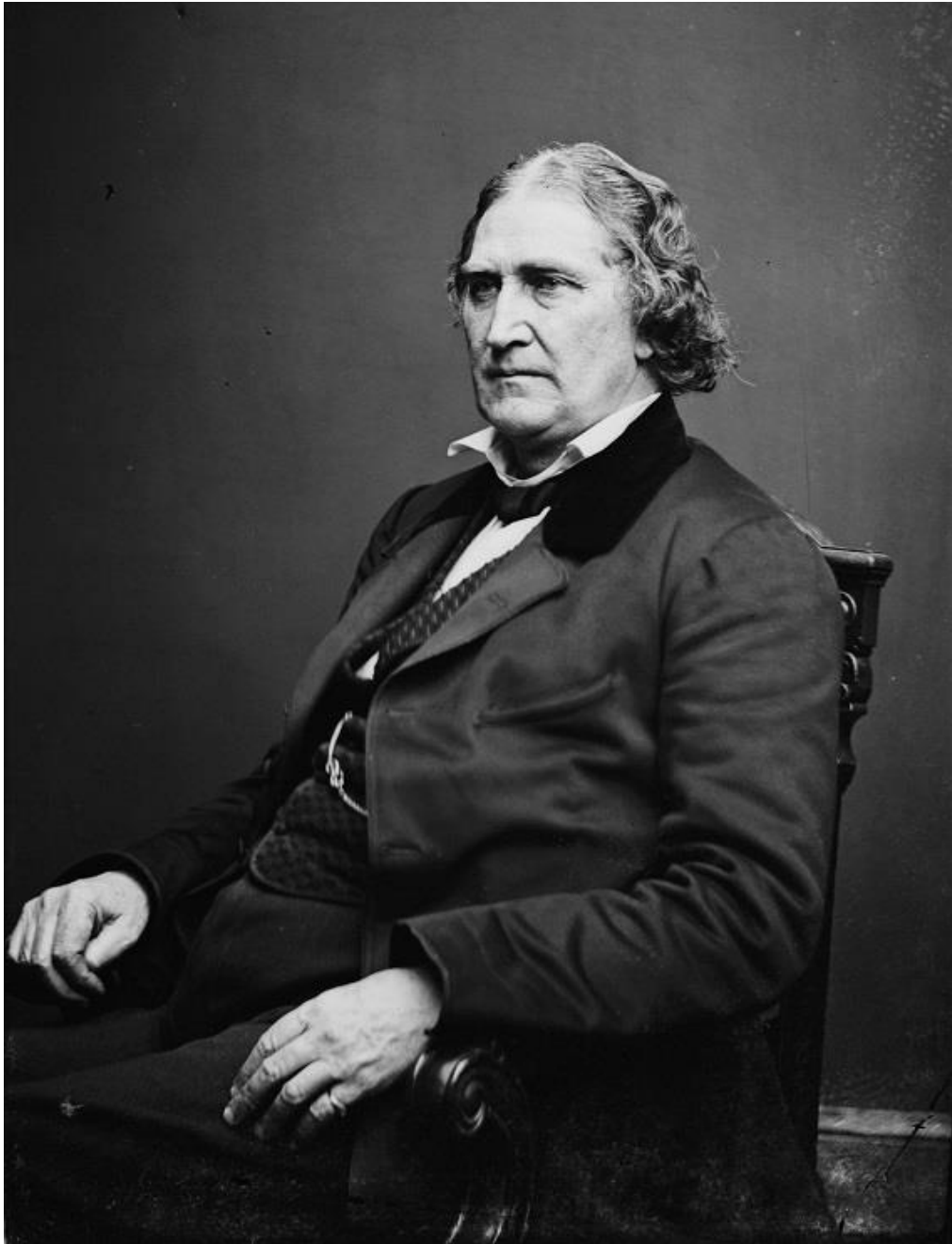
### **About Clyde Wilson**

Clyde Wilson is a distinguished Professor Emeritus of History at the University of South Carolina where he was the editor of the multivolume *The Papers of John C. Calhoun*. He is the M.E. Bradford Distinguished Chair at the Abbeville Institute. He is the author or editor of over thirty books and published over 600 articles, essays and reviews.

<http://www.abbevilleinstitute.org/blog/what-is-pc/>

# Executive Usurpation

By **James A. Bayard** on Feb 16, 2016



Mr. President, during the special session of the Senate in March last, when seven States had withdrawn, by the action of their people, from the Federal Union, disclaimed all allegiance to the Government, and organized a separate common government, I took occasion, before the public mind had become excited, to express fully my views of the structure of our Government, and the unhappy condition of the country; and also to indicate the course of action which I believed most conducive to our happiness and prosperity in the future. I then thought, after the most anxious and gravest consideration, and actuated by no earthly motive but the good of my country, that the only alternative which remained was an assent to the revolution by which the Gulf States had left us, or civil war. That though the secession of a State was an act of revolution, it was an event not provided for by the Constitution, and could only be met by war or peace. That the power to coerce a State by the General Government by arms, having been expressly refused by the framers of the Constitution, we had no other resource left but war against them for a breach of the compact upon which the Federal Government is founded, or peace and the recognition of the common government which they had organized.

I did not doubt that the right of judgment as to peace or war rested in Congress; but I was unable to see how any plea of executing the laws or retaking the public property justified the use of the military power as a primary power, for that purpose, within the intent of the Constitution and the powers conferred by it on Congress or the Executive. Believing, also, that the withdrawal of those States did not subvert our Government, but left us a great and powerful nation, I thought a peaceful separation preferable to what I consider the greatest curse which the providence of God can inflict upon a nation—civil war. I also indulged the hope, and now believe that hope would have been realized, that by conciliation those States might be restored to the Union, and expressed the opinion that an attempt at coercion would drive other States out of the confederacy; and in this, at least, subsequent events have shown that I was not in error. The Executive, as I deem most unfortunately, adopted the policy of coercion, and collision followed. An appeal by proclamation was made to the people for volunteers, which, involved of necessity coercion by arms and war, and four more States withdrew from the Union, and joined the Confederate States. The convention of Virginia had shown by repeated votes that a majority exceeding seventy existed in that body deeply attached to the Union, anxious to retain the State in the Union, and to settle the causes of difficulty which had arisen among us. On the President's proclamation, that convention seceded from the Union, and by an overwhelming majority of the people of Virginia their action has been ratified. Tennessee, which a brief time before had refused by thirty thousand majority to call a convention, immediately, by the action of her Legislature, left the Union, and her people ratified the act by sixty thousand majority. North Carolina withdrew with entire unanimity, though she had voted down a convention a short time before; and Arkansas,, which had from her love to the Union postponed any consideration of the question of secession till the fall; in order that so eventful a matter should be fully discussed before her people, and its effects gravely weighed before determination, also left us, as consequent upon the proclamation.

Much as I deplored the loss of the Gulf States, I was then willing, to use the language of Burke, in 1777, in relation to our own Revolution:

“To part with them as a limb, but as a limb to save the body; and I would have parted with more, if more had been necessary; anything rather than a fruitless, hopeless, unnatural civil war.”

Sir, I am as deeply attached to the Union as any man who claims a seat in this body. I would have saved it in its integrity by conciliation and compromise; and it is my consolation that, in my past life, no word or act of mine ever encouraged a sectional feeling among my countrymen. Nay, more, if any sacrifice on my part, involving property or even life itself, could now end this unhappy struggle, and restore and preserve the Union, with the fraternal feeling and national sentiment in which it was founded by our forefathers, that sacrifice would be readily and cheerfully made. I could leave no richer or prouder inheritance to my children than the reflection that their father, had sacrificed himself for the prosperity and welfare of his country.

But the passions of the nation have become excited, and the cry now is, “unconditional submission and the crushing out of rebellion,” without the first step having been taken for the purpose, of conciliation. States are to be reduced to provinces, and the military power to become the dominant power in a representative republic. Even a servile insurrection is threatened, should it prove necessary, for the purpose of conquest and subjugation.

“Unconditional submission, and the crushing out of rebellion” was the language of the Crown and ministers of Great Britain in the struggle in which our ancestors achieved our liberties. No terms should be offered to armed rebels; the sword and the bayonet were the only admissible arguments. The Government was to be strengthened, and the Colonies to be subdued. The *habeas corpus* act was suspended in America and on the high seas, and those who sailed under letters of marque issued by the United States Congress were denounced as pirates. Let me read the answer to this course of policy of Mr. Burke, which embodies the general sentiment of the greatest statesmen and truest patriots of England in that day. I read from his letter to the sheriffs of Bristol, in April, 1777, less than a year after our independence had been declared; and for its general truths, as applicable to the present struggle, the whole letter might be read with profit by every well-wisher of his country:

“It is said that, being at war with the colonies, whatever our sentiments might have been before, all ties between us are now dissolved; and all the policy we have left is to strengthen the hands of the Government to reduce them. On the principle of this argument, the more mischief we suffer from any administration, the more our trust in it is to be confirmed. Let them but once get us into a war, and then their power is safe, and an act of oblivion is passed for all their misconduct. But is it true that Government is always to be strengthened with the instruments of war, but never furnished with the means of peace? In former times, ministers, I allow, have been sometimes driven by the popular voice to assert by arms the national honor against foreign powers. But the wisdom of the nation has been far more clear when those ministers have been compelled to consult its interests by treaty.”

Further:



“This mode of yielding would, it is said, give way to independency without a war. But if it had this effect, I confess that I should prefer independency without war to independency with it; and I have so much trust in the inclinations and prejudices of mankind, and so little in anything else, that I should expect ten times more benefit to this kingdom.”

The United States, Mr. President—

“from the affection of America,”—

The South—

“though under a separate establishment, than from her perfect submission to the Crown and parliament”—

The Federal Government—

“accompanied with her terror, disgust, and abhorrence.

“Bodies tied together by so unnatural a bond of union as mutual hatred, are only connected to their ruin.”

Could we, Mr. President, if after a desolating war we succeeded in subjugating the South, bind her to us by any other bonds of union than mutual hatred, and is it not true that such a bond of union would involve the ruin of both the North and the South?

It has been said that if we let these States go in peace we yield to the right of secession at will by a State, and that such a principle will lead to the entire disintegration of the Union. But we do not yield to the right of secession by recognizing revolution. I admit that were a single State to secede—even a large State—restriction and coercion, (not by arms,) coupled with conciliation, might well be used, and would be successful in restoring her. Such was the course of our ancestors in the adoption of the Constitution to the small State of Rhode Island and the larger State of North Carolina, one of which remained out of the Union after the organization of the Federal Government for one year, and the other a year and a half. I admit, also, that secession is revolution, and that we have the right of war in such a case, if Congress so decides. But the object of the war ought to be the restoration of the State to the Union, and, as against a single State, the menace of war would in all probability, from the superior power of the Federal Government, effect its object without bloodshed.

I dismiss, therefore, all apprehensions from my mind arising from the recognition of a revolution inaugurated and carried on by a large section of the country by the collective action of its people, as conceding the right of secession or leading to the future disintegration of the Union. Sir, in the Revolution of 1776, Massachusetts was the colony that first embarked in resistance to the mother country. Does any gentleman suppose that revolutions must not be dealt with according to their magnitude? Can there be a doubt that the mistake which Great Britain made then, was in attributing the spirit of resistance to the leaders alone, when the hearts of the people were in the contest? Governor Gage issued his proclamation in Boston, in which he offered to all the inhabitants of the colony entire protection and amnesty, with the exception of John Hancock and Samuel Adams, if they would lay down their arms and submit to the Government; but the offer was of no avail. Does any gentleman suppose that the colony of Massachusetts alone could have resisted the power of the British Government, unless the sympathies of the people of the other colonies had been enlisted, and they had made common cause with her? Having a common interest, they united to resist an exercise of power which, if submitted to by one colony, would in the end be crushing to the liberties of all. Had those ministers not been blind to the general sentiment of the people of the colonies, they would not have held and acted upon the mistaken idea which is now so rife in relation to the seceding States, that it was the leaders alone, and not the people, whose hearts were in the cause, and Great Britain would probably in the first instance, have parted with her colonies in peace, or retained her general authority by concessions, saving herself a debt of more than a thousand million dollars, and also carrying on with them a commercial intercourse far more profitable to her than would have existed if the powers which she claimed over an unwilling people had been enforced by subjugation. Revolution by a large section of country, composed of eleven States, with singular unanimity on the part of their people, cannot be met by war, if the object be the restoration of the Union and its preservation as a representative republic.

Sir, on this subject let me show you what are not merely my opinions of the impracticability of a single republic over so extensive a country as ours without the existence of the internal governments of separate independent States, bound together by one common government over communities separate among themselves and constituting us a nation as regards the world at large; but the opinions universally entertained at the time the convention sat which framed the Federal Constitution. No abler man, with rare exceptions, at least, if any, than Mr. Wilson, of Pennsylvania, was found in that convention. His name appeared as an active participator in all its debates. He was one of the framers of the Constitution, peculiarly entitled to our gratitude, and one of its most ardent supporters, both in its original formation and in its adoption by his own State. I read from a speech which he made in favor of the adoption of the Constitution by the people of Pennsylvania, in the convention of that State, and I read it in order to show the danger of consolidation into a single government, which is inevitably incident to the subjugation of the southern States by the military power:

“The United States may adopt any one of four different systems. They may become consolidated into one Government, in which the separate existence of the States shall be entirely absolved. They may reject any plan of union or association, and act as separate and unconnected States. They may form two or more confederacies. They may unite in one federal republic. Which of these systems ought to have been formed by the convention? *To support with vigor a single Government over the whole extent of the United States would demand a system of the most unqualified and most unremitted despotism.* Such a number of separate States, contiguous in situation, unconnected and disunited in government, would be at one time the prey of foreign force, foreign influence, and foreign intrigues, at another the victims of mutual rage, rancor, and revenge. *Neither of these systems found advocates in the late convention. I presume they will not find advocates in this.*”

After, discussing the relative merits of a union of two or more republics, or into one, he speaks of “the remaining system,” which was adopted, “as a union of them into one *confederate* republic.” No man can doubt that the words “confederate” and “federal” are synonymous, and when applied to this republic, or any other, imply, from the force of the words, a common government over separate independent communities.

I have read it, sir, to warn gentlemen that the system of government adopted in 1787 is inconsistent with the prosecution of war for the subjection of the South; and yet you cannot execute the laws, as you claim to do, within the Confederate States without their entire conquest and subjugation. You must, if successful, convert, and it has been threatened by many leading papers, and by at least one leading member of the administration, that you will convert this Government into a single Government, and absolve all State lines. In answer to such a purpose, and as an all-sufficient objection to it, I give you the great general truth enunciated by Mr. Wilson, that a government of that kind, to exist over the extent of this country, must be “a system of the most unqualified and unremitting despotism.”

Sir, I would preserve the Union. Why? To preserve the liberties of my country. If the Union is to be made the means of prostrating those liberties, then it is far better that the Union should be abandoned than that free institutions should be abolished. I value and cherish it, not merely because it gives us a powerful Government, but because its power secures and protects the individual liberty of the citizen, and because the Union, under a Federal Constitution, will perpetuate republican institutions, and preserve self-government by the people.

By war you may subjugate and devastate the Southern States; but the large army you must permanently maintain to keep them in subjection will inevitably, in the end, subvert our own institutions and convert a republic into an autocracy. It is easier to organize than to disband a large army; and more difficult still to disband a dictator when you have yielded to him the power of the sword and the purse, and subordinated the civil to the military power.

But have Senators reflected on the effects of civil war upon the character and habits of the people, and its demoralizing influences? Let me give you the portraiture of those effects and influences, in the language of the same great statesman; because the truth is general and as applicable to our times as to the day in which he lived. “Civil wars,” said Mr. Burke—

“Civil wars strike deepest of all into the manners of the people. They vitiate their politics; they corrupt their morals; they pervert even the natural taste and relish of equity and justice. By teaching us to consider our fellow-citizens in a hostile light, the whole body of our nation becomes gradually less dear to us. The very names of affection and kindred which were the bonds of charity whilst we agreed become new incentives to hatred and rage when the communion of our country is dissolved. We may flatter ourselves that we shall not fall into this misfortune; but we have no charter of exemption that I know of from the ordinary frailties of our nature.”

If the language of the statesman will not convince you, take the corroboration in the experience of the soldier:

“It has been my fortune to have seen much of war, more than most, men. I have been constantly engaged in the active duties of the military profession from boyhood until I have grown gray. My life has been passed in familiarity with scenes of death and suffering. Circumstances have placed me in countries where the war was internal—between opposite parties in the same nation—and rather than a country I loved should be visited with the calamities which I have seen, with the unutterable horrors of civil war, I would run any risk, I would make any sacrifice, I would freely lay down my life. There is nothing which destroys property and prosperity and demoralizes character to the extent which civil war does. By it the hand of man is raised against his neighbor, against his brother, against his father; the servant betrays his master, and the master ruin his servant.”

Such was the experience of the great Duke of Wellington, and I pray God we may profit by that experience before it is too late. Sir, it may be that I have a more vivid imagination, or that my nerves are less firm than those of my brother Senators; but I confess, that when I think of the blood that must flow in this contest, this unnatural contest, of the devastation that must ensue, of the human lives that must be sacrificed, a shudder runs through my frame, and my heart sickens with despair. I am for peace, an armistice and negotiation, whether by a general convention or by treaty, or in any other mode; I care not for the mode, if civil war can be terminated, and peace come to my country. I would receive the proposals of those who have at least been once our brethren. I would yield nothing which I thought degraded the United States, or subverted our form of government; but I would, by compromise, restore them to the Union if possible. If that were impracticable, I would part with them in peace, on a just and equitable settlement. We know that they claim their independence, and offer to account for all the public property which they have taken; that they have neither invaded us, nor expressed any intention to invade us, but claim their own right of self government, founded on “the consent of the governed.” If their terms of settlement be unjust, reject them, and continue the war until they submit to just terms and an equitable adjustment. But you must receive their offers before you can decide on their admissibility, unless, indeed, unconditional submission be, like the demand of Great Britain from our ancestors, your absolute determination. Those ancestors owed allegiance to the crown of England, and rebelled; the government of England said without cause. Eleven States have revolted by the collective action of their people against the Federal Government, and you say without cause. Admitting that they have exaggerated their causes of complaint; admitting that they were precipitate in their action, and that their sense of insecurity to their property and social institutions under the Federal Government has been entirely over-estimated; yet I tell you that it is a truth which the records of history will not gainsay, that “such an event as the disaffection and revolt of a whole people never took place without some considerable errors of conduct observed towards them.”

Senators, I am well aware that the administration and an overwhelming majority of Congress do not and will not assent to my views; that you regard force and war as the true and only mode of preserving the Union, whilst I have a confident belief that the continuance of war will inevitably subvert the republic, and substitute a military government for civil liberty and a government of laws. I am satisfied that you have determined on war. I impugn no man’s motives, though I dissent from your judgment, and condemn your policy of war. Resistance, however, to the will of such a majority, I know to be futile and hopeless, and I mean to embark in no factious opposition to your practical measures; your practical legislation, therefore, has met, and will meet, no cavils or objections from me; except, indeed, bills should be introduced, palpably violating the Constitution of my country. “With you rests the responsibility and as I cannot conscientiously support a course of action which is against my conviction, nor wisely contend with a majority which I know to be irresistible, I shall await that change in public sentiment which I feel confident will take place, when the hour of passionate excitement has passed, and the blighting influences of civil war have awakened what Fisher Ames well called “the second sober thought of the people.”

Much as I dissent from the President’s message in its mode of stating facts, its arguments, and its omissions, I forbear even a single comment, open as I believe it to just criticism. I leave that task to others, by whom, in my opinion, it has been well performed. But I have some hope, some faint hope, that you may be induced to refrain from passing the resolution now before the Senate, which involves no practical legislation, unless indeed there is an intent—which I do not suppose—to suspend, by indirection, the writ of *habeas corpus* in the future. I proceed now to the consideration of the resolution.

The joint resolution imports not merely an approval of the acts of the President, but a declaration that all the acts enumerated in the preamble are to be in all respects legal and valid, to the same intent and with the same effect as if they had been issued and done under the previous express authority and direction of the Congress of the United States. As regards four of those acts, it would be very immaterial whether you passed this resolution or not; as regards the other two, it is of the last importance to the liberty of every man in the United States that you should not pass it.

The preamble recites the act of the President in calling volunteers into the service on the 15th of April; to the act of blockade of certain ports on the 19th of April, and of other ports on the 27th of April, by executive authority, when no law authorized the executive to exert such a power. The fourth act recited relates to the suspension of the writ of *habeas corpus*, and the delegation of the power to suspend it to a subordinate officer under the President; the fifth to the proclamation increasing the army of the United States, and calling additional volunteers into service; and the sixth to a further suspension of the *habeas corpus* act. The first three and the fifth are all provided for by laws which you have passed, or will pass at this session. You have provided for the volunteers that were called



out on the 15th of April. That sanctions the act, as far as you can sanction it, and provides for the payment of the men. I do not dispute your right to do that. You have passed a bill to authorize a blockade of the ports of certain States in the future; and though on your theory, I consider that Congress has no authority to institute or authorize such a blockade, yet, on mine, I do not deny the constitutionality of the act, if it is passed by virtue of the warmaking power, for that is in the absolute discretion of Congress. And, what is blockade but a belligerent right? Whoever heard of it under any other aspect, or by any other name? If you are at war, you can declare a blockade; and to be at war, it is not necessary that you should formally declare war against those States; but if by your acts you recognize a state of war with them, beyond all question war exists as between these United States and the confederate States. You have done so by many acts; you will do so by more. I do not, therefore, dispute your right of blockade, though I deny that within the intent of the Constitution, you could blockade a port of a State still in the Union in consistence with that provision of the Constitution which inhibits Congress from giving a preference to the ports of one State over those of another. I do not mean to enter into that argument, because I admit your authority under the war power, and I know that we are now in a state of civil war; and you have actually recognized a war between these eleven States and the United States Government, though you have not formally declared 'it.

Mr. President, what is the rule as among nations? During our last war with Great Britain, she had possession of a portion of our territory in the State of Maine, Eastport and the surrounding country. The courts of the United States decided that the laws of the United States were suspended within that territory in the possession of a foreign enemy during the time that it was so in their actual possession; and precisely the same principle applies to civil war that the laws of the United States are suspended where the possession is in the party at war with the Government—call them by what name you please—rebels, revolutionists, or enemies. The doctrine in England always was, that the laws were suspended, the *habeas corpus* act and all, within that portion of the territory where the king's court could not be opened. I do not deny that the President may exercise military powers there; but I deny that in the States which belong to the Union, in which the courts are open, in which justice can be administered between man and man, the military can be made predominant over the civil power, either by Congress or by the President, without a gross violation of the Constitution.

I come next to the question of the army. No man could pretend to affirm that the President had authority to, increase the army of the United States without a precedent law. No one for a moment could affirm that the power to raise and increase the army is not vested in Congress. You have approved the increase in the only mode in which you can legitimately sanction such an act. You have approved it by passing a bill providing for the organization of that army, and for the present and future pay of that army. I do not deny your right to do that. The measure is perfectly legitimate when you have determined on war, and if you choose to sanction the conduct of the President by appropriate legislation, I shall offer no vain opposition to your measures, because I differ with your policy, when I find the majority here determined on that policy.

But, sir, the suspension of the writ of *habeas corpus* has a very different aspect if approved by Congress. If you think that the state of the country and the public exigency require that the writ of *habeas corpus* should be suspended, do it openly in the face of the country; do it by your legislation; but do not attempt to do it indirectly; do not an act which you will hereafter regret, which will strike the most fatal blow at the liberties of this country which has ever yet been stricken, by the affirmation of the power in a President of the United States—a single man—to suspend the writ of *habeas corpus* whenever in his discretion he may think such such suspension advisable. Such is the effect of your resolution. The resolution is improper, because, if you think the writ ought to be suspended, you can suspend it by your own action. You have a right, under that action, to designate the States in which it which it shall be suspended, and to limit the time for which it shall be suspended. That is the course which has always been adopted in Great Britain for the last two hundred years, whenever it was necessary under any emergency to suspend the writ of *habeas corpus*, the great writ of right, which is the sole remedy of the subject to secure his right of personal liberty and personal freedom—which is the sole remedy for freedom of the citizen here. It has been done by act of Parliament always; and no king of England in two hundred years past has ever ventured to suspend the writ of *habeas corpus*, though, until the judiciary became independent of the Crown, his judges sometimes evaded the issuance of the writ. Still less did any king of England ever claim the power of delegating such a high discretionary authority to any subordinate officer. Sir, the power is incapable of delegation, whether it is in the President of the United States or in the Congress of the United States; and yet the President of the United States, according to his order as given, and I believe correctly given, in the newspapers, though I have not seen it elsewhere, and according to the recital of this resolution, did not himself decide that the state and condition of any part of the country required that the writ should be suspended, and the remedy for the civil liberty of the citizen thrown aside, but delegated the right of decision upon the political exigency which might justify and require the suspension of the sole remedy for the liberty of every citizen of the United States to military and subordinate officers. If the right exists in him, he had no power of delegation. If the right exists in us, it was palpable usurpation; and yet you propose, not only to approve, but to affirm the validity of an act directly in the face of the Federal Constitution.

The President in his message claims that the power is vested in him as the executive, to suspend the writ of *habeas corpus* in his discretion. In the message, he alluded to the opinion of the Attorney General which has since been furnished to Congress. In that opinion the Attorney General, by an argument the most extraordinary which ever came from the pen of a lawyer, attempts to sustain the same doctrine. If the Congress of the United States not only approves the act but affirms its validity and legality, I ask where is our Government? The whole power of the purse and the sword you have given to him; the unlimited command of men and money. You

have voted \$500,000,000 and five hundred thousand men; and you now, by the indirect action of affirming an unconstitutional act, propose to yield to him the right to arrest any citizen of these free United States on suspicion, without proof of guilt, and without process of law.

Sir, can it be that the Senate will pass such a resolution as this without striking out these clauses, at least? Strike them out, and I care little for the resolution. In the case of blockade, I am willing to leave it to the courts. You cannot legalize a past act by your now determination, where it involves a forfeiture; and therefore, if the President had no right to declare a blockade—if a vessel was intercepted before your law passes, and the case comes before the courts—the courts will decide, without reference to your resolution, whether the President had authority to institute the blockade; for if he had not, of course there could be no forfeiture under it. To pass such a law and make it retroactive, is clearly to pass an *ex post facto* law. It involves a penalty arising out of an act made criminal, by subsequent legislation, which was not criminal or prohibited by the law at the time when the act was done; that is, the attempt of any vessel to sail from or enter into any of the ports of the seceded States. On what principle can you, in the face of the Constitution, affirm by legislation such action as that? You are not vested with judicial power; the judicial power is, by the Constitution, given to the Supreme Court and the subordinate courts that you have established. If you arrogate to yourselves judicial powers, you are departing plainly from the mandate of the constitution; and you are destroying the Government, which is made a free Government by a division of the powers of government between separate and co-ordinate departments—the judiciary being by far the weakest of them all. But if, in addition to sanctioning a blockade instituted without color of law, the Congress of the United States chooses to vest in the President, by indirect action, judicial power to determine when the citizen's liberty shall be taken from him for any extent of time, at his discretion, it is perfectly certain that you are establishing a mere absolutism, and that you have abandoned your form of government altogether.

Sir, I do not propose to enter into any long discussion about this writ of *habeas corpus*. The decision of the Supreme Court of the United States, (which, differing from the learned Attorney General, I consider does settle principles and not merely decide cases,) made more than fifty years ago, held that the suspension of the writ was a legislative and not an executive power; and I consider the decision of the Chief Justice in the case of Merryman so utterly unanswerable, that it would be an idle attempt on my part to expect to reach or to change the opinions of a man who could read it and remain unconvinced. It has gone to the people of the country. I think the people of the country will appreciate the force and power of the opinion when the time of excitement has passed; and I trust it is passing rapidly.

But, sir, there are some things connected with this writ that it is necessary I should advert to. My objection relates to your affirmance of the validity of the power of the President to suspend the writ of *habeas corpus* whenever, in his discretion, he thinks the circumstances justify it; that he is to be the judge of the political exigency which requires the suspension of the writ. Such is his claim. This resolution, if passed, affirms that claim, and approves and declares the suspension of the writ to be a power vested in the executive and capable of delegation. The language of your resolution is, that the suspension is declared to be “in all respects legal and valid,” and you embody in that resolution no denial of the claim of power; and where, then, stand the people of the United States in the future? A single man becomes a despot; he has the power of the purse and the sword, and you give him the absolute control over the liberty of every citizen in the United States, to be exercised by himself or any subordinate officer to whom he may see fit to confide its exercise, in the absolute discretion of either the President or the subordinate.

The Attorney General has given an opinion in support of this power in the executive; and I purpose commenting on, at most, two of his conclusions. First, let me make a short statement in reference to the writ of *habeas corpus*, and read one or two authorities in connection with it. The clause of the Constitution which restricts the suspension of the writ of *habeas corpus*, except in cases of rebellion or invasion, merely secures the remedy of the citizens against illegal imprisonment, and the only remedy which the laws provide. The right to liberty, and freedom from imprisonment, without due process of law, is secured by the Constitution of the United States beyond your power to violate, as well as beyond the power of the President, unless you mean to trample upon that Constitution. What is the language of the fifth article of the amendments to the Constitution? That no person shall “be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty,” or property, without due process of law.” If you arrest him and confine him, do you not deprive him of liberty? Is it by “due process of law,” if the arrest is made by the military power without oath, without judicial investigation, without evidence of probable cause founded upon oath? The words “due process of law,” have their own settled meaning, which no lawyer has ever doubted. They come from Magna Charta, “the law of the land,” and “due process of law” meaning one and the same thing. If you want the exposition of their meaning, you have but to turn to Coke's Second Institute in order to find it. Magna Charta restricted the power of the crown, because the contest then was between the crown and the barons, representing themselves and the people of England; but in our country, and in all the States, as well as in the Federal Constitution, the restriction and the protection it secures to the liberty of every citizen, applies to all departments of the Government—the legislature, the executive, or the judiciary. A man's right to his personal liberty, unless on a warrant issued for a civil debt, or on due process of law for a criminal charge founded on probable cause, substantiated by oath, is secured in the constitution of every State of this Union, and in the Constitution of the United States; and Congress has no power of suspending the right, even in case of rebellion, insurrection, or war, though it may suspend the remedy by *habeas corpus*, in cases when, from rebellion or invasion, the public safety

requires such suspension. The only exception to the invasion of the citizen's right of liberty, without due process of law, is "in cases arising in the land and naval forces, or in the militia, when in actual service in time of war or public danger." I admit that in those States in which by war the laws are suspended, the right and the remedy are suspended, and you may exercise in them the rights of a belligerent; but in the States in the Union, if the *habeas corpus* act were suspended by Congress, the President would have no right to arrest by military power. He could only lawfully arrest the citizen not found in arms against the Government by the civil power, and for probable cause of guilt, founded upon oath. It is true, though, that if you take away the only remedy which the law gives for a judicial investigation, if the arrest is made, the party is entirely helpless; and therefore it is that the suspension, of the remedy has been often confounded with the suspension of the right. The right stands beyond your power, without a violation of the Constitution. The remedy—and the only remedy—which secures the right, you may suspend in certain conditions, of the country, where the public safety requires it; but the discretion to suspend is vested in Congress, and riot in the executive branch of the Government.

We have derived this remedy by *habeas corpus* from the common law. We have also derived the great principle that the citizen shall not be deprived of his personal liberty, except by "due process of law" from the common law, and have incorporated it into our fundamental law, as the inviolate right of every American citizen. Let us recur to the law as it existed in England when these States were colonies, for by such reference only can we reach a correct construction of the intent with which these clauses in relation to "due process of law" and the writ of *habeas corpus* were inserted in the Constitution.

No one doubts that by the law of England since Magna Charta, if not before, no subject could be deprived of his liberty without "due process of law," and was entitled of right to the writ of *habeas corpus* for the purpose of a judicial investigation into the cause of his confinement. Yet in practice the crown frequently invaded the personal liberty of the subject, and disregarded the writ, and there was a long struggle between the Commons and the crown for this great remedy, because without the remedy the right was a nullity, and the subject was at the mercy of the crown; and his liberty could be invaded at pleasure, without "due process of law," by arbitrary and unlawful arrest and confinement.

To show the character of this writ, and demonstrate that the authority to suspend it was always a legislative and not an executive power, I will read from an entry on the Commons' Journal, made on the 3d of April, 1628, during the reign of the Stuarts, in which the law is declared, while the contest for the liberty of the subject against arbitrary arrest by the crown was still in progress between the Commons of England and, the crown:

"*Resolved upon question*, That the writ of *habeas corpus* may not be denied, but ought to be granted to every man that is committed or detained in prison, or otherwise restrained, though it be by the command of the king, the privy council, or any other, he praying the same—without one negative."

That is the resolution of the British House of Commons without dissent in 1628. I find, further, on turning to the Lords' Journal in February, 1704, privileged as they were and hereditary as was their rank, that they valued the civil liberty of their countrymen:

"*Resolved*, That every Englishman who is imprisoned by any authority whatsoever, has an undoubted, right, by his agents or friends, to apply for and obtain a writ of *habeas corpus*, in order to procure his liberty, by due course of law."

Again, sir, on a representation made to the crown on the 15th of March, 1704, by the Lords, it is said with great distinctness:

"It has been allowed, by the known common law, it is the right of every subject under restraint, upon demand, to have the writ of *habeas corpus*, and thereupon to be brought before some proper court, where it may be examined whether he be detained for a lawful cause."

Such was the law of England long before our Revolution, when we were colonies of England; such is the principle that was meant to be embodied in the Constitution of the United States by that restriction against the suspension of the writ of *habeas corpus*—a restriction, not on the power of the President, for he never had it; but an exception to the powers granted to Congress; and the effect is to make it mandatory on Congress to pass a law providing for the issuance of the writ by the judiciary, because the issuing of the writ and the execution of the writ are judicial matters from beginning to end, and always have been. It belongs to that department of our government in which the Constitution vests the judicial power of the country. Congress have the right to suspend it in certain cases, but that very right of suspension renders it compulsory on them, if they do not mean to violate the Constitution, to provide by law, in such courts as they see fit to establish, the power and impose the duty to issue and enforce this great writ. They did make such



provision by law, in 1789, among the first acts after the organization of the Government under the Constitution. The fourteenth and fifteenth sections of the judiciary act give to the Supreme Court and its judges, in all cases of commitment, the power, and impose the duty, to inquire into the cause of commitment, by and through the writ of *habeas corpus*. The power is there by law, and the law has not been suspended. On what principle is it that any President of the United States can suspend or disobey a law of the United States? The great doctrine proclaimed has been that it was his duty to execute the laws in the seceding States. Is he to execute the laws by violating the laws, as a first step of action, in the States which have not seceded? What power has the President of the United States to suspend a law of the land? What king of England can do it, unless it is expressed in the law itself that he has such discretionary power? No such discretion is given, and the fourteenth and fifteenth sections of your judiciary act require the court to issue this writ, on application, whenever a party is confined, and determine whether the commitment is legal. If the imprisonment is not lawful, it is the duty of the court or judge to discharge him.

If Congress mean to affirm that this power is in the President of the United States, I want it to go forth to this nation that they have virtually suspended the writ of *habeas corpus*, not by law, but by affirmative resolution, exercising a judicial authority which is not vested in them—an affirmation declaring that the President, in this country, can trespass upon the liberty of the citizen in a manner which would have cost any king of England his crown for the last two hundred years, if he had dared to exercise such a power.

I submit, therefore, that if the President had the power, being the exercise of a high discretion founded upon the condition of the nation, of course it would be incapable of delegation. If, as I believe, the power exists in Congress, neither can Congress delegate it. If the exigencies of this country and the public safety, in your opinion, require that you should now suspend the *habeas corpus* act, you may, as they do in England, describe the States or parts of States into which the writ shall not run during the time limited in the law. In England, I can find not a single instance on record where the suspension has ever been for more than one year. During the contest with her colonies, the attempt was made to suspend the writ of *habeas corpus* by legislation, with provisions which would have involved the suspension in England as well as here; but the opposition, after discussing the question, forced the ministers to abandon that portion of the bill, because they found that the majority of the lawyers supporting them were opposed to so extended a suspension. The bill was, therefore, modified so as to suspend the writ in the rebellious colonies and on the high seas; that is, they authorized the apprehension of persons on suspicion in the rebellious colonies and on the high seas, and their confinement, at the discretion of the king, until the 1st of January, 1778, not quite a year from the passage of the bill. Here it is not the passage of a bill; it is not the exercise of a high discretion where, after full consideration, you decide that the public safety requires this great remedy—which is the only remedy to preserve the liberty of the citizen—shall be suspended, and where and for what length of time it shall be suspended; but you affirm an act of the President, done in his discretion, not in yours, in the past, which is clearly unconstitutional, and which you have not the power to affirm. By affirming his act as he claims the power, you are virtually assenting, on the part of the legislature, to the claim of power on the part of the President; and thus the constitutional division of powers, which is the security of our Government as a free Government, is to be abandoned.

I shall read one or two extracts from judicial decisions to show the uniform construction by judicial exposition. There can be no question that, in the case of *Bollman and Swartout*, the Supreme Court decided, in distinct terms, that the power was in the legislature, and the legislature not having exercised any power to suspend the writ, even though insurrection existed, the court were bound to execute the law, and the evidence not being sufficient, they discharged the prisoners. They positively affirmed the power to be in the legislature; and I had never heard, until the claim was made by the present Executive, of a solitary lawyer in the United States who ventured to doubt that the power was in Congress, and not in the President. In my judgment, a received construction of more than half a century, and a settled opinion of the profession, is always strong evidence of what the law really is.

The essential requisites for the lawful deprivation of the liberty of the citizen, are clearly and distinctly stated by the Supreme Court *ex parte Buford*, 3 Cranch, 451:

“The judges of the court are unanimously of opinion that the warrant of commitment was illegal for the want of stating some good cause certain, supported by oath.”

Where, let me ask, would be the liberty of the citizen, if the President can arrest at his discretion, and refuse to obey the writ of *habeas corpus*? Who is to decide whether there is a good cause certain, supported by oath?

It is absolute power. This is not a land of freedom and free institutions longer, when you have passed the resolution now before you.

The history of the *habeas corpus* act and its uses are well stated by the court in Watkins's case, Judge Marshall delivering the opinion, after stating the existence of the right at common law, says:

"The English judges being originally under the influence of the crown, neglected to issue this writ where the government entertained suspicions which would not be sustained by evidence; and the writ, when issued, was sometimes disregarded or evaded, and great individual oppression, in consequence of delays in bringing prisoners to trial. To remedy this evil, the celebrated *habeas corpus* act of 31 Charles II was enacted," &c 3 *Peters*, 203.

That writ is the writ to which the court refer as securing to the people a judicial investigation; a writ of right which cannot, in the language of the House of Commons, two hundred and fifty years ago, be lawfully denied, though the arrest be by the command of the king. That right is to be abandoned in the republic of the United States, in the face of an express provision in the Constitution limiting your legislative powers, which prevents you from suspending it, except in a political exigency of invasion or rebellion, where the public safety requires it; of which you are to be the judges, and you alone. As to the meaning of the words "due process of law," as securing the rights of the citizen, I might refer to the opinion of a very able and distinguished judge of our own country, Mr. Justice Curtis, who, in a case which had no political bearings whatever, gave an exposition of the meaning of the words "law of the land," as existing in the constitution of Rhode Island, which is analogous to "due process of law" in our own Constitution.

Now, sir, let me notice for a moment some one or two of the somewhat singular views presented in the extraordinary opinion of the Attorney General. On page 5 of the opinion, he says:

"As to the first question, I am clearly of opinion that, in a time like the present when the very existence of the nation is assailed by a great and dangerous insurrection, the President has the lawful discretionary power to arrest and hold in custody persons known to have criminal intercourse with the insurgents, or persons against whom there is probable cause for suspicion of such criminal complicity."

Here is a strange confusion of ideas. Every lawyer knows what "probable cause" means. Probable cause is something more than suspicion. It is a state of facts established upon oath, from which *prima facie* an inference of guilt can be rationally made. Who ever heard before of the term "probable cause" applied to mere suspicion, and not to the fact of guilt itself? There must be probable cause of guilt, and without that supported by oath, the court will discharge. There must also be authority for the arrest and commitment, or the court will discharge. If an offense be not charged, if there is no oath, or the oath does not show probable cause in support of the charges, as in the case of Swartout and Bollman, the court will discharge.

I might ask, further, in connection with this idea of probable cause, who is to decide it? What is the writ of *habeas corpus*? Is the President to execute it, because it is his duty to see that the laws are executed, or is it a judicial function? As I have read to you from the representations to the crown, made in 1704, in the British House of Lords, the party is to be taken before some court, in order that the matter may be inquired into, and if no probable cause of guilt is shown, he must be discharged. The matter is to be judicially inquired into, and by your Constitution the judicial power is vested in the courts of the United States, and not in the Executive. Who, then, is to determine the existence of probable cause? The tribunal, the authority to investigate and decide, seems to have been lost sight of by the learned Attorney General.

The learned Attorney General, after giving his opinion on the first point, assumes that the President has the legal discretionary power to arrest and imprison persons who are guilty of holding criminal intercourse with men in a great and dangerous insurrection, or persons suspected, "with probable cause," of such criminal complicity; and writes the words with marks of quotation to show that it is their legal meaning in which he uses them, "persons suspected with 'probable cause' of such complicity." Is there, I repeat, a lawyer in the land who does not know that probable cause is more than suspicion; that it implies *prima facie* evidence of guilt sufficient to hold the party for trial according to the law of the land, and that it stands contradistinguished from suspicion; that suspicion is no ground whatever for commitment upon arrest, unless sustained by an affidavit showing probable cause, not of suspicion, but of guilt? What is suspicion, Mr. President? Opinion, no more. Lord Bacon has well said: "Suspicions among thoughts are like bats among birds; they always fly in the dark." The suspicion of an administration, or of any man, can never be just ground for depriving a citizen of his liberty. In this country there must be probable cause of guilt, of offense against the laws, and shown by affidavit with sufficient certainty, in order to justify the incarceration of his person; and we have no free country when that ceases to be the law. Either enmity or timidity will suspect without cause, and power, too, will suspect where it wishes to crush an opponent. Unhappy, indeed, is the country where personal vengeance and political animosity can satiate itself by the imprisonment of its object upon suspicion.

Let me ask what constitutes the difference between the *letter de cachet* in the reign of Louis XIV and an arrest by the President of the United States, because he chooses to declare there is a state of insurrection, and, arrest at his discretion, or at the discretion of any subordinate officer, on suspicion of guilt? What constitutes the difference between the Bastille and Fort McHenry or any other fort of the United States? Louis XIV said “*l’etat c’est moi*” and he exercised the power of committing any subject of France to the Bastille to lay there in a dungeon for one year or ten, at his discretion. The individual might be forgotten, or he might be the subject of personal animosity, and it was so most frequently. But, at least, the act of arbitrary power had this restriction: it was always done under the immediate order of the sovereign. The President of the United States claims a similar power, not only to be exerted by himself, but by any subordinate to whom he chooses to delegate the authority; not only to suspend the *habeas corpus* act, but to arrest and incarcerate on suspicion at discretion; and the difference in the place of incarceration is, that Fort McHenry and your other forts may have no dungeons, but the restraint upon the liberty of the party is just as arbitrary and unlawful. The restraint, too, is claimed as discretionary in the duration of imprisonment. The punishment is the same, though it may not be characterized by the same brutality in the mode of confinement! If a man can be arrested and imprisoned at discretion, without proof of any criminal act—I mean *prima facie* proof, legal proof sufficient to hold him for trial—and can be held in prison for an indefinite time without being brought to trial, (which he can be if this great writ of right is suspended,) there is no remedy for him whatever. I ask, where is the liberty remaining to a single American citizen with such an exercise of authority by the President, sanctioned by the legislative power of the Union?

Mr. President, there is no other distinction between the condition of France under Louis XIV and present condition of these United States if this resolution be passed. The Bastille had its dungeons; the forts have none. Louis XIV alone issued his *letters de cachet*; but the President of the United States delegates a general power to one or ten different officers to arrest and imprison guiltless men, whenever the office chooses to suspect them of criminal complicity, and all this is to be sanctioned and continued in the face of a Constitution which we had supposed gave us, as citizens of a free country, free institutions, in contradistinction to the absolutism which reigned in France under Louis XIV.

Sir, there are other singular *dicta*, shall I call them, or propositions contained in this opinion, and it will be a celebrated opinion hereafter of the learned Attorney General. He even undertakes, from the form of the oath, to infer the grant of additional powers to the Executive—a singular inference indeed for a lawyer to draw in reference to a written Constitution and frame of government consisting of specially delegated powers. If the proposition were correct, inasmuch as the oath which is administered to us and to the judges of the Supreme Court is one and the same—that is, to support the Constitution of the United States—it would be difficult to define and distinguish our respective powers. There is, at least, the merit of novelty in the idea, that the powers granted under a written instrument are to be either enlarged or decreased by the mere form of the oath to be administered to the party to support that instrument and perform his duties under it. It is such loose doctrines that lead to arbitrary power.

He further uses the argument that this writ of *habeas corpus* is in the nature of an appeal, and that therefore, as far as concerns the President, it would be an assumption on the part of the judicial power to overrule his decision. Not so, Mr. President; the principle is perfectly familiar to every lawyer. The courts have decided that were a court of general jurisdiction, having jurisdiction of the particular offense, convicts the party, or commits him on proper process, it is not for them to revise and correct the irregularity of the judgment by an appeal on the writ of *habeas corpus*; but that is because it is the judgment of a court of justice having competent jurisdiction. Where, however, there is defect of jurisdiction, and the arrest is an excess of authority, it belongs properly to the judicial power on the writ of *habeas corpus* to correct the excess and guard the citizen against unlawful imprisonment. An act done in excess of authority by any department or officer is merely void, and it is a judicial question under the Constitution to determine the extent of authority. A justice of the peace has a special jurisdiction under the Constitution, and so has the President a special jurisdiction. Where ten justices of the peace committed a man on insufficient grounds, the Supreme Court, without hesitation, after sentence, as the justices had not pursued their authority, discharged the party on a return to the writ of *habeas corpus*. It was a conviction for non-payment of militia fines. The books are full of similar illustrations.

The learned Attorney General also contends that the writ of *habeas corpus* could not be directed to the President personally, where a citizen is unlawfully arrested by his order, and infers therefore that it may be disobeyed by the officer who has executed the order, and has the custody and control of the party arrested. It is a sufficient answer to say that an unlawful arrest by order of the king or privy council could always be remedied by this writ, nor could the officer executing the order refuse obedience to it.

In England he would be compelled to make return to the writ, and produce the person in his custody at the time of its service, with the cause of detention, and the court would discharge, if there was either defect of authority, or insufficient cause of detention shown. I have yet to learn that the courts of justice in the United States have less power to protect the liberty of the citizen against the arbitrary order of a President, than the King’s Bench has to protect the liberty of the subject in England against unlawful arrest by the order of the monarch. There are other fallacies in this opinion which, from want of time, I forbear to notice.



Let me pass to the consideration of the dangers incident to such a claim of power in the executive, if admitted. Honorable Senators on the other side may think little of affirming this claim now; but nations, as well as individuals, are governed by habits, and habits fetter both the nation and the individual quite as effectually, and render them as helpless as Gulliver, when bound down by the little, pack threads of the Lilliputians. Precedents which strike at great and fundamental principles, and violate the Constitution and the laws in times of high excitement, may be established by the party in power to-day. Rely upon it, if they live somewhat longer, in the progress of events, they will find that in the future they may become subject to the same dangers themselves to which now they are exposing all who are opposed to the policy and measures of this administration. The law is made, not for the protection of those who hold power, but for the protection of those who stand opposed to existing power; and no country has a Government of laws, no country is a free country, unless the law will protect them; and in that consists the distinction between a republic or a limited monarchy as a Government of laws, and a mere Government of will, which is a despotism. Sir, I quote again from Mr. Burke:

“Parties are too apt to forget”—

Referring to a bill for the partial suspension of the writ of *habeas corpus*—

“their own safety in their desire of sacrificing their enemies. People without much difficulty admit the entrance of that injustice of which they are not to be the immediate victims. In times of high proceeding, it is never the faction of the predominant power that is in danger, for no tyranny chastises its own instruments. It is the obnoxious and the suspected who want the protection of law.”

The whole distinction between a government of will and a free government consists in this: That a man cannot be condemned, cannot be deprived of his personal liberty or his property, except according to the law of the land; or, in the language of Justice Curtis, without the right of contest, of being heard, and of having a judicial decision and a verdict of a jury affirming the evidence of his guilt. Sir, let me test this doctrine of suspicion in this way, and see how absurd it becomes. The Constitution of the United States, and the constitution of every State of this Union, prohibit any man from being deprived of his liberty, except by due process of law, and they secure him against conviction in criminal cases, unless on indictment and by verdict of his peers establishing his guilt. Now, sir, if he can be punished on suspicion, then to be suspected of an offense must be punishable as a crime. Is suspicion an offense against the law, or can it be made an offense? Can the suspicion of one man, however strong or however probable to him, constitute guilt which would justify, in natural right or in reason, the punishment of another? Yet you do punish when you arrest upon suspicion, because to imprison is to punish. Whether you imprison beforehand for an indefinite time by arbitrary power, or whether you imprison after a verdict of guilt, it is punishment. The difference is, that in one case the punishment is legal, as the result of crime judicially ascertained; in the other it is lawless and tyrannical, for it is founded upon the mere will of existing power.

Suppose an act were framed and passed, declaring that whenever any citizen in the State of Maryland, or, if you please, of the city of Baltimore, was found guilty of being suspected of crime by the administration, or any head of a department, on conviction thereof he should be sentenced to so many years imprisonment and so much fine: how long would the people of the United States submit to such legislation? And yet, sir, where is the difference? You would have under such a law, at least, the benefit of a verdict of a jury, and the publicity incident to a trial. The sense of shame arising from public exposure might restrain a prosecution without, at least, some plausible suspicion; but where the arrest and incarceration on suspicion is without trial, and at will, there is no liberty. If you cannot create such a crime, and punish the party after conviction, when you have ascertained judicially that he has been suspected—plausibly suspected on the part of the executive, or some of his subordinates—on what principle is it that you can punish him by imprisoning him indefinitely at the will of the President, without hearing, and without any charge against him other than suspicion, arising generally from the insinuations and whispers of personal enemies, and not unfrequently from the excited passions and distorted vision of political opponents?

Mr. President, there can be no security for personal liberty—there will be none remaining in this country—if Congress sanction, by this resolution, the President’s claim of power at discretion, not only for himself, but through any of his military commanders, to suspend the great writ of *habeas corpus*, and take away the remedy which secures a right you cannot deny to any citizen of the United States, that an offense against its laws shall be charged upon oath with probable cause, not of suspicion, but of guilt, and that he shall have a right to a fair and speedy trial, and only be punished upon conviction in a court of justice. Sir, I intend to make no imputation upon the motives of the President of the United States; but I must utter my disapproval of the view he takes of the Constitution, and of the mode in which he has exercised a power not delegated to him. I arraign not his intention, because I have lived long enough to know that the best men, with right intentions, have too often, from wrong judgment, perpetrated the greatest and the foulest wrong. But I take his acts—and I judge from what has passed of what will pass—when you have removed the lingering doubt that appears on the face of his message, and have affirmed that his claim of discretionary power to suspend the writ of *habeas corpus* is rightfully made, and that all the acts which have been done under that claim of power in the past have been rightfully done.

Merryman was arrested in the city of Baltimore—for what? For past acts, as far as we know or as was alleged. He has since been indicted for these acts—which were past acts at the time of his arrest— treason against the United States. He has been handed over to the civil power for trial, and has given bail, after having been kept in confinement by unauthorized authority for many months; and whether it was a month or three months or a week, the imprisonment was none the less an utter violation of the Constitution. But the President did not stop there. The city of Baltimore was then quiescent; the mob which existed there, (and it was a mob) was put down by the civil power of the city; order was entirely restored; and the courts of the United States have been always open. Long after, a new actor appears in the arena; and another officer of the United States, under the authority of the President, not only arrests on suspicion, without charge on oath, the chief of police of Baltimore, but without even the allegation of suspicion, he supercedes in their functions the police commissioners of that city existing under the laws of Maryland, and having the control and safeguard of its municipal protection. They were superseded without even the semblance of a suspicion charged or stated. Is such an act within the authority of the President of the United States, or of his military commanders? When these commissioners protested against this course of action, and refused to delegate to others powers intrusted to them by the legislature of Maryland solely for municipal purposes, he arrested them, too; and they are still imprisoned in Fort McHenry, without charge, without suspicion, without anything but the failure of implicit obedience to the military despot of the particular district. Not thrown into a dungeon; not manacled, that we know of; but certainly unlawfully incarcerated. The treatment, however, of these or any other prisoners confined in your forts unlawfully, must depend upon the humanity or inhumanity, the likes and dislikes, of the officer in command of the prison.

You propose to affirm all these acts by your resolution. You propose to keep these men in prison at the will of the Executive, in the face of the Constitution, for no cause stated in the proclamation of the officer who ordered the arrest having the semblance of justification. Their sole offense consisted in a refusal to delegate the powers intrusted to them by the laws of Maryland to a military commander of the United States, and yield implicit obedience to his will. Such is the course of military power always. It is an arbitrary power, and despotic in its nature. I make no particular charge against the officer who issued that order, because, I understand, he issued it under the direction of the War Department. I impugn nobody's motives; but I state the facts; and I state the facts as a gross violation of the Constitution of the United States—as an outrage upon the personal liberty of the citizen which, though it falls upon Mr. Gatchell and his associates to-day, may be brought home, gentlemen, to yourselves at a future period, if you affirm this power, because the judicial authority has been put at defiance, and the civil authority trampled upon, by military violence, and the answer is, that the writ of *habeas corpus* has been suspended by the President. Affirm the legality of that suspension, and of course the same answer will be given in the future; and, we all know that the military power, sustained by the Executive and by the vote of Congress, will be irresistible unless the whole people of the United States should arise *en masse* against such despotism.

Ardent as may be a man's views in favor of this war, harshly as he may think of the rebels, and determined as he may be to prosecute it to its utmost extent, until the South unconditionally submits, if he cherishes the principles of civil liberty, he cannot sustain this action of the President which violates the laws of the land, and abolishes all security for personal liberty to every citizen throughout what are called the loyal States, while it conduces, not in the slightest degree, to the subjugation or submission of the South. It touches not you now, who support and advocate the course and measures of existing power, but touches only those who are opposed to these measures; but by your approval, you take the first step for the subversion of a republican form of government, and it is the first step only which costs. The future progress toward absolutism will be rapid. Where is the necessity for the exercise of such a power, except in those States that have seceded? There I concede to you that having suspended the laws by civil war, they must take the consequences of the action of military power, if you choose to declare or recognize war. The laws of the United States are suspended in those States, and the courts are closed; but can the civil be justly and constitutionally subordinated to the military power in other States because of opposition or disaffection to the Government? Do you suppose that, by suspending the writ of *habeas corpus*, and authorizing the seizure of the person of an individual on suspicion, that you will ever reach the right man? You may drown all open opposition; but is the man who boldly speaks out in opposition to the measures of an administration the man who is to be feared as a conspirator?

Sir, the conspirators, if such there be, under professions of adhesion, ardent adhesion to existing power, will cloak the conspiracy by which they mean to destroy it. The slightest knowledge of human nature must lead to this conclusion. The conspirator enters into no open opposition to the Government. With the nearly unanimous support that you have, for the present at any rate, throughout all the States that have not withdrawn from the Union, you have nothing to fear, because there may be opposition to your measures, or there may be, if you please, disaffected men in all the States. Your Government is not so weak that the disaffection of a few can overturn it if supported by the people.

Look back to our own experience in history. During the revolutionary war there were Whigs and Tories, but the writ was never suspended. During Burr's conspiracy in 1807, though a single military officer arrested persons without law in New Orleans, he did not undertake to suspend the writ of *habeas corpus*. The Executive never approved his conduct, or claimed this power in himself. Of the three arrested, two had been sent off to the North before the writ was served; and the court in New Orleans, as to those two, held the answer sufficient that they were no longer in his custody; the third was discharged in the court there. Two were brought here, Bollman and Swartout. The President immediately handed them over to the judicial authorities with the affidavits to sustain the charge against

them. The circuit court committed them for trial for treason, and on a *habeas corpus* before the Supreme Court, that court on revision held that the charge was not shown with sufficient certainty in the affidavits, and discharged them. Mr. Jefferson never recommended, as has been said here, that the *habeas corpus* law should be suspended. There is not a line or a word in his message recommending such action. He stated the fact that he had committed these men to judicial custody, and that he left to Congress to devise such measures as in their judgment they thought proper under the exigencies of the case. The Senate of the United States, in secret session—no one knows how; no one can tell what influences operated upon them, for there is no record of any debate—passed in one day, through its three readings, a bill to suspend the writ of *habeas corpus*; but when it came into the House of Representatives, the House of Representatives, to mark its view of the outrageous character of such an act, rejected it on its first reading, after a long debate, by a vote of 113 to 14! Yet there was a wide-spread conspiracy then, and it was in that part of the country where the Government was weakest; but no man at that day ventured to claim for the President, nor did he himself claim, the right to exercise such a power.

Then came the war of 1812. Was there no opposition or disaffection to the Government then? Was there not opposition to a very large extent during that war? Was, there not great disaffection during that war? Did the Congress of the United States suspend the writ of *habeas corpus*? Did the President of the United States undertake to arrest citizens and hold them in confinement at his will, claiming the right that, because war existed and communications were known to have been made to the enemy by persons disaffected to the government, therefore he might lawfully arrest any citizen on suspicion, without proof of probable cause, and detain him in prison indefinitely? No, sir, civil liberty was too much cherished in that day. Our immediate ancestors, even, knew too well what were the benefits of free government, and how insidious were the approaches and how great the curse of a despotism, to break down the Constitution under an imaginary necessity, when the Government was quite strong enough to subdue all treason, or all offenses against its laws within all the States in Which the courts were open for the prosecution of offenses, without resorting to this arbitrary exercise of power. Yet in that war we were contending against a formidable enemy, and there was serious disaffection; and the nation and the Government not half so powerful as it now is. It seems that power now too readily converts convenience into necessity.

Mr. President, human nature is the same in all ages and in all countries. Power always tends to corruption, and especially when concentrated in a single person; and it is that tendency which requires, in all free governments, the division of power among separate and independent departments, for the prevention of its abuse—legislative, executive, and judicial—and it is only by maintaining the balance between these depositories of power that a government of laws can be perpetuated. Could you suppose a god to descend upon earth for its government, it would be wiser to submit to his government than to attempt to govern ourselves; but, while humanity has its inherent frailties, the experience of mankind has vindicated the great truth that, by the concentration of power in the hands of the one or the few, a government of laws—which alone is a free government—must degenerate into a government of will. When a discretionary power over not only the property but the liberty of the citizen or subject is vested in or can be exercised by one man, uncontrolled by fundamental laws for their preservation, capable of enforcement by a separate and independent department, freedom no longer exists; and whether the person who exercises that discretionary power be called a monarch, a dictator, or a president, the government is equally a despotism. A despot may happen to have sufficient intelligence and virtue to consult the general interest of his subjects, and may govern with justice and equity, but, with the corrupting influence of power, the security is but frail for continued good government. I speak with no allusion to the present President, who may be as little affected by the possession of discretionary power as any man; but to no man, and under no emergency, should a free people ever trust uncontrolled discretionary power over their personal liberty. The power to imprison at discretion, by military force, vested in one man or a few men, is incompatible with republican institutions, be it a dictator or a Council of Ten, the end is either despotism or oligarchy.

An honorable Senator has told us that he would be willing at this time to yield almost unlimited power to the executive. Sir if you pass this resolution, you give unlimited power to the President of the United States; you take away the last remnant of liberty in this country. You abandon to him the great judicial right which protects the liberty of the citizen, in the face of the Constitution, without judging of the exigency for yourselves, or avowing to the people, by direct legislation, that you have parted with that right. Suppose that Abraham Lincoln was a man of great force of will, of great military talent, great ambition, and with sufficient capacity as a statesman to govern and discreetly control the career of his ambition in the pursuit of permanent power. I ask you, if a Cromwell or a Bonaparte were invested with the powers you now propose to place in the hands of the President of the United States, if the liberties of this country would not lie at his feet? Sir, for one, without regard to the man, I will look upon any one in reference to the grant of such unlimited power, as a Cromwell or a Bonaparte. I cannot expect from the past history of humanity, that the next eighteen centuries will produce the equal of George Washington.

Sir, are there not dangers if this power is entrusted to the executive, apart from the idea of any attempt to obtain supreme and permanent command? Every one knows that opposition is not readily brooked by power. We have seen that the citizen has been arrested, on mere suspicion, and without even the charge of suspicion in some cases as I have shown you. Will not the next step be to destroy the liberty of canvassing with freedom the measures of the administration; a right which is secured by our Constitution? Will not the press die under the discretionary power of arrest? If that is not sufficient, and there should be a lingering few in this chamber who venture to question any one act of the existing administration, may not the power be applied to them, and not only rebellion be



crushed out in the seceded States, but the last hope of liberty crushed out, by destroying the right of the Representative of the people to boldly question the acts of power, be they those of a President, a judge, or a Congress?

Sir, I could dilate on this subject to a much greater extent; but can see that few honorable Senators opposed to me have listened to my warnings, nor will they probably have read my remarks until they pass this resolution. I suppose I must give up the faint hope I entertained, that this resolution, so utterly unnecessary to have been introduced, even on your own theory, can or will be defeated. It will pass; but, in my judgment, when you pass it, you prostrate the liberties of this country and destroy the rights of its citizens as free citizens. You must carry with you the fact that you have no condoning power, no pardoning power. You may declare an act to be legal or constitutional; but if it is not, you cannot make it so; you may legalize for the future many acts which have been done, you cannot for the past.

You cannot vest power legally by a resolution, under the Constitution, where the Constitution does not vest it. You have no judicial authority so to decree; but you may, in the face of the Constitution, by bringing the legislature into accord with the Executive in the assertion of an unconstitutional power, subvert the liberties of your country. No one has asked you—and we know we are powerless for that purpose—to censure the President of the United States; but I tell you frankly, when the people of this country pass from the state of excitement which now exists, as your resolution cannot condone any act which may have been done in violation of the Constitution by the Executive, a subsequent Congress can deal legally with this question, by the action of the House of Representatives as an impeaching body, and the action of the Senate in deciding on that impeachment. I may not then be a member of this body, and I trust I shall not. I will not attempt to predict what the action of a subsequent Congress may be on those extraordinary acts of the President which you now not only determine to approve but declare to be valid. But the very face of your resolution implies that you think they are not within his constitutional powers. By specific legislation, you may give effect to all the acts mentioned in the approving resolution, except in the case of the suspension of the writ of *habeas corpus*; and in regard to that, you do not venture to declare to the people of this country by open legislation the effect and object of your resolution, be it enacted by the authority of the Senate and House of Representatives, that the writ of *habeas corpus* shall be suspended within certain limits prescribed in the law and for a certain duration of time. Yet that is the only legitimate mode of legislation when the necessity arises, and the only constitutional mode in which such a power can be exercised.

### About James A. Bayard

James A. Bayard (1799-1880) was a United States Senator from Delaware. His father, James A. Bayard, cast the deciding vote in the 1800 presidential election, and his grandfather, Richard Bassett, signed the Constitution. His brother, son, and grandson also served in the United States Senate. Bayard was one of the lone voices of opposition to the Lincoln administration during the War.

<http://www.abbevilleinstitute.org/review/executive-usurpation/>

## GRAVE MARKER CHANGES, AGAIN!

FYI - the Dept. of Veterans Affairs (VA) has changed VA Form 40-1330, Claim For Standard Government Headstone or Marker **FIVE (5)** times in the past **FIVE (5)** years, under the current administration. The most recent change was Feb 2014.


Each of the changes has made it more and more restrictive for those seeking tombstones for veterans who died before November 1, 1990. I have been told by many that it will take congressional action to change the course of the VA as they fall under the Executive department. If your congressional delegation is not aware of this situation, you probably should contact them. This is another aspect of the VA undermining benefits for veterans. It isn't just lack of health care, it's far reaching.

I have attached the most recent copy of VA Form 40-1330 for your convenience. Please make comments as requested in the above emails.

Robert A. Edwards, Chairman  
Graves & Monuments Committee  
Sons of Confederate Veterans

[VA 40 -1330 Revised](#)

# South Carolina Trump Supporters Say They'll Never Forgive Nikki Haley For Removing Confederate Flag

by Kira Lerner  Feb 17, 2016 10:15 pm



CREDIT: AP Photo/John Bazemore

South Carolina Gov. Nikki Haley signs a bill into law as former South Carolina governors and officials look on Thursday, July 9, 2015, at the Statehouse in Columbia, S.C. The law enables the removal of the Confederate flag from the Statehouse grounds more than 50 years after the rebel banner was raised to protest the civil rights movement.

WALTERBORO, SC — South Carolina Gov. Nikki Haley (R) announced Wednesday that she is endorsing Marco Rubio for president, potentially giving the Florida senator a much needed bump in the state ahead of Saturday's primary.

But Donald Trump supporters in South Carolina's lowcountry aren't bothered that the real estate mogul lost the governor and rising GOP star's endorsement. Voters at Trump rallies on Wednesday told ThinkProgress that Haley lost their support when she made the decision last summer to remove the Confederate flag from the state capitol, where it had flown for 54 years. And they said they will never forgive her.

That's Southern history, and she's a stupid idiot.

"That's history," said Tammi Lawton, who attended Trump's rally in Walterboro with four friends. "No matter which way you look at it, that is history. That's Southern history, and she's a stupid idiot."

Ridgeland, South Carolina-resident Dianne Lawson said that she voted for Haley in 2014, but wouldn't do it again.

"She lost her support in South Carolina this past summer," she said. "I'd always been a supporter of Nikki Haley, but I don't believe the package that she's selling anymore. She knuckled under to political pressure and she went too quick and didn't care what South Carolina residents thought. It was all about what was going to make her look good."

And Chris Horsley said he is upset that Haley didn't let state residents vote on the issue. "She was a totalitarian on it," he said. "It should have been up to the people of South Carolina."



*Tammi Lawton, left, and four friends at a Trump rally in Walterboro, SC.*

CREDIT: KIRA LERNER

The feelings weren't limited to just the lowcountry. Bruce Mayer, who saw Trump speak later Wednesday in Sumter, South Carolina, agreed.

"I voted for her twice and I'm extremely disappointed in her," he said. "No matter what your views are on the Confederate flag in South Carolina, I feel like she leveraged that situation shamelessly down in Charleston where all those poor people were murdered. She took that situation and immediately politicized it and started screaming for the Confederate flag to come down."



Mayer noted that Haley has already served her two times as governor, and was not interested in listening to South Carolina residents' views on the flag before making her decision.

"Her eyes are on the national political stage, and she knows that the media and all the politicians in Washington will look extremely favorably on the fact that she brought the Confederate flag down in South Carolina."

"I'm ashamed that I ever voted for her," he continued. "Absolutely ashamed. She completely threw her principles out the window."

I'm ashamed that I ever voted for her. Absolutely ashamed.

Haley is currently the most popular Republican politician in South Carolina, largely because of her response to the Charleston shooting, according to The State newspaper. And she is frequently considered a leading vice presidential contender.

But all of the Trump supporters who spoke with ThinkProgress said they would not vote for a Republican presidential ticket that included Haley's name. Mayer even said he would consider voting for a Democrat instead.

When Mayer's friend pointed out that he would vote for a ticket with Haley over one with someone like Biden, Mayer wasn't so sure.

"I don't know," he said. "I'm so angry. I'm so angry about that happening the way that it did."

A poll released this week found that 70 percent of Republicans in South Carolina think the Confederate flag should still be flying over the state capitol, while just 20 percent agree with the decision to take it down.

While the removal of the Confederate flag was by far the most common reason Trump supporters cited for disliking Haley, others mentioned other ways they think she's hurt the state. Lawton claimed that after the Charleston shooting last year, Haley joined the masses of politicians in Washington pushing for stricter gun control laws. "She tried to take our guns," she said.

Haley has an A+ rating from the NRA and made no efforts after the Charleston shooting to encourage stricter gun laws. "There is one person to blame here, a person filled with hate, a person that does not define South Carolina, and we are going to focus on that one person," she said immediately after the shooting.

Trump has also criticized Haley for not doing enough to protect the state from Syrian refugees and from the possibility of Guantanamo prisoners being transferred to the Navy prison outside Charleston. Haley has fired back and has spoken out against Trump, telling South Carolinians not to listen to the angriest voices in the party.

<http://thinkprogress.org/politics/2016/02/17/3750656/confederate-flag-trump/>



# YANKEE WAR CRIMES

## Six Hundred Southern Officers at Morris Island

Imprisoned Southern officers were transported to Morris Island near Fort Sumter as used as a human shield in front of Northern batteries indiscriminately shelling Charleston in mid-1864. Those who did not perish from the ordeal would later suffer serious intestinal disorders or early death from their near starvation by the enemy.

“After weary months in Washington, during which time I was shown many kindnesses and attentions from Southern sympathizers, I was carried to Fort Delaware prison. After a lapse of some time I was drawn in with the lot of six hundred officers to be carried to “Morris Island,” to be placed under the fire of our own guns at Charleston. We were crowded in the dark hole of the vessel, only equal to the “Black Hole of Calcutta,” and packed on shelves like goods in a store, without any light or air, except that driven down a shaft by wind-sails.

On our arrival we were put in a “stockade pen,” between “Fort Wagner and Fort Gregg,” and guarded by a Negro regiment. For forty-five days we sat upon the sands and witnessed the burning fuses from bombs, larger than nail-kegs continuously fired night and day by our men at the forts. If they overshot the one or undershot the other they’d hit us. But that God marks the sparrow’s fall, protected us.

On the eve of our leaving for “Hilton Head,” the Negroes on guard fired into some of us. I saw three fall either killed or wounded; they were hurriedly moved out. I never learned their fate.

Three of our number got the cabin maid to steal life preservers from the cabins and quietly slid over-board where sharks were as thick as minnows. Two were exhausted from thirst and lack of food and were captured on Pinckney Island; the third reached Charleston.

They gave us absolutely nothing at all to eat for forty-five days but a little rotten corn meal filled with black bugs, without salt or anyway to cook it. Our comrades were dying by squads daily, the dead house was filled all the time with the corpses. Scores of cats would enter through holes and prey upon the dead.”

Lt. Col. C.B. Christian, Walker’s Ford, Amherst County, Virginia

(Southern Historical Society Papers, Vol. XXXVII, R.A. Brock, editor, 1909, pp. 241-242)



"When the South lost, instead of a Jeffersonian republic of free trade and limited constitutional government, the stage was set for the United States to become an American Empire ruled by a central authority. In starting his war against the Confederate States, Lincoln was not seeking the "preservation of the Union" in its traditional sense. He sought the preservation of the Northern economy by means of transforming the federal government into a centralized welfare-warfare-police state."

Donald W. Miller Jr.



# The Virginia Flaggers

## Return the Flags ~ Restore the Honor

Sunday, February 28, 2016

### Truckers Love the Flags

I was speaking at an SCV camp in another state recently, and a man approached me after my presentation, extended his hand and said, "I want to shake your hand." I took his hand, shook it, and he proceeded to tell me that he is a new SCV member and drives for a trucking company.

He said that for several years, he and his fellow drivers had watched the flags go up in Virginia as they traveled up and down 95, and that the flags were often the subject of discussion back at the terminal as they all love to see them on their routes.

He said he had often remarked that one day he sure would like to shake the hand of the guy who was putting all flags those up. Then he thanked me, smiled and said. "I can't wait to go back and tell the guys that I actually shook the hand of the guy responsible for the flags... and it was a GIRL."

Susan Hathaway

The Virginia Flaggers



Wednesday, February 17, 2016

### Va Flaggers: I-95 Wade Hampton Flag Raised in Prince George County

<http://www.nbc12.com/story/31208298/va-flaggers-another-confederate-flag-to-be-raised-on-i-95>

Saturday morning, we woke to temperatures in the low 20's, and as I added layers and gathered cold weather gear, I considered that the frigid temperatures would likely mean a small, but dedicated crowd at the flag raising in Prince George later that morning. The forecast called for cloudy skies and high winds, but by the time we arrived at the site, the sun made an appearance and when the service began at 11:00 a.m., and to our amazement, over 150 folks had gathered to be a part of the dedication ceremony.



The Edmund Ruffin Fire-Eaters Camp #3000 Color Guard opened the ceremony, accompanied by Pipe Major David



Hinton. Army of Northern Virginia Mechanized Cavalry Major Willie Wells shared information on the history of the Great Beef Steak Raid, and Wayne Jones of South Carolina spoke about General Wade Hampton.



Honks of approval from passing vehicles began even before the flag was raised. This trucker actually pulled his rig over right on the side of I-95 to take photos in the middle of the ceremony!\_

This project was a joint effort of the Virginia Flaggers and the Army of Northern Virginia Mechanized Cavalry, and the lion's share of the site work was done by Willie Wells. To honor him for his hard work and dedication the honor of raising the flag was given to four generations of Wellses...Willie Earl Wells, Jr., Willie Earl Wells III, Wade Hampton Wells, and Kamdin Wayne Wells, all helped hoist her high, while Pipe Major David Hinton played "The Bonnie



Blue Flag". The brisk wind meant that she immediately flew at full sail, to the cheers and delight of all who had gathered.



After the flag was raised, the Captain William Latane Camp #1690 Color Guard fired a rifle salute, followed by a cannon salute, benediction and a rousing rendition of "Dixie's Land" by all in attendance.

The I-95 Wade Hampton Memorial Battle flag was dedicated to the Glory of God and in memory and honor of General Wade Hampton and the Confederate soldiers who fought and died in defense of the Commonwealth. She will also fly as a 24/7 reminder that there are still many of us with Confederate blood flowing through our veins who are no longer willing to sit quietly by while our history and heritage, and the honor of our ancestors is attacked.







The visibility of this location is stunning, and we were able to get several good photos from I-95, and with the help of Judy Smith Photography, Jeff Seymour, and our friends at Tredegar DroneWorks.



View from I-95  
Northbound Lane



Aerial view courtesy of Tredegar DroneWorks

The Virginia Flaggers and the Army of Northern Virginia Mechanized Cavalry wish to thank each and every person whose generosity made this project and this glorious day possible, including James Bibb and the folks at "Just Go Detecting", who raffled off a hand made ANV battle flag, the proceeds of which paid for the custom 20' x 20' battle flag that was raised. We were pleased that they could attend the ceremony so that we could thank them in person...

Thank you all for your continued support. This was the 18th roadside memorial flag raised in the Commonwealth, and the third on I-95 since the fall of 2013, and we are every day in awe of the way God is moving and working among His people, to further His kingdom and our Cause.



Susan Hathaway  
Va Flaggers  
P.O. Box 547  
Sandston VA 23150  
info@vaflaggers.com





Sunday, February 14, 2016

## [Va Flaggers: Week's End February 6, 201](#)

\*Great Letter to the Editor by our own H. V. (Bo) Traywick, Jr. in the Times-Dispatch this morning...

*Southern states didn't rise in rebellion  
Editor, Times-Dispatch:*

*A Correspondent of the Day accused Dr. Walter Williams of mythmaking concerning black Confederates. I would like to point out some myths in this correspondent's letter. The Southern states did not "rise in rebellion against the United States" in order to expand slavery. Quite to the contrary, in their attempts to peacefully secede from the union of states by the same method all states had originally acceded to it "through their respective sovereign conventions" the Southern states willfully gave up any opportunity of expanding slavery into the territories. In the process, they effectively removed slavery from the United States altogether. One would think the abolitionist North would have happily said "goodbye and good riddance" to them, but it did not. Why not?*

*With the Southern states out of the union, the North would lose its major source of cotton for its mills, its major source of markets for its manufactures, its major source of income from the tariff, and its control of the mouth of the Mississippi River. The Northern economy would collapse. So President Lincoln drove the Southern states back into the union at the point of the bayonet. The South was simply defending itself from invasion, conquest and coerced political allegiance -- just as the 13 slave holding Colonies had done when they seceded from the British Empire in 1776. No one can argue that slavery is not a coercive labor system, but many faithful slaves (some bearing arms) accompanied their masters to war, rescued them from their wounds, and got them safely back home.*

*H. V. Traywick Jr.  
Richmond*

[http://www.richmond.com/article\\_08b7a58c-bba0-56b7-bce4-4](http://www.richmond.com/article_08b7a58c-bba0-56b7-bce4-4)

Photo: 1918 Tulsa, Oklahoma UCV Reunion Parade with an unidentified African American Confederate veteran. He has "Rome, GA" blazoned on his chest, and is holding what appear to be two chickens. Confederate Veterans Encampment Photographs, 2015.056.16

\*This from Lexington, earlier this week:

During a hearing to determine whether or not a store owner would be allowed to fly a U.S. Flag in front of his shop, the following comments were recorded...

*"To this, (Planning Commissioner) Wolfe said she liked the idea of flying the American Flag, as a kind of counterweight to "ALL THE CONFEDERATE FLAGS" flying in the area..."*

*#winning*





## Planners Say Yes To Lit Flag On Main

By KIT HUFFMAN

Signs with moving parts are prohibited by zoning ordinance in Lexington's entrance corridors. However, flagpoles flying American flags aren't considered signs, and therefore are permitted — even though there's no section in the local ordinance covering American flags.

That was the opinion of Darren Coffey, Lexington's planning director, who recommended issuing a certificate of appropriateness for a 30-foot pole with lighted American flag, to be installed outside Lexington Prescription Center at 800 S. Main St.

See *Flag*, page 2

*continued from page 1*

The Commission last Thursday unanimously approved the pole and flag, to be lit at night with a 13-watt directional spotlight. No other permission was needed, as the Commission has final purview over zoning in the entrance corridor.

Pharmacy owner Jeffery Goldstein, who submitted the application, was out of town and unable to attend last week's meeting. However, in an interview yesterday, Tuesday, Goldstein said that since the meeting he'd decided to change the location of the flagpole, which he said will require another application to the city.

While recommending approval of the flagpole, Coffey observed that the American flag "doesn't fit neatly into any [zoning] category." Furthermore, he noted, the flag must be flown according to protocol, meaning that it must be lit if flown at night. As for what kind of lighting is allowed, the ordinance prohibits reflective bulbs or other lighting that exceeds 15 watts. However, the lighting proposed for the flag is 13 watts.

Coffey also told the Commission that Lexington Prescription has a flat wall sign that is allowed to be lit between dusk and 9 p.m. However, city staff have responded to "recurring complaints" about the light being left on after 9 p.m., he said.

He said that the final location of the flagpole must be given written approval of the public works director, to ensure proper sight lines for traffic.

In discussion, Commissioner Nan Wolfe recalled that when the lit wall sign at the pharmacy was approved, that decision was "fraught" because residents were concerned about light pollution. Coffey said he planned to look into time violations of the wall sign.

Coffey also said that he'd meant to talk with the city attorney about the flag application, adding, "It's tricky to regulate the American flag." To this, Wolfe said she liked the idea of flying the American flag, as a kind of counter-

weight to "all the Confederate flags" flying in the area, but she wasn't sure how much light would disseminate into the neighborhood from lighting the flag. She later amended the approval motion to require that the lighting should be used as a spot, rather than a flood, to limit spillover.

Chairman Dan Vance asked if the application could be tabled or deferred, and Coffey advised that the application could be deferred until the Commission's Feb. 11 meeting to settle any questions about light pollution, which he called "a legitimate land-use concern."

However, Vance said, jokingly, that he was reluctant to "be on national news for voting down an American flag," and Vice Chair Matt Tuchler said he favored not deferring the decision because of a recent previous experience (concerning the downtown Subway application).

Coffey advised that the proposed flag lighting was appropriate, if used properly, and that the Commission could either assume the lighting would be used properly or defer its decision and review other lighting fixtures.

The motion to approve was made by Tuchler, seconded by Patrick Rhamey, with the amendment by Wolfe to limit lighting spillover.

Yesterday, Goldstein said he now thinks that the flagpole might be better placed in a landscaped island outside the pharmacy's pickup window, instead of closer to the street near the pharmacy's monument sign. The latter location, he said, might be "too crowded" and too close to power poles.

If the change in location does require a new application, the Planning Commission will have a chance to ask its questions, after all.

Another American flag already graces the southern entrance corridor, in front of the Lexington Fire Department. That flag, too, is lit, for flying at night.

\*And this...a cool photo of the RE Lee monument, captured by a Va Flagger Monument Guard volunteer on Wednesday evening...

Entering our 8th month of Monument Patrols, volunteers have logged hundreds of hours protecting our monuments, and we are always in need of a few good men (or women!) to help with this very important endeavor. If you are interested in learning more about how you can

assist, please contact our Monument

Guards coordinator at

[vamonumentguard@gmail.com](mailto:vamonumentguard@gmail.com).

The Virginia Flaggers



Monday, January 25, 2016

# New Civil Rights Movement: Lee-Jackson Day

## Reflections From a First-Time Flagger

*We received permission to share this excellent piece, written by a gentleman who joined us on the front lines for the first time last Friday in Lexington for Lee-Jackson Day...*

### **New Civil Rights Movement**

Recently I participated with a new Civil Rights group in reaffirming our First Amendment right of free speech and peaceful assembly on a public street.

Washington & Lee University is attempting to deny this by force, complete with security guards in a blatant violation of civil rights. VDOT and the police affirmed that Letcher Ave is indeed public right of way and W&L had no right to stop peaceful people from carrying the Battle Flag on public property.

Arriving, I was briefed on what citizenship etiquette was expected. We were not to impede pedestrian or vehicular traffic, to respect private property, not to use loud, profane or threatening language, and not to litter. BLM and Occupy take note. The briefing closed with prayer for safety and tolerance.

With Battle Flag in hand and wearing my veteran's baseball cap I took my post where I was pleasantly surprised at the warm reception.

About half the cars exhibited no notice but the other half waved, gave a thumbs up or spoke encouragingly. Pedestrians and visiting tourists also commented favorably including one distinguished looking lady who made eye contact, winked and whispered "Keep up the good work!" as she passed by. The drivers of several trucks bearing W & L logo gave an apologetic smile and waved approval.

The one and only negative reaction was a woman in a BMW sports car who must be suffering from Affluenza and White Privilege Guilt Syndrome. Stopping at the traffic signal she rendered a double single digit salute using both hands. At first I thought perhaps she was advertising the availability of her services but when she lowered her window and released a string of invectives and vulgarities I realized that it was she and not my Battle Flag that was engaging in hate speech.

I resisted the temptation to respond because in the adjoining lane a mother with

her children in the car also lowered her window. This kind lady, setting an example for her children, first thanked me for my service to our country and then gave thumbs up to the Battle Flag.

Later we raised a huge Battle Flag on private property overlooking I- 81. As the flag was unfurled and far off motorists realized what was happening, the sound of supportive car and truck horns blaring was like a symphony.



During lunch I learned how the left wing Gestapo is attempting to intimidate people by posting lies on the internet; calling employers and urging firings simply for exercising free speech.

So what is the source of this hatred of the Battle Flag? Well it is like the US Flag, the Christian Cross, the Star of David and the Crescent Moon of Islam, all of which once have been hijacked by haters. A 1931 KKK rally at Hotel Roanoke, pictured in Roanoke Times featured three U.S. Flags, four Christian Crosses but no Battle Flags.

Unauthorized temporary usage by a hate group does not allow anyone else to redefine for all others the previous and future meaning of a symbol.

Wornie Reed and others at the Christiansburg conference, not delivering a history lesson but a propaganda lecture, have no more credibility to define forever the Battle Flag's meaning for others than does Donald Trump have the right to define Islam.

The absurdity of the Nazi correlation to the Confederate soldier and his flag is a classic example of racial dividers trying to impose their superficial understanding of history on those who know the truth. The flag was in 1861, and is still now worldwide, a symbol of resistance to what many consider tyrannical governments.

In a memorial setting the Battle Flag honors soldiers who fought for many reasons, the least of which was for the perpetuation or the abolition of slavery. Listen to the soldiers, North and South by reading their letters.

This is the great hoax than induces many such as Bill Bestpitch to betray their ancestors honor for a handful of votes without really understanding what their ancestors believed.

Elitists in academia, government, media and entertainment regard those who defend the Battle Flag as *untermensch*. These men and women are not going to furl their Battle Flag and quietly go to the back of the bus. Reintroducing an abandoned tactic of nonviolence and demanding civil rights protection, they will persevere.

So what is the take away from all this? In spite of what the Gauleiters of speech censorship tell you, there are many Americans who still support the Battle Flag.

Iain Colquhoun  
Roanoke, Va

Virginia Flaggers  
P.O. Box 547  
Sandston VA 23150  
info@vaflaggers.com





## [A Virginian's Timely Question](#)

"Should I keep back my opinions at such a time, through fear of giving offense, I should consider myself as guilty of treason toward my country, and of an act of disloyalty toward the Majesty of Heaven, which I revere above all earthly kings."

~ Patrick Henry, St. John's Church, Richmond, VA —

with Susan Frise Hathaway in Lexington, Virginia.



**YOUR HERITAGE IS  
UNDER ASSAULT!!  
JOIN THE SCV  
1-800-MYSOUTH**



*Twists and Turns*  
*in the Hearts,*  
*Minds, and*  
*Lives of*  
*Women*

*Adventures in Poetry and Prose*



Joan Hough Harrington

# Twists and Turns in the Hearts, Minds, and Lives of Women: Adventures in Poetry and Prose Paperback – October 26, 2015

by [Joan Hough Harrington](#) (Author)

**5 out of 5 stars**

**5 customer reviews**

With exuberance and joie de vivre, author Joan Hough Harrington explores the twists and turns in the hearts and minds of women in this unique compilation of her writing. By turns romantic, sad, amusing, and philosophical in tone, Harrington's work considers a wide range of topics, including friendship, familial and romantic love, inspiration, conflict, and everyday life. Her clear perspective relies on neither rose-colored glasses nor the murky lens of disappointment and depression. In her verses Harrington shares the occasional sly smile along with the experiences, heartaches, wishes, and dreams of women of various ages, as well as her own understanding of death's effect on the living. She also presents a selection of narrative poems and a series of brief prose essays. Created with women in mind, this collection of light poetry and prose offers a look into the hearts and minds of women, indulging in thoughts of romance and of life's joys and sorrows.

## Customer Review

**I enjoyed the smells of the smoke house,** November 9, 2015

By [Deborah Cherie Kilgo](#)

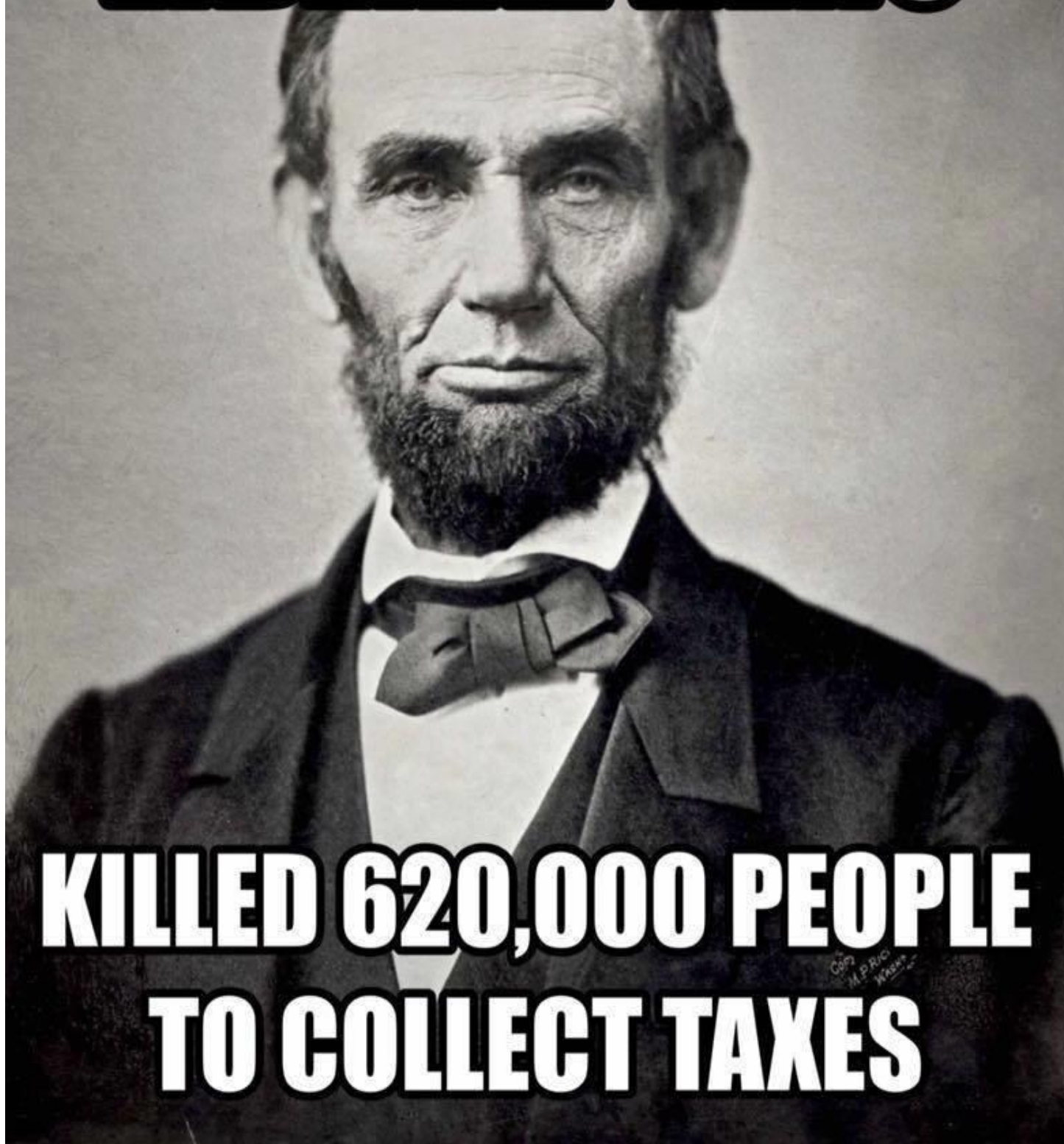
**This review is from: Twists and Turns in the Hearts, Minds, and Lives of Women: Adventures in Poetry and Prose (Kindle Edition)**

I cried, laughed, and cried some more. I enjoyed the smells of the smoke house, and the taste of the chicken eggs, (as it all disintegrates before my eyes). I missed the loved ones gone, but hopefully not forever, and I, like you, felt the presence of the man in the moon. You, my Emily Barrett Browning, have given me new poetry to love and cherish. My heart lives, and loves and cries and smiles again. As we read great poetry we put our own experiences into it and it has meaning to each heart that interprets it... as only an individual heart can... and I pray that all the hearts who read it have at least one parrot to bathe in the end... and if no parrot exists for them, then may the WORDS of this great song be the parrot that fills their hearts with love, friendship and happiness forever... because there is nothing better than a great book of poetry. Cherie

**JOAN HOUGH HARRINGTON IS AN AMAZING UNRECONSTRUCTED SOUTHERN WOMAN, PLAYWRITE, AUTHOR AND DANCER! THIS EDITOR HIGHLY RECOMMENDS ALL OF HER WORKS AND ARTICLES, MANY WHICH HAVE GRACED THE PAGES OF THE BELO HERALD. THIS WONDERFUL VOLUME IS A MUST FOR OUR WIVES, DAUGHTERS, MOTHERS, AND LADY FRIENDS. [CLICK HERE TO ORDER ON AMAZON.COM](#)**



**LIBERAL HERO**



**KILLED 620,000 PEOPLE  
TO COLLECT TAXES**



# ILLINOIS SLAVE HOUSE

Hickory Hill Plantation House was once the manor of John Hart Crenshaw. It is here that he is said to have both harbored slaves and once entertained a future president of the United States, Abraham Lincoln.

While visiting with a friend recently in Harrisburg, Illinois, he informed me of the nearby Old Slave House and asked if I would like to see it. Now virtually every northerner thinks he knows that there were no slaves in Illinois, so I thought this might be interesting to see. It was.

We found the Old Slave House in the country, sitting high on a hill near the small community of Equality, Illinois. It is owned by the Illinois Historic Preservation Agency which has posted "No Trespassing" signs. A local deputy sheriff actually lives in the slave house to keep curious visitors away. I had to photograph it from a distance.

The Old Slave House became a tourist attraction in the 1920s and was open to the public until 1996. It was closed by the state of Illinois which had purchased the property. There are no plans to reopen the site at any specific point in the future. Many strong efforts by local people to have the historical Old Slave House reopened have been ignored by state authorities. Could it be that in today's climate of political



correctness and historical cover-up, Illinois officials would prefer to keep their own sordid past a secret and help perpetuate the myth that slavery was only a Southern problem?

The house's dark history goes back to the days of the salt works in southeastern Illinois. It happens that salt production was the state's first industry. The need for labor to work the salt was all the excuse that was needed to wink at the law and allow slavery in its various forms to operate within the borders of Illinois.

Generations of people have said the house is the haunt of ghosts; some consider it one of the most haunted sites in America. However, it was not the ghosts, but the house's architecture that put the slave house on the National Register of Historic Places. It has also been officially recognized for its history as a station on the "Reverse Underground Railroad." As such, the house was part of a large network that operated throughout Illinois and the United States. It was used as a hideout for kidnappers and the free black people who were captured and sold into slavery.

Numerous sources show that the stories which have long been told about the old slave house are based on solid evidence. One of these stories is that the young state representative, Abraham Lincoln, once spent the night here at Hickory Hill as a guest of the slave trading Mr. Crenshaw. Mr. Lincoln partied and danced with the ladies in the ballroom on the second floor while slaves were being kept above them in an attic prison.

For those who wish to know more, an excellent book on the subject has been written by Jon Musgrave titled "Slaves, Salt, Sex & Mr. Crenshaw." It can be found at <http://www.illinoishistory.com/>

~Robert~

[Defending the Heritage](#)







"We were most civilly treated by the rebels, whom we found to be...men like ourselves; only the rebels were not nearly as profane as our men--in fact, they used no profane language at all. They shamed us." Captured Union soldier after the Battle of Harpers Ferry, September 15, 1862.

[www.MyDixie.org](http://www.MyDixie.org)

Sign the Petition  
INITIATIVE  
**58**  
#KeepTheFlag

**THE DIXIE ALLIANCE**



**“Mr. Lincoln was a splitter of rails, a distiller of whisky, a storyteller and a joke maker. He afterwards became a stump orator, and used his early experiences as his literary capital. Now we have the rails abandoned, the whisky still stopped, but the scent of both hangs about the manner and the matter of his speeches...” J. G. Bennett**

## **NEW YORK HERALD COMPARES DAVIS TO LINCOLN:**

James Gordon Bennett was the founder and editor of the New York Herald. On February 19, 1861, his editorial made the following comparison between Jefferson Davis and Abraham Lincoln:

“But we must recollect that Mr. Davis is a soldier, a graduate of West Point, a hero of the Mexican War and a statesman of military turn of mind. Mr. Lincoln was a splitter of rails, a distiller of whisky, a storyteller and a joke maker. He afterwards became a stump orator, and used his early experiences as his literary capital. Now we have the rails abandoned, the whisky still stopped, but the scent of both hangs about the manner and the matter of his speeches...”

The other President, Mr. Davis, has been received with the greatest enthusiasm during his journey from Mississippi to Montgomery, Ala. He made five and twenty speeches en route, but we do not hear that he told any stories, cracked any jokes, asked the advice of young women about his whiskers, or discussed political platforms.”

Travis [><]

Source: New York Herald, February 19, 1861.



**HAVE YOU EVER BEEN SO CONFUSED THAT  
YOU DEMAND NOT TO BE TREAD UPON**

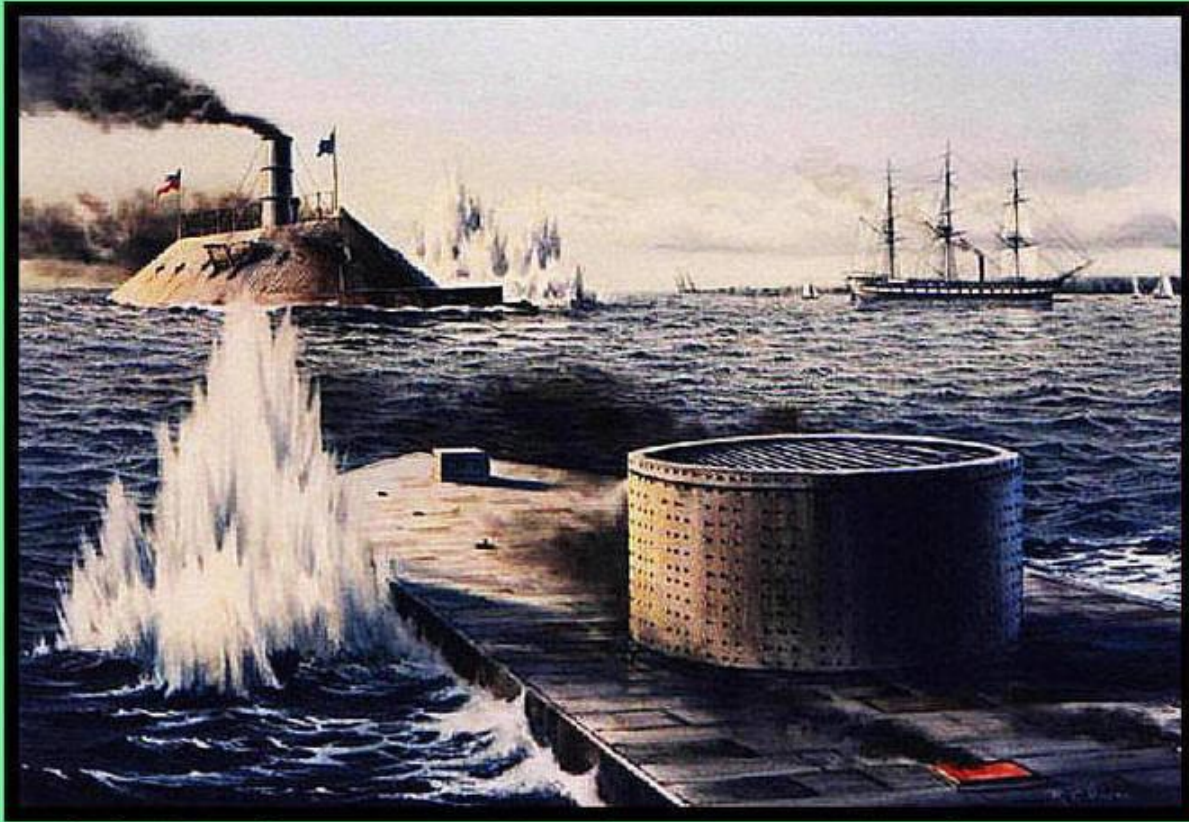


**WHILE SIMULTANEOUSLY CELEBRATING THOSE  
WHO ARE DOING THE TREADING?**

**GOOGLE: VOLUNTARISM**



## ON THIS DAY IN TEXAS HISTORY - 1862



**Civil War ironclads Merrimack and Monitor near Chesapeake Bay ends Texas plan for a gunboat**

MARCH 8th 1862, the battle of the Civil War ironclads Merrimack and Monitor near Chesapeake Bay sounded the death knell for a Texas gunboat before it ever got out of the planning stages. Texas mapmaker Robert Creuzbaur had proposed an innovative design for an iron-plated gunboat called Sea King in November 1861. With a hot-air engine that powered propellers at the stern, this wood and iron vessel, Creuzbaur estimated, could reach a speed of 18 mph. Topside armaments would provide ample defense, but the ship's most unique weapon was a gun beneath the waterline. This "submarine cannon" would surely blast through the Union fleet's vulnerable wooden hulls. Fifty years before its time, the inventive cartographer envisioned a version of the modern torpedo tube. Governor Francis R. Lubbock appointed a scientific committee, and soon Texas legislators, excited about the great military potential of Sea King, appropriated \$500 for Creuzbaur to present his plan to the Confederate War Department. But when the ironclads later engaged in their historic showdown all realistic chances for experimentation on a project like Sea King were lost.



*“The four years that I have given to my country I do not regret, nor am I sorry for one day that I have given—my only regret is that we have lost that for which we fought. Nor do I for one moment think that we lost it by any other way than by being outnumbered at least five if not ten to one. The world was open to the enemy, but shut out to us. I shall now close this diary in sorrow, but to the last I will say ... our Cause was just...” by L. Leon.*

## A SAD JOURNAL ENTRY OF A TAR HEEL CONFEDERATE...

April—I suppose the end is near, for there is no more hope for the South to gain her independence. On the 10th of this month we were told by an officer that all those who wished to get out of prison by taking the oath of allegiance to the United States could do so in a very few days. There was quite a consultation among the prisoners. On the morning of the 12th we heard that Lee had surrendered on the 9th, and about 400, myself with them, took the cursed oath and were given transportation to wherever we wanted to go. I took mine to New York City to my parents, whom I have not seen since 1858.



Our cause is lost; our comrades who have given their lives for the independence of the South have died in vain; that is, the cause for which they gave their lives is lost, but they positively did not give their lives in vain. They gave it for a most righteous cause, even if the Cause was lost. Those that remain to see the end for which they fought—what have we left? Our sufferings and privations would be nothing had the end been otherwise, for we have suffered hunger, been without sufficient clothing, barefooted, lousy, and have suffered more than anyone can believe, except soldiers of the Southern Confederacy.

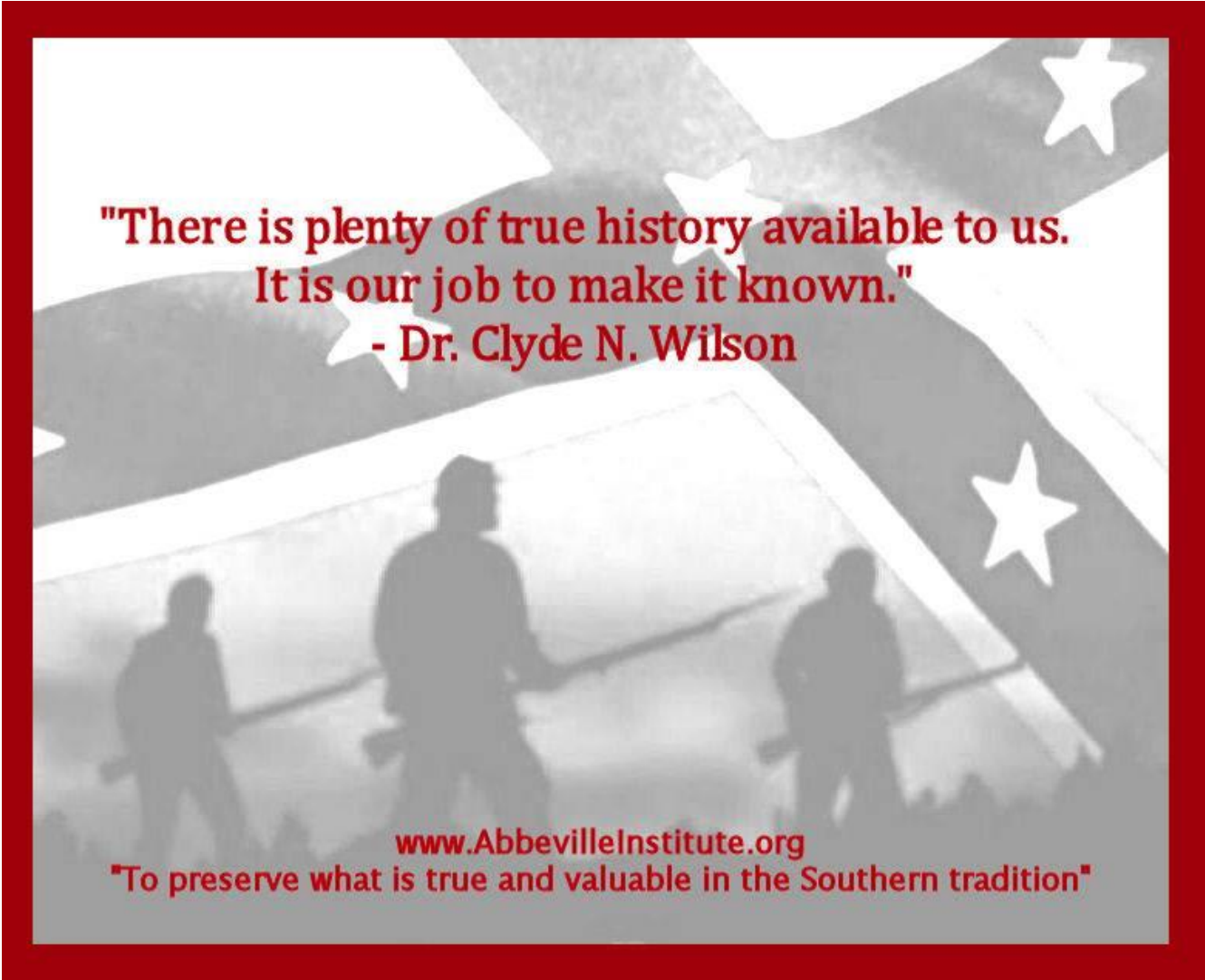
And the end of all is a desolated home to go to. When I commenced this diary of my life as a Confederate soldier, I was full of hope for the speedy termination of the war, and our independence. I was not quite nineteen years old. I am now twenty-three. The four years that I have given to my country I do not regret, nor am I sorry for one day that I have given—my only regret is that we have lost that for which we fought. Nor do I for one moment think that we lost it by any other way than by being outnumbered at least five if not ten to one. The world was open to the enemy, but shut out to us. I shall now close this diary in sorrow, but to the last I will say that, although but a private, I still say our Cause was just, nor do I regret one thing that I have done to cripple the North.

Travis [ > < ]

Source: Diary of a Tar Heel Confederate Soldier, By L. LEON, 1913.

Link to free e-book: <http://docsouth.unc.edu/fpn/leon/leon.html>

Photo used: Artwork of French painter, Carolus Duran



**"There is plenty of true history available to us.  
It is our job to make it known."  
- Dr. Clyde N. Wilson**

[www.AbbevilleInstitute.org](http://www.AbbevilleInstitute.org)

**"To preserve what is true and valuable in the Southern tradition"**



# Md. House OKs barring Confederate flag license plate renewal

POSTED: 03:20 PM EST Feb 25, 2016



ANNAPOLIS, Md. -

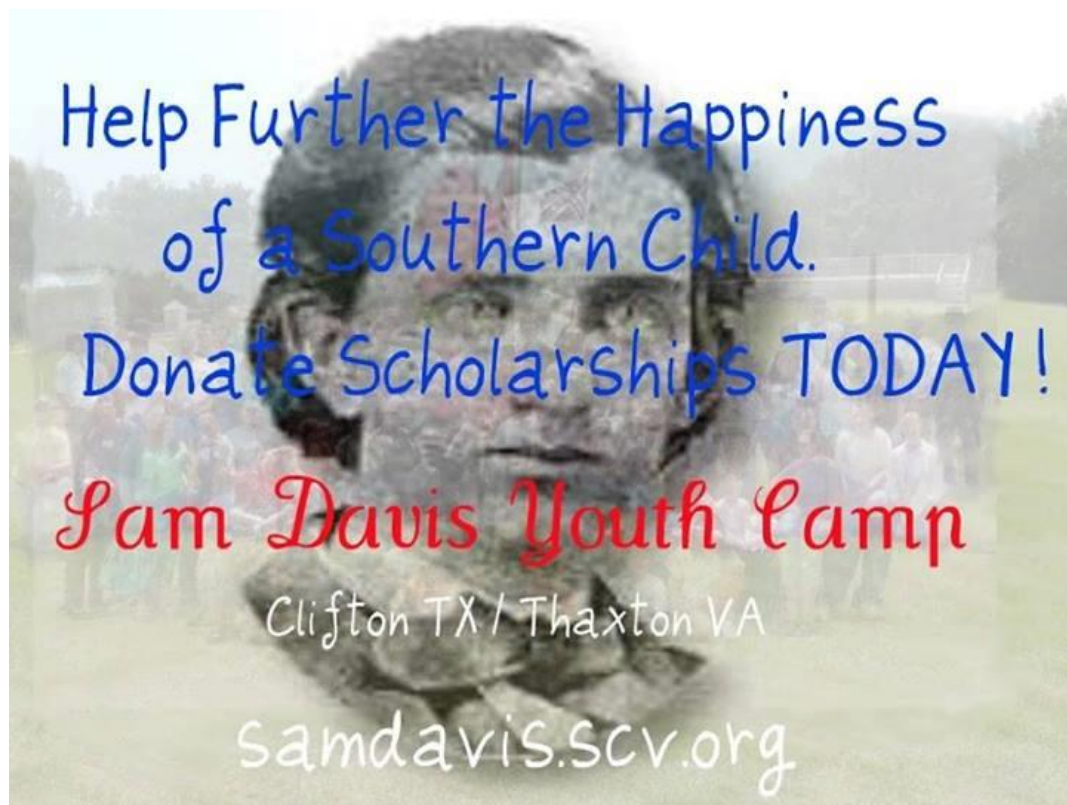
**(AP) - The Maryland House has passed a measure prohibiting the transfer or renewal of a license plate depicting the Confederate battle flag to another vehicle.**

**The House voted 131-8 on Thursday for the bill. It now goes to the Senate.**

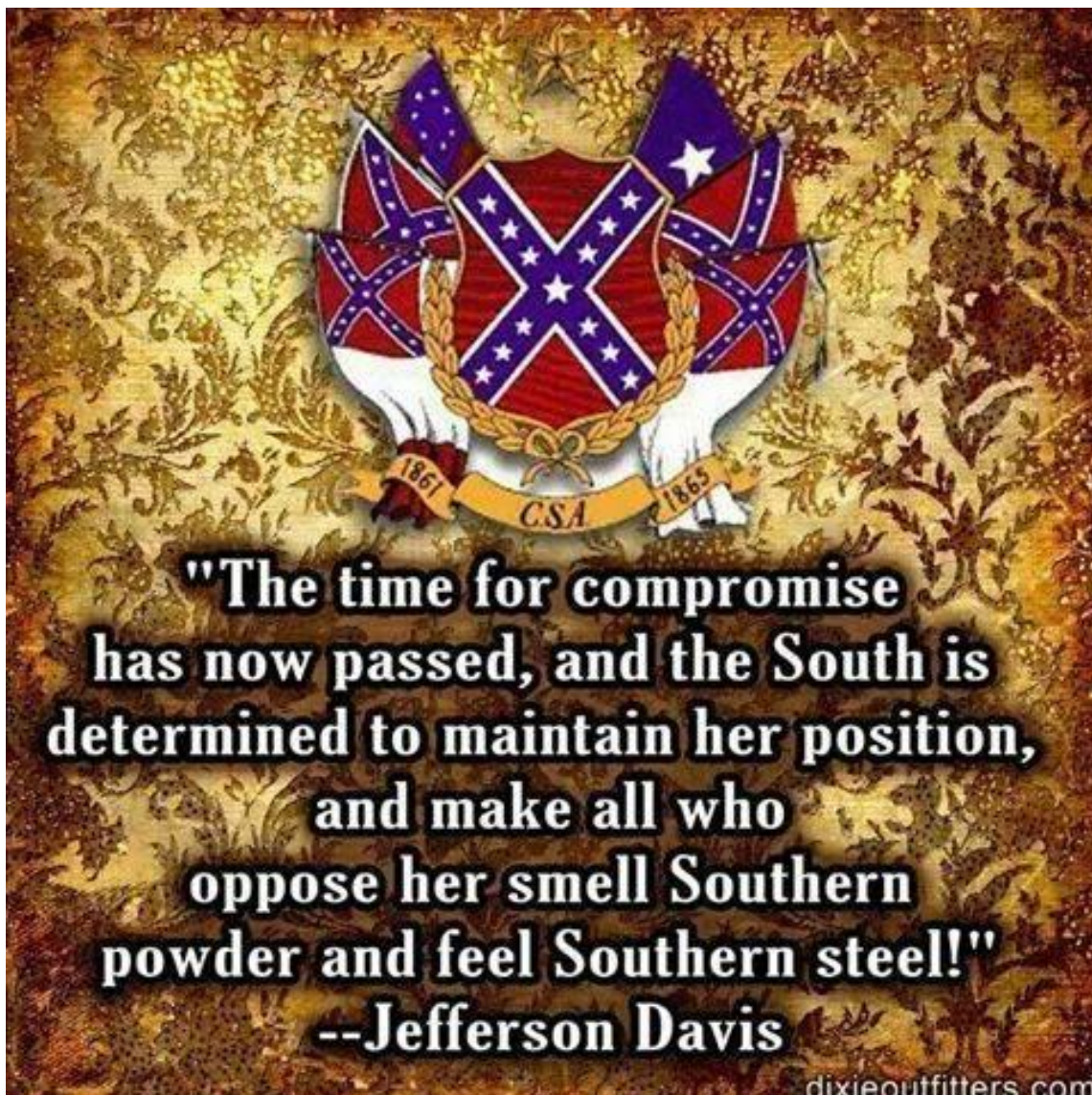
**Maryland does not now offer plates with the Confederate battle flag. But prior to November, the Motor Vehicle Administration offered a Sons of Confederate Veterans organizational special registration plate that included it.**

**In October, a federal judge lifted a 1997 injunction preventing Maryland from removing plates from circulation. Maryland tried to recall the plates in the 1990s, but a judge at the time ruled they were protected under the First Amendment. In June, the Supreme Court ruled they were a form of government speech and could be rejected by states.**

<http://www.wmdt.com/news/more-local-news/Md-House-OKs-barring-Confederate-flag-license-plate-renewal/38191672>



**Send your kids to Sam Davis Youth Camps!**





# *The Confederate Museum*

*Sponsored by:*

## *Sons of Confederate Veterans* *1896*

The time has come for us to step up our efforts toward the building of our Confederate Museum and new office building. At the GEC meeting on July 21, 2010 the GEC approved a new initiative to raise funds. There are three levels of donations/contributions. Each contributor will receive a pin designating them as a Founder of the Confederate Museum. Also in the Museum will be a list of names of all Founders. This can be a plaque on the wall or even names inscribed in brick depending on the construction design. Anyone can take part in this, they do not have to be an SCV member. Camps, Divisions, UDC chapters etc. can also take part.

Also donations can be made by multiple payments over a period of time. A form is being developed for Founders to list how they want their name listed. Those taking part will receive the form when it is finished. It will also then be available on the museum web site.



To make payment contact GHQ at 1-800-380-1896

Get the form [HERE](#)



### **Stonewall Jackson Level**



Contributors make a donation of at least \$1,000. If they are already a member of the Sesquicentennial Society, that contribution will be taken into account and the minimum contribution for them would be \$850. For some one who is not already a member they can get both for \$1050 with the \$50 dollars going to the Bicentennial Fund.

### **Robert E Lee Level**



Contribution of at least \$5,000. If not already a member of the Sesquicentennial Society it will be included as benefit of this level

### **Confederate Cabinet Level**



Contribution of at least \$10,000. If not already a member of the Sesquicentennial Society it will be included as benefit of this level

### **Additional**

GHQ has acquired 20 special gavels. These gavels are made from wood taken from the damn at Fredricksburg during the War. They are inscribed with the Sesquicentennial logo as well as the notation of the woods origin and comes with a statement of authenticity. The first 20 Camps or Division that contribute at the Stonewall Jackson level will receive one of these unique and valuable gavels.



This program got off to a resounding start. Several members have already become Stonewall Jackson level Founders. One Compatriot has even become a member of the Confederate Cabinet level Founders. Imagine that during the Bicentennial of the War for Southern Independence that your descendants can go to a museum where they can learn the truth about the Confederacy. Imagine also that they can look up on the wall of that museum and see your name and know that you did this for them.





# CLICK ON THESE LINKS:



<a href="#">Home</a>
<a href="#">On Display</a>
<a href="#">Sesquicentennial Society</a>
<a href="#">Founders Program</a>
<a href="#">Links</a>

**Southern Born, Texas Proud!**

*“Learn About Your Heritage”*

**Sons of Confederate Veterans  
Texas Division**

## Texas Division

## Calendar

### Upcoming Schedule of Events

03/05/16	<a href="#">Texas Division 2016 Flag Rally Event</a>	Fort Worth, TX
06/03/16 - 06/05/16	<a href="#">Texas Division Reunion</a>	Kerrville, TX
06/07/16 - 06/10/16	<a href="#">HTBAR Tour To Chattanooga &amp; Chickamauga</a>	Chattanooga, TN
06/25/16	<a href="#">Rosston Cemetery Confederate Grave Marker Dedication</a>	Rosston, TX
07/13/16 - 07/17/16	<a href="#">National Reunion</a>	Richardson/Dallas, TX

**Click on the event or on the calendar for more information.**





# Southern Legal Resource Center

Defending the rights of all Americans  
Advocating for the Confederate community

Follow Us

The Southern Legal Resource Center is a non-profit tax deductible public law and advocacy group dedicated to expanding the inalienable, legal, constitutional and civil rights of all Americans, but especially America's most persecuted minority: Confederate Southern Americans. **SLRC NEEDS OUR HELP !!!**

## Company Overview

Non-profit tax deductible public law corporation founded in 1995, dedicated to preservation of the dwindling rights of all Americans through judicial, legal and social advocacy on behalf of the Confederate community and Confederate Southern Americans.



## Mission

A return to social and constitutional sanity for all Americans and especially for America's most persecuted minority: Confederate Southern Americans.

Website <http://www.slrc-csa.org>



**Southern Legal Resource  
Center  
P.O. Box 1235  
Black Mountain, NC 28711**

It is your liberty & Southern Heritage (and your children & grandchildren's liberty & heritage) we are fighting for.

**\$35 for Liberty & SLRC membership is a bargain.**

**Mail to: P.O.Box 1235 Black Mountain, NC 28711.**

Follow events on YouTube: ["All Things Confederate"](#)

Thank you,  
Kirk D. Lyons, Chief Trial Counsel

# Join SLRC Today!





# Sons of Confederate Veterans

"DEFENDING THEIR HONOR SINCE 1896"



[www.scv.org](http://www.scv.org) ★ 1-800-MySouth

## What is the Sons of Confederate Veterans?

The citizen-soldiers who fought for the Confederacy personified the best qualities of America. The preservation of liberty and freedom was the motivating factor in the South's decision to fight the Second American Revolution. The tenacity with which Confederate soldiers fought underscored their belief in the rights guaranteed by the Constitution. These attributes are the underpinning of our democratic society and represent the foundation on which this nation was built.

Today, the Sons of Confederate Veterans is preserving the history and legacy of these heroes, so future generations can understand the motives that animated the Southern Cause.

The SCV is the direct heir of the United Confederate Veterans, and the oldest hereditary organization for male descendants of Confederate soldiers. Organized at Richmond, Virginia in 1896, the SCV continues to serve as a historical, patriotic, and non-political organization dedicated to ensuring that a true history of the 1861-1865 period is preserved.

## Events & Functions

Memorial Services • Monthly Camp Meetings • Annual Reunions • Grave Site Restoration  
Educational Programs • Parades & Festivals • Heritage Defense • Honoring Our Veterans



Rattle Flag.



1st National Flag.



2nd National Flag.



3rd National Flag.



Bonnie Blue Flag.



*They took a stand for us.  
Now, we stand for them.*

*May God bless our efforts to  
Vindicate the Cause of the  
Confederate South.*

Michael Givens  
Commander-in-Chief  
Sons of Confederate Veterans

**NEVER APOLOGIZE**



**FOR BEING RIGHT!**

### About our namesake:

[belo.herald@yahoo.com](mailto:belo.herald@yahoo.com)

Colonel A.H. Belo was from North Carolina, and participated in Pickett's Charge at Gettysburg. His troops were among the few to reach the stone wall. After the war, he moved to Texas, where he founded both the Galveston Herald and the Dallas Morning News. The Dallas Morning News was established in 1885 by the Galveston News as sort of a North Texas subsidiary. The two papers were linked by 315 miles of telegraph wire and shared a network of correspondents. They were the first two newspapers in the country to print simultaneous editions. The media empire he started now includes radio, publishing, and television. His impact on the early development of Dallas can hardly be overstated.

The Belo Camp 49 Websites and The Belo Herald are our unapologetic tributes to his efforts as we seek to bring the truth to our fellow Southrons and others in an age of political correctness and unrepentant yankee lies about our people, our culture, our heritage and our history. **Sic Semper Tyrannis!!!**



# Do you have an ancestor that was a Confederate Veteran?

Are you interested in honoring them and their cause?

Do you think that history should reflect the truth?

Are you interested in protecting your heritage and its symbols?

Will you commit to the vindication of the cause for which they fought?

If you answered "Yes" to these questions, then you should "Join Us"

*Membership in the Sons of Confederate Veterans is open to all male descendants of any veteran who served honorably in the Confederate armed forces regardless of the applicant's or his ancestor's race, religion, or political views.*

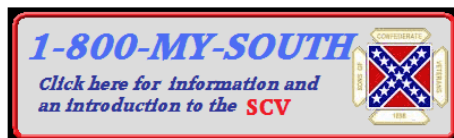
## How Do I Join The Sons of Confederate Veterans?



The SCV is the direct heir of the United Confederate Veterans, and the oldest hereditary organization for male descendants of Confederate soldiers. Organized at Richmond, Virginia in 1896, the SCV continues to serve as a historical, patriotic, and non-political organization dedicated to ensuring that a true history of the 1861-1865 period is preserved.



*Membership in the Sons of Confederate Veterans is open to all male descendants of any veteran who served honorably in the Confederate States armed forces and government.*



Membership can be obtained through either lineal or collateral family lines and kinship to a veteran must be **documented genealogically**. The minimum age for full membership is 12, but there is no minimum for Cadet Membership.

<http://www.scv.org/research/genealogy.php>

### CHARGE TO THE SONS OF CONFEDERATE VETERANS

*"To you, Sons of Confederate Veterans, we will commit the vindication of the cause for which we fought. To your strength will be given the defense of the Confederate soldier's good name, the guardianship of his history, the emulation of his virtues, the perpetuation of those principles which he loved and which you love also, and those ideals which made him glorious and which you also cherish." Remember it is your duty to see that the true history of the South is presented to future generations".*

Lt. General Stephen Dill Lee,  
Commander General

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