

The Belo Herald

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

January 2014

This month's meeting features a special presentation:

Commander Kevin Newsom: *State of the Camp Address*



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 - Kevin Newsom
- 1st Lt. Cmdr. - Mark Nash
- 2nd Lt. Cmdr. - David Hendricks
- Adjutant - Stan Hudson
- Chaplain - Rev. Jerry Brown
- Editor - Nathan Bedford Forrest



Contact us: <http://belocamp.org>
Belocamp49@hotmail.com

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

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

Texas Division: www.texas-sev.org

National: www.sev.org

<http://1800mydixie.com/>

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

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

Our Next Meeting:

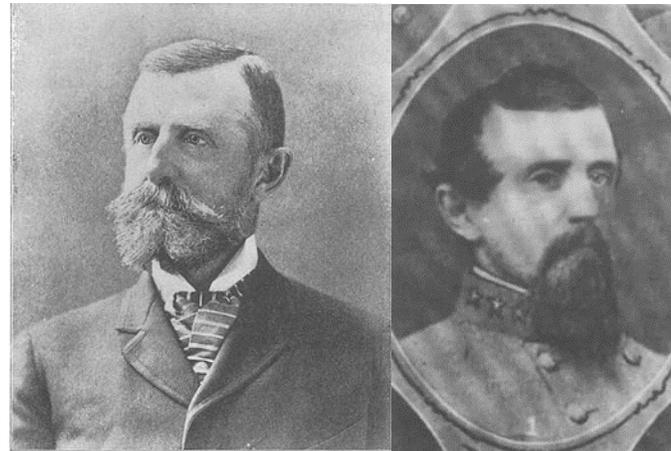
Thursday, January 2nd: 7:00 pm

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!





COMMANDER'S REPORT



Compatriots,

I hope you had a wonderful Christmas! It was nice taking a break from the hustle bustle of everyday life to spend some time with family. It was even better to contemplate the real reason we celebrate in the first place: God's gift of Jesus Christ.

January will be a busy month for Belo camp. Our Lee-Jackson Supper will be Saturday, January 25th, at 7pm. Location is 3501 N. Jupiter, Richardson, TX, 75082. Tickets are \$20. Supper and refreshments will be provided, and as always we welcome our members and guests to bring beverages of their choice.

The special guest speaker will be our good buddy, Kirt Barnett. His topic will be The Faith of Lee and Jackson. I'm happy to have this topic and speaker for our Lee-Jackson celebration. It's also wonderful to offer tickets for only 20 dollars apiece, which I consider to be the best bargain in town.

Our January meeting will be Thursday, January 2, at 7pm. It will be at La Madeleine. We will discuss the Camp Plan for 2014, the coming advertising plan, and any other business concerns that camp members have.

It's a great pleasure serving as your Commander. I look forward to doing it one more time for the 2014 campaign. The foundation is built...now it's time to make sure the people of Dallas know exactly who we are!

Deo Vindice, bless God,

Kevin Newsom
Commander
Belo Camp 49 Dallas
Texas SCV
214-422-1778
kevin.newsom@belocamp.org





Chaplain's Corner

Heroes All!



Recently, at a camp meeting, our Brigade Commander, who was there to present the program (and did a fine job I might add), suggested that someone should do a program on the great revival in the Confederate Army. I think when he said "someone" he meant me. So, I took it to heart and began to prepare.

Of course, I already had a copy of our SCV Chaplain's Handbook, and also Chaplains in Gray by Charles F. Pitts. To these I added The Great Revival in the Southern Armies by W. W. Bennett and Christ in the Camp by J. William Jones, which I purchased at our last National reunion. I have just completed reading (they're quite lengthy) and conducting a preliminary study of these books, and can't help but be greatly impressed at the insight and perspective they present on the life of our brave men in Gray.

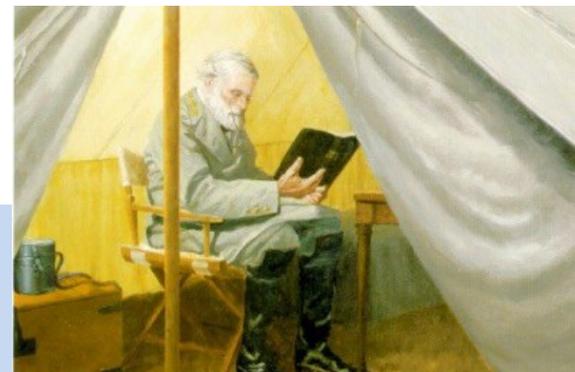
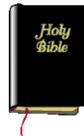
These books contain hundreds of letters and reports describing the hardship, suffering, tenacity, and dedication of the officers and men of our Southern armies. They were mostly submitted by Confederate Chaplains of a number of different denominations who worked together to present the saving Gospel of Jesus Christ. The Confederate chaplains, colporters, and missionaries were in the trenches, they were in the camps, they were on the long hard marches, and they were in the hospitals. They were there and give first-hand accounts of what our Confederate soldiers thought, said, and how they acted. Our Confederate forefathers were heroes all.

They not only faced the enemy with brave determination, but their own death as well. Many a time a young soldier lying on the cold ground or crude hospital bed in severe pain, his body mangled by enemy shells, would say to the chaplain, "I am dying. Please write my mother and tell her all is well, and I will meet her in heaven." The Scripture says, "Blessed are the dead which die in the Lord from henceforth; Yea, saith the Spirit, that they may rest from their labours; and their works do follow them." (Rev. 14:13)

We, as the Sons of Confederate Veterans, are charged to emulate their virtues, and perpetrate those ideals which made him glorious. It is our duty, our responsibility, and our honor to do so. So, let us be as faithful to our duty as they. Let us be as dedicated to our ideals as they. Let us be as committed to our Christian faith as they. And, let us be as they . . . heroes all.



Bro. Len Patterson, Th.D
1941-2013



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

-GENERAL ROBERT E. LEE

Crystal Miller ,member of J.D.Gordan UDC in Huntsville and wife of Don Miller,SCV Camp 226 in Huntsville passed away this month. Please be in prayer for this family.

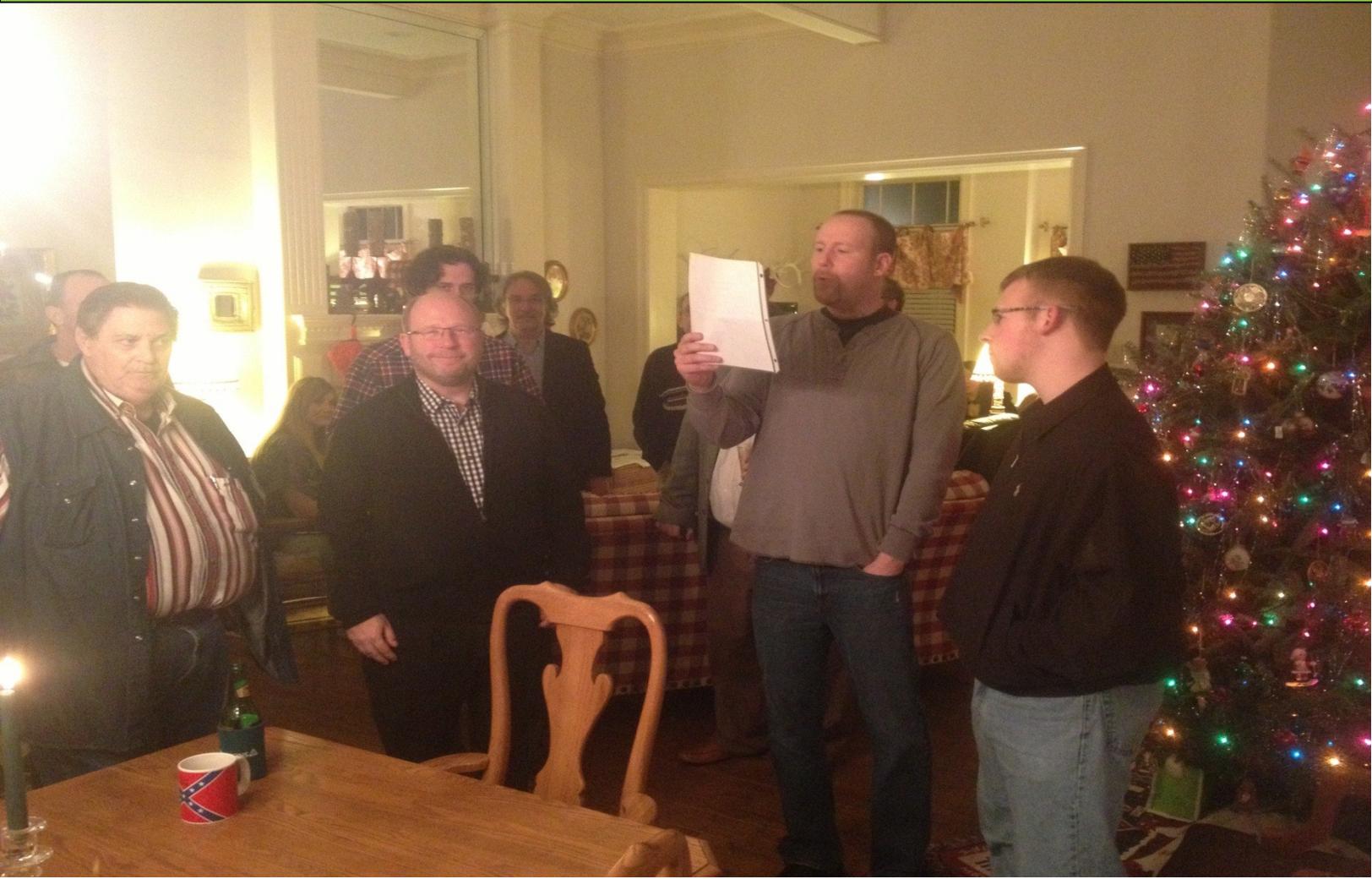


Belo Camp 49 enjoyed another Christmas in the home of Stan Hudson and family following the ice storm of the previous week. It was a time of joy and celebration of a successful year of growth. We enjoyed dining on smoked turkey and dressing, country ham, casseroles, home cooking and wonderful desserts. Our gratitude goes to Dana Hudson and the ladies who made the event so special.





Camp Chaplain Rev. Jerry Brown opened our meeting in prayer. After the pledge to the Texas flag and Salute to the Confederate flag, we discussed plans for our upcoming year.





Texas Division Schedule of Events

01/17/14	Hill Country Camp 1938 Lee/Jackson Dinner	Kerrville, TX
01/18/14	Hood's SE Texas Brigade Lee/Jackson Dinner	Lumberton, TX
01/18/14	Camp 1479 Confederate Heroes Day Cotillion	Montgomery, TX
01/18/14	Camp 464 4th Annual Lee-Jackson Banquet	Amarillo, TX
01/25/14	E. Texas Leadership Conference	Tyler, TX
06/06/14 - 06/08/14	Texas Division Reunion	Houston, TX
07/16/14 - 07/19/14	SCV National Reunion	Charleston, SC

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

Leadership Training

Compatriots,

The North East Texas and the East Texas Brigades are hosting an **East Texas Leadership Training Conference** on Saturday, January 25, 2014 in Tyler. The last conference that was sponsored by these two brigades was held two years ago in Tyler and was well attended and received. We have high hopes that those who attend this particular conference will also leave with a feeling that it was very much worth their while. The East Texas Leadership Conference is open to ALL Sons of Confederate Veterans members, not only those in North East and East Texas. We ask that you please RSVP so the Emma Sansom OCR chapter can better plan for the meal. I am attaching the agenda for the event to this email as a pdf file and pasting it below as well.

We hope to see you there!

Respectfully yours,

Marc Robinson
Commander

East Texas Brigade
Sons of Confederate Veterans
[East Texas Leadership PDF](#)



EAST TEXAS LEADERSHIP TRAINING CONFERENCE

SPONSORED
BY

EAST TEXAS AND NORTHEAST TEXAS

BRIGADES Saturday, January 25, 2014

9:00 – 9:15	Welcome - Brigade Invocation - Introductions and Conference Outline –	Marc Robinson, Cmdr. ET TX Division Chaplain DonMajors Marc Robinson
9:15 – 9:45	“Fulfilling the Charge,” a presentation by Rudy Ray, 1 st Lt. Cmdr., John H. Reagan Camp 2156	
9:45 – 10:25	Restoring and maintaining forgotten cemeteries – Mr. E. J. Adams, Texas Historical Commission RIP member (Restoration, Investigation, and Preservation of Historical Cemeteries) Mr. Adams does amazing work in East Texas. Most cemeteries that he has restored have CSA veterans interred. He will have a very inspiring presentation!	
10:25 – 10:40	Break	
10:40 – 11:15	Heritage Offense and Heritage Defense, what we need to know... – 1 st Lt. Cmdr. David Moore	
11:15 – 11:30	National SCV to place more emphasis on heritage offense - Todd Owens, ATM Commander	
11:30 – 12:30	Lunch – Emma Sansom Chapter #31, Order of Confederate Rose	
12:30 – 1:15	Camp Growth, Stability, and Member Retention -	Gary Bray, Div. 2 nd Lt. Cmdr.
1:15 – 2:15	Commanders Command, Camp operations, programs, and projects - Johnnie Holley, Div. Cmdr.	
2:15 – 2:30	Break	
2:30 – 2:45	Connecting the Division (Calendar, email system, etc.) – David McMahan, Div. 3 rd Lt. Cmdr.	
2:45 – 3:30	Discussion and Closing Remarks –	Moderator – Phil Maynard, 1 st Lt. Cmdr. NET Brigade
3:30	Closing prayer -Chaplain Don Majors	

Location of Conference

First Assembly of God
5309 Rhones Quarter Road
Tyler, Texas 75707

Registration fee at door to cover expenses - \$10.00

Please RSVP by 20 Jan 2014 to help plan for the meal: mrobinson1836@yahoo.com

Belo Camp 49 Upcoming Meetings:

January 2nd - Kevin Newsom – State of the Camp Address

January 25th Lee – Jackson Supper - Kirk Barnett: The Faith of Lee and Jackson .

LOCATION: Spring Pointe Apartments (Club House), 3501 N. Jupiter, Richardson, 75082. Cost will be \$20 per person.

February 6th –Col. John Geider – Gettysburg: A Military Perspective

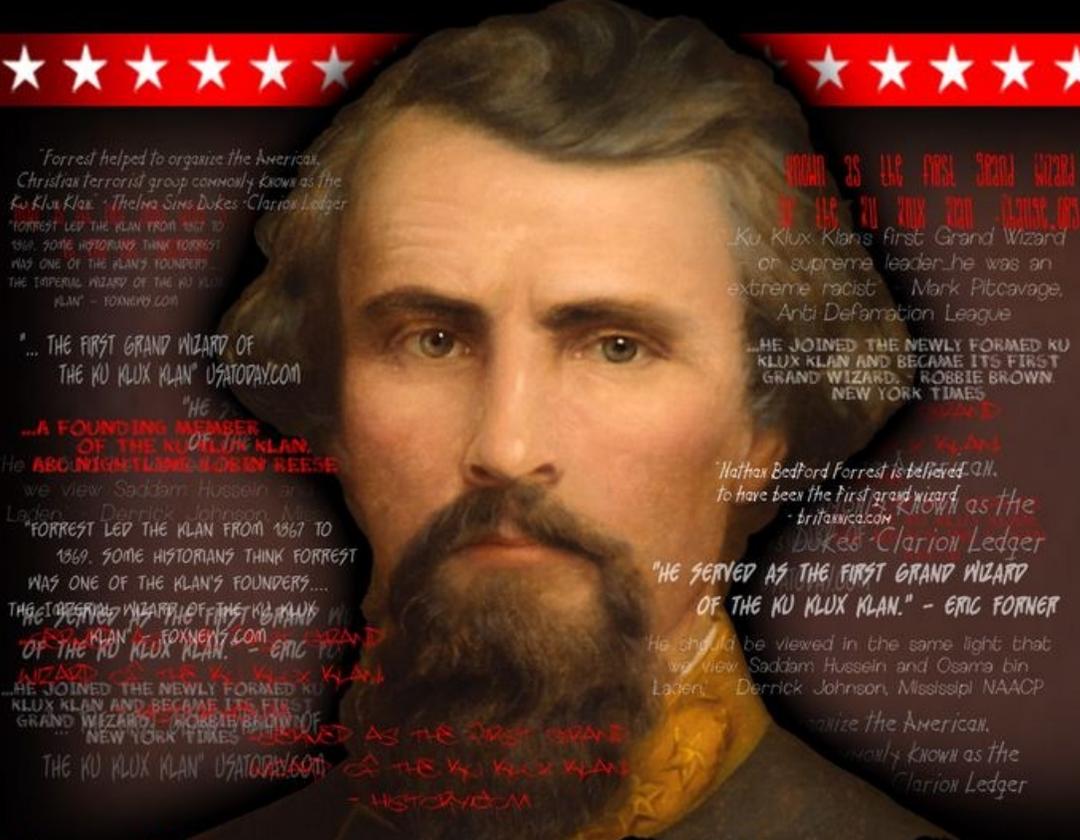
March 6th –Tom Ridenour – The Confederate Constitution: A Conceptual Framework

April 3rd – Dr. Richard Montgomery- Two Myths in the Lost Cause

May 1st –Col. John Geider – The New Mexico Campaigns

June 3rd – Kyle Sims –Fishers of Men: Recruiting for the SCV and The Cause

NATHAN BEDFORD FORREST



FICTION

Nathan Bedford Forrest originated the KKK*

Nathan Bedford Forrest was a Grand Wizard in the KKK*

Nathan Bedford Forrest was a member of the KKK*

FACT

Nathan Bedford Forrest DID NOT originate the KKK*

Nathan Bedford Forrest WAS NOT a Grand Wizard in the KKK*

Nathan Bedford Forrest WAS NOT a member of the KKK*

**youwereliedtoabout.com*

IF THEY LIED TO YOU ABOUT THIS, WHAT ELSE DID THEY LIE TO YOU ABOUT?



Brought to you by the Sons of Confederate Veterans, the Preeminent authority on Confederate History and American Liberty!



The Sons of Confederate Veterans has a no tolerance policy towards hate groups

FOR MORE INFORMATION: 1800MYSOUTH.COM



Registration for Sam Davis New Year's Ball 2014



Well, it is that time of year again! Here you can register for the 2014 Sam Davis New Year's Ball to be held **January 4**. Donations will be accepted at the door. Please register below so we can make sure there are enough refreshments for all. You can find a [flyer](#) with more information [here](#). By registering below you agree to comply by the Rules of Attire and Civility provided. Items for the silent auction are welcomed and appreciated. The print pictured above by John Paul Strain, "A New Year's Wish", will be a part of that auction. More details on how we will be accepting sealed bids for those that cannot attend the ball are coming soon. If you cannot attend the ball but would like to make a donation you can email Deborah Robinson at samdavisball@centurylink.net.

This year the location has changed to the **East Texas Museum for Culture in Palestine, Texas**. [Map](#) Please note that 100% of the proceeds from the ball will go towards **scholarships** for Sam Davis Youth Camp. For more information about the camp, you can go to this [website](#).

REGISTER ONLINE @ <http://www.oldwaysmadenew.com/sam-davis-ball.html>

Please Register so we can plan refreshments!

Second Annual Sam Davis New Year's Ball

When:

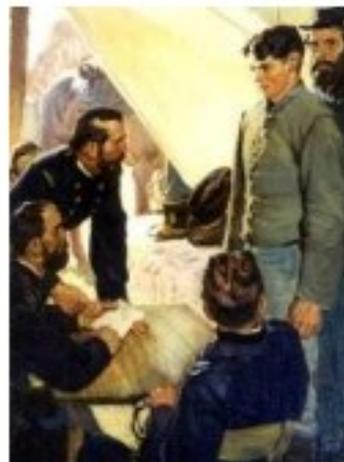
January 4th, 2014. Doors open at 6:00 p.m. Ball begins at 6:30.

Where:

The ball will be held at the Museum for East Texas Culture, 400 S Micheaux Ave, Palestine, TX. A map can be found at <http://www.oldwaysmadenew.com/sam-davis-ball.html>

Why:

This social gathering was initiated for a several reasons. First and foremost, it is an opportunity for SCV Sam Davis Youth Camp participants to gather together and socialize. Secondly, it will serve as a fundraiser for scholarships for our local youth to attend camp.



You will have a terrific time enjoying a score of different types of traditional southern dances ranging from waltzes to the Virginia Reel, all set to common 1800's tunes. **We will have live music furnished by the 3rd Texas String Band.** This will be a family event where you can enjoy the dancing or just listen to the music while visiting with friends. Refreshments will include finger foods and other sundries of goodies.

Cost:

We will be accepting donations at the door in lieu of charging for tickets. \$10 suggested minimum for 14 and up. Half price for youth. Six and under free. Additionally, **we will be accepting items for a silent auction** to be held that evening. If you will be providing items for this, please let Deborah know, by January 3rd, when you register for the ball. Money raised will be used to perpetuate the event and to provide scholarships for local SCV Sam Davis Youth Camp participants.

Attire and Civility:

To help achieve the goals for quality, excellence, integrity and historical value at this ball, we ask the following of our attendees:

- 1) This is a formal event. Dresses or long skirts for women and coats and ties for men are encouraged. "War Between the States" period attire is always welcome. Basically, please be sure to wear at least your Sunday best.
- 2) This is a family event. Dancers under the age of 18 shall be accompanied by their parents or come as the guest of another responsible adult. The use of alcohol is prohibited. Gracious, respectful conduct and conversation is expected at all times.
- 3) Modesty is of the utmost importance. No cleavage, plunging necklines, or skirts above the knee, please.
- 4) We want to be good stewards of the building we are using and ask your help in that regard.
- 5) **No heel plates due to original wood flooring in historic building.**
- 6) By registering for the event, you are indicating that you and your guests have read and will abide by the above standards.

To Register:

Go to <http://www.oldwaysmadenew.com/sam-davis-ball.html>. Please do register as it will help us plan for refreshments.



Contact Information:

For more information, visit the website provided or contact

Deborah Robinson by email at samdavisball@centurylink.net

Or (903) 549-3162.

For those not able to attend, your generous donations would be greatly appreciated.



We are so excited to announce that Mr. Strain has donated the print "New Year's Wish" to help us raise money for Sam Davis Youth Camp. We will accept sealed bids for those that cannot attend the ball for this item and any other select items we receive for donation. For more information, please visit <http://www.oldwavsmadenew.com/sam-davis-ball.html>.

About our venue:

The building we will be having the ball in was built in 1914/1915 and was called the John H. Reagan High School. There was a Reunion fundraiser in the form of a concert in 1921 in the auditorium to help the UCV go to Chattanooga. So, it is exciting that we are providing means for our very own reunion of campers in the same auditorium almost 100 years later. This old high school was turned into the Museum for East Texas Culture.



MOC UPDATE: A Travesty

For those of us who have been following the antics of Museum of the Confederacy President and CEO Waite Rawls since he assumed the reigns at the museum, and have repeatedly called for his removal, the sell-out of the museum to the ultra PC "American Civil War Center at Tredegar" comes as no surprise.

In 2007, Rawls made it clear that he was willing to sacrifice even the name of the institution when he announced that along with a proposed move, the name "Confederacy" was likely to disappear from the museum's title...

<http://www.civilwarnews.com/archive/articles/07/museumconfed.htm>

"Museum President and CEO S. Waite Rawls III suggested that the name was negotiable. He told the Richmond Times-Dispatch, "The repositioning we've done over the past 30 years is to be more of a modern education institution and less of a memorial to the Confederacy."

Although the name change was delayed a few years, it appears as if he will finally get his wish to change the name...as well as the Museum's original intent... with the recent liquidation.

From the Museum of the Confederacy's website:

"Civil War Holdings, Inc. is the temporary name of the joint partnership between the American Civil War Center and the Museum of the Confederacy. When the two institutions joined forces in the fall of 2013, a new Board of Directors was created, comprising members of both former boards." Complete list here: <http://www.moc.org/about-us/board-trustees>

Those of us in Richmond easily recognize the name of the Chairman of the new board, Dr. Edward L. Ayers, as one who has, as a close personal friend and associate of Mr. Rawls, been allowed unrestricted access and influence at the museum.

In November of this year, Dr. Ayers was a featured speaker at the "Loving RVA" gathering in Richmond:

The main focus of this gathering was to introduce a plan to "revitalize RVA". Details of the plan are available here... <http://lovingrva.com/index.html> and include a "slavery and freedom heritage site" <http://lovingrva.com/HeritageSite.html>, but not surprisingly, NOT ONE MENTION of Richmond's rich Confederate history and heritage:

"The Revitalize RVA Plan includes a very important historical component. The Slavery and Freedom Heritage Site will be on the site of the Lumpkins Slave Jail, which is across the train trestle from the proposed commercial and residential development."

Ayers' public support of this project, which COMPLETELY EXCLUDES any reference to Confederate history and heritage in Richmond, is just ONE example of many, that leaves little doubt as to the direction of this "new museum", under the leadership of Dr. Ayers, Mr. Rawls, and Ms. Coleman.

**Catalog of the Confederate MEMORIAL Literary Society:

<http://babel.hathitrust.org/cgi/pt?id=uva.x000889186;view=1up;seq=1> Each item collected and lovingly donated by Veterans and their families "In Memoriam Sempiternam".

"In Memoriam Sempiternam" ...or "In Eternal Memory" God help us when we stand before these men and women one day and have to explain why WE, their sons and daughters, stood quietly by and let this happen.

LEST WE FORGET Grayson Jennings





Men of The Texas Division:

As you all know, the sale/move of the **Museum of The Confederacy** in Richmond has been in the news for some time. It appears now that the time is drawing near for this to happen. We are all very concerned about this and many of you have contacted me with questions on this subject. I have no definitive word for you except that our National leadership is working very hard to protect our historical articles. I have been in contact with National and want to assure you that they are very actively pursuing and studying all possible solutions.

We, as members, should be **prepared to support whatever course of action our National leadership determines.** This support may include financial donations or any other activities requested. I ask that each of you be prepared to respond with the courage and dedication that you have always shown in the past. Our Gallant Ancestors persisted in the face of overwhelming odds and never faltered. We must be prepared to do the same.

We won a battle at Beeville because we were right and members of the Texas Division stepped up and responded when called. We are working daily on the Ft. Lancaster problem and I will possibly be calling on you all for your support in this endeavor. We can never let down our guard in the area of Heritage defense or stop our Heritage offense. As we enter the holiday season, let us rededicate ourselves to fight as never before.

Pray for our National leaders and our Cause.

Happy Thanksgiving, Merry Christmas, and God Bless The South and God Bless you all.

You Servant,

Johnnie Holley
Commander
Texas Division
Sons Of Confederate Veterans

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

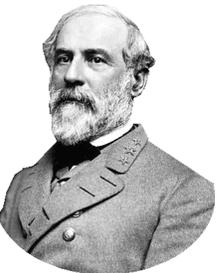
get the form [HERE](#)





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 someone 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

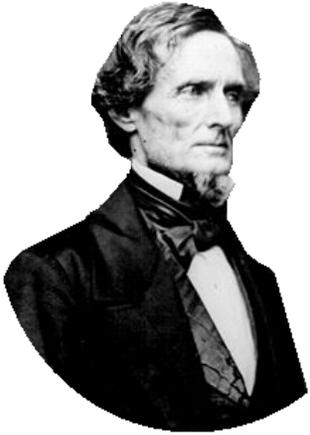
Additional



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:



Home
On Display
Sesquicentennial Society
Founders Program
Links





Sons of Confederate Veterans

Hill Country Camp 1938

Annual Birthday Banquet

Honoring Generals R. E. Lee and T. J. Jackson

Friday, January 17th

6 o'clock p.m.

YO Ranch Resort Hotel

2033 Sidney Baker • Kerrville, Texas

*A Traditional Hill Country Buffet of
Roast Beef, Glazed Ham and Turkey*

Special Guest Speaker

Hon. Kirk D. Lyons

Southern Legal Resource Center

*A Concert of Period Brass Band Music of the
26th NC Infantry Regt. Band*

Performed by members of the Symphony of the Hills

Silent Auction

Cash Bar

35.00 per person

Ancestor Memorials 5.00 per Confederate Veteran

RSVP by January 10, 2014 with checks payable to SVC Camp 1938 to

Dr. Steve Short, 432 Oak Wood Rd., Kerrville, Tx. 78028

For information call Ted Conerly, 830-895-1535



University of Texas Libraries

PLEASE JOIN US IN CELEBRATING THE CENTENNIAL OF THE UNIVERSITY OF TEXAS
LITTLEFIELD FUND FOR SOUTHERN HISTORY

With

DR. DAVID B. GRACY II

Governor Bill Daniel Professor Emeritus in Archival Enterprise, UT School of Information and
Editor Emeritus of the journal Libraries & the Cultural Record

Dr. Gracy will deliver **two** lectures:

"Working to Keep from Going Broke: The Life of George Washington Littlefield"

Feb. 19th, 4-6 pm. Avaya Auditorium. ACES 2.302

and

**"It Is But Just to the Cause: George W. Littlefield, Patriotic Memory,
and the Littlefield Fund for Southern History"**

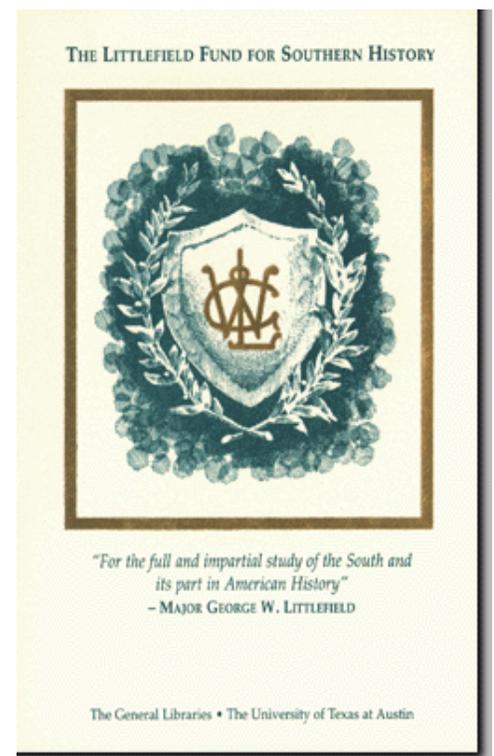
Feb. 20th, 4-6pm, Legislative Assembly Room, SAC 2.302

Dr. Gracy is an established expert on archival administration. Before coming to UT he was the director of the Texas State Archives for nearly a decade. The author of numerous books and articles on Texas history and on archival management, he is in the process of writing the definitive biography of George Washington Littlefield.

David McMahon

3rd Lt Commander
Texas Division
Sons of Confederate Veterans

First established in 1914 by Major George W. Littlefield and supplemented by a bequest in 1921, this fund has supported the University of Texas Libraries acquisition of materials relating to the South. Thanks to investment proceeds from this endowment, the UT Austin Libraries now have one of the most extensive collections of materials on the South and Southern history and culture in the U.S



State Convention

Sons of Confederate Veterans

Texas Division Reunion

Friday June 6 - Sunday June 8, 2014

Hilton Houston North
12400 Greenspoint Dr Houston TX 77060

(281) 875-2222 (281) 875-2222 FREE



Host: Grandbury's Texas Brigade
Camp 1479 Spring, Texas

[2014 Texas Division Convention Registration Form](#)

[2014 Texas Division Convention Hotel Information](#)

[2014 Texas Division Convention Credentials Form](#)

Texas Division Convention Vendor Registration Form (Coming Soon)

The above forms are in PDF Format.

[Click here if you need download Adobe Reader.](#)



Compatriots; Could some of you help this Lady with the requested information? If you have information on these Captains, I am sure she would be very appreciative.

**Johnnie Holley
Cmdr.TxDiv**

From: Jennifer Carpenter
Sent: Wednesday, December 18, 2013 11:18 AM
To: jlh63@flash.net

Subject: **Vicksburg Confederate Veteran ID Assistance**

Hello:

My name is Jennifer Carpenter and I work for the Historic Sites and Structures Program at TPWD. I have been researching the story behind the attached photo and William McPheeters of the Texas Historical Commission suggested I get in touch with you because of the photograph's Confederate veteran connection.

The photo, taken by Vicksburg Art Studio, identifies the group as the Texas Park Commission. I sent it to the Mississippi State Archives, and a historian there told me that the two gentlemen shown in the front are Brigadier General Thomas Neville Waul (left) and Lieutenant General Stephen D. Lee (right), who were both engaged at Vicksburg. Waul was a Texan. Waul's visit to Vicksburg prompted a short article in the local newspaper in December 1901. The general travelled with a few other battle veterans: Captain William Christian, Captain Sam R. Allen, and Captain T.N. Hill. It's likely that who is shown in the second row; the middle gentleman is wearing a Southern Cross of Honor. The historian guessed the group were visiting Vicksburg National Military Park (which opened in 1899) to help determine the locations of monuments associated with the Texan contributions. He suggested I pass the photo along to the historians at the park, which I have done. I am guessing they were helping to spot regimental markers, because the Texas state monument was not erected until 1961.

The generals were of high enough ranking to have their photo taken, so I can find images of them online. I have not had the same luck with the captains. Even if the newspaper article provides the right names, I can't match the names to faces. Do you happen to recognize their names or know anything about Texans who fought at Vicksburg? Although the photo has nothing to do Texas State Parks, I am eager to uncover the entire story. Any additional insight you can provide would be appreciated!

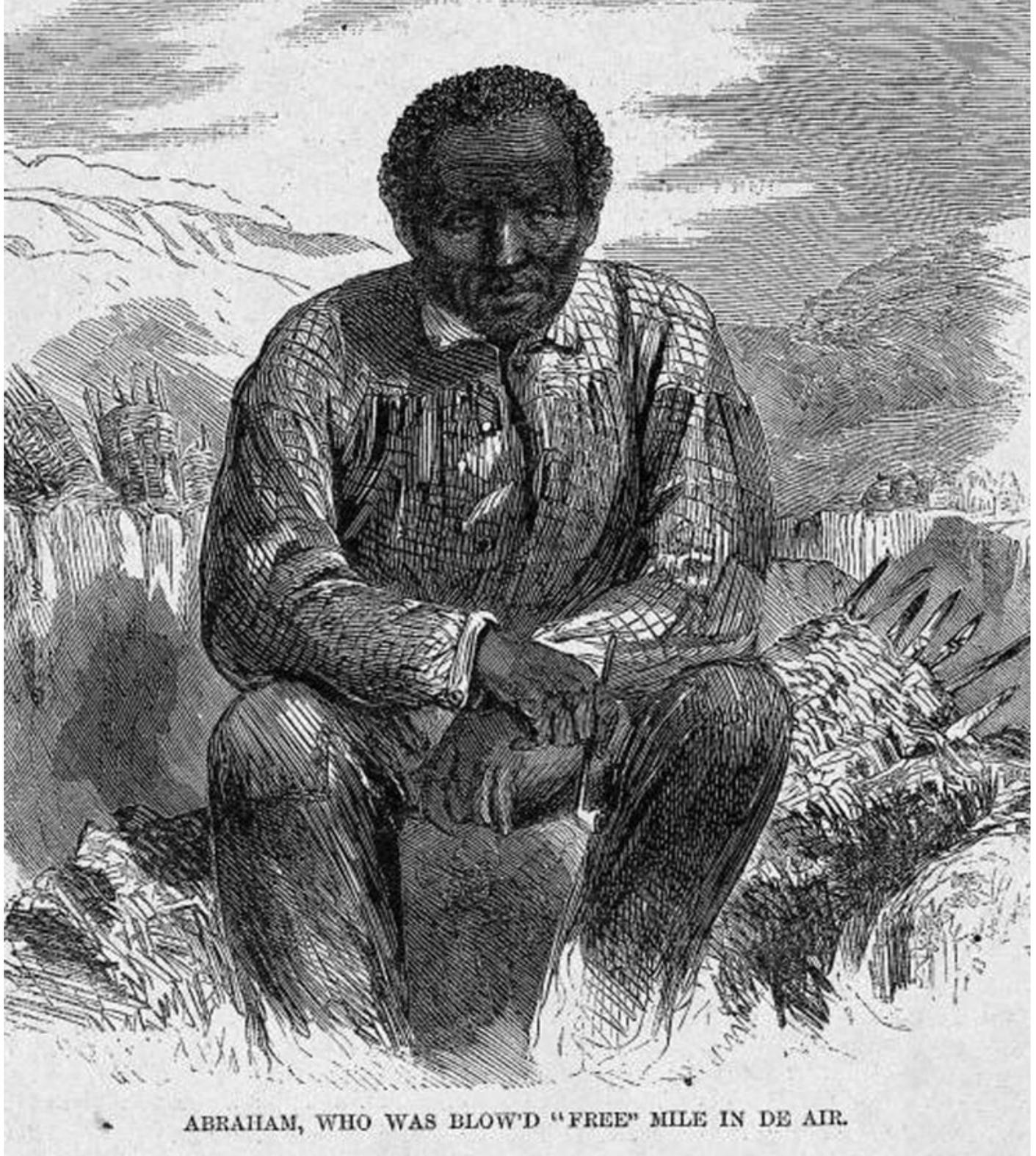
Jennifer Carpenter

Research Specialist | CCC Initiative
Coordinator
Historic Sites and Structures Program,
State Parks Division
Texas Parks and Wildlife Department
(512)389-8818





A. D. Lytle, a Baton Rouge photographer, provided valuable intelligence to Confederate commanders. His photographs, like this one posed by the 1st Indiana Heavy Artillery, revealed the strength and condition of Union organizations.



Source: Harper's Weekly (August 8, 1863), p.501. (Copy in Special Collections Department, University of Virginia Library)

Caption, "Abraham, who was blow'd 'tree' mile in de air. " Abraham was a confederate soldier who worked in the mines of Fort Hill; after an explosion, he was thrown high in the air and was the only survivor.



From Souvenir Program for unveiling statue of Stonewall Jackson in Clarksburg, West Virginia, The Place Of His Birth, Sunday Afternoon, May 10, 1953, The 90th Anniversary Of His Death

Biography Of Stonewall Jackson

By Mrs. Emil Shaffer Nee Miss Anna Jackson Preston

Thomas Jonathan Jackson, usually known as Stonewall Jackson was born in Clarksburg, Va., now West Virginia, on the 20th day of January 1824. He died at Guinea Station, Va., on the 10th day of May 1863, being 39 years of age. He was the son of Jonathan Jackson) of Clarksburg, a promising and well-to-do young lawyer, and his beautiful and accomplished wife, Julia Beckwith Neale. His great-grandfather, John Jackson, the first of the line in America, by birth a Scotch-Irishman, came from London about 1748, and located first in Maryland and later the western portion of Virginia. The Jacksons became in time quite a numerous family, owning large boundaries of mountain land. They were noted for their honesty, indomitable wills, and physical courage, holding many positions of public trust and honor in what was then known as western Virginia.

EARLY CHILDHOOD

When Thomas Jonathan Jackson was 3 years of age his father died with typhoid fever, contracted while he was nursing his little daughter, who also died. He left a widow and three children in very limited circumstances. Mrs. Jackson, after recovering in a degree from the double shock - the death of her daughter and husband - supported her little family as best she could with her needle and by teaching school for about 3 years, when she married Capt. Blake B. Woodson, a gentleman from eastern Virginia, of excellent family and delightful manners, but visionary and unsuccessful. When her health became impaired the children were placed temporarily with relatives. A year later Jackson's mother died, and thus at the age of 7 he was left a penniless orphan.

One story most characteristic of him is that when about 12 years of age he appeared at the house of Federal Judge John G. Jackson in Clarksburg, and addressed his wife, saying, "Aunt, Uncle Brake (referring to the relative he was then living with) and I don't agree. I have quit him and will never go back any more." He never did, but walked 18 miles to the farm of Cummins Jackson, bachelor half- brother of his father. There he lived happily until he was appointed to West Point through the political influence of his Uncle Cummins, at the age of 18. Before going to West Point he held his only political office, that of constable, and satisfactorily discharged the duties of the office.

The first year at West Point, having had but indifferent preparation, he stood near the foot of the class, but each year by dint of untiring study he advanced steadily until he graduated No. 17 in a class of 60. One of his professors remarked that if there had been 1 more year in the course before graduation he would have led his class.

After graduating at West Point in 1846 he at once went to the Mexican War and served with distinction in the battles there, coming out brevet major, with a noble reputation for bravery and extremely popular with the Mexican people of the higher classes, for whom he entertained to the end of his life great admiration.

AT LEXINGTON, VA.

In 1851 he became professor of military tactics at the Virginia Military Institute, Lexington, Va., known as the West Point of the South, at a salary of \$1,200 per year and a residence. Lexington was at that time a small town in the midst of the Blue Ridge Mountains, also the seat of Washington College, now Washington and Lee University. The community at that time was largely dominated by the Presbyterian Church, whose pastor was Rev. William S. White, for whom Jackson formed a great affection. General Jackson was deeply interested in religious matters, and though baptized in the Episcopal Church, joined the Presbyterian Church the first year he was in Lexington.

In 1853 he married Miss Eleanor Junkin, daughter of Dr. George Junkin, president of Washington College. In a year his wife died. The young husband was heartbroken, and his thoughts turned more than ever to religion. In fact, it was at this time that his intense religious nature began to assert itself outwardly.

In 1855 Jackson and Col. J. T. L. Preston, who was subsequently his adjutant general, organized a Sunday school for negroes in Lexington. Some local antagonism was aroused against them because slaves were taught to read and write in this school. The school was carried on successfully, however, up to the outbreak of the war.

On the 16th day of July 1857 he was married to Miss Mary Anna Morrison, of Lincoln County, N. C., the daughter of Dr. Robert Hall Morrison, who founded Davidson College, Davidson, N. C., and Mary Graham Morrison, a sister of Gov. William A. Graham, of North Carolina.

IN THE WAR BETWEEN THE STATES

Though opposed to secession, Jackson, like many of the leading citizens of the South, was equally opposed to the coercion of the Southern States; and, therefore, promptly offered his services to the State of Virginia when war was declared against it, believing that his first and highest loyalty was to his native State.

Jackson had been commissioned by the Governor of Virginia to take charge of the State militia detailed to keep the peace during the trial and execution of John Brown at Charles Town in 1859. In a letter to his wife he gave an interesting account of this occurrence. At the actual outbreak of hostilities he spent his time drilling soldiers. He was then made colonel of the Virginia State troops. First at Manassas, he was given his famous sobriquet of "Stonewall", by General Bee, of South Carolina. His promotions to brigadier, major general, and lieutenant general were very rapid. His fame as a soldier rests largely upon what is known as the valley campaign, McDowell, Winchester, Port Republic, Cross Keys, and Cedar Mountain. Of these, he himself is said to have considered Cedar Mountain his greatest victory.

On May 3, 1863, in the midst of the brilliant victory at Chancellorsville, he was wounded by his own men, usually supposed to belong to one of the North Carolina regiments, and died a week later.

After half a century has elapsed, it is hard to realize the feelings of sorrow and hopelessness which swept over the South when the news of Jackson's death flashed along the wires. Everywhere men and women broke down and cried as though a beloved member of their own family had been taken. When the news of his death reached Europe the newsboys and porters in the hotels announced that "Stonewall Jackson was dead", for his was a familiar name throughout the world. The people of all nations felt a great soldier and a noble Christian hero had fallen, while in the hearts of the people of the South there was a deep and unexpressed fear that the cause which they loved so well had suffered an irreparable blow the day his casket with the Confederate flag wrapped around it was placed in the cemetery at Lexington.

It is not our purpose to attempt any eulogy of Jackson's career as a soldier. The English historian, Colonel Henderson, probably the greatest military critic of the nineteenth century, says that he was in no way inferior to Wellington, Napoleon,

Lee, or any of the great generals of history. He was one of the few generals who was never defeated, and without any effort on his part maintained the confidence and admiration and, one might say, the adoration of all his troops.

APPEARANCE AND CHARACTERISTICS

In private life Jackson was a simple, rather silent Scotch-Irish, Presbyterian gentleman, with large blue eyes, pensive and deep; dark-brown hair, which was very slightly curly and worn rather long; about 5 feet 11 1/2 inches in height, with a fine, full figure. His complexion was fair, almost like a girl's except when tanned by outdoor exposure. He was noted for his politeness, gentleness of manner, and love of children. While never talkative, he felt always the duty when in society to be responsive to the conversation of others, and was at times a delightful companion and full of pranks and humor, though these occasions were rare. His habits of life were methodical and rigid. According to Dr. R. L. Dabney's *Life of Jackson*, he always rose at dawn, had private devotions, and then took a solitary walk. When at home family prayers were held at 7 o'clock, summer and winter, and all members of his household were required to be present, but the absence of anyone did not delay the services a minute. Breakfast followed, and he went to his classroom at 8 o'clock, remaining until 11, when he returned to his study. The first book that then engaged his attention was the Bible, which was studied as he did other courses. Between dinner and supper his attention was occupied by his garden, his farm, and the duties of the church, in which he was a deacon. After supper he devoted his time for half an hour to a mental review of the studies of the next day, without reference to notes, then to reading or conversation until 10 o'clock, at which time he always retired. There was no variation in this daily program.

There were certain maxims of his life which had much to do with framing his character. One was that "you can be what you resolve to be", the other, "do your duty." His last words are supposed to have been, "Let us cross over the river and rest under the shade of the trees", though others of the attendants at his bedside tell us that the last words were, "Soldiers, do your duty."

General Jackson left one infant daughter, 6 months old, whom he had the privilege of seeing upon only one occasion, when Mrs. Jackson visited him in camp. He named her Julia Neale, for his mother, and in 1885 she married Capt. William E. Christian, of Richmond, author and newspaper man, now living in Washington, D. C. She died in 1889, leaving two infant children, the eldest, Mrs. Julia Jackson Christian Preston, wife of Randolph Preston, an attorney, lives in Charlotte, N. C., and has five children; the youngest, a boy 18 months old, bears the name of his great-grandfather. Mrs. Christian's son, Thomas Jonathan Jackson Christian, is a major in the United States Army, now stationed (1928) at the University of Chicago. He married Miss Bertha Cook and has two children, a boy, Thomas Jonathan Jackson Christian, Jr., aged 11, and a girl, Margaret, aged 7.

General Jackson left surviving him an only sister, Laura, the wife of Mr. Jonathan Arnold, of Beverley, W. Va. This sister survived him until the year 1911, when she passed away at the age of 85 years, leaving one son, Hon. Thomas Jackson Arnold, and a number of grandchildren surviving her.

Mrs. Mary Anna Jackson, the widow, lived in Charlotte with her granddaughter until March 24, 1915, when at the age of 83 she passed to her reward. Her Christian faith, great wisdom, and cheerful, courageous disposition marked her as a most unusual woman. Her plan of life was as simple as her husband's, which consisted of finding out each day what she believed to be her duty, through prayer, Bible reading, and meditation, and then doing it uncomplainingly and with as little affectation as possible.

In 1907, when offered a pension by the Legislature of North Carolina, though she greatly needed it, she authorized one of her relatives, then a member of that body, to say that she preferred the money be given to help needy soldiers, or to found a school for wayward boys. At this session there was chartered the Stonewall Jackson Training School, one of the greatest institutions of its kind in America, and certainly the name it bears is an appropriate and inspiring one for the 500 boys enrolled there.

General Jackson's life was representative of the simple virtues for which the South was noted - honesty in thought, speech, and action, freedom from sordid ambition for wealth or notoriety, a high sense of honor and chivalry, unselfish patriotism, and benevolence toward his fellow men. To these traits were added an absolute reliance upon God, and trust in His providence as guarding, guiding, and controlling the daily lives of His servants.

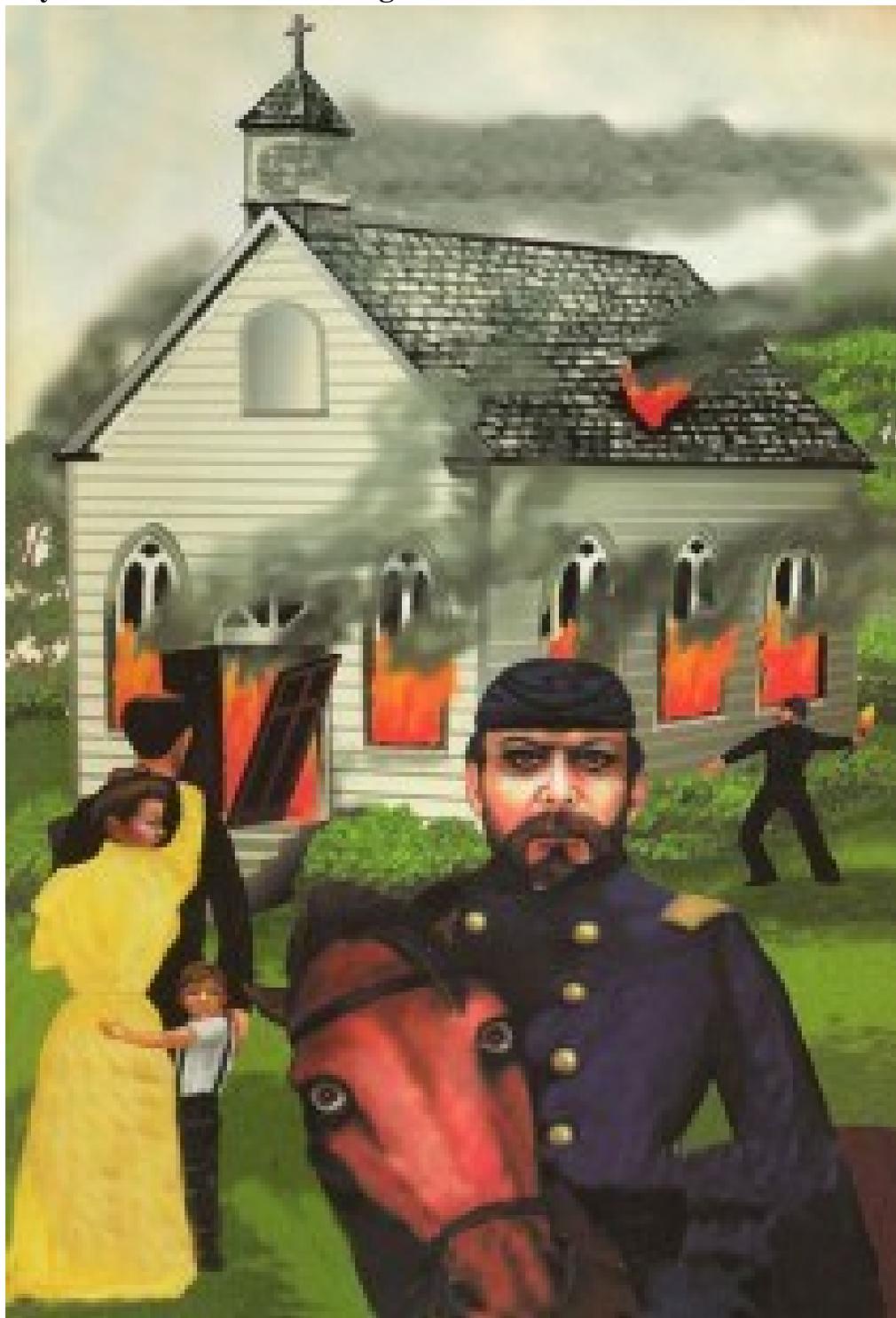
West Virginia Division of Culture and History

Lincoln's War Against the Bible: The American Tract Society and the Confederacy

By Dr. H. Rondel Rumburg

Abraham Lincoln warred against women, children, the aged and infirmed in the South. He sent out Sherman, Sheridan, Butler and many others to execute total war upon the defenseless. He even used human shields. Long before Saddam Hussein used hostages around his missile and military sites Lincoln used them on Morris Island in Charleston Harbor [James Ronald and Walter Donald Kennedy, *The South Was Right*, 119 ff]. He desecrated church edifices through his army [Charles A. Jennings, *Cultures in Conflict: Union Desecration of Southern churches and Cemeteries*, Truth in History Publications]. He incarcerated preachers and even killed chaplains who were only doing their duty [Horace Jewell, *History of Methodism in Arkansas*, 182-183]. Why imprison preachers and banish some of them to the North [Alice M. Paynter, *Henry Martyn Paynter*, 79 ff.]? Some incarcerated ministers, because of age and prison conditions became ill and died. This, for example, caused the death of Virginia Baptist minister Richard N. Herndon who was incarcerated at Culpeper Court House [George Braxton Taylor, *Virginia Baptist Ministers*, Third Series, 67]. Lincoln made medicine contraband of war. Why did he

make medicines contraband of war? If he was such a compassionate humanitarian surely he would not have done so [E. Merton Coulter, *The Confederate States of America*, 430].



Not only did he war against the weak and defenseless but he warred against the souls of the people of the South. How did he do this? God's Word was made contraband of war. Why were Bibles and Testaments declared contraband of war if he was not warring even against the souls of men as Satan and his demons do [J. William Jones, *Christ in the Camp*, 148]? Jesus the Lord Christ said, "Woe unto you ... hypocrites! For ye shut up the kingdom of heaven against men: for ye neither go in yourselves, neither suffer ye them that are entering to go in" (Matt. 23:13). Lincoln was not one who believed that Christ was the only way of salvation, and he was not a member of the earthly body of Christ (a local church). Consider how one of the Confederate soldiers considered this act, "I am a poor sinner and have no chance to be any other way, for I have no Bible. Yankees want us to loose our souls, same as our lives. It is an aggravation for breakfast, dinner and supper" [Pitt, 32].

The American Bible Society received strong support by Southern people before the War of Northern Aggression. With the division of denominations between the North and South also came the division of Christian organizations. Perhaps ABS was an exception. The forty-fourth annual meeting of the American Bible Society occurred around seven months before South Carolina withdrew from the Union. Within the next six weeks Mississippi, Florida, Alabama, Georgia and Louisiana seceded. Then Texas, Virginia and Arkansas joined their sister Southern states. On May 9th, 1861 the president of the American Bible Society called the organization to order, and nine of the Southern states were no longer in the nation. A few weeks later North Carolina and Tennessee seceded. However, to the leadership of the ABS the war made no difference in their relationship to the Southern people [John M. Gibson, *Soldiers of the Word*, 131 ff].

Yes, the ABS purposed to continue furnishing the Word of God as before. The intentions were to provide Bibles to Confederate soldiers and sailors through Southern entities as of old. The president of ABS Frederick Frelinghuysen asserted in his address to the May 1861 meeting, "While there is much to alarm and afflict us in the political agitations of our country, one thing is our special comfort in the cause of the Bible Society: We are still one, bound together by the bands of Christian kindness, animated by like hopes, earnest in like purposes and cheered by the same sympathies" [Gibson, 132]. One Southern agent for the ABS in the Florida and South Georgia area said, "The Bible Society knows no North, no South, no East, no West; its field is the world."

Confederate Chaplain J. Wm. Jones pointed out that the ABS did make "liberal donations of their publications, and did it with a Christian courtesy and charity which arose above the passions of the hour..." [*Christ in the Camp*, 151]. This appears to be the only such group in the North that made such donations [Jones].

The Southern states had maintained Bible Societies in conjunction with the ABS. A very short distance from Fort Sumter was the headquarters of the Charleston Bible Society. The CBS had voted before the conflict to donate \$5,000 dollars to the ABS to assist with the distribution of Scripture in foreign countries. The CBS carried through with the donation. The close-working abilities between brothers in Christ, North and South, were blighted by Lincoln's War. One said, "The corroding acids of war hatreds were too much for them" [Gibson, 133]. The many Bible societies in the South met in Augusta, Georgia on March 19th, 1862 to organize the Confederate Bible Society to try and take up slack caused by the difficulties fomented by the Lincoln administration, and the American Bible Society's many hindrances in delivering Bibles below the Mason-Dixon Line [Gibson, 133]. The impediments caused by the hostility of Lincoln's forces will be considered further in this article.

Early in the war Bibles and Testaments were easier to bring in, but there were reasons that a shortage developed as the war lingered. *First*, many copies of the Scripture being imported from England through the British and Foreign Bible Society, which gave the Confederate Bible Society unlimited credit, were captured in the attempts to run the blockades. These captured Bibles were then scattered through the North as souvenirs [Jones, 148, 151]. The pressure exerted by the Federal Government's "unholy

crusade against all that the Southern people hold dear.’ As a result of the steadily tightening naval blockade, it said, Southerners had even been ‘denied the privilege of importing the Word of God bought in the Bible House.’ Thus ‘the south had no option but to look to her own resources for the Book of Life’” [Gibson, 134]. *Second*, the South before the war had depended on publishers in the North for Bibles, but when these sources eventually ended obviously the South needed to produce Bibles. The Southwestern Publishing House in Nashville, Tennessee began to print the first Confederate Bibles [*Chaplains in Gray*, Charles F. Pitts, 31]. However, due to the limitations posed by a single publisher and the shortage of goods which developed, there were still never enough Bibles. *Third*, the greatest of the hindrances to bringing in enough Bibles had to be Abraham Lincoln’s policy of making God’s Word contraband of war. This has been mentioned previously. The *Tennessee Baptist* paper reported the good news on the Southwestern Publishing venture stating, “Lincoln no longer binds the Word of God” [Pitts, 31]. However, this was only a band aid solution when considered in the light of the great demand from the Confederate Army and Southern citizens for Bibles. Chaplains and colporteurs often said that the demand was never satisfied. Many of the homes in the South were depleted of their Bibles in order to try to quench the thirst for the water of life in the Confederate Army. The moving of God the Holy Spirit in the awakenings in the armies of the Confederacy added to the need for Bibles. The new born babes in Christ hungered for the milk of the Word, and the older believers hungered for the meat of the Word.

Perhaps it would be profitable to examine a little further the *third* and greatest hindrance to having enough Bibles in the South. One must remember Lincoln’s declaration of Bibles as contraband of war. This problem was succinctly described, “The great societies at the North generally declared Bibles and Testaments ‘contraband of war,’ and we had at once to face the problem of securing supplies through the blockade, or manufacturing them with our poor facilities” [Jones, 148]. After the ABS agreed to supply Bibles to the South in May of 1861 what followed is an example of how Bibles bound for the South were considered, “The first books sent in the West were held up as contraband of war. Early in 1862 Federal officers at Cairo, Illinois, stopped a parcel of New Testaments, as contraband, which was addressed to General (Bishop) Leonidas Polk’s Army at Columbus, Kentucky” [Henry Otis Dwight, *The Centennial History of the American Bible Society*, 262].

The ABS did not give up on their purpose of the society, and that purpose was the publishing and spreading of the Word of God. The organization tried to help their Southern brothers as best they could. Yes, the American Bible Society’s Board of Managers “kept up the search for means of getting its Scriptures over the high wall of war” [Gibson, 135]. The sending of Bibles into the South under such circumstances was spoken of as “a truce of God.” The ABS claimed that more than 30,000 volumes were sent from their depository by purchase and donation to the Virginia Bible Society through the Maryland Bible Society [137]. One North Carolina pastor sought out Governor Zebulon B. Vance’s help in contacting the ABS for copies of God’s Word for soldiers and citizens in his state. He declared that Bible poverty was so extreme in his state that it would make “the hearts of Christians ache” [145].

The Confederate government was just the opposite of the United States government regarding Bibles being sent over her lines to Federal prisoners. The Maryland Bible Society arranged to send 5,000 New Testaments to Richmond for the purpose of them being distributed to Federal prisoners of war. The Testaments were received safely in Richmond and distributed to said prisoners. Some of the prisoners desiring monetary gain from their brand new Testaments sold their gifts. They received twelve to fifteen dollars for their New Testaments [144]. Yes, the Southern people were willing to pay exorbitant prices to have a copy of God’s Word.

“A truce of God” was a welcome arrangement to the CSA. God’s sacred Word did not pose a hazard to the mind of Southern people. This puts Lincoln’s treatment of God’s holy and divine Word as contraband in an even a darker light. But Lincoln also, through his army, destroyed and desecrated the houses of God through out the Confederacy. When the Rev. G. S. Griffin an agent for the ABS visited the Shenandoah Valley just after conflict ended he was overwhelmed by the devastation to church

buildings. He had been sent to ascertain how the ABS could help, “What he saw appalled him. Many of the churches had been completely demolished. Many others were in such damaged conditions that they were ‘unfit for Divine service.’ In their great poverty, the residents of those communities were not able to do much toward making them serviceable” [152].

ABS agent Rev. W. P. Ratcliffe was in southern Arkansas just after the conflict. He was trying to raise money for Bibles. Ratcliffe related an event that moved him. A fatherless child showed up at the depository the next day. This was after a meeting Ratcliffe had conducted to raise awareness of the need for financing the purchase Bibles. He said of the fatherless child, “In her hand she clutched a pair of newly knitted socks. ‘Mother was at the meeting last night,’ she told the minister, ‘and she hasn’t any money. She sent these. It is all she had to send the Bible to the poor’” [158]. This showed how the impoverished Confederates even immediately after the War of Northern Aggression loved God’s Word and desired others to have a copy and especially the poor. Interestingly the widowed woman did not consider herself poor though she had no money.

Lincoln, who was to his friends Herndon, Lamon, etc. a self confessed agnostic, lost his battle against the Word of God. He, as the rich man in hell, would most likely desire a drop of water to cool his tongue, but he cannot. This man’s hands were covered with the blood of Southern and Northern people, but he also died an enemy of God. The Psalmist reminds us, “*Bloody and deceitful men shall not live out half their days*” (Ps. 55:23). We must remember, “*The grass withereth, the flower fadeth: but the Word of our God shall stand for ever*” (Isa. 40:8).

Do you know the Lord Jesus Christ in pardon and forgiveness of sin? How much do you love the eternal and inspired Word of God? Are you as hungry for the Bible as were our Confederate ancestors? In Bible reading a part of your daily life? “*Study to shew thyself approved unto God, a workman that needeth not to be ashamed, rightly dividing the Word of truth*” (2 Timothy 2:15). Jeremiah confessed as should we, “*Thy words were found, and I did eat them; and Thy Word was unto me the joy and rejoicing of mine heart: for I am called by Thy name, O LORD of hosts*” (Jer. 15:16).

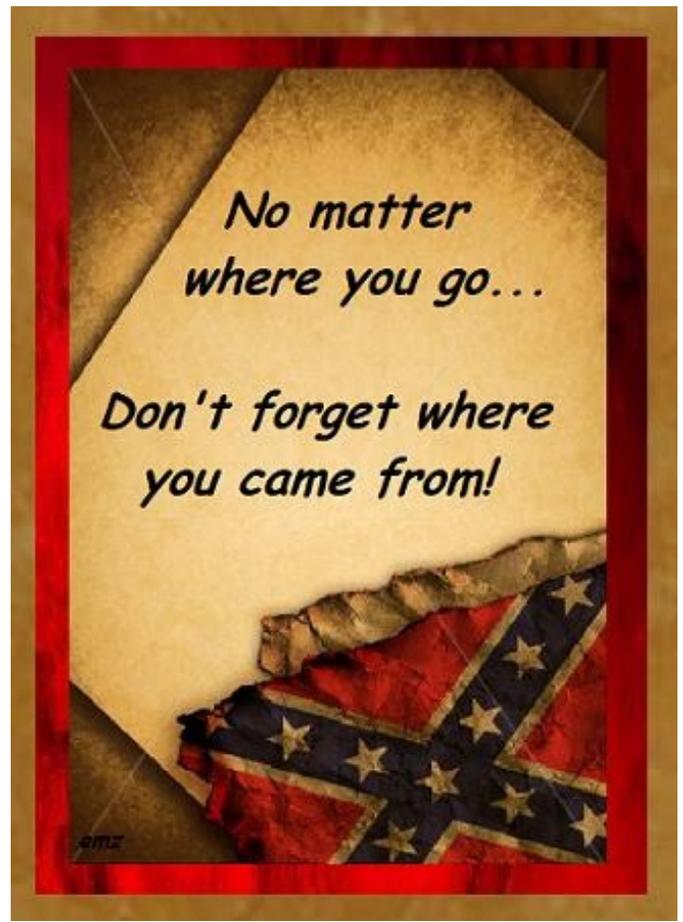
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Nothing More Than We Deserve

We call to you, our living kin, who know the breath of life
To carry on our noble cause, go proudly through the strife!
Regain our honor for us, face the hazards, every one
To where 're the quest may lead you, ever onward, carry on.
They mistreated and defiled us when there was no cause for hate
Never, once, saw us as brothers, nor as men, but merely freight.
They, who should have seem among us men of honor, true and brave
Carried such a hatred in them that it lingered unto the grave.
Not content to lay our broken bodies in the dirt
Nor revenged, though we had perished, for some undetermined hurt.
What could we possibly have done t'would cause our fellow man
To hate us so that we can't sleep within this hallowed land.
Then never could they leave us lie, and oft disturbed our rest
Uncaring, dragged our mortal bones to places they deemed best.
But, now has come, the final blow, they've stolen from on high
Our grand and glorious battle flag, that should, above us, fly.
We, the dead, who've born the pain, and endured what'er befell
Who marched beneath that banner throughout the battle hell
Have lost the only peace we knew to know that were 'er we lie
That flag would flutter o'er our grave, against the azure sky.
Take up the cause, unsheathe the sword
If you can find the nerve
Fight bravely for our honor
And the peace we so deserve.

~ Donald Graham ~





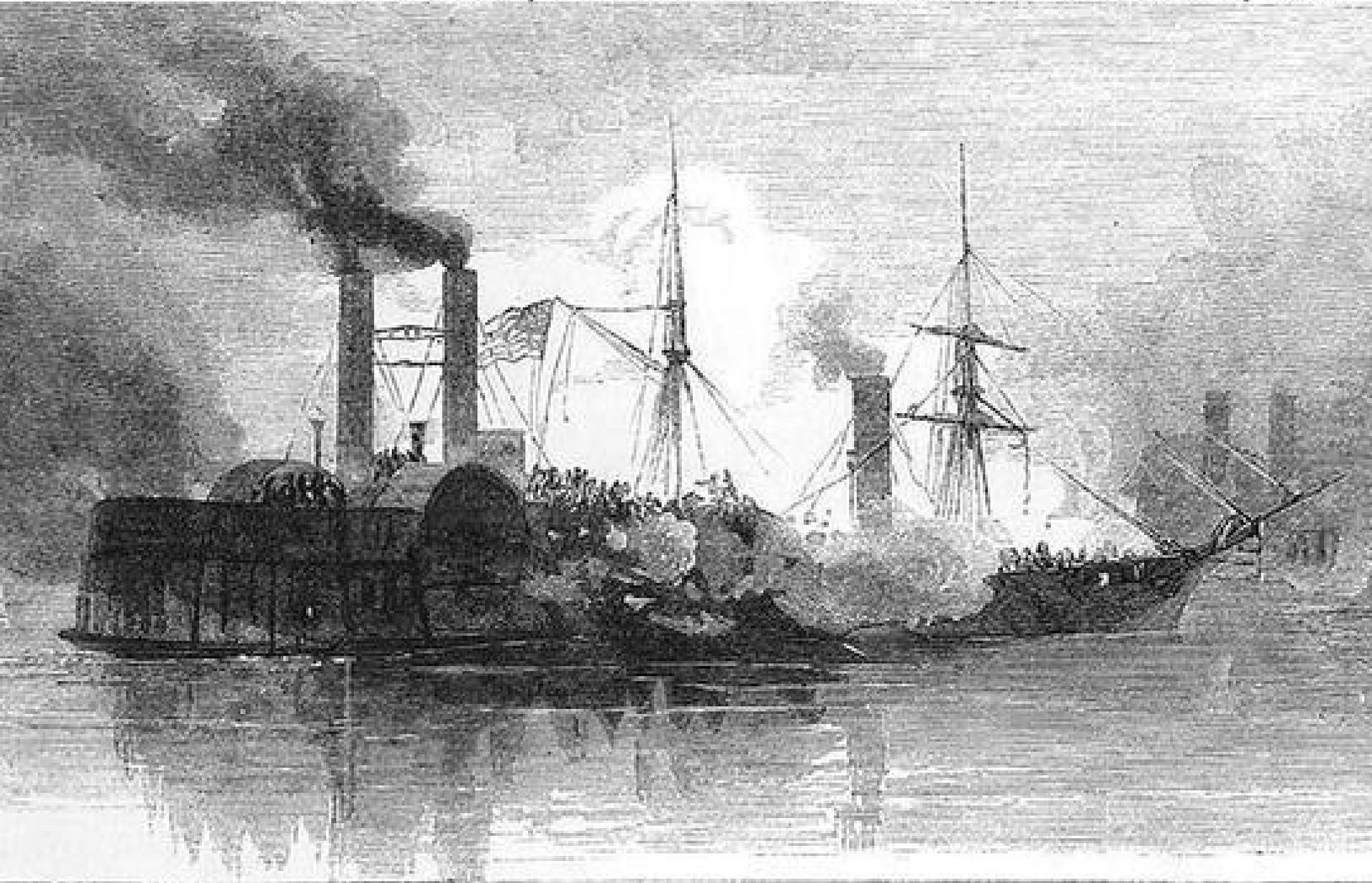
The muffled drum's sad roll has beat
The soldier's last tattoo;
No more on Life's parade shall meet
The brave and fallen few.

On Fame's eternal camping-ground
Their silent tents are spread
And Glory guards, with solemn round,
The bivouac of the dead.

—THEODORE O'HARA

Boys volunteered for a man's job. This Confederate lad gave his last full measure.





CAPTURE OF THE HARRIET LANE.

The Battle of Galveston (1 January 1863)

In the fall of 1862, Union Commodore William B. Renshaw sailed into Galveston harbor and demanded the surrender of the island city by its occupants. With virtually no defense force, the Confederate commander on the island, Colonel Joseph J. Cook, had little choice but to comply.

About the same time in late 1862, Major General John B. Magruder was named Confederate commander of the District of Texas. Upon arriving in Houston, Magruder immediately began making plans to recapture Galveston. To implement his plan, Magruder outfitted the decks of two river steamers, the Bayou City and the Neptune, with bails of cotton. The compressed cotton would be used to protect an on-board attack force to challenge the Federal fleet in Galveston harbor. A land force would also be used in a joint land-sea attack.

On New Years Eve, the Confederate Cottonclads, as the curious looking vessels were called, threaded their way from Harrisburg, through Galveston Bay, and toward the western entrance to Galveston harbor.

About dawn on New Year's Day, 1863, the Confederate Cottonclads entered the west end of Galveston harbor. Their nearest and first target was the Union's Harriet Lane.

After a brief encounter and some maneuvering, the tide of battle foretold an almost certain Union victory. The Confederate ground forces had been outgunned and effectively held in check by the Federal warships. After only a brief contest at sea, one-half of the two-vessel Texas fleet was lying on the bottom of the harbor. Further, the lone surviving Confederate Cottonclad, the Bayou City, was outnumbered six-to-one among the armed vessels in the harbor.

After recovering from its first encounter, however, the Bayou City circled around and made a second desperate run on the Lane. This time, the Confederates hit their target with remarkable precision. In short order, the crew of the Bayou City succeeded in storming and overpowering the crew of the Lane.

Meanwhile, across the harbor, the Federal Flagship Westfield, with Commodore Renshaw on board, had become hopelessly grounded in shallow water. The crew tried furiously to dislodge her, but she would not budge. At that point, a temporary truce was negotiated as both sides considered their positions.

During the truce, Renshaw decided to destroy the still immobilized Westfield and attempt a Federal escape from the harbor. Even this plan went terribly awry. As Renshaw and his crew fused the gunpowder on the flagship and quickly rowed away, nothing happened. They returned for another attempt. But as they debarked the second time, the gunpowder prematurely exploded, rocking the entire harbor. The explosion killed Renshaw and thirteen of his crew.

With flags of truce still flying, the remaining Federal vessels stoked their boilers, and quietly began heading for the open sea. In this endeavor they were successful, for the Confederates had little means to pursue.

Thus, the island of Galveston was recaptured. Twenty-six Confederates had been killed and 117 wounded. About twice that many Federals died in the conflict. The Union's showcase vessel and nearly 400 men were captured. More importantly for the Texans, however, was that their victory restored control of Galveston to the Confederacy, where it would remain for the balance of the war.

Civil War ship found at bottom of Houston Ship Channel yields trove of artifacts

by Heather Alexander, Houston Chronicle | December 27, 2013 |



A 150-year-old Civil War ship and its contents is on its way to Texas City after being excavated from the bottom of the Houston Ship Channel and restored in a five-year project.

The USS Westfield, which sank in the Battle of Galveston in 1863, was brought to the surface in 2009 in what was the largest maritime archaeological rescue project ever undertaken in Texas.

Once up, archaeological conservators discovered hundreds of artifacts including belt buckles from the crew, boiler and engine parts as well as live ammunition.

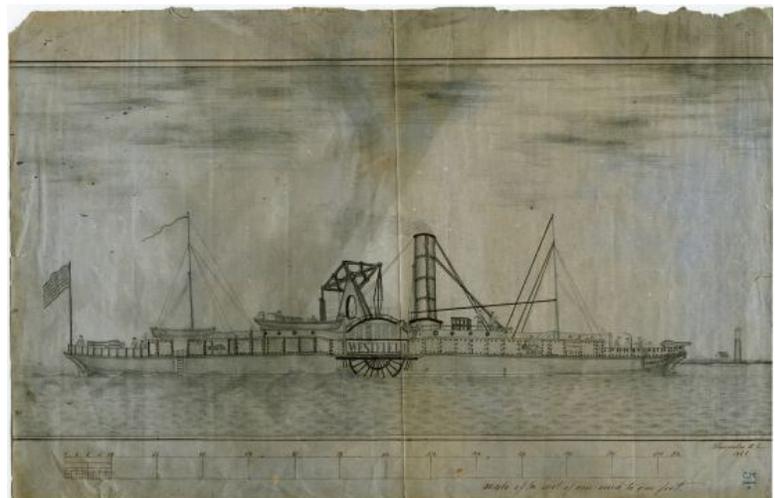
The star of the find is a 12-foot-long cannon, which could have fired projectiles over a mile and a half.

"This thing is a beast!" said Justin Parkoff, manager of the Westfield project at Texas A&M Conservation Research Lab where the restoration is taking place.

Early in 2014, that cannon will be sitting on a re-created carriage at the Texas City Museum.

Closer to summer comes a rebuild of the engine cylinder, and later in the year a massive reconstruction of the boiler. That will be so big it will reach the museum roof, Parkoff said.

"It will be a huge attraction," said museum curator Linda Turner. "So many Civil War buffs will want to come and see it. It will be dramatic."



The Westfield sank on New Year's Day 1863 during the infamous Battle of Galveston, where Confederate troops recaptured the island in an early morning surprise attack.

The ship, a converted Staten Island Ferry boat, ran aground. Its captain didn't want the ship to be captured so called for an evacuation and set a charge to blow it up.

Unfortunately for him, the charges went off prematurely and he and 12 others went down with the ship.

"We're always looking for bone," said Parkoff. "Every time I find a bone, I treat it with the utmost respect." He doubts the bones they have found are from the crew, but they will be sent away for analysis.

It's been a painstaking conservation process. Hundreds of fragments of the ship and its contents were brought up covered in marine concretion, essentially looking like huge rocks. Many had to be X-rayed to see what was inside.



Often that led to some big surprises. One piece that looked like a bolt revealed a tiny salt pot on X-ray which is now a treasured and unique part of the exhibit.

"It's been a very difficult process," said Parkoff. "We didn't know what any of this was, it's unrecognizable. How do you make sense of hundreds of bits of metal?"

It took years of work with pneumatic tools and chisels to remove most of the concretion, then longer in chemical baths to uncover the true identity of the massive metal jigsaw.

"Individually, these pieces mean nothing, but together they tell a story," Parkoff said.

Once complete, the Westfield exhibit will become the second largest of its kind in Texas. The largest is the French ship La Belle, which was recovered from Matagorda Bay. It is also being conserved at Texas A&M and eventually will end up in Austin.

"Westfield's tragic story reminds us of the sacrifices that both sides were willing to take in that war," Parkoff said. "The story of this vessel and those men that died aboard her should be honored and preserved for future generations."









<http://www.chron.com/neighborhood/bayarea/article/Civil-War-ship-found-at-bottom-of-Houston-Ship-5096367.php?cmpid=hpfc#photo-5649626>

**HAPPY
NEW YEAR!**

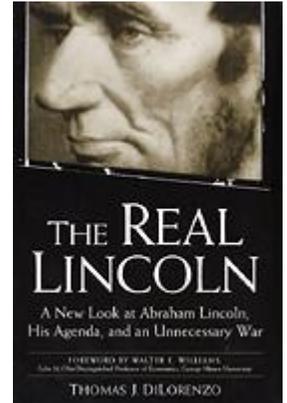


**From my part of
Dixie to yours.**

DiLorenzo Is Right About Lincoln

by Walter E. Williams

In 1831, long before the War between the States, South Carolina Senator John C. Calhoun said, "Stripped of all its covering, the naked question is, whether ours is a federal or consolidated government; a constitutional or absolute one; a government resting solidly on the basis of the sovereignty of the States, or on the unrestrained will of a majority; a form of government, as in all other unlimited ones, in which injustice, violence, and force must ultimately prevail." The War between the States answered that question and produced the foundation for the kind of government we have today: consolidated and absolute, based on the unrestrained will of the majority, with force, threats, and intimidation being the order of the day.



Today's federal government is considerably at odds with that envisioned by the framers of the Constitution. Thomas J. DiLorenzo gives an account of how this came about in *The Real Lincoln: A New Look at Abraham Lincoln, His Agenda, and an Unnecessary War*.

As DiLorenzo documents – contrary to conventional wisdom, books about Lincoln, and the lessons taught in schools and colleges – the War between the States was not fought to end slavery; Even if it were, a natural question arises: Why was a costly war fought to end it? African slavery existed in many parts of the Western world, but it did not take warfare to end it. Dozens of countries, including the territorial possessions of the British, French, Portuguese, and Spanish, ended slavery peacefully during the late eighteenth and nineteenth centuries. Countries such as Venezuela and Colombia experienced conflict because slave emancipation was simply a ruse for revolutionaries who were seeking state power and were not motivated by emancipation per se.

Abraham Lincoln's direct statements indicated his support for slavery; He defended slave owners' right to own their property, saying that "when they remind us of their constitutional rights [to own slaves], I acknowledge them, not grudgingly but fully and fairly; and I would give them any legislation for the claiming of their fugitives" (in indicating support for the Fugitive Slave Act of 1850).

Abraham Lincoln's Emancipation Proclamation was little more than a political gimmick, and he admitted so in a letter to Treasury Secretary Salmon P. Chase: "The original proclamation has no...legal justification, except as a military measure." Secretary of State William Seward said, "We show our sympathy with slavery by emancipating slaves where we cannot reach them and holding them in bondage where we can set them free. " Seward was acknowledging the fact that the Emancipation Proclamation applied only to slaves in states in rebellion against the United States and not to slaves in states not in rebellion.

The true costs of the War between the States were not the 620,000 battlefield-related deaths, out of a national population of 30 million (were we to control for population growth, that would be equivalent to roughly 5 million battlefield deaths today). The true costs were a change in the character of our government into one feared by the likes of Jefferson, Madison, Monroe, Jackson, and Calhoun – one where states lost most of their sovereignty to the central government. Thomas Jefferson saw as the most important safeguard

of the liberties of the people "the support of the state governments in all their rights, as the most competent administrations for our domestic concerns and the surest bulwarks against anti-republican tendencies."

If the federal government makes encroachments on the constitutional rights of the people and the states, what are their options? In a word, their right to secede. Most of today's Americans believe, as did Abraham Lincoln, that states do not have a right to secession, but that is false. DiLorenzo marshals numerous proofs that from the very founding of our nation the right of secession was seen as a natural right of the people and a last check on abuse by the central government. For example, at Virginia's ratification convention, the delegates affirmed "that the powers granted under the Constitution being derived from the People of the United States may be resumed by them whensoever the same shall be perverted to injury or oppression." In Thomas Jefferson's First Inaugural Address (1801), he declared, "If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it." Jefferson was defending the rights of free speech and of secession. Alexis de Tocqueville observed in *Democracy in America*, "The Union was formed by the voluntary agreement of the States; in uniting together they have not forfeited their nationality, nor have they been reduced to the condition of one and the same people. If one of the states chooses to withdraw from the compact, it would be difficult to disapprove its right of doing so, and the Federal Government would have no means of maintaining its claims directly either by force or right." The right to secession was popularly held as well. DiLorenzo lists newspaper after newspaper editorial arguing the right of secession. Most significantly, these were Northern newspapers. In fact, the first secession movement started in the North, long before shots were fired at Fort Sumter. The New England states debated the idea of secession during the Hartford Convention of 1814–1815.

Lincoln's intentions, as well as those of many Northern politicians, were summarized by Stephen Douglas during the senatorial debates. Douglas accused Lincoln of wanting to "impose on the nation a uniformity of local laws and institutions and a moral homogeneity dictated by the central government" that would "place at defiance the intentions of the republic's founders." Douglas was right, and Lincoln's vision for our nation has now been accomplished beyond anything he could have possibly dreamed.

The War between the States settled by force whether states could secede. Once it was established that states cannot secede, the federal government, abetted by a Supreme Court unwilling to hold it to its constitutional restraints, was able to run amok over states' rights, so much so that the protections of the Ninth and Tenth Amendments mean little or nothing today. Not only did the war lay the foundation for eventual nullification or weakening of basic constitutional protections against central government abuses, but it also laid to rest the great principle enunciated in the Declaration of Independence that "Governments are instituted among Men, deriving their just powers from the consent of the governed."

The Real Lincoln contains irrefutable evidence that a more appropriate title for Abraham Lincoln is not the Great Emancipator, but the Great Centralizer.

Foreword to The Real Lincoln: A New Look at Abraham Lincoln, His Agenda, and an Unnecessary War by Thomas J. DiLorenzo. Copyright © 2002 by Thomas J. DiLorenzo. Reprinted with permission.

March 22, 2005

Walter E. Williams is the John M. Olin distinguished professor of economics at George Mason University, and a nationally syndicated columnist.

Lee's Birthday Celebration by R. E. Lee Camp No. 1 C.V. - Richmond, Jan 19th, 1898

By Bobby Edwards in Sons of Confederate Veterans (Files) ·

[From the Richmond, Va., Dispatch, Jan. 20, 1898] published in Southern Historical Society Papers

GENERAL LEE'S BIRTHDAY

The Anniversary very Generally Observed in Richmond.

LIGHT OF THE CAMP FIRE OF R. E. LEE CAMP, NO. 1, C. V.

Many Veterans Gather in its Genial Glow — Captain R. S. Parks delivers a Splendid Oration—

Howitzers Salute the Monument.

The anniversary of the birth of General Robert E. Lee was celebrated in Richmond yesterday by the closing of the State and city offices, the banks, and many commercial institutions. Salutes were fired in honor of the event, and from the masthead of nearly every flagpole in the city, the colors of the Confederacy floated to the breeze.

The holiday was generally observed. The particular celebrations of the anniversary, however, took place at the Soldier's Home, and at Lee Camp, where orations were delivered, and carefully prepared programmes were carried out. A salute of seventeen guns was fired at the Home at noon, and a platoon of the Howitzers fired another salute at 5 o'clock beneath the shadow of the monument to the great General, erected in the western portion of the city.

AROUND THE CAMP FIRE.

At night, Lee Camp kindled a camp-fire, the genial glow of which shed nothing but radiance and charm. Within the magic circle were gathered distinguished veterans from all over the State, and the guests of honor were the members of both houses of the Legislature.

The yearly celebration of the birthday of General Robert E. Lee, is the prime event in the calendar of the Camp, and no effort is spared to make it delightful and successful. All along the Southern lines, the camp-fires are lighted on each recurring January 19th, in honor of the great leader, but no fire burns more brightly than that of the Richmond camp, or attracts to it a more distinguished body of men. It was a night of great festivity; a genial and whole-souled hospitality was dispensed, and warm indeed was the welcome extended to all who came to pay a tribute by their presence, to the memory of the dead chieftain. The feature of the evening was the address delivered by Captain R. S. Parks. It was received with unbounded enthusiasm, and was said by many of those present to be the finest eulogy ever delivered within the walls of Lee Camp.

Following the exercises came a social session of unrestrained mirth and good-fellowship. The good humor of the occasion was infectious and irresistible, and even old men, whose locks were hoary, and whose forms were bent with age, danced and sang, and seemed to grow young again. Old Southern melodies struck pleasantly on the ear, and the familiar songs were sung over and over again. Refreshments were served in great abundance, and the hour for parting came all too soon.

THE FORMAL PROGRAMME.

It was nearly a quarter-past 8 o'clock when First-Lieutenant-Commander A. C. Peay, in the absence of Commander Laughton, called the assemblage to order, and in a few words recalled the "sacred cause" which they had come together to celebrate. The doxology was sung by all, standing, after which Hon. J. Taylor Ellyson was called upon and offered a short, but fervent, prayer for a



benediction upon those who had come together to commemorate the memory of their chieftain, and asked that they might follow his example, as he had endeavored to follow that of his Divine Master

GREETINGS FROM WASHINGTON.

The following telegram from the Confederate Veterans' Association, of Washington, D. C., was read and received with applause:

Washington, D. C., January 19, 1898. R. E. Lee Camp, No. 1, Confederate Veterans, Richmond, Va.:

"The Confederate Veterans' Association of Washington assembled to honor the name of our great leader, General R. E. Lee, send loving greetings to their comrades of Richmond, and remember with them a vow to keep green his memory." (Note: Robert I. Fleming in 1884 donated \$2,500 to add the 3rd floor to the Soldiers' Home [old Robinson home] - and, it was later named Fleming Hall).

ROBERT I. FLEMING, President.

Adjutant J. Taylor Stratton was instructed to telegraph the following reply:

Richmond, Va., January 19, 1898.

Colonel Robert I. Fleming, president

Confederate Veterans' Association, Washington, D. C.:

R. E. Lee Camp, Confederate Veterans, reciprocates your kindly greeting, and pledges eternal fidelity to the memory of our illustrious chieftain.

A. C. Peay, Lieutenant Commander, Commanding.

CAPTAIN PARKS ADDRESS

Captain Parks was then introduced as the orator of the evening, and was cordially received. After an appropriate introduction, he said:

"Borne on the rapid, tireless wings of time, nearly thirty-three years have passed since guns were stacked, flags were furled, and the Southern soldier, with heavy heart, turned his steps homeward. But with every recurring spring time, the people throughout the Southland, upon such days and at such places as may be fixed, meet together, strew the graves of the dead soldiers with flowers, each feeling that whatever part he may perform, he is engaged in a work made obligatory by a lofty sense of patriotism. Associations of various names have been formed, all of which have for their object the commemoration of the Confederate dead, and the keeping green in the minds of the rising generation all that pertains to the struggle in which the blood of the South was poured out like water. Here we meet to-day in the far-famed city of Richmond, whose every street has been trodden by armed men, whose adjacent fields have been crimsoned by the blood of her sons, and whose historic hills have echoed and re-echoed with the scream of shot and shell as they sped on their mission of death, mingled with the shout of victory, or the yell of defiance."

CONSTITUTE A SUBLIME SPECTACLE.

"How suggestive such an occasion. These gatherings of the people of the South to decorate the graves of those who died in defence of the Southern cause, and to commemorate the deeds of valor of an army whose banners went down in an unsuccessful struggle, constitute the sublimest and yet most remarkable spectacle that the world has ever seen. Were these men rebels against constitutional government? If they were, then it would be treason in us to honor their memory; vindicate their principles, and praise their deeds. They were not rebels, and the world will yet know it, and accord to them their meed as patriots.

For what did the South contend? Time would not suffice, nor would it be appropriate to give in detail the causes that led up to the war, nor to discuss the various issues that arose, which produced bitter feeling and stirred up sectional animosities. I assert that the South fought for the preservation of individual liberty and a right of local self-government, which we honestly believed were endangered by the usurpation of power by the Federal Government, and a tendency to centralization and the ultimate destruction of the autonomy of the States.

The germ of free institutions is in the personal consciousness of the individual man, that he is born into the world as a creature of God, with responsibility to Him for the proper use of his God-given powers, and that to work out his personal destiny upon this personal accountability, he needs to be free from the constraints with which despotism would bind his body, mind, heart, and conscience."

RIGHT OF SELF-GOVERNMENT.

"When the man has this idea planted in his soul, it becomes a moral force which dreads treason to the Almighty Sovereign more than all the threats of human authority, and makes resistance to tyrants obedience to God. The personal right of the man to his liberty is asserted from his deepest self-consciousness against the government that would abridge or destroy it. The great battle that was fought by our fathers at the formation of the Federal Constitution in 1787 was for the protection of this right of self-government, and in opposition to the centralization of power in the Federal head. They believed that centralization of power in the general government would show itself in a too great tendency to control, regulate and direct the industry and enterprise of the individual man. They believed that such a centralization of power would build up a paternal government, the patria potestas of ancient despotism, and merging the man into the mass and directing the destiny of all, would sacrifice the interest of the toiling, home-staying citizen to the grasp and greed of the few fawning parasites, who crowd the lobby and swarm the corridors of legislative bodies. They believed that paternity in government would beget class legislation, which instead of leaving each man to enjoy the fruits of his own toil, would pool the earnings of society, upon which to fatten its favorite children in palaces of splendor, while it would starve its foundlings in hovels of squalor and misery."

"It was for local self-government as embodied in the doctrine of States' Rights, as we had learned it from our fathers, that the South fought. It had grown with our growth; strengthened with our strength, and become the very warp and woof of our natures. To us it was a principle, not a shadowy sentiment; but a principle whose foundations were deep down below the grasp of political earthquakes, and whose spires pierced the stars beyond the sweep of storms of fanaticism. The bitter feelings and sectional animosities to which I have referred became intensified as the years went by. The Constitution of our fathers, as we understood it, was set at naught, and its provisions, as we construed them, were disregarded, and that solemn compact which to us was sacred, was declared by many leading men of the North to be "a league with death and a covenant with hell."

SECESSION OF THE STATES.

In the fall of 1860, the crisis came. The people of the South, feeling that the time had come when they should resume the powers delegated to the Federal Government, called conventions, and one State after another passed acts of secession, by which they undertook to secede from the Union of States, resumed the delegated powers, and sever their connection with the Federal Government. They did not make war upon any one. They only asked to be let alone. They asked for no property, and demanded nothing except the recognition of their rights to govern their own affairs. These States formed another union of States, known as the Confederate States of America. Our northern brethren did not interpret the Constitution as we did. They denied our right to sever connection with the Union. They declared that we were rebels in a state of rebellion, and they resorted to arms to enforce the laws of the United States, and to compel obedience to its authority. We believed we were right, and, believing this, we had the manhood to dare maintain it. The gage of battle was tendered, and we accepted it. To arms, to arms, was echoed throughout the land. The bugle-call was heard from every hilltop, and throughout every valley. Fathers, husbands, sons, brothers, and sweethearts, gave the farewell kiss, and pressed forward to repel the foe, that as we honestly believe, was invading our territory.. From every State came the sons of the South. From the plains of Texas, from the States washed by the Gulf, from across the Father of Waters, from Tennessee, Kentucky, and Maryland, from the Carolinas and Florida, from every State of the Southland they came. They came from the farm, from the store, from the office, and workshop; from every trade and profession, till Virginia bristled with bayonets, from the driftwood of the Ohio to the sands of the seashore. There were those who were not of our race, but were adopted from other climes, who stood with us. I would not forget them.

Some months ago, while in this city, I visited the Jewish Cemetery, and saw the plat dedicated to the graves of those of that race who fell in the Southern army. Had I ever felt disposed to deride those people, and give them the cold shoulder, I could do so no more. They touched elbow with us, and died for us. We know what part they played in the history of the past, and if I read the lines of prophecy correctly, they will have an important part yet to act in the great drama of life, and I do believe that the descendants of Judah will yet herd their flocks amid the hills of Assyrian kings, and sing songs to the Messiah beneath the white stars of the Chaldean sky. All, all were our comrades—

"Who, living, were true and tried for us. And, dying, sleep side by side for us."

THE SOUTH'S GALLANT SONS.

Without an army, without munitions of war, with our ports blockaded, and cut off from the rest of the world, with only our own resources to rely upon, the South in a few months sent into the field an army of volunteers that in gallantry, undaunted courage and powers of endurance was seldom equalled, and never excelled in ancient or modern times. For four years the Southern army, with no place to recruit from except our own homes, met in the open field an army of vastly superior numbers, with money and army stores in abundance, and with the world to draw from to swell its ranks. Those who were our enemies have furnished indisputable proof of the dash and terrible fighting qualities of the Southern army. While the pension system of the Federal Government is the most stupendous fraud ever perpetrated upon a long-suffering people, it furnishes a monument to the chivalry of the Southern soldier, that speaks with a trumpet's tongue and a thunder's voice. Think of it. Thirty three years after the close of the war there are more pensioners upon the list, basing their claims upon service in the Federal army, directly or indirectly, than the Southern Confederacy ever had men in the field, including the living and the dead.

On and on rolled the surging, fiery billows of war, till scarcely a home in the Southland was beyond the roar of cannon and the rattle of musketry. Stronger and stronger grew the Federal army; weaker and weaker grew the Southern, till at last our chieftain, Robert E. Lee, beside whom as man and soldier, there is no one to place who can claim to be his peer, surrendered the remnant of the gallant army. Our flag was furled, our hopes were blasted, our cause was lost.

LEE THE CENTRAL FIGURE.

Amid all these stirring scenes who was the central figure? Around whom did all the hopes of the people cluster? To whom did the people of the Southland look in the darkest hour with a confidence that knew no wavering? To that grand man and great commander, Robert E. Lee. And what shall I say of him? Language which my feeble ability enables me to command, is inadequate to express my admiration for him, and my conception of his greatness as man and soldier. The Southland, ploughed with graves and reddened with blood, that can look the proudest nation fearlessly in the face, and whose sons he led to battle, will ever cherish for him the highest regard and the deepest affection. Aye, more, his fame is not bounded by the country of which he was a citizen, but it has gone across the waters, and wherever there is a heart upon whose altar burn the fires of liberty, and a soul that appreciates all that is great and good, there the name of Robert E. Lee is enshrined, and when the monuments we may build to his memory shall have crumbled into dust, his virtues will still live—a high model for the imitation of generations yet unborn. As has been beautifully said, "he was a foe without hate; a friend without treachery; a soldier without cruelty, and a victim without murmuring. He was a public officer without vices; a private citizen without wrong; a neighbor without reproach; a Christian without hypocrisy, and a man without guilt. He was Caesar without his ambition; Frederick without his tyranny; Napoleon without his selfishness, and Washington without his reward. He was obedient to authority as a servant, and royal in authority as a king. He was as gentle as a woman in life; pure and modest as a virgin in thought; watchful as a Roman vestal; submissive to law as Socrates, and grand in battle as Achilles."

The profession of the soldier has been honored by his renown, the cause of education by his virtues, religion by his piety.

"The greatest gift a hero leaves his race is to have been a hero."

In the ancient East, it is said, the wandering Arabs are searching for treasures buried in the tombs of their monarchs. He whose memory we commemorate, on this, the ninety-first anniversary of his birth, has no treasures buried with him. The treasures of his life were brave, noble, unselfish deeds, which he left behind him to make the sons of men wiser, nobler and better.

OUR PRINCIPLES STILL LIVE.

I said our cause was lost, but it was lost only in the sense that we did not accomplish that for which we struggled, but the principles for which we contended still live. Clouds may obscure the sun, but it still shines; truth may be crushed to the earth, but it will rise again; principles of justice and right maybe trampled under the feet of demagogues and fanatics, but they still survive. All else may change and decay. Passing away is written upon all material things. "The grass of the field withereth; the flower thereof fadeth, the wind passeth over it, and it is gone." The tiny leaf springing from the expanding twig changes its color from summer beauty to autumnal loveliness, and falls in withered worthlessness to the ground, teaching man who treads upon it a lesson of his own destiny. The granite peaks that stand like sentinels keeping watch over the valleys below, that have withstood the frost of centuries, around whose heads the lightnings of Heaven have harmlessly played, and on whose crest the lurid bolt as it leaped from the bosom of the storm-cloud has spent its force in vain, will succumb to the corroding touch of time and pass away. But the principles of right, which spring from the Eternal Throne, will survive "the wreck of matter and crush of worlds," and shine with resplendent lustre when illumined by the pure light of eternity.

The struggle was ended, the soldier perished, but the principles for which he fought survive, and I believe that the time will come when the Southern soldier will not only stand acquitted, but justified by the verdict of the world.

What means this building with the significant name of "Lee Camp?" What means the hundreds of similar organizations all over the Southland? They speak in no unmeaning language. They tell us that though our cause is lost in the sense that the independence of the Southern Confederacy was not achieved; that though we were wasted and worn and all was lost, we saved our honor and our manhood, and we cannot forget our heroes. Sacred history tells us that one of the disciples proposed that three tabernacles should be raised on the mount of transfiguration, and in all ages of the world heroic deeds of men and nations have been commemorated by their fellow-citizens. Show me a land where there are no churches whose spires point heavenward, commemorative of the great work finished on Calvary, as told in that Book, suspended as it were in the zenith of the moral heaven, bidding all men to look, believe, and live; show me a land where there are no tombs of marble, no statues of bronze, no monuments of granite, erected to commemorate heroic, self-sacrificing deeds, and I will show you a people lost to every lofty emotion, without an ennobling sentiment, fit subjects to be the dupes of demagogues and the slaves of the ambitious. No, no; we cannot forget the boys who wore the gray and offered their lives for what they believed to be right.

"On fame's eternal camping ground Their silent tents are spread; While glory guards with solemn round The bivouac of the dead."

MEN OF THE NOBLEST TYPE.

Raise monuments to their memory, and with each returning season strew their graves with flowers of field and garden, and by these things let your children and children's children be taught that the heroes of the Lost Cause were not rebels and traitors, but men of the noblest type, who were ready to do, to dare, and to die in obedience to the call of duty. Go on with the work, and the brave, the true of every land, will approve such conduct. No one who wore the blue, and who was a soldier, will say aught against it. Only those who were peace-like in war and warlike in peace will condemn. "He jests at scars who never felt a wound." We covet not their praise, nor will we be deterred by their censure.

A few more words and I am done. To the rising generation I would deliver a message. Soon "taps" for "lights out" will sound for all who wore the gray, and they will go to answer roll-call on the other shore. Will you permit the memory of their deeds of daring, their knightly valor, their devotion to principle, to perish from all the earth, or will you take up the work when other hands shall droop and fail, and see that they shall live in the history of coming years? True, they fought and lost, but is that all?

Is that all? Was duty naught?

Love and Faith made blind with tears? What the lessons that they taught? What the glory that they caught

From the onward sweeping years?

Here are they who marched away,

Followed by our hopes and tears; Nobler never went than they To a bloodier, madder fray,

In the lapse of all the years.

Garlands still shall wreath the swords

That they drew amid our cheers; Children's lisps, women's words, Sunshine, and the songs of birds

Greet them here through all the years.

With them ever shall abide

All our love and all our prayers. "What of them?" The battle's tide Hath not scathed them. Lo, they ride

Still with Stuart down the years.

Where are they who went away,

Sped with smiles that changed to tears? Lee yet leads the lines of gray- Stonewall still rides down this way; They are Fame's through all the years.

GIVEN VOTE OF THANKS.

Captain Parks was frequently applauded during his speech, and at its close he received quite an ovation. Captain Stratton moved that the thanks of the camp should be extended to the distinguished speaker for his eloquent and patriotic oration, and the motion was seconded, though before it could be put Captain Alex Archer moved to amend it so as to include the thanks of the entire audience.

The amendment was accepted, and the motion adopted by a rising vote.

The Tony Miller Combination played several selections, and Mr. Eugene Davis, Sr., by special request, sang several dialect songs, which were liberally applauded.

JUDGE FARRAR SPEAKS.

Judge F. R. Farrar was called upon by Commander Peay, and responded very happily. He prefaced his remarks with a graceful compliment to Captain Parks, and said he had no desire to mar the perfect autonomy, as he wittily termed it, of the occasion, by any words of his. He was induced to proceed, however, and with his well-known versatility, he flitted from grave to joy, and touched many a tender chord in the hearts of his listeners. Leaving the platform, he took one of the violins belonging to the Miller Combination, and played some old fashioned Virginia reels and other music, which fairly delighted his hearers.

Refreshments were served in the committee rooms adjoining the camp hall, and the rest of the evening was spent in telling war stories, singing, playing, and impromptu speech making.



NUMBERS AND LOSSES

The Civil War Centennial Handbook, by William H. Price	North	South ^[1]
Population	22,400,000	9,103,000 ^[2]
Military Age Group (18-45)	4,600,000	985,000
Trained Militia 1827-1861	2,470,000	692,000
Regular Army January, 1861	16,400	0
Military Potential 1861	2,486,400	692,000
Total Individuals in Service 1861-1865	2,213,400	1,003,600
Total Strength July, 1861	219,400	114,000
Total Strength January, 1863	962,300	450,200
Peak Strength 1864-1865	1,044,660	484,800
Army	980,100	481,200
Navy	60,700	3,000
Marines	3,860	600
Total Hit in Battle	385,100	320,000
Total Battle Deaths	110,100	94,000
Killed in Battle	67,100	54,000
Died of Wounds	43,000	40,000
Wounded (not mortally) ^[3]	275,000	226,000
Missing in Action	6,750	—
Captured ^[4]	211,400	462,000
Died in Prison	30,200	26,000
Died of Disease	224,000	60,000
Other Deaths	34,800	—
Desertions ^[5]	199,000	83,400
Discharged	426,500	57,800
Surrendered 1865		174,223

[1] Confederate figures are based upon the best information and estimates available.

[2] Includes 3,760,000 slaves in the seceded states.

[3] A number of these were returned to duty. In the Union Army, those who were not fit for combat were placed in the Veteran Reserve Corps and performed administrative duties.

[4] An undetermined number were exchanged and returned to duty.

[5] Many deserters returned to duty. In the Union Army, where \$300 bounty was paid for a 3-year enlistment, it was not uncommon to find a soldier picking up his bounty in one regiment and then deserting to join another unit just for the additional bounty.

Rewriting the Pledge of Allegiance

Posted: May 29, 2013

I pledge allegiance to the Constitution of these united states of America, and to their confederation, guided by natural law, protecting the life, liberty, and property of all.” -the Pledge of Allegiance, as it ought to be



Children performing the Bellamy salute to the flag of the United States.

In 1892 Francis Bellamy, an avowed socialist, wrote the Pledge of Allegiance. Recitation of his Pledge was originally accompanied by the distinctive “Bellamy salute,” an upward thrust of the arm in the direction of the American flag. Over the years, the Pledge underwent various mutations. Clauses were added and the salute was eliminated, courtesy of Nazi imitation. Congress approved its current form in 1954. The phrase “Under God” was the final addition, courtesy of the Cold War against atheistic communism.

Modern progressives lobby for the extraction of the words “Under God.” Most conservatives insist that this phrase is the lynchpin of the Pledge. Both fail to understand that the entire Pledge is fatally flawed.

I refuse to recite the Pledge of Allegiance, my conscience won't allow it. But rather than standing there looking like a complete fool while others belch it out, I offer my own pledge:

I pledge allegiance to the Constitution of these united states of America, and to their confederation, guided by natural law, protecting the life, liberty, and property of all.

I hope that my revised version reveals the incipient evil in the Pledge of Allegiance.

“I pledge allegiance to the Constitution . . .”

Flags are necessary symbols, but that's all they are . . . symbols. And the problem with a symbol is that it can take on multiple meanings.



For example, some consider the Confederate flag a statement of [racism](#); others see it as a visual embodiment of [strict constitutionalism](#). Because [both readings contain a kernel of the truth about the Confederacy](#), it is natural to wonder which a redneck is pushing when the stars-and-bars festoon the hood of his monster truck.

When you pledge your allegiance to “the Flag of the United States of America” what exactly are you pledging your love and loyalty to? Like the Confederate flag, the American flag is a nebulous thing. Any demagogue can warp the flag after his own image, so long as his demagoguery is couched in patriotic rhetoric. Does the flag provide an objective standard by which we can judge our leaders' actions and policies? Consider the fact that both [Republicans and Democrats](#) wear flag pins on their lapels whenever appearing in public. The flag is a wondrous piece of emotional propaganda by which both parties stamp the imprimatur of patriotism on their every misdeed.

The Constitution, on the other hand, is an objective standard. Sure, it is imperfect. Sure, there will always [be debate over the meanings](#) of particular clauses. But despite these flaws, the Constitution serves as a yardstick that government policies must be measured against. It is easy for a demagogue to usurp the symbolism of a flag. It is harder to twist the words of the Constitution. Furthermore, the Constitution provides a touchstone by which citizens may scrutinize their government. Can a citizen judge the legitimacy of government policy against the flag?

In the Bellamy Pledge, the flag represents empty and irrational patriotism. The Constitution offers a rational and objective basis for social order.

(This is not to say that it is wrong to display an American flag. I am only suggesting that the flag is not a worthy object of the Pledge of Allegiance.)

“ . . . of these united states of America, and to their confederation . . .”

Contrary to 150 years of propaganda, [the United States was never intended to be a nation](#). True, the Constitution represents a unifying bond, but it did not negate state sovereignty. Here's a simple analogy using a modern parallel:

the states : these united states :: the United States : the United Nations

Hence, in my revised pledge “united states” is not capitalized, so as to emphasize the primacy of state sovereignty. The use of the article “these” and not “the” emphasizes that the pluralism of the states underpins their union.



American nationalism OR the children’s crusade

By pledging allegiance to the confederation of states, I deliberately reject American nationalism. I am not promising to uphold the American central government at the expense of state sovereignty. A confederation is, by nature, voluntary. Hence, a pledge to respect the confederation is a pledge to respect its voluntary character. Even were I to allow that confederation to dissolve, I would not be violating my pledge. Rather, I would be respecting the voluntary nature of the confederation until its very end.

Every person who intones Bellamy’s Pledge to the indivisible nation is promising to forcibly prevent other people -other free agents- from withdrawing from the nation. By taking the Pledge, a person places himself as a despot over his neighbors. No word in the Pledge is more illiberal than the phrase “indivisible.”

” . . . guided by natural law . . . ”

Did I just omit the Pledge’s shout-out to God? Well yes, I did.

God is great. God is good. I believe this. But not all Americans identify with the Judeo-Christian tradition. In America there *is* a place for Muslims, Buddhists, agnostics, atheists, etc. Requiring them to pledge their loyalty to the Judeo-Christian God hardly respects their [religious liberty](#).

That being said, the American Constitutional order ought to have a rational, objective, and intelligible foundation. This requires some modicum of moral consensus. This common ground can be found in natural law. Natural law offers a set of moral principles that are knowable through reason and universal in application. People may not always agree on the content of natural law, but agreement on the existence of natural law is prerequisite to a public square and common language of debate in a plural society. As much as Christians might wish it to, Scripture alone does not accomplish these ends.



Thomas Jefferson. Enough said.

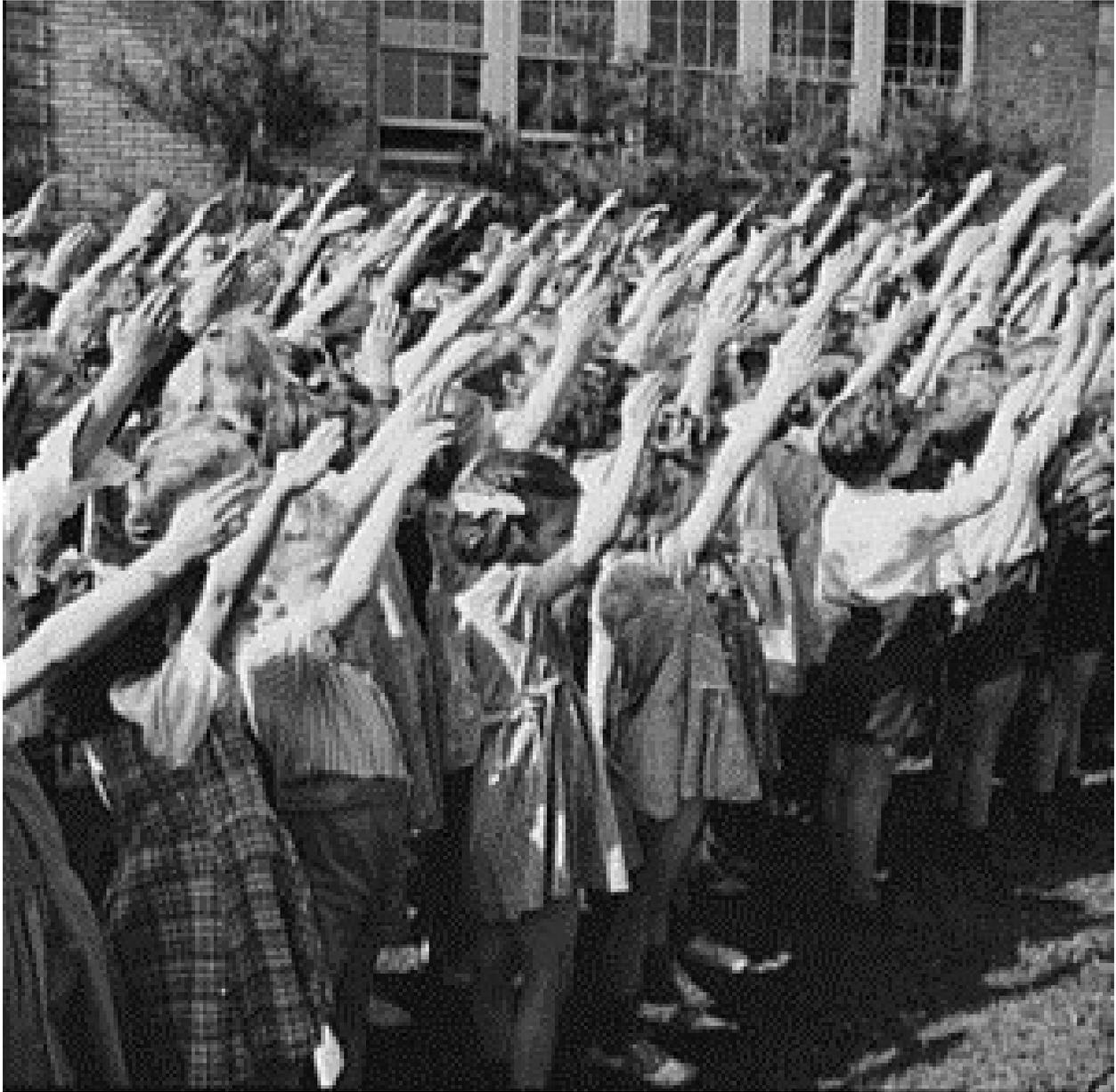
In order to reach theological common ground, C.S. Lewis wrote about “Mere Christianity.” America would be wise to ground public debate in “mere natural law.”

The Christian must not think that natural law detracts from the glory of God. Christians, after all, believe that the source of natural law is God’s eternal law. From the Christian perspective, natural law represents those moral principles that God made readily accessible to all men. He created our common ground. He gave people the faculty of reason, by which to discern the natural law.

Thomas Jefferson was correct, God “must more approve of the homage of reason, than that of blindfolded fear.” Reason is God’s creation.

“. . . protecting the life, liberty, and property of all.”

For these are [the only legitimate functions of government](#). There’s nothing terribly wrong with the original phrase “liberty and justice.” Again, it’s just not that specific.



A group of schoolchildren performing the Bellamy salute, May 1942.

In Conclusion

I don’t demand that you, dear reader, adopt my modified Pledge of Allegiance. I do encourage you to question the political and philosophical ideas underpinning Bellamy’s Pledge. Never pledge your love or loyalty to deplorable ideals simply because it is the “patriotic” thing to do.

Do you refuse to recite the Pledge of Allegiance? Why or why not? How would you amend the Pledge?

<http://conservativevistas.wordpress.com/2013/05/29/rewriting-the-pledge-of-allegiance/>



South Carolina Military Academy (The Citadel)

There were 224 living Citadel graduates when South Carolina announced it was seceding from the Union and 209 served in the confederate armed forces during the period referred to as The War Between the States (1861-1865). Of the 15 who did not serve 5 were ministers of the gospel, 2 were physicians, 2 civilian engineers for the confederate government, 1 railway official, 3 resided in California and one was studying in Germany. By proclamation, the South Carolina legislature declared that "all graduates of The South Carolina Military Academy (The Citadel) be qualified for officer status, up to Colonel," so most served as officers. Those alumni who did not graduate, but resigned in order to serve, were not necessarily granted officer rank.

On 9 January 1861 Citadel Cadets under the command of the college's Superintendent, Col. Peter Stevens, fired what many consider to be the first shots of the War Between the States when the battery at Morris Island opened fire on the federal ship Star of the West that had been ordered to re-supply the federal garrison manning Ft Sumter in Charleston harbor. The cadet battery was exceptionally accurate and by the 5/6th round the ship had turned about having been struck 3 times. South Carolina had already announced its secession in December 1860 and this event served to accelerate other southern states to join the confederacy.

In June, 1862, 37 cadets resigned from The Citadel and enlisted, forming the famous "Cadet Rangers," later to participate in the largest cavalry battle of the war at Trevilian Station, Va. In that battle, two "Rangers" were killed-in-action and six were wounded-in-action. During the war, a total of 11 Cadet Rangers were wounded in action and 4 made the ultimate sacrifice.

The Battalion of State Cadets was formed by order of the Governor and was made up of the combined classes of Citadel and Arsenal cadets. Among their numerous engagements was the Battle of Tulifinney Creek, SC. This battle may be the only time in U.S. history that an entire student body participated in a combat engagement and fought as a unit..... suffering eight casualties in the fight. The Battalion never surrendered in battle and never retreated, in fact they were the last armed confederate force in SC, and they fought what is arguably the last skirmish of the war at Williamston, SC on May 1, 1865. They finally disbanded themselves at Newberry, SC Courthouse on May 9, 1865. It should be noted for historical purposes that a member of this unit, W. McKenzie Parker, 1868, was arguably the last battle casualty of The War east of the Mississippi River when killed by federal soldiers on May 12, 1865, also at Williamston.

The Citadel knows of 90 graduates and cadets (those who resigned while a cadet to join the fight, and those called to serve in the Cadet battalion) who died in the war as a result of being combatants, to include those killed on the battlefield by hostile fire, those who died of wounds suffered on the battlefield, and those who died after contracting an illness on the battlefield. They are listed below to include the college's first graduate and first cadet combat deaths (KIA), as well as our first to be listed as Missing In Action (MIA). In total numbers, approximately 2275 students have been identified as having been enrolled as a cadet from 1842-1865 an estimated 325 were lost. There were 240 graduates (224 living at the time of hostilities) and 25% of those were lost. A known total of 31 cadets lost their lives serving in confederate forces during the war. Another result of the aftermath of this terrible conflict was that The Citadel was occupied by federal armed forces for 17 years reflecting the historical note that there were no graduating class's from 1865-1886.

As a result of actions on the battlefield by The Battalion of State Cadets, The Citadel earned the right to post nine "institutional" battle streamers for "significant participation in a battle of historical importance." Only VMI (one "institutional" streamer), Florida State, William & Mary and Univ. of Hawaii Army ROTC units (each with one) have also been authorized that right. The national service academies post the battle streamers of their respective services, but none for "institutional" participation by the cadet corps.

Much of Citadel record keeping was either lost, or intentionally destroyed, during the evacuation of the college in advance of Sherman's march into South Carolina in early 1865. Some records were transported to The Arsenal in Columbia as federal forces entered Charleston and physically occupied The Citadel for 17 years. Sherman's troops then marched on Columbia and many of the schools records that survived from Charleston were forever lost in the chaos that ensued. The data illustrated below is the result of referencing, and repeated cross-referencing, of SC state and local archives, family genealogy, books, Citadel record-keeping, on-line sources relating to Southern and South Carolina history of the period, even the engraving on various tombstones. Each name has been cross-referenced twice at a minimum, however one's unit and/or rank listed could be faulty due to eventual transfers/promotions. Research continues to uncover the identities of the other alumni who have made the ultimate sacrifice in answer to their state's call to arms and information from outside sources about alumni during this period is welcome. Dates, units, and rank can be erroneous due to record keeping, re-assignments, or promotions. On the list below, 'SOW' refers to one being a member of the battery on Morris Is. in 1861---a "Star of the West cadet".

Class Rank, Name, Unit Battle Death Date

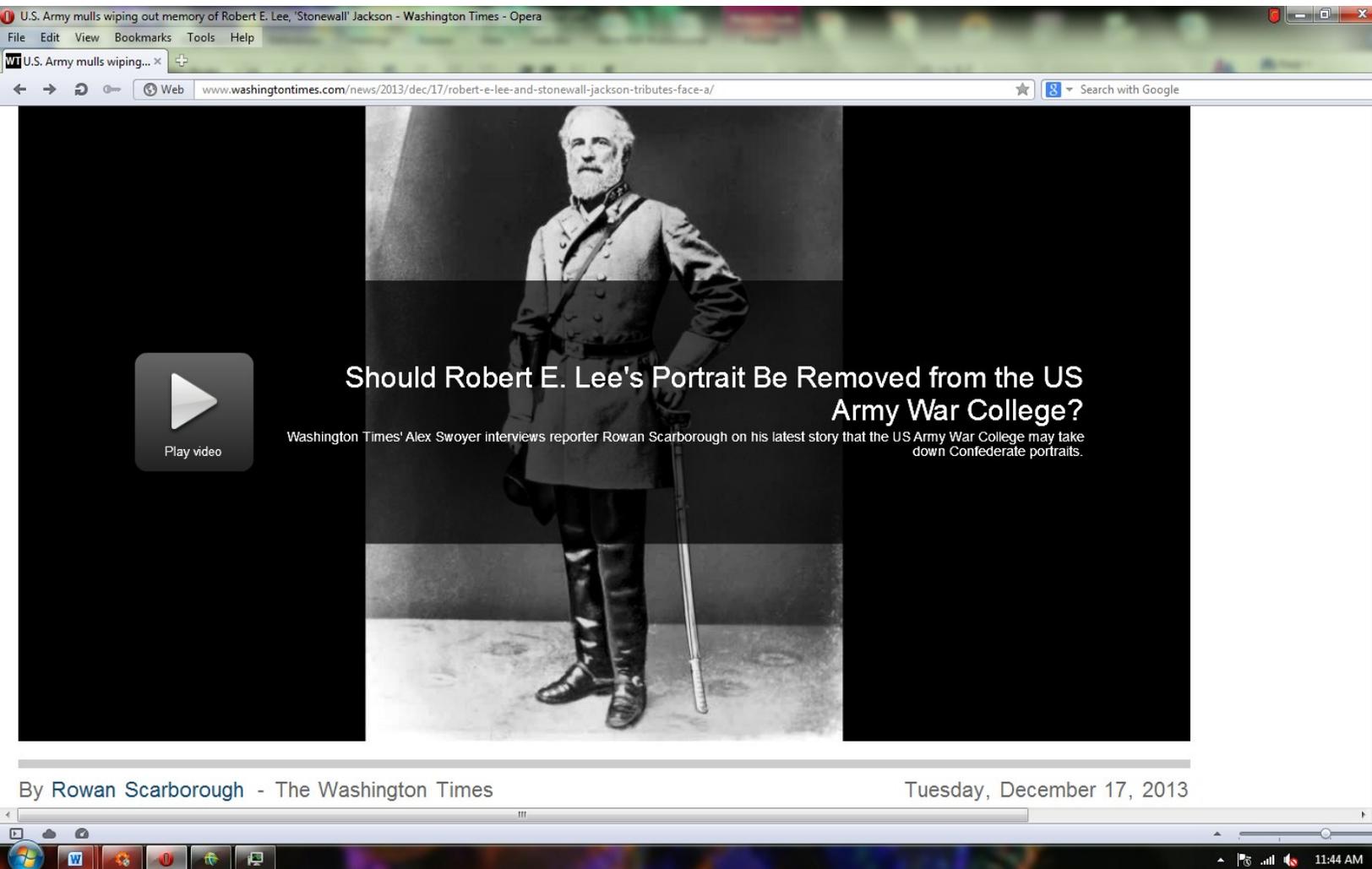
1846 Col. Charles C. Tew (2nd NC) KIA, Sharpsburg September 17, 1862
1847 Lt. Col. Augustus J. Lythgoe (1st SC) KIA, Stones River, TN December 31, 1862
1849 Lt. Col. Franklin Gaillard (2nd SC) KIA, Wilderness, VA May 6, 1864
1850 Cpt. S. N. Kennerly (1st SC) KIA, Weldon RR, VA August 21, 1864
1851 Cpt. Thomas B. Colding (Ga. Volun.) KIA, Winchester, VA June 13, 1863
1851 Lt. Col. F. Gendron Palmer (Holcombe's Legion) KIA, 2nd Manassas, VA September 14, 1862
1851 Col. Edward J. Walker (3rd Ga.) KIA, Atlanta August 21, 1864
1852 Cpt. W. S. Brewster (SCM 17th Reg) KIA, Fredericksburg, VA December 11, 1862
1852 Cpt. T. W. Fitzgerald (12th ALA) KIA, Chancellorsville, VA March 6, 1864
1852 Capt. George E. Gamble (SCM 3rd Reg) KIA, James Is., SC September 14, 1861
1852 Cpt. H. B. Housel (7th Fla.) Undetermined 1862
1852 Col. R. A. Palmer (2nd Miss.) KIA, 1st Manassas, VA (1st graduate KIA) July 21, 1861
1852 Lt. George Seabrook (1st SC) Battlefield Disease, Morris Is., SC April 2, 1861
1852 Maj. D. T. Williams (2nd SC) KIA, Gettysburg, PA July 2, 1863
1854 Col. D. G. Fleming (22nd SC) MIA, The Crater, VA July 30, 1864
1854 Cpt. C. T. Haskell (1st SC) KIA, Morris Is., SC July 10, 1863
1854 BG Micah Jenkins (Army of No. VA) KIA, Wilderness, VA May 6, 1864
1854 Cpt. J. S. Palmer (10th SC) KIA, Atlanta, GA July 22, 1864
1855 Cpt. J. M. Dean (7 ARK.) KIA, Shiloh, TN April 7, 1862
1856 Cpt. J. A. Evans KIA, Kinnesaw Mt., TN June 27, 1864
1856 Maj. J. A. Finch (6th SC) KIA, 2nd Manassas, VA August 30, 1862
1856 Cpt. J. H. Hart (12th SC) KIA, So. Mt., MD September 14, 1862
1856 Col. J. D. Nance (3rd SC) KIA, Wilderness, VA May 6, 1864
1856 Cpt. George A. Ross (Ark. Vol.) KIA 1861
1857 Col. C. W. McCreary (1st SC) KIA, Gravely Run, SC May 31, 1865
1857 Col. William D. Rutherford (3rd SC) KIA, Strasburg, VA October 13, 1864
1859 James E. Delorme Undetermined Undetermined 1859 Cpt. James L. Litchfield (7th SC) KIA, 2nd Manassas, VA September 13, 1862
1859 T. O. McCaslan (1st SC) KIA, 2nd Manassas, VA August 30, 1862
1859 Lt. G. M. McDowell (2nd SC) KIA, Gettysburg, PA July 3, 1863
1859 Col. William H. J. Mitchell (17th SC) MIA, Petersburg, VA (1st MIA) June 18, 1864
1859 Maj. W. P. Shooter (1st SC) KIA, Spotsylvania, PA May 12, 1864
1859 Col. O. J. Youmans (2nd SC) KIA, Wilderness, VA May 6, 1864
1860 Lt William Alisson (___) KIA, Unknown May 4, 1862
1860 Frank DeCardeuc (1st SC) Battlefield Disease, Staunton, VA November 3, 1863
1860 Maj. E. A. Erwin (1st SC) KIA, Morris Island, SC September 7, 1863
1860 Capt. Francis H. Harleston (1st SC) KIA, Ft. Sumter, SC November 24, 1863
1860 2/Lt. S. S. Kirby (Palmetto Light Artillery) KIA, Rivers Bridge, SC February 2, 1865
1860 2/Lt. Joshua Moses (3rd Palmetto) KIA, Ft. Blakely, Al. April 9, 1865
1860 Cpt. J. Nettles (10th SC) Died while POW January 14, 1863
1861 Lt Robert S. Bryce KIA, Chicamauga, GA September 22, 1863
1861 1/Lt. James H. Burns (6th NC) KIA, Gettysburg, PA July 2, 1863
1861 D. P. Campbell (11th SC) KIA, Pocataglio, SC October 22, 1862
1861 Lt. J. J. Coward (5th SC) KIA, Seven Pines, VA June 1, 1862
1861 Capt. Randall Croft (16th SC SOW CADET) Battlefield disease, Aiken, SC July 26, 1862
1861 1/Lt James Horlbeck (3rd SC Arty SOW Cadet) WIA, Avasboro, NC died from wounds 13 Jan 1866
1861 1/Lt. John Dosier Lee (9th SCV) KIA, Gaines Mill, VA June 30, 1862

1861 J. C. Palmer (24th SC) KIA, Chicamauga, GA September 19, 1863
 1861 Maj. John Marshall Whilden (23rd SC SOW Cadet) KIA, 2nd Manassas, VA August 30, 1862
 1861 Nicholas Wilson (12th SC) KIA, Sharpsburg, MD September 17, 1862
 1861 T. H. Wylie (6th SC) WIA, Seven Pines, VA 1862-06-05 Died of wounds 1865-11-17
 1862 Lt Thomas B. Alisson (___) WIA 1865, In Virginia Died of wounds 1866-10
 1862 Cpt. G. B. Dyer (2nd SC) KIA, Cold Harbor, VA June 1, 1864
 1862 Capt. G. M. Lalane (25th SC) KIA, James Island, SC July 30, 1863
 1862 Cadet Ranger G. A McDowell (6th SC) KIA, Johns Island, SC February 9, 1864
 1862 William McKewn (5th SC) KIA, Fredericksburg, VA December 14, 1863
 1862 Lt. J. T. Norris (19th SC) KIA, Stones River, TN January 10, 1863
 1863 2/Lt. John A. Craig (21st SC) KIA, Drury's Bluff, VA May 16, 1864
 1863 J. B. Dotterer (24th SC) KIA, New Hope Church, GA May 24, 1864
 1863 Cadet Ranger John S. Dutart (6th SC Cavalry) KIA, Johns Island, SC February 9, 1864
 1863 William Gregg (21st SC) KIA, Gaines Mill, VA June 29, 1863
 1863 P. Hamilton (24th SC) KIA, Chickamauga, GA September 19, 1863
 1863 Col. M. B. Humphrey (6th SC "Cadet Ranger") KIA, Bentonville, NC April 30, 1865
 1863 John C. Neil (Palmetto Sharpshooters) KIA, 2nd Manassas, VA August 30, 1862
 1863 "Cadet Ranger" W. J. Nettles (6th SC Cavalry) KIA, Franklin, TN October 27, 1864
 1863 Maj. T.A. Quattlebaum (7th SC SOW Cadet) MIA, The Crater, VA July 30, 1864
 1863 William Mason Smith (27th SC) KIA, Cold Harbor, VA June 1, 1864
 1864 Cadet Ranger A.W. Dozier (6th SC) Died from POW wounds, POW Confinment June 2, 1869
 1864 Cpt. A. F. Miller (1st SC) KIA, Petersburg, VA November 30, 1864
 1864 "Cadet Ranger" James O. Sheppard (6th SC) KIA, Trevilian Station, VA June 12, 1864
 1864 Cadet Ranger Joseph Willingham (___) KIA, Fayetteville, NC Jan 1865
 1865 "Cadet Ranger" Ross Davis (6th SC) KIA, Petersburg June 12, 1864
 1865 George W. McKenzie (2nd SC) KIA, Mt. Jackson, VA January 4, 1864
 1865 R. F. Nichols (add 7th SC) Battlefield Disease December 10, 1864
 1865 W. J. B. Patterson (Battalion of State Cadets) KIA, Tulifinny Creek, SC (first cadet KIA) December 7,
 1864 1866 John Culbreath (7th SC) Battlefield Disease April 17, 1865
 1866 B. T. Gibbs (16th SC) Battlefield Disease March 12, 1864
 1866 H. S. Morrison Battlefield Disease August 16, 1863
 1866 William Ravenel Battlefield Disease August 23, 1863
 1867 Brooks (6th SC Cavalry) June 12, 1864
 1867 Joseph P. Huger (Manigaults Battalion) KIA, Ft. Sumter, SC April 13, 1864
 1867 Joseph E. Sams (8th SC) Battlefield Disease March 22, 1865
 1868 Albert O. Brown (26th SC) Battlefield Disease January 29, 1865
 1868 George O. Buck (7th SC) Battlefield Disease January 22, 1865
 1868 George Grant (18th SC) MIA, Bentonville, NC March 21, 1865
 1868 Thomas Albert Johnson (7th SC) Battlefield Disease March 23, 1865
 1868 Osma Knox Battlefield Disease November 28, 1864
 1868 Johnnie C. Mangrum (26th SC) Battlefield Wounds 1866
 1868 Robert E. Muldrow (25th SC) Battlefield Disease April 7, 1865
 1868 Russell Noble (7th SC) Battlefield Disease January 12, 1865
 1868 W. McKenzie Parker (Battalion of State Cadets) KIA, Williamston, SC (last confederate death) May 9,
 1865

**The Citadel flag posted here is believed to be the original 'Big Red,' the flag
 flown on Jan. 9, 1861, when Citadel cadets fired on the Star of the West.**

Southern Discomfort: U.S. Army seeks removal of Lee, 'Stonewall' Jackson honors

Revisionist history would remove portraits of Confederate legends



The screenshot shows a web browser window with the address bar displaying "www.washingtontimes.com/news/2013/dec/17/robert-e-lee-and-stonewall-jackson-tributes-face-a/". The main content area features a video player with a large play button on the left. The video title is "Should Robert E. Lee's Portrait Be Removed from the US Army War College?". Below the title, a subtitle reads: "Washington Times' Alex Swoyer interviews reporter Rowan Scarborough on his latest story that the US Army War College may take down Confederate portraits." The video player background shows a black and white portrait of Robert E. Lee in military uniform, standing with a cane. At the bottom of the browser window, the author "By Rowan Scarborough - The Washington Times" and the date "Tuesday, December 17, 2013" are visible. The Windows taskbar at the bottom shows the time as 11:44 AM.

[CLICK TO VIEW](#): Runtime: 01:16

The U.S. Army War College, which molds future field generals, has begun discussing whether it should remove its portraits of Confederate generals — including those of Robert E. Lee and Thomas “Stonewall” Jackson.

Nestled in rural Pennsylvania on the 500-acre Carlisle Barracks, the war college is conducting an inventory of all its paintings and photographs with an eye for rehangng them in historical themes to tell a particular Army story.

During the inventory, an unidentified official — not the commandant, Maj. Gen. Anthony A. Cucolo III — asked the administration why the college honors two generals who fought against the United States, college spokeswoman Carol Kerr said.

“I do know at least one person has questioned why we would honor individuals who were enemies of the United States Army,” Ms. Kerr said. “There will be a dialogue when we develop the idea of what do we want the hallway to represent.”

She said one faculty member took down the portraits of Lee and Jackson and put them on the floor as part of the inventory process. That gave rise to rumors that the paintings had been removed.

“This person was struck by the fact we have quite a few Confederate images,” she said, adding that the portraits were rehung on a third-floor hallway. “[Lee] was certainly not good for the nation. This is the guy we faced on the battlefield whose entire purpose in life was to destroy the nation as it was then conceived. ... This is all part of an informed discussion.”

It is the kind of historical cleansing that could spark an Army-wide debate: Lee’s portrait adorns the walls of other military installations and government buildings.

Two portraits of Lee are on display at the U.S. Military Academy at West Point, N.Y.: In the Cadet Mess Hall is a painting of Lee when he was superintendent as an Army captain. A portrait of Lee in full Confederate regalia hangs on the second floor of Jefferson Hall, the campus library.

SOUTHERN MEN

The U.S. Army War College is rethinking the display of its portraits of Robert E. Lee and Thomas “Stonewall” Jackson. Other locations with commemorative displays of Confederate generals include:

- U.S. Military Academy at West Point, N.Y., where two portraits of Lee are displayed on campus.
- Fort A.P. Hill, Va., named for the Confederate general who distinguished himself in battles at Cedar Mountain, Antietam and Fredericksburg.
- Fort Lee, Va., home of the Army’s Combined Arms Support Command, Ordnance School and Quartermaster School.
- U.S. Capitol, where a statue of Lee stands in Statuary Hall.
- West Virginia State Capitol, with a statue of Jackson on the south lawn.
- Stone Mountain, Ga., which has a bas-relief carving of Lee, Jackson and Confederacy President Jefferson Davis.
- Washington and Lee University in Lexington, Va., named for George Washington and Lee. Lee Chapel on campus also is named for the Civil War general.
- University of Texas at Austin, where a statue of Lee is displayed on campus.

THE WASHINGTON TIMES

Opened in 1901 to study the lessons of war, the Army War College is a history class and modern warfare symposium for lieutenant colonels and colonels who know that a diploma from the institution helps their chances with the promotion board. The college graduates more than 300 U.S. officers, foreign students and civilians in two classes each year.

Lee’s life story is full of personal conflict.

Born and raised in Virginia, the son of a Revolutionary War hero and governor, Lee graduated from the Army’s premier undergraduate school, West Point, and returned as its superintendent. Serving as a

combat engineer, he distinguished himself in the Mexican-American War, during which he was wounded and received several battlefield promotions. Yet he broke with the Union and agreed to lead the Army of Northern Virginia for the Confederate States of America.

Jackson, who also received battlefield promotions during the Mexican-American War, is another West Point graduate.

In 1975, Congress enacted a joint resolution reinstating Lee’s U.S. citizenship in what could be considered a final act to heal Civil War wounds. The resolution praised Lee’s character and his work to reunify the nation. It noted that six months after surrendering to Gen. Ulysses S. Grant, Lee swore allegiance to the Constitution and to the Union.

"This entire nation has long recognized the outstanding virtues of courage, patriotism and selfless devotion to duty of General R.E. Lee," the joint resolution stated.

President Ford traveled to Arlington House, Lee's former home in Virginia, to sign the resolution into law on Aug. 5, 1975.

Ford quoted from a letter that Lee wrote to a former Confederate soldier: "This war, being at an end, the Southern States having laid down their arms, and the questions at issue between them and the Northern States having been decided, I believe it to be the duty of everyone to unite in the restoration of the country and the reestablishment of peace and harmony."

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

Read more: <http://www.washingtontimes.com/news/2013/dec/17/robert-e-lee-and-stonewall-jackson-tributes-face-a/#ixzz2oVbOETGn>

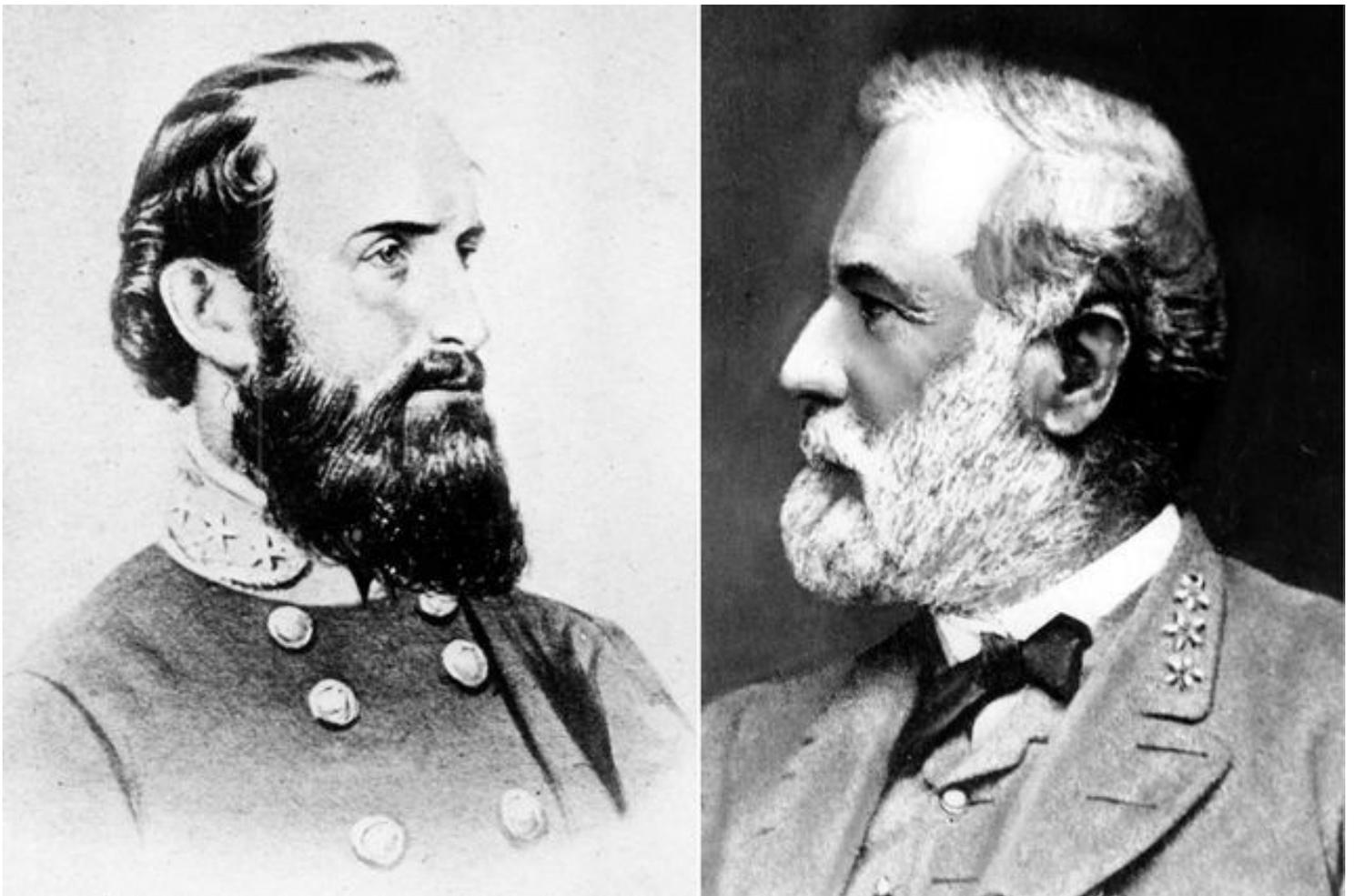


ILLUSTRATION Confederate Gen. Thomas Jonathan 'Stonewall' Jackson (L) and Confederate Gen. Robert E. Lee

The Abandoned Home

Posted on [December 24, 2013](#) by [championhilz](#)

I found this article recently in *The Iuka Vidette*, April 31, 1910 – it's not very long, but in very few words the writer paints a vivid picture:

Some three miles east of Iuka, surrounded by a forest of second growth timber, is an abandoned farm. There is a dim, old road that leads to the place, and there are ruins of old chimneys where there once stood a happy home, some half a century ago. Briars grown in the old garden place and choke up the way to the spring from whence came the supply of water for the family years ago. This is the McKeown old place. From this home a stalwart son, Isaac by name, went forth to the great Confederate war and followed the stars and bars till on the bloody field of the Wilderness fight he yielded up his life's blood. From here went forth two other sons, J. T. and L. A. McKeown, both of whom are Methodist ministers – one in the Mississippi Delta and the other in the wind-swept plains of Texas. Meanwhile silence reigns round the site of the old homestead unbroken save by the owl or the cry of other wild denizens of the forest.

I did a little research, and found that the McKeown family was living in Tishomingo County, Mississippi, when the 1860 United States Census was taken. Thomas and Mary McKeown had a small farm where they lived with their children: Isaac, James, Margaret, Elizabeth, Christopher, Joseph, and Luther. When the Civil War started, the two eldest boys, Isaac and James, enlisted in Company K, "Iuka Rifles," 2nd Mississippi Infantry.

Looking up the service records of Isaac and James told me the grim story: James, who was 20 when he enlisted in the army, was mortally wounded at the Battle of Gaines Mill, Virginia, on June 27, 1862, and he died at Richmond, Virginia, on July 5, 1862. His older brother Isaac, who was 29 when he enlisted, was wounded in action and captured at the Battle of Gettysburg, Pennsylvania. Taken to Point Lookout prisoner of war camp, he was exchanged on March 3, 1864. Returning to the ranks of the 2nd Mississippi, he was mortally wounded at the Battle of the Wilderness, and died on May 8, 1864, while being transported to the hospital.

The Confederate government never had the means to award medals of valor to its soldiers, but the Southern congress did authorize its soldiers to vote on which of their members should have their names added to a roll of honor for each battle in which they participated. After the Battle of the Wilderness, the men of the 2nd Mississippi Infantry voted, and one of the names added to the roll of honor was that of Private Isaac McKeown.

In time the war ended, and the surviving members of the McKeown family went on with their lives. Patriarch Thomas McKeown died in 1870, and he was followed to the grave five years later by his wife Mary. The couple are buried in Snowdown Cemetery in Tishomingo County. The McKeown children must have moved off as they married and started their own lives, leaving the family farm to fall to ruin.

Photograph of a ruined house taken during the Civil War. This particular image was taken on the Gaines Mill Battlefield, where James McKeown was mortally wounded – Library of Congress



The Forgotten Confederate Jew

How history lost Judah P. Benjamin, the most prominent American Jew of the 19th century

By [Daniel Brook](#)



(Collage [Margarita Korol](#); original images [Yale University Library](#))



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Temptations is a New Orleans strip joint whose neon sign declares it “The Gentlemens’ [sic] Club in a Class By Itself.” Open noon ’til dawn, it sits on a crowded stretch of Bourbon Street between the century-old Galatoire’s restaurant and Larry Flynt’s Barely Legal Club. Inside Temptations, the ground-floor parlor is done up in antebellum-period décor, with a pair of grand fireplaces and crystal chandeliers. The paint on the walls cracks with antiquarian charm. At the rear of the room, red velvet-upholstered stools line a bar that serves up chilled cocktails to cut the bayou heat. The parlor is centered around a stage with a dance pole, where, during a recent late-night visit, a stripper billed as “Ryan” Lockhart was hard at work, wriggling her g-string-clad body around the head of a bald man with a fist full of money.

When Lockhart finished her routine, redonning her leopard-print brassiere and shredded black dress and joining the half-dozen other ladies working the floor, I asked if she was aware of the building’s notable history as the former home of Judah P. Benjamin, the Confederate secretary of state and America’s first openly Jewish senator. She was not. I told her that up the staircase to the lap-dance rooms had once ascended “the brains of the Confederacy,” the U.S. Senate’s whip-smart “Gentleman from Louisiana,” a gifted orator—the most prominent American Jew of the 19th century.

Lockhart’s ignorance was unsurprising—and not just because the exotic dancer is no Civil War buff. Benjamin has confounded even the myriad professional historians who have tried to rescue him from his obscurity as the enigma who stares out from the Confederate \$2 bill. But how could so prominent a man, anointed in the moonlight-and-magnolias-besotted chronicle of the antebellum Southern aristocracy, *A Class by Themselves*, as “arguably the greatest of all Southerners,” be so utterly forgotten today? Temptations, I pointed out, didn’t have so much as a plaque acknowledging its building’s tremendous significance to New Orleans, Southern, and American-Jewish history.

Lockhart, having mastered her profession’s art of feigning interest in men’s minds as a way into their wallets, pressed her hand insistently to my thigh and gushed, “*That* explains why the place is haunted.”

Benjamin hovers like an apparition over American Jewish history. His four-story Bourbon St. townhome was [erected in 1835](#) for him and his new bride, Natalie St. Martin, and his in-laws, French colonial aristocrats who had fled the Haitian slave revolt of 1791 for New Orleans. Benjamin had married Natalie two years earlier, when he was 21 and she just 16.

Benjamin was born a British subject on St. Croix in 1811 to a family of Sephardic Jews. In 1822, the Benjamin family immigrated to America, seeking their fortune in what was then the nation’s [most Jewish city](#): Charleston, S.C. According to S.I. Nieman’s 1963 biography—one of a string of such scholarly tomes collecting dust on library shelves—the boy who would grow up to be one of the South’s leading defenders of its peculiar institution was welcomed to the famously beautiful port city with the grisly sight of dozens of limp black bodies dangling from gallows. A few days before the Benjamins’ arrival, sentences had been meted out in a slave revolt conspiracy organized by Denmark Vesey, a Haitian-born freedman who had hit the Charleston city lottery and, inspired by the revolution in his homeland, used his winnings to finance an ill-fated slave uprising.

As a Charleston schoolboy, Judah was adored by his teachers for his quick mind. He was packed off to Yale at age 14 where he became the sole Jew in his class. In New Haven, Judah distinguished himself as a debater, engaging the questions that he would eventually argue on the Senate floor, including “Ought the government of the U. States to take immediate measures for the Manumission of the slaves of our country?” and, ominously, “Is it probable that our country will continue united under its present form of government for a century?”

But the little big man on campus—Benjamin stood just over five feet tall—never graduated. In 1827, he was expelled from the university for “ungentlemanly conduct” of an unspecified nature. Rumors that the tempest in

New Haven involved gambling, carousing, or kleptomania dogged him the rest of his life, particularly during the Civil War when the Northern press rehashed the scandal to tar the man they called the South's "evil genius."

Benjamin hovers like an apparition over American Jewish history

Apparently ashamed to return to Charleston in disgrace, Benjamin instead headed to its bawdy sister city on the Mississippi: New Orleans, a polyglot metropolis of 50,000 divided by its central artery, Canal Street, into francophone and anglophone zones. Perhaps inspired by their own sleepless nights letting loose on Bourbon Street after a long day at the archives, myriad historians have indulged in evidence-free speculations on the debauched Big Easy antics of the young Benjamin. "Whether he also found time for the ladies and the music of Rampart Street, for the fiestas and the street dancing, no record would show," Nieman wrote. "But for a few short years, he was a gay bachelor, and New Orleans was 'the City of Sin.'" In today's post-Stonewall hindsight, however, the scant historical record would suggest that Benjamin was, if anything, a gay bachelor in the contemporary sense of the word. Yet this doesn't stop another biographer from speculating that Benjamin may have fathered children with a mixed-race mistress, as was common among upper-class gentlemen in antebellum New Orleans. (In these common-law marriages, the children took the father's name, which strongly suggests that Benjamin did not engage in such heterosexual, hetero-racial liaisons.)

If Benjamin was gay, he soon had a beard. A generation after Louisiana's acquisition by America, the territory's French Creole elite was eager to marry its daughters off to the ascendant *Americains* and Benjamin, eager to move up in his latest hometown, learned French, began tutoring Natalie St. Martin in English as a second language, and married her in 1833. (He remained Jewish and she Catholic in a remarkably modern arrangement.) It was a marriage of convenience. Judah got the social legitimacy that helped him build his career first as a corporate lawyer and then as a politician as well as netting him a sizable dowry that included a pair of slaves. Natalie married a successful attorney on his way to becoming a leading statesman, a man who asked little of her in return. Natalie soon abandoned both the Bourbon St. townhouse and the whitewashed Greek Revival plantation home Benjamin built downriver in Plaquemines Parish, for the cultured life of Paris—and the attentions of a string of other men. Despite her open infidelity, Benjamin continued to support his wife's lavish lifestyle and arrived annually to visit her and Ninette, the daughter she bore soon after the move to France.

Benjamin's professional life was as successful as his personal life was troubled. By 1852, "the Little Jew from New Orleans" had made enough of a name for himself as a state legislator to be sent to the U.S. Senate, chosen, as was then customary, not by popular election but by statehouse pols. On the Senate floor, Benjamin flourished as an orator of the Southern cause, a master of the secessionist rhetoric that cast slaveholders as victims. After Abraham Lincoln's election in 1860, with the war looming, Benjamin intoned in a speech to his Northern Senate colleagues, "You may carry desolation into our peaceful land, and with torch and fire you may set our cities in flames ... but you never can subjugate us; you never can convert the free sons of the soil into vassals, paying tribute to your power; and you never, never can degrade them to the level of an inferior and servile race. Never! Never!" When an abolitionist senator, citing the Book of Exodus, called Benjamin out for the signal hypocrisy of a Jew shilling for slavery—he tarred him as "an Israelite with Egyptian principles"—Benjamin cried anti-Semitism and refused to answer the charge on the merits.

With Louisiana's secession from the Union in 1861, Benjamin, having turned down the chance to be the first Jew nominated to the U.S. Supreme Court, was tapped by Confederate President Jefferson Davis as his right-hand man. During the war, Benjamin rotated through a series of Cabinet positions, first attorney general, then secretary of war, and finally secretary of state. Because of Benjamin's Jewishness, Davis presumably figured he could never challenge him for the presidency should the South succeed in its bid for independence. (Unlike the United States Constitution, the Confederate Constitution [permitted](#) immigrants to become president provided they were Confederate citizens at the time of its ratification.) Secretary of State Benjamin was given the

daunting diplomatic task of trying to obtain international recognition for the South as an independent country—a hopeless endeavor he pursued with such zeal he was later dubbed the “Confederate Kissinger.”

When the war ended, Benjamin fled Richmond posing as a French farmer who spoke only broken English. The short, fat attorney eluded a U.S. Army manhunt through the swamps of Florida before setting sail for London, where he began his legal practice anew from scratch. Soon counted among Britain’s most successful barristers, he built his wife a trophy home on the Rue d’Iéna in Paris and threw a lavish wedding for his daughter. In 1884, Benjamin died a wealthy man. Against his wishes, his wife had him buried in a Catholic cemetery, the famed Père Lachaise, where he rests today in obscurity, ignored by tourists tramping from Marcel Proust’s grave to Jim Morrison’s.

Why did Benjamin disappear? It is certainly not for lack of scholarly efforts to remember the “Jewish Confederate.” In every age, a heroic sage struggles to rescue Benjamin from obscurity—and invariably fails. The complete catalog of Benjamin biographies reads like a very long joke, a string of titles that includes Martin Rywell’s 1948 tome, *Judah Benjamin: Unsung Rebel Prince* and then, 15 years later, Nieman’s *Judah Benjamin: Mystery Man of the Confederacy*. That 1963 work opens by mourning that Benjamin remains “a half-forgotten name,” eerily echoing Rollin Osterweis’ 1933 biography *Judah P. Benjamin: Statesman of the Lost Cause*, whose preface notes, “Every American thrills at the brave tales of the Day of the Confederacy. And when he recalls the spirit of Calhoun, borne onward by the Sword of Robert E. Lee, let him not forget the indomitable Benjamin, gallant statesman of the Lost Cause.”

Anti-Semitism is undoubtedly a factor in the postbellum’s South exclusion of Benjamin from its Confederate pantheon. The portly, pint-sized Jew commanding the valiant gentile generals was a convenient scapegoat for the military disasters that unfolded on his watch as secretary of war. But it is more the events and memorializations of the postbellum era that sealed Benjamin’s sorry fate. While Jefferson Davis became a martyr to the Lost Cause, spending two years in a U.S. Army brig and being stripped of his American citizenship, Benjamin fled the country to become a rich British lawyer. As a resentful, defeated South transformed Southern-ness into a veritable ethnicity—when Jefferson Davis’ daughter, Winnie, was betrothed to a New Yorker, the proposed “mixed marriage” so scandalized the South that the engagement was called off—the Caribbean-born Jew with the francophone Catholic wife did not fit the hero’s casting call.

Even New Orleans’ [Confederate Memorial Hall](#)—a monument to the Lost Cause, opened in 1891 and built to look like a church, with its vaulted ceiling and stained-glass—contains virtually nothing relating to the highest-ranking Confederate official the city produced. I was told the institution held a bed rumored to have belonged to Benjamin, but it is kept in storage, disassembled.

For the guardians of Confederate memory after Reconstruction, Benjamin became a kind of pet Jew, generally ignored, but then trotted out at opportune moments to defend the segregated South against charges of bigotry. In 1943, the United Daughters of the Confederacy, an organization whose idea of a fundraiser in the early 20th century was selling primers on the glories of the Ku Klux Klan to schoolchildren, erected a pink granite monument to Benjamin on the Sarasota, Fla., plantation where he set sail to escape his U.S. Army pursuers. As the segregated units of America’s Jim Crow army marched into battle against Hitler’s Jew-hunting *Wehrmacht*, a UDC official intoned, “While Hitlerites spew lies that tend to arouse anti-Jewish passions ... Florida, through the United Daughters of the Confederacy, does well to build this monument ... for it will stand as a guidepost and reminder that this nation is still the pillar of freedom and tolerance. It is the south’s personal challenge to Nazism and hate.”

On June 2, 1968, as local headlines detailed a synagogue bombing in neighboring Mississippi by white supremacist night riders, a memorial bell dedicated to Benjamin was unveiled at the site of his plantation home

in Plaquemines Parish. Benjamin's home itself had been leveled eight years before the ceremony to make way for an airfield, despite the Works Progress Administration having [pleaded](#) in the 1930s that "No home in Louisiana has more claim to historical interest than this . . . immense gloomy, old white house, seemingly dead amid a wilderness of verdure." (The caption beneath the photograph of the just-unveiled memorial in the *Times-Picayune* makes the suspicious error of identifying Benjamin as "the Confederacy's treasurer.")

Southern conservatives were not alone in their discomfort with Judah P. Benjamin. Today's liberal American Jewish community also appears to be squeamish about preserving the memory of its illustrious ancestor. Reform Rabbi Daniel Polish surely spoke for many when he recounted in the *Los Angeles Times* in 1988 that learning of Benjamin "represent[ed] a significant dilemma [in] my years growing up as a Jew both proud of his people and with an intense commitment to the ideals of liberalism and human solidarity that I found embodied in the civil rights movement." In her 2009 Jewish Civil War spy novel, *All Other Nights*, novelist [Dara Horn](#) casts Benjamin unsurprisingly as an arch-villain. Horn introduces him to readers at a painfully ironic New Orleans Passover Seder prepared and served by slaves.

Even if they could make peace with his politics, contemporary liberals still couldn't claim Benjamin as gay ground-breaker with full assurance because the historical record is too sparse. When a biographer approached Benjamin in the final year of his life, hoping to read his papers and interview him, he replied, "I have no materials available for your purpose. . . . I have never kept a diary or retained a copy of a letter written by me . . . for I have read so many American biographies which reflected only the passions and prejudices of their writers, that I do not want to leave behind me letters and documents to be used in such a work about myself." Before his death, Benjamin destroyed even the few papers he had. (Whatever the facts of Benjamin's personal life, the title of first gay senator would still likely belong to William King of Alabama, who went to Washington decades before Benjamin and served as a kind of First Gentleman to bachelor president James Buchanan.)

Acknowledging the likelihood that Benjamin was gay makes the pathological privacy that puzzled his chroniclers much more understandable. Reading those biographies today, one experiences the strange sensation that historians are presenting him as an almost farcically stereotypical gay man and yet wear such impervious heteronormative blinders that they themselves know not what they write. At the turn of the last century, one biographer, Pierce Butler, painted Benjamin as a fastidious wedding planner, noting that his letter recounting his daughter's Parisian nuptials is "almost feminine in its attention to detail." A 1960s biographer reprints "the dapper Jew's" queeny rant over the powdered-wig getup he was made to don as a London barrister—and yet insistently paints Benjamin as a hen-pecked, jilted spouse, who reluctantly lived with his little sister, Peninah ("Penny"), rather than his beloved wife at his Belle Chasse mansion. Even as late as the 1980s, a biographer's dish that Benjamin was "a favorite of all government wives in the Richmond capital" seems to assume his popularity was that of a rake not a hag-magnet.

Only in the 2001 reprint of a 1943 biography does historian William C. Davis finally acknowledge in his introduction "cloaked suggestions that he [Benjamin] was a homosexual." This distinct possibility colors not only Benjamin's enduring marriage to an unfaithful woman on another continent but also his mystery-shrouded dismissal from Yale for "ungentlemanly conduct." In a larger sense, it colors Benjamin's scrupulous privacy and his descent into historical obscurity itself.

Whatever his reasons, by destroying his papers, Benjamin ensured not just his personal privacy but his historical marginalization. For all his prominence, he is largely absent from Civil War history books because he left nothing for historians to work from. By contrast, such books are dominated by minor personages like Mary Chestnut, the wife of a military aide to Jefferson Davis, and George Templeton Strong, a New York lawyer, not because they enjoyed anything rivaling Benjamin's importance but solely because they were such committed and eloquent diarists.

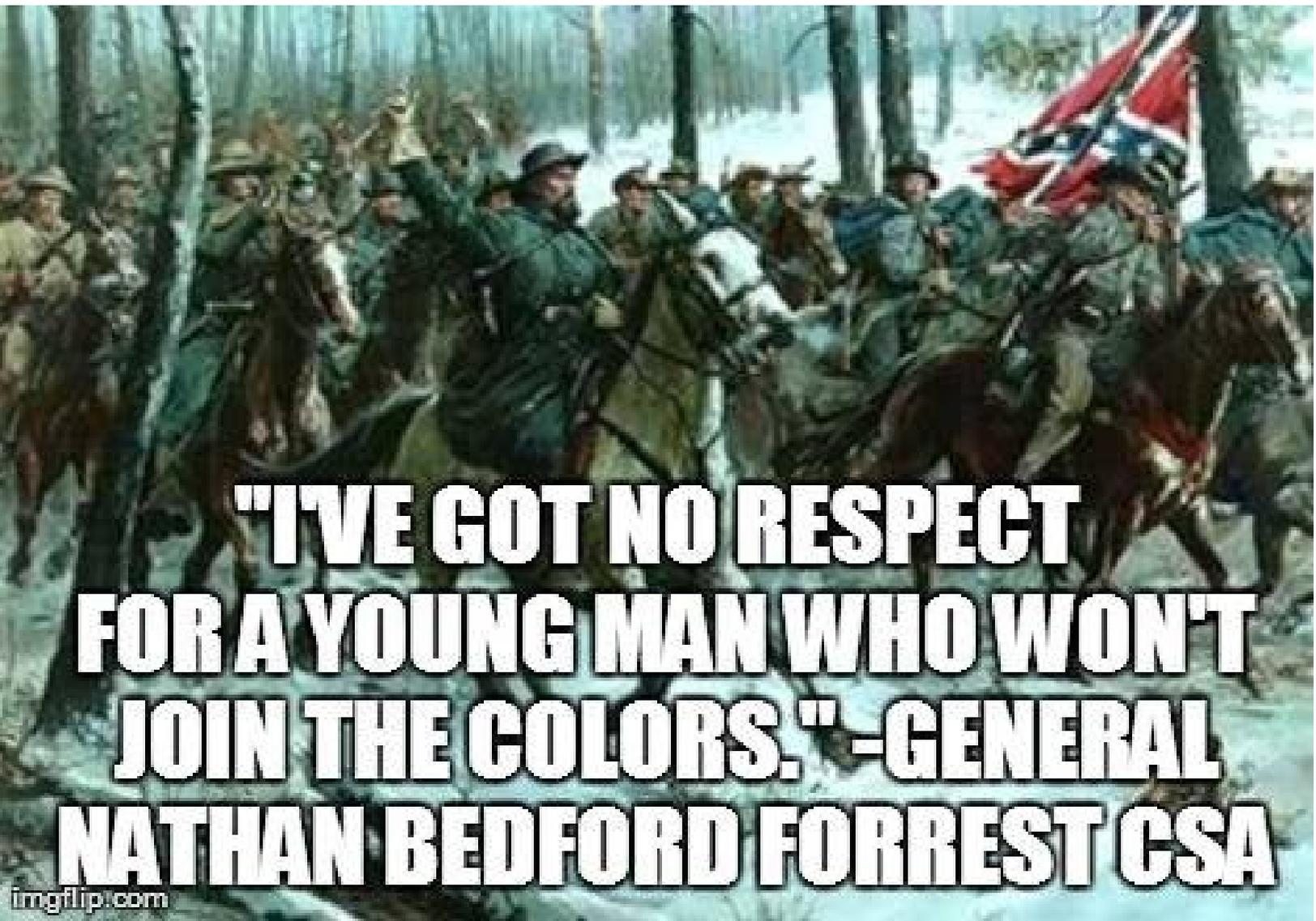
During the 2010 Jewish Federations of North America General Assembly in New Orleans, four men, a rabbi among them, dropped by Temptations one afternoon and requested a tour.

“The Jewish aspect, that was their interest,” Denise Chatellier, the blonde, middle-aged manager told me, in her office marked “Satan Place.” As word spread through the convention, dozens of attendees slipped out of dull conference sessions to take in the Benjamin residence. “All of a sudden, I was giving all these tours,” Chatellier said. “They were the ones who opened my eyes up to appreciate the whole history of the place.” At the convention, meanwhile, Israeli Prime Minister Benjamin Netanyahu used Benjamin’s signature rhetorical tactic to tar his young Jewish hecklers as anti-Semitic dupes for suggesting that a unique history of suffering should make Jews particularly sensitive to human rights.

On the floor of Temptations, such heady concerns felt remote. As Lockhart’s successor on the pole spun around in a pink teddy, patrons downed enough liquor to blot out whatever would happen in this house a few hours from now, let alone a few centuries ago. Lockhart had told me that the upper floors of the home are inhabited by a ghostly woman in a white dress, whose presence can be felt moving through the darkened hallways and empty lap-dance rooms. She agreed it would have to be Ninette, Benjamin’s Parisian-raised daughter, still searching for her absentee father, a man lost to history not least because he doesn’t want to be found.

Daniel Brook, a New Orleans-based journalist, is the author of two books, including [A History of Future Cities](#), to be published by W. W. Norton in 2013.

<http://www.tabletmag.com/jewish-arts-and-culture/books/106227/the-forgotten-confederate-jew>



Virginia Flagger's year-end report

As we approach the end of 2013, the Virginia Flaggers look back with awe and amazement on what has been a phenomenal year, and with sincerest appreciation for each person whose support and encouragement has made it possible. Like MANY of you, our folks have been busy, and we want to share just a glimpse of what we have been up to...

For the second year, the Va Flaggers led two days of Flagging in Lexington, VA, in January, to protest the City Council's discriminatory flag ban, and honor Lee & Jackson on the State holiday. As in 2012, we sponsored a banner plane, which circled the town during the events on Saturday, and participated in the parade and memorial services.

That same month, Va Flagger Tripp Lewis was arrested for carrying a Confederate Flag on Confederate Memorial Park, on the grounds of the Old Soldiers' Home in Richmond. Tripp was carrying the flag as a tribute to his ancestor on the day marking the anniversary of his admittance into the home. A groundswell of support brought in funds to pay his legal fees, and all criminal charges were dismissed in August. This laid the groundwork for Civil action, which is currently pending, and will serve to address the ongoing violations of constitutional rights and continued desecration of the Confederate Memorial Chapel and Confederate Memorial Park by the VMFA.

Throughout the year, our ongoing vigil at the Virginia Museum of Fine Arts continued. EVERY WEEK, TWICE A WEEK, members of the Va Flaggers gathered to forward the colors and protest the forced removal of Confederate Flags from the Confederate Memorial Chapel. Started in October of 2011, we could never have imagined that what we do there every week would make such a difference. Each week, we see the fruits of our efforts, as we change hearts and minds, and change the landscape in Richmond. By our records, our Flaggers logged over 3,000 hours of flagging at the VMFA alone, in 2013. This front, on the sidewalk of the Boulevard, is only one of many which we are pursuing in the battle to RETURN the flags and RESTORE the honor to the Chapel.

In August, news of the sellout of the Museum of the Confederacy meant we added its Richmond location to our flagging schedule, and we have maintained a presence ever since, reminding museum officials that there are those of us who do not take kindly to seeing our heritage and history sold to the highest bidder, and to let visitors and guests know of the shenanigans taking place.

Susan had the pleasure of speaking at dozens of SCV meetings, and even her first UDC speaking engagement, as she traveled to 9 states during the year, sharing information about heritage defense and

encouraging others to take a stand for their ancestors. In April, she was especially honored to speak at the raising of the World's Largest Third National Flag in Tampa.

In July, she was pleased to attend the SCV National Reunion in Vicksburg, where she was well received and thrilled to meet so many friends and supporters. The highlight of the trip was receiving heritage defense awards on behalf of many of the Va Flaggers, and the news that Susan was awarded the Stephen Dill Lee award, the highest award offered to a non-SCV member by the SCV.

Throughout the year, Flaggers attended dozens of memorial services, including traveling to Point Lookout for the Annual Pilgrimage, and to Sharpsburg for the Memorial Illumination, as well as many, many other local and nearby events. We saw the formation of other flagging groups across the South, and have assisted with their organization and activities as much as possible, and have lent a hand with other heritage defense issues when help was requested. We also were and are active in clean-up projects in several local cemeteries, and were proud to facilitate the return of the Robert E. Lee signage to the bridge in Richmond that is named in his honor, which had been missing for some time.

In early August, and in order to raise necessary funds, we announced plans for a Battle Flag Memorial on I-95 near Chester. Picked up almost immediately by a few liberal news outlets, the intense media publicity and scrutiny that ensued over the next months surprised even the most seasoned heritage defense veterans.

We unveiled the 15x15 ANV Battle Flag on the steps of the Capitol in Richmond, and the breathtaking photo from that moment, along with the historical information of the birth of the CBF, quickly became viral, and was widely circulated in social media and by news agencies.

In the end, all of the media attention served to bring us more support than we ever imagined, and on September 28th, in spite of those who said it would never happen, a 15x15 ANV Battle Flag was triumphantly raised on I-95 in Chester to a crowd of 300+ with absolutely no protests or problems... and still flies today... a living, breathing memorial to the Confederate Soldier.

For several months, almost daily, the local paper's editorial page carried an opinion piece about the flag, one way or the other, and has opened the door for many discussions about our heritage. There was a GREAT piece published in the Wall Street Journal and we were interviewed by media outlets as far away as Great Britain. EACH TIME we are able to get such coverage, it is a chance to get OUR MESSAGE out...that of the honor and valor of the Confederate Soldier! A real, and very unexpected byproduct of this was that with each interview, televised news story, or published article, the spotlight once again was focused on the VMFA and the desecration of the Confederate Memorial Chapel, giving us new platforms to expose their misconduct, and new support for our efforts there.

Since the flag was raised, we have been contacted by many people with land adjacent to I-95, and other interstates, who are looking to be a part of future projects. We are looking forward to seeing these projects continue across Virginia and beyond, as land and funds are made available.

The Va Flaggers look back on 2013 and are overwhelmed at all that was accomplished, and overcome with gratitude for each and every person who gave of their time, talents, and resources to make it happen. As much as we have to be thankful for, we look forward to 2014 with even more excitement and hope that with the blessings of our Creator, and the cheering on of a great cloud of witnesses, 2014 will be the year that the flags will be returned to the Confederate Memorial Chapel, and that Southerners across Virginia

and beyond decided to take a stand for our Confederate Heritage, and push back against those who would desecrate our memorials and dishonor the memory of our Confederate dead.

We have only just begun to fight...will you join us?

BEST WISHES FOR A SAFE, HAPPY, AND VERY CONFEDERATE NEW YEAR!

Grayson Jennings
Va Flaggers



THE INCIDENT IN THE WOODS



The following story is a story related to me by my grandfather; told to him directly from Sam's mouth, and the accounts of others who claimed "to know". The Story is allegedly true, however something extra can be expected in any story passed down from a Grandfather to his Grandson to his Grandson. Additionally the story relates to Sam's own exploits during the Civil War.

The story goes that PVT Samuel G. Eaves, CSA and his step brother PVT William T. Flake, CSA, both of Company D. 11th Mississippi Calvary, were on picket duty in a heavily forested area. Sam gave no location in the story, however from the information known concerning the duties of the 11th Mississippi Calvary it would have been in Georgia. The encounter would likely have occurred during Sherman's march to the Sea.

They were silently standing behind a large oak tree along a wagon road. The wagon road had a typical patch of grass running between the two beaten paths taken by the wheels. Every once in a while you could hear the murmurs of other soldiers in the distance. They were not wise to make noise in the woods on picket duty. The Yankees were not to be taken lightly on this march.

The sun had just passed beneath the trees at the edge of the forest, but it was not yet pitch black. Vegetation in the forest was green, though it would be turning brown and yellow soon. The men could see each others breath, and the relief from the late summer heat was the slight cold they now cursed. The disease subsided greatly in the winter. Neither of them caught Malaria, but they were some of the only ones. South Georgia was full of it in the summer. Many had died.

William heard a rustle coming up the road in the twilight. It was a lone Yankee soldier, obviously disoriented on pickets. Many of the soldiers in the 11th were known to talk to and trade goods with Yankees on picket duty, however this unlucky Yankee had met two that did not. It was different for some of the Men in the 11th. They no longer looked at the Yankees in Georgia as former countrymen. They looked at them as persons who were burning the houses of old women, and killing their livestock and crops, sealing starvation this winter. Sherman, and his men should be hanged.

Being aware of why the Yankee was not overly worried that he was stumbling around in the dusk near Confederate and Union lines, Sam and Bill began discussing what they should do. It would not be right to shoot him from behind the tree, which would be easy enough to do. That would be near murderous, due to the fact the Yankee wasn't likely looking for a fight.

In the spirit of his upbringing and a twisted bravado, still very present in the area where Sam and Bill grew up, he grasped his rifle and walked out into the road. They Yankee still did not see him.

Sam spoke up and said, "Hey Yank, take your best shot". He then turned his left shoulder towards the Yank. Startled, the Yankee fired a wild shot into the trees overhead, and turned and ran down the road back towards his own lines. Nearly simultaneously Sam and Bill fired their muskets, dropping the Yank in the middle of the road. It was then they realized this Yank was not really alone. The darkness of the forest lit up with 15 to 20 muskets, all firing in their direction.

Bill and Sam sneaked through the night to the 1st Sergeants location where they reported the large concentration of Union Troops in the woods. Of course, by the time they reached the location everyone knew that there had been musket fire in that direction. The 1st Sergeant pulled all the pickets back one hundred yards for the night. No need getting the boys killed in the night uselessly.

Sam and Bill are buried next to each other under Confederate Headstones in Eaves Cemetery near Louisville, MS.

http://www.angelfire.com/fl/odomo/The_incident_in_the_woods.html





"The women of the South had been openly and violently rebellious from the moment they thought their State's rights touched. They incited the men to struggle for their liberties, and whether right or wrong, sustained them nobly to the end. They were the first to rebel, the last to succumb. Taking an active part in all that came within their 'sphere, and sometimes compelled to step beyond it, when the field demanded as many soldiers as could be raised; feeling the deepest interest in every man in the gray uniform of the Confederate service, they were doubly anxious to give comfort and assistance to the sick and wounded. In the course of a long and harassing war, with ports blockaded and harvests burnt, rail tracks constantly torn up, and supplies of food cut off, and sold always at exorbitant prices, no appeal was ever made to the women of the South, individually or collectively, that did not meet with a ready response."

~ Phoebe Yates Pember

"This monument is erected to perpetuate the memory of the noble courage constancy and self-sacrificial devotion of the women of the confederacy; and the patriotism and heroic valor of the Confederate soldiers. And all who fought on land or sea for the country and cause that they loved so well."

~ The Confederate Monument, located on the Triangle Grounds in Yazoo City, MS. ~



Three Rebel Prisoners at Gettysburg

Photographer Matthew Brady and his assistants arrived at Gettysburg on or about July 15th, 1863, nearly two weeks after the end of the fighting.¹ Finding that the debris of battle and unburied bodies photographed by his competitor, Alexander Gardner, were largely cleaned up, Brady set about capturing images of notable buildings and what he believed to be key locations on the battlefield. At some point they encountered a group of three captured Confederates on Seminary Ridge west of town, undoubtedly under guard, and took advantage of the rare opportunity. The resulting photograph has become perhaps the iconic image of the Confederate soldier.

The three men stand in varied pose, in front of a pile of rails thrown up as a defense by the Confederate troops who occupied this position on July 4th. In the far distance behind them stands the solitary oak tree that once stood atop an otherwise bare Cemetery Hill until it was struck by lightning in 1876.²

The date of Brady's activities at Gettysburg may indicate something important about the nature of these three Rebels. The assumption is sometimes made that these men have something to do with the fighting on this, the first days battlefield. But it is important to consider that prisoners did not typically linger in the vicinity of their capture, and in this case, with the Confederates overrunning this location at the close of fighting on July 1st, the location where these men were photographed tells us nothing about where they were captured. POW's were usually hustled to the rear of the lines, where they were penned under guard with other prisoners before being marched toward more permanent camps. While some Confederate prisoners were used to help with clean-up operations on the field, even these were likely long gone by the time Brady arrived. So who are these men?

We should remember that there were, by this point in the war, many conscripts in the ranks of Lee's army. Some of these men were not enthusiastic about the Southern cause and had been fighting for more than a year. Desertions tended to occur with a frequency relative to the morale of the army, and the Battle of Gettysburg was a significant blow to the spirits of many. The confusion of the retreat to Virginia gave disaffected soldiers the perfect opportunity to slip away. A number of accounts exist attesting to the presence of small groups of Rebel stragglers still in the Gettysburg area long after the battle. For example, fully eight weeks after the battle a group of Union soldiers walked into a store in Cashtown, west of Gettysburg, only to find a group of Confederates buying supplies.³ We cannot be certain, but there is a good chance that the three men Brady encountered were recently rounded-up stragglers or deserters. There is a certain irony in the fact that the photo most often used to illustrate the proud spirit of the soldiers of Lee's army, may well depict men who have turned their back on it.

Besides the often incorrect assumptions made about who these men are, captions of this photo in books typically find the need to note the amount of equipment the men carry. The explanation frequently offered is that these men have been scavenging the field, gathering up things to take with them to Northern prison camps. The motivation for this observation could be that these Confederates are carrying more than folklore typically suggests. But what does this photograph really tell us? Thanks to the incredible high-definition images now available on the Library of Congress website, we can take a much better look at this image than previously possible.

We can see in the composition of the photo that these men have not merely been captured by the camera in a candid state, but carefully posed by Brady for maximum dramatic effect and marketability. It is likely no accident that the tall man is at center, and posed with leg raised, in such a way as to further accentuate his height and lanky build, or that they are positioned in attitudes that convey the proud and rebellious spirit demanded by the imagination of Brady's Northern customers. If a less skillful photographer had happened upon them the result would likely have been a more casual scene, such as we see in photos of larger prisoner groups. So what can the details of this image tell us about these soldiers, captured for posterity in one of the wars most famous and unusual pictures?

First, it is important to note that we are looking at a tiny sample from among the more than 70,000 Confederates who participated in the Gettysburg Campaign. No one has ever identified these men, and there is no way of knowing to what unit they belonged. They may be members of the same mess, or be from three different corps. We therefore cannot judge how common or unusual various aspects of their appearance are, or read anything into their uniformity or lack thereof. If the beardless young casualty of Hood's Division photographed by Alexander Gardner's team at the Devil's Den had survived and ended up standing beside these men in his frock coat and cap, the photograph would have a very different look. Nevertheless, we can still learn much from looking closely at these three soldiers, and given the lack of similar images of Confederates in the field before the last year of the war it is a precious resource.

The man on the left of the group stands with his gaze is fixed to the southwest, over the fields of the first day battle, toward the general direction of McPherson's Woods; fields he might even have fought over fourteen days earlier. His white shirt is close fitting, lacking cuffs or a button placket; rather like



an undershirt of the period, but with a collar. This fits the description of the regulation U.S. Army shirt. When the Army of the Potomac retreated from Chancellorsville, thousands of knapsacks were left where they had been dropped on going into action, and virtually all of them contained shirts and drawers which would have been eagerly snatched up by the victorious Rebels. While this may be one those garments, the button at the throat is not the metallic one typically expected on U.S. shirts of this type.

The cloth held over his shoulder is certainly a coat. What appears to be the collar is just above his knuckles. It may be some sort of sack coat, because the part visible by his right shoulder seems to show the lower interior of one, with the lining of dark material ending about four inches from the hem, a lining style typical of sack coats. This coat seems to be held up by something behind him, and in fact a leather loop appears near his right elbow. While this should indicate some kind of knapsack, the strap visible on his shoulder is actually a suspender. The wide cloth portion is sewn to a tapering leather strap with adjustment holes. This in turn is attached to a rounded metal buckle on a leather tab that is attached in some way to his pants.

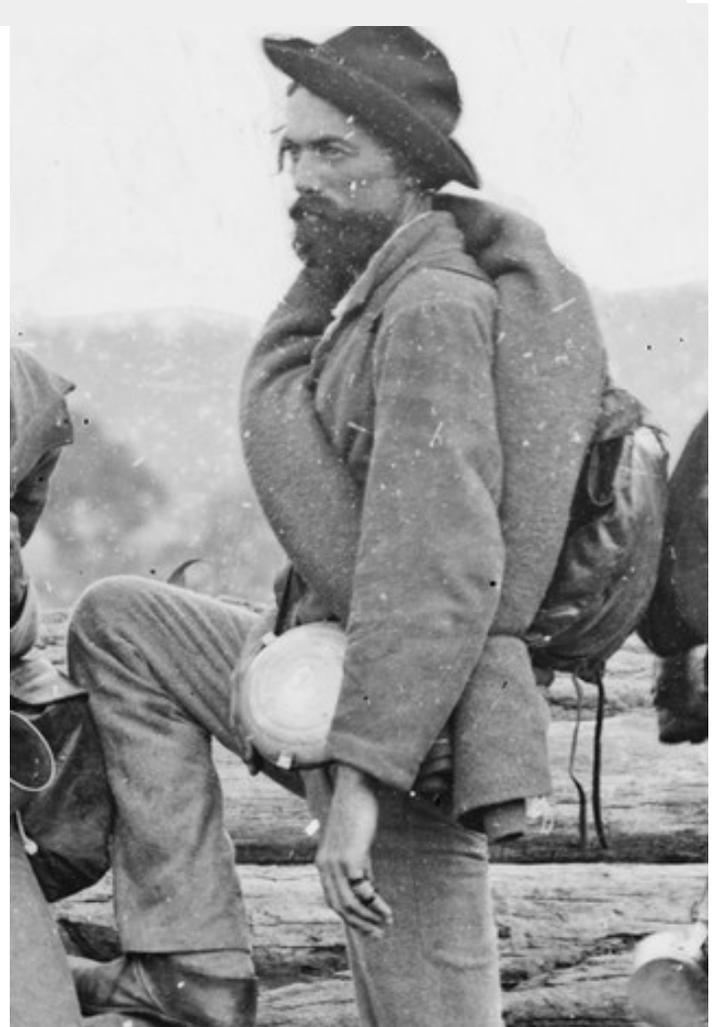
In low resolution versions of this photo, the canteen on his right hip appears to be a U.S. model, just like the one on the man in the center. However, when we enlarge the image we see that this canteen appears to have only a single embossed circle on the body. A similar one is pictured on page 52 of the book *Civil War Canteens*.⁴ At his left hip is a U.S. haversack, packed to capacity with something box-like. His tin cup is tied to the strap with string.

Posed with care by Brady, the tall, raw-boned soldier standing in center of the group glares intensely into the distance, his crumpled hat cocked well back on his head. While his jacket is worn open at the throat with the collar turned back a bit, it does not appear to have lapels and has a stand-up collar, so it is likely a military jacket. Certainly it is short enough not to appear below his arm and bedroll.

There is no haversack in sight, and no evidence of a strap over his left shoulder that would hint at one hidden on his right side. His canteen is a U.S. "bulls-eye" model with the cloth cover removed, as it nearly always is in photos of Confederates with Union canteens. A blanket is rolled and hung from the right shoulder. Projecting from behind this blanket is a knapsack. The visible details of the bag and strap on his shoulder indicate that this is possibly a common U.S. M1855 knapsack.

The fact that he is carrying both a knapsack and a bedroll is probably the primary visual cue that has caused so many writers to surmise that these men have scavenged from the field. But the simultaneous wearing of knapsack and blanket roll is often shown in the art of Confederate veterans, like Allen C. Redwood, and shows up clearly in the "Punch Bowl" photo of captured Confederates in 1864. The practice has obvious advantages in weight distribution, and perhaps of allowing the soldier to shed his pack, if necessary, while still retaining his basic ground cover. Also, certain types of knapsacks issued to Confederate troops had no provision for the attachment of a blanket to the exterior.

The soldier on the right is somewhat more difficult to assess due to his dark clothing and the fact that his upper body swayed slightly during the exposure, but he is perhaps the most interesting. His hat appears to have some damage to the crown. He is wearing a dark overshirt over another shirt of lighter shade, visible at the cuffs, and the item thrown over his shoulder is likely a coat of some sort.





His right thumb is hooked beneath the shoulder strap of his knapsack. Below his right hip is a captured U.S. haversack. What at first glance appears to be a cloth covered canteen above the haversack is actually a poke bag (tobacco pouch?). It is hanging from a series of white cloth straps, which look quite confusing if you are viewing a typical low-res version of the photo, or are unaware the soldier wears no jacket. Looking at the higher resolution image, they are clearly his suspenders. The edge of the right suspender can just be made out under his knapsack strap. Under his right hand appears a typical metal suspender buckle, at which point two cloth straps lead to the two unseen buttons on the right front of the trousers. As he is wearing his pants high, there are several inches of extra suspender tab left hanging. One of these dangles against the poke bag, and together the two objects are responsible for creating the illusion of a canteen. He is probably wearing a canteen, though, on his left side. The narrow leather strap over his right shoulder likely leads to it. His haversack is clearly of U.S. make, with a tin cup hung from the closure tab.

After careful examination of the image, and being aware of the amount of equipment typically carried by soldiers as evidenced by other photos and documents, it is difficult to see any clear evidence here for post-battle scavenging (and if these men were under guard, it is unlikely they would have been permitted to simply take U.S. property off the field, something even

civilians were punished for when caught). In fact, the only likely U.S. items in the photo are two haversacks, one canteen, one knapsack, and possibly one shirt. Given the numbers of these items captured by Lee's army in previous campaigns, there is no particular reason to assume the U.S. items in this photo are Gettysburg battlefield pick-ups, nor are these men carrying any more than one should expect of Confederate soldiers on campaign. In fact, the center figure seems to lack a haversack, and given that the other men are in their shirtsleeves, the garments slung over their shoulders may simply be their own coats. And again, the presence of a bedroll as well as a knapsack on the tall soldier indicates nothing, other than showing us one of the many ways Southern soldiers carried their baggage.

So how did we get from what this image actually shows, to how nearly every book it has ever appeared in describes it? All it takes is for one author, historian, or museum to make incorrect judgements about an image. Others follow, simply looking at the previous caption instead of assessing the image anew, and the error is compounded in book after book, caption after caption until it becomes assumed fact. It is a lesson applicable not only to photographs like this one, but to any historical subject. There is no substitute for examination of the primary source.

The image described in this article is available from the Library of Congress' Prints and Photographs Online Catalog. Images used in this article were drawn from photographs LC-DIG-cwpb-01450, and LC-DIG-cwpb-01451.

1. William A. Frassanito, *Early Photography at Gettysburg* (Gettysburg, PA: Thomas Publications, 1995): 26.
2. Frassanito, 142.
3. Gregory Coco, *A Strange and Blighted Land* (Gettysburg, PA: Thomas Publications, 1995): 288.
4. Stephen Sylvia and Michael O'Donnell, *Civil War Canteens* (Orange, Va: Moss, 1983): 58.

<http://www.blueandgraymarching.com/articles/three-rebel-prisoners-at-ge.html>



Jefferson Davis

"The principle for which we contend is bound to reassert it's self, though it may be at another time and in another form."

~President Jefferson Davis~

We Sought Peace, But They Brought WAR

On February 15th, 1861, the Congress of the CSA adopted a resolution giving President-elect Jefferson Davis the authority to appoint a commission of 3 to negotiate 'friendly' association with the federal government of the US. Martin Crawford of Georgia, John Forsyth of Alabama and A. B. Roman of Louisiana were chosen by President Davis on February 25th to serve as commissioners. On February 27th, President Davis wrote a letter to Lincoln, who was President-elect at the time, introducing the three commissioners as representatives of the CSA government. Lincoln did not receive the commission. Then on March 12th, a letter was sent to Wm. H. Seward, Secretary of State of the US, introducing the commissioners with an explanation of their peaceful intent. Seward did not receive the commission. On March 15th, the commission filed an outline of how they had been ignored by both Lincoln and Seward. They were rejected because if accepted, it would give recognition to the CSA.

~~~~~

"Resolved by the Confederate States of America in Congress Assembled, That it is the sense of this Congress that a commission of three persons be appointed by the President elect, as early as may be convenient after his inauguration, and sent to the government of the United States of America, for the purpose of negotiating friendly relations between that government and the Confederate States of America, and for the settlement of all questions of disagreement between the two governments upon principles of right, justice, equity, and good faith."

Adopted February 15, 1861.

EXECUTIVE DEPARTMENT, MONTGOMERY, ALA., February 25, 1861. Hon. Howell Cobb, President of the Congress

Sir: I hereby transmit for the advice of the Congress the following nominations of Commissioners to the Government of the United States of America in accordance with the resolution of Congress providing for such commission, and declaratory of the purposes thereof: A. B. Roman, of Louisiana; M. J. Crawford, of Georgia; John Forsyth, of Alabama.

JEFF'N DAVIS.

Confederate States of America - Letter of President Davis to President Lincoln February 27, 1861

The President of the United States: Being animated by an earnest desire to unite and bind together our respective countries by friendly ties, I have appointed M. J. Crawford, one of our most settled and trustworthy citizens, as special commissioner of the Confederate States of America to the Government of the United States; and I have now the honor to introduce him to you, and to ask for him a reception and treatment corresponding to his station and to the purpose for which he is sent. Those purposes he will more particularly explain to you. Hoping that through his agency. &c. [sic.]

JEFF'N DAVIS.

For the purpose of establishing friendly relations between the Confederate States and the United States, and reposing special trust, &c., Martin J. Crawford, John Forsyth, and A. B. Roman are appointed special commissioners of the Confederate States to the United States. I have invested them with full and all manner of power and authority for and in the name of the Confederate States to meet and confer with any person or persons duly authorized by the Government of the United States being furnished with like powers and

authority, and with them to agree, treat, consult, and negotiate of and concerning all matters and subjects interesting to both nations, and to conclude and sign a treaty or treaties, convention or conventions, touching the premises, transmitting the same to the President of the Confederate States for his final ratification by and with the consent of the Congress of the Confederate States.

Given under my hand at the city of Montgomery this 27th day of February, A.D. 1861, and of the Independence of the Confederate States the eighty-fifth.

JEFF N DAVIS.

ROBERT TOOMBS, Secretary of State.

Confederate States of America - Confederate Commissioners to Secretary Seward March 12, 1861  
CORRESPONDENCE BETWEEN THE CONFEDERATE COMMISSIONERS, MR. SECRETARY SEWARD AND JUDGE CAMPBELL.

The Commissioners to Mr. Seward.

WASHINGTON CITY, March 12, 1861. Hon. William H. Seward, Secretary of State of the United States.

Sir: The undersigned have been duly accredited by the Government of the Confederate States of America as commissioners to the Government of the United States, and, in pursuance of their instructions, have now the honor to acquaint you with that fact, and to make known, through you to the President of the United States, the objects of their presence in this capital.

Seven States of the late Federal Union, having in the exercise of the inherent right of every free people to change or reform their political institutions, and through conventions of their people withdrawn from the United States and reassumed the attributes of sovereign power delegated to it, have formed a government of their own. The Confederate States constitute an independent nation, de facto and de jure, and possess a government perfect in all its parts, and endowed with all the means of self-support.

With a view to a speedy adjustment of all questions growing out of this political separation, upon such terms of amity and good will as the respective interests, geographical contiguity, and future welfare of the two nations may render necessary, the undersigned are instructed to make to the Government of the United States overtures for the opening of negotiations, assuring the Government of the United States that the President, Congress, and people of the Confederate States earnestly desire a peaceful solution of these great questions; that it is neither their interest nor their wish to make any demand which is not founded in strictest justice, nor do any act to injure their late confederates.

The undersigned have now the honor, in obedience to the instructions of their Government, to request you to appoint as early a day as possible, in order that they may present to the President of the United States the credentials which they bear and the objects of the mission with which they are charged.

We are, very respectfully, your obedient servants,

JOHN FORSYTH MARTIN J. CRAWFORD.

Confederate States of America - Memorandum of March 15, 1861  
Memorandum.

DEPARTMENT OF STATE, WASHINGTON, March 15, 1861.

Mr. John Forsyth, of the State of Alabama, and Mr. Martin J. Crawford, of the State of Georgia, on the 11th inst., through the kind offices of a distinguished Senator, submitted to the Secretary of State their desire for an unofficial interview. This request was, on the 12th inst., upon exclusively public considerations, respectfully declined.

On the 13th inst., while the Secretary was preoccupied, Mr. A. D. Banks, of Virginia, called at this Department, and was received by the Assistant Secretary, to whom he delivered a sealed communication, which he had been charged by Messrs. Forsyth and Crawford to present to the Secretary in person.

In that communication Messrs. Forsyth and Crawford inform the secretary of State that they have been duly accredited by the Government of the Confederate States of America as commissioners to the Government of the United States, and they set forth the objects of their attendance at Washington. They observe that seven States of the American Union, in the exercise of a right inherent in every free people, have withdrawn, through conventions of their people, from the United States, reassumed the attributes of sovereign power, and formed a government of their own, and that those Confederate States now constitute an independent nation, de facto and de jure and possess a government perfect in all its parts, and fully endowed with all the means of self-support.

Messrs. Forsyth and Crawford, in their aforesaid communication, thereupon proceeded to inform the Secretary that, with a view to a speedy adjustment of all questions growing out of the political separation thus assumed, upon such terms of amity and good will as the respective interests, geographical contiguity, and the future welfare of the supposed two nations might render necessary, they are instructed to make to the Government of the United States overtures for the opening of negotiations, assuring this Government that the President, Congress, and the people of the Confederate States earnestly desire a peaceful solution of these great questions, and that it is neither their interest nor their wish to make any demand which is not founded in the strictest justice, nor do any act to injure their late confederates.

After making these statements, Messrs. Forsyth and Crawford close their communication, as they say, in obedience to the instructions of their Government, by requesting the Secretary of State to appoint as early a day as possible, in order that they may present to the President of the United States the credentials which they bear and the objects of the mission with which they are charged.

The Secretary of State frankly confesses that he understands the events which have recently occurred, and the condition of political affairs which actually exists in the part of the Union to which his attention has thus been directed, very differently from the aspect in which they are presented by Messrs Forsyth and Crawford. He sees in them, not a rightful and accomplished revolution and an independent nation, with an established government, but rather a perversion of a temporary and partisan excitement to the inconsiderate purposes of an unjustifiable and unconstitutional aggression upon the rights and the authority vested in the Federal Government, and hitherto benignly exercised, as from their very nature they always must so be exercised, for the maintenance of the Union, the preservation of liberty, and the security, peace, welfare, happiness, and aggrandizement of the American people. The Secretary of State, therefore, avows to Messrs. Forsyth and Crawford that he looks patiently, but confidently, for the cure of evils which have resulted from proceedings so unnecessary, so unwise, so unusual, and so unnatural, not to irregular negotiations, having in view new and untried relations with agencies unknown to and acting in derogation of the Constitution and laws, but to regular and considerate action of the people of those States, in cooperation with their brethren in the other States, through the Congress of the United States, and such

extraordinary conventions, if there shall be need thereof, as the Federal Constitution contemplates and authorizes to be assembled.

It is, however, the purpose of the Secretary of State, on this occasion, not to invite or engage in any discussion of these subjects, but simply to set forth his reasons for declining to comply with the request of Messrs. Forsyth and Crawford.

On the 4th of March instant, the then newly elected President of the United States, in view of all the facts bearing on the present question, assumed the Executive Administration of the Government, first delivering, in accordance with an early, honored custom, an inaugural address to the people of the United States. The Secretary of state respectfully submits a copy of this address to Messrs. Forsyth and Crawford.

A simple reference to it will be sufficient to satisfy these gentlemen that the Secretary of State, guided by the principles therein announced, is prevented altogether from admitting or assuming that the States referred to by them have, in law or in fact, withdrawn from the Federal Union, or that they could do so in the manner described by Messrs. Forsyth and Crawford, or in any other manner than with the consent and concert of the people of the United States, to be given through a National Convention, to be assembled in conformity with the provisions of the Constitution of the United States. Of course, the Secretary of State cannot act upon the assumption, or in any way admit that the so-called Confederate States constitute a foreign power, with whom diplomatic relations ought to be established.

Under these circumstances, the Secretary of State, whose official duties are confined, subject to the direction of the President, to the conducting of the foreign relations of the country, and do not at all embrace domestic questions, or questions arising between the several States and the Federal Government, is unable to comply with the request of Messrs. Forsyth and Crawford, to appoint a day on which they may present the evidences of their authority and the objects of their visit to the President of the United States. On the contrary, he is obliged to state to Messrs. Forsyth and Crawford that he has no authority, nor is he at liberty, to recognize them as diplomatic agents, or hold correspondence or other communication with them.

Finally, the Secretary of State would observe that, although he has supposed that he might safely and with propriety have adopted these conclusions, without making any reference of the subject to the Executive, yet, so strong has been his desire to practice entire directness, and to act in a spirit of perfect respect and candor toward Messrs. Forsyth and Crawford, and that portion of the people of the Union in whose name they present themselves before him, that he has cheerfully submitted this paper to the President, who coincides generally in the views it expresses, and sanctions the Secretary's decision declining official intercourse with Messrs. Forsyth and Crawford.

April 8, 1861.

The foregoing memorandum was filed in this Department on the 15th of March last. A delivery of the same to Messrs. Forsyth and Crawford was delayed, as was understood, with their consent. They have now, through their secretary, communicated their desire for a definite disposition of the subject. The Secretary of State therefore directs that a duly verified copy of the paper be now delivered.

# Petition: Change Sherman School Names in NYC and Chicago



At least two schools, one in New York City and one in Chicago, are named for General of the Army William Tecumseh Sherman. Sherman was the architect of total war against the South during the so called “Civil” War and a policy of genocide against the Plains Indians after the war. The type of crimes committed by Sherman merited death sentences against German generals at Nuremberg in 1946.

William T. Sherman is simply not an appropriate name for a public school anywhere and is highly offensive to people in the South and Native Americans.

This is a request to the Chancellor of the New York City Dept of Education and the Chairman of the Chicago Public Schools Board of Education to change the name of their respective W.T. Sherman Schools.

Here some Sherman quotes to ponder:

**“Gentlemen, niggers and cotton caused this war, and I wish them both in Hell.” Wm T. Sherman 1865 Fayetteville, NC**

**“sandbags stop bullets better than niggers” Wm T. Sherman 1864**

**“All the congresses on earth can’t make the nigger anything else than what he is; he must be subject to the white man...Two such races cannot live in harmony save as master and slave.” Wm T. Sherman to his wife 1860**

**“What will you think of that — our buying niggers?” Wm T. Sherman to his abolitionist brother 1859**

**“The more Indians we can kill this year the fewer we will need to kill the next, because the more I see of the Indians the more convinced I become that they must either all be killed or be maintained as a species of pauper.” Wm. T. Sherman**

Share this and help us make it go viral!

And Remember to Support the SLRC!

**SLRC**

**P.O.Box 1235**

**Black Mountain, NC 28711**

**Donate to the SLRC and follow us on Facebook!**

**Sign Petition**

**Here**

# **PETITIONS READ AS FOLLOWS:**

**To: Chancellor David M. Walcott  
New York City Department of Education  
c/o Deputy Chancellor Kathleen Grimm  
kgrimm@schools.nyc.gov**

**Re: PS 87 William T. Sherman School  
160 West 87th Street  
New York, NY 10024  
212-678-2826**

**WE the undersigned request that the name of PS 87 William T. Sherman School be changed. General of the Army William Tecumseh Sherman was a war criminal who committed innumerable crimes against humanity by waging total war against Southern civilians, women & children in Georgia, South Carolina and North Carolina during the War Between the States and by waging a war of extermination against the Lakota people and other Plains Indians in the post WBTS period.**

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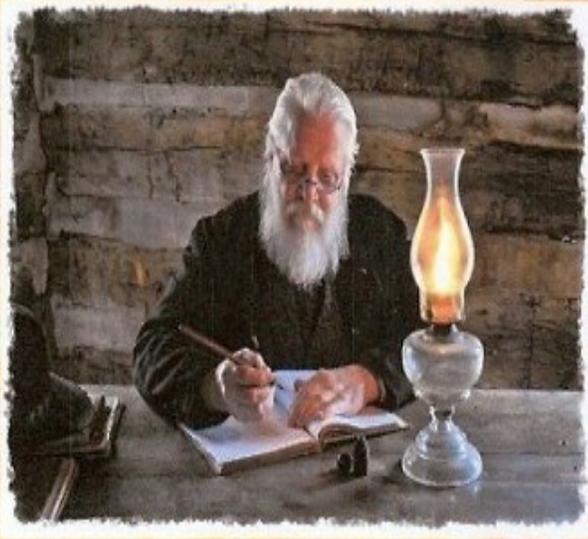
**To: Chairman David J. Vitale  
Chicago Board of Education  
c/o Yolanda Alonzo  
yalonzo1@cps.edu**

**Re: William T. Sherman Elementary School  
1000 West 52nd Street  
Chicago, IL 60609  
773-535-1757**

**WE the undersigned request that the name of William T. Sherman Elementary School be changed. General of the Army William Tecumseh Sherman was a war criminal who committed innumerable crimes against humanity by waging total war against Southern civilians, women & children in Georgia, South Carolina and North Carolina during the War Between the States and by waging a war of extermination against the Lakota people and other Plains Indians in the post WBTS period.**

**[signature]**

**<https://slrc-csa.org/newsroom/petition-change-sherman-school-names-in-nyc-and-chicago/>**



## Black October 1862

### A Documentary Film

The Story of the  
Great Gainesville Hanging,  
Cooke County, Texas - 1862



William C. Young



James Bourland

Facing the threat of invasion from the north and fearing a Unionist uprising in their midst, the people of North Texas lived in constant dread during the Civil War. Word of a "Union League" of Union sympathizers, sworn to destroy their government, kill their leaders, and bring in Federal troops caused great alarm in Cooke and neighboring counties. Spies joined the "Union League" discovered its members and details of their plans. Under the leadership of Colonels James Bourland, Daniel Montague and others, citizens loyal to the Confederacy determined to destroy the order; and on the morning of October 1, 1862, there were widespread arrests "by authority of the people of Cooke County." Fear of rescue by "Union League" members brought troops and militia to Gainesville, where the prisoners were assembled, and hastened action by the citizens committee. At a meeting of Cooke County citizens, with Colonel W. C. Young presiding, it was unanimously resolved to establish a Citizens Court and to have the Chairman choose a committee to select a jury. 68 men were brought speedily before the court. 39 of them were found guilty of conspiracy and insurrection, sentenced and immediately hanged. Three other prisoners who were members of military units were allowed trial by Court Martial at their request and were subsequently hanged by its order. Two others broke from their guard and were shot and killed.

Produced by the Texas Division Media Group and  
Southern Legacy Films

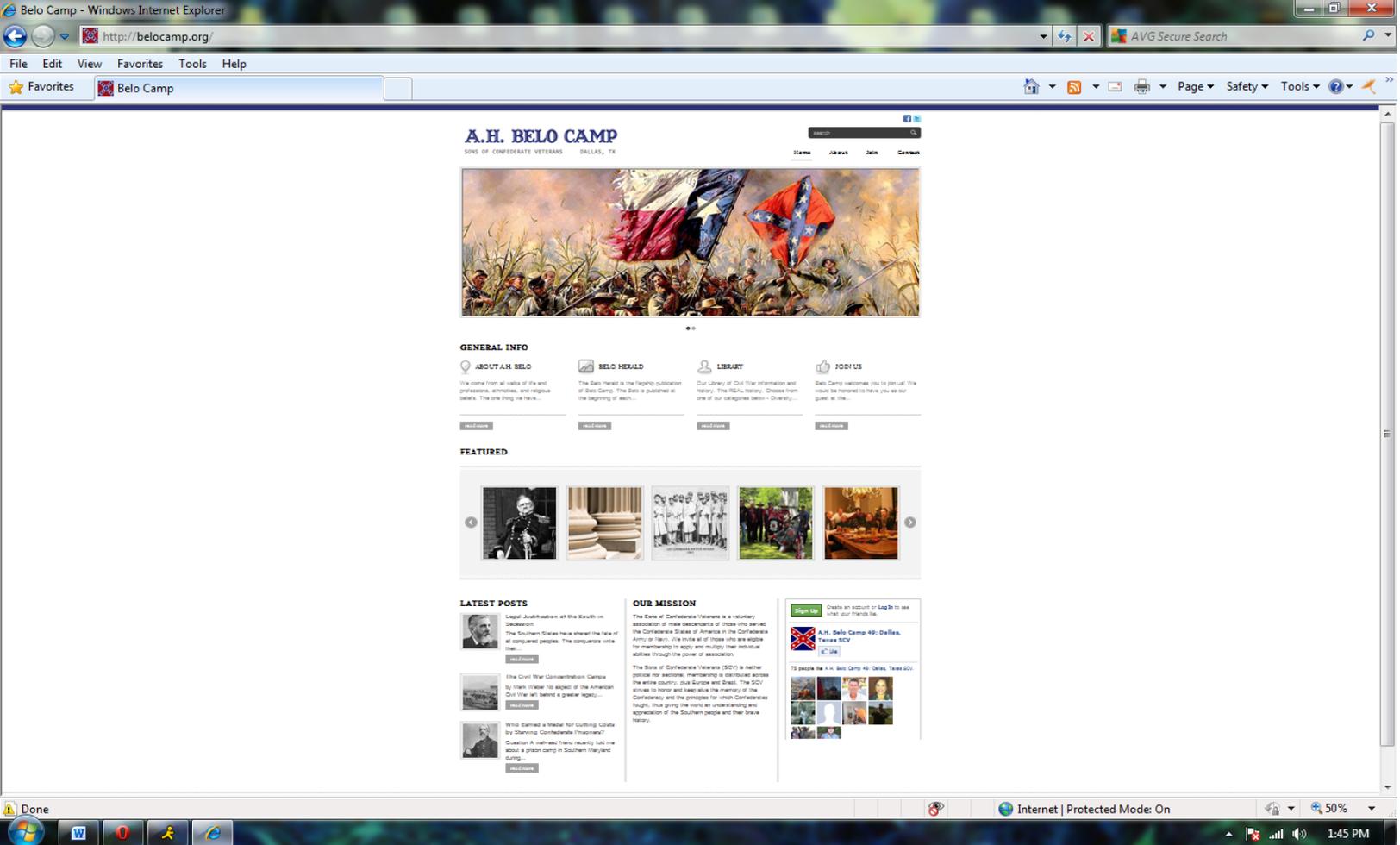
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V3

**With a donation of \$20.00 (includes shipping) a copy will be rushed to you!**

For more info contact David Moore or (817) 599-7748 Make checks out to David Moore.

**All money donated goes to the  
Sons of Confederate Veterans - Texas Division.**



<http://belocamp.org/>

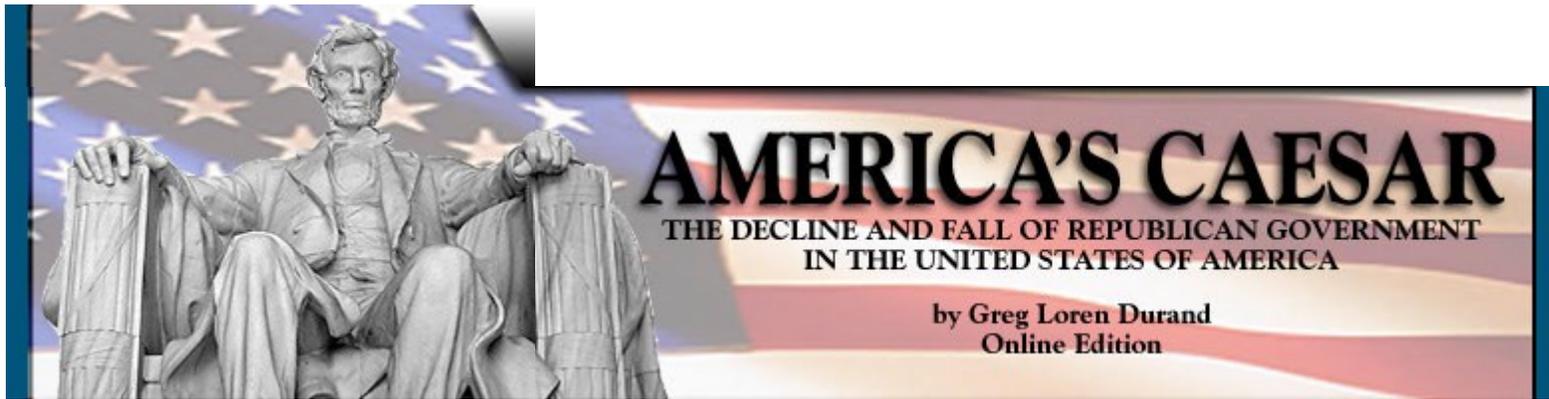
A.H Belo Camp 49 website is our home on the web and serves to keep our members up to date on camp activities as well as serve as an educational source about the truth of our just cause.

Visit our website, then check back often to view the latest articles in our growing library on the true history of our great Southron Republic!

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 Website 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.

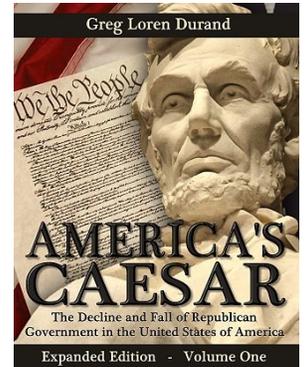
**Sic Semper Tyrannis!!!**



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Belo Herald is proud to present AMERICA'S CAESAR. Each month, a new chapter of this excellent treatise will be presented. This benchmark work can be purchased at the link above. It is a must for every Southron to own.



## CHAPTER TWELVE: The Reign of Terror in the Northern States

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### The Political Prisoners of Lincoln's Regime

The contest for ages has been to rescue liberty from the grasp of executive power. On the long list of champions of human freedom, there is not one name dimmed by the reproach of advocating the extension of Executive authority. On the contrary, the uniform and steady purpose of all such champions has been to limit and restrain it. Through all the history of the contest for liberty, Executive power has been regarded as a lion that must be caged. So far as being the object of enlightened, popular trust; so far as being considered the natural protection of popular right, it has been dreaded as the great object of danger.

Our security is our watchfulness of Executive power. It was the construction of this department which was infinitely the most difficult in the great work of erecting our government. To give to the Executive such power as should make it useful, and yet not dangerous; efficient, independent, strong, and yet prevent it from sweeping away everything by its military and civil power, by the influence of patronage and favor; this, indeed, was difficult. They who had this work to do saw this difficulty, and we see it. If we would maintain our system, we should act wisely, by using every restraint, every guard the *Constitution* has provided — when we and those who come after us, have done all we can do, and all they can do, it will be well for us and them, if the Executive, by the power of patronage and party, shall not prove an overmatch for all other branches of Government. I will not acquiesce in the reversal of the principles of all just ideas of Government. I will not degrade the character of popular representation. I will not blindly confide, when all my experience admonishes to be jealous. I will not trust Executive power, vested in a single magistrate, to keep the vigils of liberty. Encroachment must be resisted at every step, whether the consequence be prejudicial or not, if there be an illegal exercise of power, it must be resisted in the proper manner. We are not to wait till great mischief comes; till the Government is overthrown, or liberty itself put in extreme jeopardy. We would be unworthy sons of our fathers were we so to regard questions affecting freedom.<sup>(1)</sup>

In contrast to these historically accepted principles, William Whiting made the following astonishing claim in his 1862 work entitled *The War Powers of the President*: "The powers conveyed in this 18th clause of Art. I., Sect. 8

[of the *Constitution*], are of vast importance and extent. It may be said that they are, in one sense, unlimited and discretionary. They are more than imperial...<sup>(2)</sup> As we have seen, it was under woefully false pretenses that Lincoln invoked these so-called Executive "war powers" to meet the exigencies of a declared "insurrection" with "the exercise of belligerent rights"<sup>(3)</sup> without the consent of Congress, and, while his "fellow countrymen" were thereafter embroiled in a bloodbath which his own party had planned and instigated, he was able to quietly dismantle the Union created under the *Constitution* and replace it with a consolidated military government, or a "temporary dictatorship,"<sup>(4)</sup> in which the "supreme law" would be nothing short of his own will.<sup>(5)</sup> It was this fact that was announced by Republican E.C. Ingersoll in a public speech in 1862:

The President, in such a time, I believe, is clothed with power as full as that of the Czar of Russia....

If it be necessary, perhaps it is just as well for the people to become familiar with this power, and the right of its exercise, now as at any other time.

If the President should determine that in order to crush the rebellion the *Constitution* itself should be suspended during the rebellion, I believe he has the right to do it.<sup>(6)</sup>

According to Lincoln's Attorney-General, Edward Bates, the Fourth Amendment protection against unreasonable seizure did not extend to "political arrests." Whereas the purpose of "judicial arrests" was "to secure the presence of the accused so that he may be tried for an alleged crime before a civil court," "political arrests" in "disordered times" were "subject to the somewhat broad and as yet undefined discretion of the President as political chief of the nation." This latter species of arrest were said to be "beyond the reach of the judicial officers and subject only to the political power of the President, who may at his discretion dispose of the prisoners by orders addressed to his subordinate officers either civil or military."<sup>(7)</sup> Since, as Bates had declared in his 5 July 1861 opinion, the President "must of necessity be the sole judge both of the exigency which requires him to act and of the manner in which it is most prudent for him to employ the powers intrusted to him,"<sup>(8)</sup> what was being erected was nothing less than an unaccountable Executive dictatorship in which the liberties of American citizens and other residents in the country were subjected entirely to the political whim of one man. As seen in the previous chapter, Lincoln had been routinely suspending *habeas corpus* in individual cases as he saw fit since 27 April 1861. This action filled the military forts and other prisons along the Atlantic seaboard with Americans from every social class, including several Maryland Legislators, whom Lincoln suspected would vote to take their State out of the Union. Later that year, three British subjects – Charles Green, Andrew Low, and an unnamed Irishman – were likewise arrested and imprisoned for several months at Fort Lafayette for refusing to take an oath of allegiance to the U.S. Government. The report of the British Imperial Parliament of 10 February 1862 related the treatment of these prisoners as follows:

The House would remember that on Friday last [Earl John Russell] made some remarks on the case of an Englishman in America who had been taken into custody and sent to prison under the warrant of Mr. Seward. Since Friday he had received further information in reference to similar cases, but they were if possible worse than the one he then mentioned. He understood that at this moment there were no less than three British subjects who had been for four or five months confined in Lafayette prison, and they had been detained there without any charge of any sort or kind having been made against them. There had been no inquiry made into their cases. An inquiry had been asked for, but it had been refused unless they first consented to take the oath of allegiance to the Government of the United States....

The state of this prison was very bad. In it were confined twenty-three political prisoners, and two-thirds of them were placed in irons. From this prison the light and air were excluded, the ventilation was imperfect and the atmosphere was oppressive and intolerable. The prisoners were deprived of the decencies of life, and the water supplied to them was foul and for some purposes it was salt.<sup>(9)</sup>

When Lord Richard Lyons, the British Minister, complained of these outrages to Secretary of State Seward, he received the following reply: "My Lord, I can touch the bell at my right hand and order the arrest of a man in Ohio; I can again touch the bell and order the arrest of a man in New York, and no power on earth save that of the President can release them."<sup>(10)</sup> This claimed power was enlarged in Lincoln's proclamation of 24 September 1862, in which he declared that "all persons discouraging volunteer enlistments, resisting militia drafts, or guilty of disloyal practices... shall be subject to martial law, and liable to trial and punishment by courts-martial or military commission."<sup>(11)</sup> This proclamation was mainly intended to stem the tide of dissent in the North arising

from another of his proclamations – the *Emancipation Proclamation* – which was issued in its preliminary form just two days previously.

Two days later, on the twenty-sixth of September, the office of Provost Marshal General was created within the War Department and given the authority to arrest all those suspected of such "disloyal practices."<sup>(12)</sup> Lincoln's proclamation, and the subsequent creation of what amounted to a military police force under himself as Commander-in-Chief, was directed primarily to one class of Americans – the Northern Democrats (Copperheads) who had ever opposed the war policy of the Lincoln Administration. For example, the Democrats of Harrisburg, Pennsylvania had issued the following press release just prior to the fall of Fort Sumter:

If this Administration wickedly plunges the country into civil war, it will be a war between the Republican party and the Southern states.... In such a conflict the Northern Democrats can have no sympathy with the Government.... If the Administration is bent upon having a fight... they created the difficulty and their partisans must carry on the war. Northern Democrats can never shoulder a musket or pull a trigger against those whose rights they conscientiously believe have been trampled upon. If this be treason, it is treason against the Chicago platform, and on behalf of the majority of the American people; treason for the Union, and against its enemies. If this is treason, make the most of it.<sup>(13)</sup>

Regardless of a complete lack of constitutional authority to do so, Lincoln and his Provost Marshals arrested and imprisoned an estimated 38,000 political prisoners<sup>(14)</sup> – "representatives of the liberal professions, of the bar, the press and judicature, and many of the best classes of American society"<sup>(15)</sup> – who were denied a trial before an impartial jury of their peers, as guaranteed by the Sixth Amendment, and subjected to the farce of a trial before a military tribunal, if they were granted the benefit of a trial at all. In mid-Nineteenth Century America, supposedly the model to the rest of the world of republican government, many subsequently languished in such places of misery as the aforementioned Lafayette and Old Capitol prisons without ever knowing the nature of the charges against them.<sup>(16)</sup> In this, Lincoln commanded what even the ancient Roman civil code, at the height of the Empire, would not allow; in Rome and her provinces, a citizen could not be punished or imprisoned who had not been charged for a specific crime, who had not been allowed to confront his accusers face-to-face with the opportunity to answer for himself, and who had not been properly condemned by lawful judicial process.<sup>(17)</sup> As noted by James Randall:



In the treatment of "disloyal" practices the government under Lincoln carried its authority far beyond the normal restraints of civil justice. To put the subject in its legal setting one must remember that in Anglo-Saxon jurisprudence there is the fundamental conception of the "rule of law" – the concept that government itself is under the law, that it must not be arbitrary, and that its agents are punishable or liable to damages if they wrongfully invade private rights. Against this concept there is the doctrine of "military necessity" with its maxim "necessity knows no law." Those who assume that the whole subject of governmental restraint in time of war can be dismissed by repeating such maxims are unaware of much of the nation's legal history. A government at war, according to a long line of American precedent and interpretation, must restrain itself in various ways. It must not overstep international law; it must not violate treaties; it must keep within what are called the "laws of war"; it must not ignore certain rights of enemy citizens when conducting a regime of military occupation; it must not destroy civil rights among its own people.<sup>(18)</sup>

### Congress Rubber-Stamps Executive Tyranny

On 3 March 1863, the Republican-dominated Congress passed an *ex post facto* Act "relating to *habeas corpus* and regulating judicial proceedings in certain cases," which provided that "during the present rebellion, the President of the United States, whenever, in his judgment, the public safety may require it, is authorized to suspend the privilege of the writ of *habeas corpus* in any case throughout the United States, or any part thereof."<sup>(19)</sup> The purpose of this Act, according to Radical Republican James G. Blaine, was to "confirm to the President by law the right which he had of his own power been exercising."<sup>(20)</sup> Concurrent with the *Habeas Corpus Act* was another which indemnified the President for any prior illegal acts and further relieved him from legal liability for any future arrests.<sup>(21)</sup> Lincoln issued yet another proclamation on the fifteenth of September to the effect that "the

writ of *habeas corpus* is suspended throughout the United States... and that this suspension shall continue throughout the duration of such rebellion, or until this proclamation shall, by a subsequent one, to be issued by the President of the United States, be modified or revoked."<sup>(22)</sup> The proclamation authorized the arrest of all "aiders and abettors of the enemy," defining such as "he... who seeks to exalt the motives, character, and capacity of armed traitors; to magnify their resources, etc.," and "he who overrates the success of our adversaries or underrates our own, and he who seeks false causes of complaint against our government, or inflames party spirit among ourselves and gives to the enemy that moral support which is more valuable to them than regiments of soldiers or millions of dollars."<sup>(23)</sup> Of course, the U.S. marshals and police officers empowered by this proclamation were left to their own discretion as to what constituted "exalting the motives" of the Southern people and "overrating their success."

An objection to this rubber-stamping by Congress of the President's illegal acts was raised by thirty-six Democrats in the House who pointed out that the legislation "purports to confirm and make valid by act of Congress arrests and imprisonments which were not only not warranted by the *Constitution* of the United States but were in palpable violation of its express prohibitions."<sup>(24)</sup> When it was requested that this protest be entered into the *House Journal*, Thaddeus Stevens, another radical Republican, moved to lay the request on the table, and the motion carried by a vote of 75 to 41; all votes in the affirmative were cast by Republicans.<sup>(25)</sup> Undeterred, Indiana Democrat Henry W. Harrington introduced the following resolutions on the seventeenth of December in opposition to the previous *Habeas Corpus Act*:

Whereas the *Constitution* of the United States provides: "The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it"; and whereas such provision is contained in the portion of the *Constitution* defining legislative powers; and not in the provisions defining executive powers, and whereas the *Constitution* further provides: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated," etc.; and whereas the Thirty-Seventh Congress did by act claim to confer upon the President of the United States the power at his will and pleasure to suspend the privilege of the writ of *habeas corpus* throughout the United States without limitation or conditions; and whereas the President of the United States, by proclamation, has assumed to suspend such privileges of the citizen in the loyal States; and whereas the people of such States have been subjected to arbitrary arrests without process of law, and to unreasonable searches and seizures, and have been denied the right to a speedy trial and investigation, and have languished in prisons at the arbitrary pleasure of the Chief Executive and his military subordinates;

Now therefore, *Resolved, by the House of Representatives of the United States*, That no power is delegated by the *Constitution* of the United States, either to the legislative or executive branch, to suspend the privilege of the writ of *habeas corpus* in any State loyal to the *Constitution* and Government not invaded, and in which the civil and judicial power are in full operation.

2. *Resolved*, That Congress has no power under the *Constitution* to delegate to the President of the United States the authority to suspend the privilege of the writ of *habeas corpus*, and imprison at his pleasure, without process of law or trial, the citizens of the loyal States.

3. *Resolved*, That the assumption of the right by the executive of the United States to deprive the citizens of such loyal States of the benefits of the writ of *habeas corpus*, and to imprison them at his pleasure, without process of law, is unworthy the progress of the age, is consistent only with a despotic power unlimited by constitutional obligations, and is wholly subversive of the elementary principles of freedom upon which the Government of the United States and of the several States, is based.

4. *Resolved*, That the Judiciary Committee is instructed to prepare and report a bill to this House protecting the rights of the citizens in the loyal States, in strict accordance with the foregoing provisions of the *Constitution* of the United States.<sup>(26)</sup>

These resolutions were immediately attacked by the Republicans in the House and were thereafter rejected by a majority vote of 90 to 67; predictably, all votes in the negative were cast by Republicans.<sup>(27)</sup>

### Why Lincoln Favored Courts-Martial



Having thus established himself as a military dictator, Lincoln naturally favored summary courts-martial over constitutional courts because such proceedings "are not based on the written law,"<sup>(28)</sup> and such courts are "not to be bound... by common-law rules,"<sup>(29)</sup> and are "in great degree devoid of the technicalities which characterize the proceedings of ordinary courts."<sup>(30)</sup> Daniel Webster had pointed out a generation before Lincoln's ascension to power that "military courts are organized to convict,"<sup>(31)</sup> and they may do so on the most frivolous of pretenses, if any pretense at all. Furthermore, it was the belief of the Republicans in power

that "there is no place within the boundaries of the republic where the court martial may not take the place of civil courts and thrust aside the laws," and that "the generals in command, subject to the President, are the only judges of the necessity of the time and occasion when such court martial or order may be properly issued, and no civil court can interfere."<sup>(32)</sup> Colonel Henry Bertram of the 20th Wisconsin Volunteers added to this belief the threat that "those who complain so loudly and so lithely about the suspension of the writ of *habeas corpus* and the institution of martial law in time of actual rebellion, ought themselves to be *suspended between heaven and earth by a few yards of hemp well adjusted around their necks*" [emphasis in original].<sup>(33)</sup>

On 16 May 1863, a convention of Democrats assembled in Albany, New York to protest the arbitrary arrest of Clement Vallandigham who had been speaking publicly against the Lincoln regime since July of 1861.<sup>(34)</sup> The resolutions produced by this convention opened with an affirmation of the loyalty of the Democratic party to the alleged purpose of the war to "preserve the Union," and they went on to exhort the Administration to "be true to the *Constitution*... [to] recognize and maintain the rights of the States and the liberties of the citizen... [and to] everywhere outside of the lines of necessary military occupation and the scenes of insurrection, exert all its powers to maintain the supremacy of the civil over military law." The resolutions went on to state:

*Resolved*, That in view of these principles we denounce the recent assumption of a military commander to seize and try a citizen of Ohio, Clement L. Vallandigham, for no other reason than words addressed to a public meeting, in criticism of the course of the Administration, and in condemnation of the military orders of that general.

*Resolved*, That this assumption of power by a military tribunal, if successfully asserted, not only abrogates the right of the people to assemble and discuss the affairs of Government, the liberty of speech and of the press, the right of trial by jury, the law of evidence, and the privilege of *habeas corpus*, but it strikes a fatal blow at the supremacy of law, and the authority of the State and Federal constitutions.

*Resolved*, That the *Constitution* of the United States – the supreme law of the land – has defined the crime of treason against the United States to consist "only in levying war against them, or adhering to their enemies, giving them aid and comfort;" and has provided that "no person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court." And it further provides that "no person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury; except in cases arising in the land and naval forces, or in the militia, when in actual service in time of war or public danger;" and further, that "in all criminal prosecutions, the accused shall enjoy the right of a speedy and public trial, by an impartial jury of the State and district wherein the crime was committed."<sup>(35)</sup>

Lincoln, of course, was unimpressed by the logic of these resolutions and simply justified his actions as follows:

...[T]hese provisions of the *Constitution* have no application to the case we have in hand, because the arrests complained of were not made for treason – that is, not for the treason defined in the *Constitution*.... The arrests were made on totally different grounds, and the proceedings following accorded with the grounds of the arrests....

Yet thoroughly imbued with a reverence for the guaranteed rights of individuals, I was slow to adopt the strong measures which by degrees I have been forced to regard as being within the exceptions of the *Constitution*, and as indispensable to the public safety. Nothing is better known to history than that courts of justice are utterly incompetent to such cases. Civil courts are organized chiefly for trials of individuals, or, at most, a few individuals acting in concert, and this in quiet times, and on charges of crimes well defined in the law.... Again, a jury too frequently has at least one member more ready to hang the panel than to hang the traitor. And yet, again, he who dissuades one man from volunteering, or induces one soldier to desert, weakens the Union cause as much as he who kills a Union soldier in battle. Yet this dissuasion or inducement may be so conducted as to be no defined crime of which any civil court would take cognizance.

Ours is a case of rebellion... and the provision of the *Constitution* that "the privilege of the writ of *habeas corpus* shall not be suspended unless when in case of rebellion or invasion the public safety may require it," is the provision which specially applies to our present case. This provision plainly attests the understanding of those who made the *Constitution* that ordinary courts of justice are inadequate to "cases of rebellion" – attests their purpose that, in such cases, men may be held in custody whom the courts, acting on ordinary rules, would discharge. *Habeas corpus* does not discharge men who are proved to be guilty of defined crime; and its suspension is allowed by the *Constitution* on purpose that men may be arrested and held who cannot be proved to be guilty of defined crime, "when, in case of rebellion or invasion, the public safety may require it." This is precisely our present case – a case of rebellion, wherein the public safety does require the suspension. Indeed, arrests by process of courts and arrests in cases of rebellion do not proceed altogether upon the same basis.... In the latter case arrests are made not so much for what has been done, as for what probably would be done. The latter is more for the preventive and less for the vindictive than the former. In such cases the purposes of men are much more easily understood than in cases of ordinary crime. The man who stands by and says nothing when the peril of his Government is discussed cannot be misunderstood. If not hindered, he is sure to help the enemy; much more if he talks ambiguously – talks for his country with "buts" and "ifs" and "ands."

...[T]he *Constitution* is not, in its application, in all respects the same, in cases of rebellion or invasion involving the public safety, as it is in times of profound peace and public security.<sup>(36)</sup>

In other words, any man who did not openly and unconditionally pledge his allegiance to the Lincoln Administration and its unconstitutional war against the Southern people and its usurpation of the rights of the Northern people, was guilty of this newly defined "treason" and subject to arrest without warrant and imprisonment without trial in a lawful court. The outrage of the Democrats was certainly justified:

The President not only admits that citizens have been deprived of their liberty on mere partisan conjectures of their possible intentions, but he confesses that these conjectures have had nothing to rest upon. "The man who stands by and says nothing when the peril of his government is discussed, cannot be misunderstood." Was anything so extraordinary ever before uttered by the chief magistrate of a free country? Men are torn from their homes and immured in bastiles for the shocking crime of — *silence!* Citizens of the model republic of the world are not only punished for speaking their opinions, but are plunged into dungeons for holding their tongues! When before, in the annals of tyranny, was silence ever punished as a crime?...

Few among us ever expected to live to see such things done; and nobody, we are sure, to see them so unblushingly *confessed*. What must be Mr. Lincoln's appreciation of the public sentiment of the world, when he thus comes before the country with a paper containing statements which sound more like the last dying speech and conversation of a tyrant than like the *justification* of the elected ruler of a free people?

The courts, of course, cannot punish this dreadful crime of "standing by and saying nothing." Mr. Lincoln admits this, and assigns a very good reason: "Because," says he, "the arrests complained of were not made for treason — that is, not *the* treason defined in the *Constitution*." It is a tolerably safe position, that silence, "to stand by and say nothing," is not *the* treason defined in the *Constitution*"; it is a treason which our fathers never thought of providing against; they guaranteed free speech, but they never imagined that free silence could ever stand in need of protection. So far from silence being *the* treason defined in the *Constitution*," it is *a* treason" invented by Abraham Lincoln. It was reserved for him, in the last half of the enlightened nineteenth century, to hit upon this refinement, which had escaped the acuteness of all preceding tyrants [emphasis in original].<sup>(37)</sup>

Another of the men thus arrested by Lincoln's minions was Francis Key Howard, the editor of the *Baltimore Exchange* and grandson of the author of the national anthem, who described his imprisonment at Fort McHenry in the following words:

When I looked out in the morning, I could not help being struck by an odd and not pleasant coincidence. On that day forty-seven years before my grandfather, Mr. F.S. Key, then prisoner on a British ship, had witnessed the bombardment of Fort McHenry. When on the following morning the hostile fleet drew off, defeated, he wrote the song so long popular throughout the country, the *Star-Spangled Banner*. As I stood upon the very scene of that conflict, I could not but contrast my position with his, forty-seven years before. The flag which he had then so proudly hailed, I saw waving at the same place over the victims of as vulgar and brutal a despotism as modern times have witnessed.<sup>(38)</sup>

As pointed out by General Benjamin Butler, "The Lincoln Government was rarely aided, but was usually impeded by the decisions of the Supreme Court," and therefore one of the reasons Lincoln suspended *habeas corpus* was "to relieve himself of the rulings of the court."<sup>(39)</sup> As was discussed in the previous chapter, Lincoln even signed an order to arrest the eminent and aged Chief Justice Roger Taney himself for his bold declaration in *Ex parte Merryman* that "the president has exercised a power which he does not possess under the *Constitution*." Former Supreme Court Justice Benjamin Robbins Curtis' liberty was also imperiled when he wrote a blistering critique of Lincoln's *Emancipation Proclamation* in 1862 entitled *Executive Power*:

When the *Constitution* says that the President shall be the commander-in-chief of the army and navy of the United States... does it mean that he shall possess military power and command over all citizens of the United States; that, by military edicts, he may control all citizens, as if enlisted in the army and navy, or in the militia called into actual service of the United States? Does it mean that he may make himself a legislator, and enact penal laws governing the citizens of the United States, and erect tribunals, and create offices to enforce his penal edicts upon citizens?...

He is general-in-chief; but can a general-in-chief disobey any law of his own country? When he can, he superadds to his rights as a commander the powers of a usurper; and that is military despotism....

Whence, then, do these edicts spring? They spring from the assumed power to extend martial law over the whole territory of the United States; a power, for the exercise of which by the President, there is no warrant whatever in the *Constitution*; a power which no free people could confer upon an executive officer, and remain a free people. For it would make him the absolute master of their lives, their liberties, and their property, with power to delegate his mastership to such satraps as he might select, or as might be imposed on his credulity, or his fears. Amidst the great dangers which encompass us, in our struggles to encounter them, in

our natural eagerness to lay hold of efficient means to accomplish our vast labors, let us beware how we borrow weapons from the armory of arbitrary power. They cannot be wielded by the hands of a free people. Their blows will finally fall upon themselves.<sup>(40)</sup>

## The Lincoln Regime Persecutes the Church

Lincoln and his military satraps even dared lay their hands upon the churches in the North and in the occupied portions of the South. One example of many was the arrest of J.R. Stewart, a clergyman of Saint Paul's Episcopal Church in Alexandria, Virginia on 9 February 1862 by the order of the State Department in Washington, D.C. The alleged ground of the arrest was that Stewart refused to pray for the President of the United States;<sup>(41)</sup> his congregation was also accused of "habitual mockery of the Stars and Stripes and their insolent bearing toward Union citizens and U.S. soldiers."<sup>(42)</sup> However, the true purpose, as revealed by the perpetrators of the crime, was "to intimidate and compel the clergy of the Border States to withdraw the support and consolation of the Christian religion from a stricken people, who fled to it as their only hope, and who used it to strengthen themselves to great endurance."<sup>(43)</sup>

The account of the arrest, which should be sufficient to arouse the indignation of any Christian people, is as follows: Stewart, who was known to privately withhold support for the war policies of the Lincoln Administration, made it known in a letter to the State Department that "being an American citizen, he could not allow the State to dictate to the Church what petition should be asked of the Great King," and that "it would be better to die than to allow the Church to be used as a political tool."

A communion sermon was preached which alluded to the historical fact that all things held most dear by his congregation were "blood-bought," the most sacred of which was the atoning death of the Lord Jesus Christ which they would henceforth celebrate. In Stewart's audience were two Government agents, who were assigned to take note of anything that could be used as a pretense for his arrest. When the sermon had been thus illustrated, one of the agents spoke to the other: "All precious things are 'blood-bought'; that means that freedom is blood-bought; it means the *Magna Charta* is blood-bought; it is aimed at the President's proclamation. Write it down as treason. Damn the priests! I intend to make them preach and pray my way. We'll see which has the longest sword, their master, or ours!" To this, the second agent added, "If I break this fellow down, all the rest will cave in."

Soldiers from the Eighth Illinois Cavalry, under the command of Captain John Farnsworth, were then ordered by the State Department to invade the church on the following Sunday, surround the minister as he prayed, and compel him by sabres thrust against his breast to speak only as commanded. Ignoring the martial throng about him, Stewart began his prayer: "From all evil and mischief; from all sedition, privy conspiracy...." The congregation responded, "Good Lord, deliver us."

"Bless all Christian rulers and magistrates," Stewart continued, "and give them grace to execute justice and maintain truth." At this point, the officer in charge of the unruly mob wrested the Bible from the minister's hands and threw it to the ground shouting, "You are a traitor! in the name and by the authority of the President of the United States, I arrest you!" Stewart calmly stood, faced the officer, and motioning to his congregation, he said, "Let these go, take me; but before I yield myself up to you, I summon you to appear before the bar of the King of kings, to answer the charge of interrupting his ambassador, while in the house of God, and in the discharge of his duty."<sup>(44)</sup>

Stewart was then escorted to prison by two armed sergeants, while the young females of his family were seized and dragged through the streets to the delight of the gathered mobs of "loyal" citizens. The office of the newspaper which reported these atrocities was subsequently burned to the ground, as was that of the religious journal, *The Southern Churchman*. Stewart was finally exiled from his home, and spent the duration of the war ministering to the wounded and dying on the battlefields, and in the prisons and hospitals. Such monstrous acts of tyranny were all perpetrated with the full knowledge and direction of Lincoln's Administration, and were commenced by the finger of William Seward as it nonchalantly touched the infamous "little bell."

We close this chapter with the following warning from Stephen D. Carpenter — a warning which went largely unheeded by his contemporaries:

From the foregoing evidence... we cannot escape the general conclusion that it is the purpose of those in power and those who control the Administration, to plunge us into despotism — to finally destroy this old Union, and to build up a government on its ruins, in accordance with the early motives of a privileged aristocracy, or limited monarchy. The Union as it was, we need never look for again. So the despots in power tell us, and if they can prevent it, that fabric of free government reared by the combined wisdom and through the mutual sacrifice of a race of heroes and statesmen, will never be permitted again to shed the luster of its glory on a people that will soon lament the entire loss of liberty....

Our government is undergoing a revolution at the North as well as at the South. The party in power... have put themselves on record in favor of a different government from that of our fathers. They spit upon and deride the *Constitution*. But they knew they could not change this government to that of a military despotism, except by and through the means of military power. Hence, they have stricken down the civil and erected the military standard. We are now virtually under martial law. We can exercise no civil functions that do not suit the pleasure of the Military Dictator. This is the land-mark we have reached to-day. No man can deny this fact, and if this power is not exercised in every particular, it only shows that the historian was correct when he asserted as a general maxim that "new born despotism is both timid and cautious, and seldom reaches its altitude at one bound, but chooses rather to approach it by slow but sure degrees." It is a shrewd *policy* to allow the people for a while some of their rights, lest a counter revolution might be inconvenient and troublesome [emphasis in original].<sup>(45)</sup>

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## Endnotes

1. Daniel Webster, quoted by Carpenter, *Logic of History*, pages 121-122.
2. William Whiting, [The War Powers of the President](#) (Boston: John L. Shorey, 1862), page 29. Whiting was a lawyer from Boston who served as Solicitor General for the War Department from 1862 to 1865. His book, *War Powers of the President*, was written as an apologetic for Lincoln's unconstitutional suspension of the writ of *habeas corpus*. Of course, Whiting's thesis failed from the outset because Article I, Section 8 of the *Constitution*, to which he traced these alleged Executive "war powers," begins with these words: "The Congress shall have Power...."
3. William E. Birkhimer, LL.B., *Military Government and Martial Law* (Kansas City, Missouri: Franklin Hudson Publishing Company, 1914), page 48. William Birkhimer was a Major-General in the U.S. Army and was detailed by the U.S. War Department as Acting Judge-Advocate of the Department of the Columbia. His book is considered to be *the* authoritative textbook on the subject. Before the second edition was published in 1914, Judge-Advocate General George B. Davis wrote in a letter to the author dated San Francisco, Calif., July 1, 1904: "The original work is the most complete treatise on the subject in the English language, and embodies the views which prevail in Anglo-Saxon countries on the subject of martial law and military occupation." Davis went on: "I hope the revision will appear in the near future, so that the work can be used in the instruction of officers of the Army in connection with the government of occupied territory and the restoration of order in communities in which military force has been employed with a view to secure the execution of the laws." Birkhimer took ill when the manuscript for the second edition was delivered to the printer, so Major Daniel H. Boughton, U.S. Army, LL.B, head of the Law Department of the Infantry and Cavalry School and Staff College, took upon himself the task of revising and correcting the proof-sheets and preparing the index.
4. United States Senate, *A Brief History of Emergency Powers in the United States: A Working Paper* (Special Committee on National Emergencies and Delegated Emergency Powers, 93rd Congress, 2nd Session; Washington, D.C.: U.S. Government Printing Office, July, 1974), page 15.
5. Birkhimer, *Military Government*, page 54.
6. E.C. Ingersoll, excerpt from a speech delivered at Bryan Hall, Chicago, Illinois in 1862; quoted by Carpenter, *Logic of History*, page 101; Edmonds, *Facts and Falsehoods*, page 193.
7. Bates, letter to Simon Cameron, 30 December 1861; in *Official Records: Armies*, Series II, Volume II, pages 182-183.
8. Bates, 5 July 1861 opinion; *ibid.*, page 25.
9. Report of the British Imperial Parliament in relation to the arrest of British subjects in America, 10 February 1862; *ibid.*, pages 213-214.
10. Seward, letter to Lord Richard Lyons, 6 January 1862; quoted by Edmonds, *Facts and Falsehoods*, page 213. See also *Official Records: Armies*, Series II, Volume II, pages 214-215.
11. Lincoln, quoted by Benjamin Robbins Curtis, [Executive Power](#) (Boston: Little, Brown and Company, 1862), page vi.
12. Curtis, *ibid.*, page vii.
13. Harrisburg (Pennsylvania) *Patriot Union*, 9 April 1861.
14. John J. Lalor (editor), *Cyclopedia of Political Science, Political Economy, and of the Political History of the United States* (Chicago, Illinois: Rand McNally, 1881), Volume II, pages 432-434.
15. *Official Records: Armies*, Series II, Volume II, page 214.
16. John A. Marshall, [American Bastile](#) (Philadelphia, Pennsylvania: Thomas W. Hartley and Company, 1881); Mahoney, *Prisoner of State*.
17. *The Holy Bible*, Acts 16:37-38, 19:38-39, 25:16, 25:27.
18. Randall, *Civil War and Reconstruction*, pages 387-388.
19. *Statutes at Large*, Volume XII, page 735. Following the war, this Act was ruled unconstitutional by the Supreme Court in [The Justices v. Murray](#) (1869), 76 U.S. 274.
20. Blaine, *Twenty Years of Congress*, Volume I, page 455.

21. Franklin Pierce, [Federal Usurpation](#) (New York: D. Appleton and Company, 1908), page 47.
22. Lincoln, quoted by Carpenter, *Logic of History*, page 254.
23. Lincoln, quoted by Pierce, *Federal Usurpation*, page 48.
24. Quoted by Blaine, *Twenty Years of Congress*, Volume I, pages 455-456.
25. Blaine, *ibid.*, page 456.
26. Resolutions submitted to the House of Representatives by Henry W. Harrington on 17 December 1863; quoted by Carpenter, *Logic of History*, page 255.
27. Carpenter, *ibid.*
28. Birkhimer, *Military Government*, page 526.
29. Birkhimer, *ibid.*, page 539.
30. Birkhimer, *ibid.*, page 534.
31. Daniel Webster, quoted by Edmonds, *Facts and Falsehoods*, page 211.
32. Janesville (Wisconsin) *Gazette*, 9 June 1863.
33. Henry Bertram, *Wisconsin State Journal*, 18 April 1863.
34. See Vallandigham's [response to Lincoln, 10 July 1861](#).
35. *The American Annual Cyclopaedia and Register of Important Events of the Year 1863* (New York: D. Appleton and Company, 1870), Volume III, pages 799-800.
36. Lincoln, *ibid.*, pages 800-802.
37. *New York World*, quoted by Carpenter, *Logic of History*, pages 222-223.
38. Francis Key Howard, quoted by Marshall, *American Bastille*, pages 645-646.
39. Butler, *Butler's Book*, page .
40. Curtis, *Executive Power*, pages 23, 30. Curtis' expose of the unconstitutionality of Lincoln's *Emancipation Proclamation* is especially interesting in light of the fact that, not only did he view the war against the Southern States as justified, but he had also been the author of one of the two dissenting opinions in the 1857 *Scott v. Sandford* case before resigning from the Supreme Court. See also Arthur M. Schlesinger, Jr., *The Imperial Presidency* (Boston: Houghton Mifflin Company, 1973), page 59.
41. S.W. Morton to F.W. Seward, 9 February 1862; *Official Records: Armies*, Series 2, Volume II, page 213.
42. Morton to William H. Seward, 12 February 1862; *ibid.*, pages 217-218.
43. Marshall, *American Bastille*, pages 92-93.
44. Marshall, *ibid.*, page 94.
45. Carpenter, *Logic of History*, page 241.

## **Part Two:**

# **Abraham Lincoln and the Birth of a Modern Empire**

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## **CHAPTER TWELVE:**

### **The Reign of Terror in the Northern States**

## **SUPPORTING DOCUMENT:**

### **Ex Parte Merryman Maryland Circuit Court (1861)**

## **SUPPLEMENTARY ESSAY:**

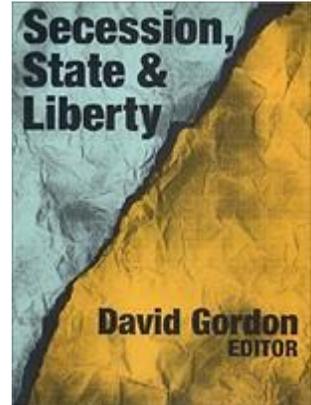
### **Magna Charta: The Foundation of American Liberties by John A. Marshall**

# Was the Union Army's Invasion of the Confederate States a Lawful Act?

An Analysis of President Lincoln's  
Legal Arguments Against Secession

by [James Ostrowski](#)

*This paper, included in [Secession, State, and Liberty](#) (New Brunswick, N.J.: Transaction Publishers, 1998), edited by David Gordon, was delivered at the Mises Institute's conference on the political economy of secession. It is ©1998 by the Ludwig von Mises Institute. All rights reserved.*



On 27 May 1861, the army of the United States of America (the Union) — a nation which had been formed by consecutive secessions, first from Great Britain in 1776, and then from itself in 1788 — invaded the State of Virginia,<sup>1</sup> which had itself recently seceded from the Union, in an effort to negate Virginia's secession by violent force.

The results of the efforts begun that day are well known and indisputable: after four years of brutal warfare, during which 620,000 Americans were killed, the United States of America forcibly negated the secession of the Confederate States, and re-enrolled them into the Union. The Civil War ended slavery, left the South in economic ruins, and set the stage for twelve years of military rule.

Beyond its immediate effects, the Civil War also made drastic changes in politics and law that continue to shape our world 130 years later. Arthur Ekirch, Jr. writes:

Along with the terrible destruction of life and property suffered in four long years of fighting went tremendous changes in American life and thought, especially a decline in [classical] liberalism on all questions save that of slavery. . . .

Through a policy of arbitrary arrests made possible by Lincoln's suspension of *habeas corpus*, persons were seized and confined on the suspicion of disloyalty or of sympathy with the southern cause. Thus, in the course of the Civil War, a total of thirteen thousand civilians was estimated to have been held as political prisoners, often without any sort of trial or after only cursory hearings before a military tribunal.<sup>2</sup>

The Civil War caused and allowed a tremendous expansion of the size and power of the federal government. It gave us our first federal conscription law, our first progressive income tax, and our first enormous standing army; it gave us a higher tariff, and it gave us greenbacks. James McPherson writes approvingly:

This astonishing blitz of laws . . . did more to reshape the relation of the government to the economy than any comparable effort except perhaps the first hundred days of the New Deal. This Civil War Legislation . . . created the blueprint for modern America.<sup>3</sup>

Albert Jay Nock was more critical of the war's impact, especially on the Constitution:

Lincoln overruled the opinion of Chief Justice Taney that suspension of *habeas corpus* was unconstitutional, and in consequence the mode of the State was, until 1865, a monocratic military despotism. . . . The doctrine of “reserved powers” was knaved up *ex post facto* as a justification for his acts, but as far as the intent of the constitution is concerned, it was obviously pure invention. In fact, a very good case could be made out for the assertion that Lincoln's acts resulted in a permanent radical change in the entire system of constitutional “interpretation” — that since his time, “interpretations” have not been interpretations of the constitution, but merely of public policy. . . . A strict constitutionalist might indeed say that the constitution died in 1861, and one would have to scratch one's head pretty diligently to refute him.[4](#)

This paper will attempt to explore Nock's thesis by examining the central constitutional issue of the war: was the Union Army's invasion of the Confederacy a lawful act? This will be done primarily by analyzing the legal arguments made by President Abraham Lincoln in support of the invasion and against the Confederate secession. This method is justified by several facts. First, the invasion of the Confederacy was ordered by President Lincoln. Second, President Lincoln was one of the most brilliant lawyers of his era. As such, it is safe to assume that his legal argument in support of the invasion was of the highest quality. Third, it is likely that President Lincoln read, thought, wrote, and spoke about the legal issues involving the Civil War more so than any other pro-Union lawyer of his era. He was aware of the pro-Union arguments made both by his predecessors as well as by his contemporaries.[5](#) Finally, President Lincoln, a superb writer and speaker, had strong incentive to make his views against secession known to the American people in order to secure their support for the onerous war which was made necessary by his opposition to secession. From the above facts, we can conclude that if the invasion of the Confederacy was legally justified, such legal justification can be found in the writings and pronouncements of President Lincoln.

This paper will not address the *morality* of the Union's invasion of the Confederacy, except indirectly and only to the extent that certain moral principles were undoubtedly reflected in the framework of laws governing the Union in 1861. Thus, whether the Union's invasion of the Confederacy can be morally justified, even if found to be unlawful, will not be answered here.[6](#) It is the case, however, that the officials who launched the invasion, especially President Lincoln, made no such argument in 1861. He had previously indicated his views on that issue by criticizing John Brown's raid on Harper's Ferry.[7](#)

The issue of the right of a state to secede is of more than historical interest. Since the end of the Civil War in 1865, though several amendments giving the federal government greater power over the states have been ratified, there have been no textual changes to the Constitution which explicitly prohibit secession.

There was no attempt by either side in the Civil War to resort to federal courts or international arbitrators for a decision on the legality of secession. Nor has any state attempted to secede since the Civil War. As settled as secession may be as a political or historical issue to many, it has never been settled as a legal one. The recent revival of secession talk and practice worldwide makes the present undertaking a valuable one.

#### **WAS THE INVASION JUSTIFIED BY THE SEIZURE OF FORT SUMTER?**

In the context of a legal analysis of state secession, it was the Union's invasion of Virginia that is significant, and not the Confederacy's firing on Fort Sumter a month earlier. The Confederacy fired on Fort Sumter to expel what it believed were trespassers on South Carolina soil and territorial waters. By no means can the seizure of the fort be construed as a threat to the security of the states remaining in the Union, the closest of which was 500 miles away.

If South Carolina illegally seceded from the Union, then both the Union's initial refusal to surrender Fort Sumter and its subsequent invasion were lawful and constitutional. Conversely, if South Carolina had the right to secede from the Union, then indeed the Union soldiers in the Fort *were* trespassers and also a potential military threat to South Carolina. Thus, assuming the right of secession existed, the Union had no right to

retaliate or initiate war against the Confederacy. Its subsequent invasion of Virginia then marks the beginning of its illegal war on the Confederacy.

The incident at Fort Sumter is largely significant as a political victory for the Union. President Lincoln, while holding a hostile military force on southern soil, was able to outmaneuver the Confederacy into firing the first shot of the war.<sup>8</sup> That the shot would be fired, however, was guaranteed by President Lincoln in his Inaugural Address when he disingenuously announced, “there shall be [no violence] unless it be forced upon the national authority.” He then defined the term “national authority” in such a way as to insure that war would come:

The power confided in me, will be used to hold, occupy, and possess the property, and places belonging to the government, and to collect the duties and imposts; but beyond what may be necessary for these objects, there will be no invasion—no using of force against, or among the people anywhere.<sup>9</sup>

Whatever one's legal, political, or moral views about President Lincoln or the Civil War, it should be obvious that Lincoln was being dishonest here. He was suggesting that he would not resist secession, but would continue to tax the seceders and to hold hostile military installations on their property — an absurdity. Before becoming president, Lincoln had been more honest. He had simply said “we won't let you” secede. The truth is, the southern states wanted to go in peace, but Lincoln “wouldn't let them.”<sup>10</sup>

### LINCOLN'S LEGAL ARGUMENTS AGAINST SECESSION

Lincoln set forth his views on secession mainly in his First Inaugural Address (4 March 1861), and his Special Message to Congress (4 July 1861). In the first speech, Lincoln made primarily *political* arguments against secession, apparently hoping to persuade secessionists with his arguments. However, with secession already accomplished by 4 July 1861, Lincoln's Special Address to Congress focused on the alleged *illegality* of secession, to establish the legitimacy of his intended military resistance to it. This paper will therefore first consider the Special Message's legal arguments against secession, then the First Inaugural's political arguments against secession.

In his Special Message to Congress, President Lincoln called the doctrine of the secessionists “an insidious debauching of the public mind.” He said,

They invented an ingenious sophism, which, if conceded, was followed by perfectly logical steps, through all the incidents, to the complete destruction of the Union. The sophism itself is, that any state of the Union may, *consistently* with the national Constitution, and therefore *lawfully*, and *peacefully*, withdraw from the Union, without the consent of the Union, or of any other state.

Ironically, it was not “fire-eating” southern rebels who had originated this “sophism,” but the man Lincoln called “the most distinguished politician in our history”—Thomas Jefferson.<sup>11</sup> Jefferson, who called Virginia his “country,” planted the seeds of the secession doctrine when he wrote his Kentucky Resolution of 1798, in protest to the Alien and Sedition laws:

The several states composing the United States of America are not united on the principle of unlimited submission to their general government; but that, by compact, under the style and title of the Constitution of the United States, and of certain amendments thereto, they constituted a general government for general purposes, delegated to that government certain powers, reserving, each state to itself, the residuary mass of right to their own self-government; and that whensoever the general government assumes undelegated powers, its acts are unauthoritative, void and of no effect.<sup>12</sup>

Hannis Taylor called Jefferson's compact doctrine the "Pandora's Box" out of which flew the "closely related doctrines of nullification and secession," which he notes, with less than perfect foresight, "were extinguished once and forever by the Civil War."<sup>13</sup> Jefferson's biographer, Willard Sterne Randall agrees:

[Jefferson] forthrightly held that where the national government exercised powers not specifically delegated to it, each state "has an equal right to judge . . . the mode and measure of redress." . . . He was, he assured Madison, "confident in the good sense of the American people," but if they did not rally round "the true principles of our federal compact," he was "determined . . . to sever ourselves from the union we so much value rather than give up the rights of self-government . . . in which alone we see liberty, safety and happiness."<sup>14</sup>

Lincoln, in reply to this "insidious debauching of the public mind," constructs a straw man secessionist argument: "This sophism derives much—perhaps the whole—of its currency, from the assumption, that there is some omnipotent, and sacred supremacy, pertaining to a *State* — to each State of our Federal Union." No secessionist, including Jefferson, ever made such an argument, though it sounds ominously like a description of Lincoln's own feelings about the *Union*. Since the states *created* the Union, Lincoln's denigration of the states and glorification of the Union is paradoxical.

Lincoln challenges the claim of reserved state powers by asserting that no state, except Texas, had ever "been a State *out* of the Union." In fact, Lincoln argues that the states "passed into the Union" even before 1776; united to declare their independence in 1776; declared a "perpetual" union in the Articles of Confederation two years later; and finally created the present Union by ratifying the Constitution in 1788. There are many problems with his argument.

Lincoln confuses no fewer than four different concepts of union. Prior to 4 July 1776, the colonies were united by their increasing concern over the violation of their rights by the British government. Their representatives met in a Continental Congress which ultimately issued the Declaration of Independence and organized the Revolutionary War effort. Prior to 1776, no issue of secession from a union could have arisen because the colonies still considered themselves part of Great Britain. Neither were there any legal documents agreed to by the Continental Congress which directly or indirectly addressed the issue of secession. Thus, any union that existed prior to 1776 is of no importance at all to the issue of secession.

Next comes the union created by the Declaration of Independence. The most notable fact in this context is that the Declaration announces a lawful *secession* by the colonies from Great Britain based on the right of the people to alter or abolish their form of government. It is thus apparent that the Declaration of Independence establishes that the right of secession is among the *inalienable* rights of men. The Declaration is, therefore, literally the last place on earth one would hope to find legal justification for a war against secession. It was adopted by representatives of the thirteen colonies, and declared that those colonies had become "Free and Independent States." However, the Declaration was not a constitution, establishing any particular type of union among the states, or specifying any duties binding on them other than a moral commitment to mutually defend their newly declared independence.

Ironically, the past "train of abuses" Thomas Jefferson cited in support of secession reads like a checklist of the tactics Lincoln and his successors used against the South to prevent secession:

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people. He has refused for a long time, after such dissolutions, to cause others to be elected. . . . He has made Judges dependent on his Will alone. . . . He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance. He has kept among us, in times of peace, Standing Armies without the consent of our legislatures. He has affected to render the Military independent of and superior to the Civil Power. He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws, giving his Assent to their Acts of pretended Legislation: For

quartering large bodies of armed troops among us. For cutting off our Trade with all parts of the world. For imposing Taxes on us without consent. For depriving us in many cases, of the right of Trial by Jury. For taking away our Charters, abolishing our most valuable Laws and altering fundamentally our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever. He has abdicated Government here, by declaring us out of his Protection and waging War against us. He has plundered our seas, ravaged our Coast, burnt our towns, and destroyed the lives of our people. He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny.

The next union cited by Lincoln is the government established by the Articles of Confederation, which were ratified on 1 March 1781. Perhaps the most significant fact about the Articles is that they specify, both in the preamble and in the body, that the union thus created is “perpetual.” Article XIII states:

The Articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a congress of the united states, and be afterwards confirmed by the legislatures of every state.

In contrast, however, Article II makes clear that “Each state retains its sovereignty, freedom and independence *and* every Power, Jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assembled.”<sup>15</sup> This sentence is divided into two clauses, the first speaking of states retaining their sovereignty, freedom, and independence, and the second reserving to the states those powers and rights not expressly delegated to the United States.

Resolving the apparent conflict between Article II and Article XIII as it respects the issue of secession is unnecessary for our purposes. Suffice it to say that the Articles expressed a desire for perpetual union, while recognizing the independence of states, and omitting any clear mandate or enforcement mechanism that prevents state secession. They also established a decentralized federal system without a strong executive power that apparently failed to arouse any secessionist impulses in its short tenure.

The union established by the Articles of Confederation, in spite of its exhortation of perpetuity, was terminated by nothing other than a *secession*! The proposed Constitution provided that it would take effect upon ratification by nine states. On 21 June 1788, New Hampshire became the ninth state to ratify. On that date, a new union was formed, exclusive of Virginia, New York, North Carolina, and Rhode Island, which had not yet ratified. That new union *seceded* from the union formed by the Articles of Confederation in violation of Article XIII, which barred any alteration in the Articles save by unanimous consent.<sup>16</sup>

Significantly, the exhortation of perpetuity from the Articles—which was repeated five times—was dropped by the new Constitution. In response to this embarrassing fact, Lincoln argues that the phrase “a more perfect union” in the preamble implies at least the perpetuity of the Articles. Evidently, the Framers either disagreed or chose to be silent on the matter. (Indeed, common sense suggests that perpetual—forced—unions are less perfect than consensual ones, about which more later.) Their omission is especially significant since the term “perpetuity” was part of the full name of the Articles: “Articles of Confederation and Perpetual Union.” Thus, the Framers could not have missed the term.

More importantly, a comparison of the two texts reveals, contrary to popular thought, that much copying was done by the Framers of the Constitution. Entire clauses from the Articles were imported virtually word for word into the Constitution. Examples include the following clauses: privileges and immunities, extradition, full faith and credit, congressional immunity while in session, ban on state treaties, and ban on state imposts and duties. The Framers were clearly conversant with the text of the Articles, yet no mention of perpetuity appears in the Constitution.

Neither does the Constitution explicitly say anything about state secession. The word “secession” does not appear in the Constitution. The Constitution neither prohibits a state from leaving the union nor explicitly authorizes a state to do so. Nor does it explicitly authorize the federal government to forcibly retain a state that has seceded.

Secession was apparently not discussed at the Constitutional Convention.<sup>17</sup> This may have been a deliberate omission:

It would have been inexpedient to have forced this issue in 1787, when the fate of any sort of a central government was doubtful. But [this] subject [was] probably not even seriously considered at that time.<sup>18</sup>

President Buchanan later argued that if states had the right to secede, all that anti-federalist concern about potential federal tyranny was pointless.<sup>19</sup> This is a clever, but strange, legal argument. It uses circumstantial evidence to establish what certain *opponents* of the Constitution might have thought it meant on a point that was not widely discussed or considered at that time. Such a method of constitutional interpretation is tertiary at best. This article relies primarily on textual analysis and secondarily on consideration of the purposes of the drafters and ratifiers and their historical circumstances. It is not at all clear why what opponents of the Constitution might have thought it meant should be a criterion of interpretation.

Even if it is considered important, however, there are still problems with the argument, since many historians have concluded that most people of the time believed the states retained the right to secede.<sup>20</sup> Since the Constitution expanded the powers of the federal government, omission from it of any mention of secession or perpetuity certainly removes a potential source of opposition to ratification.

Another problem with Buchanan's argument is that its initial premise is dubious. That is, it assumes that if a right to secession existed under the proposed Constitution, opposition to it would have been less severe. However, even if the Constitution *explicitly* allowed states to secede, opponents of a strong federal government nevertheless had strong incentive to oppose it for the simple reason that the new Constitution meant the death of the minimalist Articles of Confederation. Finally, even if anti-federalists believed that the states retained the right to secede under the new Constitution, they could well have thought — with perfect foresight — that the federal government would nevertheless *ignore* that right, and use military force to prevent such a lawful secession. Thus, Buchanan's argument is mere sophistry.

This review of the legal history of the states contradicts Lincoln's claim that the states had *always* been part of a superior union that implicitly forbade secession. In fact, such a claim is preposterous. At various times, the states had been loosely joined for their common defense without a constitution, while at other times, certain states had been left entirely out of the union. The very birth of the states as independent entities took place when they ratified a Declaration of Independence that enshrined a right of secession as an inalienable right of the people of each of the states.<sup>21</sup>

We turn next to Lincoln's discussion of the Constitution as he believes it relates to secession. He argues that while states have reserved powers under the Constitution — presumably referring to, but not mentioning, the Tenth Amendment — secession is not such a power since it is “a power to destroy the government itself.”<sup>22</sup> This, of course, is hyperbole and abuse of language. To depart from is to destroy, according to Lincoln. If the union government was destroyed by secession, what was the entity that put a million troops in the field during the subsequent war?

Secession does not destroy the federal government; it merely ends its authority over a certain territory and sets up a new government to take its place in that territory. Nevertheless, even if we meet Lincoln halfway and concede that secession involves a partial destruction of the power and scope of the federal government, how does that fact alone prove its unconstitutionality?

It still remains for Lincoln to confront the limited and delegated nature of the powers of the federal government, and the Ninth and Tenth Amendments which transform those principles into positive law. He dodges:

What is now combatted, is the position that secession is *consistent* with the Constitution — is lawful, and peaceful. *It is not contended that there is any express law for it;* and nothing should ever be implied as law, which leads to unjust, or absurd consequences.[23](#)

Nowhere does Lincoln mention the Ninth and Tenth Amendments. Since those Amendments carry much of the load of the argument for secession, and were frequently cited by secessionists of the day, the failure of the brilliant lawyer to grapple with them is strong evidence of his inability to do so. Lawyers have often treated the weak points in their cases with silence there and much noise elsewhere.

Not only does Lincoln ignore the Ninth and Tenth Amendments, he simply replaces them with an amendment of his own: states have no rights that are not expressly stated in the Constitution. It was precisely the point of those amendments, however, to ensure that no serious lawyer would ever make such an argument.

The Ninth Amendment states:

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

The precise purpose of the Ninth Amendment was to respond to the argument Alexander Hamilton made against attaching a bill of rights to the Constitution. Hamilton argued that the expression of certain rights such as free speech and the right to bear arms would, by longstanding rules of legal interpretation, be construed to deny other possible rights.[24](#) The Ninth Amendment was added to the Bill of Rights to make clear that rights other than those specified were indeed retained by the people.

The most authoritative source for unenumerated rights is the Declaration of Independence. Bennett Paterson writes, “The Declaration of Independence was a forerunner of the Ninth Amendment.”[25](#) As we have seen, in the context of announcing secession from Great Britain, the Declaration explicitly supports the right to alter or abolish government. The author of the leading constitutional-law treatise of the early-nineteenth century wrote:

To deny this right [secession] would be inconsistent with the principle on which all our political systems are founded, which is, that the people have in all cases, a right to determine how they are governed.[26](#)

Thus, the right of a people to secede from a larger polity would appear to be among the unenumerated rights that are protected by the Ninth Amendment.

The Tenth Amendment states:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The Tenth Amendment complements the Ninth[27](#) in providing a persuasive textual argument that the right of secession is reserved to the states.[28](#) The right to prevent secession is not delegated to the United States. In fact, the Constitutional Convention considered and rejected a provision that would have authorized the use of Union force against a recalcitrant state. On 31 May 1787, the Constitutional Convention considered adding to the powers of Congress the right

to call forth the force of the union against any member of the union, failing to fulfil its duty under the articles thereof.[29](#)

The clause was rejected after James Madison spoke against it:

A Union of the States containing such an ingredient seemed to provide for its own destruction. The use of force against a State, would look more like a declaration of war, than an infliction of punishment, and would probably be considered by the party attacked as a dissolution of all previous compacts by which it might be bound.[30](#)

Neither is the right to secede expressly prohibited to the states. Thus, under the plain meaning of the Tenth Amendment, the states retain the right to secede. This position is buttressed by the historical fact that the states had the right to secede in 1776 and did not expressly give up that right in ratifying the Constitution. To the contrary, New York and several other states, in their acts of ratification, noted which “the powers of government may be reassumed by the people, whensoever it shall become necessary to their happiness.”[31](#) The Tenth Amendment also makes clear that a right or power need not be expressly granted to the states by the Constitution. Rather, the states are *irrebuttably presumed* to have such a power, unless that power is expressly taken from them by the Constitution.[32](#)

Since the acts of secession were approved by state legislatures, then ratified by conventions whose delegates were elected by the people of those states, there is no conflict between the Ninth and Tenth Amendments in authorizing Confederate secessions.[33](#)

Lincoln was therefore in error in suggesting that the right of secession had to be spelled out in the Constitution. He did, however, make an argument in the alternative that secession should not be “implied as law [because it] leads to unjust, or absurd consequences.” Among the “unjust” consequences of secession Lincoln cites are the financial consequences. The federal government had borrowed money to purchase the territories of several seceding states, and had contracted to pay the debts of Texas when it entered the union. Also, the seceding states would allegedly escape their share of the national debt.

All these issues, however, are collateral to the issue of secession and are therefore to be regarded as red herrings. We *know* that even if the seceding states had hired an accountant, determined the *net* amount, if any, owed to the federal government and tendered payment in that amount, that President Lincoln would nonetheless have ordered the invasion. Furthermore, if the war was fought to recover a just debt, then the Union army would only have needed to confiscate a sufficient quantity of Confederate property to pay that debt, and leave in peace. That image is as absurd as Lincoln's argument. Since Lincoln's argument is not a *bona fide* argument against secession, we need not consider the complex issue of whether the seceding states actually owed money to the federal government.[34](#)

Yet another part of the Bill of Rights that is ignored by Lincoln is the Second Amendment, which speaks of “the right of the people to keep and bear arms” and to form a “well regulated Militia” in order to protect the security of a “free State.” A reasonable interpretation of this Amendment, based on its historical origins, is that the people of the states have the right to defend themselves against the tyranny of the federal government:

The Second Amendment was designed to guarantee the right of the people to have “their private arms” to prevent tyranny and to overpower an abusive standing army or select militia.[35](#)

James Madison, writing before the ratification of the Second Amendment, commented:

Let a standing army, fully equal to the resources of the country, be formed; and let it be entirely at the devotion of the federal government; still it would not be going too far to say, that the State governments, with the people on their side, would be able to repel the danger. . . . To these would be opposed a militia amounting to near half a million of citizens *with arms in their hands*, officered by men chosen from among themselves, fighting for their common liberties, and united and conducted by governments possessing their affections and confidence.[36](#)

If states have the right to protect themselves against federal tyranny by force, they would appear to have the right to do so by the peaceful means of secession. While the right of secession is not derived from the Second Amendment, the denial of such a right renders the Second Amendment incongruous. Lincoln not only ignored the Second Amendment, he perverted its intent — and undercut the premise of Madison's argument — by calling out the militias of the northern states to fight against the militias of the Confederate States. His agents violated the Second Amendment rights of citizens in border states by systematically seizing their muskets.[37](#)

Lincoln cites only two clauses in the Constitution in his argument against the legality of secession: the supremacy clause and the guarantee clause. Each argument shares the same logical defect. The supremacy clause, in Article VI, states:

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof . . . shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

This clause could arguably be invoked to negate secessionist legislation as violative of federal laws against treason. Reliance on the supremacy clause, however, begs the question. The supremacy clause can be used as an argument against secession only if the Constitution requires a state to remain part of the union[38](#) it does not apply otherwise, nor, obviously, does it apply to a state that has left the Union. Thus, arguments from the supremacy clause assume as a premise precisely what is in dispute: that the state is still part of the Union and thus bound by the supremacy clause. In light of the arguments previously made that the *Constitution* allows secession, one can just as easily argue that the supremacy clause barred the Union army's invasion of the South!

Article IV, §4, states that “The United States shall guarantee to every State in this Union a Republican Form of Government.” This clause was cited by President Lincoln to justify a war to prevent secession:

If a State may lawfully go out of the Union, having done so, it may also discard the republican form of government; so that to prevent its going out, is an indispensable *means*, to the *end*, of maintaining the guaranty mentioned; and when an end is lawful and obligatory, the indispensable means to it, are also lawful, and obligatory.[39](#)

John Adams once complained that “he ‘never understood’ what the guarantee of republican government meant; ‘and I believe no man ever did or will.’”[40](#) Nevertheless, Lincoln's argument again begs the question. The clause itself applies only to a state in the Union. Thus, to apply the clause, one must first *assume* that a state may not lawfully secede.[41](#)

Those portions of the guarantee clause not cited by Lincoln are instructive: “The United States shall . . . protect each of them from Invasion; and on application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic violence.” Lincoln failed to cite the “invasion” clause, of course, since he himself was planning an invasion of the southern states. Nor could he very well justify the invasion on the grounds of preventing “domestic violence” since he lacked the consent of the legislatures of the Confederate states, to say the least. A plain reading of the Guarantee Clause as a whole suggests it was written for the benefit of the states, not to provide a pretext for invading them.

Lincoln's evasion of these critical portions of the guarantee clause are symptomatic of the central fallacy of his constitutional view of secession: his belief that the Constitution countenanced a military invasion of the South and resulting extended displacement of its civil authorities by military rule. To the contrary, the Constitution contemplates a structure of state-federal relations in which the states must take an active and *voluntary* part.[42](#) This contrasts sharply with Lincoln's view of the Union as little more than a prison from which unhappy states are not allowed to escape:

The Union, in any event, won't be dissolved. We don't want to dissolve it, and if you attempt it, *we won't let you*. With the purse and sword, the army and navy and treasury in our hands and at our command, you *couldn't do it*.[43](#)

Lincoln believed that the Union would be fully preserved if that escape was prevented by force. But was it? The Constitution uses the word “State” over a hundred times. It does not establish a prison-inmate relation, but rather a complex political structure in which powers, duties, and rights are carefully split between the federal government and the states. Even the Supreme Court, in two cases critical of secession, admitted this:

The States are organisms for the performance of their appropriate functions in the vital system of the larger polity, of which, in this aspect of the subject, they form a part, and which would perish if they . . . ceased to perform their allotted work.[44](#)

Without the States in union, there could be no such political body as the United States.[45](#)

The states were expected to choose members of the House of Representatives and elect representatives to “The Senate of the Unites States [which] shall be composed of two Senators from each State.”[46](#) The states were also supposed to select electors who would then elect a president. In addition, the states would each maintain militia, which could be called upon by the President to defend the nation.[47](#) States were required to respect the “Privileges and Immunities” of the citizens of other states, give full faith and credit to the judicial proceedings of other states, and return fugitives from justice to other states.[48](#) The states were expected to actively participate in the process of amending the Constitution, such amendments requiring the consent of three-fourths of the states.[49](#) State courts were expected to be bound by the Constitution, treaties, statutes, and federal court decisions.[50](#)

Some of the state functions listed above are simply not subject to being effectively compelled by the federal government. Sending representatives to Congress and participating in the election of a president fall into this category. It is difficult to conjure an image of a state being forced at gunpoint to elect a Senator.

Other functions listed are subject to being compelled. Examples include recognition of the court decisions of other states and of the federal government. Such compulsion, however, in the presence of a recalcitrant state government, requires the establishment of a lasting federal military government in such state.

To an extent, the South's decision to seek secession through military resistance obscured this fact. The South, having been defeated militarily, and exhausted by war, reluctantly accepted federal authority in order to rid itself of military occupation. In contrast, if a state were to pursue secession by means of non-violent resistance and complete non-involvement with the federal government, an anti-secessionist federal government would have to *permanently* occupy and rule that state in the manner of a colonial power, exercising even greater authority than Great Britain held over the American Colonies prior to 1776![51](#) That ugly scenario, however, is precisely what anti-secessionist thinkers are obliged to assert was the intent of the ratifiers of the Constitution of 1788, that is, the intent of the thirteen states which had recently fought long and hard to escape colonial status.

While it may be true that some of the Framers intended the Union to be perpetual, it is unlikely that even those Framers believed the Constitution authorized the establishment of a military dictatorship to keep it so. Thus, it could be said that while the issue of secession was perhaps not contemplated by the Constitution, neither was forced union at the cost of the military occupation of recalcitrant states.[52](#) Such military occupation flatly contradicts the Guarantee Clause drafted by those same Framers.

From the moment federal troops occupied the South, the governments of those states could no longer be considered “republican.” With apologies to John Adams, by republican I mean a government exercising limited powers delegated to it by the people, whose officials are answerable to the people in regular and free

elections.<sup>53</sup> Since the very purpose of invading the South was to destroy the state governments established by the people, in militarily occupying those states, the federal government breached its obligation to guarantee to each state a republican form of government.<sup>54</sup> Since the federal government necessarily violated the Constitution's Guarantee Clause by waging war on the seceding states, it should be evident that it had no constitutional authority to prevent such secessions.

The strength of this argument is best seen by noting the absurd linguistic manipulations used to justify the constitutionality of military occupation. Andrew Johnson, whom President Lincoln appointed the military governor of Tennessee, and who, later, as President, would appoint other military governors in the South, said in 1862 that his authority to militarily rule Tennessee came to him by way of the *Guarantee Clause!*<sup>55</sup> The republicanism thus guaranteed by Johnson apparently consisted of forcing on the people of the state of Tennessee certain forms of government and policies they evidently did not desire. The rationale? “[The] right of self-government could be temporarily impaired but only for the purpose of assuring its eventual and permanent triumph.”<sup>56</sup>

The other rationale for military occupation is also self-contradictory. In *Coleman v Tennessee*, the Supreme Court held military occupation lawful, not on constitutional grounds, but by resorting to international law principles which apply primarily to independent nations.

Though the late war was not between independent nations, but between different portions of the same nation, yet having taken the proportions of a territorial war, the insurgents having become formidable enough to be recognized as belligerents, the same doctrine must be held to apply. *The right to govern the territory of the enemy during its military occupation is one of the incidents of war . . . and the character and form of the government to be established depend entirely upon the laws of the conquering State or the orders of its military commander.*<sup>57</sup>

Thus, to justify the otherwise unconstitutional military occupation of a state, the Supreme Court treats that state as if it were an independent nation, implicitly recognizing the validity of its secession.

What the Court did not cite was any constitutional provision which justified the war in the first place. Since the invocation of international law was based on the fact of war, and the Union's involvement in that war violated the Constitution, it is evident that the Constitution's supremacy clause<sup>58</sup> forbade any resort to international law to override the Constitution. The unconstitutional and amoral nature of the Court's reasoning can be seen by assuming that the Confederacy, in violation of the Constitution, had conquered the North and set up a military government there. The Supreme Court, by the same logic they applied in *Coleman*, would be compelled to endorse the legality of that military dictatorship!

Much ink has been spilled over the ancient debate between those, such as Jefferson and Calhoun, who hold that the Constitution is a compact among the states, and those, including Marshall and Webster, who deem it “an instrument of perpetual efficacy” created by the people of the nation as a group.<sup>59</sup> The outcome of this debate can have no impact on the above conclusions, since those conclusions rest primarily on an analysis of the relevant texts and secondarily on the historical context in which those texts were drafted. Nevertheless, because of the historical association between this debate and the issue of secession, a brief evaluation is appropriate.

Ironically, reliance on the compact theory tends to weaken the case for secession by suggesting that it is not justified by the actual text of the Constitution. The main textual problem with the compact theory is that the Constitution does not read like a contract among the states. The main logical problem is that, while this theory claims that the Constitution is an implied contract among the states, that document creates a separate entity — the federal government — which would not appear to be bound by the contract because it is not a contracting party. Thus, secessionists erred in choosing poor ground on which to do battle with unionists. The compact theory also creates an insoluble procedural difficulty. If the Constitution is a compact, the violation of which

allows a state to withdraw, who is to judge whether such a violation has occurred? However, reliance on the Ninth and Tenth Amendments, under which secession is a reserved power, eliminates this procedural obstacle to secession.[60](#)

Nevertheless, the compact theory contains an essential element of truth. It takes the long way around the barn to arrive at the rather obvious conclusion that the states enacted the Constitution for their mutual benefit. Shifting then, from the quaint, complex, and controversial compact theory to the indisputable proposition that a constitution should be interpreted according to the purposes of its ratifiers, it becomes apparent that the purposes of the Constitution do not envision the use of armed force against a state that has concluded it is no longer benefiting from the Union. The Constitution may not be a literal compact among the states, but neither is it a sentence of perpetual imprisonment.

While unionists assert that the compact theory is nothing more than “scholastic metaphysics,”[61](#) their own view of the Constitution contains elements which fail to connect with reality at any point. Bryce wrote that the Constitution was “an instrument of perpetual efficacy, emanating from the whole people.”[62](#) Yet, as already noted, it contains no such language, and, in fact, its Framers deliberately chose not to carry over the use of the term “perpetual union” from the Articles of Confederation to the Constitution.

Likewise, the Constitution did not “emanate from the whole people.” Leaving aside the preamble for the moment, the actual language of the texts of Articles VII and V is to the contrary:

The Ratification of the Conventions of nine States shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same. . . . Done in Convention by the Unanimous Consent of the States present.

[The Constitution may be amended] when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths, thereof. . . .

Since the Constitution was proposed by a convention called by the states, was ratified by the states, and can only be amended by the states, any notion that “the government proceeds directly from the people,”[63](#) that it is “of the people” and “by the people,”[64](#) or that it “emanates from the whole people” can only be described as metaphysical nonsense invented by those who view the states as a mere inconvenience on the path to creating an all-powerful central government.

Much has been made by unionists of the Preamble:

*We, the People of the United States*, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution of the United States of America.[65](#)

This reliance is understandable. If one lacks support for one's view in the *text* of the constitution, one seeks it in the *preamble*. The italicized phrase, however, has no unambiguous meaning. Its meaning depends on whether the word “United,” an adjective, or “States,” a noun, is given greater emphasis. However, there is no need to resolve this issue, because the presence in the Preamble of the phrase, “We, the People of the United States” was an accident! It originally read:

That the people of the States of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia do ordain, declare and establish the following constitution for the government of ourselves and our posterity.[66](#)

Judge Eugene Gary explains:

It was amended, not for the purpose of submitting the constitution to the people in the aggregate, but because the convention could not tell, in advance, which States would ratify it.[67](#)

Even though unionists have placed great stock in the Preamble, their recitations rarely extend past the first 15 words. Nothing thereafter is particularly helpful to their cause. The Union's creation of martial law in the South can hardly be within the ambit of “establishing justice” or “securing the blessings of liberty.” “Domestic tranquility” was clearly not insured by the bloodiest war ever fought in North America. The “general welfare” was not promoted when one section of the nation fought, subdued, and militarily ruled the other for 16 years.[68](#) And “Providing for the common defense” does not in any way sanction an attack on eleven states.

Ultimately, one must look beyond mere logic and the four corners of the Constitution to identify the unionist spirit that led to the Civil War:

The union was . . . more than a mere compact between separate entities, separate states. It was rather a union of early history and future promise, of generations past and generations still to come, of agriculture and industry, of plains and seaboard, of the vast hosts of mystical and emotional forces which give to man a greater sense of belonging, a greater sense of community.[69](#)

Gary Wills denies the claim that Lincoln “did not really have *arguments* for union, just a kind of mystical attachment to it.”[70](#) He argues that Lincoln got most of his pro-union legal arguments from Daniel Webster. Wills's discussion of those arguments (e.g., the Union is older than the states, and the Declaration of Independence sanctions war against seceding states) tends one to the view that Webster was a union mystic as well.

## A THOUGHT EXPERIMENT

Those still harboring doubts about the constitutionality of secession in 1861 should attempt a sincere answer to the question: would the Constitution, as construed by President Lincoln and his allies in all eras, have been ratified in 1788? To answer this question, we must first make *explicit* those provisions Lincoln and his successors thought were *implicit* in the Constitution. For the sake of realism, these provisions will be organized in the form of an imaginary Eleventh Amendment to the Constitution.[71](#) Such an amendment would read as follows:

### *(Imaginary) Amendment XI*

Section 1. Notwithstanding the Guarantee Clause and the Ninth and Tenth Amendments, no state may ever secede from the Union for any reason, except by an amendment pursuant to Article V.[72](#)

Section 2. If any State attempts to secede without authorization, the Federal Government shall invade such State with sufficient military force to suppress the attempted secession.

Section 3. The Federal Government may require the militias of all states to join in the use of force against the seceding State.

Section 4. After suppressing said secession, the Federal Government shall rule said State by martial law until such time as said State shall accept permanent federal supremacy and alter its constitution to forbid future secessions.

Section 5. After suppressing said secession, the Federal Government shall force said State to ratify a new constitutional amendment which gives the Federal Government the right to police the states whenever it believes those states are violating the rights of their citizens.

Section 6. The President may, of his own authority, suspend the operation of the Bill of Rights and the writ of *habeas corpus*, in a seceding or loyal state, if in his sole judgement, such is necessary to preserve the Union.<sup>73</sup>

This imaginary amendment contains a fair summary of what Lincoln thought the Constitution, ratified in 1788, had to say implicitly about state secession. Would the Constitution have been ratified if it contained such an amendment? Would that amendment have been ratified at any time between 1788 and 1861? The answer to both questions, according to any intellectually honest historian or constitutional lawyer, must be a resounding “No!” If that is the case, however, then the dense fog made up of equal parts of Websterian metaphysics and Lincolnesque legalese disintegrates to reveal the truth of Albert Jay Nock's thesis: the Constitution of 1788 did indeed expire in 1861.

In 1861, the Constitution did not authorize the federal government to use military force to prevent a state from seceding from the Union. The Constitution established a federal government of limited powers delegated to it by the people, acting through their respective states. There is no express grant to the federal government of a power to use armed force to prevent a secession, and there is no clause which does so by implication. To the contrary, the notion of the use of armed force against the states, and the subsequent military occupation and rule of the states by the federal government, does violence to the overall structure and purpose of the Constitution by turning the servant of the states into their master. Any doubts about whether the federal government had such a power must be resolved in favor of the states, since the Ninth and Tenth Amendments explicitly reserve the vast residue of powers and rights to the states and to the people of those states.

## LINCOLN'S POLITICAL ARGUMENTS AGAINST SECESSION

While Lincoln the lawyer made a variety of legal arguments against secession, Lincoln the politician made two main political arguments against secession. He argued that the option of secession violated the principle of majority rule and that it led ultimately to anarchy.<sup>74</sup> However, the line between legal and political arguments is not precise. Further, it is undoubtedly true that considerations of policy and consequences do impact on judgments about what the law is and should be. Thus, a brief consideration of Lincoln's views on that issue is in order. It must be emphasized, however, that the distinction between what the law is and what it should be is a real one. Thus, the conclusions about Lincoln's *legal* arguments remain valid, regardless of the wisdom of his *political* arguments. In this context, Lincoln's arguments can be seen as points which should have been made at the Constitutional Convention of 1787, and incorporated into the Constitution, but were not.

Lincoln's central political arguments against secession are contained in the following passage from the First Inaugural Address, delivered on 4 March 1861:

We divide upon [all our constitutional controversies] into majorities and minorities. If a minority . . . will secede rather than acquiesce [to the majority], they make a precedent which, in turn, will divide and ruin them; for a minority of their own will secede from them, whenever a majority refuses to be controlled by such minority. . . . The central idea of secession, is the essence of anarchy.<sup>75</sup>

The argument contains two closely related elements:

- (1) secession violates the principle of majority rule; and
- (2) secession ultimately leads to anarchy.

## Majority Rule<sup>76</sup>

If anything can be identified as the key axiom of Lincoln's thought, it is majoritarianism. He was devoted to the principle despite his numerous electoral losses and the rejection of his presidential candidacy by 60 percent of the electorate. Although Lincoln personally opposed slavery, before the war he had favored allowing the majority in each southern state to decide the issue.<sup>77</sup> For the sake of a majoritarianism which he believed was undermined by secession, he ordered the invasion of the South. What Lincoln never confronted was the fact that the Civil War was a war between two majorities.<sup>78</sup> In 1860, Lincoln did not receive a single vote in North Carolina, South Carolina, Georgia, Tennessee, Louisiana, Mississippi, Alabama, Arkansas, Florida, or Texas.<sup>79</sup>

The ultimate justification of majority rule is that it is better than minority rule. Its value is purely utilitarian — more people get what they want than if we let the minority rule. By its very nature, the utility of majority rule *increases* as the political unit is divided into smaller and more homogeneous units. For example, if the largely black Roxbury section of Boston seceded from the city,<sup>80</sup> its voters, currently outvoted by the majority white population, could increase their utility by electing officials and policies they preferred, while the white majority would remain able to enact its own preferred policies.

Secession therefore, far from being hostile to majority rule, allows multiple satisfied majorities to be created out of large political units which can only satisfy one majority bloc at a time. The only difference, of course, is that the old majority is no longer able to impose its will on the old minority. It is this loss of *power* over the escaped minority and its territory, and not any devotion to majority rule, that so irks unionists of all eras, often leading them to start wars to retain power over the seceders. Evidence that such was the case with the Civil War is contained in the following passages from journals published at that time:

[The North] fought . . . for all those delicious dreams of national *predominance* in future ages, which she must relinquish as soon as the union is severed.<sup>81</sup>

We love the Union because . . . it renders us now the equal of the greatest European Power, and in another half century, will make us the greatest, richest, and most *powerful* people on the face of the earth.<sup>82</sup>

In examining these two quotes, it is remarkable to note that the first journal, which was British, pro-South, and post-War, saw the war in the same nationalistic and imperialistic terms as did the second journal, which was American, pro-North, and pre-War. It should be obvious that wars of this type are not sanctioned by the majority principle; they are condemned by it.

## Anarchy

We have seen how the right of secession *and* the principle of majoritarianism both tend to create pressure for smaller political units. Lincoln argued that the principle of secession led by infinite regress to anarchy, as each minority seceded to become a majority. However, this theory is killed by an ugly fact — history shows that secessions, like revolutions, happen only seldom, because “mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed.” After all, it takes a “long train of abuses and usurpations” to instigate secessionist activities.

The best example of this is, after all, the Civil War itself. There were unionists in the South and secessionists in the North, however, no further secessions took place after the start of the war, even though those were times of great stress and social conflict. Evidently, the people on both sides used their common sense to put a brake on Lincoln's infinite regress.

Even in theory, an infinite number of secessions is unlikely because there is unlikely to be an infinite succession of major grievances which are clearly solvable by secession. Ireland, for example, solved its perceived major

problem by getting rid of the British in 1922 (except in Northern Ireland). Evidently, no further significant political problem there is sufficiently connected to the option of further secession to stir any interest in the subject. Norway seceded from Sweden in 1905 by a vote of 368,208 to 272![83](#) Since then, little has been heard from Norway about further secession.

Lincoln was wrong in believing that the right of secession invariably leads to the break-up of nations. Rather, the recognition of such a right will tend to discourage the exploitation of states by the central government, which in turn will encourage states to remain in the Union. Applying that principle to 1861, can the possibility be denied that it was the Union's militant rejection, over several decades, of the right to secede that was itself the proximate cause of Confederate secession? That is, the seceding states knew their secession would be violently resisted — Lincoln had told them so — thus, they made a strategic decision to make this fight before the North grew any stronger, economically or militarily. Had Lincoln recognized a right of peaceful secession, the Confederate states may well have stayed in the Union and tried to work out their differences, knowing that if such attempt failed, secession remained a viable option. Jefferson himself believed that if the South ever broke off, it would eventually return to the Union, presumably after it had renegotiated its constitutional arrangement.[84](#)

In this sense, secession actually reduces anarchy by allowing a peaceful resolution of disputes between large political groups.[85](#) In contrast, Lincoln's policy of forced association led to four years of anarchy and war in the South, followed by decades of sporadic violence and lawlessness.

The most interesting aspect of the topic of *secession* is how little attention or discussion there is about the obverse of secession: the *expulsion* of a portion of a nation by the larger and more powerful sector. It is always the case that the people living in a small part of a nation-state desire to secede; never that the larger part wants to kick them out. The very fact that a portion of the nation wants to secede, by the law of demonstrated preference,[86](#) proves that those citizens believe they are being harmed by being subjects of that nation. Similarly, the rarity of historical expulsions proves that governments benefit from ruling over and exploiting the various regions that are within their control. This fact is consistent with the view of the nation-state — developed by Oppenheimer, Nock, and Rothbard[87](#) — as the organization of the political (coercive) means of acquiring wealth:

There are two methods, or means, and only two, whereby man's needs and desires can be satisfied. One is the production and exchange of wealth; this is the *economic means*. The other is the uncompensated appropriation of wealth produced by others; this is the *political means*. . . . The State is *the organization of the political means*.[88](#)

Another significant aspect of secession is that, by and large, the parties that urge various legal, political, and moral arguments for the right of secession, do so because they are less powerful than the majority block. If they were more powerful, they would simply secede and be done with it! In sum, a seceding group is generally the weaker and economically exploited junior partner in a nation-state. Thus, in general, we may say that in any given secession dispute, *right* is on the side of the proponents of secession, while *might* is on the side of their opponents. That being the case, Lincoln's political arguments against secession must be rejected.

## LEGAL DEVELOPMENTS SINCE 1861

If states had the right of secession in 1861, have any developments subsequently removed that right? That is actually a complex question for which no entirely satisfactory answer exists. This is largely because of the eternal question: who has the final say on interpreting the Constitution?

One fallacy that can be quickly disposed of is that the Civil War answered the question of secession forever. We may call this fallacy the Ulysses S. Grant theory of constitutional law: “the right of a state to secede from the Union [has been] settled forever by the highest tribunal — arms — that man can resort to.”<sup>89</sup> Questions of constitutional law, however, cannot be settled on the battlefield:

Throughout history, force appears as the arbiter of the moment. . . . Reason, organically slow-reacting against force only when the ill effects of the latter become so general as to be inevitably obvious — finally confirms or annuls its judgement.<sup>90</sup>

If indeed secession was a state and people's right, all the Union victory proved was that the stronger party in a constitutional conflict may violate the law with impunity.

Neither was the issue of secession settled by various Supreme Court decisions resolving questions tangential to the issue itself.<sup>91</sup> First, in none of those cases was the Court asked to deal squarely with the issue of state secession when the outcome of the case impacted on the rights of the seceding states and those states were represented by counsel before the Court. Second, none of those cases contained a detailed and serious analysis of the issues, arguments, and constitutional clauses one would expect to see in a comprehensive treatment of the issue by the highest court in the land. Therefore, these cases carry little moral or legal authority.

Furthermore, if the issue of secession had been taken to the Supreme Court, for instance by the Confederacy seeking an injunction against President Lincoln, the Court would likely have responded by refusing to hear the case on the grounds that it dealt mainly with a political question, that is, a question which, although a legal one to be sure, is not suitable for resolution by the Court.<sup>92</sup> Thus, secession is a question that has never been satisfactorily resolved by the Supreme Court, and is not likely to be addressed by the Court in the future.

Since the Civil War, there have been two main legal developments impacting on the issue of secession: the amendment of state constitutions to prohibit secession, and the passage of the Fourteenth Amendment. While under military control and occupation, the states of Arkansas, North Carolina, Florida, South Carolina, Mississippi, and Virginia each enacted new constitutions containing clauses prohibiting secession.<sup>93</sup> Soon thereafter, the troops were withdrawn.

Such clauses, however, did not in any way serve to abolish the right of those states to secede from the Union. First, these clauses were added only under duress. It is an ancient principle of law that agreements made under duress are voidable at the option of the aggrieved party. Second, those states remain free at any time to amend their constitutions to delete the ban on secession.<sup>94</sup> If they choose not to do so, that merely means they are choosing not to exercise a legal right, which is quite distinct from not possessing that right. Finally, since all states have equal rights in the Union,<sup>95</sup> the fact that other states have not relinquished their right to secede means that these southern states cannot be deemed to have relinquished theirs.<sup>96</sup>

The Fourteenth Amendment, however, poses a more serious problem for a constitutional doctrine of secession. That Amendment reads in relevant part:

Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The Amendment goes on to make apparent reference to the Civil War by prohibiting any military officer, who, having previously sworn to support the Constitution, engaged in “insurrection or rebellion” against it, from serving as a federal official.<sup>97</sup> It further provides that no state shall assume or pay any debt “incurred in aid of

insurrection or rebellion against the United States,” but that no debts incurred in “suppressing insurrection or rebellion shall be questioned.”[98](#)

The Amendment grants the federal government vast new powers over the states in the context of a concern over the post-Civil War welfare of the recently freed slaves. That fact, and the pejorative references to “insurrection and rebellion” quoted above, allow a persuasive argument to be made that the Fourteenth Amendment bars secession. If it did not, states could simply secede, thus defeating the purpose of the Amendment by avoiding federal regulation under §1 of the Amendment. Ironically, if this argument is correct, the pre-war case for secession is strengthened.[99](#) That is, if the Fourteenth Amendment bars secession, then presumably there was such a right before the Amendment was passed.

Is there any room for a secessionist argument to be made in the post-Fourteenth Amendment era? First, the obvious can be stated: the Fourteenth Amendment does not explicitly prohibit secession. One would have thought that the pro-unionists who controlled American politics after the War would have included such a provision. Their failure to do so, whatever the motive,[100](#) means that resort may still be had to the pro-secession arguments stated above. Unionists might respond by arguing that the Fourteenth Amendment *implicitly* bans secession, and, since it was passed after the other portions of the Constitution, it prevails over them in any conflict of meaning. That argument would be perfectly valid if the Amendment *explicitly* banned secession. However, since it does not, we are left with the need to resolve an apparent implicit conflict between the Fourteenth Amendment and the Ninth and Tenth Amendments. The best that can be said in this context is that any secession movement designed to restore blacks to their pre-Civil War political and economic status would be barred by the Fourteenth Amendment.

Second, the Fourteenth Amendment was ratified by the seceding states under the same type of duress which forced several of them to ban secession in their state constitutions. Indeed, ratification of the Fourteenth Amendment was made a pre-condition of readmission of the states into the Union by the Reconstruction Act of 1867.[101](#) It was only after such ratification that military rule was ended in those states. Thus, as it regards the issue of secession, the Fourteenth Amendment is tainted, having been enacted under the same duress which this article concludes was a violation of the right to secession, i.e, the invasion and occupation of the South by the Union army. Thus, any Fourteenth-Amendment-based argument against secession is self-negating, since it must implicitly concede a pre-Amendment right to secede, the violation of which led to the enactment of the Fourteenth Amendment.

Finally, in resolving any conflict between the Fourteenth and the Ninth and Tenth Amendments, reliance on the doctrine of inalienable rights would be useful. An inalienable right is one possessed by a human being that is so basic to his or her welfare that we do not enforce any contract or agreement in which a person relinquishes such a right.[102](#) As Murray Rothbard writes:

There are certain vital things which, in natural fact and in the nature of man, are *inalienable*, i.e., they *cannot* in fact be alienated, even voluntarily. Specifically, a person cannot alienate his *will*, more particularly his control over his own mind and body. Each man has control over his own mind and body. Each man has control over his own will and person, and he is, if you wish, “stuck” with that inherent and inalienable ownership. Since his will and control over his own person are inalienable, then so also are his *rights* to control that person and will. That is the ground for the famous position of the Declaration of Independence that man's natural rights are inalienable; that is, they cannot be surrendered, *even if* the person wishes to do so.[103](#)

If the right of secession is inalienable, then that right, protected as it is by the Ninth and Tenth Amendments, survives any attempt to relinquish it through the Fourteenth Amendment. As such, the right to “alter or abolish” forms of government does appear to be a fundamental right that should be considered inalienable.[104](#) It is integral to the protection of those other rights which Jefferson termed inalienable, such as the rights to life and

liberty. Thus, it is a right that should survive regardless of its alleged implicit relinquishment under the Fourteenth Amendment.

## CONCLUSION

The Union's invasion and subsequent military occupation of the Confederacy were illegal. Today, however, the Fourteenth Amendment arguably prohibits secession by implication. Nevertheless, that Amendment, insofar as it can be interpreted to bar state secession — is tainted. It is the direct result of the illegal invasion and subsequent military domination of the South. Even the Fourteenth Amendment does not explicitly outlaw secession, and there remains a conflict between the Fourteenth Amendment and the Ninth and Tenth Amendments in this regard. This conflict should be resolved by reference to the doctrine of inalienable rights, of which secession is one.

No doubt today's Supreme Court, if it took the case, would rule secession to be treasonous and illegal, not to mention highly politically incorrect. The Supreme Court, being an agency of the federal government, has, since John Marshall's day, usually given the Constitution that interpretation which increases the power of the federal government over states and persons.<sup>105</sup> Its continual abdication of its purported role of guaranteeing constitutionally limited government is in large part responsible for the recent revival of interest in the theory and practice of secession. However, far more important than what the Supreme Court would decide is the people's own understanding of the true meaning of the Constitution. The people retain the inalienable right to alter or abolish a government destructive to their liberties.

The existence of slavery in the Confederate States in 1861 cannot alter this truth. The Constitution did not forbid slavery prior to the passage of the Thirteenth Amendment in 1865, and since chattel slavery no longer exists in the United States, it can no longer be used to legally or morally justify war on a seceding state. That is as it should be, since, ultimately, a policy of violent opposition to secession is a policy of forced association. As with all forms of forced association, the stronger party will tend to exploit the weaker. Such is the case with the master-slave relationship. Such is the case when a state is forced to remain in the Union against its will. Both forms of forced association are immoral, and both should be — and are — forbidden by the Constitution.

Had the commander of the Union army, on entering Virginia on 27 May 1861, encountered the ghost of the finest American lawyer who had yet lived, and asked for advice on the legality of his mission, Thomas Jefferson would likely have replied, “Go back to your country, Sir.”

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<sup>1</sup>United States War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, series 1 (Washington, D.C.: Government Printing Office, 1880), vol. 2, pp. 51ff.

<sup>2</sup>Arthur A. Ekirch, Jr., *The Decline of American Liberalism* (New York: Atheneum, 1980), pp. 122, 125.

<sup>3</sup>James McPherson, *Abraham Lincoln and the Second American Revolution* (New York: Oxford University Press, 1990), p. 40.

<sup>4</sup>Albert Jay Nock, *Our Enemy, The State* (Caldwell, Idaho.: Caxton Printers, 1950), p. 171, n. 16.

<sup>5</sup>Gary Wills, *Lincoln at Gettysburg* (New York: Simon & Schuster, 1992), pp. 124—33.

<sup>6</sup>A moral defense of the Civil War as a crusade to end slavery would have to begin by answering this question: how is it justified to use involuntary servitude (conscription), leading to the deaths of many of the “servants,” as a means of ending the involuntary servitude of others? See Eugene Converse Murdock, *One Million Men: The Civil War Draft in the North* (Madison: State Historical Society of Wisconsin, 1971). For a view of the Civil War as an attempt to preserve a vital portion of the American Empire, see C. Adams, “The Second American Revolution: A British View of the War Between the States,” *Southern Partisan* (1st Quarter 1994): 16. On p. 21, Adams states, “It seems clear that British war correspondents and writers saw the War Between the States as caused by the forces that have caused wars throughout history—economic and imperialist forces behind a rather flimsy facade of freeing the slaves.”

- [7](#)Abraham Lincoln, Address at Cooper Institute, 27 February 1860, [Abraham Lincoln: Speeches and Writings, 1859—1865](#) (New York: Library of America, 1989), p. 111.
- [8](#)See Shelby Foote, [The Civil War: Fort Sumter to Perryville](#) (New York: Vintage Books, 1986), pp. 44—51; cf. Kenneth Stampp, [And the War Came: The North and the Secession Crisis 1860—1861](#) (Baton Rouge: Louisiana State University Press, 1950), pp. 284—86.
- [9](#)President Abraham Lincoln, Inaugural Address, 4 March 1861, [Speeches and Writings](#), p. 215.
- [10](#)Abraham Lincoln, speech, 23 July 1856, Galena, Illinois, cited in [The Collected Works of Abraham Lincoln](#), Roy Basler, ed. (New Brunswick, N.J.: Rutgers University Press, 1953), vol. 2, p. 353.
- [11](#)Wills, [Lincoln at Gettysburg](#), p. 85.
- [12](#)Quoted in Hannis Taylor, [The Origin and Growth of the American Constitution](#) (Boston: Houghton Mifflin, 1911), p. 306.
- [13](#)*Ibid.*, p. 310. The violent tone in which many unionist writers proclaimed the death of secession is perfectly appropriate given their ultimate means of dealing with secessionists: “The inextricable knots which American lawyers and publicists went on tying, down till 1861, were *cut by the sword* of the North in the Civil War and need concern us no longer” (*ibid.*, quoting James Bryce, [American Commonwealth](#) [New York: MacMillan, 1912], vol. 1, p. 322—3), emphasis added.
- [14](#)Willard Sterne Randall, [Thomas Jefferson: A Life](#) (New York: Henry Holt, 1993), pp. 534—36.
- [15](#)Emphasis added.
- [16](#)See James Garfield Randall, [Constitutional Problems Under Lincoln](#) (New York: D. Appleton, 1926), pp. 14-15. The secession of 1788 can probably not be justified by reference to Article VI: “No two or more states shall enter into any treaty, confederation or alliance whatever between them, without the consent of the united states in congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.” The new Constitution was an “alteration” which had the effect of abolishing the previous government. Thus, such a measure required the procedure set forth in Article XIII: consent of Congress plus the unanimous consent of each of the states.
- [17](#)Max Farrand, [The Framing of the Constitution](#) (New Haven, Conn.: Yale University Press, 1913), p. 206.
- [18](#)*Ibid.*
- [19](#)“Last Annual Message of President Buchanan,” in [Great Debates in American History](#), Marion Mills Miller, ed. (New York: Current Literature Publishing, 1913), vol. 5, p. 298.
- [20](#)See Randall, [Constitutional Problems Under Lincoln](#), pp. 15—16, n. 18; see also the classic by Alexis de Tocqueville, [Democracy in America](#) (New York: Harper and Row, [1835] 1969), p. 369.
- [21](#)It should be noted that, while several seceding states had not been part of the original thirteen, under the “equal footing doctrine,” states later accepted into the Union share the same legal rights as the original thirteen. See H. Morse, “The Foundations and Meaning of Secession,” [Stetson Law Review](#) 15 (1986): 419, 429—31.
- [22](#)Lincoln, [Speeches and Writings](#), pp. 353, 355.
- [23](#)Lincoln, [Speeches and Writings](#), p. 257, emphasis added.
- [24](#)See Randy Barnett, “James Madison’s Ninth Amendment,” in [The Rights Retained by the People: The History and Meaning of the Ninth Amendment](#), Randy Barnett, ed. (Fairfax, Va.: George Mason University Press, 1989), pp. 11-12.
- [25](#)Bennett Paterson, “The Forgotten Ninth Amendment,” in [The Rights Retained by the People](#), p. 107.
- [26](#)William Rawle, [A View of the Constitution of the United States](#) (Philadelphia: H.C. Carey and I. Lea, 1825).
- [27](#)The Ninth Amendment “is a companion to and in a measure the complement of the Tenth Amendment,” according to K. Kelsey, “The Ninth Amendment of the Federal Constitution,” in [The Rights Retained by the People](#), pp. 93—94.
- [28](#)I note in passing the silly argument, advanced by the [New York Times](#) on 12 April 1861, that since the South claimed to be independent of the United States, it was no longer able to claim the protection of the Constitution (see Stampp, [And The War Came](#), pp. 42—43). This is a disingenuous point, since the Union’s entire justification for the war was that the Constitution remained in effect in the South. Furthermore, the Ninth and Tenth Amendments protected the right of the states to secede, *while they remained* part of the union. Thus, the act of ratifying secession was a constitutionally protected act. Since the states left the Union lawfully, the Union thereafter had no lawful authority over them. Thus, the invasion of the South was unlawful. Having left the union lawfully, the Southern states were no longer bound by the various constitutional clauses cited above.
- [29](#)[The Records of the Federal Convention](#), Max Farrand, ed. (New Haven, Conn.: Yale University Press, 1911), vol. 1, p. 47.
- [30](#)*Ibid.*, p. 54.

[31](#)Quotation from the New York ratifying convention, cited in Randall, *Constitutional Problems under Lincoln*, p. 15, n. 18.

[32](#)For a remarkably similar discussion of the meaning of the Tenth Amendment, published after the initial presentation of this paper, see *U.S. Term Limits, Inc. v Ray Thornton*, United States Supreme Court, 115 S.Ct. 1842, 1875 (1995), p. 1876. (Dissenting opinion of Justice Thomas, joined in by Justices Renquist, O'Connor and Scalia): “the States can exercise all powers that the Constitution does not withhold from them.”

[33](#)Morse, “The Foundations and Meaning of Secession,” pp. 435—36.

[34](#)It has been argued that the North actually owed money to the South, due to the discriminatory effects of the tariff on imported goods. On this issue, see Allen E. Buchanan, *Secession: The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec* (Boulder, Colo.: Westview Press, 1991), pp. 104-5.

[35](#)Stephen P. Halbrook, *That Every Man Be Armed: The Evolution of a Constitutional Right* (Albuquerque: University of New Mexico Press, 1984), pp. 76-77.

[36](#)*The Federalist Papers*, no. 46, emphasis added.

[37](#)Dean Sprague, *Freedom Under Lincoln* (Boston: Houghton Mifflin, 1965), pp. 55, 80, 90, 203, and 220.

[38](#)See Morse, “The Foundations and Meaning of Secession,” p. 425, n. 35.

[39](#)Lincoln, Special Message, *Speeches and Writings*, p. 261.

[40](#)Quoted in William M. Wiecek, *The Guarantee Clause of the U.S. Constitution* (Ithaca, N.Y.: Cornell University Press, 1972), p. 13.

[41](#)Since the seceding states ultimately formed a confederation, does the constitutional prohibition on states entering into a “confederation” [Art. I, §10] prohibit secession? Such an argument suffers from the same logical fallacy as resort to the supremacy and guarantee clauses. This clause governs only states which are still part of the United States. Thus, to apply this clause to a state which has previously seceded, one must assume that the secession was invalid, which begs the question. Further, the United States did not invade the southern states because they had formed a confederacy; it invaded because of the alleged illegality of their secession. In fact, each state had seceded prior to joining the Confederacy. For example, by the time the first Confederate Constitution was passed on 8 February 1861, all the member states at that time had already seceded. See Edward Alfred Pollard, *Southern History of the War* (New York: Fairfax Press, 1866), pp. 44-45; Morse, “The Foundations and Meaning of Secession,” p. 436.

[42](#)Cf. “Opinion on Secession by Attorney General Black,” in *Great Debates in American History*, pp. 292—93; “Last Annual Message of President Buchanan,” *ibid.*, pp. 293—305.

[43](#)Lincoln, Galena speech, p. 355, emphasis added.

[44](#)*White v Hart*, 646, 650 (1871).

[45](#)*Texas v White*, 74 U.S. 718, 725 (1868).

[46](#)U.S. Constitution, Art. I, §3.

[47](#)U.S. Constitution, Art. I, §8; U.S. Constitution, Art. II, §2; U.S. Constitution, Amend. II.

[48](#)U.S. Constitution, Art. IV, §1 and 2.

[49](#)U.S. Constitution, Art. V.

[50](#)U.S. Constitution, Art. VI.

[51](#)The colonies, after all, did enjoy limited self-government through colonial legislatures.

[52](#)Gottfried Dietz argues that even Hamilton would not rule out secession under the Constitution. See *The Federalist: A Classic of Federalism and Free Government* (Baltimore: Johns Hopkins Press, 1960), pp. 283—85.

[53](#)A state, in the ordinary sense of the Constitution, is a political community of free citizens, occupying a territory of defined boundaries, and organized under a government sanctioned and limited by a written constitution and established by the consent of the governed.” *Texas v White*, 721.

[54](#) U.S. Constitution, Art. IV, §4. It is true that the South no longer considered itself governed by the Constitution, including the guarantee clause. The argument in the text does not rest on an assumption that the guarantee clause applies to states *after* they have successfully seceded. Rather, it merely points out that the federal government cannot constitutionally use military force to prevent secession in the first place.

[55](#) See Wiecek, *The Guarantee Clause of the U.S. Constitution*, pp. 183—84.

[56](#) *Ibid.*, p. 243.

[57](#)*Coleman v Tennessee*, 97 U.S. 509, 517 (1879) (emphasis added).

[58](#)“The Constitution . . . shall be the supreme Law of the Land.” U.S. Constitution, Art. IV.

[59](#)Cf. Taylor, *The Origin and Growth of the American Constitution*, pp. 296—341; D. Tipton, *Nullification and Interposition in American Political Thought* (Albuquerque: University of New Mexico Press, 1969); Randall, *Constitutional*

*Problems Under Lincoln*, pp. 12—24; B. Samuel, *Secession and Constitutional Liberty* (New York: Neale Publishing, 1920); Daniel Wait Howe, [Political History of Secession to the Beginning of the American Civil War](#) (New York: G.P. Putnam's Sons, 1914), pp. 15—36; Eugene Gary, "The Constitutional Right of Secession," *Central Law Journal* 76: 165.

[60](#)While Jefferson clearly held the compact theory of the Constitution, which implies a need to justify a secession, he simultaneously held to the Ninth and Tenth Amendment approach of this article, which treats secession as an unconditional right of each state: "If any State in the Union will declare that it prefers separation . . . I have no hesitation in saying 'let us separate.'" Letter of Jefferson to W. Crawford (20 June 1816), *The Writings of Thomas Jefferson*, Paul Ford, ed. (New York, G.P. Putnam's Sons, 1899), vol. 10, 1816—1826, pp. 34—35.

[61](#)Taylor, *The Origin and Growth of the American Constitution*, p. 310.

[62](#)Bryce, *American Commonwealth*, vol. 1, p. 322.

[63](#)*McCulloch v Maryland*, 4 Wheat 316 (1819).

[64](#)President Abraham Lincoln, Gettysburg Address, 19 November 1863, *Speeches and Writings*, p. 536.

[65](#)Emphasis added.

[66](#)Gary, "The Constitutional Right of Secession," p. 171.

[67](#)*Ibid.*

[68](#)The political domination of the South lived well past the end of Reconstruction. "After the Civil War a century passed before another resident of the South was elected president. . . . For half a century after the war, *none* of the speakers or presidents pro tem [of the Senate] was from the South." McPherson, *Abraham Lincoln and the Second American Revolution*, p. 13.

[69](#)Alan Pendleton Grimes, [American Political Thought](#) (New York: Holt, Rinehart and Winston, 1960), p. 281.

[70](#)Wills, *Lincoln at Gettysburg*, pp. 125ff.

[71](#)The real Eleventh Amendment was not ratified until 1795.

[72](#)Which clauses in the Constitution would such an amendment violate?

[73](#)For evidence that during the war the federal government violated most, if not all, of the first ten Amendments to the Constitution in the Northern and border states, see, generally, Sprague, *Freedom Under Lincoln*.

[74](#)A full consideration of the political arguments for and against secession is beyond the scope of this article. On this, cf. Lee C. Buchheit, [Secession: The Legitimacy of Self-Determination](#) (New Haven, Conn.: Yale University Press, 1978); Buchanan, [Secession: The Morality of Political Divorce](#); Allen E. Buchanan, "Self-Determination and the Right to Secede," *Journal of International Affairs* 45 (1992): 347; Allen E. Buchanan, "Toward a Theory of Secession," *Ethics* 101 (1991): 322; M. Kampelman, "Secession and Self-Determination," *Current* 5 (November 1993): 35; R. McGee, "A Third Liberal Theory of Secession," *Liverpool Law Review* 14 (1992): 45; Amitai Etzioni, "The Evils of Self-Determination," *Foreign Policy* 89 (Winter 1992/93): 21; Alexis Heraclides, "Secession, Self-Determination and Nonintervention: In Quest of a Normative Symbiosis," *Journal of International Affairs* 5 (1992): 399; Harry Beran, "A Liberal Theory of Secession," *Political Studies* 32 (1984): 21.

[75](#)Lincoln, *Speeches and Writings*, p. 220.

[76](#)The discussion that follows was inspired by Murray Rothbard's analysis of the concept of democracy in [Power and Market: Government and the Economy](#) (Kansas City: Sheed Andrews and McMeel, 1970), pp. 189—99.

[77](#)See President Abraham Lincoln, First Inaugural Address, 4 March 1861.

[78](#)He had apparently forgotten his speech in Congress in 1848: "Any portion of such people that can, may revolutionize, and make their own of so much of the territory as they inhabit. More than this, a majority of any portion of such people may revolutionize, putting down a minority, intermingled with, or near about them, who may oppose their movements." Quoted in Alexander H. Stephens, [A Constitutional View of the War Between the States](#) (Philadelphia: National Publishing Company, 1867), vol. 1, p. 520.

[79](#)Howe, *Political History of Secession*, p. 446. The Republican Party was a purely regional party, and simply was not on the ballot across the South.

[80](#)As it has tried to do in recent years. See "Seceding From Boston?" *Newsweek* (3 November 1986): 30; "The Roxbury Rebellion," *Common Cause Magazine* (Winter 1992): 25.

[81](#)*The Athenaeum* (6 May 1865), quoted in Adams, "The Second American Revolution," p. 19 (emphasis added).

[82](#)*New York Courier and Enquirer* (1 December 1860), quoted in [The Causes of the Civil War](#), rev. ed., Kenneth Stampp, ed. (Englewood Cliffs, N.J.: Prentice-Hall, 1974), p. 55 (emphasis added).

[83](#)Michael Hechter, "The Dynamics of Secession," *Acta Sociologica* 35 (1992): 267, 278.

[84](#)Jefferson, letter to Crawford.

[85](#) Those who blame secessionist movements for the violence associated with them are blaming the victims. See Kampelman, "Secession and Self-Determination," p. 8. The violence invariably is caused by the *opponents* of secession.

[86](#) "Every action is always in perfect agreement with [a person's] scale of values or wants because these scales are nothing but an instrument for the interpretation of a man's acting." Ludwig von Mises, *Human Action*, 3rd rev. ed. (Chicago: Contemporary Books, 1966), p. 95.

[87](#) Cf. Franz Oppenheimer, *The State: Its History and Development Viewed Sociologically* (New York: Vanguard Press, 1926); Nock, *Our Enemy, The State*; Murray N. Rothbard, *The Ethics of Liberty* (Atlantic Highlands, N.J.: Humanities Press, 1982), pp. 161—72.

[88](#) Nock, *Our Enemy, The State*, pp. 59—60 (emphasis in original). Nock mentioned tariffs as one way the state appropriates the wealth of others (*ibid.*, p. 61). There is reason to believe that the North gained economically at the South's expense as the result of the disproportionate impact of tariffs. See Adams, "The Second American Revolution," p. 20—22; Buchanan, *Secession*, p. 41.

[89](#) Quoted in Tipton, *Nullification and Interposition in American Political Thought*, p. 50.

[90](#) Samuel, *Secession and Constitutional Liberty*, p. 14.

[91](#) See, e.g., *The Prize Cases*, 67 U.S. 635 (1862), *Mississippi v Johnson*, 4 Wall. 475 (1866); *Texas v White*, 7 Wall. 724 (1868); and *White v Hart*, 13 Wall. 246 (1871).

[92](#) See *Luther v Borden*, 48 U.S. 1 (1849) (a federal court could not competently decide which state government was in power).

[93](#) Morse, "The Foundations and Meanings of Secession," pp. 431—32.

[94](#) Relying on the doctrines of duress or equality of states.

[95](#) Morse, "The Foundations and Meanings of Secession," pp. 429—31.

[96](#) *Ibid.*, p. 433, n. 64.

[97](#) U.S. Constitution, Amend. XIV, §3.

[98](#) U.S. Constitution, Amend. XIV, §4.

[99](#) See Morse, "The Foundations and Meanings of Secession," p. 433.

[100](#) Not wanting to implicitly admit a pre-Fourteenth Amendment right to secede?

[101](#) U.S. Statutes at large 153, 39th Cong. 2nd Sess. (1867): 428-29. Six Southern states, whose votes were necessary for ratification, ratified the Amendment after having first rejected it. See *The Constitution of the United States of America: Annotations of Cases Decided by the Supreme Court of the United States* (Washington, D.C.: U.S. Government Printing Office, 1973), p. 31.

[102](#) See Rothbard, *The Ethics of Liberty*, pp. 135—36, citing Williamson Evers, "Toward a Reformulation of the Law of Contracts," *Journal of Libertarian Studies* 1 (1977): 3.

[103](#) Rothbard, *The Ethics of Liberty*, p. 135 (emphasis in original).

[104](#) A United Nations resolution "the Granting of Independence to Colonial Countries and Peoples," states: "all peoples have an *inalienable* right to complete freedom, the exercise of their sovereignty and the integrity of their national territory." United Nations General Assembly, Fifteenth Session, Official Records, Supplement 16, Resolution 1514, A/4684 (1960) (emphasis added). While contemporary international law recognizes a vaguely defined right of self-determination of peoples, it does not as of yet recognize an absolute right of secession. See J. Falkowski, "Secessionary Self-Determination: A Jeffersonian Perspective," *Boston University International Law Journal* 9 (1991): 209; L. Brilmayer, "Secession and Self-Determination: A Territorial Interpretation," *Yale Journal of International Law* 16 (1991): 177; Note, "Secession: State Practice and International Law After the Dissolution of the Soviet Union and Yugoslavia," *Duke Journal of Competition and International Law* 3 (1993): 299; Note, "The Logic of Secession," *Yale Law Journal* 89 (1980): 802; Note, "The Law of Secession," *Houston Journal of International Law* 14 (1992): 521. Neither, however, does it prohibit secession when such secession is lawful under the constitution of a given nation.

[105](#) Henry Mark Holzer, *Sweet Land of Liberty?* (Costa Mesa, Calif.: Common Sense Press, 1983).

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# Confederate Generals of Gettysburg: The Leaders of America's Greatest Battle

## Brigadier General Wade Hampton



**CONFEDERATE CAVALRY DIVISION    a series...**  
**HAMPTON'S BRIGADE 1,746 men**

Wade Hampton, the senior brigadier in Stuart's cavalry division, was one of the wealthiest men in the South. He owned more slaves than anyone else in the nation, thousands of slaves on cotton plantations stretching over huge tracts in South Carolina and Mississippi. Older than the other officers in the Confederate cavalry, he was the antithesis of the banjo-serenaded "gay cavaliers" who were his peers. For Hampton, war was not a frolic or glorious adventure but a grim business, to be discharged as efficiently as possible and without relish. He conducted his affairs with a courteous reserve befitting the gentleman he was; with his friends he was candid, cordial, and completely free of lordly affectations.

The general was the last of three successive generations of Wade Hamptons. The first had served as an officer in the Revolutionary War and the War of 1812, and when he died in 1835 was the already the richest planter in the United States with 3,000 slaves. His son, the second Wade Hampton, made the family home, "Millwood," almost as much the political capital of South Carolina as was nearby Columbia. He amassed a library of over 10,000 volumes, one of the largest private libraries in the country. In this milieu, the ideal of Southern society, the future Confederate Wade Hampton was raised.

Just under six feet in height, Wade Hampton was remarkable for his tremendous physical strength, with the fine balance of an expert horseman. "Six feet in height, broad-shouldered, deep-chested, . . . with legs which, if he chose to close them in a a grip, could make a horse groan with pain," was how a friend described him. Spending his youth hunting, fishing and climbing mountains, he had a developed a reputation as a sportsman and athlete. He was educated at South Carolina College, and after he graduated he studied law in order to better handle his business affairs. He was in his mid-thirties when the national debate over slavery came to a head in the decade before the Civil War, and by that time he had developed doubts about the economy of slave labor. He entered South Carolina politics as a dissenter to the "fire-eating" secessionists that held sway in that most militant Southern state, and served as a moderating influence in both houses of the South Carolina legislature from 1852 to 1861. Meanwhile, his father died in 1858. Hampton in his turn administrated the family holdings brilliantly--in 1861, his plantations were producing 5,000 bales of cotton a year, each crop worth upwards of a million dollars.

During the final debate over secession in South Carolina, Hampton argued against it, but once it became a fact, he put all his former doubts behind him and placed his wealth and his talents at the service of the Confederacy. He allowed his cotton crop to be used as collateral for government credit, and received permission from President Davis to raise a small private army, or "legion," consisting of infantry, cavalry and artillery. Hampton clothed and equipped his force, called "Hampton's Legion," entirely out of his own pocket. He enlisted some of the best-born young men in the state to fill its roster, and its officers were recruited from the state elite. Every step of its organization was reported in the newspapers. The arrival of the "Legion" in Richmond in the first weeks of the rebellion was publicly hailed. One of its officers wrote his mother, "It is by all odds the finest looking and best drilled body of men that has left the State." President Davis himself complimented the force on its personnel and appearance.

Hampton's Legion arrived on the battlefield at First Manassas on July 21, 1861 just as the guns were beginning to boom. Hampton detrained his men from railroad cars and marched them directly to where the fighting was thickest. He led his men out in front of the rest of the Confederate army. Of the 657 men Hampton led onto the field, 121 fell--three times as many men as any other Rebel regiment; one bullet grazed Hampton's scalp. Without any military education or training, with no experience in the Mexican War nor in the state militia, Hampton had shown personal courage in his first time under fire, and an instinctive ability to lead men and read terrain.

Over the next few months, by his professionalism and zeal in recruiting, Hampton won the personal friendship of army commander General Joe Johnston, who put him in command of a full brigade in January 1862 and recommended him for promotion to brigadier general. When he took his brigade to the Peninsula in the spring, Hampton won praise for "conspicuous gallantry" in an early skirmish, and another recommendation for promotion by Johnston, citing his "high merit." He received his general's wreath on May 23. At Seven Pines, his first battle as brigadier, Hampton was again wounded but stayed on the field and insisted that the bullet be removed from his foot while he remained on his horse, still under fire. During his convalescence in Richmond, diarist Mary Chesnut's entries mentioned the efforts of throngs of admiring women to lionize him, with the note that "to the last, he looked as if he wished they would let him alone." Hampton returned to duty within the month, in time to lead a different brigade through the last of the Seven Days, where he did not get into the fighting.

After the triumph of the Peninsula Campaign, General Lee organized his cavalry into a division of two brigades under the command of Maj. Gen. "Jeb" Stuart. Stuart's wise choice for his senior brigadier was Hampton. Called upon to escort the army into Maryland in the invasion of September, Hampton led cavalry for the first time in a brisk fight with the advance units of the Federal army moving toward South Mountain. Later in the campaign, Hampton participated in the Chambersburg raid, executing a circuit of McClellan's army.

Hampton next led a series of three successful winter cavalry raids behind enemy lines in December, around the time of the Battle of Fredericksburg, capturing 300 prisoners and much booty without losing a man, and winning the commendation of General Robert E. Lee himself. Hampton's star had risen so high by this time that when Brig. Gen. Maxcy Gregg's famous South Carolina brigade was looking for a man to replace that great brigadier, fallen at Fredericksburg, Hampton was asked to lead. Hampton declined.

Since Hampton and his brigade were south of the James River recruiting during the Chancellorsville campaign, December's raids stood as the last time he had been engaged as the Gettysburg Campaign got underway in the early summer of 1863. Hampton's reputation by that time rivaled that of his superior, Jeb Stuart, and he had become an officer with whom Lee was not willing to part. Perhaps partly as a result of jealousy on Stuart's part, perhaps also because of the disparity in their ages (Hampton forty-five, Stuart was thirty) and their education and social backgrounds, Hampton and Stuart had nothing like the camaraderie that existed between Stuart and the affable Fitz Lee. Despite their lack of personal intimacy, Hampton and Stuart always maintained a high professional regard for one another.

Hampton was one of the great "finds" among the officer corps of the Army of Northern Virginia. Despite his total lack of military experience or training before the war, Hampton had turned out to be a superb military leader. By the summer of 1863, he had been in command of his cavalry brigade for about a year, and had led it with unexcelled success ever since. His only shortcoming was a tendency to neglect his mounts.

## At Gettysburg

When the fighting began at Gettysburg on the morning of July 1, Hampton was with Jeb Stuart's raiding division in Dover, Pennsylvania, 23 miles northeast of the battlefield. All were numb with lack of sleep after three solid days in the saddle since crossing the Potomac, but after a short rest in Dover, the division pushed on toward Carlisle in search of provisions, with Hampton's tired troopers at the rear of the column.

Halting in Dillsburg with the captured wagons and prisoners from the raid, Hampton received word from Stuart before daybreak on July 2 that the army had been found at Gettysburg, and he headed south that morning. By 2:00 P.M., the brigade had halted a few miles northeast of Gettysburg with the tail of the column a mile south of Hunterstown. Waiting on his horse beside the road, Hampton came under fire from a Yankee cavalryman about 200 yards away. Charging the rifleman alone, Hampton with his pistol became involved in a strange duel with the blue trooper at close range. Hampton's chest was grazed by a bullet, and at one point, Hampton chivalrously stopped to let the Yankee clean his gun before resuming the fight. Hampton at last wounded his assailant in the wrist, but just then another enemy soldier wielding a sword rushed forward and blind-sided Hampton with a saber cut to the back of the head before making his escape. The general's hat and thick hair saved him from a deathwound. He returned to his brigade with a bloody four-inch gash on his scalp as well as a shallow chest wound. Later that afternoon, Hampton's men turned back to Hunterstown and thwarted a drive on the Confederate rear by Kilpatrick's Union cavalymen. Hampton held the ground until the next morning.

On the morning of July 3, Hampton and his men rode 2\_ miles out of Gettysburg on the York Pike, then turned south with Stuart's other cavalry brigades. Their goal was to get in the rear of the Union army when the end of the cannonade at Gettysburg signaled the beginning the main Confederate effort against Cemetery Ridge. The cavalry fighting began about 3 o'clock that afternoon. In the swirling, hand-to-hand melee with the Union cavalymen which had met their approach, Hampton received two more saber cuts to the front of his head, one of which cut through the table of his skull. The indomitable South Carolinian continued fighting until he was hit by a piece of shrapnel in the right hip, which finally put him out of action. He was carried back to Virginia in the same ambulance with Maj. Gen. John Bell Hood.

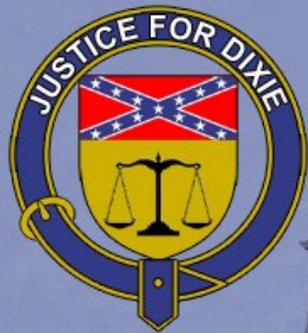
In September, while Hampton convalesced, the cavalry was reorganized, and Lee made Hampton a major general and placed him at the head of one of two cavalry divisions, with Hampton's rival "Fitz" Lee in command of the other. Hampton's hip wound was slow in healing, and he took a full four months to recover, not returning until November 1863. Three months after Jeb Stuart's death the next spring, Hampton was named Stuart's successor, in charge of all the cavalry, on August 11, 1864. In January 1865 Hampton was detached from the Army of Northern Virginia to recruit in his native state. He was made lieutenant general the next month and surrendered in April with Johnston's Army of Tennessee, after rising higher than any other amateur soldier in the Confederacy.

For further reading:

Cauthen, Charles E., ed., *Family Letters of the Three Wade Hamptons, 1782-1901*. Columbia, SC, 1953  
Wellman, Manly W. *Giant in Gray: A Biography of Wade Hampton of South Carolina*. New York, 1949

Excerpted from ["The Generals of Gettysburg: The Leaders of America's Greatest Battle"](#) by Larry Tagg

**NEXT MONTH: Brigadier General Albert Gallatin Jenkins**



# 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>

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

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Mail to: P.O.Box 1235 Black Mountain, NC 28711. Or go [HERE](#) to give online.

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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



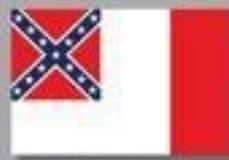
Rattle Flag



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 Herald is our unapologetic tribute 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.*

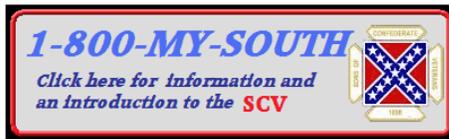
## How Do I Join The Sons of Confederate Veterans?



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/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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