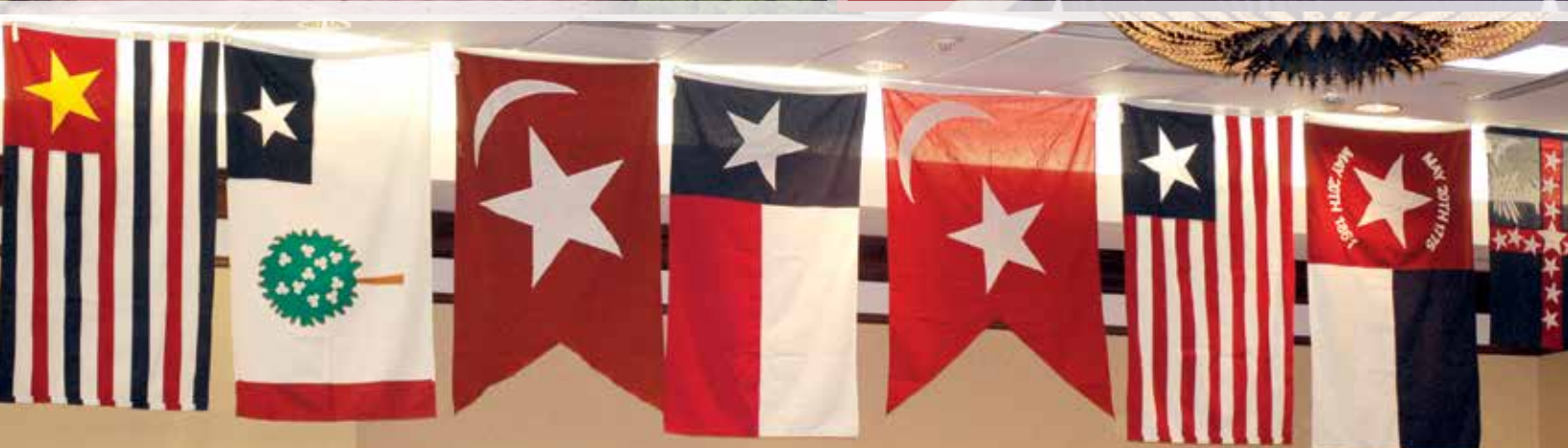


Confederate Veteran.

September/October 2011



The Constitutionality of Secession — Dr. John Emison

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COMMANDER-IN-CHIEF
R. MICHAEL GIVENS
CIC@SCV.ORG

EXECUTIVE DIRECTOR
BEN C. SEWELL, III
EXEDIR@SCV.ORG

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S. A. Cunningham

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Official Journal of the
Sons of Confederate Veterans

*Though men deserve, they may not win, success;
The brave will honor the brave, vanquished none the less.*

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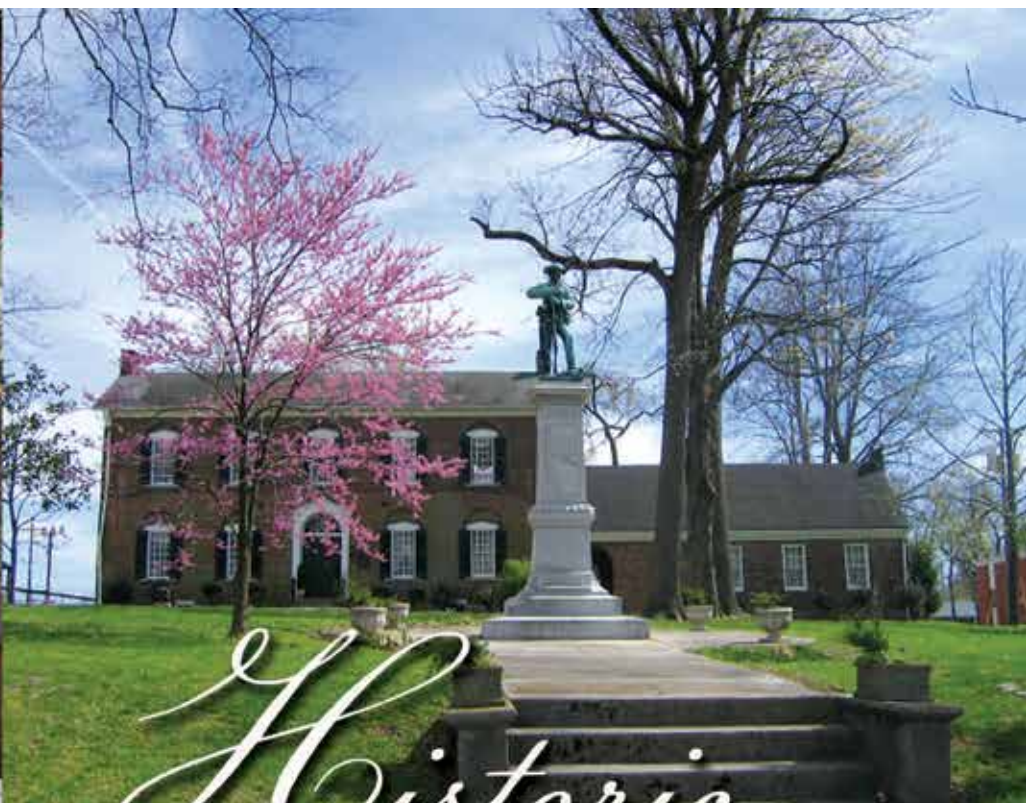
ON THE COVER — Scenes from our 2011 National Reunion in Montgomery, AL, including the first White House of the Confederacy. — Photos by Frank Powell.



CSA General William B. Bate



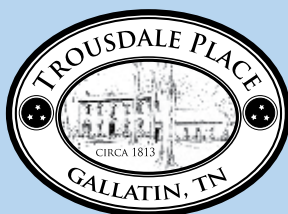
Governor William Trousdale



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S. A. CUNNINGHAM
FOUNDER

EDITOR-IN-CHIEF

FRANK B. POWELL, III

EIC@SCV.ORG

9701 FONVILLE ROAD
WAKE FOREST, NC 27587

CONTRIBUTORS

CHARLES KELLY BARROW
C.E. AVERY
ANN RIVES ZAPPA
DR. T. Y. HITER
MARK W. EVANS
MAJOR CHRISTOPHER J.M.
CUMMINS, MD
CASSIE A. BARROW
DR. JOHN AVERY EMISON
DAVID LAWRENCE DABBS
DENNIS E. TODD
JAMES P. BEVILL
WILLIAM L. CAYNOR, SR.

ADVERTISING **REPRESENTATIVE**

JACK E. MARLAR
2161 GREENPOND ROAD
FOUNTAIN INN, SC 29644
864-862-3946

LEGAL COUNSEL
R. BURL MCCOY

PROOFREADERS
HELEN M. SHARP
SARA N. POWELL

PUBLISHER
SONS OF CONFEDERATE
VETERANS, INC.

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FROM THE EDITOR



Photo by John Gregory

A great time was had by all at our annual National Reunion in Montgomery, Alabama, July 13-16. The layout of the hotel and meeting rooms really suited our needs and I was pleased to learn we will have the same host hotel in Murfreesboro for our 2012 Reunion. More details about next year's event will appear in our January/February issue.

Back to our Montgomery reunion ... not being an election year and not having any constitutional amendments, much business was discussed. The most important item to be brought to the floor was the new Vision 2016 program. The main goals of Vision 2016 are to have 50,000 members in the Sons of Confederate Veterans by our 2016 Reunion and for the SCV to be considered the preeminent authority on the War for Southern Independence at the same time. Delegates split up into groups on the reunion floor and discussed ideas to reach these goals. Every member needs to be a part of the decision-making process as we rethink the way we do business. This is a very brief overview of Vision 2016 and you will be hearing a lot more about it in the near future.

We continue our Sesquicentennial series with a deep and thought provoking essay on the constitutionality of secession by Dr. John Avery Emison. The more time you spend on it, the clearer the essay becomes, so don't give it a casual glance — the subject is too important.

The new National Guardian Program is introduced in these pages. This program is aimed at adopting a Confederate Veteran's grave for life. Too many Confederate graves are neglected across the country and we need to make a concerted effort to correct this. The Guardian program will help solve this problem.

Thanks for the letters to the editor. It is good we have members with such passionate feelings for their ancestors. This is what makes the SCV such a force to be reckoned with. Don't ever lose this passion. Please continue to send in photos of your camp activities. As always, if you have any questions please let me know. Until then, I remain,

Yours in the Cause,

A handwritten signature in dark ink, which appears to read "Frank B. Powell, III". The signature is fluid and cursive, with a large initial "F" and "P".

Editor-in-Chief



REPORT OF THE COMMANDER-IN-CHIEF

COMMANDER-IN-CHIEF

R. MICHAEL GIVENS

CIC@SCV.ORG

Time to Vindicate the Cause of the South

In case of deliberate, dangerous, and palpable infractions of the Constitution, affecting the sovereignty of a state and the liberties of the people, it is not only the right, but the duty of such State to interpose its authority for protection in the manner best calculated to secure that end.

Was the declaration above made by a liberty-loving patriot of 1776 America or perhaps a fire-breathing secessionist of the Antebellum South? If you chose either of these you'd be right in spirit, but wrong in fact.

In fulfilling his duties as Commander-in-Chief and during our second great disagreement with the imperial Great Britain, President James Madison called upon each of the American nations (currently referred to as States) to supply soldiers for the War of 1812. As usual, the Southern nations supplied young men eager to defend the rights and safety of their people, yet Massachusetts refused to obey; Connecticut refused to send her citizens in response to the Federal call, and Rhode Island also stood firm on her States' Rights and asserted her sovereignty. Each defied the Federal government and refused to rally to her flag; each insisted she was not bound to obey unless she felt it to be in the interest of the citizens of her State to do so.

At the ensuing Hartford Convention in December 1814, these and other New England States declared when they had entered the Union they had only temporarily suspended their sovereign independence to facilitate their own state's success, and that they had a right to determine when individual State happiness was jeopardized. Secession was contemplated with a separate declaration of peace with Britain (arguably a treasonable offense during a time of war). A report was issued to the United States Congress on January 5, 1815,

additionally offering several amendments to the US Constitution. The aforementioned quote is from that report. Just three days later American forces, led by General Andrew Jackson, defeated the British Army in the Battle of New Orleans, rendering the Hartford Report moot and their party devastated.

In just forty-four years the people of New England had turned away from their interpretation of States' Rights to fully embrace the coercion and invasion of the Southern States for merely exercising their own rights of self-determination.

In 1861 the American nations submitted one question to the arbitration of arms. That question was answered in 1865, on the ninth day of April, the saddest day known to lovers of Liberty, when the court of last resort decided that no nation which was a party to the treaty of 1788 and its amendments would be permitted to withdraw from that compact. It makes one wonder if New England had seceded in 1815, would President Madison have called on the Southern states to invade and coerce them back into the union?

I dare say not. Most leaders and citizens of the day recognized the union as a loose association of sovereign states. That view is affirmed by the nature of the Constitution itself and in the principles enshrined in the Declaration of Independence. A case in point: at the New York ratification debates in the summer of 1788, Alexander Hamilton vehemently argued against the desires of the anti-federalists to levy taxes directly upon the citizens. He said, *"It has been observed, to coerce the states is one of the maddest projects that was ever devised."* He continued by postulating on what would happen if the Federal government chose coercion to force a State to comply: *"Can any reasonable man be well disposed towards a government which makes war and carnage the only means*

of supporting itself — a government that can exist only by the sword? Every such war must involve the innocent with the guilty. This single consideration should be sufficient to dispose every peaceable citizen against such a government. But can we believe that one state will ever suffer itself to be used as an instrument of coercion? The thing is a dream; it is impossible."

Well, not impossible and the dream was a nightmare. Mr. Lincoln had a vastly different mind-set when he exclaimed the doctrine of the secessionists was "an insidious debauching of the public mind." He went on to declare "The Union is older than any of the States, and, in fact, it created them as States." This was his twisted interpretation of history which suited his scheme to reshape the United States from a federated republic into an empire.

History has proven people and nations may change very quickly. No one can see a clear view of the future. I imagine when the founders of our republic put safeguards in place to protect the liberties of future generations of Americans, they never expected such a vast change in just more than seventy years.

We Southerners do not have any more powers of clairvoyance than our revolutionary fathers did. But we can look at trends and prepare for the inevitable. This is the reason for the continued educational essays in the *Confederate Veteran*. In the first essay of the series, I presented you with what I find is the first and most important argument for our cause, *Why the War was not About Slavery*. Slavery is always the first volley fired by our uneducated detractors. Then you were given essays to bolster your understanding of your own people and the invaders themselves. You have essays which explain how the separate States managed the act of secession and why. All of this has been designed to make all of us better at defending our heritage.

This issue contains a wealth of information on a keenly important weapon in your arsenal of defense: *The Constitutionality of Secession and its Tradition as a Legitimate Political Remedy* by John Avery Emison, Ph.D. After slavery, the most used attack against our people concerns *secession*. It is assumed by the masses that secession was/is illegal. Whether secession is legal today or not may not seem like our concern, but in fact, it is. This is not because we as an organization condone or contemplate modern Southern secession, but it is important because if it was a right possessed by our forefathers, then it could not have been taken away at the point of a gun. We live in a country of laws. If we are to be stripped of our rights, it must be done through the courts. Now, granted, this sort of usurpation happens nearly every day, but Dr. Emison will show that in the case of secession, it was very much a legal and accepted remedy of last resort for our ancestors. I leave it to you to decide if any modern-day American has the same right as the citizens of Latvia or Kosovo when it comes to self-determination.

We have much to do during this time of the sesquicentennial to strengthen our cause and leave a legacy for our children to honor and enjoy. We may not be able to see the future clearly, but we can sharpen our intellectual vision and be right in spirit and right in fact. We mustn't let our scholarly ammunition sit in the powder stores. It is time to charge the enemy and win the battles which lead us to victory. In doing so, we will build the SCV into the indisputable authority on Southern History and vindicate the cause of the South.

God bless the South!

Michael Givens
Commander-in-Chief

Confederate Veteran



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September/October 2011 — 5



Dispatches From the Front

A collection of letters to the editor from our members.

We need more research sources

To the Editor:

I completely agree with our commander-in-chief when he states we need to build a foundation of truth.

Mr. Cisco's article *The March to Secession* is exactly the type of article we need — and we need a series of similar articles for all members to study. But all facts must be fully documented from original sources. I found several instances in the article where the source was not cited or footnoted. One example from page 19 — "New York, Virginia and Rhode Island explicitly reserved the right to leave the union they had just created." Really? Where? When? Other facts are presented and the footnote references another author's book which may or may not be the truth and based on original sources.

Time and again our best and most knowledgeable authors make these errors. They are better than that and should take the time and make the effort to fully document and reveal the truth. Perhaps headquarters should have a library (online) of as many original source documents as can be accumulated as a resource for our authors and members.

Robert L. Kennedy
Colonel Joseph Norton Camp 45
Seneca, SC

Found article interesting, but challenging

To the Editor:

I read Dr. DeRosa's essay *Died of a Theory*, and although I did find it interesting, for me it was a difficult reading. Some parts I understood and others I had to read over and over to get an understanding. I enjoy all the articles and letters printed in the magazine, but I have to say this one was a challenge.

Not criticizing Dr. DeRosa, but I like to read at a 9th- to 10th-grade level. I did learn the definition of some or maybe more than some of the words he used.

Anyway, I really enjoy this magazine, and keep up with the great reporting. I'll just have to work on my reading skills and level of understanding to 11th grade and upwards. Believe it or not, I do have a master in education and military history.

Ralph Abbruzzese Jr.
Camp Roswell Ripley Camp 1535
Worthington, Ohio

Serve The Charge and the SCV will have growth

To the Editor:

I have been reading the recent *Dispatches* with great confusion, concern, and aggravation. Much ink has been wasted on arguing whether we should change or flag, logo, etc. Moreover, one gentleman had the selfish acclaim the SCV need to built him a retirement home, suggesting our membership would be larger.

As I meditated on just what it was about all these discussions was really bothering me while driving home from a recent reenactment, I became convicted I needed to encourage others toward our mission, instead of being angry their view was not in line to mine. I was reminded of just why I joined the SCV — not because of what I was expecting to get out of it, but what I saw I could put into it. Further, I was reminded of some leadership principles I was exposed to in my undergraduate studies, where I was exposed to writings from men like Dr. Rick Warren, and decided to share those principles.

Dr. Warren is most famously known for his servant-leadership thesis the church, individual (group), etc. should not be concerned with anything which

does not work toward its mission/purpose statement and goals. He further explains these goals should be narrow enough in scope to be accomplished, but broad enough in scope to keep us from being complacent. He builds on the biblical idea that the people perish for lack of vision. Moreover, he explains by focusing only on those goals, unity is best preserved and the membership of a church/organization is strengthened.

As I meditated on this principle, it occurred to me more and more *The Charge* which Lt. General Stephen Dill Lee gave to the Sons of the Confederate veterans is quite ingenious as our purpose statement; it meets all the needs of being attainable and giving a true vision for our membership. It occurred to me if we each participate in and lead in our local camps in such a way that we only are concerned with things which meet one of the needs defined in *The Charge*, we will not only grow more but have stronger members. If we ask ourselves first whether we are protecting the soldiers' good names by what we want to do, then we will grow and have stronger membership. If we ask whether we are planning an event in order to teach the true history of the South, we will grow and have stronger membership. If we look after the graves of our ancestors with great respect and care, teaching others to do so, we will grow and have stronger membership. If we strive to emulate his virtues, we will grow and have stronger membership. If we only focus on the duties that *The Charge* have commanded us to, then we will grow and have stronger leadership. Not all of us can serve the cause the same way; some may not be gifted as group leaders. Others may not have the health that is required to march in a parade or clean up an abandoned cemetery. Still, some don't have the patience to keep the records; I thank the Lord for our adjutants, by the way. But each of

us has one central purpose and goal for existing as the group called the Sons of Confederate Veterans: *The Charge!* And each of us has a responsibility to focus on that one mission. There is much room in our ranks for everyone, and there is even more work to be done. Let us all strive towards only those goals, and let anything which does not work toward meeting them fade away.

P. Warren Brown
Captain Hardy B. Smith Camp 486
Eufaula, Alabama

Ask to present programs in local schools

To the Editor:

First, let me say that I agree with Dr. Hiter's views and that he is my immediate past division commander. I have the utmost regard for his character and knowledge.

Now to the meat of Dr. Hiter's article. As a living historian, retired high school history teacher, I am appalled at the behavior of this *teacher*. I won't call this gentleman an educator; he falls short of that title. I do encourage, not only SCV members but also reenactors and living historians, all true defenders of our Southern heritage, to step up and go to local public and private schools to arrange *Southern Heritage Days*.

My wife and I have visited schools in the Knoxville area as President and Mrs. Jefferson Davis, presenting the true history of the War of Northern Aggression. We have been warmly received and invited to return. There are schools in which we are welcome.

Members of the Private Edward F. Arthur Camp 1783, Corbin, KY, travel to schools in southeastern Kentucky, setting up camps and holding living history presentations. You have to ask to be used, so go and ask your schools.

J. W. Binion
Private E. F. Arthur Camp 1783
Corbin, Kentucky

Young blood needed to secure future of SCV

To the Editor:

I have been interested in my Confederate heritage for almost three years now. I am almost thirteen years old and I have learned a lot. Recently, I sent off my application to join the SCV. On April 10, I was inducted into the 17th Mississippi Regiment. I really enjoy seeing our heritage kept alive, but I am concerned.

Our regiment has very few members, and a lot of those are considerably ageing. We are really an active regiment, but look ten and fifteen years down the road: Would we really be as active of a regiment as we are now? We can be, but we really need to work on recruiting more and younger members. I as well as my compatriots in the 17th Mississippi will agree. The first comment I heard after my induction was "We are glad to have you with us. Some young blood is what this regiment needs."

I think it is an important issue which needs to be discussed. So for now, me and my friends of the 17th Mississippi as well as the rest of the SCV will continue to remain active, hopefully into the next decade, but what about after that? I think in the future "young blood" will be important.

Dustin M. Duffie
Private Samuel A. Hughey Camp 1452
Horn Lake, Mississippi

Baltimore citizens should be first martyrs

To the Editor:

I enjoyed the "Confederate Images" article on the Marshall House Hotel (July/August *Confederate Veteran*) but must vigorously contest the article's opening premise that "James T. Jackson, Virginia Hotel owner, became the South's first martyr. The confrontation between Jackson, Ellsworth and the 11th New York Fire Zouaves occurred on May 24, 1861.

Prior to this date, on April 19, 1861, the patriotic citizens of Baltimore protested and attempted to block the passage of the 6th Regiment Massachusetts Volunteer Militia, which had been mobilized in response to Lincoln's call for troops to invade the South. As hostilities escalated, troops of the 6th Massachusetts fired into the crowd of assembled protestors, and the Baltimore citizenry responded in kind. Following the altercation, twelve Baltimore citizens and four Massachusetts troops were dead, with countless others wounded. Clearly, the distinction of being the South's first martyrs must deservedly be accorded to the citizens of Baltimore. The altercation marked the first bloodshed of the war. Ironically, the confrontation in Baltimore occurred on the anniversary of the Battles of Lexington and Concord, when a previous generation of Americans stood in opposition to the tyranny of the mother country.

One of the Baltimoreans killed was William R. Clark, who had recently enlisted into the Confederate States Army. Mr. Clark was mortally wounded by a member of the 6th Massachusetts, distinguishing him as the first documented Confederate soldier to die in the war. An in depth article on Mr. Clark, by Compatriot Robert R. Reyes appeared in the November/December 2006 issue of the *Confederate Veteran*.

The events of April 19, 1861, inspired James Ryder Randall to compose the poignant and moving poem *Maryland, My Maryland*. Unfortunately, the events of the day also inspired Lincoln to order the arrest of the Maryland Legislature, suspend *habeas corpus* and occupy Maryland prior to Virginia's passage of the articles of secession on May 23, 1861. Perhaps in a figurative sense, it is befitting Maryland be recognized as the South's first martyr.

Terry M. Klima
Gen. Isaac Ridgeway Trimble Camp 1836
Ellicott City, Maryland

Continued on page 56

Letters to the editor are welcome. Please e-mail to eic@scv.org or you can mail to 9701 Fonville Road, Wake Forest, NC 27587. Please include your camp name, number and city. Space is limited; try to keep to 500 words or less, but longer letters may be edited and/or printed, space permitting. Differences of opinion are invited; attacks on fellow compatriots are not and will not be published.



REPORT OF THE LT. COMMANDER-IN-CHIEF

**LT. COMMANDER-IN-CHIEF
CHARLES KELLY BARROW**

LTCIC@SCV.ORG

Are you fit?

"So I turned my mind to understand, to investigate and to search out wisdom and the scheme of things and to understand the stupidity of wickedness and the madness of folly." Ecclesiastes 7:25

Exercise is a common topic in our society. There is always a new gadget to help you trim some area or another, or a new report on how much exercise is good enough. Exercise is an intricate part of our lives, whether we partake in it or not. But that is physical exercise. Were you aware there are exercises to improve your brain function? There are even sites on the Web that discuss what your goals should be and what "exercise" is right for you. I doubt any of us have considered the health of our brain, yet an old English Proverb states "An idle brain is the devil's workshop."

Now let's consider if we have "exercised" our brain in learning the basic history of the War Between the States. Do you know the names of the three officially adopted flags of the Confederate government? Do you know anything about the Confederate Cabinet, namely who was on it? Where was Jefferson Davis originally from and where was he living when he was appointed President of the Confederate States of America? Who wrote the Confederate Constitution? Do you know what your ancestor's unit did during the War Between the States? This list of questions could grow into infinity because there is so much to learn and it is impossible to know it all. Recently, Teresa Roane from the Museum of the Confederacy shared with me something that I was never aware of: the Confederacy was the first to appoint a female as postmistress.

I have always been told if you stop learning, that is the day you die. I want to take that a step further: the day you stop learning as a camp is the day the camp loses its reason to survive. So create fun ways to bring tidbits of trivia into your camp. Most have a speaker every month,

which I encourage, but you could also have a different person bring a question for the group to answer. Once the group has tried to successfully answer the question, the designated person can give all of the details of the answer. It is up to the person bringing the question to determine the topic since there are some who prefer to learn about the battles and their statistics, while others like people, etc. By engaging individuals, you allow them to have ownership of a part of the meeting, which in turn encourages them to want to continue to be a part of this great organization. This is only one example of a multitude of ways you can bring our history to life for your camp members.

As most know I am a history teacher, and I would be remiss in not sharing some basics about the Confederacy that all should know. I must give credit to the Children of the Confederacy's (CofC) *Senior Catechism* in helping me to narrow my approach to this article. In fact, this and the *Confederate Catechism* (can be viewed at www.scv.org/pdf/ConfederateCatechism.pdf) are great resources for all camps.

Since the firing on Fort Sumter has been much discussed due to its sesquicentennial, here is a question to consider: Did the South in firing on Fort Sumter start the war? I would like to quote Lyon Gardiner Tyler, President John Tyler's son, from the *Confederate Catechism*: "No, Lincoln began the war by secretly attempting to land troops at Fort Pickens, in Florida, in violation of a truce existing between the Federals and Confederates at that place. This was long before Fort Sumter was fired on, and Fort Sumter was fired on only after Lincoln had sent an armed squadron to supply and strengthen that

fort. Even supposing that the action of the Confederates in firing on the fort was unjustifiable, Lincoln was not bound to treat it as a gauge of battle. He knew that all the Confederates wanted was a fort that commanded the metropolitan city of Charleston, South Carolina — a fort which had been erected for the defense of that city. He knew they had no desire to engage in a war with the United States. Not every hostile act justifies war, and in the World War this country submitted to having its flag filled full of holes and scores of its citizens destroyed before it went to war. Lincoln, without violation of his views of government, had an obvious alternative in putting the question of war up to Congress, where it belonged under the Constitution. But he did not do it and assumed the powers of Congress in making laws and enforcing them as an executive. By his mere authority he enormously increased the Federal army, blockaded Southern ports, and declared Southern privateers men pirates.” As you can see, in just this one question there are many different avenues you can research, and learn more details.

In the *CofC Senior Catechism* one of the questions asks if Robert E. Lee continued to hold the slaves of his father. When Lee’s father-in-law George Washington Parke Custis died in 1857, Lee was left with the family’s slaves, with the stipulation that they would be freed in 1862. True to his word, General Lee freed the Custis family slaves in 1862. The document proving this is located in the Eleanor S. Brockenbrough Library at the Museum of the Confederacy.

To answer one of the questions presented at the beginning of this article, there were only three official flags of the Confederate States of America, but numerous regimental and unit flags on the field of battle. The first sanctioned flag was the First National or the Stars and Bars and was adopted on March 4, 1861, by the Confederate Congress. They approved the design, but due to their haste, the Congress neglected to formally enact a flag law, but it was written into the journal of the Congress. The Confederate Congress wanted to use a design that drew from the heraldic symbols of the flags of the US. It was a political intent to show the CSA truly held to the original principles of the Declaration of Independence and Constitution created by the founding fathers. It was the US which had departed from these principles. Unfortunately on the battlefield it was so similar to the Stars and Stripes, the US flag, that it caused confusion. After the First Battle of Manassas, General P.G.T. Beauregard of the Army of Northern Virginia sought for a better design to differentiate the two armies on the battlefield. Due to this, the “soldier’s flag” was created, or the Battle Flag. The First National was not a favorite of the people, but it remained the official flag of the Confederacy until May 1, 1863. The stars represented the states that had seceded from the Union. The first flag had seven stars, but you

may see variations with as many as 15 stars.

To try to help with the confusion on the battlefield, the Confederate Congress adopted a second flag on May 1, 1863. The Second National was also named the Stainless Banner, which referred to “the unspotted virtue and honor of Southerners and their fight for independence from the tyranny and aggression of Northern States” or the purity of the struggle for independence. When the Congress considered designs, they did not want the new flag to in any way resemble the Union flag. The first use of the flag was to cover the coffin of Lt. General Thomas “Stonewall” Jackson, who died May 10, 1863, of pneumonia after being wounded in the Battle of Chancellorsville on May 2. This is why this flag is sometimes referred to as the Jackson flag. It also flew over Ft. Sumter until the Confederate evacuation in February 1865. Like the First National, this flag was not liked by the public or in the field. On a windless day, the flag appeared to be a flag of truce or surrender, which caused more confusion. It remained the official flag of the Confederacy until March 4, 1865.

On March 4, 1865, shortly before the fall of the Confederate States, the Confederate Congress adopted a new flag design, the Third National, or the Blood Banner. With the first two flags never gaining popularity in the public, this flag was to embody the Confederacy at the end of the war. The designer was an artilleryman, Major Arthur L. Rogers of the Loudoun Artillery. He said the white signified purity and innocence and the red, fortitude and courage. (I wonder if the color of artillery had something to do with it.) Few of these flags were produced and even fewer survive in museums today.

This concludes the brief history lesson on three topics which are important to know, but are not usually mentioned. It is assumed all know the answers, yet one should never assume anything. Commit to be fit as a camp and as an individual. The old adage “Use it or lose it” is true even when talking about history. When our brains are not exercised regularly, they will get flabby and weak. Then how are we to educate the new members and, more importantly, the young about our history and our Confederate ancestors? “Facts are to the mind what food is to the body.” — Edmund Burke. So let’s not starve the brain.

In conclusion, I want to remind all of the members of the Leadership Conference on October 1, 2011, in Burlington, North Carolina. All are invited, but camp commanders and adjutants are strongly encouraged to be present at the training. Registration forms can be found on the marquis of www.scv.org.

Deo Vindice!

Charles Kelly Barrow

Lieutenant Commander-in-Chief

barrowscv@inbox.com





Forward The Colors

AN EDITORIAL FROM
THE CHIEF OF
HERITAGE DEFENSE

What's our heritage, anyway?

We often see banners and bumper stickers proclaiming “Heritage, not Hate,” and, of course, we have Heritage Defense Chiefs at Division, Army and national levels, but what’s it really all about? Isn’t it really just a matter of having a point to focus on as we fight against everything modern?

That’s what a lot of people on the “other side” think, and I’m afraid some of us have kind of gotten into that mode, too. Well, let’s say right up front that the answer is *no*. Heritage Defense is about a great deal more than just resisting progress. Don’t get me wrong: I personally don’t consider that to be a bad thing, either. Some of what passes for *progress* nowadays needs to be fought against, but that’s not the point.

First, let me say this: the SCV is non-political, and I don’t intend to violate that. It’s just that, just as surely as being a Democrat doesn’t always have anything to do with believing in democracy, and likewise there are thousands of Republicans who want nothing less than to live in a republic, so being a progressive doesn’t necessarily have any-

thing at all to do with progress. The *progressive* movement (one aspect of which was the Progressive Party) began around the turn of the last century, and continues today. It has done great good and great evil, like any other such organization or movement. That’s not what I’m talking about. I’m talking about people who believe in the modernist philosophy called *progressivism*. They’re not the same thing. *Progress*, almost by definition, means “movement in a positive direction.” Much of what *progressives* tout today is movement all right, but the direction is rarely positive.

I am deeply opposed to many of the things which have come to us in the name of *progress* during the past hundred years. Calling something *modern* doesn’t necessarily make it worthwhile, either, as far as that goes. Being *progressive* or *modern* brought us Socialism, Communism, Lenin, Hitler, Mao and goodness only knows what other *modern* pain. I personally believe Lincoln fits in with that list, but I understand good Southern men disagree with me, and I believe we both have a right to our opinions. And, to be fair, *progress* has also



brought us penicillin, space travel and the forty-hour workweek. Nothing is all good, and few things are all bad.

That, then, brings us to the heart of the question I opened this essay with. Southern heritage, as I understand it, includes having a right to differing opinions. Much of

what's *modern* and *progressive* in this world does not. Everyone talks about having freedom of speech, but try exercising it, if you disagree with the *modernist* position. You can do anything you like with almost any flag known to man, but just owning and displaying the Confederate Flag is anathema, and would be illegal if some people had their way. You may say or do almost any thing you like in the name of your ethnic or religious heritage unless that heritage is Christian or Southern. Honoring those things makes you (us!) abominations before the modernist mavens.

Knowing this, we must never forget the Declaration of Independence, which the progressives claim to worship but in fact reject in almost every particular, was written by a Southern man.

The Constitution of the United States was written by a Southern man. The Confederate government was established by seven of those states which wished to enshrine the principles of the Constitution by withdrawing from a union they believed was encroaching on the meaning of the Declaration.

Five of the seven original Confederate states' legislatures are said to have instructed their representatives to vote for no constitution except the US Constitution, which they did, and it was adopted. The other six joined after they were invaded by a United States government in violation of the Constitution. These facts are part of our heritage, too.

Let there be no doubt that we, the citizens of the states which constituted the Confederate States of America, are today loyal citizens of the United States, loyal to its Constitution.

We are, and that is in no small part because General Lee and President Davis asked us to be. We are, too, because no Northern state or combination of states has shed nearly the amount of blood we have, in Europe and Africa and Asia and the Middle East and in oceans around the world in defense of those United States. But that is our heritage, too.

For people in large part descended from latecomers not even approaching these shores when our own forefathers struggled and died in defense of their God-given and Constitutionally guaranteed rights, to tell us now we're somehow ineligible to assert our differentness from them would be laughable were it not for the fact that they are so overbearingly serious about it.

In any rational world they would be coming to us asking for instruction in how to live and honor the old ways which made us all so great. Instead, they throw out their own past and all its lessons, then try to make us do the same.

Of course, the truth is that is what Yankees do. That's what makes them Yankees, I suppose. They don't like themselves very much, and they hate everybody else. H. L. Mencken once defined Puritans (the prototypical Yankees) as people who have "a haunting fear that someone, somewhere may be happy." Indeed, that is so. They could not stand the fact we were happy in a slow-moving agrarian society, and they cannot stand it now that we look back on those times with affection and on those people with pride.

Well, we are proud of those people and we are proud of what they did. They resisted the Yankee rush towards totalitarian sameness and shared misery, and so must we. It's in our Charge. That they fought is the reason we exist. That they had the will to fight is our inspiration.

Deo Vindice!

Dr. T. Y. Hiter
Chief of Heritage Defense
Sound Retreat Farm
544 Shawnee Bay Road
Fairdealing, KY 42025
home (270) 354-8819
e-mail: tyhiter@wk.net



Chaplain's Comments

Mark W. Evans
Chaplain-in-Chief



Why Dixie Drew Its Sword

Following the hard-fought war for American Independence, delegates from the colonies gathered in Philadelphia in the year 1787. The convention drafted a Constitution, which required ratification by nine of the thirteen sovereign States. Eventually, all thirteen States acceded, granting limited, specified powers to a Federal government and reserving all other powers to the individual States. The Tenth Amendment, ratified with the other Bills of Rights in 1791, stated "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." Each State was a party to the compact. Since States created the Federal Union and retained all powers not granted in the Constitution, the power remained within each State to secede from the Union. When the Southern States seceded, they exercised their power, in accord with the original compact.

For decades, Dixie had rea-

soned in vain with a Northern majority, bent upon subjugating the rural South to a Yankee agenda. When Abraham Lincoln, with his Republican Party, gained control by an overwhelming sectional vote, Dixie knew its oppressors were in control. Initially, six States formed a provisional Confederacy, to be joined later by other States. They not only had the US Constitution as a legal basis, but they had the precedent of their forefathers who had declared independence from Britain. Their provisional President, Jefferson Davis, said in his inaugural address February 18, 1861: "The declared purpose of the compact of union from which we have withdrawn, was 'to establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and posterity,' and when in the judgment of the sovereign States now composing this Confederacy, it had been perverted from the purposes for which it was ordained, and had ceased to

answer the ends for which it was established, a peaceful appeal to the ballot-box, declared that so far as they were concerned, the government created by that compact should cease to exist. In this they merely asserted a right which the Declaration of Independence of 1776 had defined to be inalienable" [Jones, *The Davis Memorial Volume*, 303].

The day after Arkansas seceded, May 7, 1861, Patrick Cleburne, the future "Stonewall of the West," said in a letter to his brother: "I believe the North is about to wage a brutal and unholy war on a people who have done them no wrong, in violation of the Constitution and the fundamental principles of the government. They no longer acknowledge that all government derives its validity from the consent of the governed. They are about to invade our peaceful homes, destroy our property, and inaugurate servile insurrection, murder our men and dishonor our women. We propose no invasion of the North, no attack on them, and only ask to

be let alone" [<http://ardvscv.tripod.com/smf97.html>].

Faced with the threat of subjugation by arms, the newly formed Confederacy drew the sword. Abraham Lincoln had called for an army of 75,000 soldiers. Virginia, still in the Union, received the order to supply a quota of soldiers. Virginia's Governor John Letcher replied, "I have only to say that the militia of Virginia will not be furnished to the powers at Washington for any such use or purpose as they have in view. Your object is to subjugate the Southern States, and a requisition made upon me for such an object — an object, in my judgment, not within the purview of the Constitution or the act of 1795 — will not be complied with. You have chosen to inaugurate civil war, and, having done so, we will meet it in a spirit as determined as the administration has exhibited toward the South."

There were prominent Christian leaders, such as James Henley Thornwell of South Carolina and Robert L. Dabney of Virginia, who labored to preserve the Union until they realized the Northern majority, headed by Abraham Lincoln, was willing to exercise tyrannical powers. The Southland could not sit idly by while her adversaries ran roughshod over Constitutional and God-given rights. A few days after South Carolina's secession, Thornwell wrote his brother, "Our affairs of State look threatening; but I believe that we have done right. I do not see any other course that was left to us. I am heart and hand with the State in her move" [Palmer, 486].

Dabney said in defense of Virginia's secession, "the Constitution of the United States has been rent in fragments by the effort to mus-

ter new forces, and wage war without authority of law, and to coerce sovereign States into adhesion, in the utter absence of all powers or intentions of the Federal compact to that effect" [Johnson, 226].

Dr. Benjamin Morgan Palmer, one of the leading Southern pastors and the only preacher with a Yankee price on his head, addressed the New Orleans Washington Artillery, headed into the conflict: "Soldiers, history reads to us of wars which have been baptized as holy; but she enters upon her records none that is holier than this in which you have embarked. It is a war of defense against wicked and cruel aggression — a war of civilization against a ruthless barbarism which would dishonor the Dark Ages — a war of religion against a blind and bloody fanaticism. It is a war for your homes and your firesides — for your wives and children — for the land which the Lord has given us for a heritage. It is a war for the maintenance of the broadest principle for which a free people can contend — the right of self-government. Eighty-five years ago our fathers fought in defence of the chartered rights of Englishmen, that taxation and representation are correlative. We, their sons, contend today for the great American principle that all just government derives its powers from the will of the governed. It is the cornerstone of the great temple which, on this continent, has been reared to civil freedom; and its denial leads, as the events of the past two months have clearly shown, to despotism, the most absolute and intolerable — a despotism of the mob, unregulated by principle or precedent, drifting at the will of an unscrupulous and irresponsible majority" [Johnson, 238, 239].

Today, implacable detractors seem to believe that our ancestors deserved to be slaughtered, have their property destroyed, their homes and churches burned, and their beliefs reconstructed by the Northern invader. However, the Sons of Confederate Veterans and many others have not fallen prey to the deception. Dixie's bitter struggle was not in vain. Our country's present darkness testifies our relatives rightly foresaw the danger. The history of the Southern cause points to a deeper truth. A Christian revival swept through the Confederate armies, bringing eternal peace to tens of thousands who defended the Southland. Many believed in the Lord Jesus Christ and were faithful unto death.

The South's chieftain, Robert E. Lee, said, "We poor sinners need to come back from our wanderings to seek pardon through the all-sufficient merits of our Redeemer. And we need to pray earnestly for the power of the Holy Spirit to give us a precious revival in our hearts and among the unconverted" [Jones, 414].

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The Last Roll



John Rayburn 452
Guntersville, AL
James Leon Scarborough

Savage-Stewart 522
Piedmont, AL
Edward W. Spoon

Covington Rifles 1586
Andalusia, AL
Osborne Richards Thomasson

Col. Robert G. Shaver
1655
Jonesboro, AR
Lanny O'Neal Barnhill

General Joseph Finegan
745
Yulee, FL
James H. Lear

Kirby-Smith 1209
Jacksonville, FL
Rupert Irvin Christian

McDaniel-Curtis 165
Carrollton, GA
Glynn Franklin Doster

Yancy Independents 693
Sylvester, GA
James Luther Thompson
Christopher Keithon Oates
Donald L. Bass

South Kansas Camp 2064
Wichita, KS
Paul Bruce Graves

General Leroy Augustus
Stafford 358
Alexandria, LA
Donald J. Duhon

Capt. James W. Bryan
1390
Lake Charles, LA
Benjamin W. Burns
Norman Keith Coleman

Maj. Thomas Mcguire
1714
West Monroe, LA
Floyd Ceburn Miller

B/G Mosby Monroe
Parsons 718
Jefferson City, MO
David Milton Finch

Col. W. P. Rogers 321
Corinth, MS
Willie J. Cartwright
James J. Nelms
Donovan Lynn Barnes

B/G Benjamin G.
Humphreys 1625
Indianola, MS
Edwin Ray Haley

Mechanicsburg Corridor
1704
Mechanicsburg, MS
William Taylor Oldham

Jefferson Davis 1862
Newton, MS
Louis P. Foley

M/G Stephen Dodson
Ramseur/Col. Reuben
Campbell 387
Statesville, NC
Kenneth Coleman Byers

Col. Samuel McDowell
Tate 836
Morganton, NC
Jerry V. Fleming

Ivy Ritchie 1734
Albemarle, NC
Rocky Lane Huneycutt

Shelby's Oklahoma
Iron Men 1356
Duncan, OK
David S. Short

Pvt. Drury Warren 2180
Ponca City, OK
Neal Norman North

Colonel Joseph Norton 45
Seneca, SC
Joseph W. Turner

General Richard H.
Anderson 47
Beaufort, SC
Thomas Gene Givens

W. E. James 74
Darlington, SC
Arthur Henry Digges

Gordon Capers 123
St. George, SC
Larry Charles Sims

Captain Moses Wood 125
Gaffney, SC
Wade Alonzo Scruggs

H. L. Hunley 143
Summerville, SC
Britt H. Branton
Dennis Earle Skelton
Noel Winfred West

Pee Dee Rifles 1419
Florence Darlington, SC
John Rae Love

Gen. States Rights Gist 1451
Bogansville, SC
Robert L. Smith

N. B. Forrest 3
Chattanooga, TN
Jeffrey Wayne Bentley

MG William D. McCain
HQ 584
Columbia, TN
A. Fletcher Jolly, III

Gen. Robert H. Hatton
723
Lebanon, TN
Dewitt E. Roberts

Sergeant William A.
Hamby 1750
Crossville, TN
Larry Alexander Brinkley

Hood's Texas Brigade 153
San Antonio, TX
Edward G. Pryor

Gen. W. L. Cabell 1313
Dallas, TX
William Perry Clements

Urquhart-Gillette 1471
Franklin, VA
Wallace Marvin Worrell

Edmund Ruffin Fire
Eaters 3000
Mechanicsville, VA
John Wade Hamilton
Robert Warren Walsh

Confederate Images

by C.E. Avery



General James Simons

James Simons, a native of South Carolina, was born in Charleston on May 9, 1813. He was the son of a Revolutionary War officer-turned-merchant and was later a state representative. James attended Pendleton Academy, the College of Charleston and graduated with honors from the University of South Carolina in 1833.

After graduation he joined the state militia as an officer, and by 1858 had attained the rank of brigadier general of the 4th (Charleston) Brigade. He also practiced law in Charleston and turned politician later, representing St. Philip and St. Michael Parishes in the state house from 1842 to 1861. During this time he served as speaker of the house from 1850 to 1861.

Simons commanded Morris Island during the bombardment of Fort Sumter. It was Simons who



sent Colonel Wigfall of Texas, accompanied by Private Gourdin Young of the Palmetto Guard, to Fort Sumter when the fort's flag had been shot down. At 2:15 PM, Colonel Wigfall returned and reported that Major Anderson

had surrendered unconditionally. However, Simons was relieved of command by Governor Pickens on April 29. He and Pickens were political opponents and constantly fighting each other. Finally, on July 10, 1861, Simons resigned his commission in the militia, but volunteered as a private in an artillery unit.

In February 1862, President Jefferson Davis authorized Simons to raise a legion in the Charleston area, which he tried to do, but without success, by the summer of 1862.

For the rest of the war Simons practiced law, and following the war, formed a law partnership with his son. He also served as a trustee of the University of South Carolina from 1863 to 1869.

James died on April 26, 1879 and was buried in a family plot in Magnolia Cemetery in Charleston. ❧

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The Constitutionality of Secession

and its tradition as a legitimate political remedy

By John Avery Emison, Ph.D.

The war ended for my ancestor William Ahab Johnson (18th Tennessee Cavalry, Company I) on May 9, 1865, when General Nathan Bedford Forrest surrendered the Army of Tennessee near Gainesville, Alabama. The questions about the legality and constitutionality of the power of a State to secede from the Union thus ended. The issue was settled as President John Adams predicted at the mouth of a cannon rather than by adjudication of law or application of human reason. From the demise of the Confederate States and for another 125 years the act of secession was understood as an illegitimate attempt to dismember a political state (nation).

As Professor Donald W. Livingston, one of the founders of the Abbeville Institute of Scholars, has noted, this bias against secession as a legitimate

political remedy was held by both the political left and right in America and around the world. But this monopolistic position changed in 1989 when 15 republics peacefully seceded from the former Soviet Union, that simply ceased to exist. Professor Livingston has also noted secession has once again reentered the American academic and political debate if only awkwardly. For example, the Second Vermont Republic is the most serious modern secession movement, and last year in a close primary race, the governor of Texas asserted his state's right to secede if it so chooses.

These are heartening trends that an honest debate about political remedies such as secession are beginning to break political taboos. And its not coming a moment too soon because I believe the American republic is in trouble as I argue in my book *Lincoln Über Alles*:

Dictatorship Comes to America. Almost every man in the street knows something is terribly amiss. Our political leaders and corporate entertainment/news programs tell us otherwise. The typical American can neither articulate the symptom nor identify its cause, but he knows a sort of "dis-ease" — perhaps even a *disease* — has taken hold in America.

We find our nation at an incoherent constitutional and governance nexus. On the one hand the Founding Fathers wrote the Constitution (and the States adopted it) to function in a federated, i.e.



John Avery Emison is a sixth generation Tennessean. He was educated in the South and the West receiving a B.A. from Union University in Jackson, Tennessee (1972), M.S. from the University of Memphis (1974), and Ph.D. in Resource Geography at Oregon State University (1979). As an undergraduate he was president of student government and listed in *Who's Who Among Students in American Universities and Colleges*. Dr. Emison is a member of the Longstreet-Zollicoffer Camp 87, Knoxville, TN. He is an environmental scientist working many years in the area of waste management and radioactive cleanup projects in Oak Ridge. He is the father of three grown children in Houston, Atlanta and Knoxville. Based on material previously published in *Lincoln Über Alles: Dictatorship Comes To America* by John Avery Emison, © 2009, used by permission of the publisher, Pelican Publishing Company, Inc.

decentralized republic with all powers reserved to the states or to the people that were not enumerated in the Constitution. On the other hand, for several decades the courts have interpreted the Constitution in the context of state and federal relationship as a unitary, centralized, supreme, indivisible, perpetual government. The Constitution makes perfect sense when read in the mind-set of a federated republic, but it is incoherent when force-fit into the mind-set of "one nation, indivisible" as we say in the Pledge of Allegiance.

Accordingly, it is important we revisit the principles which underlie the power of secession, but not just for the sake of understanding secession itself. Rather, it is to understand the legal and political institutions our Founding Fathers agreed to and actually erected in their day, and the meaning of these federated powers in our own day.

Purpose

The purpose of this essay is to lay out a series of arguments that if secession ever was a lawful and legitimate power of the States, it still is today and ever will be. Conversely, if secession is not presently a lawful and legitimate power of the States, it never was nor could it have been.

The distinction between whether secession presently is or never was a legitimate power to be exercised by the States is a distinction between whether it was our ancestors wearing butternut and gray who were guilty of treason or Lincoln. My favorite president, New Hampshire Yankee Franklin Pierce, called our constitutional union the "congress of sovereignties." It is the recognition of a government of limited and enumerated powers versus unlimited power. It is the distinction, ultimately, whether one is a citizen or merely a subject.

Before we take a look at the issue of secession, there is the matter of the US Supreme Court case of *Texas v. White* in 1869.

The "Legal Fiction" of *Texas v. White*

The Supreme Court case the centralizers cite in reference to secession is *Texas v. White*, which was decided on a

5-3 vote by the Supreme Court in 1869. All five Lincoln appointees voted as the majority, and the three non-Lincoln appointees dissented.

The argument that secession is not a legal power to be exercised by the states rests on this single case. Many War for Southern Independence scholars contend it stands as authoritative proof secession was not legal, thus the exercise of it by the Southern states was illegal, illegitimate, unconstitutional and, hence, treason. Their ethos is the federal government was absolved from the wrongs it inflicted on the nation because it was fighting to reverse the illegal acts of the Southern states. As Randall and Donald state, "The main point of the case was that Texas continued to remain a state in the Union despite the illegal transactions pertaining to secession."¹

If this case deserves the legitimacy and reverence that some War for Southern Independence scholars invest in it, then the argument regarding the legality of secession must be decided in the negative. If, however, this case does not deserve the place in history some scholars contend, then the issue of secession must be settled on other Supreme Court rulings and legal doctrines, constitutional arguments, and the larger historical [and political] context. This paper establishes why historians must discard *Texas v. White* from the debate on secession and proposes other legal doctrines, constitutional principles, and historical events to demonstrate the lawful, legal, and constitutional basis for the act of secession.

Having won the war and the Supreme Court firmly in the control of Lincoln's unprecedented five appointees, the party of Lincoln was in position to provide legal cover for the counterrevolution thus completed. *Texas v. White* is not simply a definitive case about secession. Rather, it is the predictable response by the courts of the government which won the war. The winners were right; the winners obeyed the law; it was the losers who violated the law. One could not expect the courts of the government which won the war to rule any differently. They rewrote the common law to reflect their views of an all-powerful national government whose authority was no longer limited

by the consent of the governed.

The Supreme Court ruled "The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States."² This ruling is illogical, historically inaccurate, constitutionally flawed, and corrupted with a fundamental conflict of interest and prejudicial behavior on the part of Chief Justice Salmon P. Chase, who wrote the court's decision. Furthermore, the legal issue between Texas, White and the other defendants was moot. The case was heard in order for Chase, a conniving, active politician, even when he was chief justice, to seize an opportunity to rule on secession even though it had nothing to do with the legal issues in the case which centered on Texas' attempt to get back bonds it had paid to the defendants. Point of fact, there were no legal issues raised by the attorneys on either side in this case for or against secession. Chase made it into a secession case anyway. After his death, the part of his ruling dealing with the bonds was reversed in another Supreme Court ruling (*Morgan v. US*, 1885).

Nothing about this case can be understood in its proper context without an understanding of Chase. Chase's lead biographer, historian John Niven, describes a chief justice who was a politician on the court with presidential ambitions. He worked behind the scenes to obtain the Republican nomination for president in 1868, and then the Democrat nomination in 1872.

Chase frequently spoke to and corresponded with President Johnson and members of Congress on matters of policy.³ He traveled for the purpose of observing conditions in the postwar South, observations which would affect his thinking about cases which would likely come before his court. He spoke publicly on the political issues of the day.⁴ Niven describes Chase's dissent in the so-called *test* oath cases: "His political antennae were vibrating as he judged the temper of Congress and the activities of Johnson ... show[ing] a wavering of principle in the interest of expediency."⁵

What's more, in *Texas v. White*, Chase made prior "public comments" (improperly) about the status of wartime and postwar government in Texas,

which was the whole point of the court's ruling.⁶

In this context, we see Chase was clearly a scheming, unprincipled, politician on the bench who had improper and prejudicial contact regarding policy matters which were in the hands of the executive and legislative branches of government. He made improper firsthand observations to form his own opinions about matters which would find their way to his court, and he injected his own political calculus into his decisions on the bench. Chase appeared to be more interested in inserting his own political views into the legal issues brought to the highest court in the land than he did in providing an impartial tribunal in which justice would be done.

In spite of the discredit of this decision, let us look at the background of *Texas v. White* and systematically work through the historic and legal issues. The case arose as a dispute over the ownership of US Treasury bearer bonds. The numbered bonds were issued to the State of Texas in 1851 for settlement of its western boundary. Texas had ceded to the United States government an area which included the eastern half of New Mexico, the panhandle of Oklahoma, much of eastern Colorado, part of western Kansas, and a small sliver of southeastern Wyoming, fixing the western boundary of Texas as it exists today.

Texas received the bonds into its treasury, and its legislature passed an act requiring the endorsement of the governor for the transfer of the bonds to any third party. After Texas seceded in 1861, its legislature repealed the earlier requirement of the governor's endorsement. The bonds matured on December 31, 1864, a date no one envisioned would be during war. Some of the bonds were negotiated by Texas prior to the war, and circulated among various owners with the endorsement of various Texas governors.

In 1862, the US Treasury Department, not wanting to pay any of the bonds to a seceded state, hatched a clever Catch-22 scheme to avoid its lawful financial obligations of the bonds. The scheme was to honor Texas's original, presecession statutory mandate for endorsement by the governor as if it were a requirement binding on the US Treasury. The postsecession repeal of

the endorsement requirement was not viewed by the treasury department as legitimate because it was passed by a "rebel" legislature. Even if a bond was subsequently endorsed, the endorsement would be by a "rebel" governor; thus, it too would not be honored. Because Texas was in rebellion during the war, neither its "rebel" governor nor its "rebel" legislature could cure the problem of endorsement. This was the contorted logic the treasury department devised in order to renounce its obligation to pay the bearer bonds under any circumstances that it thought might benefit Texas, or those to whom Texas sold the bonds.

In early 1865, Texas negotiated its remaining bonds with George W. White and John Chiles, who were to deliver medicine to the state. By that time the bonds had matured and were payable to any bearer who presented them to the US Treasury. The war ended shortly thereafter without the delivery of any goods, and the provisional government of Texas sought to recover the bonds by filing an original bill in the US Supreme Court, February 15, 1867. Texas asked for an injunction against White and Chiles to stop them from redeeming the bonds at the US Treasury. The next day, February 16, 1867, the defendants presented the bonds to the treasury department and the bonds were paid.

Part of the legal issue before the Supreme Court was one of jurisdiction. Article III, Section 2 of the Constitution gives the Supreme Court original jurisdiction over all cases in which a state is a party. Was Texas a state in 1867 when it filed suit? Chase and the other four Lincoln appointees said Texas was indeed a state — "indestructible," they concluded. If they had concluded that Texas was not a state, they would have been unable to take the case and therefore deprived of the opportunity to use it for their own purposes.

And what was the court's ulterior purpose? It was to correct a position they had taken during that same term of the court in the *Lane County v. Oregon* case. Chase wrote both opinions. In the *Lane County* case he wrote the states "might continue to exist" even if outside the union. That would never do because if states could exist outside the union they would be "indestructible," but the

union would not. The Chase court ruled on *Texas v. White* in order to flip-flop on the issue of indestructibility of states, for without doing so, they upended Lincoln's entire rationale of conducting this bloody and brutal war, namely to preserve the union.

One of the three dissenters on the court saw through this make-believe justice and called Chase's opinion "legal fiction." Associate Justice Robert Cooper Grier, a Pennsylvanian who was appointed to the court by President Polk in 1846 (after future president James Buchanan refused appointment), noted the Reconstruction Acts of Congress placed Texas under the "military authorities of the United States" rather than a domestically elected civilian government. His dissenting opinion rings with stinging rhetoric. The question as to whether Texas was a state in 1867 should be decided as "political fact, not as legal fiction," Grier wrote.

Is [Texas] not now held and governed as a conquered province by military force? ... I am not disposed to join in any essay to prove Texas to be a state of the Union when Congress have decided that she is not. It is a question of fact, I repeat, and of fact only. Politically, Texas is not a state in this Union. Whether rightfully out of it or not is a question not before the court.⁷

Chase's opinion of the court in *Texas v. White* reveals how bizarre the logic, to think the Constitution is perpetual and the Union of the states indissoluble, words not found in the Constitution itself. In fact, Chase supports his opinion with arguments which are entirely outside of, separate from, and prior to the adoption of the Constitution.

His opinion recited the same argument offered by Lincoln. The Articles of Confederation declared the Union to "be perpetual." The articles were replaced by the Constitution with the intention of forming "a more perfect Union." Chase asks, "What can be indissoluble if a perpetual Union, made more perfect, is not?"⁸

Chase asks a leading question which must be answered with another question. If the Articles of Confederation were truly perpetual, why were they replaced? Certainly, no history or legal scholar has ever argued the Con-

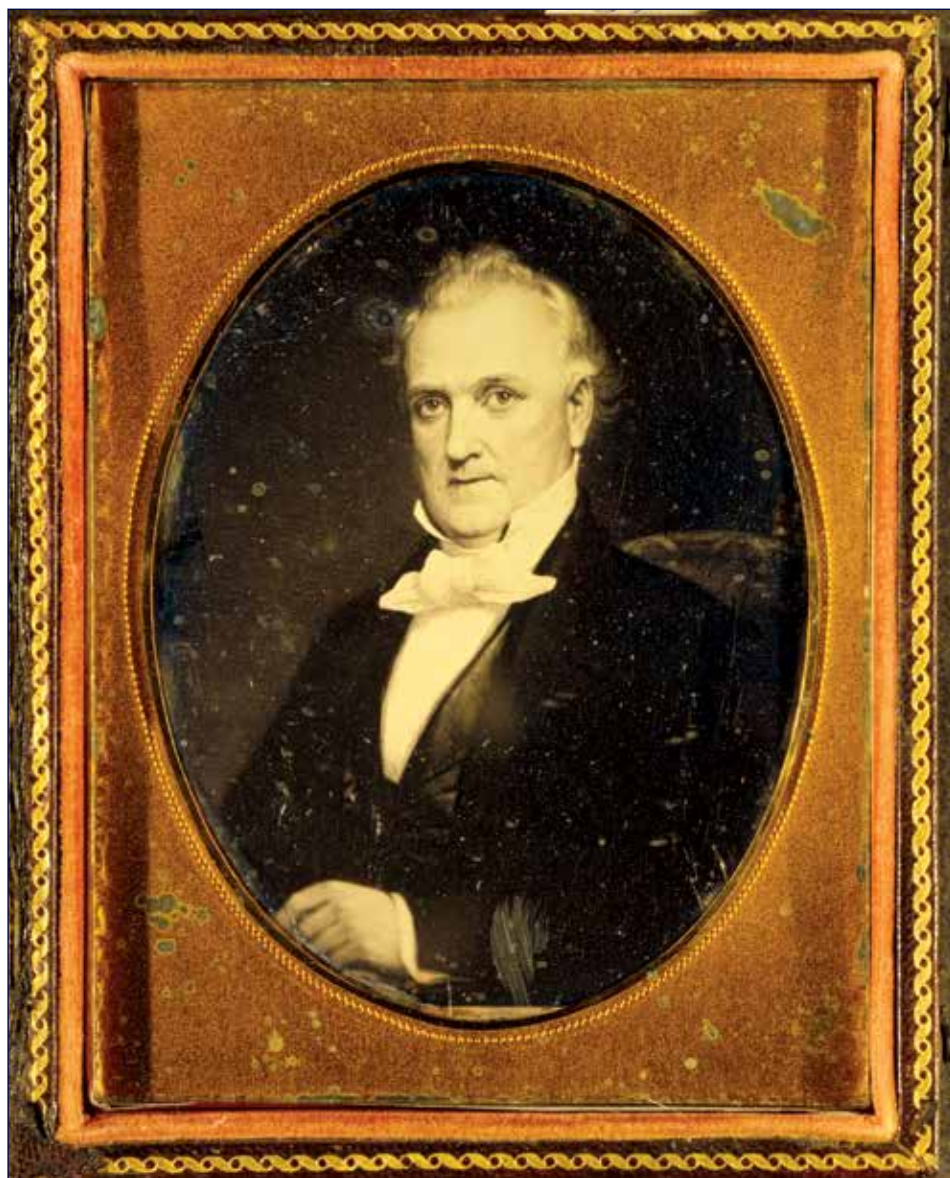
stitution is invalid because it replaced a “perpetual” union which already existed under the Articles of Confederation. If the adoption of the Constitution proves anything, it proves that even “perpetual” political arrangements and obligations can be altered or abolished by the people of the states — precisely what the Founding Fathers believed.

Chase further complicates his intricate theory about the nature of the Union by describing statehood in terms no one had ever considered before. Historically, enabling legislation admitted states to the Union “on an equal footing with the original states in all respects whatsoever.” (More on the equal footing doctrine in a later section.) Each new state as a separate, distinct political entity entered into the existing federation created by the older states. But the process of statehood Chase describes in his opinion is one of “incorporation,” an amalgamation into a larger body politic that “was final.” Chase said the union Texas was admitted to “was as complete, as perpetual, and as indissoluble as the union between the original States. There was no place for reconsideration, or revocation, except through revolution, or through consent of the States.”⁹

Perhaps the most damning fact about *Texas v. White* relates to the direct conflict of interest on the part of the chief justice. If Chase had been a man of integrity he would have recused himself from this case.

Chase was the secretary of treasury who decided in 1862 the federal government wasn’t going to pay the bearer bonds held by Texas or others. He was the one who devised the Catch-22 in order to avoid paying them. Chief Justice Chase even recorded in his opinion the position taken against the nonendorsed bonds by Secretary Chase: “The Secretary of the Treasury acted on this information, and refused in general to pay bonds that had not been indorsed (sic).”¹⁰

Chase, as secretary of treasury, “acted” on the information and committed his department of the government to specific position. He was a party to this controversy. He violated the most fundamental element of justice, an impartial tribunal. Without an impartial tribunal, a court where the judges have no connection to the case and no allegiance to the parties, all that is left is a procedur-



President James Buchanan

ally correct kangaroo court (and that’s assuming procedures are followed). He should have recused himself, but he did not. His motivation in failing to do so is so obvious it requires no further discussion. Ironically, Chase’s stand that the endorsement of the governor of Texas was binding on future holders of the notes was reversed in another bond case, *Morgan v. US*, 1885.

Texas v. White represents the low point of American jurisprudence, particularly as it pertains to the actual conduct of a chief justice. It is an important case because it set the stage for the coming federal Leviathan we have today. It established in legal framework the perpetuity and indivisibility of the federal government.

Yet, in *Texas v. White* Chase could

not find a single precedent-setting case to overturn or a single court doctrine to reverse. For these and other reasons we shall discard *Texas v. White* from the historic debate on whether secession is a lawful and constitutional power to the states and move on to more productive material.

Other Decisions by the Chase Court

Lane County v. Oregon, 1868

The Chase Court handed down other bizarre rulings which deserve attention. Most of them regard property or contract cases. It seems as if from 1868 until Chase’s death in 1873, the Supreme Court, under his leadership, grew more bold and arrogant.

In the same term, the court ruled on *Texas v. White*, it also ruled on *Lane County v. Oregon*. The controversy in the Lane County case was whether the county had to pay its tax levy to the Oregon treasurer in gold and silver coin as required by state law or in United States notes (paper money), which was the medium in which taxes were collected after 1863. Lane County insisted it should be allowed to pay the state tax levy in paper money; the Oregon treasurer demanded gold or silver. In attempting to recover money previously paid in gold, Lane County lost at the trial level, upon appeal to the Oregon Supreme Court, and at the US Supreme Court.

The interesting part of this case is the Supreme Court's twist on the relationship between the states and the United States. It ruled:

*The states disunited might continue to exist ... Both the states and the United States existed before the Constitution. The people, through that instrument, established a more perfect union by substituting a national government, acting, with ample power, directly upon the citizens, instead of the Confederate government [under the Articles of Confederation], which acted with powers, greatly restricted, only upon the States.*¹¹

This is factual and historic half-truth. Clearly, the states existed prior to the Constitution; they were the sole and exclusive parties which wrote and adopted it. If as Chase insists, the United States government existed before the Constitution, why was it not a party to the ratification process? If there already was a supreme union among the states, why would Article VII of the Constitution say that it would operate only in the states that ratified it? If there were a union of states, why wouldn't it operate in all of them once the requisite nine states approved? There simply is no logic that supports this ruling.

Hickman v. Jones, 1869

This case originated in Alabama as a case of treason against the Confederate States by Mr. Hickman. He was tried and found guilty. The case was heard by the Supreme Court due to a controversy regarding instructions to the jury at Mr. Hickman's criminal trial.

The historically important part of

this case is, once again, the court's ruling on the relationship between the states and the national government. Part of the ruling stated

The rebellion out of which the war grew was without any legal sanction. In the eyes of the law, it had the same properties as if it had been the insurrection of a county or smaller municipal territory against the State to which it belonged....

*Nor was there a rebel government de facto in such a sense as to give any legal efficacy to its acts. It was not recognized by the National, or by any foreign government. It was not at any time in possession of the capital of the nation. It did not for a moment displace the rightful government.*¹²

It did not displace the rightful government, the US government? The Chase Court cleverly deflects the real question of secession as political divorce and replaces it with the inference that if the Confederacy had won its independence, the United States would no longer exist. This is entirely false as the Confederates simply wanted to go in peace.

White v. Hart, 1871

Perhaps the most self-contradictory ruling by the Chase Court was written by Justice Noah Haynes Swayne, the first of Lincoln's five appointees to the Supreme Court. The case arose in Georgia regarding payment of a promissory note, the consideration for which was a slave, or was alleged to have been a slave. In stating the facts of the circumstances of the case, Swayne made comments about the condition of the State of Georgia, which is not only at odds with *Texas v. White* and *Lane County v. Oregon*, but also with his own words. He wrote,

From the close of the rebellion until Georgia was restored to her normal relations and functions in the Union, she was governed under the laws of the United States known as the Reconstruction Acts. Under these laws her present constitution was framed, adopted, and submitted to Congress [for readmission].¹³

In other words, Justice Swayne admits Georgia was out of the Union! And if she had been out of the Union, it was secession which removed her from the Union. What was there to be "restored"

except statehood? If Georgia was a state at the time Swayne describes, why would her "normal relations and functions in the Union" have to be restored? Was Georgia "in the Union" while she was waiting to be "restored" to the Union or not? If she was "in the Union," why was she not governed under her own laws and her own republican form of government rather than under the military government provided for in the Reconstruction Acts? Swayne is perhaps more accurate than he intended when he points out even Georgia's Constitution at that time had been dictated to the legislature by the military authorities governing her. Why was her dictated-to constitution submitted to Congress if she had never left the Union? Was Texas an "indestructible State" when Georgia was not?

No. This is where Swayne contradicts himself. Regarding the relationship of States to the national government, Swayne writes

*The National Constitution was, as its preamble recites, ordained and established by the people of the United States. It created not a confederacy of States, but a government of individuals. It assumed that the government and the Union which it created, and the States which were incorporated into the Union, would be indestructible and perpetual; and as far as human means could accomplish such a work, it intended to make them so.*¹⁴

Apparently, Georgia was just as indestructible as Texas, just as "in the Union" as Texas, just as occupied by the US Army as Texas, and just as "governed as a conquered province" as Texas.

It was hard for the Lincoln court appointees to get the story straight when they kept rewriting it, just as it is hard for some War for Southern Independence scholars today to get it right every time they rewrite history. Georgia was out of the Union, but in the Union. Georgia lost its "perpetual" statehood, which Congress "restored." Georgia was an "indestructible state," but governed as a "conquered province." Georgia was a "perpetual" state, but which time: When it ratified the Constitution in 1788, or when Congress readmitted it in 1870? Taken together with the Lane County case, the states wrote and adopted the

Constitution, which created the United States, but the United States existed before the states created it. It's enough to make one's head swim.

Swayne had a tendency to reveal much more than he likely intended. He wrote the opinion of the court in *Daniels v. Tearney*, 1880. He said the issue of whether secession was legal "has been settled by the arbitrament of arms and the repeated adjudications of this court."¹⁵ For once, the whole truth. The secession issue was settled by force of arms, not by the rule of law.

Secession "Overturned" the National Authority in Virginia

Tucked away in an extremely important Supreme Court case on war powers is the court's inadvertent acknowledgment the action by the Virginia Sovereignty Convention "overturned" federal government jurisdiction. This fact is one the scholars who support a government of supreme central authority never discuss, for obvious reasons.

In *Ex Parte Milligan* (1866), the court ruled military tribunals are unconstitutional when civilian courts remain in operation, even during times of war. The case arose when Lambdin P. Milligan, a civilian who never entered military service, was arrested in his home in Indiana on October 5, 1864, by order of General Alvin P. Hovey. Ironically, Hovey had served on the Indiana Supreme Court before the war and would serve in Congress and as governor of Indiana after the war.¹⁶

Milligan, a twenty-year resident of Indiana, accused of planning to steal Union weapons and fight against the Indiana government, was tried before a military commission in Indianapolis under Hovey's order and sentenced to death even though a federal grand jury had refused to indict him for any crime. Milligan's attorney filed for a writ of *habeas corpus*, claiming his client's imprisonment was unlawful. The Lincoln Administration claimed Milligan was a prisoner of war and was not entitled to any protection of the Constitution. This was tantamount to a self-declaration the president, as commander-in-chief, is a military dictator. Thankfully, the Chase Court rejected such dangerous reasoning and found there was no basis for military dictatorship — like rule under

the Constitution.

The question before the Supreme Court in *Milligan* was whether Hovey's military tribunal had the legal power to arrest, try, and punish a civilian. The court found it did not and ruled the "birthright of every American" accused of a crime is to be tried according to law in civilian courts as long as those courts are open and in normal operation. The ruling noted the federal courts in Indiana met soon after *Milligan's* arrest and those courts "needed no bayonets to protect it, and required no military aid to execute its judgments."¹⁷

The court found that "there are occasions when martial rule can be properly applied," such as "foreign invasion or civil war," provided the geographic area of martial law is limited to the theatre of active military operations where civilian authority has been displaced. The court also said the duration of martial law cannot extend beyond the time needed to reinstate the civilian courts after combat is ended.¹⁸

The ruling draws a comparison and contrast between Indiana and Virginia during the war years:

*Martial rule can never exist where the courts are open and in the proper and unobstructed exercise of their jurisdiction. It is also confined to the locality of actual war. Because during the late Rebellion, it could have been enforced in Virginia, where the national authority was overturned and the courts driven out, it does not follow that it should obtain in Indiana, where that authority was never disputed and justice was always administered.*¹⁹

What was it that made Virginia different from Indiana? How was it "the national authority was overturned and the courts driven out" of Virginia? It was secession, of course. Virginia convened a convention in 1861 with the same authority the original constitutional convention had in 1788. The 1861 convention rescinded the 1788 ratification of the Constitution and thereby "overturned" the national authority.

Notice the court did not say national government was "overthrown" by Virginia, rather it was "overturned." To "overthrow" a government is to defeat or to conquer it. The word "overthrow" suggests the use of illegal means to ac-

complish the defeat. The Russian Revolution overthrew the Romanov dynasty, and then the Bolsheviks killed the czar and his family. But Virginia was defeated and conquered by the federal government, not the other way around. Indeed, an overthrow occurred in Virginia. The federal government overthrew the duly elected state government.

The word "overturn" is used when the Supreme Court reverses a ruling. It connotes a change brought about by legal means. The *Brown v. Board of Education* ruling in 1954 overturned the separate but equal doctrine, reversing earlier rulings. Why would the Supreme Court apply the word "overturned" to Virginia's secession unless they believed there was an authority that was subject to being "overturned" (reversed) by secession?

Therefore, by the Supreme Court's own words, secession did, in fact, overturn national authority in Virginia. The federal courts were "driven out." Lincoln's whole point of invading the states was to reassert by force of arms the federal authority which had been legally and peacefully abolished (overturned).

It is doubtful the Supreme Court in 1866 fully appreciated the words they chose in *Milligan*, because those words reveal an inadvertent admission the court likely did not intend to make. Unlike the spoken word, which can always be disputed, written words have permanence. For all time, *Milligan* implies it was secession which "overturned" the national government in Virginia. In 1866, when this case was decided, the court was unencumbered with the doctrine of "indestructible" states (*Texas v. White*, 1869), or that the Union of States existing before the states created it (*Lane County v. Oregon*, 1868), or states were simultaneously "perpetual" and out of the Union until Congress "restored" them (*White v. Hart*, 1871).

The Unmistakability Doctrine

Nowhere are Lincoln's specious theories about state sovereignty, the relationship between the national and state governments, and his authority as president more powerfully contradicted and repudiated than in the findings of the United States Supreme Court. From the founding of the republic even to cases as recent as 1996, there are principles ap-

Chief Justice
John Marshall

plied which run counter to everything Lincoln stood for.

One of the doctrines adopted by the Supreme Court in 1810 under Chief Justice John Marshall is known as the *unmistakability doctrine*.

The doctrine of *unmistakability* applies to contracts between the federal government (and federal agencies, or state governments) and private parties. Simply stated, it holds federal and state governments cannot contract away or otherwise surrender attributes of sovereignty except in unmistakable terms.²⁰ More recent amplification of this doctrine holds the transfer of governmental sovereignty cannot be inferred "from silence" in a contract. The only way an attribute of sovereignty can be contracted away by the federal or state governments is for it to be "specifically surrendered in terms which admit of no other reasonable interpretation."²¹ In *Stone v. Mississippi*, 1879, the court established the longstanding doctrine a government "may not, in any event, contract to surrender certain reserved powers," as repeated in *United States v. Winstar Corporation*, 1996.²²

Even during Lincoln's sojourn in the White House, the Supreme Court ruled neither the right of taxation "nor any other power of sovereignty, will be

held ... to have been surrendered, unless such surrender has been expressed

in terms too plain to be mistaken."²³

Furthermore, in 1908 the Supreme Court ruled a governmental agent's authority to make surrenders of sovereignty must appear in express terms in a contract in order for the surrender to be valid.²⁴

In 1986, the Supreme Court upheld these previous cases by ruling the canon of contract construction is such that surrenders of sovereign authority must appear in "unmistakable" terms.²⁵ Furthermore, in 1987, the Supreme Court again upheld the principle that attributes of sovereignty cannot be surrendered from silence. The court also noted the likelihood there are some sovereign powers which cannot be waived at all.²⁶

Unmistakability has even been applied and upheld in a case involving a contract controversy regarding the space shuttle.²⁷ As recent as 1996, the court applied the *unmistakability* doctrine in sorting out the 1980s savings and loan bailout fiasco (see *Winstar* decision).

Another Supreme Court case which is not considered part of the *unmistakability* cases per se, but is germane to the issue of the grant of power under

the Constitution, is the 1816 case *Martin v. Hunter's Lessee*. In this case, the court found the federal government "can claim no powers which are not granted to it by the Constitution, and the powers actually granted, must be such as are expressly given, or given by necessary implication."²⁸

So we see from the early years of the republic to the twenty-first century, the Supreme Court has held surrender of sovereignty by contractual agreement cannot occur unless the terms are specifically written in the contract; are "too plain to be mistaken" or "admit of no other reasonable interpretation" and the agent's authority to surrender authority appears in express terms. Then there are some sovereign powers, reserved powers, the federal and state governments cannot surrender under any circumstances.

Let's stop a moment to think. A contract is nothing more than a legally binding agreement between parties. In the larger context, an agreement can be a political compact between or among states.

How then, does the *unmistakability* doctrine apply to state sovereignty and the question of secession? The applicability lies in extending the principle from a government-to-private-party relationship to a government-to-government relationship.

If states can only contract away or surrender sovereignty in dealings with private parties in unmistakable terms, how could states do so in an agreement with other states to form the federal government to begin with; i.e., the Constitution?

If states cannot surrender sovereignty by silence in agreements with private parties, how could states surrender sovereignty by silence in the Constitution? Search the Constitution for the words "sovereign" or "sovereignty." See for yourself if the government erected under its auspices was explicitly made sovereign or if any of the states forming this government explicitly abandoned their own sovereignty to it.

If the federal government can claim "no power" to be exercised over the states unless it is "actually granted" in the Constitution, and "expressly given," how is it the use of violence to "preserve the union" can be claimed to be legal

by anyone?

If states cannot transfer sovereignty in dealings with private parties unless the terms of the transfer is in language “too plain to be mistaken” and the agent’s authority to make such a transfer appears in express terms, how then can states transfer sovereign power in their organic documents or abridge any other rights and prerogatives, by inference and assumption?

If states may not surrender reserved powers in any event, and the right to secede is a reserved power, what answer must one conclude? That when one applies the doctrine of unmistakability to the question of secession, that secession is a lawful and legitimate power to be exercised by the states.

Under this current doctrine of the Supreme Court, beginning in 1810, if extended and applied to government-to-government relationships (a doctrine which was in place as a settled issue in the law at the time Lincoln practiced law and was upheld by the Supreme Court while he was president), there is no question the states were well within their sovereign rights to secede. The only open question is whether states could have surrendered their reserved power to secede, even if they had desired to do so, without crafting language in the Constitution explicitly surrendering it.

Clearly, the Constitution is silent on the right to secede; therefore, secession is one of the powers reserved to the states under the Tenth Amendment. And it is silent on the issue of sovereignty per se, though the states expressly shared or delegated numerous attributes of sovereignty to the federal government yet retained all residual attributes of sovereignty. Moreover, there is Lincoln’s own admission in his first inaugural address that he had no authority to “fix the terms for the separation of States” because the Constitution is silent on state and national sovereignty, silent on perpetuity, silent on indivisibility, silent on complete dissolution, silent on secession, and silent on the consequences thereof. These issues were left for future generations.

If one goes back to the enabling act which called for the convention of 1787, one finds it too is silent on the whole

issue of sovereignty. If anything, the Philadelphia Convention greatly overstepped its authority by scrapping the Articles of Confederation and writing an entirely new document, the Constitution. The Congress under the Articles of Confederation authorized the Philadelphia Convention for the “sole and express purpose of revising the Articles of Confederation.” Certainly, there was nothing which even implied a planned surrender of sovereign authority to the Constitution in language “too plain to be mistaken.” The Constitution was barely ratified in several states for fear of creating precisely the entity Lincoln remolded into Leviathan two generations later.

There was no express authorization by any legislature of the states or any ratification convention of the states overtly to transfer sovereignty, nor was there any express language for them to do so. In fact, New York ratified the Constitution with the specific condition such ratification could be rescinded; i.e., “that the Powers of Government may be reassumed by the People, whensoever it shall become necessary to their Happiness.” If the people of New York retained the power to reassume government whenever their “happiness” dictates, then the government erected upon those powers cannot be permanent or perpetual. Neither can it be said that the people conveyed any attribute of sovereignty to such a government.

Finally, the argument as to whether the states had unmistakability transferred their authority to the central government by the act of ratifying the Constitution was no argument at all. The president of the United States in 1860, James Buchanan, knew well the application of the principle of unmistakability to this issue, and believed no transfer of sovereignty had taken place. Like Lincoln, Buchanan was an eminent attorney, but unlike Lincoln, he actually believed in the rule of law. On Christmas Eve 1860, with South Carolina’s secession a *fait accompli*, Buchanan stated there was never an unmistakable grant of sovereignty by South Carolina to the United States, and he also knew there was no authority in the Constitution to coerce her back into the Union.

As legal historian John Remington

Graham has pointed out, Buchanan fully appreciated the historical fact that it was the individual and sovereign states which made and adopted the Constitution each in its own separate convention. None of the states surrendered their sovereignty. From a historical perspective, Buchanan’s beliefs on the matter represented mainstream views among the first fifteen presidents. About South Carolina’s sovereignty, and her right to make all decisions of union or secession, he said, “She did not part with her sovereignty in adopting the Constitution ... Nothing but a clear, express grant can alienate it.”^{28A}

Buchanan knew well there was never any express grant of sovereignty from any individual state to the United States government. Absent such express grant, he knew South Carolina was acting in a legally acceptable manner and he had no authority to invade any state or topple any state government. Lincoln knew this too, but instead of avoiding war, he intended to provoke it.

Thus the application of the unmistakability doctrine to the coercive relationship between the federal government and the states, as Lincoln saw it, fails all tests established and upheld by the Supreme Court under the leadership of no less than five chief justices appointed by presidents from John Adams to Ronald Reagan, spanning 195 years.

The Legislative Entrenchment Doctrine

Legislative entrenchment is another current Supreme Court doctrine supporting the legality of secession which was also the law of the land in Lincoln’s day. But it is much older than America’s constitutional traditions. The doctrine is simple: One legislature may not bind a future legislature by a simple act. The principle is based on English common law’s recognition of Parliament as the sovereign with “no superior on earth.” If a prior Parliament had the authority to bind a subsequent Parliament by a simple act (law), then the prior body would have been superior to the present one.

William Blackstone wrote of this doctrine in his *Commentaries on the Laws of England*; the first of four volumes was published in 1769. His words continue

to be quoted in contemporary scholarly literature as well as Supreme Court opinions, such as in Justice David Souter's opinion in *United States v. Winstar Corporation*, 1996:

*One legislature cannot bind subsequent legislatures. It is a principle expressed long ago by Blackstone: "Acts of parliament derogatory from the power of subsequent parliaments bind not . . . Because the legislature, being in truth the sovereign power, is always of equal, always of absolute authority: It acknowledges no superior upon earth, which the prior legislature must have been if its ordinances could bind the present parliament."*²⁹

In his eighteenth-century writings Blackstone credits the Roman Republic in the first century B.C. with the genesis of the principle against legislative entrenchment.

And upon the same principle Cicero, in his letters to Atticus, treats with a proper contempt these restraining clauses which endeavor to tie up the hands of succeeding legislatures. "When you repeal the law itself, says he, you at the same time repeal the prohibitory clause which guards against such repeal."³⁰

Most legal scholars insist in the American constitutional system, legislatures do not now, nor have they ever had, authority to entrench. Only a few scholars hold a contrary view, such as Eric A. Posner and Adrian Vermeule as we will see below.

Michael B. Rappaport and John McGinnis argue the Framers use of the term "legislative power" in Article I of the Constitution (powers of Congress) "excluded the authority to entrench." Moreover, they insist even the legislatures of the original thirteen states which created and ratified the Constitution "did not possess this authority [to entrench]."

In American jurisprudence, legislative entrenchment finds its origin in the same 1810 *Fletcher v. Peck* Supreme Court ruling which was the source of unmitigability. Chief Justice John Marshall wrote in the court's opinion:

One legislature is competent to repeal any act which a former legislature was

*competent to pass; and that one legislature cannot abridge the powers of a succeeding legislature. . . . The correctness of this principle, so far as respects general legislation can never be controverted.*³²

In 1853, Chief Justice Roger Taney expounded on the principle of entrenchment when he wrote the court's opinion:

*The powers of sovereignty confided by the legislative body of a state are undoubtedly a trust committed to them, to be executed to the best of the judgment for the public good; and no one Legislature can, by its own act, disarm their successors of any of the powers or rights of sovereignty confided by the people to the legislative body.*³³

In an 1879 case regarding an act of the Ohio legislature which moved the Mahoning County seat from its "permanent" location in Canfield to Youngstown, the Supreme Court found the principle against legislative entrenchment applied.

The legislative power of a State, except so far as restrained by its own constitution, is at all times absolute with respect to all offices within its reach. It may at pleasure create or abolish them, or modify their duties. It may also shorten or lengthen the term of service. And it may increase or diminish the salary or change the mode of compensation.³⁴

The court rejected the arguments by the plaintiffs' attorney, James A. Garfield, who would be elected president thirteen months later.

So pervasive is this doctrine against entrenchment, as noted by University of Chicago law professors Eric A. Posner and Adrian Vermeule, that "the academic literature takes the rule as a given, universally assuming that legislative entrenchment is constitutionally or normatively objectionable." This doctrine is the standard taught in law texts across the country, although Posner and Vermeule are opponents of the doctrine and argue the rule against entrenchment should be discarded.³⁵

One of the theories supporting the doctrine against legislative entrenchment is the agency theory attributed to Julian N. Eule. Under this theory, the Constitution establishes an agency relationship between Congress and

the citizenry, which entrenchment violates. The key assumption is that each Congress serves as the public's agent only until the next election, when a succeeding Congress will become the agent. The next Congress must have the same authority as its predecessor, no more or less.

Posner and Vermeule disagree and use most of their forty-page article in the 2002 *Yale Law Journal* to argue the doctrine is not constitutionally objectionable and should be discarded.³⁶

Much of their argument for dropping the rule against entrenchment centers on several exceptions they cite which, they argue, establish forms of entrenchment without creating constitutional objections. These include 1) The Senate's filibuster and cloture rule (Senate Rule XXII) to cut off debate; 2) the budget sequestration provisions of the Gramm-Rudman deficit control law; 3) numerous interpretative rules codified in the Dictionary Act by Congress and aimed at the federal courts; 4) hybrid entrenchments such as the Alaska Natural Gas Transportation Act, which barred consideration by either House of Congress of certain aspects of energy policy; 5) government contracts that contain breach of contract provisions; and 6) treaties with other nations.³⁷ None of the exceptions noted by the authors contain blatant, unequivocal entrenchments; i.e., unrepeatable limitations, with perhaps the exception of treaties. (Of course, history teaches treaties between nations are binding only until they are renounced, broken, or renegotiated). Catherine Fisk and Erwin Chemerinsky agree that Senate Rule XXII is an entrenchment of Senate rules, and they find it is unconstitutional because it "frustrates" the will of the majority in future Senates and thus "violates the democratic principles of representation and accountability." Embedded in the rule are restrictions which "[bind] future Senates and [make] repeal or revision of the rule extremely difficult" and constitutionally objectionable.³⁸

Rappaport and McGinnis reject the arguments about exceptions to entrenchment posed by Posner and Vermeule. They warn if Congress could legitimately exercise entrenchment,

Continued on page 60

An untitled poem by a Soldier

By David S. Dabbs

Once I was a hopefull convert
Once I could sing redeeming grace
Oh, once I loved the church to meet
And view its lovely shining face.

But my love and zeal now are cold
And I must grieve lament and mourn
That I have left the gentle fold
In a wandering path to roam.

My heart is hard as hardened steel
And lonely as sculptured stone
And sin like a haughty monarch
Sits on this cold stubborn throne.

And often when I try to pray
Upon my Father's name to call
He is interrupting all I say
And I can scarcely pray at all.

And if to church I make my way
He is whispering all the while
"Don't attempt to pray today
To morrow will do just as well."

I am a lonely wandering wretch
Unholy, unhappy and gone astray
When will the heavenly rescue come
And place me in the narrow way.

Praise be to God where seraphs fly
Bright angels sing and so will I
Where seraphs bow and bend the knee
And that's the land, the land for me.

*Composed and Written by David S. Dabbs, killed July 1, 1863, at Gettysburg.
He was a member of Company K, 26th Regiment, NC Troops. He is the great-great-grandfather
of David Lawrence Dabbs, Stuart's Horse Artillery Camp 1784, Floyd, Virginia.*

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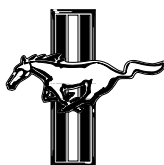
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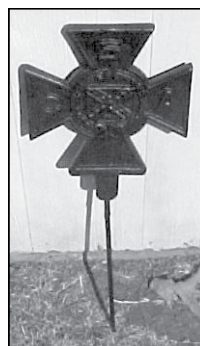
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Books in Print

No Good Like It Is

A former paratrooper and two-time Viet Nam Veteran, McKendree Long is a member of the Sons of Confederate Veterans, National Rifle Association, and the Veterans of Foreign Wars. Long was awarded the Combat Infantryman's Badge and the Silver Star. He retired from the Army in 1980 for a career as a financial adviser. He lives with his wife Mary in Blythewood and Seabrook Island, SC.

No Good Like It Is tells the rollicking tale of Thomas "Dobey" Walls. The novel begins in June of 1858, when Second Lieutenant Walls has just graduated in the West Point Academy Class of 1858. He was posted to Fort Smith and began his Army career in Arkansas, fighting Indians.

Dobey was also trying to locate his family after being out of touch with them for several years. In early April of 1860, Dobey heard they were at Fort Motte. He arrived to find his mother gone, but a note pinned to the wall of a sutler's store. "Thomas, it's no good here. We've gone to Texas. I'll keep sending you letters. Your faithful mother, A.W.B.—P.S. Don't nobody take this down."

June of 1861 found many soldiers resigning and others deserting, all heading back to Southern states. Dobey's best friend, Jimmy Melton, met Harvey and McConegly, troopers who had deserted from Fort Leavenworth two weeks earlier. Well-mounted and equipped, courtesy of the US Army, they were headed for Texas to join Colonel

Ben Terry's newly formed cavalry unit. Dobey and Jimmy rode with them to Fort Bend County to join the 8th Texas Volunteer Cavalry Regiment. Dobey began his service to the Confederacy as clerk of Company "C."

By the summer of 1863, the 8th Texas Rangers had fought in more than 40 engagements. Nathan Bedford Forrest, now a general, welcomed members of the 8th Texas whenever they were able to ride with him.

Dobey and Jimmy ended their own War Between the States somewhere in North Carolina, after fighting at Bentonville. They decided "Ain't no good like it is," and rode southwest.

Southern history buffs will find the remainder of Long's novel fascinating — the adventures of Walls and Melton making their way through Mississippi and New Orleans and meeting other interesting characters along the way. They even joined General Stand Watie and his Confederate Cherokee Braves briefly before his final surrender. Keep reading to discover if Dobey finds his faithful mother.

McKendree Long has written a genuine *he-man* novel, one which male readers especially will enjoy.

Author: McKendree R. Long, III
Publisher: CreateSpace
Order from amazon.com
Paperback \$12.08

Reviewed by Ann Rives Zappa

A History of the 31st Georgia Volunteer Infantry

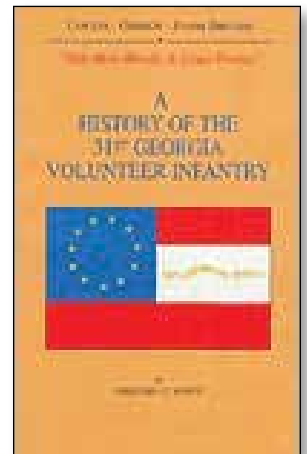
Histories of units are invaluable to genealogists, history buffs and researchers, and should never be viewed as mundane. *A History of the 31st Georgia Volunteer Infantry* by Gregory C. White is a volume which shows extensive research over numerous years and is shared in the pages of the publication.

Basically, authors like Mr. White are preventing others from reinventing the proverbial wheel. While histories are available for some units, some are not worthy to be on shelves of libraries and research centers; yet, that is not the case for this book.

Organized in November 1861 to defend Georgia's coast, the 31st Georgia would be a part of the Lawton-Gordon-Evans brigade, and be a part of Stonewall Jackson's *Foot Cavalry*. The men in this unit would see action at many of the well-known battles in the Army of Northern Virginia. It is believed by these men they fired some of the last shots at Appomattox. The mortality rate for this unit is not as high as some, but still 31 percent of the men died in defense of the Confederate States of America. General Early is claimed to have said they are bravest soldiers he has ever known.

Mr. White includes not only the history of the unit, using primary sources when available to narrate this chronicle; he also incorporates a roster and miscellaneous information he discovered. The photos in the center area of the book also show some of the men before, during and after the war, allowing one to become more personal with the name by adding a face to it.

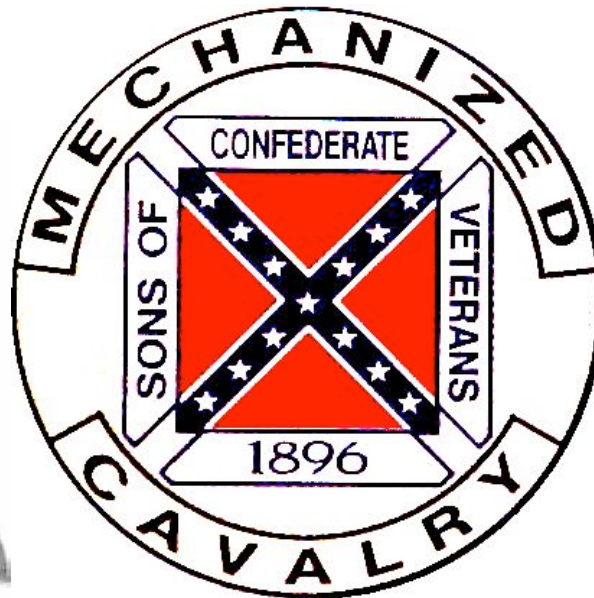
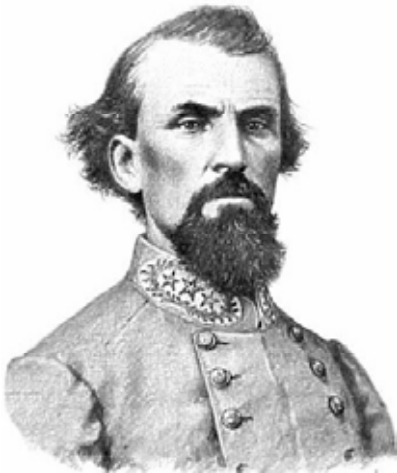
"This is the story of a Georgia military command whose collective record during the War for Southern Independence probably would never have



Continued on page 52



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The Surgeon Corps

Dear Compatriots and Friends of the SCV,

Hey, y'all! "How you doin'?" This is truly a bad question for a physician to ask a patient he encounters in his practice. This one question can really open up Pandora's box. Yet, in this article, I really, sincerely, pose this question to each and every one of y'all reading this article. How are you doing with your health in this very serious game of life, that we only get one chance? You are likely receiving this issue early to mid-fall. There is still time, this year, to *carpe diem* (seize the day) with your health status. The last few issues of the *Confederate Veteran* focused on general health and issues particular to men, or from a man's perspective. The Confederation needs all of Her men ready to assist, especially during this era of the Sesquicentennial. So, really, look in the mirror and ask yourself how you are doing with your body and soul, your family, and the SCV.

Let's assume (I know what can happen with assumptions!), many dear readers have started making some changes. I do know of one particular chap in Arkansas who has done so! Bravo! So I truly believe many Compatriots are starting to see how important it is to improve or monitor their health. While getting a grasp on health and fitness, many folks begin seeking drinks and supplements, to improve their energy level and increase metabolism, etc. I would like to address in this article a few of the ingredients often included in energy drinks and supplements.

Would you believe Americans spent 4.2 billion dollars on energy drinks three years ago? I'm sure it is more than that today. Too bad the SCV can't copyright and market the Mint Julep! These drinks usually have caffeine, glucose, ginseng, guarana, taurine, and other substances in them. Caffeine may give a person short-term energy and may even help prevent some forms of diabetes; however, it can also increase one's blood pressure. So, caution should be used with caffeine, especially if you have been diagnosed with high blood pressure. Glucose (sugar) can increase energy during a workout but can stop your body from burning fat. So, one should moderate the use of this substance, certainly with low-intensity exercises like walking. Guarana is a South American shrub which has caffeine naturally in it. This shrub

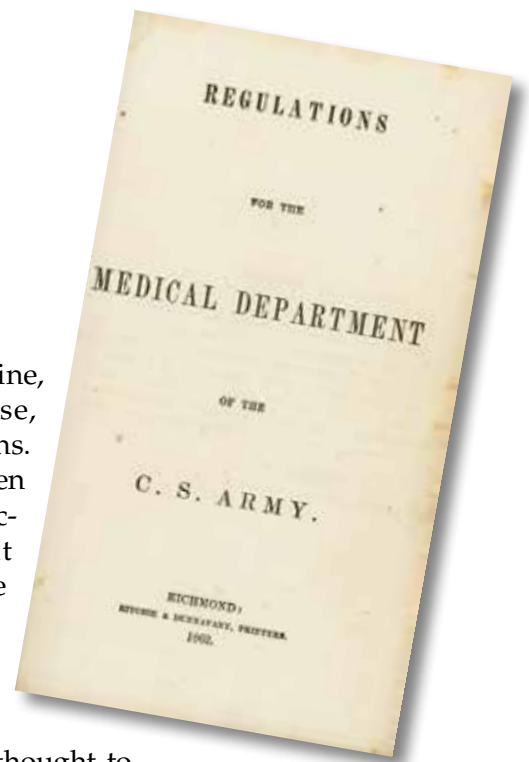
has more caffeine, percentage-wise, than coffee beans. It has been proven to increase reaction time, but more studies are needed to show how safe it is at very high levels. Ginseng

has long been thought to increase energy, but studies have not been conclusive; however, it does seem to improve brain function. The use of taurine has increased recently and there is no definite benefit proven. To sum this paragraph up, I would speak to my doctor regarding any steady use of any type of sports/energy drink. When in doubt I defer to the good book, the Holy Bible, and what it states about moderation. No matter what, keep moving any way that you can.

I would like to make you all aware that I have now created several social media tools which will improve communication between me and those interested in improving their health. Connect with me on Facebook at MagnoliaState FamilyMedicine (or Chris Cummins), follow me on Twitter @DrCJMCummins and on YouTube at ChrisCumminsMD. The YouTube account will soon have archives of a local TV show I co-host, *Ask Dr Cummins*. It is kind of like medical *Hee-Haw*. My regular website is www.magstfm.com. Feel free to use any of these modalities to send me questions or suggestions to help improve *The Surgeon Corps*. I am proud to serve our venerable organization. Lastly, a tip of the kepi to the SCV Mechanized Cavalry, of which I'm a member — Jine the Cavalry!

Deo Vindice

Major Christopher J. M. Cummins, MD
Surgeon-in-Chief
Life Member
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Army of Northern Virginia



Members of the **7th Brigade, SC Division**, participated in a 20' x 30' flag-raising. On hand is Andrew Roberts, the last remaining Real Son in the state of South Carolina.



A Vietnam Conflict Cross of Military Service was bestowed upon Philip Freeman Way, Commander of the **Colonel D. H. Lee Martz Camp 10**, Harrisonburg, VA, by the Turner Ashby Chapter 162 UDC. Phil served in the US Army and the award was presented upon the record of his great-grandfather, F. G. Way, who served as a private in the 10th VA Infantry.



Two Anderson County, SC, camps were present at the opening of the War Between the States exhibit at the Belton Area Museum. Pictured from left, front, Michael Barnes, **Palmetto Sharpshooters Camp 1428**; **J. T. Ashley Camp 43** Commander Allen Ashley; Sam Atkins, Camp 43; Margaret Atkin Cole; Jim Pinson, Camp 43; Museum board member Tim Drake and Dan Snipes, Camp 1428. Back row, from left, Philip Cheney, Albert Atkin and Marvin Haynie, all of Camp 1428.



Commander Paul Griffin of the **General Richard H. Anderson Camp 47**, Beaufort, SC, pins Kent Barry Robinson with his SCV Cadet pin. Robinson is the grandson of past commander and current communications officer of the camp Jody Henson and his wife, Anita, president of the local Stephen Elliott Chapter, UDC.



Members of the **Jackson Rifles Camp 1917**, Sylva, NC and **Zebulon B. Vance Camp 15**, Asheville, NC, dedicated a gravestone for Private Samuel P. Fuller, Co. F, 1st SC Volunteers "Orr's Rifles" at the Luada Cemetery in Bryson City, NC. Pictured are Camp 15 member Tom Vernon, Flora Fuller Taylor, great-great-granddaughter of Private Fuller, and Susan Taylor Lambert, his great-great-great-granddaughter, and wife of Camp 15 member Ronnie Lambert.



Fourteen members of **Litchfield Camp 132**, Conway, SC, mustered in 100% humidity to clean up El Bethel Road. Also worth mentioning is the knee-high grass. We were so very proud to endure a small measure of discomfort, especially in light of all that our ancestors gave.

South Carolina, North Carolina, Virginia, Maryland, West Virginia and Pennsylvania Divisions



Members of the **Hampshire County Camp 284**, Romney, WV, along with members of **McNeill's Rangers Camp 582**, Moorefield, WV, met at the Indian Mound Cemetery in Romney, WV, to recognize Confederate soldiers buried there. The statue is believed to be the oldest monument to Confederate soldiers anywhere in the United States. Pictured from left, McNeill's Rangers Dennis Neff, David Staley, Charlie Barr, Bobby Rowan, Kenny Shove and Commander Charles Bonar. From Hampshire Camp 284 is Commander Daniel Hileman.



The **Major Egbert A. Ross Camp 1423**, Charlotte, NC, held its annual Confederate Memorial Day Service recently at the Elmwood Cemetery in Charlotte, with about 67 people in attendance. Pictured, back row from left, Carl Roden, William Stevens, Michael Mangum, Joe Fore, Joe Turner; front row from left, Steve Helton, Kirk Carter, James Hickmon and Matt Huntley.



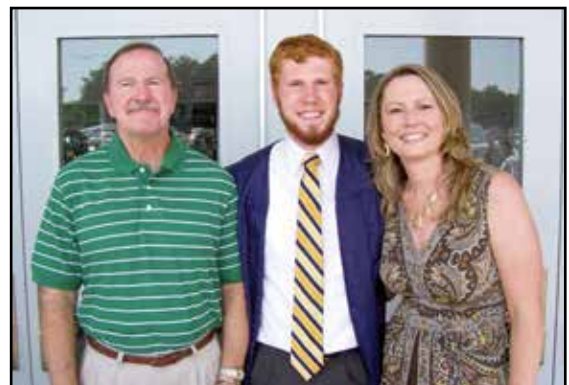
The bed in which South Carolina statesman and United States Vice President John C. Calhoun died now resides at the Edisto Island Museum. The walnut rope bed was donated to the Edisto Island Historic Preservation Society by Arthur F. Doty, III, who is a descendant of Calhoun's and a member of the **Fort Sumter Camp 1269**, Charleston, SC.



Palmetto Sharpshooters Camp 1428, Anderson, SC, raised money to help support the Calvary Children's Home in Anderson, SC. Shown presenting the check to the director of the home, from left, John Grey, David Crowe, Commander Jim Whiteside, Director of Calvary Children's Home and Adjutant Tim Medlin.



Members of the **Major General Fitzhugh Lee Camp 1805**, Spotsylvania, VA, participate in cleaning the Spotsylvania Confederate Cemetery, which has become an annual event.



Parks Harrington, center, with parents Randy and Lisa, won the 2010 Colonel George Washington Flowers Scholarship sponsored by **Rocky Face Rangers Camp 1948**, Taylorsville, NC, and Southern Cross Chapter 27, OCR. Parks resides in the Hiddenite area of Alexander County and plans to enroll at North Carolina State University.

South Carolina, North Carolina, Virginia, Maryland, West Virginia and Pennsylvania Divisions



Members of the **Lt. Colonel Robert H. Archer Camp 2013**, Havre de Grace, MD, along with the Maryland Division Color Guard, participated in the Cecil County Christmas Parade.



As part of the camp's Sesquicentennial observance, members of the **General P.G.T. Beauregard Camp 1458**, Sumter, SC, presented a framed account of Potter's Raid, the last fighting of the War in SC, to be displayed in Batten's Store, located in Wedgefield, SC, near the site of the final skirmish. Shown are Elise Earnheart, manager of Batten's, with Robert L. Brown, past commander of Camp 1458 and the SC Division.



The **Colonel William A. Stowe Camp 2142**, Dallas, NC, held its regular monthly meeting at the Market Street Buffet and Bakery in Gastonia, NC. During this meeting two new members were sworn in. Pictured from left, Commander Gary Byrd, Don Swedensky, Don Piasecki and Chaplain Morris Jenkins.



The **Brigadier General Nathan G. Evans Marion Camp 24**, Marion, SC, members painted and prepared crosses for future ceremonies throughout Marion, SC. Compatriots participating are Charles McRae, Larry Green, Francis GiBon and Jeff Johnson, not pictured.



Two members of the Carolina Grays of **Pender County Camp 2174**, Burgaw, NC, Commander E. W. Fredrickson and Southeast Brigade Commander Alan Hilburn, Sr., pay tribute at the statue of General William Dorsey Pender while attending the North Carolina Blueberry Festival in Burgaw, NC.



Billy Whitman of the **J. R. Chambliss Camp 1779**, Emporia, VA, presented a certificate of appreciation to Dawn Diehl for her work gathering photos of the unveiling of the historical marker in Veterans Park in Emporia, VA.



Army of Northern Virginia



Delaware Grays Camp 2068, Seaford, DE, held a Lee and Jackson Day Celebration on January 22, 2011. Pictured is Commander Jeff Plummer, Sr., Jeff Plummer, Jr., George Plummer and John Zock.



Members of the **Battle of Sharpsburg Camp 1582**, Sharpsburg, MD, participated in a special presentation of *The Anvil*, a story of the trial that sent John Brown to the gallows. Pictured from left, back row, Glen Stickel, Jim Lance, G. Jerry Bayer, Joe Lance, Dan Lutz and Steve DeFreytas. Front row, Joe Yates and Marianne Bayer.



Kemper-Fry-Strother Camp 19, Madison, VA, members Ron Pritchett, Sr., Ron Pritchett, Jr., Linwood Imlay and Jim Embree stand in front of the new flag memorial erected by the Descendants of Point Lookout organization. The US government will not permit the continuous flying of the Confederate Flags at the real cemetery. Members of the PLO purchased land next door and erected the monument with flag poles for Confederate Flags to fly continuously.



During a regular meeting of the **Flat Top Copperheads Camp 1694**, Princeton, WV, four new members were initiated into the camp. Pictured from left, Commander John W. Fleming, new members Zachary D. Meadows, Jonathan Hypes, Aaron L. Owens, Robert L. Brooks and Historian Edward A. Dodson.



Pictured following a Confederate Memorial UDC Program at Elmwood Cemetery, Shepherdstown, WV, are UDC ladies surrounded by SCV color guard from the **Berkeley Border Guards Camp 199**, Martinsburg, WV, and **Battle of Sharpsburg Camp 1582**, Sharpsburg, MD.



Compatriot Mike Spigner receives his membership certificate and pin as he is inducted into the **Colonel H. L. Benbow Camp 859**, Manning, SC, by then-Adjutant-in-Chief Mark Simpson and Camp Commander Dr. Steven Tollison.

Army of Tennessee



The MD Division Color Guard participated in the grave-marker installation ceremony for 1st Lt. George W. Pettigrew of Co. A, 26th GA Infantry Brunswick Riflemen at Congressional Cemetery in Washington, DC. Pictured from left are descendants John Frost Murlin of the **John B. Gordon Camp 46**, Atlanta, GA, Jack McWhorter Murlin, Alma McWhorter Murlin, and Richard Carlton Murlin.



The **Augusta Greys Camp 1956**, New Augusta, MS; **Jones County Rosin Heels Camp 227**, Laurel, MS; the **Lt. General Nathan Bedford Forrest Camp 1353**, Hattiesburg, MS and the **Gainesville Volunteers Camp 373**, Picayune, MS, were present for a memorial service to Rick Forte's ancestor, Corporal N. B. Pardue.



Longstreet-Zollicoffer Camp 87, Knoxville, TN, held its annual Decoration Day at Bethel Confederate Cemetery in Knoxville, TN. TN Division Commander Mike Beck was the featured speaker.



Members of the **Ashville Chapter 1488, UDC** and members of **St. Clair Camp 308**, Ashville, AL, visited 10 schools locally during the UDC's annual Coloring Contest, where students participate in coloring a Confederate Soldier. Students with the winning entries received certificates of achievement from the UDC, and St. Clair Camp 308 provided monetary awards to the winners. Pictured back row, from left, Thelma Watkins, Garland Minor, Bill Watkins, Jeannette Taylor and Benjamin Hestley.



Compatriot Guy Ollivier of the **Colonel Charles T. Zachry Camp 108**, McDonough, GA, and his family visited Italy recently. Compatriot Ollivier is "Forwarding the Colors" in St. Mark's Square located in Venice, Italy. Standing are his wife, Sylvie, daughter Jean-Marie, and Compatriot Ollivier. Kneeling, holding the scv108.com sign is son, Aurelien and daughter, Clothilde.



David and Tom Guest, members of the **Colonel Edmund N. Atkinson Camp 680**, Valdosta, GA, visited Elm Springs and were given a grand tour by Lori Jones, Army of Trans-Mississippi Department secretary.

Tennessee, Georgia, Alabama, Mississippi, Florida, Kentucky, Indiana, Illinois, Ohio, Michigan and Wisconsin Divisions



Compatriot Lee Bond Thomas of the **Yancy Independents Camp 693**, Sylvester, GA, presented books about the true history of the Confederacy to Leigh Wiley, Director of the Sylvester-Worth County Public library. The gift was donated in April as part of Georgia's Confederate History and Heritage Month. Compatriot Thomas is the grandson of Private Thomas Wiley Rigsby, Co. G, 22nd Battalion GA Artillery.



Pictured is 2nd Lt. Ronny Miller, a member of the **Stephen Russell Mallory Camp 1315**, Pensacola, FL, as he sings *The Day They Took Ole' Dixie Down* at the Lee Square State Step Dedication.



Members of the **General William W. Loring Camp 1316**, St. Augustine, FL, and the Ancient City Chapter 2232 UDC dedicated an Iron Cross at the Evergreen Cemetery, St. Augustine, FL, for Captain Paul Arnau of Florida's Coast Guard.



John Hance O'Steen Camp 770, Trenton, FL, member Blake Lindsey and wife Marilyn live in Nottingham, England. They are displaying the Confederate Battle Flag in front of the Robin Hood statue.



The **Kirby-Smith Camp 1209**, Jacksonville FL, erected the headstone for General William Henry Sebring in Evergreen Cemetery. The memorial service was well attended by the public. Councilperson Glorious Johnson led the singing of *Dixie* and the service was concluded with the firing of the Camp 1209 artillery piece.



The **Prattville Dragoons Camp 1524**, Prattville, AL, held a family picnic at Confederate Memorial Park near Marbury, AL. Before sitting down to enjoy food and fellowship, several Dragoons and families set more than 300 flags on the graves of Confederate soldiers who lived and died at the Soldiers Home, which existed there from 1903 until the 1930s.

Tennessee, Georgia, Alabama, Mississippi, Florida, Kentucky, Indiana, Illinois, Ohio, Michigan and Wisconsin Divisions



Members and friends of the **John Hunt Morgan Camp 1342**, Louisville, KY, decorate the Confederate veterans' graves in Cave Hill Cemetery for Memorial Day weekend.



Members of the **Colonel Randal W. McGavock Camp 1713**, Hermitage, TN, participated in a birthday party for a terminally ill 8-year-old boy at Historic Fort Negley in Nashville, TN. The lad was presented his own kepi and camp T-shirt as mementos of this day and got to fire the colonel's Colt 44 pistols outside the entrance to the fort. He was accepted in a formal ceremony as the youngest Honorary Member of Camp 1713.



Members of the **General Ben Hardin Helm Camp 1703**, Elizabethtown, KY, had a publicity and recruiting table at the Ancestral Trails Historical Society book fair. Pictured from left, Geoff Walden, Dave Harbolt, Ed Keiley, Mickey Storms, Tim Bowman, Don Stovall, Bob Cull, Tim Walker and Steven Lindsey.



Rabun Gap Riflemen Camp 1929, Clayton, GA, Commander Bill English welcomes new member Vaughan Watts into the camp.



Jack Looper and Bill Seegraves of the **Sergeant William A. Hamby Camp 1750**, Crossville, TN, stand as Honor Guard at the grave re-dedication of Lt. Calvin Kimbrough in Rockwood, TN.



The **Augusta Greys Camp 1956**, New Augusta, MS, hosted the annual Grill & Drill at Camp Dantzler near Hattiesburg, MS. The 27th MS Honor Guard formed to drill and have a memorial service to Private William Anderson.



Army of Tennessee



Members and friends of the **Fort Heiman Camp 1834**, Murray, KY, attended a memorial service at the courthouse in Murray recently.



Members of the **Lieutenant George E. Dixon Camp 1962**, Belleville, IL, participated in the annual Mascoutah Homecoming. After setting up "Camp Dixon," the group engaged in recruiting and heritage education activities. The Dixon members typically participate in six or more such events on an annual basis.



Fort Blakeley Camp 1864, Baldwin County, AL, Compatriot DeWitte T. Cross Jr. is shown next to the portrait of his ancestor, Colonel Joseph Horace King.



Pictured are the new officers for the **General John C. Vaughn Camp 2089**, Tellico Plains, TN. Pictured from left, Historian Steve McAllister, Commander James Staton, Quartermaster Ricky Lankford, 1st Lt. Commander James Young and Adjutant/Treasurer Mike Guffey.



The battle flag of the 41st GA Infantry Regiment, Army of Tennessee, was conserved through major funding provided by Martin R. Tant, a member of the **Lieutenant Robert D. Powell Camp 1817**, Blountville, TN. He unveiled the flag in The Museum of the Confederacy in Richmond in honor of his 3rd-great-grandfather, Private Harrison Tant, who fought in the 41st until the final surrender of the Army on April 26, 1865.



Pictured from left, past IL Division Commander James F. Barr, then-Lieutenant Commander-in-Chief Michael Givens, newly elected IL Division Commander John Jeffers at the 2010 **IL Division Convention** at the Crowne Plaza Hotel in Northbrook, IL.

Army of Trans-Mississippi



Texas Division Children of the Confederacy President Forrest Lowe with **Albert Sidney Johnston Camp 67**, Houston, TX, representative William Bozic, stand next to Texas Historic Cemetery Marker dedicated September 25, 2010, at the SE corner of the 1840 Houston City Cemetery, final resting place of hundreds of CSA veterans.



General Leroy Stafford Camp 358, Alexandria, LA, officers are inducted by David Hill.



Private Job S. Neill Camp 286, Batesville, AR, Commander Harold Nix, left, presents Bill Avey with his membership certificate. Compatriot Avey's ancestor is Captain John W. Lawrence, 16th AR Infantry, Co. K.



At a recent meeting of the **Colonel A. R. Witt Camp 615**, Conway, AR, held at the Faulkner County Library in Conway, AR, members display a newly made flag for the camp. The wife of camp member Ron Burton, holding the flag on left, made the flag for the camp.



The **Brigadier General Mosby Monroe Parsons Camp 718**, Jefferson City, MO, recently recognized long-time member Robert L. Hawkins, Jr., with a 25-Year SCV Service Award Medal. From left, Camp Commander Larry Smith, Robert L. Hawkins, Jr., Darrell Maples and Stan Myers. Compatriot Hawkins is also a charter member of the Parsons Camp.



Harrison, AR, has paid a high price in the war on terror. With a population of just more than 12,000, we have lost two young soldiers recently. Both were KIA in Afghanistan. PFC Clay McGarrah and PFC Bryn Raver died in separate actions. Rumors of undesirable elements from a Kansas church protesting at soldiers' funerals fueled the efforts of the **Jo Shelby Camp 1414**, Harrison, AR, to honor, defend, and protect both families. Pictured are camp members Everett Burr and Larry Fisher.

Louisiana, Arkansas, Texas, Missouri, Oklahoma, Arizona, New Mexico, Colorado, California, Iowa, Kansas, Washington, Oregon and Utah Divisions



Members of the **Frontier Guards Camp 996**, Junction, TX, got together on a Saturday morning in July 2010 to make repairs at the Frontier Cemetery in Junction.



Texans attend the SCV National Reunion in Anderson, SC, July 21-24, 2010. Pictured from left, Russ Lane, Bobby Jackson and Rudy Krisch III. Lane and Krisch are members of the **Alamo City Guards Camp 1325**, San Antonio, TX, while Jackson is a member of the **John Bell Hood Camp 50**, Galveston, TX.



Camps from across the state of Texas came together August 14, 2010, for the Junction, Texas Parade. The **Frontier Guards Camp 996**, Junction, TX, were joined by **Tom Greene Camp 1613**, San Angelo, TX; **Hill Country Camp 1938**, Fredericksburg, TX; **Dunn-Holt-Midkiff Camp 1441**, Midland, TX and **Sul Ross Camp 1457**, Bryan, TX and the Alabama Red Rovers.



W. Danny Honnoll, ATM Commander and Colonel Dwight A. Williams, 30th AR Infantry, both members of the **Colonel Robert G. Shaver Camp 1655**, Jonesboro, AR, participated in the Mardi Gras Parade at Monroe, LA, where they marched the four-mile route with their Tiger friends from Louisiana.



The Confederate Float with members from the **General Walter P. Lane Camp 1455**, Longview, TX; **General John Gregg Camp 958**, Longview, TX; **J. M. "Matt" Barton Camp 441**, Sulphur Springs, TX; **W. W. Heartsill Camp 2042**, Marshall, TX and the **Upshur County Patriots Camp 2109**, Gilmer, TX won first place at the July 4th Parade in Orr City, TX.



Richie Phillips of the **Colonel James Hamilton Beard Camp 1856**, Logansport, LA, proudly displays his Battle Flag beach towel at Perdido Key Beach, FL.

Louisiana, Arkansas, Texas, Missouri, Oklahoma, Arizona, New Mexico, Colorado, California, Iowa, Kansas, Washington, Oregon and Utah Divisions



The **2nd Texas Frontier Camp 1904**, DeLeon, TX, opened the fireworks display for the Fourth of July Freedom Festival, Rising Star, TX, with a double cannon shot. The camp, along with OCR and UDC members, entered a July 4th parade that morning and the Rising Star Freedom Fest parade that afternoon. Afterwards, they opened the Freedom Fest Ceremony with a cannon and musket salute for all American Veterans.



Because UDC iron crosses were being stolen from the Fairview Cemetery where approximately 40 Confederates are buried, members of the **Lieutenant William H. Mayes Camp 2078**, Pryor Creek, OK, reset the remaining crosses in concrete. Members standing at the gravesite of camp namesake Lieutenant William Henry Mayes, from left, Dean Robertson, Kevin Dodson, David Newcomb and Camp Commander Jonathan Ketcher.



Members of the **Major Thomas J. Key Camp 1920**, Kansas City, KS, as well as the **Brigadier General William Steele Camp 1857**, Leavenworth, KS, dedicated a headstone at Mount Vernon Cemetery in Atchison, KS, for Private Columbus Americus Turpin of Company A, 12th MO Cavalry.



Sabine Rifles Camp 2057, Many, LA, members and wives are pictured at Prewitt's Chapel, Hornbeck, LA. Pictured from left, Carolyn and Tex McKnight and Patsy and Rickey Robertson.



Members of the **Texas Bonnie Blue Camp 869**, San Antonio, TX, hosted a reception following a memorial for Henry Clay Butler at San Geronimo Cemetery, Seguin, TX. Pictured are Terry Dunn, John Miller, Don Taylor and Bill Hoffmann.



At their 2010 Christmas dinner/awards banquet, the **Cross of Saint Andrew Camp 2009**, Alto, TX, camp officers were honored with camp awards. Pictured from left, Jim Perry, Shelley Cleaver, Commander Kenneth McClure, William Blankinship and Ronnie Blackstock.



Army of Trans-Mississippi



John H. Reagan Camp 2156, Palestine, TX, Color Guard presented colors for pledge and salutes at two marker ceremonies at the Foster Cemetery, Anderson County, TX. Honored were Private James Loflin, Co. H, 1st TX Volunteer Infantry Regiment, "Texas Guards" and Private George W. Milner, Co. E, 37th TX Cavalry Regiment "Terrell's Texas Cavalry." Pictured are Ronnie Hatfield, John Barnhart, Gary Williams, Dan Dyer, Dwain Schoppe, Frank Moore, Commander Marc Robinson. Members of the Johnson-Sayers-Nettles Camp 1012, Teague, TX, also participated.



At the Fort Stanton Live event held at Fort Stanton, NM, the **Captain James Walker Camp 3002**, Alamogordo, NM, portrayed the 2nd Texas Mounted Rifles during the 149th anniversary of the Confederate occupation of the fort.



Texas National Guard Captain Bruce Cunningham's membership was reinstated during a recent camp meeting of the **A. S. Johnston Camp 983**, Decatur, TX, since his membership lapsed during a recent tour of duty in Iraq.



At a recent **LA Division** Reunion in Hammond, Charles Lauret, outgoing LA Division Commander, receives the Thomas Overton Moore Award from past Moore Award recipient Todd Owens. Also present were past recipients Chuck McMichael and Wayne Cosby. The Moore Award is presented to LA Division Compatriots who show outstanding service to the Division.



Past **OK Division** Commander John Priddy visits the newly installed monument to his great-great-uncle, Private D. R. Priddy, Co. H, 12th AL Infantry, at the Quannah Memorial Cemetery, Quannah, TX.



The **TX Division** proudly displays their heritage through a recruitment billboard erected on US 290 near Chappell Hill, TX. This has come about because of the generosity of Compatriot Donnie Roberts, who donated the property and the hard work of Jerry Nelson, Joe Ginn, Henry Mayo, John Perry and Bill Boyd, without whose efforts we would not have this great asset in place today.

Welcome to the Sons of Confederate Veterans

ALABAMA

COLONEL SNODGRASS 232 STEVENSON
IRWIN, MICHAEL JOHN

ST. CLAIR 308 ASHVILLE
HIGGINS, JOEL RAY
SMITH, BRUCE ALAN

MAJ. JOHN C. HUTTO 443 JASPER
ODOM, MATTHEW GABRIEL

FIGHTING JOE WHEELER 1372 BIRMINGHAM
PARKER, GEOFFREY
HOWARD

COVINGTON RIFLES 1586 ANDALUSIA
MCGOWIN, ROBERT ALLEN

FORT BLAKELEY 1864 BALDWIN COUNTY
FRANKS, LEONARD WYMAN

THE TALLASSEE ARMORY GUARDS 1921 TALLASSEE
CARMICHAEL, HARRIS
MCGILVRAY
GALLANDER, JACKIE
WILLIAM
PATTERSON, LANCE
GRAHAM
PEARSON, MICHAEL
THOMAS
THOMPSON, DARYL WAYNE

CAPTAIN HENRY C. SEMPLE 2002 MONTGOMERY
MENSI, DONALD W.

PVT. WILLIAM M. CARNEY 2088 ATMORE
BLACK, ANTHONY
HERSTON

HEART OF DIXIE 2154 WETUMPKA
ST. JOHN, PAUL

ALEXANDRIA RIFLES 2194 ALEXANDRIA
DAVIS, RANDI LINDSEY
TOWNSEND, ANTHONY
WILLIAM

ARKANSAS

GEN. ROBERT C. NEWTON 197 LITTLE ROCK
GUILLLOT, BRANDON
ANDREW

JOB S. NEILL 286 BATESVILLE
BOWMAN, JERRY
RILEY, JERRY ELLIS

DAVID O. DODD 619 BENTON
EDWARDS, BENJAMIN J.
FALCONE, JOSEPH DAVID

JAMES M. KELLER 648 HOT SPRINGS
SPEER, JOHN EDGAR

27th ARKANSAS INFANTRY 1519 MOUNTAIN HOME
CARROLL, CHARLES
ARTHUR
HAMMOND, SCOTT
CHARLES

ARIZONA

DIVISION HEADQUARTERS CAMP 1647 PRESCOTT
WOODARD, THOMAS

CALIFORNIA

GEN. JOHN B. HOOD 1208 LOS ANGELES
SCHIRMEISTER, JOSEF F

TYREE HARRIS BELL 1804 TULARE
WHITE, ALLEN DEE

GENERAL WADE HAMPTON 2023 MODESTO
HILTON, JOHN ARTHUR

CSS VIRGINIA 2062 VENTURA COUNTY
COOKE, ROBERT LEE

COLORADO

JEFFERSON DAVIS 175 COLORADO SPRINGS
CLEMMONS, GREGORY
BIAN
MYERS, JEFFREY FORD

GOV. CHARLES S. THOMAS 2126 GRAND JUNCTION
CARMACK, GREGORY A.

DELAWARE

DELAWARE GRAYS 2068 SEAFORD
WOOD, JASON ROBERT

FLORIDA

GENERAL JUBAL A. EARLY 556 TAMPA
FOX, DELMAR
WAUGH, DAVID HARRISON
WHELAN, DAVID MARTIN

WAKULLA GUARDS 742 CRAWFORDVILLE
THOMAS, LOUIE MARVIS
WILLINGHAM, AUSTEN
BLANE

KIRBY-SMITH 1209 JACKSONVILLE
DAUGHTRY, MICHAEL DEAN
HALLUMS, DAVID F.

1LT THOMAS H. GAINER 1319 BAY COUNTY
JOHNSON, VICTOR
BERNHARD

THEOPHILUS WEST M.D. 1346 MARIANNA
DILMORE, CARLON JAMES

STONEWALL JACKSON 1381 ST. PETERSBURG
WILSON, BARRY

WILLIAM HENRY HARRIS 1395 FT. LAUDERDALE
ASHBY, TIMOTHY
BROWN, LUKAS WAYNE

FINLEY'S BRIGADE 1614 HAVANA
ANGEL, DWIGHT GREGORY
CRUM, TIMOTHY MYLES
CRUM, TIMOTHY BRUCE

CUMMINGS, ORVILLE H.
KIRBY, PAUL HAROLD

2ND LT. JOSEPH MORGAN 2012 PERRY
SWAIN, CHARLES M.

LT. FRANCIS CALVIN MORGAN BOGGESS 2150 EVERGLADES CITY
WRIGHT, EUGENE R.

GEORGIA

BRIG. GEN. T. R. R. COBB 97 ATHENS
BRACKETT, BENJAMIN
GAYLORD
TOUNTASAKIS, MICHAEL
ANDREAS

JOHN MCINTOSH KELL 107 GRIFFIN
WILSON, ROBERT LOGAN

COL. CHARLES T. ZACHRY 108 McDONOUGH
WINGLER, MICHAEL JAY

LT. COL. THOMAS M. NELSON 141 ALBANY
BAILEY, JONATHAN M.
DAVIS, GEORGE ALBERT
DAVIS, JOHN EDWARD
DAVIS, MATTHEW CHARLES

BRIG. GEN. E. PORTER ALEXANDER 158 AUGUSTA
LOFTIS, WILLIAM EDWIN
NETTLES, CARROLL ONLEY
STRIPLING, CHRISTOPHER
ZANE
STRIPLING, CRAIG STEVEN

BLACK CREEK VOLUNTEERS 549 SYLVANIA
BIEGELEISEN, JOSEPH
ALAN

CAPTAIN MAX VAN DEN CORPUT'S BATTERY 669 CAVE SPRINGS
JOHNSTON, JIMMY JOE
JOHNSTON, STEPHEN KENT
MCCAIN, DENNIS LEE

WILLIAM THOMAS OVERBY/ COWETA GUARDS 715 NEWMAN
SMITH, RAIFORD LEE

GEN. WILLIAM J. HARDEE 1397 DALLAS
CARTER, RANDY CHUCK
LANKFORD, JERALD N.

JAMES T. WOODWARD 1399 WARNER ROBINS
SULLIVAN, RONNIE EMMETT

27TH GEORGIA REGIMENT 1404 GAINESVILLE
JARVIS, GEORGE L.

DAVID W. PAYNE 1633 BLAIRSVILLE
BENFIELD, RONNY MICHAEL
IVY, JAMES DAVID
MOLER, DARRYL GWYNN

COL. HIRAM PARKS BELL 1642 CUMMING
HYDE, DAVID HAROLD
RUCKER, DALE ANDREW

THE SAVANNAH MILITIA 1657 SAVANNAH
ZEAGLER, GRADY

COL. JOSEPH McCONNELL 1859 RINGGOLD
CLAIBORNE, ROBERT
NELSON

MAJ. GEN. AMBROSE RANSOM WRIGHT 1914 EVANS
HOLLAND, BEN HANSON

GENERAL A. H. COLQUITT FIRE EATERS 1958 NEWTON
HIGHTOWER, GEORGE
BERNARD

CAPT. JAMES KNOX "SEABOARD GUARDS" 2022 WAYNESVILLE
KILGORE, MICHAEL
DWAYNE

B/G HENRY KENT McCAY 2172 JESUP
COUCH, DONALD RAY

IMMORTAL SIX HUNDRED 2600 RICHMOND
HILL GRIMM, FRANK H.

IOWA

BOWENS MOUNTED RIFLES 1759 DES MOINES
RUSSELL, JAMES MICHAEL

INDIANA

CAPT. ARTHUR M. RUTLEDGE 1413 BLUFFTON
WEESNER, MITCHELL R.

COL. SAMUEL ST. GEORGE ROGERS 1508 INDIANAPOLIS
CARTER, JAMES A.
MULLINS, ROY LESTER

A. J. RINGO 1509 NEW CASTLE
McFARLAND, HARRY

DIXIE GRAYS CAMP 2155 LADOGA
DYKES, JAMES ALFRED
GROVES, JACOB
ALEXANDER
GROVES, RICHARD DEAN
ISAACS, DONALD P
TERRY, CARROLL

KENTUCKY

5TH KENTUCKY INFANTRY 2122 MOREHEAD
SWARTZ, GREGORY A.

JIM PEARCE 2527 PRINCETON
DAVENPORT, THOMAS L.

LOUISIANA

CAMP MOORE 1223 TANGIPAHOA
COLEMAN, ROBERT E. L.

GEN. RICHARD TAYLOR 1308 SHREVEPORT
PARKER, JIMMIE LANDES

WARD, HENRY LOYD

CAPT. JAMES W. BRYAN 1390 LAKE CHARLES
BORDELON, ETHAN
MICHAEL

MASSACHUSETTS

DEWITT-SMITH 1698 SPRINGFIELD
HOLDEN, MARK EDWARD

MARYLAND

COL. HARRY W. GILMOR 1388 BALTIMORE
GROSS, EMORY F.

PVT. WALLACE BOWLING 1400 LA PLATA
SWANN, SAMUEL FRANCIS

MISSOURI

STERLING PRICE 145 ST. LOUIS
HARRIS, MICHAEL G.

B/G JOHN T. HUGHES 614 INDEPENDENCE
CAPPS, ROBERT NEIL
STANTON, SAM D.
TUNKS, WILLIAM JOHN

GEN. JAMES H. McBRIDE 632 SPRINGFIELD
HOSP, WILLIAM DAVID

B/G MOSBY MONROE PARSONS 718 JEFFERSON CITY
BOGG, FORREST WILLIAM
PROBST, DUANE A. J.

MISSISSIPPI

CHARLES W. "SAVEZ" READ 69 YAZOO CITY
PEASTER, THOMAS
GRAFTON

RANKIN ROUGH AND READY'S 265 BRANDON
BATES, TIMOTHY RONALD

GAINESVILLE VOLUNTEERS 373 PICAYUNE
BREAUX, GEORGE

CAPTAIN JOHN M. BRADLEY 384 LOUISVILLE
THRASHER, PERRY ALLEN

JEFFERSON DAVIS 635 JACKSON
WHITE, LEE INMAN

CRYSTAL SPRINGS SOUTHERN RIGHTS 712 CRYSTAL SPRINGS
BROOM, DAVY MARLON
MILLER, DEWEY CECIL
MILLER, JACKY LEE
MILLER, STEVEN HUNTER

TIPPAH TIGERS 868 RIPLEY
ADAIR, IAIN ROBERT
ANTHONY, JAYLEN
GARNER, TAYLOR A.
HOGUE, JEREMY GLENN
MARDIS, SAMMY JOSHILIN

MATHIS, JACKSON
MATHIS, JOSEPH
WINDHAM, WILLIAM L. C.

9TH MISSISSIPPI CAVALRY 1748 LUCEDALE
HOLT, TAL C.

LT. JOHN SALLIS 1776 TREMONT
CONWILL, EDEL WAYNE
GRAY, JACKIE LEE
GRAY, MATTHEW LEE

NORTH CAROLINA

GEORGE DAVIS 5 WILMINGTON
WARD, JUSTIN THOMAS

ZEBULON BAIRD VANCE 15 ASHEVILLE
BANKS, GEORGE LEE
DOLMAN, ROBERT WILLIAM

STONEWALL JACKSON 23 CHARLOTTE
WHITE, MICHAEL ERIC

FAYETTEVILLE ARSENAL 168 FAYETTEVILLE
ALLEN, KRISTOPHER
HUNTER

ROBESON RIFLE GUARDS 216 LUMBERTON
STARNES, MICHAEL PAUL

CAPT. JULIUS WELCH 229 HAYWOOD COUNTY
GREEN, RONNIE MICHAEL
JAMES, PARIS ALLEN
SISK, GEORGE EDWARD

THE McDOWELL MEN 379 MARION
ROBINSON, KEVIN LEE

M/G STEPHEN DODSON RAMSEUR / COL. REUBEN CAMPBELL 387 STATESVILLE
DAVIDSON, HENRY PAUL

ROWAN RIFLES 405 SALISBURY
BASINGER, WALTER WAYNE

LT. F. C. FRAZIER CAMP 668 HIGH POINT
GILL, JAMES EDWARD
TOWNSEND, DANIEL
VARSER

COL. SAMUEL McDOWELL TATE 836 MORGANTON
BEACH, CLIFFORD ADAM
BEACH, JACOB ANDREW

CAPT. CHARLES F. CONNOR 849 HICKORY
STEWART, JAMES ALLEN

MAJ. CHARLES Q. PETTY 872 GASTONIA
FERGUSON, ERSKINE
GORDON, KENNETH GENE
RHYNE, JOEL REAGAN

COL. JOHN SLOAN 1290 GREENSBORO
BUNTON, RAYMOND A.
SMITH, JERRY DEAN

PVT. LORENZO DOW WILLIAMS 1456 REIDSVILLE
CAMPBELL, TIMOTHY JAMES

SGT. JOHN A. LISK 1502 TROY
FREEMAN, WAYNE VAN SAUNDERS, REID H.

GEN. ROBERT F. HOKE/W.M. J. HOKE 1616 LINCOLNTON
NIXON, MARK EDWARD

CLEVELAND REGIMENTS 1663 CLEVELAND COUNTY
JOLLY, STEPHEN EDWARD

THE CSA UNKNOWN SOLDIER 1753 LANES CREEK TOWNSHIP
STEGALL, JOHNNY ALBERT

YADKIN GRAY EAGLES 1765 YADKINVILLE
McPHERSON, JOHN HENRY PHILLIPS, JEFFREY SANFORD

24TH NC CO. C CLAYTON YELLOW JACKETS 1809 CLAYTON
HOOVER, DAVID BRIAN HOOVER, MATTHEW DAVID REEVES, PHILLIP GRAY

ROCKINGHAM RANGERS 1835 MAYODAN
CARTER, JONATHAN EDWARD

JACKSON RANGERS 1917 SYLVA
SHOOK, ROBERT

PAMLICO RIFLES 1957 AURORA
JONES, ROBERT THOMAS

COL. WILLIAM A. STOWE 2142 DALLAS
LOWERY, JAMES PHILLIP

CONFEDERATE STATES ARMORY-KENANSVILLE 2157 KENANSVILLE
BOSTIC, MARK GREY LEE, NICHOLAS DEAN LEE, NICHOLAS GARRETT

CUMBERLAND PLOUGH BOYS 2187 AUTRYVILLE
BEASLEY, JAMES DURWOOD BELL, KENDALL DAVIS GEDDIE, JACOB BENJAMIN HALES, CHARLES SCOTT HALES, DAVID MADISON

ANDERSON-TEW-BINGHAM 2192 MEBANE
BOYLE, JUSTIN LEE BYRON, CURTIS LEE CROWE, DENNIS CULBERSON, CALEB AUSTIN FOUSHEE, TERRY TILLMAN MITCHELL, JAMES DONALD SEXTON, KENNETH BRYAN SEXTON, III, KENNETH BRYAN SINGLEY, JACK KENNETH STEPHENSON, GORDON MATTHEW

BIG IVY MOUNTAIN GUARD 2230 BARNARDSVILLE
BULLMAN, RICHARD S. INGLE, DAVID CARROLL TABOR, JAMES BRIGMAN

CABARRUS RANGERS-GEN. RUFUS C. BARRINGER 2318 MIDLAND
BARBEE, BOBBY DARRELL BURNLEY, WESTON MICHAEL CARPENTER, ALLEN MONROE FITCH, CHRISTOPHER LEE FURR, CHASE ALLEN HARRIS, MARK A. HARWELL, DAVID STAFFORD HOOVER, DAVID WESLEY LEE HOOVER, CHRISTOPHER RYAN PHILLIPS, ROGER EUGENE REYNOLDS, KELVIN EUGENE WALDIE, DONALD HOWARD WALLACE, DYLAN

NEW MEXICO

B/G HENRY HOPKINS SIBLEY 2075 ALBUQUERQUE
WILKINS, JAMES E.

NEW YORK

GEN. ARCHIBALD GRACIE 985 NEW YORK
McMANUS, MILES D. MOSELEY, THOMAS EDWARD TOMPKINS, STEPHEN MALONE

OHIO

LT. GEN. JAMES LONGSTREET 1658 TALLMADGE
HUDSON, JAMES DANIEL HUDSON, JASON LEE

CAPTAIN THOMAS W. PATTON 2021 BOARDMAN
LAWTON, PAUL M.

QUANTRILL'S RAIDERS 2087 MAYFIELD HEIGHTS
GEORGEFF, GAGE CORDELL

LT. GEN. THOMAS J. JACKSON 2191 MEDINA
FRANKLIN, DENVER LEE

OKLAHOMA

CAPTAIN CLEM VAN ROGERS 481 OKLAHOMA CITY
LINDSLEY, DAVID MOSHE LINDSLEY, MONTANA DALGAI WILLIAMS, RANDY LYNN

BRIG. GEN. RICHARD M. GANO 892 POTEAU
PERSALL, BRYAN MARTY

SHELBY'S OKLAHOMA IRON MEN 1356 DUNCAN
SNIDER, MICHAEL WHATLEY, JERRY THOMAS

COL. DANIEL N. McINTOSH 1378 TULSA
WOODALL, ROBERT

FIRST CHEROKEE MOUNTED VOLUNTEERS 1501 EDMOND
SMITH, FRANK DESHONG

SOUTH CAROLINA

16TH SOUTH CAROLINA REGIMENT 36 GREENVILLE
GRESHAM, JAY JENNINGS OVERTON, WILSON B. RAY, GARY W.

BRIG. GEN. SAMUEL McGOWAN 40 LAURENS
NABORS, EDWARD MARTY SMITH, WILLIAM DANIEL

GENERAL RICHARD H. ANDERSON 47 BEAUFORT
FERRIER, JAMES CHRISTOPHER GIBSON, CHRISTOPHER H. LONG, THOMAS TELFAIR STEELE, GARLAND PAUL

15TH REGIMENT SC VOLUNTEERS 51 LEXINGTON COUNTY
MOBLEY, WILLIAM BRAD

WEE NEE VOLUNTEERS 58 KINGSTREE
BROWN, MICHAEL ASHLEY BROWN, MICHAEL ASHLEY BROWN, WILLIAM WARD

ADAM WASHINGTON BALLENGER 68 SPARTANSBURG
DIXON, JEFFREY LEE

COL. OLIN M. DANTZLER 73 ORANGEBURG
BRUNSON, JAMES HENNING

W. E. JAMES 74 DARLINGTON
COLLINS, JAMIE EDWARD

JOSEPH B. KERSHAW 82 CAMDEN
MALONEY, TIMOTHY RAY

LITCHFIELD 132 CONWAY
ALTMAN, HUNTER SHANE ALTMAN, REUBEN DALE CHESTNUT, HOYT TERRY COMPTON, DAVID WYNN MORGAN, JASON R. RIST, JOHN ODWIN

MECHANIZED CAVALRY HEADQUARTERS 212 BLACKSBURG
INFINGER, ANDREW G. MALCOLM, WESLEY LEE

HORRY ROUGH AND READYS 1026 MYRTLE BEACH
DUNLAP, ROBERT L.

GEN. MARTIN W. GARY 1532 EDGEFIELD
WHATLEY, WALTER S.

BATTERY WHITE 1568 GEORGETOWN
SAWYER, BEVERLEY H.

B/G BARNARD E. BEE 1575 AIKEN
FOGLE, LEE

COLLETON RANGERS 1643 WALTERBORO
PRYOR, GREG

HAMPTON REDSHIRT RIDER 1876 COLUMBIA
JONES, WILLIAM HAROLD SMITH, GARY PRESTON

REBELS IN GREY 2027 WESTMINSTER
MULLER, JAMES T.

COLONEL CHARLES JONES COLCOCK 2100 RIDGLAND
NETTLES, JAMES ALBERT RICHARDSON, TRAVIS D. SAXON, MICHAEL SHANNON

TENNESSEE

N. B. FORREST 3 CHATTANOOGA
KALTREIDER, CHRISTIAN ELLINGTON

SAMUEL R. WATKINS 29 COLUMBIA
STANFILL, STEPHEN WEBB

MURFREESBORO 33 MURFREESBORO
HUNTER, CLIFFORD ALF ROBERTS, JAMES P.

LONGSTREET-ZOLLICOFFER 87 KNOXVILLE
CARDWELL, JAMES B. LAWSON, RICHARD DARYL

JOHN R. MASSEY 152 FAYETTEVILLE / LINCOLN CO.
JENNINGS, FRANK DOUGLAS

OTHO FRENCH STRAHL 176 UNION CITY
ABERNATHY, JOHN S.

FRANK P. GRACEY 225 CLARKSVILLE
GLACE, BRETT

CAPT. WILLIAM H. McCAULEY 260 DICKSON COUNTY
HAFNER, JOEL SHANNON PRINCE, JASON DALE

M/G WILLIAM D. McCain HQ 584 COLUMBIA
AUSTIN, MITCHELL SHAWN BAIZE, ROBERT DOUGLAS BRADFORD, ZANE SCOTT CHUMLEY, WILLIAM SUMTER DENNIS, DONALD ALAN FARRIS, JOSHUA LEE GRIFFITH, PETER MANCLE HALLENBACK, RICHARD G. INGLETT, FOREST WATSON JOHNSON, WILLIAM F. LaVELLE, DR. TIMOTHY C. LUNDY, MICHAEL J. MARTIN, CHESTER ROSS DOUGLAS EDWARD BRIAN BENTON PATTERSON, RICHARD GORDON PETTY, THOMAS SHANE SHAW, JASON S. SMITH, DEE A. SMITH, ROBERT DEAN SWAN, JUSTIN C.

THOMPSON, ROBIN RAY WEAVER, ROBERT LEE

GEN. ROBERT H. HATTON 723 LEBANON
FORD, ROBERT JEFFREY FORD, SAMUEL JEFFREY

GEN. A. P. STEWART 1411 WINCHESTER
CLOWERS, MICHAEL WAYNE

WIGFALL GREYS 1560 COLLIERVILLE
KING, WILLIAM FRANKLIN

SERGEANT WILLIAM A. HAMBY 1750 CROSSVILLE
ROBERSON, JACKIE THOMAS

BELL'S PARTISANS 1821 TRIMBLE
CROWDER, RODNEY MORRIS

GENERAL JOHN C. VAUGHN 2089 TELLICO PLAINS
PARK, GEORGE RICHARD WATSON, BOBBY J.

RAWDON-SPEARS 2113 SUMMERTOWN
BAILEY, TIMOTHY BROOKS LONG, ROGER D.

LEE'S LONG RIDERS 2184 LINDEN
COBURN, RICHARD WALLACE MATHIS, JOHNNY O'NEIL SHARP, BILLY GENE

TEXAS

JOHN B. HOOD 50 GALVESTON
JACKSON, MICHAEL LEE

ALBERT SIDNEY JOHNSTON 67 HOUSTON
WADE, JESS EDWIN

CAPT. JAMES P. DOUGLAS 124 TYLER
MORRIS, RANDALL W. SMITH, DAMION SHANE

GEN. FELIX H. ROBERTSON 129 WACO
SHIPP, ROBERT JOHN

O. M. ROBERTS 178 WAXAHACHIE
BOWDEN, JAY DEAN KIRK, GLEN R. SWARTZ, CARL NEAL

R. E. LEE 239 FT WORTH
SIMMONS, MONTY R. WILLIAMS, BILLIE

CAPT. JESSE AMASON CAMP 282 CENTER
LAUGHLIN, JAMES C.

PLEMONS-SHELBY 464 AMARILLO
LINDSAY, CAELIN ROBERT

COL. A. M. HOBBY 713 CORPUS CHRISTI
BEALL, SEAN BENNETT

MAJ. ROBERT M. WHITE 1250 TEMPLE
SOUDELIER, EARL JOSEPH

DICK DOWLING 1295 BEAUMONT
MILLER, TIMOTHY WADE

GEN. W. L. CABELL 1313 DALLAS
BAKER, JIMMY WAYNE

SUL ROSS 1457 BRYAN
PETERS, MERVIN DANSBY SIMMONS, DICK BEDFORD

WILLIAM H. L. WELLS 1588 PLANO
MILNER, MIKE

COLONEL MIDDLETON TATE JOHNSON 1648 ARLINGTON
CHRISTIAN, DANIEL R. HOOVER, PERRY PHEMISTER, MICHAEL

LEE-BOURLAND 1848 GAINESVILLE
CASSIDY, WILLIAM D.

TERRY'S TEXAS RANGERS 1937 CLEBURNE
INCE, JOHN DANIEL NEELEY, JAMES TYE, BRYAN THOMAS

HILL COUNTRY 1938 FREDERICKSBURG
TITTLE, BUDDY WINSTON

WAUL'S TEXAS LEGION 2103 KATY
BRAWNER, ADAM N. SHAJARI, BRIAN A.

RED DIAMOND 2193 TEXARKANA
EICHORN, JOSHUA MARCUS FIDONE, CLINTON JEFFERY MAYNARD, CODY ALLEN MAYNARD, DERRICK JAVAN MAYNARD, JUSTIN ZEKE MAYNARD, LAWRENCE BLAKE MAYNARD, LAWRENCE JAVAN MAYNARD, PHILIP LACLEDE PEEBLES, LARRY MASON PEEBLES, LARRY MASON PEEBLES, LANE BRADLEY SHAVER, JEREMY NATHANIEL STOTTS STOTTS, JERRY LEON STOTTS, JERRY EUGENE WEATHERS, CHANNING

VIRGINIA

LEE-JACKSON 1 RICHMOND
MEACHAM, MICHAEL LEE

THIRTEENTH VIRGINIA MECHANIZED CAVALRY 9 NORFOLK
BALLOU, TIMOTHY G. HARMON, CARL WILLIAM TAYLOR, JOSEPH DUANE

COLONEL D. H. LEE MARTZ 10 HARRISONBURG
FIX, RANDALL A.

Welcome to the Sons of Confederate Veterans

KEMPER-FRY-STROTHER

19
MADISON
DUDLEY, STEPHEN
DELAUNAY

GARLAND-RODES 409
LYNCHBURG
SMITH, KENNETH G.

28TH VA INF. 491
ROANOKE
CHRISTLEY, KEITH BRIAN
HALE, RONALD WAYNE

ALEXANDER L. HENSLEY
(VA DIVISION HQ) 530
RICHMOND
MARTIN, ROBERT CONWAY

JOHN M. JORDAN 581
SOUTH BOSTON
ARCHER, BOYD VERNON

R. E. LEE 726
ALEXANDRIA
HAHN, MICHAEL JAMES
MOORE, J. TERENCE

ARMISTEAD-HILL-GOODE
749
CHASE CITY
WILSON, CHARLES
CHRISTOPHER
WILSON, CHARLES
CHRISTOPHER

FRANK STRINGFELLOW 822
FAIRFAX
ALLISON, ROBERT BRYAN
CRAIG, JOHN ALTON

THE HANOVER DRAGOONS
827
HANOVER
KAULING, STANLEY
PORTER

COL. JOHN S. MOSBY 1237
FRONT ROYAL
BOWEN, EDWARD MAURICE
MAUCK, DERRICK ALLEN

GEN. JAMES LONGSTREET
1247
RICHMOND
ADAMS, JASON MORGAN
CHENERY, RICHARD L.
MOZINGO, FLOYD GLENN
PAYNE, N. DOUGLAS

GENERAL WILLIAM
MAHONE 1369
WAKEFIELD
EGGLESTON, MICHAEL
TAYLOR

19TH VIRGINIA INFANTRY
1493
CHARLOTTESVILLE
FARRISH, GREGORY ALLEN

NORFOLK COUNTY GRAYS
1549
CHESAPEAKE
TYSOR, VANCE EDWIN

TURNER ASHBY 1567
WINCHESTER
TALLENT, COLT

GEN. ROBERT E. LEE 1589
MIDLOTHIAN
HALE, JOHN CURTIS

LANE-ARMISTEAD 1772
MATHEWS
DeSA, ALAN TOLSON

STUART'S HORSE
ARTILLERY 1784
FLOYD
JONES, CLINTON RAY

THE WHARTON -STUART
1832
STUART
HARDY, SAMUEL R.

CHARLOTTE COUNTY
GRAYS 1964
CHARLOTTE COURT
HOUSE
MOORE, DAVID EUGENE

GEN. WISE'S REFUGEES
2189
ACCOMACK COUNTY
RUSSELL, WILLIAM THOMAS
TAYLOR, BILLY L.

WASHINGTON

R. E. LEE 587
SEATTLE
GRAY, JUSTIN ANDREW

J. PATTON ANDERSON 1646
OLYMPIA
GATLIN, DONALD LEE

WEST VIRGINIA

COL. GEORGE S. PATTON
1593
COAL MOUNTAIN
HAYHURST, MICHAEL
SPARKS, CARL

FLAT TOP COPPERHEADS
1694
PRINCETON
KINZER, JAMES DENNIS

BRIG. GEN. JAMES BOGGS
1706
FRANKLIN
HUDGINS, WILLIAM KENT

Welcome to our newest Life Members



Name	State	Camp
Jerry B. Grigsby	GA	158
Thomas Grafton Peaster	MS	69
Lucas Bennett Broome	AL	11
Thomas Lamar Davis, Sr.	VA	14
Robert Fielding Rubel	TX	1937
Perry Allen Thrasher	MS	384
Jimmy C. Hutcheson	GA	1859
James H. Maxwell, Jr.	TX	1938
Marty Schuj	TN	584
Burke G. Duncan, III	SC	1445
William D. Maddox	TX	2171
Peter J. Kauffman	NC	2001



Sons of Confederate Veterans Sesquicentennial Society

The Sesquicentennial (150th Anniversary) of the Cause for Southern Independence is upon us! The Sons of Confederate Veterans has established a unique way you can show support for our efforts and build a legacy for the future. It is the SCV Sesquicentennial Society! By joining this prestigious group you will help in supporting two projects very important to the future.

First – The General Executive Council made the commitment in October of 2008 to start the process to erect a new building on our property at Historic Elm Springs. One of the uses of this new building is to give us office space and return Elm Springs to its original grandeur. However, the main function is to house The Confederate Museum. We are planning a museum that will tell the truth about what motivated the Southern people to struggle for many years to form a new nation. It will give an accurate portrayal of the Confederate soldier, something that is lacking in most museums and in the media. 75% of the money received through this effort goes to that building fund.

Second – We need to leave a legacy for our Compatriots who will be the members and leaders of the SCV when the Bicentennial of the Cause for Southern Independence arrives 50 years from now. One can only guess at the obstacles they will have to face in putting forth an accurate commemoration. 25% of the money will go into a fund to be used by the SCV at that point in time.

Here is how you can take part. Join with a minimum payment of \$200. (You can give more if you wish!) You will receive a handsome SCV Sesquicentennial Society Medal and Certificate. This program will end at the close of the Sesquicentennial. You may pay all at once or you can make non-refundable installments of \$50 (you will receive the medal and certificate when paid in full). You can call 1-800-MY-DIXIE to pay by credit card or send a check to:

Sons of Confederate Veterans, c/o Sesquicentennial Society, PO Box 59, Columbia, TN 38402



To make payment by credit card, please contact GHQ at 1-800-380-1896 or mail the form with a check.

Contributors who make a donation of at least \$1,000 are eligible for this designation. If they are already a member of the Sesquicentennial Society that contribution will be taken into account and the minimum contribution for them to upgrade is \$850. For some one who is not already a member they can get both the original Sesquicentennial Society membership and also the new Stonewall Jackson level for \$1,050 with the \$50 going to the Bicentennial Fund.

A contribution of at least \$5,000 is required to achieve this designation. If the individual is not already a member of the Sesquicentennial Society it will be included as benefit of this level.

A contribution of at least \$10,000 is required to achieve this designation. If the individual is not already a member of the Sesquicentennial Society it will be included as benefit of this level.

Amount paid	Date
-------------	------

[illegible]

National Guardian Program

A life-long commitment to take care of graves

The care of the Confederate Soldier's final resting place, his grave, for as long as the member is physically able to do so; and to insure the grave is marked so people know here rests a Confederate Soldier: that is the Guardian Program. There are Southern soldiers lying in unmarked and unattended graves throughout the world, in cemeteries which have been long forgotten. It is the accepted duty of the Sons to search out these cemeteries and graves and give them the care which they deserve.

Talk first started in January of 1992 in South Carolina when a few members of the division were returning from the funeral of Real Son Motte Junius Yarbrough. They stopped by an old cemetery. E.M. Clark, Jr. and I started talking with then-SC Division Commander Robert L. Brown (1990-1994) about all the hard work being done by SCV members in these old cemeteries, caring for Confederate graves. We all agreed there should be some way to recognize these men for their work.

Commander Brown, over the next few months, came up with the idea of starting a state program to recognize members who took on the care of a Confederate

Soldier's grave for life. One of the main responsibilities was to ensure the grave was marked as a Confederate Soldier's.

After discussions with Clark and me, the program moved forward. The rules and guidelines were worked out over the next few months. It became an official SC Division program March 27, 1993, at the SC Division reunion in Folly Beach, SC. The first member and chairman for seventeen years was E.M. Clark, Jr. The other three committee members were Robert L. Brown, William Grissop and myself. We were also the first four Guardian members. By 2011, the SC program has 250-plus guardians caring for more than 700 graves.

Alabama started its division program in August of 2008, with Compatriot Jimmy Hill as the chairman and their first guardian member. The Louisiana Division has the newest program, with Milton Todd Owens as its chairman. Both of these programs are based on the one in South Carolina.

In July 2010, Commander-in-Chief Givens asked me to start a national program and I immediately asked these men (Clark, Hill and Owens) to help head the new National Guardian Program (NGP). The NGP was approved

by the SCV General Executive Council (GEC) on March 19, 2011, and the first two applications were then approved (they are out of Arkansas).

The national program is being established for members of camps that do not come under a division command (such as HQ camp) *AND* those divisions without a Guardian Program. If there is a Guardian Program within a division, the members of that division will apply to that division and *NOT* to the national program. However, once a division has granted a member full guardian status, that member will be allowed to wear the National Guardian pin (see rules). It is not the goal of the NGP to take away from the division programs. The NGP will help work to start programs within all divisions (putting the NGP out of work, with the exception of Headquarters' camp and a few others).

The rules/guidelines and application have been sent out to all army and division commanders, and posted on the SCV National website.

The guardian program is a life commitment of the member or as long as he is physically able.

NATIONAL GUARDIAN APPLICATION

Sons of Confederate Veterans

E.M. Clark, Jr., ANV
3993 Bachman Rd.
West Columbia, SC 29172
803-755-3163
eclark1861@aol.com

Jimmy Hill, AOT
13476 Wendy Dr.
Madison, AL 35757
256-233-3366
NEBrigade@aol.com



M. Todd Owens, ATM
2102 W. California Ave.
Ruston, LA 71270
318-548-2846
owens.scv@gmail.com

Dennis E. Todd, Chairman
1113 Pine St.
Cayce, SC 29033
803-796-2407
ucv1890@att.net

Name of Applicant: _____ SCV ID No.: _____

Address: _____ City: _____

State: _____ Zip: _____ Phone: _____ Email Address: _____

SCV Camp-Name & No.: _____ Camp Location _____
city/state

Confederate Veteran's Name: _____ Rank: _____

Unit: _____ Born: _____ Died: _____

Location of grave (Include name of cemetery, road, city, county & state): _____

GPS Coordinates (Latitude, Longitude): _____

If the grave has been tended for a year or more, please answer the following:

1. Visits per year: _____ Date candidate began tending grave: _____

2. Flag placed on grave for Confederate Memorial Day: Yes _____ No _____

3. Marker on grave indicating CSA service: Yes _____ No _____

4. Services performed: _____

I affirm that all the information here is true and accurate. I agree to faithfully care for and protect this Confederate Veteran's grave in accordance with the Guardian rules for as long as I am able. In the event I am no longer able to carry out my duties, I shall notify the Guardian Review Committee immediately.

Signature: _____ Date: _____

Camp Commander: _____ Date: _____

DO NOT WRITE BELOW THIS LINE - FOR COMMITTEE USE ONLY!

Guardian Review Committee Action

I. Approved Full Guardian: Yes _____ No _____ Effective Date _____

II. Approved Guardian Pro Tem: Yes _____ No _____ Pro Tem Period: Dates From _____ To _____

III. Wilderness Grave Site: Yes _____ No _____

Committee Member Signature: _____ Date: _____

Duties And Responsibilities:

A) He shall care for and protect the GRAVE (NOT a memorial stone) of a Confederate Veteran, ensuring that the site is kept clean and well-maintained year-round. He shall perform these duties personally, unless physically prevented from doing so by reason of health problems.

B) He shall be responsible that the grave has an appropriate marker designating it as the resting place of a Confederate Veteran i.e., a family stone with reference to Confederate service, and/or a government-issued veteran's stone, and/or a Southern Cross of Honor. He shall also be responsible for replacing or repairing any marker that is destroyed, damaged or badly worn.

C) He shall personally visit the grave a minimum of three times a year, to include Confederate Memorial Day, or at least one month prior, when he shall place either a wreath or small Confederate Flag, or both, on the grave.

D) He shall perform these duties for two (2) years before he can be approved as a full guardian. He may apply the first time he cleans the grave site and be known as a "GUARDIAN PRO TEM" during the two-year period. At the end of the Pro Tem period he will be issued his pin and certificate as a FULL GUARDIAN.

E) If an applicant has been performing these duties for two or more years, then he may apply for full guardian status.

The application must be accompanied with a map showing



Artwork for the National Guardian pin.

the location of the grave site, along with written driving instructions to the cemetery, with the latitude and longitude, photographs of the grave site before and after cleaning and any other work which is done, photographs of the marker showing proof of Confederate service. The grave may or may not be that of the applicant's Confederate Ancestor.

If the applicant is applying to the national committee, he must also remit an application fee of \$15.00 at the time of the application. This will cover the cost of the Guardian pin and certificate, which will be awarded upon successful completion of the period of candidacy. This fee is

nonrefundable, regardless if the candidate successfully completes his candidacy period or not.

If applying to a Division Guardian program, remit to them their application fee, and once approved by the division, you may remit to national for a national pin and certificate only.

See the National SCV website for a complete set of the rules/guidelines and application.

Dennis E. Todd
Chairman, National Guardian Program
Co-chair, Graves and Monuments Committee
Sons of Confederate Veterans



Friends & Descendants Association



Oakwood Confederate Cemetery

The Confederate Section of the Oakwood Cemetery in Richmond, VA contains 17,200 Confederate Soldiers who gave their all for their State and Country.



Soldier's Monument in the Confederate Section, Oakwood Restoration Committee recently replaced the fence around the monument that was missing in 1914.

An organization, Friends and Descendants Association of Oakwood Confederate Cemetery, under the auspices of the Oakwood Restoration Committee of the Virginia Division, Sons of Confederate Veterans, is being formed to honor these men and raise funds with which to assist in this project. You have the chance to be part of an organization dedicated to bringing honor and dignity to these men. The initial membership will be \$25.00 per year. This may be a tax deductible donation. Please check with your tax advisor. Fill out the form below and send it to: Friends & Descendants Association of Oakwood Confederate Cemetery, c/o Jon Wright, P.O. Box 114, Beverdam, VA 23015-0114.

Name: _____

Address: _____

Phone: _____

Email: _____

Ancestor's Name (if any) buried in Oakwood: _____

Unit & Company: _____ State: _____

☐ Annual Membership \$ 25.00

☐ Additional Contribution \$ _____

FOR DONATIONS ONLY

If you prefer to send a one-time donation (not association membership) to help with the ongoing work, please make your check payable to Oakwood Restoration Fund, P.O. Box 114, Beverdam, VA 23015-0114.

The Virginia Division, Sons of Confederate Veterans is a 501(c)(3) charitable organization under IRS Code.

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13th North Carolina Monument

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54th Pa. Vol. Inf. Monument • Mt. Jackson Confederate Hospital Monument
Colonel Sandie Pendleton Monument

Confederate POW Monument • Kentucky State Monument
President Jefferson Davis Monument

6th Maryland Inf. Monument • 90th Pa. Inf. Monument
USCT Monument

Books in Print

been told if not for this author's ten-year odyssey," states Mr. White in his preface. "It is my sincere hope this publication, a culmination of personal frustration and triumph, will trigger further interest into the Confederate period and produce histories of other Southern commands whose stories are still waiting to be told."

Author: Gregory C. White
Publisher: Bitternut and Blue
3411 Northwind Road
Baltimore, Maryland
Hardback \$35.00

Reviewed by Cassie A. Barrow

Mr. Lincoln and His War

John Chandler Griffin is a professor emeritus with the University of South Carolina, where he taught. He received the Order of the Silver Crescent, South Carolina's highest award.

The Frontispiece contains a quotation from a speech of Abraham Lincoln to Congress in 1848: "Any people, anywhere, being inclined and having the power, have the right to rise up and shake off the existing government and form a new one that suits them better. This is a most valuable, a most sacred right ... Any portion of such people, that can, may revolutionize, and make their own of so much of the territory as they inhabit." What a pity Lincoln did not live by these words when the Confederate States of America became a nation.

Mr. Lincoln and His War contains a fascinating collection of photographs with author Griffin's historical explanations and comments. The book begins with a portrait of Lincoln through the early years of 1809 to 1829, which actually considers speculation about his paternity. "A Light in the Wilderness" covers 1830 to 1839. "A Place in the Sun" covers 1840 to 1849. "The Wind That Swept the Nation" covers 1850 to

1859. "Darkness Descends" covers 1860 to 1865. The book ends with the assassination of Lincoln and photographs of John Wilkes Booth and co-conspirators.

Author Griffin has, for the most part, made an honest effort to stick to truth and facts about Lincoln. Of the Emancipation Proclamation, Griffin writes "In fact, this proclamation amounted to nothing: in reality it freed no slaves." At other times, his admiration cloaks facts which Southerners and Confederates recognize as falsehoods.

Griffin's appendix is an essay on Lincoln's assassination. He hints anti-Southern forces were likely behind the murder "then ravaged the South, a crime which outraged Southern Americans still remember today." Also included is an extensive bibliography.

A Southern history buff will enjoy many of the collected photographs. Whether or not Confederates will wish to own this book depends on their feelings about Abraham Lincoln.

Author: John Chandler Griffin
Publisher: Pelican Publishing
1000 Burmaster Street
Gretna, LA 70053
Hardback \$24.95

Reviewed by Ann Rives Zappa

The Bravest of the Brave, The Correspondence of Stephen Dodson Ramseur

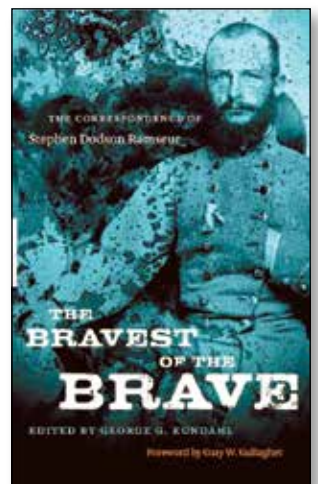
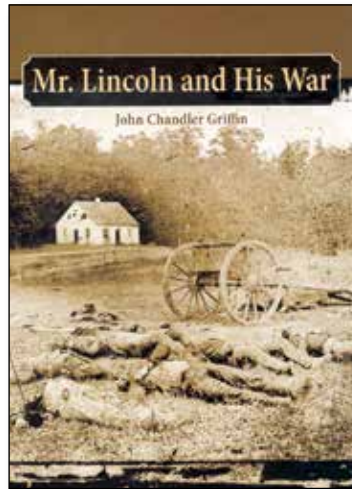
The Bravest of the Brave is a book which has the correspondences of Stephen Dodson Ramseur, who by the end of his 27 years on this earth had obtained the rank of major general in the Confederate States of America. George C. Kundahl

transcribed and compiled more than 180 letters by this high-ranking general. These letters not only express his beliefs about many issues, but he gives such lucid accounts of daily camp life and battles, making these letters important as primary references.

Ramseur writes endearing correspondences to his wife, which are also in this publication. "Thank you, My Beloved Wife, for all your sweet letters. You are so good and so sweet. Wish I could kiss you a thousand times this morn'g ... May God bless, protect and speedily reunite us in peace and happiness is my constant prayer. With love and kisses." It shows a softer side of soldiers, that they were husbands who missed their wives and family, yet, their duty required them to stay in the current situation of the military.

However, Ramseur was not a soldier many would consider *yielding* or *delicate*. Gary Gallagher states in the forward, "Lee sought aggressive, risk-taking subordinates who emphasized rigorous training and brought well-disciplined, hard-hitting units to the battlefield. Ramseur drilled his men endlessly, looked after their well-being in camp, and led by example in the heaviest combat — an approach that achieved gaudy success on fields such as Chancellorsville and Spotsylvania, brought multiple wounds (the last one fatal), and garnered praise from Lee, Jackson, and other famous superiors."

For those who desire to read the words of the participants in the War Between the States, *The Bravest of the Brave* should be included in your reading repertoire. Of course, this would be a handsome addition to any repository



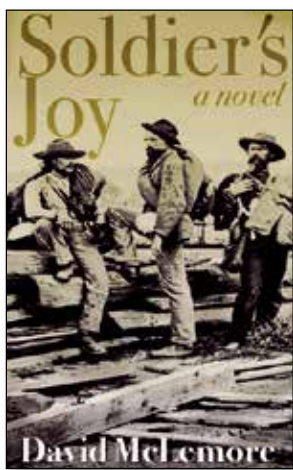
which has a collection of books pertaining to the War Between the States.

Edited by George G. Kundahl
Publisher: The University of North Carolina Press
Chapel Hill, NC
Hardback \$45

Reviewed by Cassie A. Barrow

Soldier's Joy

In *Soldier's Joy*, David McLemore weaves the tale of two brothers, Junius and Quintus Fraser, who abandon their Confederate division at the end of the War to return home to Hays County, Texas. Along the way, they are shot at, ambushed and double-crossed. They find out their father was murdered and their family home seized by a rogue band of Texas Guards who confiscated property in the name of



the state of Texas from anyone deemed unsympathetic to the Southern cause. Thinking the war was over, it instead followed these soldiers home.

McLemore is careful to put the brothers and their trusted comrade, Early Bailey, into a unique historical context. There are several flashbacks to key battles in which their 17th Infantry Texas Division fought, offering sober insights into the realities of war through the eyes of youths who enlisted largely to escape the monotony and boredom of farm life. Their adventures are violent, dark, and life-changing as both death and revenge permeate the story. The author paints a graphic picture of what Texas was like in the immediate aftermath of the war — lawless, violent and in total disarray.

The trio, along with a handful of ex-Confederates, eventually find themselves caught up in the great Texas Treas-

ury robbery of June 11, 1865. Although barely a footnote exists in the annals of Texas history, the author brings this little known event to life through this outstanding piece of historical fiction. At times, the book reads much like a screenplay — with a constantly changing series of events as narrated by Junius, the younger brother. His account of the plot and the robbery by itself is worth the read and it is vivid enough to be a movie. Fortunately for the reader, the author stays true to the historical context and presents this highly entertaining story with a masterful use of word pictures.

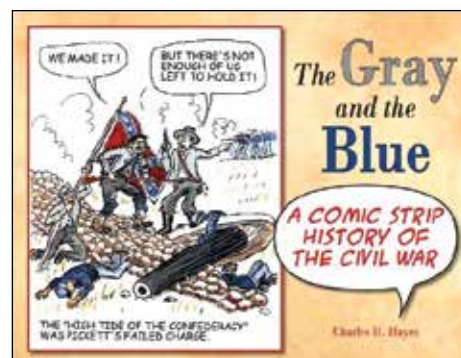
This isn't a novel for the faint of heart. It's both dark and enlightening, violent and tear-jerking, and most of all — it's about the people caught up in unforeseen circumstances beyond their control and how they deal with these. In this case, it's justice at the point of a gun. *Soldier's Joy* is an unforgettable War story that should not be missed.

Author: David McLemore
Publisher: CreateSpace
Order from amazon.com
Paperback \$8.95

Reviewed by James P. Bevill

The Gray and the Blue A Comic Strip History of The Civil War

The best way to describe this book is in its title, "A Comic Strip History of the Civil War." This book is of interest to all ages, but most specifically the younger Johnny Rebs or Belle Boyd's who will learn about the creation of a new nation and its attempt to endure four hard-fought years of war, succumbing only to the overwhelming resources and manpower of its opponent. The most intriguing part is that these writings are the true history of the War of Northern Aggression and not what you might have read in history class. Northerners might see it as Southern-biased, but factual history merely favors the Southern perspective. This Southern point of view is essential reading for the younger men and women who will recognize that their ances-



tors were not bad people for believing and sacrificing in a worthy cause.

Those interested in fast-moving comic strip action or learning and educating one's self or others about the truth of the war would thoroughly enjoy this narrative.

Author: Charles H. Hayes
Publisher: Pelican Publishing
1000 Burmaster Street
Gretna, LA 70053
Paperback \$15.95

Reviewed by William L. Caynor, Sr.

Confederate Veteran Deadlines

Issue Deadline for submissions

November/December 2011 ...Sept. 1

January/February 2012.....Nov. 1

March/April 2012.....January 1

May/June 2012.....March 1

July/August 2012.....May 1

September/October 2012.....July 1



NOTICES *From Around the Confederation*

Reunion Bid Deadlines for Hosting 2015 Reunion

Bid packages for those wishing to host the 2015 reunion are due by January 15, 2012. They should be sent to Chairman Joe Ringhoffer at 1211 Government St., Mobile, AL 36604 or e-mailed to ringhje@aol.com.

Bidders should include in their proposals information such as the cost of guest rooms at the hotel(s), any parking fees, host hotel flag-display policy, meeting facility layout, and projected registration cost. This information is needed in addition to the bidders' plans for tours and events and information about attractions in the area.

The guidelines for hosting a convention can be obtained from Joe Ringhoffer at the e-mail address above.

The place and date of the meeting of the Time and Place Committee, where bidders will make their formal presentations, will be announced after receipt of the bids.

For more information, contact Chairman Ringhoffer at 251-402-7593.

Funding Request Guidelines

The General Executive Council (GEC) created a number of guidelines defining how requests for grants to the SCV will be considered and evaluated. The Budget and Finance Committee, which reviews grant requests and presents recommendations to the GEC regarding requests, will also use these guidelines in its consideration of grant requests. The funding guidelines can be found on the *Forms and Documents* page on scv.org at www.scv.org/pdf/FundingProposalGuidelines.pdf.

Any camp, division or other organization which is considering making a request for funds should become familiar with the guidelines and tailor their funding request, as much as reasonable, to conform to them. It is also required those requesting funds complete the Request for Grant form on the Forms and

Documents page at www.scv.org/pdf/SCVFundRequests.pdf.

The deadline to submit a request for consideration at the Fall GEC meeting is September 1, 2011.

The deadline for requests to be received for consideration at the Spring GEC meeting is January 15, 2012.

If you are a member and wish to receive important notices from Headquarters, such as grant-request deadline information, you can sign up for the Telegraph by contacting Membership Coordinator Bryan Sharp at membership@scv.org.

Please feel free to contact me with any questions.

Adjutant-in-Chief Chuck Rand
318-387-3791
chuckrand3@gmail.com

Stand Watie Scholarships Announced for Mississippi, South Carolina and Texas

Students in colleges and universities in Mississippi, South Carolina and Texas have been announced as winners of the Stand Watie Scholarship sponsored by the Sons of Confederate Veterans.

The award of \$1,000 each was announced by Commander-in-Chief Michael Givens.

Recipients are Joseph Smith Hendricks, Easley, SC, attending Clemson University and sponsored by the 2nd SC Regiment Pickens Camp 71, Pickens County, SC.

Dennie Spence, Grenada, MS, a senior at Mississippi State University who has been accepted by Gettysburg College as a Civil War Immersion student. He is sponsored by the Major General E. C. Walthall Camp 211, Grenada, MS.

Jay Gresham, Landrum, SC. A student at The Citadel, sponsored by the 16th South Carolina Regiment Camp 36, Greenville, SC.

Kristen Nichole Gunn, attending

Temple College, is a member of the United Daughters of the Confederacy and is sponsored by Bell County Chapter 101, Texas Division UDC. Miss Gunn completed 34 hours of college credits while in high school.

Tyler W. Hall of North Charleston, SC, is attending Charleston Southern University and Clemson University in a dual degree program started in high school. He is sponsored by the H. L. Hunley Camp 134.

The Stand Watie scholarships are a part of the scholarship program of the Sons of Confederate Veterans. Other scholarships awarded are for medical research in amounts up to \$10,000.

The awards are made in honor of General Stand Watie, the first native American Indian (Cherokee) general of either side in the War Between the States. General Watie was the last Confederate general to lay down his arms.

SCV National Leadership Workshop

As we approach the challenging years of the Sesquicentennial, leadership training has become even more important to the defense of our Southern heritage. In an effort to insure that our members better understand the challenges of leadership roles and to aid our leaders in acquiring the knowledge to better perform their duties, the SCV has scheduled a 2011 National Leadership Summit.

This year's event will be held October 1, 2011, at the Terrace Restaurant on the campus of the Twin Lakes Retirement Center, located at 100 Wade Coble Drive, Burlington, NC 27215. It will be hosted by the Colonel Charles F. Fisher Camp 813. A tentative schedule for the day is posted below, along with registration and lodging information.

Please note this event will include relevant presentations and individual workshops for more specialized training for commanders and adjutants; however, *ALL* members are invited to attend!

Registration, which includes lunch, is only \$12 each and will be handled through our General Headquarters at Elm Springs. You may mail a reservation with a check or call 1 (800) 380-1896 ext 209 (Cindy) or e-mail accounting@scv.org with credit card information (MC, VISA or AMEX).

Courtyard - Marriott 2.4 miles, to Corporate Suites 3.5 miles to 3141 Wilson Drive 2912 Saco Drive, Burlington, NC 27215 (336) 585-1888 Tel. (336) 343-4000

Comfort Inn 3.5 miles, Best Western 3.6 miles, Ramada Inn 5.4 miles, 2701 Kirkpatrick Road 770, Huffman Mill Road, 2703 Ramada Road, Burlington NC 27215 Burlington NC 27215 (336) 584-4447, (336) 584-0151, (336) 227-5541.

Schedule

8:00 - 8:15 Welcome & SCV Protocol, Commander Mitch Flinchum, Camp 813
8:15 - 8:30 Introductions & Overview Lt. Commander-in-Chief Charles Kelly Barrow

8:30 - 9:15 Commanders & Command, Commander-in-Chief R. Michael Givens
9:15 - 9:30 BREAK

9:30 - 10:15 Adjutants & Administration, TBA

10:15 - 10:30 BREAK

10:30 - 11:15 Camp Programs & Projects, ANV Councilman Gene Hogan

11:15 - 12:15 DINNER

12:15 - 1:00 Camp Operations & Success, Past GA Division Commander Scott K. Gilbert, Jr.

1:00 - 1:15 BREAK

1:15 - 2:00 Commander's & Adjutant's, Workshops CIC, Lt. CIC & Past AIC

2:15 - 2:30 BREAK

2:30 - 3:15 Recruiting & Retention, Lt. CIC Charles Kelly Barrow

3:15 - Concluding Remarks & Discussion, Lt. CIC Charles Kelly Barrow
Benediction

CSS *Shenandoah* Reenactment, Service and Marker Dedication

The camps in England and Scotland were asked by Lt. Commander-in-Chief Barrow in February if we were going to stage the surrender of CSS *Shenandoah* to HMS *Donegal*, the last Confederate combatant to strike the colors on November 6, 1865.

John and I have given this consideration over the past few months, and

many phone conversations, e-mails, faxes, etc., have culminated in our response to Commander Barrow, YES, the feedback especially throughout Europe and Asia has been highly supportive.

We know the stateside camps are feverishly celebrating our *Cause* there, but we would be very appreciative of any support you might provide.

Of course, the main backbone of any undertaking is that of a monetary one. But we also need reenactors (officers as well as seamen, and Marines) for the Confederate contingent.

One Royal Society in Northern England is interested in manning the HMS *Donegal* crew and officers and will provide a vessel to sail up the Mersey river, dock and accept *Shenandoah's* surrender as in November 1865.

Arrangement for transportation, lodging, etc. will be laid out as we near the event and cost-friendly to all.

Also, formed for support, is the CSS *Shenandoah* Memorial Fund in Glasgow. The first raffle, which some of you stateside SCV'ers have supported with donations, is being well-received in the UK. If you are interested in support through this endeavor, please e-mail us.

You are probably wondering *raffle*?

The fund is not SCV-connected so we don't have to contend with the IRS, and even if it were, our camps do not come under IRS restrictions.

For our stateside supporters, the Confederate Naval Operations here in Liverpool, England, led to having the CSS *Alabama* built, and we all know how she reigned havoc for 20 months on the high seas. On *Alabama's* sinking, Captain James Bulloch purchased another British vessel *Sea King*, armed her and commissioned her CSS *Shenandoah*, and she also caused havoc on the high seas.

So, we are offering a 35-page pamphlet which should whet your appetite for the Confederate Naval Operations, especially CSS *Shenandoah*, for only \$12.00. Also included is a postal card depicting *Shenandoah's* picture with:

"Last Confederate Combatant to Strike the Colors November 1865"

In closing, this will be an event worthy of our organization, our soldiers and sailors, our Confederacy and our Southland. As there are three monuments in the UK to Lincoln, with your assistance, along with two camps' endeavors, we

can and will see a permanent statue to CSS *Shenandoah* in Liverpool for all the Confederacy. It's time our *Cause* and those who served the Confederacy are endeared permanently with this piece of granite in the UK.

Many maritime museums throughout the UK are very much interested in this event and we will be visiting the one in Liverpool, along with a visit to the Mersey River's Harbour Master who will grant us permission to use the Mersey and mentioned he could speak with Liverpool city council members who are very much interested in their history with the sea.

Thank you for support and we hope to hear from you with regards to all aspects of this event. And perhaps your camp might like a sponsor's role: again, just contact us.

Commander Gerald W. Wells
The Clyde River Blockade Runners
Camp 2168
Bridge of Allan, Scotland
Jwells2168@comcast.net

Commander John Collier
The John Low, CSN Camp 2161
Scarborough, England
collierj7va@aol.co.uk

New Educational Booklet available from GHQ

General Headquarters is excited to offer a new educational tool for the members and others. In a recent issue of the *Confederate Veteran* there was an excellent article by the highly esteemed Dr. Donald Livingston. The focus of his essay was why the War was not about slavery. It is a must-read for anyone hoping to understand the true nature of the conflict of 1860-1865. General Headquarters is now selling this essay as a stand-alone booklet. These are great for our members' use, but also has something we can give out to the public.

These booklets are only \$2 each! Or, in multiples of 10, \$1.75! These can now be ordered through General Headquarters, and were a top seller at the Headquarters table at our Reunion in Montgomery. Plan to get some for your camp by calling 1-800-380-1896.



Dispatches From the Front

Annual checkups cannot be stressed enough

Compatriots,

Recently SCV Surgeon-in-Chief Major Christopher J. M. Cummins MD wrote about the necessity of annual PSA screening for cancer.

I would like to add thyroid and testicular cancer to his article, having survived both thyroid and testicular cancer. The importance of physical examination by a physician and self-exam after receiving instruction by a physician cannot be stressed enough.

Thyroid cancer manifests itself in many ways, but if you feel a nodule or cyst-like bump on your Adams' apple, you need to see a doctor. About 95 percent of the nodules are benign, but why take a chance? My nodule went from benign to stage three within about four weeks and had spread to my lymph nodes.

Thyroid cancer has a high rate of survival if caught soon enough. Also, it makes a difference as to which form of cancer it is — papillary, follicular, medullary or anaplastic.

Some symptoms are lump in the neck: swollen lymph node, hoarse voice, difficulty swallowing or breathing, neck pain and/or throat pain.

The second type of cancer I experienced is testicular cancer, which has a high rate of survival. After having a testicle removed and two treatments of chemotherapy — I am cancer-free for the moment.

Some symptoms include a painless lump or swelling in a testicle, pain or discomfort in a testicle or in the scrotum, any enlargement of a testicle or change in the way it feels, a feeling of heaviness in the scrotum, a dull ache in the lower abdomen, back or groin and a sudden collection of fluid in the scrotum.

Jim Evans

James Keller Camp 648
Hot Springs, Arkansas

You owe it to yourself and your ancestors

To The Editor:

I wish to extend a hearty Thank-you to Surgeon-in-Chief Major Cummins, MD, for his excellent column regarding health concerns, especially those related to the prostate. I must admit my surprise that the good doctor didn't go further and recommend a prostate exam too. The PSA test is a good start, but an exam should be conducted just to be sure all is in order. There is nothing to be ashamed of by having this exam, and there is no need to be concerned about any discomfort either. Sure, it's a little bit unpleasant for a few seconds, but "man up" and get it done. Your health insurance should pay for it, too. With the constant attacks on our heritage, we need to be in a constant state of *readiness* to meet the enemy, wherever and whenever he may be. You owe it to your ancestors and you owe it to yourself.

Chris S. Knapp

Colonel Middleton Tate Johnson Camp 1648
Arlington, Texas

Some Yankees fought for the Confederacy

To the Editor:

I take issue with Dr. Clyde Wilson's conclusion all Northerners were Yankees. Some of "those people" actually fought and died for the Confederacy. More importantly, this paradox undermines the validity of the Yankee argument that Southern soldiers fought to preserve slavery.

Much is made of this conflict as a "war against brethren." In Philadelphia-area graveyards there is evidence this was not just political rhetoric but reality — families with sons and grandsons who fought on opposing sides, buried side by side.

Even among the ranks of Southern soldiers you'll find a few sons of abolitionists and Southern emancipationists. US Marines often visit the Philadelphia grave of their CW Commandant, Jacob Zeilin. However, before they reach that site, they encounter the family plot of Jacob's brother, John K. Zeilin and his son John H. John K. was a local abolitionist. John H. Zeilin was a Confederate

veteran.

In another Philadelphia cemetery is the grave of prominent abolitionist, ex-governor of Illinois, and one of the founders of Lincoln's Republican Party, Edward Coles. One of his sons fought for the Union while another was killed in action at the Battle of Roanoke Island in 1862 — as a Confederate officer. Captain Roberts Coles, Company I, 46th VA Infantry, CSA, a graduate of the University of Pennsylvania, Class of 1858, is buried with his father and brother.

Philadelphia's Confederate Lt. General John C. Pemberton also came from an abolitionist family whose sons fought on both sides. His great-uncle, attorney William Rawle, was president of the Pennsylvania Abolition Society and, by the way, acknowledged the sovereignty of the states in the Constitution and their right of secession.

Study these paradoxes. The history of the war is riddled with them. And while you're at it, Google "Pierce Mease Butler." One of the top slaveholders in America just before the war, responsible for the largest sale of human beings in US history, was a Philadelphia attorney.

Samuel A. Ricks

J.E.B. Stuart Camp 1506
Philadelphia, PA

Our future is entirely in our hands

To the Editor:

I just finished the July/August *Confederate Veteran* and four different articles recognize and demand we answer the attacks on the future of our heritage and true history. Gentlemen, the SCV has the answer in place and functioning! If only our membership was really serious about defending the truths of what happened to cause the WBTS.

First, another great column by Commander-in-Chief Givens when he asks "the Southern tradition is at bay. Will it survive?" The answer to that simple question is in our hands. It may be entirely up to you and me. He reminds us of this great quote from Richard Weaver.

A letter to the editor by Mr. Damian Patton so aptly describes a typical distortion and outright lie that there

were no black Confederates. Who is telling true counterpoints, especially to the young folks? Another letter by Mr. Rich McKenzie shares the grave concern about the very survival of the SCV in the future and a great point for the need for more associate members in the Friends of the SCV (FoSCV). Where can we get them in next generation(s)?

A fourth column, *Forward the Colors*, by Chief Heritage Defender Dr. Hiter hits the nail on the head in "What Teachers Say and Shouldn't." Most of the schools, private are just as PC as public, teach future citizens to hate their ancestors of the South. As he so adroitly puts it, "Look around, gentlemen: Where else in the Confederation are our youth being taught garbage like this?" Just about everywhere. Now, just how much time do we parents or grandparents get to talk to our youth on corrections from the constant falsehoods of the media, TV junk, schools, even many PC churches?

I just was reading a book to my 6-year-old granddaughter about R.E. Lee, and she told me about how great Lincoln was. Her parents and I are trying to *de-program* her from the falsehoods of public schools. This is difficult for young, impressionable minds which love and trust their teachers.

Compatriots, the *answer* is the Sam Davis Youth Camp! Everyone leaves with not only the truths of American history but enough material to be able to defend ... *Confederate soldiers' good name and the guardianship of his history* ... as we recite from S.D. Lee's Charge. Just talk with anyone who has ever been to your Sam Davis Youth Camp, and they will glow. The children have great, interesting speakers, Southern culture and manners, 1860s dance, and loads of fun for a whole week. But it does not matter if all of our bloviating is just that. Gentlemen, we all accurately know the peril of the future for our very existence. We must *send* our children, grandchildren and their friends (future FoSCV members).

Our future, if there is to be an SCV in 50 years, is entirely in our hands and up to each member! Does your camp send any campers/counselors? Are you sponsoring scholarships for others to attend? Remember the last sentence in the Charge: ... Remember, it is your duty to see that the true history of the South

is presented to future generations." Are you going to live the charge or just talk? One is cheap; the other demands actions to which our forefathers answered the call. Are you worthy of your sires?

Jack E. Marlar
SCV Field Representative

Just imagine ...

To the Editor:

The efforts of the SCV in these Sesquicentennial years are vital. The Secession Ball in Charleston was outstanding. The Confederate Heritage Rally 2011 in Montgomery was inspirational. The Flags Across Dixie projects are motivational, absolutely uplifting to travel and see the Flag waving in a Southern breeze.

We must continue these efforts and more. Imagine 30,000 flagpoles across the land flying the Confederate Flag on a specific day each week. For example, I fly the Confederate Flag every Saturday — multiply that by 30,000 SCV members weekly; what a sight. (Of course, you would not be limited to that day only, but imagine the impact of 30,000 on the same day each week).

Personalized state license plates honoring the heritage. This is an excellent project. Imagine 30,000 license plates honoring the heritage — these would be available even if a particular state decided to decline the applications for SCV personalized plates.

Imagine 30,000 letters (polite and respectful) to each Confederate State governor requesting proper recognition for those who died in defense of that State (with an emphasis: defense of that State) during the War Between the States. With a bit more energy and effort a similar letter (polite and respectful) could go to each State legislator.

Imagine 30,000 letters (historically accurate, grammatically correct, and respectfully worded), addressed to the editorial pages of newspapers across this land. Each letter could be crafted to express the historic efforts of that particular location in the Confederacy. These letters could be written on the anniversary of important War happenings in that area.

Imagine 30,000 SCV window decals on rear windows of vehicles across the

Confederacy. Imagine 30,000 wearing SCV shirts to monthly meetings. Imagine handing out 30,000 invitations to Join the Sons of Confederate Veterans monthly.

Ray L. Parker
Colonel Robert M. Martin Camp 2320
Evansville, Indiana

Help adopt a Veteran

To the Editor:

For the past eight years our camp has been working to complete a project which is dear to all Sons of Confederate Veterans. We set a goal to place new markers at the gravesites of every veteran interred on Confederate Hill, Loudon Park Cemetery, in Baltimore.

We are now just 76 adoptions away from completion! Some of us predicted it would require two more years to complete the final adoptions. I think we can attain our goal in a single year. However, it will take a great deal of work and a great deal of generosity on the part of many people to reach our goal this year. I know it can be done.

Please visit our project website at www.mdscv.org/1388/adopt-a-confederate/. There you will find information on why we chose to accomplish our goal using the adoption method. You will also see how to adopt a veteran, as well as years of research on these veterans gathered together on our Archive pages. Included are photographs of the new markers installed for each adopted veteran.

If you agree this is a worthy cause, please share this information with anyone you think might want to help. All the veterans currently available for adoption are reflected on the project website. Since the beginning of May, we have gained 10 more adoptions. They are going fast as people are now realizing their last opportunity to adopt is approaching quickly.

If you have any questions after viewing the project website, feel free to contact me or any member of the Gilmor Camp. We will be only too happy to field your questions or comments.

Steve Smith
Colonel Harry W. Gilmor Camp 1388
Baltimore, Maryland



Confederate Classifieds

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All ads must be prepaid.

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SESQUICENTENNIAL SPECIAL-Previously advertised at \$36, now \$28 (+\$4 shipping). Autographed copies of the awarded book, *Captains at Rest*, a detailed study of the officers of the 12th Georgia Regiment, Army of Northern Virginia. Send check to the author, L. Harris Churchwell at 69 Lenora Drive, Hawkinsville, GA 31036. Place credit card orders on Amazon.com. Contact me at 478-230-7110 or hchurchwell@msn.com. A lifetime member of the SCV. View the book at harrischurchwell.com.

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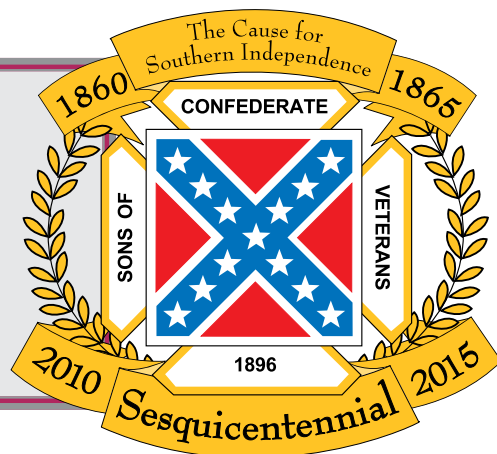
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WACO, TX library needs four issues of *Confederate Veteran* to complete 21 year collection: 1990 January/February, March/April; 1991 September/October; and 1995 Volume 3. Respond to hhmdy@juno.com or Hayden Moody, 202 My Lane, China Spring, TX 76633

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The Constitutionality of Secession

“the legislative power [of] Congress ... would simply be enormous.”³⁹

Would one consider the following scenarios consistent with American constitutional traditions, or even self-government? What if Congress passed a law which taxed all estates at one hundred percent, complete confiscation, and enacted a “no-repeal” provision so no future Congress would have the authority to repeal the law? Or in the name of fuel economy and environmental protection, what if Congress passed an unrepeatable law to ban any personal motor vehicle transportation with more than four seats from the interstate highway system, making it functionally impossible for any family with more than two children to travel?

Such power would be enormous. Fisk and Chemerinsky agree entrenchment is constitutionally objectionable. They say entrenchment “frustrates the accountability necessary for effective democratic rule.”⁴⁰

The father of the Constitution, James Madison had plain-spoken objections to legislative entrenchment. In 1790 he supported legislation to move temporarily the nation’s capital from New York to Philadelphia while Washington, DC, was undergoing preparations to become the permanent capital. Some feared once the capital was placed in Philadelphia, even on a temporary basis, the city would somehow find political support to keep it there. Madison answered his critics with a lecture on legislative entrenchment:

*But what more can we do than pass a law for the purpose [of making Washington the future capital]? It is not in our power to guard against a repeal. Our acts are not like those of the Medes and Persians, unalterable. A repeal is a thing against which no provision can be made. If that is an objection, it holds good against any law that can be passed.*⁴¹

Madison further revealed his bias against the authority to entrench in the language of the Virginia Statute for Religious Freedom, which he introduced:

*And though we know this assembly elected by the people for ordinary purposes of legislation only, have no power to restrain the acts of succeeding assemblies, constituted with powers equal to our own, and that therefore to declare this act irrevocable would be of no effect in law; yet we are free to declare and do declare, that the rights hereby asserted are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present, or to narrow its operation, such act will be an infringement of natural right.*⁴²

Law professor H. Newcomb Morse argues Madison was biased in favor of each individual state being the sole and final arbiter of whether another state has violated, and thereby dissolved, the compact (Constitution). Madison believed “a breach by any one article by any one party, leaves all other parties at liberty to consider the whole convention as dissolved.”⁴³ Since only a given state has the right to ascertain whether other states have broken the compact, one must conclude the father of the Constitution believed the legal authority to leave the union of States was not entrenched against the states.

In addition, Jefferson had objections to entrenchment. His declaration was that “the Earth belongs always to the living generation,” that “the Constitution and the laws of their predecessors are extinguished then, in their natural course, with those whose will gave them being.”⁴⁴

Whether Posner’s and Vermeule’s arguments for dropping the rule against entrenchment or their list of exceptions are persuasive, they readily acknowledge the longstanding tradition and Supreme Court doctrine against legislative entrenchment. Interestingly, they did not include secession of the Southern states (or an argument against their legal ability to do so) in their list of exceptions to the entrenchment rule. In private correspondence, Posner indicated he and Vermeule simply did not think about it, nor did Fisk, Chemerinsky, Rappaport or McGinnis.

But the Founding Fathers did, and they discussed the issue of entrenchment at the Philadelphia Convention of 1787 when they authored the Constitution and afterwards during the debate over ratification.

Virginia delegate George Mason opposed, referring the Constitution to state legislatures for ratification for the very reason of the principle of entrenchment. Mason disfavored the direct involvement of the state legislatures “because succeeding Legislatures having equal authority could undo the acts of their predecessors; and the National Government would stand in each State on the weak and tottering foundation of an Act of Assembly.” Thus the Philadelphia Convention chose ratification by the people through conventions in each state in an attempt to evade the issue of entrenchment.⁴⁵ Of course, there was no mandate requiring the legislatures of the states to respond to the request to ratify the Constitution by enabling a convention empowered to do so or to respond at all, although all states did so in due course. Nor could there have been such a demand on the states because it would have been repugnant to their sovereignty.

Historian Kenneth Stampp explains having single-purpose conventions ratify the Constitution avoids the problem of relying on acts of state legislatures, which meet every year or every biennium and might be tempted to repeal such prior act. However, Stampp recognizes it does not avoid the conceptual problem of the principle against entrenchment.

Of course, the logic of this argument leads to the conclusion that succeeding state conventions, having equal authority, could undo the work of their predecessors — precisely what the secessionists of 1860-1861 believed.⁴⁶

The agency theory recognizes the relationship between the citizenry — the true sovereigns — and elected officials in the legislative branch who exercise power on their behalf. It follows the citizenry has the ultimate competency

"One Legislature is competent to repeal any act which a former Legislature was competent to pass."	Fletcher v. Peck, 1810
"No one Legislature can, by its own act, disarm their successors."	Ohio Life v. Debolt, 1853
"We are not prepared to admit that it is competent for one legislature. . .to restrain the powers of a subsequent legislature to legislate. . .".	Boyd v. Alabama, 1877
"The hand of the legislature cannot be stayed" (from repeal of prior laws).	Boston Beer Co. v. Comm. of Massachusetts, 1878
Legislature has power to repeal previous acts.	Fertilizing Co. v. Hyde Park, 1878
Legislatures "may at pleasure create or abolish" statutes.	Newton v. Mahoning County, 1879
Legislatures "cannot give away nor sell the discretion of those that are to come after them."	Stone v. Mississippi, 1880
One legislature cannot "restrain the power of a subsequent legislature."	Butcher's Union Slaughter House v. Crescent City Slaughter House, 1884
Legislatures have the power to repeal prior statutes and grants. The absence of such power would be "destructive of the main pillars of government."	Douglas v. Kentucky, 1897
"Every succeeding legislature possesses the same jurisdiction and power with respect to them as its predecessors. The later have the same power of repeal and modification which the former had of enactment, neither more nor less."	Connecticut Mutual Life v. Spratley, 1899
"The will of a particular Congress. . .does not impose itself upon those to follow in succeeding years."	Reichelderfer v. Quinn, 1932
"One legislature cannot bind subsequent legislatures."	US v. Winstar, 1996

Figure 1. Supreme Court Rulings on Legislative Entrenchment

to alter, reform, or abolish the forms of government which fail to serve them.

When the citizenry of the states created the federal government, as they did by ratification conventions in the states in 1787-90, they had the right to convene a subsequent convention with the same authority as the first (if the citizenry retained their sovereignty). The establishment of the federal government cannot be inadvertently or accidentally entrenched against the interests of the people. If it can be entrenched at all (which is doubtful if the people of the states retain sovereignty), it would have to be done purposefully, willfully, knowingly, and explicitly. But there is nothing in either the ratification debate or the Constitution itself which even hints such an entrenchment was intended, much less accomplished. The Founding Fathers were worried enough about obtaining support for ratification without opening additional arguments

against it.

The rule of legislative entrenchment relates to the issue of the secession of Virginia, North Carolina, South Carolina, Georgia (part of the thirteen original states to ratify the Constitution) in terms of the means by which these states adopted ordinances of secession.

Consider the chain of events. In 1787-90, the legislatures of the thirteen original states passed statutes to select convention delegates who would convene when and where provided by the statute and empowered with the authority to ratify or reject the Constitution. Eventually the states did ratify. However, North Carolina and Rhode Island were so deliberate in the process that Washington was elected president, sworn in, and the first Congress met and adjourned before either state ratified the Constitution and participated in government alongside the other eleven.

Subsequently in December 1860,

the South Carolina legislature passed an act which called for selection of another convention with the same authority as the original one in 1788. The 1860 convention passed an ordinance of secession which simply rescinded the ratification of the Constitution by the 1788 convention. Thus, the political ties to the United States were severed by South Carolina.

This view is clearly validated from no less an authoritative source than James Madison as he participated in the ratification debate. In an attempt to calm fears at the Virginia ratifying convention, Madison posed the rhetorical question as to who are the parties to the Constitution. His answer was the people of the thirteen sovereignties are the parties to the Constitution, not the people of the aggregate whole.⁴⁷ His arguments won the day, calmed fears, and Virginia ratified, but its ratification was conditional as were the ratifications

of six other states (though only three of the six explicitly retained the authority to secede).

Similar fears and discussions were expressed at other ratifying conventions. At the Pennsylvania convention, delegate John Smilie asserted if the people of Pennsylvania changed their minds at a future date, they would have every right to assemble another convention and overturn the ratification.⁴⁸ Indeed, the doctrine against entrenchment is so ingrained in our constitutional traditions that legal scholars Fisk and Chemerinsky wrote if entrenchment were permissible it would lead to the "systematic malfunctioning" of the American legal system.⁴⁹

The Law of the Land in 1860 and Today

Beyond the application of the principle against entrenchment, there is the obvious question as to whether South Carolina (and the other Southern states) had a legal right to secede under the law of the land at the time.

If one believes the rulings of the US Supreme Court represent the obligatory

and final interpretation of the law of the land, then one cannot help but answer: Yes, South Carolina indeed had the legal right to do what she did. *See Figure 1.*

Chief Justice Marshall wrote in 1810, "one legislature is competent to repeal any act which a former legislature was competent to pass; and that one legislature cannot abridge the powers of a succeeding legislature."⁵⁰ And again in 1853 by Chief Justice Taney, Marshall's successor wrote, "no one Legislature can, by its own act, disarm their successors of any of the powers or rights of sovereignty confided by the people to the legislative body."⁵¹ In 1899, in *Connecticut Mutual Life Insurance Co. v. Spratley*, the Supreme Court reaffirmed the *Newton v. Mahoning County* decision and reapplied the word "evil" to describe entrenchment.

Every succeeding legislature possesses the same jurisdiction and power with respect to them as its predecessors. The latter have the same power of repeal and modification which the former had of enactment, neither more nor less ... It is vital to the public welfare that each

one should be able at all times to do whatever the varying circumstances and present exigencies touching the subject may require. A different result would be fraught with evil.⁵²

In the Connecticut Mutual Life case, the court declares "the same principle" against entrenchment is found in *Fertilizing Co. v. Hyde Park* (1878), *Butchers' Union Slaughterhouse and Livestock Company v. Crescent City Livestock Land- ing and Slaughterhouse Company* (1884), *Boyd v. Alabama* (1897), and *Douglas v. Kentucky* (1897). A few decades thereafter in *Reichelderfer v. Quinn* (1932), the court declared "the will of a particular Congress ... does not impose itself upon those to follow in succeeding years."⁵³

Since there was never any challenge based on law or history as to the authority of the South Carolina legislature to establish a convention in 1788, there can be no question of its authority to convene another convention with the same authority as the first. To question the legitimacy of South Carolina's second convention is to question the first. Both were enabled by the legislature,

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and both had popular support from the people on whose behalf they acted. If its 1788 ratification of the Constitution was *ultra vires* (without authority), then it was never legally a state in the union from the start, and its attempt to leave the union in 1860 would have been nonsense.

It was the law of the land from the time Lincoln was one year old; it was the law of the land when he practiced law; it was the law of the land when he became president and invaded the South; and it remains the law of the land into the twenty-first century. Indeed, even a conservative, limited reading of Marshall's words raises a serious doubt as to whether the South Carolina legislature could have "entrenched" the question of ratification of the US Constitution even if it wanted to, thus making it impossible for any subsequent legislature or convention to address it.

If one argues the legislatures of the Southern states were stopped from calling another convention, one must answer the question about whether the people themselves retained the authority to do so. Even today, the people of the states remain the sole and exclusive political entity with the authority to amend the Constitution. Just as Madison stated in the Virginia convention, it is the people of the various states, not the people as composing one great body. How can a political entity, clothed with the authority to amend, fail to be the sovereignty that has power to enact or terminate? If this authority does not remain with the people, then this power has been entrenched against the citizens, who would not have the authority to replace the Constitution with a new one, should they so choose. Moreover, if the people are not sovereign and no longer have the authority to assemble another convention to rewrite or replace the Constitution, then one must explain who the sovereign is and how was it that the people were divested of their birthright?

The answer is quite simple, according to Fisk and Chemerinsky. Depriving any legislature from the same jurisdiction and power of its predecessors is unconstitutional and violates the law of the land which has been decided over and over by the Supreme Court.⁵⁴ And the history of this principle is traced

to the common law of England and even all the way back to the Roman Republic before the birth of Christ. It is an essential element to representative government.

What sort of power was exercised in 1788-90 with the authority to propose, adopt, or even reject the Constitution? It was the sort of power described by the Supreme Court's ruling in *US v. Ballin* in 1892. The question in this case was whether a particular law had properly passed the US House of Representatives. Specifically, was the current House rule which established the requirement for a quorum valid? The court ruled "The power to make rules is not one which once exercised is exhausted. It is a continuous power, always subject to be exercised by the House, and, within the limitations suggested, absolute and beyond the challenge of any other body or tribunal."⁵⁵

In like manner the power to make, modify, or repeal law is a legislative matter. It is not a power which is "exhausted" once used, but rather it is a "continuous power." If our constitutional traditions allowed future legislatures to be disarmed as a result of the exercise of power by their predecessors, the future would indeed be "fraught with evil."

The Equality of States, or Equal Footing Doctrine

What about the Southern states which were not participants in the ratification of the Constitution because they had not yet come into existence? Did they also have a right to secede? We will see under the Supreme Court's doctrine of equal footing, all states share in the same powers and attributes of sovereignty with the original thirteen.

The first two states admitted to the United States under the Constitution were Vermont (1791) and Kentucky (1792). The act of admission for these states declares the state is admitted "as a new and entire member of the United States of America." There were no terms or conditions exacted from either. When the third new state, Tennessee, was admitted in 1796, it was declared to be "one of the United States of America" and admitted "on an equal footing with the original states in all respects whatsoever," phraseology that has been used ever since in admitting other states.⁵⁶

Two landmark cases decided in the court's 1845 term address this issue. One case arose in Alabama (*Pollard v. Hagan*), the other in Louisiana (*Permoli v. First Municipality of New Orleans*).

In the *Pollard v. Hagan* case the court dealt with the issue of the vesting of title to navigable waterways, which right transferred from the federal government to the state upon admission as a state. The territory which became the state of Alabama was originally part of Georgia. In 1802, Georgia ceded this territory to the United States by a deed of cession, which included the stipulation that said territory should form a state to be admitted "on the same conditions and restrictions, with the same privileges, and in the same manner" as other states.

The court found "When Alabama was admitted to the union, on an equal footing with the original states, she succeeded to all the rights of sovereignty, jurisdiction, and eminent domain which Georgia possessed at the date of the cession." The court further explained when new states are admitted to the union their municipal sovereignty is complete, "and they, and the original states, will be upon an equal footing, in all respects whatever."⁵⁷

The *Permoli* case rose from controversy over funeral and burial restrictions in a municipal ordinance in New Orleans. For reasons of public health, due to nearby swampiness, bodies were not allowed to be presented at funerals in a particular Catholic church for fear of the spread of disease. The citizens who filed the suit seeking to overturn the ordinance argued the religious liberty provisions of the Ordinance of 1787 extend to Louisiana. The municipality's argument compared the condition and status of Louisiana to that of Massachusetts, one of the original states. The argument it presented was once Louisiana was admitted to the union of states, she became "Massachusetts's equal," and if Congress had no authority to extend the Ordinance of 1787 over Massachusetts, it had no authority to extend it over Louisiana. "What Massachusetts may do, Louisiana may do. What Congress may not forbid Massachusetts to do, it may not forbid Louisiana to do," was the argument to the court. A corollary argument asserted there "is and must be,



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from a constitutional necessity, a perfect and unchangeable equality among the states." The court agreed with these arguments and found that Louisiana and by extension all states are admitted "on an equal footing with the original states in all respects whatever."⁵⁸

In an 1883 case, *Escanaba and Lake Michigan Transport Co. v. City of Chicago*, the court upheld both Pollard and Permolli. The court found that upon statehood, Illinois "at once became entitled to and possessed of all the rights of dominion and sovereignty which belonged to the original states. She was admitted, and could be admitted, only on the same footing with them ... Equality of constitutional right and power is the condition of all the states of the Union, old and new."⁵⁹

In an 1888 case from Oregon, the Supreme Court upheld Pollard, Permolli, and Escanaba (*Willamette Iron Bridge Co. v. Hatch*). In 1892, the court again applied the equal footing doctrine to a case from Texas. It found Texas "was admitted into the Union on an equal footing with the original states in all respects whatever."⁶⁰

In a 1911 case from Oklahoma, the court found the Union

*Was and is a union of states, equal in power, dignity, and authority, each competent to exert that residuum of sovereignty not delegated to the United States by the Constitution itself. To maintain otherwise would be to say that the Union, through the power of Congress to admit new states, might come to be a union of states unequal in power, as including states whose powers were restricted only by the Constitution, with others whose powers had been further restricted by an act of Congress accepted as a condition of admission.*⁶¹

The court further determined no state "may be deprived of any power constitutionally possessed by other states, as states, by reason of the terms in which the acts admitting them to the Union have been framed."⁶²

Equal footing was upheld again by the Supreme Court in another Oklahoma case in 1914 (*McCabe v. Atchison, Topeka & Santa Fe Railway Co.*). It was applied to and upheld in a 1973 Arizona case (*Bonelli Cattle Co. v. Arizona*), which was subsequently modified (but equal

footing was nevertheless upheld) in a 1977 Oregon case (*State Land Board v. Corvallis Sand & Gravel Co.*).

So we see all the other Southern states which seceded in 1861 had the entire complement of rights, privileges, and sovereignty which were enjoyed by South Carolina, Georgia, Virginia and North Carolina and the original thirteen states. What Massachusetts may do, Arkansas may do, or Kentucky or Texas. What Congress may not forbid Massachusetts to do, it may not forbid Mississippi to do or Tennessee or Missouri.

If all the states are equal, do any states or combination of states have the legal or moral authority to destroy another state and replace its lawfully elected government with one imposed by military occupation? If so, which states have such authority? How did they get it? When and under what circumstances is the application of military force warranted among the states?

Lincoln's answer to this question haunts American history and takes a fearsome toll on current foreign policy. Lincoln's answer was, of course, the side with the most bayonets makes the rules.

Princeton professor James M. McPherson writes in his highly acclaimed *Battle Cry of Freedom* (1988) as if he is ignorant of the doctrine of equality of the states. Perhaps, he is. In dismissing the legal basis for secession, he writes the Southern argument supporting secession was that states ratified the Constitution by convention, therefore "a state could reassert total sovereignty in the same manner"; i.e., convene a convention with the same authority as the first. But McPherson sees a "slight problem" with this theory in regards to the seven states which entered the Union after ratification of the Constitution (Mississippi, Florida, Alabama, Louisiana, Texas, Arkansas, and Tennessee). Those states, McPherson asserts, have "the appearance of being creatures rather than creators of the Union."⁶³

Naturally, a historic work which provides intellectual legitimacy to the emergence of the dominant central state will generate rave reviews by the mainstream press. The *New York Times* said McPherson's work "may actually be the best [Civil War book] ever pub-

lished." The *Los Angeles Times* claimed "Surely ... of the 50,000 books written on the Civil War" (an estimate which is likely low by at least an order of magnitude), McPherson's book is "the finest compression of that national paroxysm ever fitted between two covers." Not to be outdone, the *Washington Post* goes full throttle with hyperbole: *Battle Cry of Freedom* is "the finest single volume on the war and its background."⁶⁴

So how could an eminent historian of the best and finest Civil War book ever written dismiss the legal basis for secession in seven states in less than one paragraph of a 300,000-word book without ever informing his readers such a basis exists and the basis originated with the US Supreme Court?

McPherson's position is the states admitted after ratification of the Constitution appear to be creatures rather than creators of the Union. In taking this position, he places himself at variance to history and the common law of the land. The Supreme Court has repeatedly upheld equality of and among the states. It was the law of the land when Lincoln took his oath as a practicing attorney in Illinois, and it was the law of the land when he took the oath of office as president and swore to uphold the Constitution (which includes upholding the common law established by the judicial branch pursuant to the Constitution). The court still applies the equality of states doctrine in the twenty-first century.

In fairness to McPherson, his view that seven seceding states of the union which joined after ratification of the Constitution have the "appearance of being creatures rather than creators" of it, has supporters foreign and domestic, contemporary and historic. One historically prominent German wrote, "It was not these states that had formed the Union, on the contrary it was the Union which formed a great part of such so-called states." Consequently, "there can be no question of any original sovereignty" of the overwhelming part of the states that joined the union after ratification of the Constitution, which is the same position McPherson holds. The quotes which align perfectly with McPherson's view are found in the second volume of *Mein Kampf* (My Struggle), the book Adolph Hitler dic-

tated to Rudolph Hess while the two men were serving time in Landsburg prison for treason.⁶⁵

The Tenth Amendment — the Reserved Powers

The Tenth Amendment to the Constitution, the final amendment in the Bill of Rights, is often referred to in the same sentence with “states’ rights.” But since states’ rights is the political equivalent of a dirty word, it is intended as an epithet rather than a description. Nevertheless, the amendment is brief and easily understood.

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 plain words say what they mean; if a power is not granted to the federal government by the Constitution, then that power remains with the states or the people. All that is required for one to do is to read the Constitution and catalogue the finite list of powers the federal government is allowed to

exercise. The states and the people retain anything which is not on that list.

It didn’t take long for the Supreme Court to address the issue of sovereignty. Within eighteen months of the court’s original term beginning in August 1791, it issued a landmark decision in *Chisholm v. Georgia* (1793). The issue before the court was whether one state can be sued by citizens of other states in the federal courts. Georgia had protested it could not be sued by citizens of another state without its consent. The court disagreed, in part because Georgia at that moment had suits pending in the federal courts against two South Carolinians and had already given its consent to be sued by citizens of another state when it ratified the “national compact”; i.e., the Constitution. The court found:

To the Constitution of the United States the term sovereign, is totally unknown. There is but one place where it could have been used with propriety. But, even in that place it would not, perhaps, have comported with the delicacy of those, who ordained and established that Constitution. They might have announced themselves “sov-

*ereign” people of the United States: But serenely conscious of the fact, they avoided the ostentatious declaration. . . . Let a State be considered as subordinate to the People: But let every thing else be subordinate to the State.*⁶⁶

The words “sovereign” or “sovereignty” are not found in the Constitution. There is no overt claim to sovereignty by the government erected under the auspices of the Constitution. Even McPherson acknowledges this, without explanation as to its significance and without comment on the relationship to the Tenth Amendment.

Although the Supreme Court found in this particular case Georgia is not a sovereign state as far as the union of states is concerned, it did uphold the principle that the people of Georgia are sovereign and retain their sovereignty and political supremacy. After all, it had been only five years since the people of Georgia ratified the Constitution; thus:

At the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are



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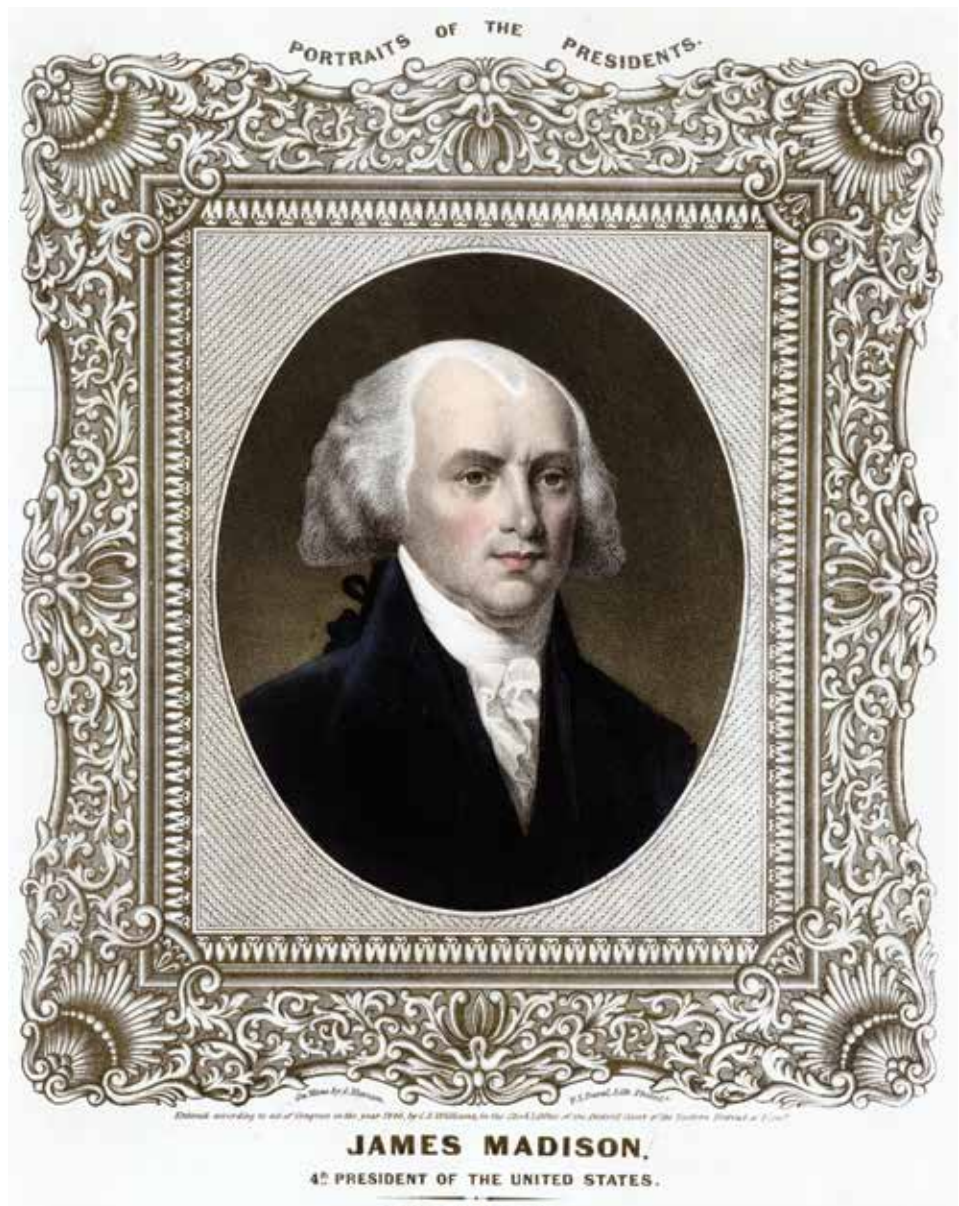
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sovereigns without subjects (unless the African slaves among us may be so called) and have none to govern but themselves ... and,

*The Supreme Power resides in the body of the people. As a Judge of this Court, I know, and can decide upon the knowledge, that the citizens of Georgia, when they acted upon the large scale of the Union, as part of the 'People of the United States,' did not surrender the Supreme or Sovereign Power to that State; but, as to the purposes of the Union, retained it to themselves.*⁶⁷

Indeed, the citizens of Georgia “retained ... to themselves” that supreme and sovereign power, the sovereign power to secede which is protected by the Tenth Amendment. And they exercised it again in 1861 in the same manner they had exercised it in 1788. In *Stone v. Mississippi* (1879), one of the legislative entrenchment cases, Chief Justice Morrison R. Waite stated in the court’s ruling no legislature can “bargain away” the sovereign police powers of the state. Waite further stated, “The people themselves cannot do it, much less their servants.”⁶⁸ When one applies this principle to the larger question of sovereignty (which admittedly was not the legal issue in this case), the Waite court clearly indicated sovereignty rests with the people that neither the people nor their elected servants can bargain away sovereignty.

In *McCullough v. Maryland* (1819), the argument before the Supreme Court was the issue of whether Maryland could lawfully impose a tax on the operations of the Second Bank of the United States, which had been re-chartered by Congress in 1816 after the charter for the first national bank had expired in 1811. Chief Justice Marshall wrote the opinion of the court and found among the implied powers of Congress is the power to charter a bank. Clearly, this was a blow to those who argued then and now chartering a bank is one of the powers reserved to the states by the Tenth Amendment, as there is no explicit authority to do so in the Article I powers of Congress. The court struck down Maryland’s tax on the bank in part because it had the effect of taxation without representation.



The Fourteenth Amendment— Equal Protection of the Laws

The Fourteenth Amendment to the Constitution was declared officially ratified and in force by Secretary of State William Seward, July 28, 1868, with his certification of the approval of three-fourths (28 of 37) of the states.

Many over the years have questioned the legitimacy of Seward’s declaration. The legislatures of New Jersey and Ohio rescinded their prior ratifications, yet Seward counted them anyway. The New Jersey legislature based the repeal of its ratification on the fact that the two-thirds vote of Congress to submit the proposed amendment to the states was fraudulently obtained.

Article V of the Constitution establishes the process by which amendments are proposed and adopted. It also states “no state, without its consent, shall be deprived of its equal suffrage in the Senate,” which the New Jersey legislature claims happened when one of its senators, John P. Stockton, refused to support the congressional resolution to send the Fourteenth Amendment to the states and was expelled from the Senate by the Radical Republicans. In his veto message of the resolution to rescind, New Jersey governor Marcus L. Ward claimed once a state acted in the affirmative on a constitutional amendment, “the power of the Legislature over the subject is spent.”

Governor Ward's reasoning is highly dubious. Under the principle of legislative entrenchment, any act a legislative body is competent to pass they are equally competent to repeal. In fact, the New Jersey legislature overrode Governor Ward's veto. Interestingly, the New Jersey legislature voted in 2003 to ratify the Fourteenth Amendment. And just how did they accomplish this? They did the same thing the Southern states did; they simply repealed their 1868 resolution to rescind their original ratification. This was the very action Governor Ward erroneously warned them 135 years earlier they had no authority to do.⁶⁹

The final three of twenty-eight states to ratify, North Carolina, July 4, 1868 (after rejecting it on December 14, 1866); Louisiana, July 9, 1868 (after rejecting it on February 6, 1867); and South Carolina, July 9, 1868 (after rejecting

the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

On the face of it, this clause accomplishes three things. It validates US war bonds and other debt incurred by the war. It renounces the debt incurred by the Southern states in their own defense during the war. It barred any claim of compensation by a former slave owner for the loss of his chattel property.

The second part of this clause is revealing and important because the act of renouncement of Southern states' war bonds speaks to the legitimacy of that debt. There would be no purpose in declaring these debts "illegal and void" if that was the legal status of them to begin with. If the war bonds were not lawfully incurred, they would not be enforceable, or payable, in any case. Renouncement confirms these war bonds were legitimate contracts states were otherwise obligated to pay, unless renounced.

Under the general rules of contracts, a contract is not an enforceable, legitimate obligation unless all aspects of the contract pertain to lawful activities. In other words, a contract to repay money which was borrowed to fund an illegal purpose is no contract at all. Any break in the legitimacy of the chain of events from the making of the loan to the use of the loan to the legitimacy of the parties to enter into the loan contract would void its repayment. So, if the Southern states' war bond debt was legal and legitimate (the opposite of illegal and void) until renounced, it means the defensive actions of the states were legal and legitimate, and the seceded state governments were themselves legal and legitimate and had every right to enter into a loan contract or war bond to defend themselves. Otherwise, the renunciation of this debt would be superfluous.

However, the renouncement of war bonds is only one part of this clause. The clause also places the legitimacy of US government debt beyond question and bars any claim for compensation by a former slave owner for the loss of his slaves who were freed by the Thirteenth Amendment (adopted December 6, 1865).

All three elements in this clause are treated equally: the legitimacy of federal debt, the renunciation of Southern states' debt, and the bar of compensation to any former slave owner. The first element of this clause established what will be paid without question (the federal debt), and the final two elements establish what will not be paid under any circumstances. The Radical Republican Congress would not have submitted to the states a provision in the proposed amendment to pay the federal debt without question, unless there was some question about this debt. Likewise, they would not have declared Southern war bonds "illegal and void" if they already were. Quite to the contrary, those bonds were legally contracted for by legal parties (the Southern states), for the perfectly legal and legitimate purpose of self-defense.

The renouncement clause represents another political and legal dilemma for the Federal government. If they allowed the Southern states to pay off the war bonds they had floated during the war, those states would be repaying banks, planters, and other wealthy individuals all across the South. If compensation had been provided for the loss of slaves, the former masters of those slaves would be made financially whole. But these were the very groups the Radical Republicans wanted to wipe out, leaving their assets vulnerable for carpetbaggers to pick up at pennies on the dollar. The only way to eliminate the ownership class in the South was to enforce a renunciation of war bond debt and bar compensation for the loss of slaves by constitutional means. In doing so, it confirmed that the Southern states acted lawfully and had every legitimate right to secede.

Conclusion

It is important for every American to understand and appreciate several significant points of history as they pertain to the founding of the republic and the political remedy of secession.

All the original States, as colonies, recognized secession as a legitimate political remedy in 1776. The legitimacy of secession was reaffirmed by the ratification conventions of the States in 1788-1790. In 1860-61 nothing had changed in the law or the Constitution which took

In 1860-61 nothing had changed in the law or the Constitution which took away the legitimate political remedy of secession.

it on December 20, 1866), did so under duress. They were all still occupied by the US Army, and their readmission to the Union was contingent on ratification. One of the states counted among the twenty-eight by Seward was Oregon, which rescinded its ratification October 15, 1868, after the amendment was said to be in force.

Whether *de facto* or *de jure*, Section 4 of the Fourteenth Amendment contains language in the renouncement of debt clause which leads to the undeniable conclusion that secession was lawful and legitimate. It reads:

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of persons and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation, incurred in aid of insurrection or rebellion against the United States, or any claim for

away the legitimate political remedy of secession. Immediately following the war (1866) the US Supreme Court recognized the lawful and legitimate power to secede had the legal effect of overturning national authority in Virginia.

From Reconstruction until today there is no statute, constitutional amendment or court ruling which addresses secession. There were anti-secession clauses in various State constitutions (Virginia, North Carolina, Arkansas) whose adoption was required by military governments as a condition of re-admission. But none of these clauses has any legal effect because they were not adopted by the consent of the people.

Secession is just as much a legitimate constitutional political remedy to excessive central control today as it ever has been. Any political arrangement a State has entered voluntarily with other States, it retains the sovereign power to repeal. It is a power reserved to the States as a means to warn against abuse, to entreat the powers that be, and to apply discipline to the excess that inevitably arises in large central governments. Our Founding Fathers understood in their day, and we too should understand secession is a legitimate power of the States. It is a power whose exercise should be approached prudently, soberly, and with utmost caution only after evils are no longer sufferable. In the words of the Declaration of Independence, secession should be exercised as a means of last resort only to remedy absolute despotism.

NOTES:

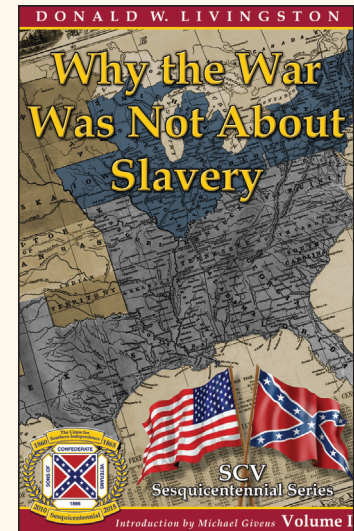
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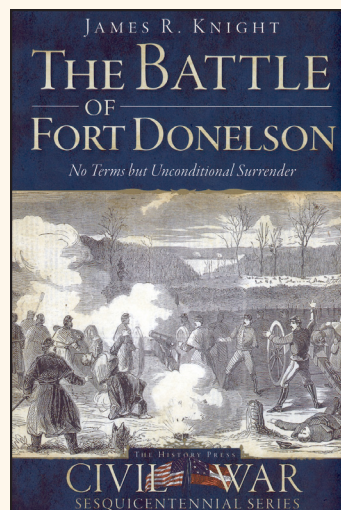
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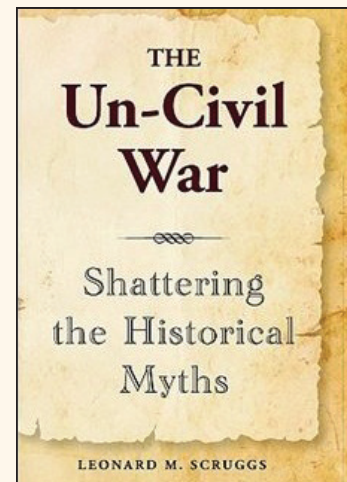


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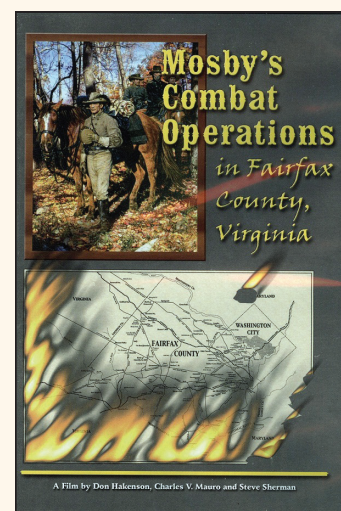
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Dedication of Honor



One hundred and fifty years ago, the people of South Carolina called for a special convention to debate the issue of seceding from the United States of America. Delegates were elected from every district and assembled in Columbia on December 17, 1860. Due to a smallpox scare in Columbia, the convention adjourned to re-assemble in Charleston.

The men of the South Carolina Secession Convention were the most respected, learned, and distinguished in the state. Among this group were five graduates of Yale University, nine from Princeton, five from Harvard, and many others from South Carolina schools such as South Carolina College and The Citadel. They were planters, lawyers, judges, doctors, ministers, college presidents, educators, merchants, railroad presidents, politicians and founders of colleges. They were willing to risk their fortunes, homes, families and lives for the independence of the people of South Carolina.

Upon meeting in Charleston on December 18-20, and after much debate, these delegates voted unanimously to secede from the Union. The South Carolina Ordinance of Secession was signed on the evening of December 20, 1860. Following this convention was a rush of other Southern states that also saw their rights in danger. Holding their own state conventions, they joined South Carolina in leaving the Union. The war which followed was the most costly war in U.S. history. Many of the signers answered the call to arms. Some perished in the horrors of battle, while others returned home to rebuild South Carolina and lead the state through the years of *reconstruction* and beyond. By their actions then, we benefit today from their leadership in education, religion, law, agriculture and medicine.

As the years passed, many of these men were forgotten or lost to time. Many of their gravestones were lost or destroyed. Regrettably, only one small plaque remains in the city of Charleston to mark the location of the South Carolina Secession Convention.

For this reason, the South Carolina Division of the Sons of Confederate Veterans will be erecting a monument which will ensure their deeds and efforts will be remembered by future generations of South Carolinians as well as our visitors from around the world. This monument will be 11 feet 6 inches in height, 5 feet square, and weigh approximately 20 tons. It will be laser cut with the full text of the Ordinance and will include carvings and inscriptions telling the history of the South Carolina Secession Convention. The monument will stand in the center of a lighted and landscaped 40 foot by 40 foot plaza, with granite memorial pavers forming a huge Southern Cross of Honor.

The South Carolina Division Signers of the Ordinance Committee respectfully requests the support of camps and compatriots for this project. You can join us in this effort and receive a limited edition (only 500 minted) .999% silver with gold overlay, numbered collectors coin which will surely increase in value. Also included is a solid granite memorial paver to honor you, your family, your Confederate ancestor or an SCV camp. The contribution cost for the coin/paver package is \$250. Individual pavers, without coin, are available for \$100. Additional memorials, such as larger pavers and benches, are also available. For order forms please visit www.scsfv.com and click on the picture of the monument. For further information please contact Robert Roper at 864-923-2952, rhiii7@prtcnet.com, or Albert Jackson at 803-854-3986, santeedigest@aol.com.

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