



The Courier

Newsletter of the Sam Davis Camp No. 1293

Sons of Confederate Veterans ** Brentwood, Tn ** October, 2014

Forever Protected?

Removal of the third national Confederate flag from the Sutherlin Mansion lawn would violate state law — and an agreement between Danville and a local heritage preservation group, said an attorney representing a group of Danville citizens.

“My clients hope that the [Danville] City Council will be ever mindful and cautious of the legal ramifications ... regarding any removal or alteration of this historic monument and memorial,” wrote Fred D. Taylor, a Suffolk-based attorney, to City Manager Joe King in a letter dated Tuesday.

But King said an Oct. 10, 2001, memo from then-city attorney Timothy R. Spencer — referring to a 1994 resolution passed by the city accepting the monument and flag — said future councils are not bound by the resolution.

The Danville Museum of Fine Arts & History has asked Danville City Council to remove the Confederate flag from the museum’s grounds. The museum’s board of directors voted Sept. 25 to send the request to the city.

The museum plans to move the flag inside to be part of an exhibit of the history of the Confederate flag to be installed in early 2015.

For some, including many African-Americans, the Confederate flag is a reminder of slavery and a symbol of racism. Others see it as an emblem of Southern heritage that’s not meant to glorify slavery or prejudice.

In the waning days of the Civil War, the Sutherlin Mansion served as the final home of the Confederate government after the fall of Richmond. Danville is considered the “last capitol” because it marked the last time the full Confederate government met in one place before the armies in the field surrendered.

King told the Danville Register & Bee Wednesday afternoon that city council will decide when to discuss the museum’s request during a work session following its regular meeting tonight.

City Attorney Clarke Whitfield has been working on a memo of advice to city council regarding the 1994 resolution the city passed accepting the donation of the monument from the Heritage Preservation Association to be placed at the Sutherlin Mansion, King said.

The monument includes a seven-foot granite obelisk and a flagpole flying the third national flag of the Confederacy. According to the resolution, the purpose of the acceptance was to recognize the mansion’s historical status as the “Last Capitol of the Confederacy.”

The city owns the mansion and its grounds

Following the 1994 resolution, the Heritage Preservation Association became responsible for the flag’s maintenance, purchase, removal and replacement. The city owns the monument and the flag pole. The flag belongs to the HPA.

Taylor’s letter points to language in the resolution that forbids the city from removing the flag.

“Neither the city, its

successors in interest, nor any tenant of the property shall alter the design, location or inscription of the monument, nor shall the city, its successors in interest, or any tenant of the property remove or alter the flag flying from the monument,” the resolution states.

“My clients and I are firmly of the belief that any removal or alteration of the Confederate memorial and the flag would in fact be a violation of the city’s agreement with the Heritage Preservation Association and the 1994 resolution by the city,” Taylor wrote in the letter.

In addition, removal or alteration would also violate Virginia law, Taylor wrote.

However, Spencer’s October 2001 memo to then-deputy city manager Lyle Lacy said future councils are not bound by the resolution.

“There is nothing contained within this resolution which would bind any future council from removing this monument from city property,” Spencer wrote. “When reading this resolution in its most basic form, the conditions placed upon the use and utilization of the monument are predicated upon the city allowing such monument to remain at the Sutherlin Mansion. However, by law any future council may order the removal of such monument from city property thereby giving such monument and any flag thereon back to its original grantor.”

As to state law, the city attorney will have to advise council as to whether the city

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Samuel. Davis.

Next Camp Meeting: Thursday, October 23rd Oglesby Community Center Supper at 6:00 p.m. – Meeting Starts at 7:00 p.m.

Confederate Calendar

October 23rd ~ Sam Davis Camp meets at Oglesby Community Center, 6:00 p.m. The Center is adjacent to the Woodson Chapel Church of Christ on Edmondson Pike, 1/2 block South of the intersection of Edmondson Pike and Old Hickory Blvd.

October 25th ~ Dedication of the Arkansas monument on Winstead Hill, 1:00 p.m.

November 11th ~ Veteran's Day Parade. Meet at 16th & Broadway, 10:30 a.m. Uniforms and flags if you have them!

November 15-16th ~ Battle of Franklin "Blue-Gray Days" display and reenactors at Winstead Hill.

November 30th ~ Annual Battle of Franklin Memorial March, 4:00 p.m. at Winstead Hill.

December 4th ~ Sam Davis Camp meets at 6:00 p.m., Oglesby Community Center.

December 6 - 7th ~ Annual "Civil War" Relic Show, Williamson County Ag-Expo Center.



Coming 2014 Programs

October - Dr. Theresa Morrison on "Medical Life of Stonewall Jackson"

November/December - Ross Massey, "The Battle of Atlanta, Part II"

Note -- If you have a program you'd consider presenting to the camp in 2015, please contact **Gene Andrews** at 615-833-2930.

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can remove it legally, King said.

Jane Murray, president of the museum's board of directors, said during an interview last week that the museum will still have the Confederate flag exhibit if city council does not remove the flag.

R. Wayne Byrd, president of the Danville Chapter of the Heritage Preservation Association, said removal of the flag would be "bordering on a hate crime" against Southerners and their heritage and history.

"This is sort of a Pandora's box," Byrd said. "I wouldn't want to open it up if I were on city council."

Byrd said he sees the exhibit the museum is planning as educational and positive, but not the flag's removal. "I don't see where that would be educational," Byrd said of the plan to remove the flag from the lawn.

Broken Cipher Reveals... Gossip?

SARATOGA SPRINGS, N.Y. (AP) — A century and a half after Confederate officer James Malbone wrote his Civil War diary partly in code, a couple of Yankees have figured out why he took the precaution: He liked to gossip.

Sprinkled amid entries on camp recipes and casualties are encrypted passages in which Malbone dishes on such juicy topics as a fellow soldier who got caught in bed with another man's wife.

Malbone also writes about meeting the wife of Confederate President Jefferson Davis and describes her looks in an apparent echo of rumors at the time that she may have been of mixed race.

"That's pretty shocking," said Kent D. Boklan, the Queens College computer science professor and former National Security Agency cryptographer who deciphered Malbone's code with little difficulty. "It's a military diary and you expect

military information, but you don't expect the first lady of the Confederacy to make an appearance in this diary."

According to Boklan, Malbone's encrypted entry about Varina Howell Davis describes her as "dark complected" with "very very brown skin dark eyes" and "high cheek bones wide mouth."

Davis' wife was a well-educated woman for her time, and as a result, was the target of "all kind of gossipy innuendos from the ladies" in Richmond, Virginia, the Confederate capital, according to Sam Craghead of the Museum of the Confederacy in Richmond.

Malbone, a lieutenant with the 6th Virginia Infantry Regiment, was severely wounded in the arm at the Battle of Chancellorsville in 1863. Assigned to light duty behind the lines, he used a leather-bound pocket diary to jot down his thoughts and even a poem.

Many of the entries were in a code he devised himself, consisting of a variety of symbols, including punctuation marks and a dollar sign, that corresponded to letters of the alphabet.

Other entries — names of deserters, costs of supplies — were written in plain text because the diary would have been submitted to his superiors so they could copy the information for their official records, according to Jim Gandy, librarian at the New York State Military Museum.

Gandy said the journal probably came into the possession of a New York soldier at the end of the war and wound up in the state's vast collection. It is the only Confederate diary in the museum. There is no record there of Malbone's ultimate fate.

It wasn't until 2012 that a museum volunteer discovered the diary was written partly in code. The museum contacted Boklan, who had broken Union and Confederate codes used in other documents, and he completed the



deciphering after working on it for a week in January.

"Technically, this is not very hard to break," Boklan said. "There were some odd things. With a little bit of work and patience everything worked out."

Appeal Filed in Westerman Case

Nashville — A federal appeals court is set to hear the case of a 37-year-old Tennessee man serving a life sentence for the kidnapping and killing of a southern Kentucky couple (sic) in an incident involving a Confederate flag emblem in 1995.

The U.S. 6th Circuit Court of Appeals in Cincinnati scheduled arguments on Oct. 1 for 37-year-old Frederick Dionte Morrow, who claims there's not enough evidence to uphold the convictions and the racially-charged environment contributed to the jury's findings.

Judges Dan Aaron Polster, David McKeague and Richard Allen Griffin will hear the case.

Morrow was 17 when he and three friends were arrested and charged with the deaths of Michael and Hannah Westerman of Guthrie, Kentucky. The two were traveling to Springfield, Tennessee, in a Chevrolet pick-up truck with a Confederate battle flag attached to a pole mounted on the truck's tool box.

Prosecutors say Morrow and the other teens killed Michael Westerman while trying to kidnap Hannah Westerman. Morrow denied the allegation.

Police said as the Westermans crossed into Tennessee, two cars followed them. Police say someone shot Michael Westerman, who was white, when one of the cars passed his truck. Hannah Westerman took over driving before being stopped by the second car in the middle of the road. Hannah Westerman turned around to avoid a further confrontation and get medical help for her husband, who died Jan. 14, 1995 at Vanderbilt Hospital from a gunshot wound to the heart.

Police said during the investigation, Morrow, who is black,

acknowledged that he was a passenger in the car when he shot several times at the Westermans' truck. He said that they chased the Westermans after someone in the truck shook the Confederate flag at them and shouted a racial epithet.

Editor's Comment -- This appeal is, of course, without merit, and comes 19 years after the crime. But in today's politically correct climate, nonsense often receives far more consideration that it is due. We will keep you informed as this situation develops.

The Confederacy's "Frankenstein" Act

The Confederate Congress approved the 1862 Partisan Rangers Act with the intention to ease the way for more southern men to join the Confederacy's Civil War efforts, but it quickly got out of control and created many unintended consequences, said Barton A. Myers, a history professor at Washington & Lee University.

Myers, a leading authority on guerrilla warfare during the Civil War, said the Partisan Rangers Act became a Frankenstein's monster that was undisciplined, uncontrollable and brought harsh retribution toward Confederate civilians.

"It constituted a self-inflicted wound on the Confederate body politic," Myers said in Sept. 26 lecture in the Sandridge Science Center.

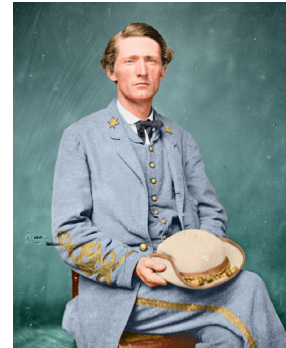
In his talk, Myers said the hit-and-run tactics of guerilla warfare were viewed initially by the Confederate War Department as a solution to manpower problems. Southerners often wanted out of the regular army because of unfamiliar cold weather, poor leadership and outright boredom.

"They found this intolerable," Myers said.

The Partisan Rangers Act create a new military force that capitalized on individual service that was home front based, he explained. A southern soldier could prove his honor in front of those in his own community, and he could live at home while fighting for the cause, Myers said. About 100

petitions to operate the guerilla warfare units were approved, but many others began operating without the official War Department nod.

"It was a popular type of service in border territories," Myers said.



One of the most successful was John Mosby (left), who led Mosby's Raiders, Myers said. However, Mosby was

an exception because he responded to Confederate rule and his battalion was disciplined, he added. Others did not work out as well.

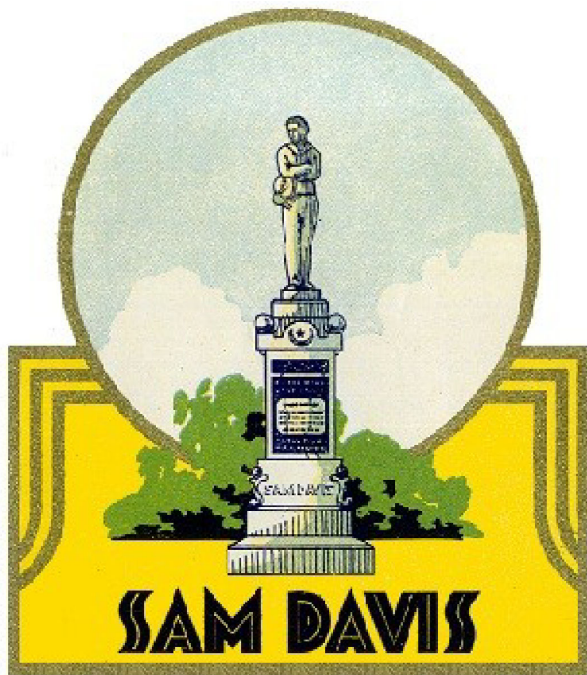
The repercussions were devastating, and actions taken by the units did little to convince West Point trained Confederate leaders that the Partisan Rangers Act would work, Myers added. Despite the fears of the Confederate officers, the petitions from communities to have the units operate in localities continued to arrive. Some communities requested certain people to organize and lead the units, and ministers, farmers, wealthy people and poor people all petitioned for these guerilla units, Myers explained.

According to Myers, there were many reasons while the Act did not work, including the uncertain legal standing about whether captured soldiers in the ranger units were to be treated as prisoners of war or whether the Union could just execute them. In addition, the deceptive tactics used by the guerillas ended up endangering civilians in the communities they were intended to protect.

"The partisan rangers acted in legal limbo," Myers said.

At the urging of Confederate General Robert E. Lee, the Confederate Congress repealed the Partisan Rangers Act 22 months after it was enacted. Lee reasoned that it was nearly impossible to hold discipline in the bands of rangers, Myers added.





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Back to Court We Go: Miss. SCV Files Suit

The University of Mississippi says it's not violating the law when it comes to altering symbols of the Old South on campus. That comes in response to the lawsuit filed by a Confederate group against the university.

The university's so-called Diversity Plan called for adding historical markers to campus symbols of the Old South and renaming two streets. Those actions ruffled the feathers of a conservative group, the Mississippi Division Sons of Confederate Veterans, who filed a lawsuit this month in Lafayette County Chancery Court, seeking an injunction.

"The only initiatives in the plan that we are opposed to is the renaming of Confederate Drive and as far as the placards, or whatever they are called, that they want to put beside the monuments and the other buildings with the names that that they feel are offensive or non-welcoming," explained Allen Terrell, the commander of the group that brought the legal action. "The only one we are concerned about is what they put beside that Confederate monument and what it says."

Back in August, the university released the outline for planned changes on campus and already has altered the name of Confederate Drive to Chapel Lane.

"We believe that what they are doing by renaming Confederate Drive is actually against state law. It's in the Mississippi Annotated Code 1972, section 55-15-81, which says that you can't rename or remove military monuments," Terrell said. "And it covers all wars, which obviously the War of Southern Independence is one of those."

"Never a boring day," said the university's lawyer, Lee Tyner.

"I can tell you that we are confident that the things we have done are consistent with the law and within the power of the university to name its streets," Tyner added. "The university is interested in telling more of our history, not less."