



THE

October, 2021

LEGIONARY

A Publication of the Sons of Confederate Veterans

Lt. Gen. Wade Hampton Camp No. 273

Columbia, South Carolina ♦ www.wadehamptoncamp.org

Charles Bray, Acting Editor

A Fraternal Organization of Southern Men

COMMANDERS CORNER

V. A. CANT, SR.

The **RSVP** response closing date for the November 28 camp meeting is **Monday, September 25. Remember if you commit to attend and do not attend then the camp has to pay for your meal.**



Compatriots as you know, the South Carolina Supreme Court ruled on the Heritage Act and the result was to strike down the Heritage Acts two-thirds majority vote requirement. However, the rest of the act was ruled constitutional.

Speaker of the House, Jay Lucas released the following statement:

“Today’s opinion by the Supreme Court on the Heritage Act reaffirms the General Assembly’s ability to make decisions concerning the names of this state’s monuments and memorials. While I am disappointed that the Court chose to overturn the crucial two-thirds requirement contained in the original law, the opinion makes clear that the General Assembly is the sole authority. I reiterate what I have consistently said since 2015: the South Carolina House of Representatives will not engage in or debate the specifics of public monuments, memorials, state buildings, road names or any other historical markers during my time as Speaker.”

Senate President Harvey Peeler released the following statement:

“The Supreme Court yielded a decision and I accept their ruling. The protections over all of our state’s monuments and statues were ruled constitutional and they will remain in place.”

At the present time the House and the Senate are controlled by Republicans but in a few years, this could change and “ALL” monuments, building names, street names, road names, etc. will be subject to change or removal. Worse yet we reach a point where a few Republicans whose district demographics have changed, cross over and vote with the Democrats.

With all this said, at this month’s meeting we will have Ms. Lauren Martel, an attorney with 25 years’ experience in private practice. Ms. Martel has worked with Buzz Braxton and the Rivers Bridge Camp in the defense of the flag and monument in Orangeburg. Her family legacy goes back to the Revolutionary War of which she is most proud. She is considering running for the position of South Carolina Attorney General in 2022. If elected she will be a strong defender of the Heritage Act.

Mr. Joseph E. “Joe” Matheson, Jr. will speak on “Pets in the Army”.



REMINDER: Log on to the South Carolina Divisions website (<https://scscv.com>) “**Save All Monuments Petition**”, you will see the petition button when you the home page is presented. Click the access button and fill in the blanks. Recruit family and friends to do the same.

The CHARGE

To you, *SONS OF CONFEDERATE VETERANS*, we submit the *VINDICATION* of the cause for which we fought; to your strength will be given the *DEFENSE* of the Confederate soldier's good name, the *GUARDIANSHIP* of his history, the *EMULATION* of his virtues, the *PERPETUATION* of those principles he loved, and which made him glorious and which you also cherish.

Lt. Gen. Stephen Dill Lee, Commander General
United Confederate Veterans, New Orleans, Louisiana, 1906



LT. COMMANDER'S TENT

V. A. CANT. JR.

~ Events of October ~

This Month (October), in 1864, witnessed a failed and bloody struggle in Georgia in an attempt to stop Sherman's 'March to the Sea'.



UN Maj. Gen.
William T. Sherman



UN Brig. Gen.
John M. Corse



CSA Gen.
John Bell Hood



CSA Gen.
Alexander P. Stewart

Moving north from Georgia's West Point, John Bell Hood planned to attack General William Tecumseh Sherman's supply line, the Western and Atlantic Railroad. Moving north through western Cobb County and avoiding Sherman's stronghold at Kennesaw Mountain, Hood ordered A. P. Stewart to attack a series of blockhouses and Union encampments near the railroad on October 3, 1864. Hood then issued orders to General Samuel French to advance to Allatoona Pass and attack the entrenched Union force within a star fort on top of mountain overlooking a train pass carved out of dirt and stone. In one of Hood's most bizarre orders of his career, he told French to march to the pass, attack the fort, fill the 185 foot deep pass with earth and logs, then meet Hood's army further north in 36 hours.

As Hood came out from the dense undergrowth near Lost Mountain, Sherman signaled John Corse in Rome to move to Allatoona and assume command of the outpost. Corse was a good choice to command the fort, at least as far as Sherman was concerned; he is quoted as saying "I know Corse. As long as he's alive, Allatoona Pass is safe."

Positioning men to the attack from the north and the west, French wisely chose to advance along a ridge to a small redoubt west of the star fort, then advance to the fort itself. Fighting at the outer redoubt was extremely heavy and by the time the 93rd Illinois withdrew to the fort both it and French's army had sustained a majority of the casualties for the battle.



Maj. Gen. Samuel Gibbs French

Rebels in the valley in front of the fort moved up the hill, challenging but never breaching a Union line of entrenchments on either side of the hill. Inside the fort, Union soldiers who stood up would be picked off by sharpshooters positioned on nearby ridges that were slightly higher. Resupplied by a one-man bridge across the pass, the fort continued to fight until French broke off the engagement when signals from Kennesaw indicated that a Union force was on its way.

With none of his major objectives met, French attacked a nearby blockhouse, then returned to the main body of Hood's force and continued north.

Based on the ratio of men committed to battle to the casualties, Allatoona Pass was the bloodiest battle of the Civil War. At a cost of about 700 Confederate casualties to 3,000 Union casualties.



CHAPLAINS WITNESS

WALTER LINDER

“Your throne is established from of old; You are from everlasting.” – PSALM 93:2 ESV

Christ is everlasting. Of Him we may sing with David, "Your throne, O God, is forever and ever."

Rejoice, believer, in Jesus Christ, the same yesterday, today, and forever. Jesus always was. The Baby born in Bethlehem was united to the Word, which was in the beginning, by whom all things were made. The title by which Christ revealed Himself to John in Patmos was, "[Him] who is and who was and who is to come.

If He was not God from everlasting, we could not love Him so devoutly; we could not feel that He had any share in the eternal love that is the fountain of all covenant blessings. But since He was from all eternity with the Father, we trace the stream of divine love to Himself equally with His Father and the blessed Spirit. As our Lord always was, so also, He is forevermore. Jesus is not dead; "he always lives to make intercession for them.

Resort to Him in all your times of need, for He is always waiting to bless you. Furthermore, Jesus our Lord ever shall be. If God should spare your life to fulfill your full course of threescore years and ten, you will find that His cleansing fountain is still opened, and His precious blood has not lost its power; you will find that the Priest who filled the healing font with His own blood lives to purge you from all iniquity. When only your last battle remains to be fought, you will find that the hand of your conquering Captain has not grown feeble—the living Savior shall cheer the dying saint. When you enter heaven, you shall find Him there bearing the dew of His youth; and through eternity the Lord Jesus will still remain the perennial spring of joy and life and glory to His people. You may draw living waters from this sacred well!

Jesus always was, He always is, He always shall be. He is eternal in all His attributes, in all His offices, in all His might and willingness to bless, comfort, guard, and crown His chosen people.”



Chaplains Prayer List: Please remember our camp compatriots and their family members who are having health problems or have lost a loved one in your prayers.



**Pray for our Nation,
State, Communities and
First Responders.**



CALENDAR OF UPCOMING EVENTS

If you are thinking about attending meetings at any of the listed camps, ***I recommend you check with a member you know and verify the meeting date and location is still valid.***

Event	Date	Contact / Web Site
Hampton Redshirts	November 2, 2021	Meets 6:30 PM – 7:30 PM 1st Tuesday of the Month – Cayce Museum – 1800 12 th Street, Cayce, SC
John M. Kinard Camp 35	November 3, 2021	Meets 7:00 PM 1st Wednesday of the Month – Hawg Heaven – Hwy. 76, Prosperity, SC
Palmetto Camp 22	November 4, 2021	Meets 6:30 PM 1st Thursday of the Month – Cayce Museum, 1800 12 th Street, Cayce, SC
SC 17 th Regiment Camp 2069	October 18, 2021	Meets 7:00PM Third Monday of the Month – 6822 Barnwell Rd. Hilda, SC
15 th Regt. S.C. Volunteers Camp 51	October 26, 2021	Meets 6:30 PM Last Tuesday of the Month – Lizards Thicket – 4616 Augusta Rd. Lexington, SC
Gen. Paul Quattlebaum Camp 412	October 26, 2021	Meets 7:00 PM Last Tuesday of the Month – Shealy's BBQ – 340 East Columbia Ave., Batesburg-Leesville, SC



ADJUTANT'S DESK

CHARLIE BRAY

As of today 20-October-2021 a few members have not renewed their memberships. I encourage those who have not renewed to please do so as soon as possible.

Home TN: 803-749-1042

Cell TN: 803-414-6808

Email: cdbiii@bellsouth.net



Quote: John Adams (2nd President)

“Children should be educated and instructed in the principles of freedom. Aristotle speaks plainly to this purpose, saying, 'that the institution of youth should be accommodated to that form of government under which they live; forasmuch as it makes exceedingly for the preservation of the present government, whatsoever it be.’”



Reframing History: American Bar Association (ABA) Journal, August 2021

Judicial portraits and Confederate monuments stir debate on bias in the justice system

BY MATT REYNOLDS

In August 2015, while serving as a circuit court judge in Patrick County, Virginia, Martin Clark removed a portrait of Confederate Gen. J.E.B. Stuart looming over a defense table in his courtroom.

"I took it down and put it in storage in a room in the back. I hoped to do it quietly and without a lot of commotion and attention and focus," says Clark, now retired and a bestselling novelist.

His resolve to remove the portrait was soon tested when people noticed the picture was missing. The town of Stuart, Virginia, was named after the Confederate general Clark consigned to storage. Some residents who viewed Stewart as a hero protested outside the courthouse and registered their disdain for the judge on social media. Also riled, the Patrick County Board of Supervisors demanded an explanation. In September 2015, the judge responded in a written order.

“It is my goal and my duty as a judge to provide a trial setting that is perceived by all participants as fair, neutral and without so much as a hint of prejudice,” Clark wrote. Confederate symbols are, simply put offensive to African Americans.”

Several other judges, concerned about the appearance of bias, also have taken down artwork. The rulings have ignited a debate about whether portraits, monuments and other symbols in and/or around courthouse buildings stack the odds against people of color by denying them the right to a fair trial.

In September, a Virginia judge removed a life-size portrait of Gen. Robert E. Lee from the Louisa Circuit Court, where it had hung for more than 100 years. And in December, the North Carolina Supreme Court took down a portrait of slave owner and former Chief Justice Thomas Ruffin, who also wrote pro-slavery decisions.

Also in December, amid calls for racial justice after the killings of George Floyd, Breonna Taylor and other African Americans, David Bernhard, a judge in the Fairfax Circuit Court in northern Virginia, turned his gaze on the line of white judges festooning the walls of his courthouse. Portraits of white judges outnumbered portraits of judges of color by 45 to 2.



A portrait of pro-slavery North Carolina Chief Justice Thomas Ruffin—later taken down—hangs over now-former Chief Justice Cheri Beasley’s seat in a Fayetteville courtroom. Photo by Melissa Sue Gerrits/The Fayetteville Observer via AP, File.

American defendant or litigant in an environment where there are reminders of a white-dominated legal system.”



A Richmond, Virginia, statue of Confederate Gen. J.E.B. Stuart is prepared for removal in July 2020.

“At issue is not the narrow inquiry whether the portraits depict judges who have exhibited overt personal racial animus towards African Americans,” Bernhard wrote in his Dec. 20 opinion ordering the portraits’ removal from the courtroom. “Rather, the broader concern is whether in a justice system where criminal defendants are disproportionately of color and judges disproportionately white, it is appropriate for the symbols that ornament the hallowed courtrooms of justice to favor a particular race or color.

For some, portraits of white judges call into question the impartiality of the courtroom. But for others, including former Federalist Society member and attorney Hans Bader, removing pictures of white judges without considering their judicial records smacks of pandering to progressives.

Bader wrote a Liberty Unyielding blog post titled “You Can’t Make This Stuff Up: “Fairfax Courts Edition” criticizing Bernhard’s ruling. He says it is “entirely appropriate” for Maryland officials to remove the statue of former U. S. Chief Justice Roger Taney, who wrote the opinion in *Dred Scott v. Sandford*. But there is no evidence that portraits of white judges affect the outcome of a trial, he says.

The assumption is that people of one race cannot give people of another race a fair trial,” Bader says, “The rulings seem to reflect unstated assumptions that are contrary to reality.”

Retired judge John C. Browning’s portrait hangs in the gallery of the second floor of the George L. Allen Sr. Courts Building in Dallas. He supports removing judicial portraits, including his own.

“There are specific examples where there’s a troubling legacy unique to a particular judge of justice,” Browning says. “Then there’s the simple effect of putting yourself in the shoes of an African American defendant or litigant in an environment where there are reminders of a white-dominated legal system.”

Symbolic movement

Bernhard first ordered portraits removed from his own courtroom in 2017. But as an increasing number of Americans have demanded courts address bias in the justice system, more monuments and portraits have continued to come down.

The movement has a fulcrum in Virginia. In summer 2020, officials removed statues of Stonewall Jackson, naval officer Matthew Fontaine Maury and Stuart in Richmond. In September, engineers in Charlottesville, where a white supremacist murdered Heather Heyer during the Unite the Right rally in 2017, removed a 900-pound bronze Confederate soldier that had stood outside the Albemarle County Courthouse for more than a century.

Judge Bernhard invited attorneys to file motions on the broader question of removing portraits of white judges after moving from his own courtroom to a larger one during the pandemic.

Bryan Kennedy, a senior assistant public defender in Fairfax County, responded in a motion on behalf of Terrance Shipp Jr., a Black man. Kennedy wrote in his motion that the portraits link "whiteness with authority and the law."

Shipp stood trial in Bernhard's courtroom in January on charges of possessing a firearm and ammunition as a convicted felon. He was acquitted.

The attorney plans to file similar motions in other cases. Kennedy says Confederate monuments and paintings are "low-hanging fruit," and the movement to take down judicial portraits is about giving more thought to the spaces where justice is served.

"It's important to think about what we're projecting to jurors and to people appearing in the court, either as witnesses or as people accused of crimes," Kennedy says.

Josh Blackman, a constitutional law professor at the South Texas College of Law Houston, questions whether Bernhard's decision could allow defendants to contest their convictions by arguing they were denied their right to a fair trial because of the portraits.

"If a court wants to reassess if a particular judge no longer deserves to be honored, I don't have any objection," Blackman says. *"But Chief Justice John Marshall, regarded as the greatest judge in American history, was a massive slaveholder in Virginia. If that's the standard, then his statue at the Supreme Court] has got to come down. Then the question is, if we are removing their portraits, what do we do with their judicial decisions? Do we just not cite them?"*

In May, the University of Illinois Chicago dropped Marshall's name from its law school after a task force report cited *"newly discovered research,"* adding that his "racist views render him a highly inappropriate namesake for the law school. "The school is now called the University of Illinois Chicago Law School.

Art or history?

In September 2015, after Clark removed Stuart's portrait, County Supervisor Roger Hayden said at a public meeting that although he was friends with Judge Clark, "we respectfully disagree on this issue," noting the portrait of Stuart had hung at the courthouse for 150 years.

"Patrick County has survived well without Washington politics and change," Hayden said.

The backlash against Clark was not limited to the board of supervisors. A Confederate heritage group called the *Virginia Flaggers* rallied at the Patrick County Courthouse with battle flags. Clark said his wife, Deana, also saw death threats on Facebook.

"I've always told her that if we ever get shot, it will not be from the noisy person on Facebook," Clark says. "It will be the quiet guy ... who is pro se in his child custody case. You take visitation away from him. He smiles at you as you leave the courtroom ... and shoots you in the back of the head when you're mowing your yard."

Clark says more people of color should be appointed to the bench so their paintings can hang alongside their white counterparts.

Kennedy agrees the debate over portraits only scratches the surface. "We need to use this as a conversation starter, not a conversation ender," he says.

Some argue Confederate symbols of Southern heritage should be preserved.

But Shreveport, Louisiana-based Donna Y. Frazier, the Cado Parrish attorney, who is a council member of the ABA's Government and Public Sector Lawyers Division, says the best place for Confederate monuments

and symbols is in museums. She handled a case to remove a 30-foot Confederate monument that had sat outside the Parish County Courthouse.

"Here you had a treasonous government that was overthrown. Why would we have monuments to it?" Frazier asks.

Ultimately, Clark says, he failed to keep the portrait of Stuart out of the public eye. The board of supervisors had the portrait restored and hung up in the county administration building.



Nathaniel Beverly Tucker – Fire-Eater



Tucker was generally known by his middle name. He was born into a socially elite and politically influential Virginia family: his father was the noted legal scholar St. George Tucker, and his half-brother was the famous John Randolph of Roanoke. Tucker's older brother Henry St. George Tucker, Sr., too, went on to have an eminent career as a law professor and Congressman in antebellum Virginia. His nephew Nathaniel Beverly Tucker, a U.S. diplomat and later secret agent for the Confederacy, was named after him. His daughter Cynthia became a notable preservationist in Virginia.

He graduated from the College of William & Mary in 1801, studied law, and practiced in Virginia. After moving with his family to the Missouri territory in 1816, Tucker served as a circuit court judge from 1817 until 1832. He returned to Virginia in 1833 and served as a Professor of Law at William and Mary, his alma mater (Class of 1802), from 1834 to his death in 1851.

Tucker opposed the nullification movement in South Carolina but maintained that individual states had the right to secede from the Union. From the 1830s onward he was a Fire-Eater and a leading academic spokesman for states' rights and Southern unity. He wrote frequently for the *Southern Literary Messenger* and other periodicals and carried on an extensive correspondence with influential Southern political leaders, including President John Tyler, Secretary of State Abel P. Upshur, and South Carolina Governor James Henry Hammond.

Tucker was a Freemason. He was one of the Organizers of the Grand Lodge of Missouri and served as its second Grand Master from 1821-1824.

Tucker is probably best remembered for his 1836 novel *The Partisan Leader*. Set in the United States of 1849, the story depicts a war between secessionist guerrillas in Virginia and a despotic federal government led by President-turned-dictator Martin Van Buren. In Tucker's future, the slaveholding states south of Virginia have already seceded, driven out of the Union by Van Buren's centralizing government and exploitative tariff policy. While the Old Dominion itself remains under federal control, the plot of *The Partisan Leader* concerns the efforts of patriotic Virginian irregulars to defeat government forces and join the independent Southern Confederacy.

At the onset of the American Civil War in 1861, the novel was regarded by many in the North and South as a prophetic vision of the collapse of the Union. It was republished that year in New York with the subtitle "A Key to the Disunion Conspiracy", and next year in Richmond with the subtitle "A Novel, and an Apocalypse of the Origin and Struggles of the Southern Confederacy".

Tucker wrote two other novels. *George Balcombe*, also published in 1836, was called "the best American novel" by Edgar Allan Poe. *Gertrude* was serialized 1844–1845 in the *Southern Literary Messenger*.

He died in Winchester, Virginia, at the age of 66 years.

Important Dates in Lincoln's War to Prevent Southern Independence

- Oct. 1, 1861 **Pamlico Sound, NC** – On this date a Confederate force captured the Union supply steamer, USS Fanny, at Pamlico Sound. With the capture of the Fanny, the Confederates also captured 31 prisoners and a large number of much needed military supplies.
- Oct. 4, 1861 **New Orleans, LA** – On this date 2 Confederate blockade-runners tried to get through the Union naval blockade. The USS South Carolina captured the 2 Confederate ships off Southwest Pass, which is near New Orleans.
- Oct. 12, 1862 **Arrow Rock, MO** – On this date a small Union force was nearing Arrow Rock when they were suddenly attacked by Confederate guerrillas. The Confederates were laying in an ambush waiting on the Federals. The Federals were forced to withdraw after sustaining heavy casualties.
- Oct. 27, 1862 **Snickers Gap, VA** – On this date a skirmish occurred at Snicker's Gap between. The Confederates, commanded by Gen. Robert E. Lee, forced the Federals to withdraw. The skirmish occurred as Lee was moving the ANV from the Shenandoah Valley to meet the Army of the Potomac in lower Virginia.
- Oct. 3, 1863 **McMinnville, TN** – On this date Col. John A. Wharton and his Confederate force reached McMinnville and its 400-man Union garrison. The Union force quickly fell to the Confederates and Wharton ordered his men to begin destroying all of the supplies in town, which they did.
- Oct. 4, 1863 **Acworth, GA** – On this date a Confederate corps entered the towns of Acworth and Big Shanty. In both towns, they quickly captured the Union garrison and tore up a total of 15 miles of railroad tracks.
- Oct. 6, 1864 **Christiana, TN** – On this date Maj. Gen. Joe Wheeler and his Confederate force entered the town of Shelbyville. They destroyed the Union supply facilities that belonged to Maj. Gen. William S. Rosecrans.

Y'all Come!!!

Next Camp Meeting
Thursday, Oct. 28
6:00 p.m.



SEAWELL'S
1125 Rosewood Drive
Columbia, SC

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C/O Adjutant Charles D. Bray III

A Non-Profit Organization

SONS OF CONFEDERATE VETERANS

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