



The Tyrants' Foe

Newsletter of the Texas Rifles



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This post will address a multitude of topics of current interest

Frazer Brothers retail store has been shut down. However, Gay is still doing business to support units with which they have had a long term relationship. This includes the Texas Rifles, so we may still order items from Gay, we just can not refer non members of the Rifles. Best to call or email - frazer@flash.net

If things work out with the RRB, there will be two days of movie filming at Liendo at the end of October. We would only participate if the price is right. Think of it as an opportunity to pay for a new item or two. I will pass along the word, as soon as we know if we have a deal. It is not necessary to contact the movie folks - we will make the commitment as a group.

The article in the last newsletter pertaining to the great people one has met in the living history scene resonated with me personally. I have also had the honor to meet several of the same giants in living history, and the one thing that stood out to me in my view, was that all of them showed general pleasure in sharing their knowledge freely, had time for the newest unit member with the willingness to take time to teach with patience, and always seemed to take joy in the successes of others contributing to the hobby.

I'm going to add some more names to that list. George Neumann, author of Swords and Blades of the American Revolution, and other works on collecting early Americana, has been very free in sharing his experience and encouraging other to look for, find and add to the stock of knowledge of early artifacts. Closer to home, Mike Moore, a former Texas Rifles commander was instrumental in my entry to the Texas living history scene and The 1860 to 1865 period. And I must also mention our own John Keahey, who on my first visit to his home, showed me the closet I wish I had. I thought I was the only guy who wanted to have a complete collection of living history gear for the Jamestown to present of the future and present United States. It is always helpful to have the benefit of the knowledge gained from those who have trod the path that you have chosen to take.

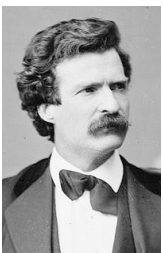
Looking forward - we have a civilian event at Pioneer Farms, Pea Ridge, TMD and Liendo. All have promise to be fun events for us, and the opportunity to spend some time on the actual battlefield at Pea Ridge.

As all are well aware, Pioneer Farms has been hard on us to do quality as we think of it in the hobby. We are looking at other locations for our annual muster and quality civilian events. We just have not been able to realize the potential of the site.

Capt. Tommy Attaway



Since there has been so many heated debates lately, lets see another side of the story. Sometimes expectations are premeditated disappointments and other times the fearful ones are like the great many calamities Mark Twain suffered during his life, most of which never happened.



Mark Twain

In late June 1862 Washington brimmed with expectations that the Confederacy teetered on the brink of collapse. The first six months of the year provided a string of apparently unstoppable federal victories in the West. They began in January at Mill Springs in Kentucky and continued with the surrender of 14,000 Rebels at Fort Donelson in February, the ejection of Confederates from Missouri in March at Pea Ridge, and culminated with the repulse of the supreme Confederate counter-offensive at Shiloh in April. Even a Rebel offensive in remote New Mexico was turned back.

In May the South's largest city, New Orleans, surrendered to a Union fleet that fought past the city's downstream fortifications. When Memphis was occupied in early June only a single Rebel outpost at Vicksburg prevented Union commerce from flowing down the Ohio, Mississippi and Missouri rivers to export markets through New Orleans.

Union prospects were also favorable in the East where Union Major General George McClellan commanded the largest army ever assembled in the Western hemisphere. His troops were so close to the Confederate capital, they could set their watches by Richmond's church bells. He planned to smash the city's defenses to rubble once he concentrated heavy siege guns at Old Tavern less than six miles from the town, which he would then take by assault. From the federal perspective, unless something unexpected happened, optimistic expectations seem justified because even the opposing commander, Robert E. Lee, wrote a subordinate, "unless McClellan can be driven out of his entrenchments he will move by positions under cover of his heavy guns within shelling distance of Richmond."

But the unexpected did happen. In a nearly continuous period of fighting starting on June 26, Robert E. Lee's smaller army relentlessly drove McClellan back twenty miles to a defensive redoubt on the James River under the protective guns of a Union naval flotilla. Lee's "trick" was to concentrate superior numbers at the points of attack and to demoralize McClellan with persistent assaults. Once ensconced at the James River, Lincoln could not persuade McClellan to resume an offensive without the latter demanding sizeable, and unavailable, reinforcements.

McClellan's reluctance enabled Lee to take the initiative and attack a second federal army in northern Virginia, which he routed at the Second Battle of Bull Run at the end of August. During a postscript battle to cut off the enemy's retreat to Washington, Lee's men came within twenty miles of the White House. In two months the battlefield switched from the doorstep of the Confederate capital to the porch of the US capital.

Lincoln reasoned that if his generals would not take the initiative militarily, he would do so politically and diplomatically by redefining the war as one to abolish slavery. The revision would not be completely valid because Lincoln would always insist upon reunification as a peace condition. At no time did he agree to stop fighting if Southerners merely freed their slaves. During the first half of the war he only required reunification, whereas during the second half he insisted upon reunion and emancipation. Lincoln privately suggested emancipation during a July 22, 1862 cabinet meeting. The surprised secretaries had expected to discuss other matters such as the colonization of ex-slaves. Partly because it was awkwardly written in an attempt to reconcile with his earlier anti-abolition actions, after reading it aloud to his secretaries his audience needed a few moments to comprehend the message. He spoke of providing monetary compensation to any state that provided for abolition, presumably even if gradual. Only at the end did he read – as a war measure – that general emancipation would be mandatory in the

rebellious areas on January 1, 1863.

War Secretary Edwin Stanton and Attorney General Edward Bates urged immediate adoption. Treasury Secretary Salmon Chase felt it might be too disruptive and could promote a slave uprising. He preferred that the generals in the field free the slaves district by district. Secretary of State William Seward, who had prior knowledge of Lincoln's thoughts, worried the economic effect could "break up...cotton production for sixty years." Evidently, he fretted that free men could not be persuaded to grow cotton. But Seward was also concerned that the European powers would regard it as an impotent shriek from a losing combatant. The conservative Postmaster General opposed it on the grounds that it would damage the Party's autumn election prospects.

The meeting adjourned with no decision. However, Massachusetts Senator Charles Sumner learned of the discussion and pressed Lincoln for each of the next five days to make the announcement. Finally, Lincoln told the senator, "We mustn't issue it until after a victory."

While universally applauded today, some of Lincoln's contemporaries were apprehensive about the proposal. Secretary Chase was not the only leader to worry that emancipation might trigger a slave rebellion. George McClellan was another and believed that Lincoln deliberately sought to incite such an insurrection as a means of winning the war. McClellan was no isolated example. For example, he received 45% of the popular vote in the 1864 wartime presidential election against Lincoln. Moreover, serious Civil War students are aware that in August 1864 Lincoln believed he would lose the election to McClellan. Charles Francis Adams, Jr. who was a Union soldier, grandson, and great grandson of two US presidents even believed it was the prevailing opinion that emancipation would arouse a slave insurrection to promptly end the Southern rebellion.

When it was publicly announced in late September, news of the Emancipation Proclamation infuriated the British and French. The British chargé d'affaires in Washington wrote the British Foreign Secretary in London that the president sought only to offer "direct encouragement to servile insurrections." Even a Union ally in Parliament, Richard Cobden, said the use of Blacks in the war would provoke "one of the most bloody and horrible episodes in history." *The London Times* accused Lincoln of inciting a slave rebellion, as did other prominent British newspapers. The French newspapers were almost as venomous. Historian Howard Jones summarizes the initial British and French reactions:

The Lincoln administration's tardy stand against slavery...appeared to be a hypocritical and desperate attempt to salvage victory from defeat. The measure, they argued, would justify intervention by inciting slave uprisings followed by a race war that spread beyond America's border...

In a speech to an abolitionist group in Chicago shortly before publicly announcing the Proclamation in September 1862, Lincoln said that a "moral" justification for emancipation must consider the "possible consequences of insurrection and massacre of the South."

Eventually, however, there were no such uprisings and the British and French came to credit Lincoln with the moral high ground. The important commonly overlooked point, however, is that informed contemporaries perceived a slave rebellion and multinational race wars as genuine risks. Moreover, Lincoln's September 1862 speech to the Chicago abolitionists confirms that he also believed there were such risks.

Perhaps reactions from the British, French, and others caused Lincoln to amend the Emancipation Proclamation when it became effective on January 1, 1863. In the second version released on that date the president added: "I hereby enjoin upon the people so declared to be free to abstain from all

violence, unless in necessary self-defence..."

That language is altogether missing in the first public version released on September 22, 1862. Why did Lincoln wait three months clarify the point?

Lt. Dusty Lind



With Pea Ridge only a few weeks away I would like to start the dialog about our impression there. I did a little reading in *Cadet Gray* and *Butternut Brown* which is a pretty detailed book about Confederate uniforms breaking down the subject into early, mid and late war years and eastern, western and Trans-Miss theatres. Although I didn't find a reference specifically for Pea Ridge I do think that it offered enough to give us a starting point.

The description that seems to match most rebels in this early part of the war in the western states read like this:

"..walnut dyed brown, black or gray cloth, checked shirts, wool or cotton homespun jeans of the bush variety was commonly seen in the ranks." And, "..that Confederate un-uniform appearance, part civilian part military, we have come to recognize as a trademark. a mixture of brown and gray jeans clothes, multi colored blankets, hats or caps, whatever could be made into uniforms was shipped out to Confederate camps."

I think these descriptions are right in line with what we field on any given event being a mixture of colors and styles but with a general "uniformity."

So for Pea Ridge, let's go from head to toe:

Hats should be a mixture of civilian felt or straw hats (period correct, not Walmart) civilian wheel hats or CS kepis. That is in no order of preference from me.

Shirts-For enlisted men should be kept simple. Homespun checks or plain fabric.

Jackets or overshirts- Our primary jacket is the Columbus Depot. If that is all you have, wear it. Other good options are plain untrimmed shell jackets or overshirts. The white cotton or "rusty"check patterned that many of us have are good options. Civilian sack coats in simple wool, cotton or jeans in gray and brown will work fine.

Trousers-NO YANKEE TROUSERS!!! Your options are CS or civilian trousers of wool, cotton or jean. Brown and gray are the preferred colors.

Shoes-I would recommend plain brogans. they are strangely the most comfortable and e might be marching over rough terrain.

This is all simply my opinion to help with preparing your Pea Ridge impression. There certainly may be other options and I welcome input but as always, if you are going to buy something new research it first before you spend the money on something not appropriate for the year or theatre that we are representing.

On To Pea Ridge!

F.J.Marek

1st Sgt of Texas Rifles



Civilian Report

Summertime is upon us. Thankfully we have a light schedule during these hot months. This is a good time to inspect our period clothing and make any needed repairs or alterations, or even add to wardrobe.

Our next civilian event is September 12th; hope to see you all there. This event will be a two part scenario, the Byler/Davis Feud and A Day in the life. For the A Day in the Life scenario we will be doing some light cleaning, dusting, and minor repairs. For the Byler/Davis Feud, it will be a lot like the last feud, after war, civilian fire arms are acceptable as long as they are period correct to the late 1860's. That includes repeating rifles and double barrel shot guns. Rather than having a long running battle there will be a few short vignettes. We will plan one meal at the end of the day on Saturday for all to share in. Other than that each person/group will need to plan their own meals. We will be checking with the site to see what buildings will be available for us to occupy, we will keep you updated.

We have TMD on October 23rd & 24th. We will continue with our usual task in the kitchen serving biscuits and talking to spectators. I may even get to shoot someone again, you never can tell. This is a

chance for us to help educate the children and some adults on the era that is not just being forgotten, but removed from history books.

Next will be Liendo November 20th to 22nd. Those of us who attend Liendo regularly have an opportunity to teach any new recruit about what we do. This is also a good time to brush up on camp cooking. Hopefully we will have a better weather forecast for this year's event. I missed it last year.

We need to remember that every event is a recruiting event. The only way to keep our hobby alive is to recruit new members. We need to get back in the habit of setting up our recruiting table and bringing in new members.



HolliBeth Marek, aka Peach,
Civilian Coordinator



The Lieber Code

As with the war with Mexico, the conflict of 1861 to 1865 saw the US Army acting as an occupying force. As the Articles of War applied only to military personnel, the Lieber Code was adopted for the governing of hostile territory and the relationship between US forces and the civil population.

The particular harsh treatment of the civil population under this code, and its use during reconstruction as well as during the war, led to a great deal of resentment on the part of the southern population. In many ways, the people of the south took the outcome of the war as God's judgment upon them for slavery, the goodwill that Lincoln may have been able to generate by lenient treatment of the South, the potential for a rapid reconciliation was undone by these harsh provisions.

Later, this code, and similar rules of other European countries formed the basis for the Hague Convention on the laws of war, and by the adoption of the Geneva Conventions, several provisions of the Lieber Code had been repudiated, such as summary executions, and reprisals.

Some of the more relevant and egregious portions of the Lieber Code are listed below.

GENERAL ORDERS No. 100.

WAR DEPT., ADJT. GENERAL'S OFFICE,
Washington, April 24, 1863.

The following "Instructions for the Government of Armies of the United States in the Field," prepared by Francis Lieber, LL.D., and revised by a board of officers, of which Maj. Gen. E. A. Hitchcock is president, having been approved by the President of the United States, he commands that they be published for the information of all concerned.

By order of the Secretary of War:
E. D. TOWNSEND,
Assistant Adjutant-General.

INSTRUCTIONS FOR THE GOVERNMENT OF ARMIES OF THE UNITED STATES IN THE FIELD.

SECTION I.-Martial law-Military jurisdiction-Military necessity-Retaliation.

1. A place, district, or country occupied by an enemy stands, in consequence of the occupation, under the martial law of the invading or occupying army, whether any proclamation declaring martial law, or any public warning to the inhabitants, has been issued or not. Martial law is the immediate and direct effect and consequence of occupation or conquest.

The presence of a hostile army proclaims its martial law.

2. Martial law does not cease during the hostile occupation, except by special proclamation, ordered by the commander-in-chief, or by special mention in the treaty of peace concluding the war, when the occupation of a place or territory continues beyond the conclusion of peace as one of the conditions of the same.

3. Martial law in a hostile country consists in the suspension by the occupying military authority of the criminal and civil law, and of the domestic administration and government in the occupied place or territory, and in the substitution of military rule and force for the same, as well as in the dictation of

general laws, as far as military necessity requires this suspension, substitution, or dictation.

The commander of the forces may proclaim that the administration of all civil and penal law shall continue either wholly or in part, as in times of peace, unless otherwise ordered by the military authority.

6. All civil and penal law shall continue to take its usual course in the enemy's places and territories under martial law, unless interrupted or stopped by order of the occupying military power; but all the functions of the hostile government—legislative, executive, or administrative—whether of a general, provincial, or local character, cease under martial law, or continue only with the sanction, or, if deemed necessary, the participation of the occupier or invader.

12. Whenever feasible, martial law is carried out in cases of individual offenders by military courts; but sentences of death shall be executed only with the approval of the chief executive, provided the urgency of the case does not require a speedier execution, and then only with the approval of the chief commander.

13. Military jurisdiction is of two kinds: First, that which is conferred and defined by statute; second, that which is derived from the common law of war. Military offenses under the statute law must be tried in the manner therein directed; but military offenses which do not come within the statute must be tried and punished under the common law of war. The character of the courts which exercise these jurisdictions depends upon the local laws of each particular country.

In the armies of the United States the first is exercised by courts-martial; while cases which do not come within the Rules and Articles of War, or the jurisdiction conferred by statute on courts-martial, are tried by military commissions.

17. War is not carried on by arms alone. It is lawful to starve the hostile belligerent, armed or unarmed, so that it leads to the speedier subjection of the enemy.

21. The citizen or native of a hostile country is thus an enemy, as one of the constituents of the hostile state or nation, and as such is subjected to the hardships of the war.

27. The law of war can no more wholly dispense with retaliation than can the law of nations, of which it is a branch. Yet civilized nations acknowledge retaliation as the sternest feature of war. A reckless enemy often leaves to his opponent no other means of securing himself against the repetition of barbarous outrage.

28. Retaliation will therefore never be resorted to as a measure of mere revenge, but only as a means of protective retribution, and moreover cautiously and unavoidably—that is to say, retaliation shall only be resorted to after careful inquiry into the real occurrence and the character of the misdeeds that may demand retribution.

Unjust or inconsiderate retaliation removes the belligerents farther and farther from the mitigating rules of regular war, and by rapid steps leads them nearer to the internecine wars of savages.

SECTION II.—Public and private property of the enemy—Protection of persons, and especially of women; of religion, the arts and sciences—Punishment of crimes against the inhabitants of hostile countries.

31. A victorious army appropriates all public money, seizes all public movable property until further direction by its government, and sequesters for its own benefit or of that of its government all the revenues of real property belonging to the hostile government or nation. The title to such real property remains in abeyance during military occupation, and until the conquest is made complete.

40. There exists no law or body of authoritative rules of action between hostile armies, except that branch of the law of nature and nations which is called the law and usages of war on land.

41. All municipal law of the ground on which the armies stand, or of the countries to which they belong, is silent and of no effect between armies in the field.

42. Slavery, complicating and confounding the ideas of property (that is, of a thing), and of personality (that is, of humanity), exists according to municipal or local law only. The law of nature and nations has never acknowledged it. The digest of the Roman law enacts the early dictum of the pagan jurist, that "so far as the law of nature is concerned, all men are equal." Fugitives escaping from a country in which they were slaves, villains, or serfs, into another country, have, for centuries past, been held free and acknowledged free by judicial decisions of European countries, even though the municipal law of the country in which the slave had taken refuge acknowledged slavery within its own dominions.

43. Therefore, in a war between the United States and a belligerent which admits of slavery, if a person held in bondage by that belligerent be captured by or come as a fugitive under the protection of the military forces of the United States, such person is immediately entitled to the rights and privileges of a freeman. To return such person into slavery would amount to enslaving a free person, and neither the United States nor any officer under their authority can enslave any human being. Moreover, a person so made free by the law of war is under the shield of the law of nations, and the former owner or State can have, by the law of postliminy, no belligerent lien or claim of service.

45. All captures and booty belong, according to the modern law of war, primarily to the government of the captor.

Prize money, whether on sea or land, can now only be claimed under local law.

SECTION III.--Deserters--Prisoners of war--Hostages--Booty on the battle-field.

48. Deserters from the American Army, having entered the service of the enemy, suffer death if they fall again into the hands of the United States, whether by capture or being delivered up to the American Army; and if a deserter from the enemy, having taken service in the Army of the United States, is captured by the enemy, and punished by them with death or otherwise, it is not a breach against the law and usages of war, requiring redress or retaliation.

52. No belligerent has the right to declare that he will treat every captured man in arms of a levy en masse as a brigand or bandit.

If, however, the people of a country, or any portion of the same, already occupied by an army, rise against it, they are violators of the laws of war and are not entitled to their protection.

58. The law of nations knows of no distinction of color, and if an enemy of the United States should enslave and sell any captured persons of their Army, it would be a case for the severest retaliation, if not redressed upon complaint.

The United States cannot retaliate by enslavement; therefore death must be the retaliation for this crime against the law of nations.

59. A prisoner of war remains answerable for his crimes committed against the captor's army or

people, committed before he was captured, and for which he has not been punished by his own authorities.

All prisoners of war are liable to the infliction of retaliatory measures.

61. Troops that give no quarter have no right to kill enemies already disabled on the ground, or prisoners captured by other troops.

62. All troops of the enemy known or discovered to give no quarter in general, or to any portion of the Army, receive none.

63. Troops who fight in the uniform of their enemies, without any plain, striking, and uniform mark of distinction of their own, can expect no quarter.

64. If American troops capture a train containing uniforms of the enemy, and the commander considers it advisable to distribute them for use among his men, some striking mark or sign must be adopted to distinguish the American soldier from the enemy.

66. Quarter having been given to an enemy by American troops, under a misapprehension of his true character, he may, nevertheless, be ordered to suffer death if, within three days after the battle, it be discovered that he belongs to a corps which gives no quarter.

72. Money and other valuables on the person of a prisoner, such as watches or jewelry, as well as extra clothing, are regarded by the American Army as the private property of the prisoner, and the appropriation of such valuables or money is considered dishonorable, and is prohibited.

Nevertheless, if large sums are found upon the persons of prisoners, or in their possession, they shall be taken from them, and the surplus, after providing for their own support, appropriated for the use of the Army, under the direction of the commander, unless otherwise ordered by the Government. Nor can prisoners claim, as private property, large sums found and captured in their train, although they have been placed in the private luggage of the prisoners.

77. A prisoner of war who escapes may be shot, or otherwise killed, in his flight; but neither death nor any other punishment shall be inflicted upon him simply for his attempt to escape, which the law of war does not consider a crime. Stricter means of security shall be used after an unsuccessful attempt at escape.

If, however, a conspiracy is discovered, the purpose of which is a united or general escape, the conspirators may be rigorously punished, even with death; and capital punishment may also be inflicted upon prisoners of war discovered to have plotted rebellion against the authorities of the captors, whether in union with fellow-prisoners or other persons.

78. If prisoners of war, having given no pledge nor made any promise on their honor, forcibly or otherwise escape, and are captured again in battle, after having rejoined their own army, they shall not be punished for their escape, but shall be treated as simple prisoners of war, although they will be subjected to stricter confinement.

SECTION IV.—Partisans—Armed enemies not belonging to the hostile army—Scouts—Armed prowlers—War-rebels.

81. Partisans are soldiers armed and wearing the uniform of their army, but belonging to a corps which acts detached from the main body for the purpose of making inroads into the territory occupied by the enemy. If captured they are entitled to all the privileges of the prisoner of war.

82. Men, or squads of men, who commit hostilities, whether by fighting, or inroads for destruction

or plunder, or by raids of any kind, without commission, without being part and portion of the organized hostile army, and without sharing continuously in the war, but who do so with intermitting returns to their homes and avocations, or with the occasional assumption of the semblance of peaceful pursuits, divesting themselves of the character or appearance of soldiers--such men, or squads of men, are not public enemies, and therefore, if captured, are not entitled to the privileges of prisoners of war, but shall be treated summarily as highway robbers or pirates.

83. Scouts or single soldiers, if disguised in the dress of the country, or in the uniform of the army hostile to their own, employed in obtaining information, if found within or lurking about the lines of the captor, are treated as spies, and suffer death.

84. Armed prowlers, by whatever names they may be called, or persons of the enemy's territory, who steal within the lines of the hostile army for the purpose of robbing, killing, or of destroying bridges, roads, or canals, or of robbing or destroying the mail, or of cutting the telegraph wires, are not entitled to the privileges of the prisoner of war.

85. War-rebels are persons within an occupied territory who rise in arms against the occupying or conquering army, or against the authorities established by the same. If captured, they may suffer death, whether they rise singly, in small or large bands, and whether called upon to do so by their own, but expelled, government or not. They are not prisoners of war; nor are they if discovered and secured before their conspiracy has matured to an actual rising or to armed violence.

SECTION V.~Safe-conduct~Spies~ War-traitors~ Captured messengers~Abuse of the flag of truce.

86. All intercourse between the territories occupied by belligerent armies, whether by traffic, by letter, by travel, or in any other way, ceases. This is the general rule, to be observed without special proclamation.

Exceptions to this rule, whether by safe-conduct or permission to trade on a small or large scale, or by exchanging mails, or by travel from one territory into the other, can take place only according to agreement approved by the Government or by the highest military authority.

Contraventions of this rule are highly punishable.

88. A spy is a person who secretly, in disguise or under false pretense, seeks information with the intention of communicating it to the enemy.

The spy is punishable with death by hanging by the neck, whether or not he succeed in obtaining the information or in conveying it to the enemy.

89. If a citizen of the United States obtains information in a legitimate manner and betrays it to the enemy, be he a military or civil officer, or a private citizen, he shall suffer death.

90. A traitor under the law of war, or a war-traitor, is a person in a place or district under martial law who, unauthorized by the military commander, gives information of any kind to the enemy, or holds intercourse with him.

91. The war-traitor is always severely punished. If his offense consists in betraying to the enemy anything concerning the condition, safety, operations, or plans of the troops holding or occupying the place or district, his punishment is death.

92. If the citizen or subject of a country or place invaded or conquered gives information to his own government, from which he is separated by the hostile army, or to the army of his government, he is a war-traitor, and death is the penalty of his offense.

93. All armies in the field stand in need of guides, and impress them if they cannot obtain them

otherwise..

95. If a citizen of a hostile and invaded district voluntarily serves as a guide to the enemy, or offers to do so, he is deemed a war-traitor and shall suffer death.

96. A citizen serving voluntarily as a guide against his own country commits treason, and will be dealt with according to the law of his country.

97. Guides, when it is clearly proved that they have misled intentionally, may be put to death.

98. All unauthorized or secret communication with the enemy is considered treasonable by the law of war.

Foreign residents in an invaded or occupied territory or foreign visitors in the same can claim no immunity from this law. They may communicate with foreign parts or with the inhabitants of the hostile country, so far as the military authority permits, but no further. Instant expulsion from the occupied territory would be the very least punishment for the infraction of this rule.

102. The law of war, like the criminal law regarding other offenses, makes no difference on account of the difference of sexes, concerning the spy, the war-traitor, or the war-rebel.

103. Spies, war-traitors, and war-rebels are not exchanged according to the common law of war. The exchange of such persons would require a special cartel, authorized by the Government, or, at a great distance from it, by the chief commander of the army in the field.

SECTION VI.-Exchange of prisoners-Flags of truce-Flags of protection.

112. If the bearer of a flag of truce offer himself during an engagement, he can be admitted as a very rare exception only. It is no breach of good faith to retain such flag of truce, if admitted during the engagement. Firing is not required to cease on the appearance of a flag of truce in battle.

113. If the bearer of a flag of truce, presenting himself during an engagement, is killed or wounded, it furnishes no ground of complaint whatever.

SECTION VII.-The parole.

119. Prisoners of war may be released from captivity by exchange, and, under certain circumstances, also by parole.

124. Breaking the parole is punished with death when the person breaking the parole is captured again.

Accurate lists, therefore, of the paroled persons must be kept by the belligerents.

134. The commander of an occupying army may require of the civil officers of the enemy, and of its citizens, any pledge he may consider necessary for the safety or security of his army, and upon their failure to give it he may arrest, confine, or detain them.

SECTION VIII.-Armistice-Capitulation.

135. An armistice is the cessation of active hostilities for a period agreed between belligerents. It must be agreed upon in writing and duly ratified by the highest authorities of the contending parties.

SECTION IX.-Assassination.

148. The law of war does not allow proclaiming either an individual belonging to the hostile army, or a citizen, or a subject of the hostile government an outlaw, who may be slain without trial by any captor, any more than the modern law of peace allows such international outlawry; on the contrary, it abhors such outrage. The sternest retaliation should follow the murder committed in consequence of such proclamation, made by whatever authority. Civilized nations look with horror upon offers of rewards for the assassination of enemies as relapses into barbarism.

SECTION X.-Insurrection- Civil war-Rebellion.

154. Treating in the field the rebellious enemy according to the law and usages of war has never prevented the legitimate government from trying the leaders of the rebellion or chief rebels for high treason, and from treating them accordingly, unless they are included in a general amnesty.

155. All enemies in regular war are divided into two general classes-that is to say, into combatants and non-combatants, or unarmed citizens of the hostile government.

The military commander of the legitimate government, in a war of rebellion, distinguishes between the loyal citizen in the revolted portion of the country and the disloyal citizen. The disloyal citizens may further be classified into those citizens known to sympathize with the rebellion without positively aiding it, and those who, without taking up arms, give positive aid and comfort to the rebellious enemy without being bodily forced thereto.

156. Common justice and plain expediency require that the military commander protect the manifestly loyal citizens in revolted territories against the hardships of the war as much as the common misfortune of all war admits.

The commander will throw the burden of the war, as much as lies within his power, on the disloyal citizens, of the revolted portion or province, subjecting them to a stricter police than the non-combatant enemies have to suffer in regular war; and if he deems it appropriate, or if his government demands of him that every citizen shall, by an oath of allegiance, or by some other manifest act, declare his fidelity to the legitimate government, he may expel, transfer, imprison, or fine the revolted citizens who refuse to pledge themselves anew as citizens obedient to the law and loyal to the government.

Whether it is expedient to do so, and whether reliance can be placed upon such oaths, the commander or his government have the right to decide.

157. Armed or unarmed resistance by citizens of the United States against the lawful movements of their troops is levying war against the United States, and is therefore treason.



38 U.S. Code § 1501 – Definitions

Do you know that in the US Code, Confederate veterans are treated the same as Union vets?
(3) The term “Civil War veteran” includes a person who served in the military or naval forces of the Confederate States of America during the Civil War, and the term “active military or naval service” includes active service in those forces.

Capt. Tommy Attaway



John Keahey
Captain Emeritus

Heritage Versus Hate Redux

No sane person supports the recent killing of nine people in Charleston, South Carolina in, of all places, a bible study group in a church. The shooter sat down with his intended victims and discussed bible passages with them until he stood-up, announced his intention to commit mass murder and then shot them. Obviously the message of God's love and intervention on earth did not resonate with him. By whatever agency, his mind had been warped from normal to horribly criminal. He made the decision to reject love in favor of hate. Frankly my dear, I don't give a damn about his motivations or his manifesto; he is a murderous criminal and should be prosecuted as such. In my opinion the death penalty should be retained for such as him. The citizens of Charleston, white and black, have ennobled themselves during this episode by their behavior. They made the decision to reject hate in favor of love. I used to think that obvious murderers should be killed when captured; now I am not so sure. I sincerely hope the shooter has TV and can watch the people he hoped to keep permanently separate (and not equal) walking together for peace. That is the greatest punishment he can suffer. He is not a soldier or a crusader; he is a criminal on the same level as ISIS or some other odious creature.

I read with growing dismay the subsequent twisting of this horrific event by the media from a case of white-on-black racism to banning all emblems and statues of Confederate heroes and the Confederacy. Racism needs to be changed, the past does not. Welcome to the new Politically Correct (PC) normal: Five Flags over Texas! We do not mention the sixth flag for fear of offending someone (or telling the truth). Make no mistake, the ultimate end of this media feeding frenzy is the death of our chosen hobby and much more. Picture the next reenactment with Federals (a.k.a. the 100% good guys) firing volleys at... nothing. They are firing at nothing because the Confederate side is such a symbol of hate and treason that it will offend somebody to even see these deluded racists represented on the field. And the principle target of all this fury is the ANV battleflag. A flag that was only carried into battle; it did not fly over the Confederate Capital, Andersonville Prison or (rarely) west of the Appalachian Mountains.

Rest assured, if the SCV or the State of South Carolina had put a first National Flag of the Confederacy or the AoT battleflag on their license plate or flagpole it would stay there unnoticed because the VAST majority of modern Americans are so historically ignorant that they would not know what flag at which they are looking.

It is a legitimate opinion of some people that the Confederacy was racist and treasonous in its conception and short life. Yes, it could be looked upon in that light and it is an American's right to hold such an opinion. It could also be looked upon as a heroic struggle of a people who saw themselves as different from the rest of the United States. The truth lies somewhere between these two extremes. The South was not wholly evil and the North was not wholly good. The first ship load of Africans was sold by the Dutch to the Virginia settlers in 1619; slavery ended in 1865. So slavery at the time of its demise was older in this country than the USA itself: 246 years versus 239 on 7/4/2015. This does not justify slavery, but it does show how difficult an institution it was to remove. The South suffered horribly for its actions and a generation of southern white males were essentially wiped-out. The southern economy ceased to exist. There was no 1945 Marshall Plan style effort to rescue the south from post Civil War poverty; it remained a backwater of the nation for a century. Its people, black and white, condemned to generations of grinding poverty for the mistakes of their ancestors. Is all this history and its morale lessons to be ignored, bypassed or not spoken of because the topic is forbidden except to the liberal elite? As one of my history professors once said, "You do not know the strength of a society until you put it on the rack." Once you get passed the nasty mental images of this statement, its wisdom is evident. By any standard, the American South put-up fierce resistance in the Civil War against an overwhelming enemy. A people does not sacrifice a generation of its manhood so that the slave-owning 20% could get richer; the majority of the southern white population and some of its blacks believed themselves to be different enough to need a separate country. Show me the southern battle flag, of any design, that shows the slogan, "I fight for slavery", or "it's the economy, stupid" on it. 1861 was not the first time an agrarian society resisted outside interference. George Washington, a wealthy Virginian plantation and slave owner, led an army composed of people from a land where slavery was legal in a treasonable rebellion against the current authority, Great Britain. Washington faced the decision of which government to support; the one derived from his own people, or the one under which he was born and for which he risked his life repetitively in the French and Indian War. Washington's first uniform was not colonial blue; it was British red. He chose to put his fellow Americans first. He won his war, helped found a new nation and is revered as the Father of Our Country. John Adams, from the State of Massachusetts which had freed its slaves in 1776, proclaimed Washington as the "indispensable man" in winning the Revolution. I guess those poor deluded dumb people back then were more willing to allow for imperfections than we are.

Robert E. Lee was also a Virginia plantation owner, but he owned no slaves. Lee led a similar army composed of soldiers from a land where slavery was legal. He faced the same decision as George Washington, whom he admired. Lee is unique in history as he was offered the command of armies on both sides of the Civil War, which says a great deal to me about what his contemporaries thought of him. Lee also chose, reluctantly, to fight for his own people and not the nation in which he was born and for which he risked his life repetitively in the Mexican American War. Lee lost his war (not due to

inability on his part) and is currently on the PC unacceptable list. He applied for US citizenship after the war when former Confederate officers were offered amnesty. His never got a reply from the US Government and died as a man without a country. It turns out that his application was kept as a souvenir by the US official who processed the amnesty applications because he wanted a memento associated with such a great man. So, is the real reason behind all this angst simply the difference between winners and losers? Should we change the name of the capital of our nation because George Washington for whom it is named was not perfect by modern standards and owned slaves? Shall we tear-up the Bill of Rights and the Declaration of Independence because they were partially composed by (gasp!) people who are judged imperfect by modern standards? When I was growing-up in Virginia, the mansion in the midst of Arlington National Cemetery was known as the Custis-Lee mansion; now it is Arlington House because the Federal Government does not want the odium of Lee's name associated with Arlington National Cemetery, which was of course Lee's home. The key issue for me is not that slavery should be ignored (it should not), or that some of our ancestors were imperfect (they all were), but that they are being deleted from the story of our nation because they are being judged as imperfect by modern standards (presentism), not the standards of their own time. Both Washington and Lee were beloved and respected even by their enemies in their own times; they were noble and remarkable people. If not perfect, they were a lot closer to it than most of us. Their examples are no longer held up to youth for emulation. Our youth are now left with lesser role models such as talentless celebrities, actors, fictional characters and sports figures.

Our Constitution guarantees to the citizens of the United States great freedoms such as freedom of speech, worship and assembly. It does not guarantee freedom from offense. In fact democracy and freedom of speech demands that ideas, and frankly some offensive ones, be freely expressed. We are increasingly being denied the right to tell our version of history because someone might be offended. And the referees who determine what is offensive are increasingly the media and government. When you are not allowed to tell historical truth i.e. censored, there is no free exchange of ideas and democracy suffers. Not to mention history. Apparently it now is a trend among college students to be "offended" by statues of Confederate heroes on their campuses; and the statues are being vandalized. In Washington, D.C. there is a monument to African American soldiers and sailors of the Civil War outside the Washington Navy Yard. It is repetitively defaced, not by whites but by the descendants of the men it honors. Can we all agree that all this type of behavior is repugnant?

We are in for some difficult times ahead, far worse than the mere increasing historical ignorance of the pre-Charleston shooting era. We face extinction as Civil War reenactors. Confederate reenactors have gone in my lifetime from culturally mainstream to quaint to evil. The best we can do is to remain calm and wait for the new normal to reveal itself; the modern media needs a periodic feeding frenzy to boost viewership and then it will generally move on to the next cause de jour. Then we need to reclaim the past and tell the story (again) of the American Civil War: its faults, virtues and its very real imperfect heroes, in a rational manner.

Regards,
jmk

FROM THE PAST



Around the campfire, Battle of New York Creek 2009

