

Intelligence Service Europe

SCV Europe Camp #1612

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Commander's Letter

Members and friends of the Europe Camp,

the past two months have passed by so fast. This month we will have Easter holidays. But before we celebrate the Easter feast we can present you a new issue of our newsletter. Our editor has brought together different interesting themes.

One of this is an article about our camp member Raphael Waldburg-Zeil (founding Editor of this newsletter).

And there is more to come. For now, enjoy reading and expect more Camp activities soon.



In the service of the South,

Achim "Archy" Bänsch

Commander



Camp Adjutant's Dispatch

March 2016

Dear Readers,

Welcome to the second issue of ISE for 2016. We begin with a quote from former US Senator Jim Webb which basically says it all. The articles that follow all back up what the Senator has to say.

Recently, there was an article in The Economist on Confederate monuments. While I am a great admirer of the magazine, the present editorial staff seems to share the blighted attitude so prominent in the United States today that somehow the Confederacy is something to be ashamed of. That sure wasn't the attitude of the Economist during the actual war itself : the magazine, while not friendly to the South, was nevertheless fair in recognizing, as did the British government, the belligerent status of the Confederate States of America. It acknowledged that the South had legitimate grievances against the North and that the war was hardly only a 'crusade against slavery'. I think any intelligent person perusing the following articles will easily see the War was much, much more than that.

Feedback to cmclvhs@aol.com is always welcome. I would also enjoy getting your written contributions. If you have an item you think might interest our readers, I would be happy to look at it.

I wish you thoughtful reading.

Chris McLarren

Adjutant.

p.s. If you enjoy the article on the Confederate Constitution as much as you did the article on the 14th Amendment in the January edition it is because they are from the same author, Norman Fowler. I apologize deeply to Norman for having falsely attributed the January article to Joe Jordan, who is also a good guy, but was not the author.



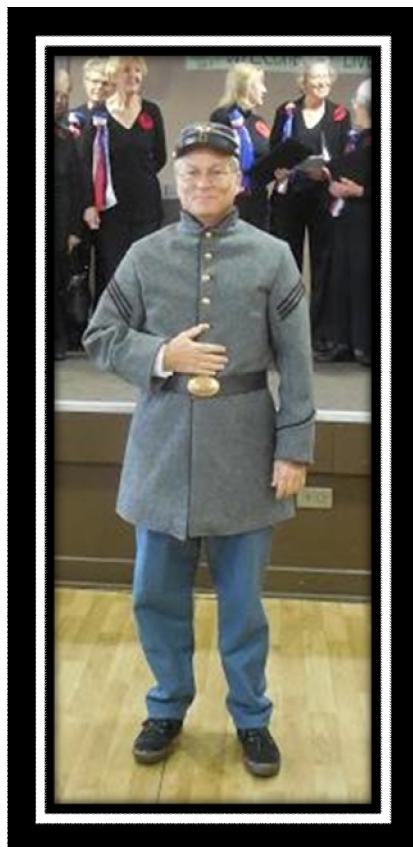
In response to the recent Confederate symbol bashing, former US Senator Jim Webb said “To tar the sacrifices of the Confederate soldier as simple acts of racism, and reduce the battle flag under which he fought to nothing more than the symbol of a racist heritage, is one of the great blasphemies of our modern age”.



Former US Senator Jim Webb

The Confederate Constitution Re-Examined

By Norman Fowler
SCV Camp 131, Florida



When the Southern States seceded and formed the Confederate States of America, they kept the Constitution but made significant changes to correct weaknesses and insure the intent of the Founders was being followed. Foremost among these corrections was the enshrinement of States Rights.

The Confederate Framers did not see States' rights as an impediment to an effective national government. Because they believed the States were more informed as to which public policies were more conducive to their economic, social, and political interests, four constitutional provisions collectively provided for state sovereignty: Article VI; Article I, section 2; Article V; and the Confederate covenant-compact theory of government.

Article VI of the CSA Constitution corresponds to the US 9th and 10th amendments and reads in part "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people **of the several states.**" The addition of the last four words clarified that the people of the specific States, and not the people of the nation in general, retained power not given to the central government,.

Article I, section 2, clause 5 also secures state sovereignty by authorizing the States to impeach Confederate officials within their respective borders. Two-thirds vote of both State houses was needed to accomplish this. This impeachment power augmented the constitutional means of the States to secure territorial integrity against perceived encroachment of Confederate officials.

Article V protected States Rights by authorizing a minimum of 3 states vice two-thirds to call a constitutional convention and does not allow Congress to call such a convention. It required two-thirds votes vice three quarters to adopt an amendment. This streamlined process of amendment was seen a constitutional mechanism at the disposal of the States to check encroaching nationalism.



One of the most revealing innovations for securing States Rights was contained in the CSA preamble. The US preamble's first 15 words read "We the people of the United States, in order to form a more perfect Union ..." The CSA preamble reads "We, the people of the Confederate States, **each State acting in its sovereign and independent character**, in order to form a permanent Federal Government..." This re-affirms James Madison who stated in Federalist Paper 39 that "... Each State, in ratifying the Constitution, is considered as a sovereign body, independent of all others, and only to be bound by its voluntary act". Note also the term "permanent Federal Government" does not connote the consolidation associated with "more perfect Union".

The Bill of Rights for the CSA Constitution is contained within the body of the text (vice amendments) with significant terminological differences. The CSA framers intended the Bill of Rights to be applied to the Confederate Government and placed most of the reserved rights (counterparts of the US first eight amendments) in Article I, section 9, where the list of what

Congress shall not do is found. Balance was added in the so-called supremacy clause of Article VI which states the Confederate Government shall not infringe upon those rights of the people “of the several States” providing those states’ right do not conflict with the Confederate laws pursuant with the Confederate Constitution. It also forbade “the importation of Negroes of the African race from any foreign country other than the slave holding States or Territories is hereby forbidden...No bill of law denying or impairing the right of property of Negro slaves shall be passed.” Note this denial of the right of property of slaves only applied to the Confederate Gov’t and not the States. The Confederate Government is prohibited from abolishing slavery, but not the States.

Critics, however, often interpret this restriction as proof the Confederacy fought the war over slavery. They overlook the fact that the Confederate Constitution, like the US Constitution, was written to circumscribe the powers of the central government. The CSA Constitution, by omission, does not mandate that every State recognize the right to own slaves, therefore States could prohibit slavery. Article IV, section 2, actually anticipated the admission of free states: “The citizens of each State...shall have the right of transit and sojourn in any State of this Confederacy with their slaves and other property and the right of property of said slaves shall not be impaired.” This requirement would could only apply to free states. Therefore, slavery was not a constitutional requirement for existing States or for the admission of new States, which the Confederates anticipated.

The Confederate Framers achieved further constraint of their national institutions by five constitutional innovations: Article I, section 6, clause 2, grants Executive representation in the Confederate Congress. Executive officers (cabinet heads) were assigned seats in Congress and could in participate in debates. By this means communication between legislative and executive branches substantially improved. Article I, section 7, clause 2, gives the President line-item veto authority requiring 2/3 majority vote override. The line-item veto expanded the rationality beyond the simple veto and would modify legislative behavior regarding pork barrel bills. Legislators would be forced to consult with the executive branch first. Article I, section 9, clause 9, placed the appropriations initiative with the executive branch. A 2/3 majority of both Houses was needed for funds to be expended unless requested by the President. This was an attempt to rectify a perceived disequilibrium of power between the legislative and executive branches of the US model. Clause 20 stipulated “every law, or resolution having the force of law, shall relate to but one subject and that shall be expressed in the title. This effectively ended the practice of attaching unrelated riders to a bill. How many inane bills have become law and how much money wasted by this subterfuge under the US constitution?

The primary innovation affecting the executive was the limiting of his tenure to a single six year term. Historically, the executive leads the way in the pursuit of political power by a national government, at the expense of the States. The Confederate Framers therefore diminished the power of the Executive by mandating a change every six years. The Vice President was not limited.

A fourth innovation designed to limit the powers of the central government pertains to the “general welfare” provisions. The CSA Constitution omitted the mandate “to provide for the general welfare” as they believed such a mandate in the US Constitution led to abuse of the delegated powers concept (internal and sectional improvements).

Indeed, over the years politicians have twisted the ambiguous requirement to "provide for the general welfare" into laws far beyond the intent of the Founders. In the absence of this mandate in the CSA Constitution, it became a state function.

Protectionist legislation was expressly forbidden by Article I, section 8, clause 1, which stipulates "the Congress shall have power to lay and collect taxes, imposts, and excises, for revenue necessary to pay debts, provide for the common defense, and carry on the Government of the Confederate States of America; but no bounties shall be granted from the Treasury; nor shall any duties or taxes on importations from foreign nations be laid to promote or foster any branch of industry; and all duties, imposts, and excises shall be uniform through out he Confederate States." This free trade provision did not go unnoticed in the North. T.J. Headly, who wrote what was considered the definitive northern account of the War in 1863, stated the South wanted out of the Union in order to secure free trade, which would be detrimental to Northern industry and commerce.

Significant restrictions were also placed on internal improvements by Article I, section 8, clause 3 which states "...but neither this clause nor any other clause contained in the Constitution, shall ever be construed to delegate power to the Congress to appropriate money for internal improvements ..." Internal improvements as meant here is government funding of such projects as railroads and canals. This was a cause of great concern to the South since approximately 75% of the federal budget was paid by the South in the form of tariffs, but 75% of government revenues went to fund internal improvements in the North.

Perhaps the CSA framers' intent to minimize the government's role in the economy is best shown by it's Article I, section 8, clause 7, which states "... the Post Office Department ... shall be paid out of its own revenues." It seems the US Post Office was always running a deficit.

Summary

In a November 4, 1866 letter to R.E.Lee, Lord Acton (English historian, politician, and writer) stated "...I saw in State Rights the only availing check upon the absolutism of the sovereign will, and secession filled me with hope, not as the destruction but as the redemption of Democracy." The central issue of American politics from 1787 though the War for Southern Independence **was** sovereignty of the States within the context of the national government. The Confederate Constitution of 1861 was a reaction to the abuse of the US Constitution which was transforming the community of states into a national community of individuals. The South seceded in defense of the Constitution and not against it. The CSA Constitution was committed to a States' rights doctrine in which sovereignty was a State phenomenon; the US Constitution treats it a national one. It was based on the retention of sovereignty by the States to check arbitrary policies of the central government. This was achieved by modifications to the budgetary and appropriations processes, the line item veto, elimination of legislative riders, the exclusion of industrial and agricultural protectionism, and drastic restrictions on internal improvements.

The Confederate Constitution did not mandate slavery and had provisions for non-slave States to join. Like the Federal government, the CSA government could not abolish slavery, but any State could if it so desired. Upon close investigation of the Confederate Constitution, honest students of history can readily discern the true causes of secession.



ARCHIVE

(From the March 1893 issue of *CONFEDERATE VETERAN*)

GEN. LEE'S ADVICE

The regular United States Army at the beginning of the Civil War was extremely small. It is therefore not surprising how many of the officers knew each other.

Especially Robert E. Lee, because of his years as Superintendent at West Point probably knew many more than most.

In the late 1850s, among the officers posted to California were Albert Sidney Johnston, Lewis Armistead and Winfield Scott Hancock (later 2nd Corps Commander, Army of the Potomac and still later the unsuccessful Democratic candidate for President against James Garfield). After Hancock's death, Mrs. Hancock wrote reminiscences of her life with him.



She wrote, "How well I remember Gen. Robert E Lee, then a Major, who was stationed there (*in Washington*-Ed) at the time. He was the beau ideal of a soldier and a gentleman. When bidding us 'Goodbye' and 'Godspeed' upon the eve of our departure he said to me: *'I understand that you contemplate deserting your post, which is by your husband's side, and that you are not going to California with him. If you will pardon me, I should like to give you a little advice. You must not think of doing this. As one considerably older than Hancock, and having had greater experience, I consider it fatal to the happiness of young married people, upon small provocation, to live apart, either for a short or long time. The result is invariably they ceased to be essential to each other. Now, promise me that you will not permit him to sail without you.'* The sequel shows how faithfully I sought to follow that noble man's admonition, and how often in my varied experience I had occasion to transfer to others his disinterested truthful convictions."



INTERVIEW WITH **A Transplanted Confederate**

By Chris McLarren

Many of our readers know of Raphael Waldburg-Zeil as he was the Founding Editor of this newsletter. For several years he kept those of us in Europe abreast of Confederate developments in America; but also let our stateside compatriots know that we lift the flag in Europe, too. He has also written many articles for various SCV publications in the United States. Some two years ago, Raphael began to have physical troubles which made it impossible for him to continue as Editor.



Raphael Waldburg-Zeil

Over the years, Raphael has received numerous awards and citations for his superb defense of Confederate heritage. (Rafael is one of very few non-US citizens to be given the national SCV's prestigious H.L.Hunley Award).



One of our Camp's allied organizations is The 290 Foundation (Britain), which is especially interested in the naval history of the American 'Civil War'. At their 'Last Salute' event in Liverpool, England last November (see ISE Year 9, No. 1, Jan 2016), President Ian Dewar asked me to present their Certificate of Merit (Gold) to Raphael, who resides in Munich, Germany. I enthusiastically agreed.

Editors are not often in the public's eye – and they are usually interesting people. So, after the presentation, I interviewed Raphael so that we could find out more about the man behind the pen:

So you were born in 1966 in Switzerland.

Yes, but we moved around a lot because of my father's job with a bank. And, later, in my own job as translator and interpreter, I worked in Spain, Switzerland, Austria, Germany. And that marked my life. But I'm not German. I'm German by passport, Swiss by birth, but I'm not European really, I'm American by heart. It's a strange – many people say, "Ah! German by birth, Swiss, Austrian – very European. But not at all – I'm American in everything! Nationally, internationally, economically, politically – everything!"

Where does this connection with America come from?

I don't know. I like the American Constitution, I like the ideal of the American Revolution, the American way of life. All my contacts with America were very good from the very beginning. And I think that everything the Americans do, this is what I would do. How to start an enterprise? This is what I would do. What you think about North Korea? This is what I would do. The Commander of the South Carolina Division has told me, "You are a transplanted American, born in the wrong continent." And I said "Yeah! I know."

And what is this Confederate connection?

Perhaps because of my interest in history. I had a special interest in the North and the South. When I was a young man, it was just the military, the battles. But then I started to look behind the carnage and the blood. There must be some real reason behind it all. And I read the more 'official' accounts about the 'rebels' and the abolition of slavery and so. But then I looked behind more and more and I thought, "Damn! The Confederates were right!" Defending the American Constitution, defending states' rights. They were defending their own states from an invasion. Many, many people did not support slavery, they were just defending their homes, from the common soldier up to General Lee and Stonewall Jackson. They were defending Virginia. They were defending their home state. The poor people, barefoot, some of them with a musket from 1812. And they fought so fiercely. There must be a reason behind this – they were defending their homes.

And I think the Confederates were closer to the spirit of the American Revolution, the American ideal. This does not mean being un-American. On the contrary, after the Civil War, they were the best Americans ever. I told you in our first meeting of the men who won the Second World War were all proud Southerners: even Eisenhower, who was not directly a Southerner, had a picture of General Lee in his office in the White House. Many of them played as children with old men who were Confederate veterans. Lieutenant-General Buckner, one of the bravest of the World War II generals, was very proud of his father, a Confederate general. So there's absolutely no problem with keeping Confederate heritage high and being a very, very good American.

So I read more and more articles and books attacking the South and defending the South and I made up my mind to defend Southern heritage. And then I found out about the Sons of the Confederate Veterans and they were doing a good job, so I asked if there was a possibility to join and they said sorry, no, you have to be a descendent. So I asked if it was possible to become an associate member. And they said, yes, but not to the national organization - you have to be part of a camp. So I thought there are maybe two possibilities: in Texas there is lots of German heritage so perhaps I can find a camp there. And the other possibility was South Carolina, the very heart of secession and there I found Mark Simpson, then adjutant of the General McGowan Camp. And we had a very good understanding from the very beginning and he persuaded the Commander to make me an associate member.

This is very strange - Laurens, a small town in South Carolina, with this strange man from Europe. So I started my work with the SCV. And Simpson continued to promote me and my work. So people from Kentucky asked me to write an article. And other places. Alabama. South Carolina. I received a Certificate of Appreciation from the Commander of the Kentucky Division and was made an associate member of a camp in Alabama, although I had never been there. People were grateful for help in the fight for Confederate heritage. And of course these things were morale-boosters for me, too. But two years ago I had to stop.

What's the Spanish connection?

My mother is half-Spanish and my grandmother is Catalanian, from Barcelona. So even in Spain, I'm quite multi-cultural. And my grandfather was Castilian from central Spain, so I have connections with different traditions in Spain and I spent a long time in Spain and my father used to work in Spain.

By talking to you, I feel how multinational I am. So, in Spain for example, I can understand the Catalanian secession movement. I don't think it's correct, I don't support it, but I can understand it.

But you lived in Spain for a long time,

Yes, for half of my life, in Madrid and Barcelona. I speak Spanish and Catalanian too but not so much anymore. I need more practice.

And you've written a book about the CSS Alabama but you have some other things that you've written.

I wrote books about military history. I started with the *Alabama*. I read the books and the diaries and the letters. So in writing the book over two years, I was really making the journey with the *Alabama* again. The title of the book in Spanish is Southern Corsair and in English I don't like it so much - the correct translation would be Southern Raider. Around 20% of the book is about the background of the diplomacy surrounding the Confederate effort in Europe and the book does not end with the sinking of the ship. It includes the modern archeology done with the *Alabama*. I found out some things that others did not know. For example, that Semmes had five slaves. A gardener, a cook and three housemaids for the children. That was nothing unusual then. He treated them very well.

The next book was about Pope Pius IX and the American Civil War, which is the grand book of my life. It took three years, which was possible because I went to the Papal Legation in Madrid and said, "Gentlemen, this is what I want to do. Can you support me?" And I was lucky because the second man in the Legation was a church historian and he said "Yes, that's great! I will support you." He got me everything that he could and he told me not to write officially to the Vatican but write to this particular man in the Vatican and say that I came with the official support of the Papal Legation and they will help you. And it was incredible! The first time I went, they said they couldn't help but the second time (with Legation support) when I asked for this and that and this, they said "Of course, Sir." And they gave me everything I needed, because I came 'officially' from this church historian. And it was wonderful! They sent tons of things! This is a paradise for an American historian as they also have letters from American bishops 1850-1865, a critical period in American history.

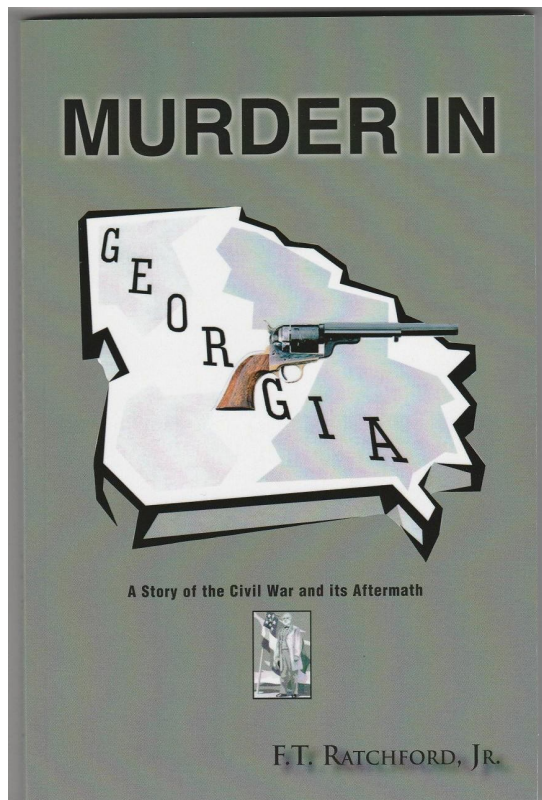
And the book was only published in Spanish?

There is a man looking for it for an English translation and of course the book (*including the real story of the Pope's sympathetic correspondence with Confederate President Jefferson Davis-Ed*) will be an atomic bomb in America. So we'll see, we'll see.

Thank you, Raphael!



BOOK REVIEW



Murder in Georgia: a story of the Civil War and its Aftermath
by F T Ratchford, Jr., FTR Publishing,
Pensacola, FL \$12.95.

We have now moved into the sesquicentennial of “Reconstruction”, surely the most corrupt and violent era of “peace” in the nation’s history. In our relatively civilized society of the 21st century, it is hard for us to imagine the evil that Reconstruction brought to the people of the South. To gain some insight into this studiously-ignored part of American history, we can recommend Ratchford’s novelization of his own family history in Georgia during the period. Some elements are very familiar out of another novel: ‘Gone with the Wind’. That is no wonder, because Scarlett O’Hara’s experiences during Reconstruction were rather commonplace.

In order to accurately portray the people of the era, Ratchford does not shy away from using dialect for both his white and black characters. People who have not lived in the South may find this jarring at first. But it is far more realistic than if they all spoke as if they had studied at Harvard.

Although not a full-time author, Ratchford does a fine job reconstructing a world gone bad. It is hard for white Americans nowadays to imagine the oppression, insult and gratuitous violence of that era. The insecurity of person and property reflected here, the lack of justice and its enforcement certainly make the later rise of the original Ku Klux Klan totally understandable.

The book is a healthy reminder that that “civilization” and human rights are not absolutely sure anywhere. They need to be defended every day.

‘Tommy’ Ratchford is a successful lawyer in Florida and a member of the SCV. I met him in Liverpool, England, at the 150th anniversary commemoration of the turnover of the CSS Shenandoah.

The book can be ordered from the Author at: ratchfish@hotmail.com

Domestic shipping and handling is \$4.50. Total price \$17.45.



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