



# Rebel Underground

Sons of Confederate Veterans  
Major John C. Hutto Camp # 443  
Jasper, Alabama

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## December 2021 Newsletter

### Major John C. Hutto Camp Meeting



Please join with the Major John C. Hutto Camp in Jasper, Alabama on 19 December 2021 at 2:00pm for the December 2021 Camp meeting and Christmas Party. Meeting will be in the First United Methodist Church's Adult Center behind the church sanctuary. Speaker John McGraw - Music by Tristan Dunn.

[Calendar](#)

Family, friends & guest are welcome



## **The 14<sup>th</sup> Amendment - A New Constitution**

The 14th Amendment effectively dismantled the Constitution. The 14th Amendment was: 1) fraudulently, unlawfully, illegally proposed by the U.S. Congress rendering it null and void at the outset; 2) ratified in the Southern states by 'rump legislatures', literally by military force at bayonet point — threat, duress and coercion — rendering it null and void in the second instance; 3) had nothing to do with giving freed slaves citizenship status and instead created a new status of citizenship for all Americans (U.S. citizens rather than Citizens of our respective states) which in effect enslaved us all; 4) dissolved and replaced constitutional law with the 'Laws of Commerce and Admiralty'... and 5) in a very real sense became a new constitution within the constitution.

### **The True Agenda of the 14th Amendment**

**By Philip Leigh**

**August 4, 2014**

The month following Robert E. Lee's surrender at Appomattox in April 1865, Andrew Johnson submitted for comment to his cabinet a plan for reconstructing the Union to include the former Confederate states. All members were originally appointed by the recently martyred Abraham Lincoln and all approved of Johnson's plan. It was modeled after Lincoln's December 8, 1863 reconstruction proclamation. Essentially, Johnson required that the previous Rebel states meet three requirements: (1) ratify the Thirteenth Amendment abolishing slavery, (2) repudiate Confederate debts, and (3) renounce the secession ordinances. Most residents of such states would be granted amnesty by swearing an oath to "henceforth" support the Constitution and laws of the United States, although selected classes such as wealthy landowners were required to petition directly to the President for a pardon.

Johnson's terms wiped out \$3 billion worth slave property, which was the single biggest investment in the USA prior to the war, exceeding the value of all the nation's railroads, factories, and banks combined. It rendered valueless all Confederate bonds and currency.

Although such penalties were substantial – particularly when layered atop the devastation suffered by the South during the war – they were not satisfying to Congressional Republicans. Even though all ex-Rebel states complied within a matter of months, Republicans were shocked that many of the Southern elected representatives for the first post-war Congressional session in December 1865 were former Confederate leaders. In response the Republican controlled Congress refused to seat them.



On February 27, 1869, Congress voted against seating John Willis Menard, the first Black man ever elected to the House of Representatives. James Garfield, from, Ohio, then a member of Congress who later became the President, confirmed the decision, arguing that “it was too early to admit a Negro to the U.S. Congress, and that the seat should be declared vacant, and the salary of \$5,000” saved. By this vote, Mr. Menard was barred from ever being seated and his constituents denied their chosen representative and all representation until the following election.

Republicans reasoned that if Congress seated such representatives Southerners might join forces with Northern Democrats thereby creating a coalition that could drive the ruling Party from power. As a result, Republicans settled on two objectives.

First, was African-American suffrage in all former Confederate states. They expected that such a mostly illiterate and inexperienced electorate could be manipulated to consistently support Republican interests. Second, they wanted to disenfranchise those Southern Whites who were thought likely to oppose Republican policies. Over the last fifty years historians have largely reinterpreted Republican motivations. Shortly before the Civil War Centennial it was generally agreed the chief aim was to insure Republican control of the Federal government by creating a reliably Republican voting block in the South for which improved racial equality was a convenient byproduct. However, by the Sesquicentennial it became the accepted dogma that Republicans were predominantly driven by altruism untainted by anything more than negligible self-interest.

Unfortunately for the Republicans the US Constitution stipulated that voting requirements were a matter of states rights. Thus, it appeared necessary to somehow get the states to uniformly authorize African-American suffrage. One way would be through the ratification of a new constitutional amendment. But there were two major problems with such a plan. First, the requirement that three-fourths of the states ratify the amendment implied a legal contradiction.

While Republicans would need at least some of the Southern states to ratify it, they did not recognize such state governments as lawful. Second, in reality many Northern states and Republicans objected to uniform Black suffrage. Instead, they wanted mandatory adoption in the Southern states while permitting the matter to remain a states right elsewhere because...well that's different, see?

When the Civil War began African-Americans were not permitted to vote in sixteen of the twenty-two loyal states. In most of the remaining six they could only vote by meeting property and education tests that were more stringent than those applicable to Whites. Upon the war's conclusion only five New England states with tiny Black populations permitted Blacks to vote. Ohio, Pennsylvania and Illinois did not. Even when Ulysses Grant was elected to succeed President Johnson in 1868 Black-suffrage was put on the ballot in three Northern states and rejected by them all.

Without a Republican voting dominance in the South, the Party worried that readmission of the former Confederate states would cause it to lose control of the Federal government. First, Congressional representation of the Southern states would increase because the elimination of slavery abolished the original Constitutional limitation of electoral representation for slaves to three-fifths of their population. Second, as noted, unless they conformed to Republican ideology, Southern representatives might form alliances with Northern Democrats in sufficient numbers to gain control of the Presidency, or Congress, or both.

Eventually Republicans settled on a plan to achieve their objectives. The initial step materialized as the Fourteenth Amendment. First, states refusing suffrage to male citizens of any race would have their Congressional and electoral representation cut by subtracting the number of members of the excluded race from the applicable state's population. Thus, owing to their tiny Black populations the provision was inconsequential in Northern states. In contrast, Southern states might lose considerable representation. Paragon examples are Mississippi and South Carolina where Blacks represented over fifty percent of the population. Second, despite the fact that Congress considered their governments unlawful, all Southern states would be required to ratify the amendment before they could be readmitted into the Union. In short, the Republicans ignored the legal contradiction because...well, consistency is the hobgoblin of little minds.

New England states were especially concerned that reductions in representation be limited only to those states that regulated voting rights on the basis of race, as opposed to other factors. New Englanders remained anxious to continue curbing the voting rights of alien immigrants – particularly the Irish – who were settling in their region in large numbers. California was even more apprehensive. The amendment's penalties for racial discrimination of voter registration put it in direct opposition to the state's restrictive policies toward Chinese immigrants.

Consequently, California was the last state to ratify the Fourteenth Amendment in 1959.

Unsurprisingly the Southern states initially declined to ratify the amendment. Perhaps the Florida legislature spoke for the entire South by replying, “Beyond the Post Office, our people derive no benefit from our existence as a State in the Union. We are denied representation...[and] at the same time subject to the most onerous taxation [and] the civil law of [our] state is only enforced when it meets the approval of the local [military] commanders.” Among the applicable taxes was one on cotton that approximated 20% of the commodity’s market value. There was no similar tax on the products of any Northern state. Revenues from the cotton tax were almost three times larger than all the monies invested in the Freedman’s Bureau during the Bureau’s entire existence.

In response, Congressional Republicans enacted four reconstruction bills in 1867 and 1868 to establish Republican vassal state governments throughout the South. The first officially declared there were no legal state governments then existent in the South. The second required each military occupation commander to compile a roster of voters based upon standards in the act that disenfranchised many Whites. Upon completion, about 1.3 million persons were declared legal voters. Blacks outnumbered Whites by 703,000 to 627,000 (53%-to-47%). The third act provided for liberal interpretation of the first two acts.

Despite Republican-controlled voter qualifications in the South, the Fourteenth Amendment still failed to be ratified because the second act required that it be accepted by a majority of a state’s registered voters, as opposed to the majority of votes cast. Notwithstanding such manipulative standards, some states such as Alabama could not herd enough affirmative votes to exceed fifty percent of total registered voters. Consequently the Congressional Republicans enacted a fourth bill to move the goal posts by repealing the fifty percent requirement. They were anxious to get Southern states re-admitted under puppet regimes quickly because of the approaching Presidential election. The fourth act enabled the Fourteenth Amendment to be approved by enough Republican vassal-states in the South for it to be dubiously ratified in July 1868 thereby assuring a large block of Southern electoral votes for the party’s Presidential candidate, Ulysses Grant.

Harvard’s Pulitzer Prize winning David Donald wrote of the Fourteenth Amendment with his co-author in *The Civil War and Reconstruction*:

In reality Congress...was not merely submitting an amendment to the states. It was creating fabricated governments in the South, to which there was given not an untrammelled opportunity of voting Yes or No...but only the opportunity of voting Yes or being denied recognition as states...As a matter of...law the method of amending the Constitution does not lie within the

legislative power of Congress...It is for Congress to choose between the convention and ratification, but not to create new...conditions as part of the amending process...[By] maintaining that the Southern states were not in the Union until redeemed by Congress, the Radicals were driven to the absurd conclusion that the states could not qualify as members of the Union until after they performed a function that only members can perform...

Although presently more obvious in the IRS tax code, the Fourteenth Amendment is an example of how hidden agendas often make our laws complicated and confusing. If it were truly an unselfish instrument for fairness and equality its key provisions and method of implementation would not be so obtuse and indirect. New Englanders would not be permitted to deny voting rights to Irish immigrants, merely because the newcomers were more numerous in New England than elsewhere. States deemed to have “unlawful” governments could not be asked to ratify it, nor could such governments be artificially replaced by Republican puppet regimes as a matter of “extra-Constitutional” political expediency by the ruling Party. Yet, all of those things happened in addition to the fact that California delayed ratification until four years after Disneyland opened its gates.

As a result the Republican agenda of high protective tariffs, Federal land donations to railroads, banking and currency regulations unfavorable to the South, and a laxity of government regulation for monopolistic businesses continued for generations. Although associated with the Gilded Age in the North such policies left the South as little more than an exploited internal colony. By 1870 Southern bank capital totaled only \$17 million as compared to \$61 million in 1860. Over the same period the region’s currency in circulation dropped from \$51 million to \$15 million. So great was the devastation and anemic the recovery that by 1900 the South had barely recovered to the level of economic activity prior to the Civil War in 1860.

As the percent of the nation’s population residing in the South continued to drop, Republicans gradually no longer needed the region’s African-American votes in order to retain power. Consequently, the Party’s racial altruism either (1) lost its resolve or (2) was an illusion created chiefly as a byproduct of manipulative political hegemony.

**Philip Leigh** contributed twenty-four articles to The New York Times Disunion blog, which commemorated the Civil War Sesquicentennial. He is the author of *U.S. Grant's Failed Presidency, Southern Reconstruction (2017)*, *Lee's Lost Dispatch and Other Civil War Controversies (2015)*, and *Trading With the Enemy (2014)*. Phil has lectured at various Civil War forums, including the 23rd Annual Sarasota Conference of the Civil War Education Association and various Civil War Roundtables. He holds a Bachelor of Science in Electrical Engineering from Florida Institute of Technology and an MBA from Northwestern University.

## HUTTO CAMP OFFICERS

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Commander .....	James R. Blackston
1 <sup>st</sup> Lt. Cmd. ....	Trent Harris
2nd Lt. Cmd. ....	Jeremy Jackson
Adjutant .....	John McGraw
Chaplain . ....	Barry Cook
Judge Advocate. ....	Cherokee Brasher
Communications. ....	Gene Herren
Facebook .....	Brandon Prescott
.....	Jeremy Jackson
Quartermaster .....	Barry Cook
Newsletter Editor . ....	James Blackston

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