

February 16, 2010

Sons of Confederate Veterans
1501 Frost Drive
College Station, TX 77845

Re: Return of a Texas Civil War battle flag currently in Georgia

Dear Friends:

I am writing to ask for your assistance with an initiative currently being pursued at the Texas General Land Office. Based on information supplied by my good friend Kirk D. Lyons, GLO archivist Mark Lambert recently contacted the Georgia State Archives, which runs the Georgia Capitol Museum, concerning a Civil War battle flag in their Georgia Capitol Flag Collection. We believe they hold a Texas Civil War battle flag that is from a Texas unit that I would like to see returned to the State of Texas.

The flag was originally believed to have belonged to the 1st Confederate Infantry Regiment of Georgia, and was captured during the Battle of Atlanta by the 81st Ohio Infantry Regiment on July 22nd, 1864. This flag was returned to Georgia from Ohio in 1972.

However, flag scholars no longer believe the flag belonged to the 1st Confederate Infantry Regiment. The flag is now believed to have belonged to the 9th Texas Dismounted Cavalry Regiment, which was lost at the Battle of Corinth to the 27th Ohio Infantry Regiment on October 4, 1862. We believe the flag was erroneously returned to Georgia instead of Texas in 1972 due to a mix-up in the labeling of the flags while in Ohio.

In the attached e-mail response and report from the Georgia State Archivist dated Tuesday, February 9th, 2010, the Georgia State Archivist states that they have confirmed that the flag in question no longer appears to be a Georgia unit flag, but they cannot state with certainty that the flag in question is a Texas unit flag. We believe the Georgia State Archivist is in error, and that thorough historical research will reveal that the flag is in fact a flag of the 9th Texas Dismounted Cavalry Regiment.

We are asking for your assistance in this endeavor. We are looking for someone who is very knowledgeable in the field of Texas Civil War flags and capable of doing scholarly historical research in both primary and secondary sources to scour the records regarding the 9th Texas Dismounted Cavalry Regiment, or any other Texas Civil War unit that this flag might belong to. This person will need to collect copies of all relevant sources, properly cited, that buttress our argument, and to also write a report summarizing all of the evidence in our favor. GLO archivist Mark Lambert can certainly assist in this work, and use state resources to help with the research and to compile and write the report.

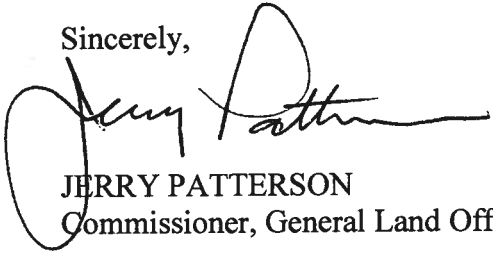
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We will then send a copy of the completed report to the Georgia State Archivist, in hopes that they will acknowledge the sufficiency of the historical evidence and our arguments, and return the flag to the State of Texas where it belongs.

If you know of someone who has the proper knowledge and skills to help in this endeavor, please have them contact me.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Patterson". The signature is written in a cursive style with a large initial "J" and "P".

JERRY PATTERSON
Commissioner, General Land Office

Enclosures: Response from Georgia State Archivist, dated 2/9/10, with attached report date 2/22/10;
image of the flag in question from the Georgia Capitol Flag Collection online database.

Georgia's Virtual Vault

Digital Treasures from the Georgia Archives

Georgia Secretary of State
Brian P. Kemp



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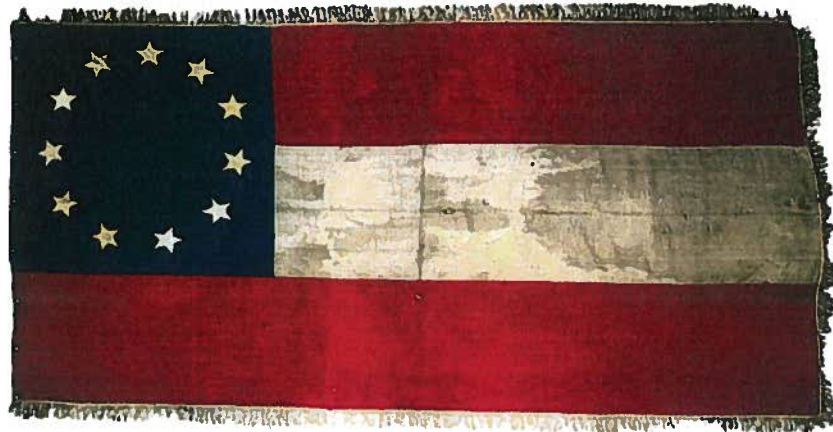
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Georgia Capitol Flag Collection

In 1905, Georgia Gov. Joseph Terrell announced that the U.S. War Department had returned twenty-six Civil War flags to Georgia. He requested state funds to preserve the collection. In 1916, the General Assembly mandated that the flags from the Civil War and Spanish American War "be preserved for all time in the Capitol of the State." The law required the governor to accept "any such flag . . . offered to the State" and "to make such provision for its preservation as may be necessary. . . ." Thus began the Georgia Capitol flag collection. For over one hundred years the flag collection has grown to include flags from every major military conflict of the 20th and 21st centuries. The collection also included many non-military flags collected as part of the history of Georgia and the Capitol. While several flags in the Georgia Capitol flag collection are on loan, many have been donated from other states, organizations, or private citizens. In 1964, Gov. Matthew Welsh of Indiana returned two Georgia Confederate battle flags to Gov. Ernest Vandiver, declaring: "We are joined indivisibly into one great nation leading the peoples of the world toward the peace with freedom and dignity for which mankind so fervently prays."

After ninety years of display on the first floor of the Georgia Capitol the fragile flags began to show serious wear and deterioration. Beginning in the early 1990s the Georgia Capitol Museum began the work of conserving many of the flags in our collection. The process included removing past harmful treatments applied to the flags along with encapsulating the flags to protect them for another century. The flags were removed from permanent display and placed in a climate controlled storage facility. A limited number of flags are temporarily displayed for the public in "Hall of Valor" located on the first floor of the Georgia Capitol in Atlanta, Georgia.

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This collection was launched in April 2008.

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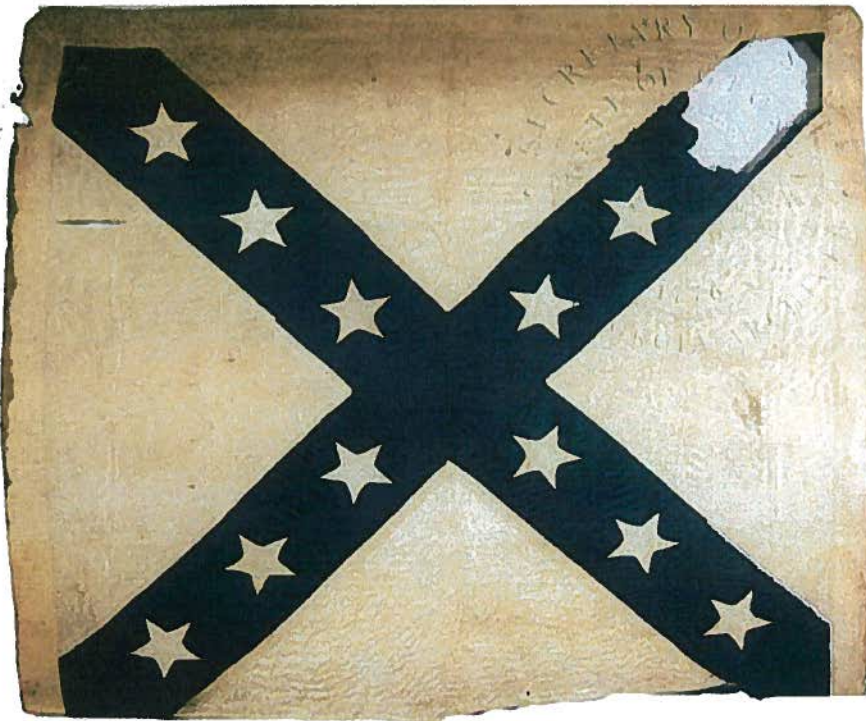
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1st Confederate Infantry Regiment, Attributed



Name	1st Confederate Infantry Regiment, Attributed
Design	Confederate Battle Flag
Material	Silk
Associated military conflict	Civil War
Current Location	Secured Storage, Georgia State Capitol
Height (Inches)	51.000
Length (Inches)	48.000
Additional information	http://content.sos.state.ga.us/cdm4/images/HighlightedBanners2006.pdf
Object ID	1990.22.0028
Donated by	State of Ohio, 1972
Cite as	Georgia Capitol Museum, Office of Secretary of State
Digital Collection	Flag Collection
Rights	Contact the Georgia Archives for permission to duplicate for publication. Please cite the Object ID when inquiring.

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Mark Lambert - Georgia flag

From: "Carmicheal, David" <dcarmicheal@sos.ga.gov>
To: "Mark.Lambert@GLO.STATE.TX.US" <Mark.Lambert@GLO.STATE.TX.US>
Date: 2/9/2010 12:08 PM
Subject: Georgia flag
CC: "Frilingos, Timothy" <tfrilingos@sos.ga.gov>
Attachments: Report on historic flag 1990-22-0028.pdf

Mark:

Tim Frilingos, who manages our Capitol Museum, has completed research on the flag you spoke to me about and we have prepared the attached report. As you'll see, our own research cannot establish that this is, in fact, a Texas flag. I hope that you'll send me any additional research you can provide that might help us lay the question to rest.

Best regards,
David

David W. Carmicheal
Director
Georgia Division of Archives and History
v. 678-364-3714
f. 678-364-3859
www.GeorgiaArchives.org

Visit Georgia's *Virtual Vault* at www.GeorgiaArchives.org

Georgia Capitol Museum-Accession Records
Report on historic flag, Accession 1990-22-0028
22 January 2010
Prepared by Timothy Frillingos

Object ID: 1990.22.0028

Other Name: 1st Confederate Infantry Regiment, Attributed

Measurements: Staff - 51"; Fly - 48"

Material: Faded red silk field; blue silk cross; white silk stars (originally twelve stars though one is now missing) and edges; yellow silk border

Condition: Flag is brittle and requires careful handling. It is unknown whether the flag can be rolled or must remain flat.

Location: Flag is currently located in the Georgia Capitol's Hall of Valor flag storage room; it is stored flat; temperature is maintained at a constant 67° to 69° F; RH is maintained between 48% and 52%

How the flag was acquired:

In 1972 the Adjutant General of Ohio, Major General Dana L. Stewart, authorized the return of Ohio's captured Confederate battle flags. At that time three flags were presented to Georgia and accepted by Georgia Adjutant General Joel B. Paris. One of these flags is now claimed by Texas as the flag of the 9th Texas Regiment. The flag in question was assigned Accession number 1990-22-0028.

Confusion about initial identification:

Flag 1990-22-0028 is a blue St. Andrew's Cross with twelve stars on a field of red (now faded to very light pink). At the time of its transfer, flag 1990-22-0028 was attributed to the 22nd Georgia Heavy Artillery Battalion. Subsequent research turned up a description of the 22nd Georgia Heavy Artillery flag and it was discovered that 1990-22-0028 did not match this description. The 22nd Georgia Heavy Artillery flag was

- (1) a "First National Flag," i.e., a circle of stars in the canton and three bars in the field, and
- (2) a very large 'garrison' flag.

Researchers realized that this description fit one of the *other* flags returned by Ohio (1990-22-0008), which had been labeled "1st Confederate Infantry Regiment". Rightly or wrongly, it was concluded that the attributions of the two flags had been switched while the flags were in Ohio. Thereafter, the Capitol Museum reversed the attributions and flag 1990-22-0028 (the St. Andrews Cross flag) has been attributed to the 1st Confederate Infantry Regiment ever since. (See images below.)



Accession 1990-22-0008
Original attribution: 1st Confederate Infantry Regiment
Current attribution: 22nd Heavy Artillery ("Ft. McAllister")



Accession 1990-22-0028 (the flag in question)
Original attribution: 22nd Heavy Artillery
Current attribution: 1st Confederate Infantry Regiment

Subsequent research has indicated that even now the attribution of flag 1990-22-0028 is probably incorrect.

	1st Confederate Infantry Regiment flag	Flag 1990-22-0028
Size	3' x 5'	Approx. 4' x 4'
Number of stars	11	12
Army	Army of Tennessee (This flag size was common among flags of the Army of Tennessee).	Unknown, though the flag size is more common outside of the Army of Tennessee, such as the Army of Northern Virginia.

Conclusion:

- (1) The initial attribution of Flag 1990-22-0028 to the 22nd Georgia Heavy Artillery Battalion is certainly incorrect.
- (2) It seems evident, also, that Flag 1990-22-0028 is not the flag of the 1st Confederate Infantry Regiment
- (3) We cannot say with certainty that Flag 1990-22-0028 belonged to any Georgia regiment.
- (4) These conclusions provide proof only of what the flag is *not*; they do not provide positive proof that Flag 1990-22-0028 is, therefore, the flag of the 9th Texas Regiment.

If the flag belongs to Texas, the Director of the Capitol Museum will recommend its return to that state (under certain conditions common to museum transfers of this sort), but until Texas provides further evidence that the flag in question is the flag of the 9th Texas, the question will remain unresolved.