



The Flag Known as Big Red

All of the evidence presented in this report is sourced, proven fact.

The issues:

1. Is the Big Red flag in question the same flag that posted on Morris Island on 9 Jan 1861?
2. What is the link between Cpl Baker's flag discovered at Ft Blakely, Al in April 1865 and the flag posted on Morris Is., SC in January 1861?
3. With whom does legal title vest?
4. Do museum ethical codes provide guidance for Cultural Property artifacts with multiple claimants/valid title disputes?

Is this THE Big Red that flew at Morris Is. on 9 Jan 1861?

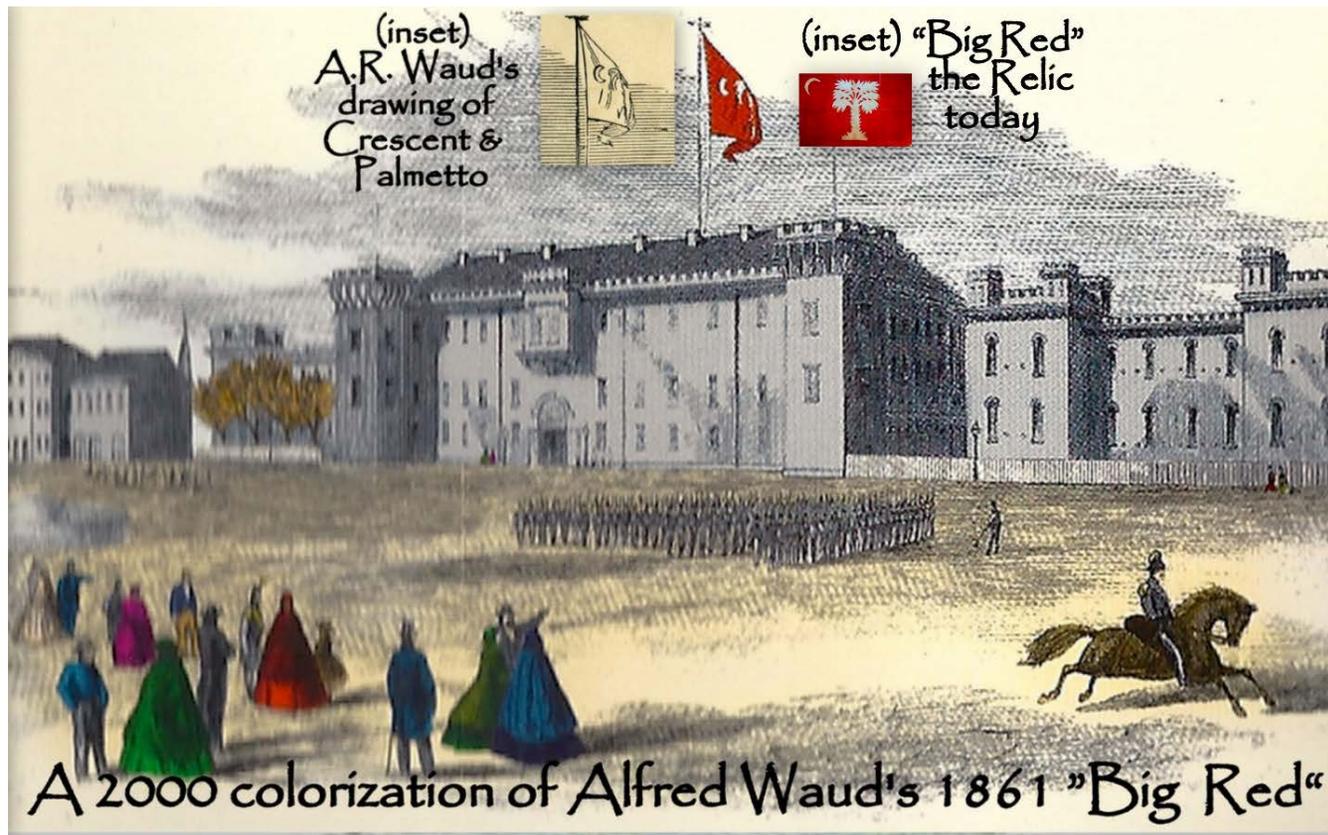
1. The Mercury News 5 Jan 1861 edition established that a "Palmetto flag" was presented to Superintendent Stevens for the purpose of posting it on Morris Island
2. The 26 January Harpers Magazine established a "red palmetto flag" on Morris Is.

Another eyewitness, First Lady of South Carolina Lucy Pickens, established a palmetto flag with both a crescent and palmetto tree on Morris Is. as the sole devices.

..... I have placed first among its devices the armorials of your beloved State, the glorious palmetto and crescent..... for they waved in our harbor when Carolina stood alone in this momentous contest, and floated over that heroic battery which threw its steady and victorious fire into the arrogant "Star of the West."



4. A New York Illustrated newspaper reporter/artist sketched a black & white drawing of a palmetto flag with reverse crescent atop The Citadel barracks on 4 or 5 Jan 1861 that appeared in NY Illustrated News newspaper on 2 Feb. 4
5. The drawing, by a paid professional, places a palmetto flag with reverse crescent atop The Citadel barracks just prior to Stevens departing for Morris Is to post Big Red....



A 2000 colorization of Alfred Waud's 1861 "Big Red"

The Black & White flag depicted above is a copy of the exact sketch. The middle flag is a color enhanced copy and the last one on the right is an example of the true Big Red⁷. The illustration is of the Citadel barracks with cadets at parade and what we believe to be Superintendent Stevens on horseback while the "ladies of Hugh Vincent's family" are gathered and Citadel cadets at parade.

5. The Charleston Daily Courier, reported a “well guarded red palmetto flag”
6. The evidence suggests Big Red flew no more than 10 -15 days
7. It is important to note that there has been only one reported flag with any crescent and palmetto as the sole devices prior to 28 Jan 1861

8. The combination of the palmetto and crescent together as the sole devices on a flag only appeared AFTER Big Red. That appearance was on the SC state flag of 26 Jan and finalized on 28 Jan 1861. It is not difficult to see the similarity between this one and Big Red and the likelihood that Big Red was inspired by the Sovereignty Flag.

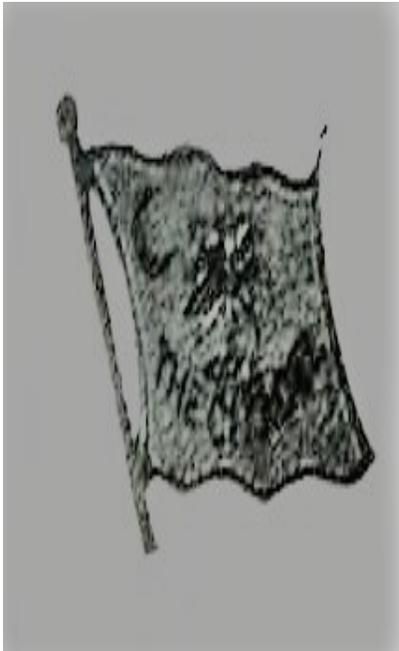


8. REPEAT: Research has never uncovered a flag with the design and color of the SHSI flag known as Big Red.

10. SHSI conservator Laura Rameriz reported in 2009, "Sir, I can tell you that we, The Iowa Battle Flag Project, have done the stabilization work on the flag. We have documented the flag completely. She has undergone a visual, microscopic and photographic documentation and a complete fiber and particulate analysis. The last was performed as a particulate sample... .As for your last two questions we are certain about the age of the flag because of the fiber and thread analysis, the type of construction, knowledge of the flag makers themselves and by researching the flag just as you have done. . . .All other documentation gives us a good argument that this indeed is the flag, witnessed by at least four individuals that flew over Morris Island. I believe it is "Big Red". . . . "I hoped this has helped you."

Ms Cyndi Pederson, Director of Iowa DCA, said in 2010, "After years of research we can now reasonably conclude that this is Big Red the flag that flew over the Citadel Cadet Battery on Morris Island on January 9th 1861 when shots were fired at the Star of the West" .. "as such the flag is historically significant to the State of Iowa, The State of South Carolina, The Citadel and the Nation as a whole."

11. It must be noted that there has also been a long and continuous association of these identifying devices of reverse crescent and palmetto tree with The Citadel



1930



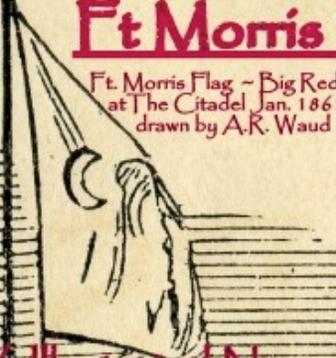
Photo by Barnard. *Eng. by Photo. Eng. Co., N. Y.*
CHARLESTON NEWS AND COURIER OFFICE.



1882

Ft Morris Flag ~ "Big Red"

"a study"

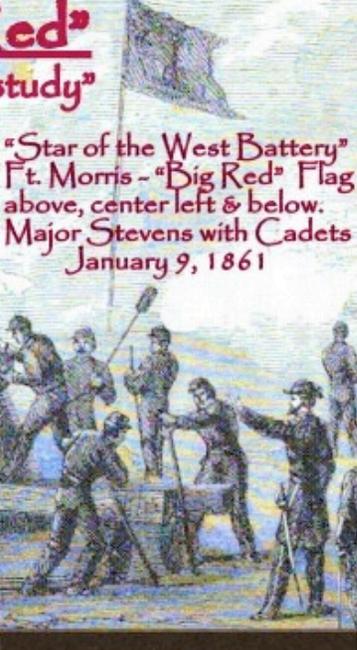


Ft. Morris Flag ~ Big Red
at The Citadel Jan. 1861
drawn by A.R. Waud

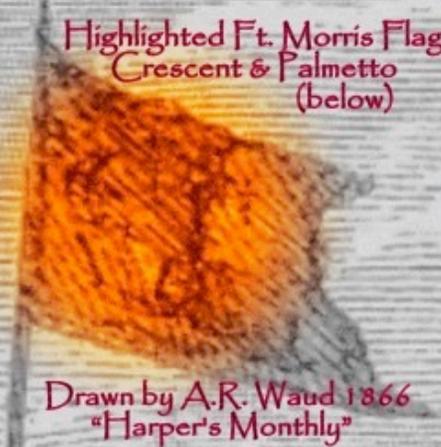
N.Y. Illustrated News
published Feb. 2, 1861



(above)
Enlargement of
the Ft. Morris Flag in
"Harper's Monthly" showing
Crescent and Palmetto

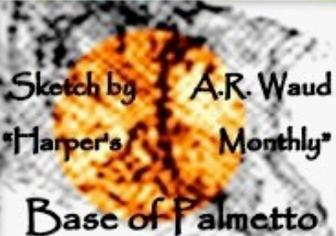


"Star of the West Battery"
Ft. Morris - "Big Red" Flag
above, center left & below.
Major Stevens with Cadets
January 9, 1861



Highlighted Ft. Morris Flag
Crescent & Palmetto
(below)

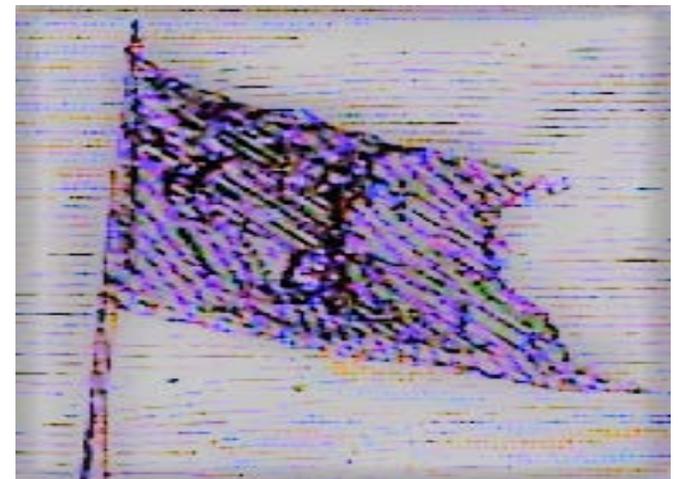
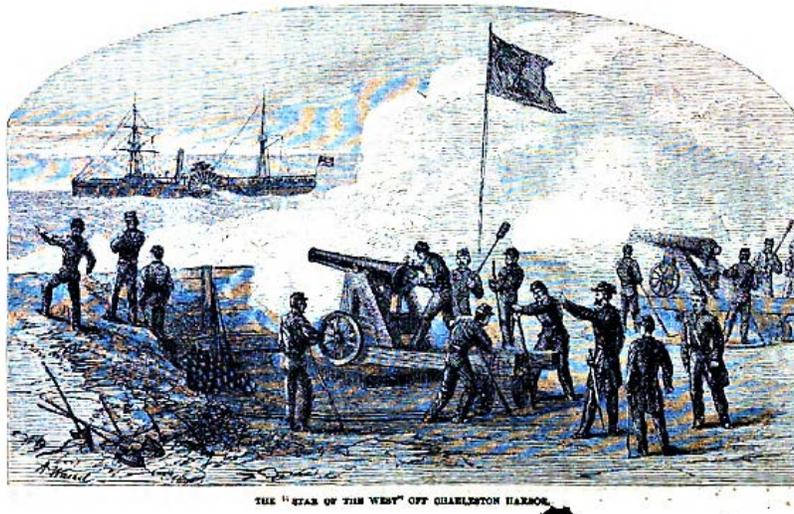
Drawn by A.R. Waud 1866
"Harper's Monthly"



Sketch by A.R. Waud
"Harper's Monthly"
Base of Palmetto



Photo of "Big Red" (in Iowa)



It is impossible not to conclude that barring evidence to the contrary, It is evident that the artifact known as Big Red was posted proudly on a flagpole on Morris Is , SC in 1861 as the identifier marking the position of Citadel Cadets for all to see.

The link immediately below will give a flavor of what a Big Red flag at the cadet position on Morris Island might have looked like.

<https://www.bing.com/videos/search?q=+Annual+Citadel+Big+Red+Flag+Raising+Cruise&&view=detail&mid=AA85A2BC43311971EoDDAA85A2BC43311971EoDD&FORM=VRDGAR>



What links the flag Cpl Baker discovered at Ft Blakely, Al in April 1865 to the flag posted on Morris Is., SC in January 1861?

- One fact for certain is as Baker notes, “The flag is from South Carolina, but how it got here I do not know.”.
- The circumstances of its discovery make it a certain likelihood that she arrived in Alabama in the personal effects of one of The Citadel alumni.

Who is legal Owner of Big Red?

- The letters as well as the preponderance of evidence show that Baker recovered the flag either by chance, by payment, by accident, by purloin, by exchange, or under other mysterious circumstances, **but in none of these happenstances is it possible for Baker to have obtained legal title.**
- **According to the Lieber Code, war booty belongs to the party which seizes it and not to the individual who seizes it.**[\[6\]](#) This principle is reflected in numerous military manuals.[\[7\]](#) It is also supported in national case-law.[\[8\]](#) As a result, **individual soldiers have no right of ownership over or possession of military equipment thus seized.** Some manuals explicitly state that it is prohibited for soldiers to take home “war trophies”.[\[9\]](#) It has been reported that in the United Kingdom soldiers have been court-martialed for trying to smuggle out weapons taken from the adversary following the Gulf War.[\[10\]](#)

FACT: All property in a region conquered by the US Army became "Captured Property." US soldiers and officers had no claim to civilian and enemy property.

1. According to Willard Baker's letter the red palmetto flag **was procured by undisclosed means in the Mobile region on 12 Apr 1865.**
2. All captures and booty belong, according to the modern law of war, primarily to the government of the captor, in this case the US government. Copied from The Regulations of the Army of the United States Sect 11 para 45, in force in 1865. In addition, please note Commanding General Canby's General Field Order of 12 April 1865 to Union troops including the 20th Iowa: "All battle-flags captured in the engagements at Spanish Fort and Blakely, will be carefully collected and turned over to these headquarters".
3. Battle Flags captured, or later found after battle in 1865, were required to be collected by commanding officers as **property of the US Army** and sent to the War Dept, for processing.
4. An example of **flags found (not captured) by Union soldiers was 3 found at Spanish Fort** without any knowledge of details about the owners. They were forwarded to the War Dept.
5. Baker was guarding **public and military property** at Blakeley at the time the flag was reportedly procured (12 Apr 1865)

6. All property confederate, public and private at time of occupation or capture in 1865 became **property of the US Army** and disposed of according to Army regulations
7. Neither Baker or Curator Harlan ever commented on how Big Red was obtained. Neither described or hinted at any battle.
8. There is zero evidence to indicate Cpl Baker obtained the flag in a manner that would have legal title attached.
9. The evidence shows one small contingent of South Carolinians on duty at Ft Blakely during the battle of 9 Apr-----Culpepers Palmetto Battery. Multiple former Citadel cadets and several "Star of the West" Cadets were within the Palmetto Battery's ranks. In fact, one former cadet, Lt Moses, was killed-in-action that day. The evidence suggests Big Red was stored in their belongings and got confiscated upon the capture of Ft Blakely.

CONCLUSION:

Effectively, title to all captured property passed to the Army and by extension, the US government.

Because of both US Army/Government Directives and the obligations of the unit **Baker served in as a guardian of captured property**, no other means of procurement allows Baker to obtain valid title to Big Red in order to pass the artifact and legal title to another.

SUMMARY ON CULTURAL PROPERTY/CODE OF ETHICS

1. Big Red is an artifact defined as cultural property and one of significant historical importance to The Citadel and South Carolina as Director Peterson commented in 2010. It has no value as a battle flag or a confederate flag as the evidence shows it was neither, making it a non-conforming inclusion as part of the SHSI "Battle Flag Project".
2. SHSI follows the guidelines on issues relating to cultural property of all reputable written codes for museums.
3. Code guidelines relating to cultural property call for disposing of artifacts in accessioned collections that prove to be non-conforming, or fall outside of the mandate for that collection in order to direct resources toward a higher and best use of other conforming or mandated artifacts. In addition, If an artifact is found to be non-conforming to a collection and thus removed, the museum is to then do what is best for the artifact, the museum and the public.
4. Museum codes require valid title be verified before display or claim of ownership.

5. Based on the means and manner in which the evidence indicate Big Red was procured by Cpl Baker **the legal title of the artifact would seem to rest with the US government as per law and by proclamation.** None of the handwritten notes by Baker or Stewart address legal title and we know of no attempt by Curator Harlan to obtain or verify same.
6. Museum collections are held in trust on behalf of the public. They are to be accessible to the public and if deaccessioned the museums priority is to find an institution who is willing to make the artifact accessible.
Artifacts with significant regional , national or local historical significance should be directed towards appropriate institutions.
7. Big Red is cultural property of significant historical importance to The Citadel, an institution that has made the artifact accessible to the public daily since receiving it in 2010. At SHSI, the artifact was labeled “unknown” for lack of provenance **and displayed for 4 hours in 90 years.**

Conclusions

The provenance of Big Red, supported by overwhelming evidence,, shows that this flag was presented to Major Stevens on 4 Jan 1861 and later posted and flown on Morris Is., SC on 9 Jan 1861. It found its way to Mobile, Al., likely in the baggage of a Citadel alumnus of the Palmetto Battery and was amongst the captured personal confederate property after the confederate surrender of Ft Blakely on 9 April 1865. Cpl Baker, who stated in writing that he had no knowledge of how the flag ended up in Mobile, 'got' the flag on 12 Apr 1865 and passed it in 1919 to SHSI Curator Harlan. Harlan who, for his part, never noted the means by which Baker came into possession of the flag 54 years earlier. Writings of Harlan, Stewart and Baker only refer to Baker "procuring" or "got" the flag "at Mobile" on 12 April 1865. We know the 'where and when', but not the precise 'how'.

- An exact replica of Big Red has been made to cover the original flag for protection from light exposure. It is this replica that the public views most days with the true Big Red protected and hanging directly behind.



- While Big Red is another storage item to SHSI, **Big Red is the featured centerpiece of our alumni building, the symbol of the South Carolina Corps of Cadets** and a popular source of Citadel pride and common bond among our deployed troops serving overseas. It has been **trademarked** and its likeness adorns every conceivable type of merchandise for sale on campus.
- **Our proposal for your consideration:** The Citadel proposes, for SHSI/DCA consideration, a contractual arrangement between the parties in which The Citadel is granted **conditional permanent custody** of the flag known as Big Red by SHSI for the purpose of displaying the artifact in a setting accessible to the public.
- **The conditions under which SHSI/DCA grants the permanent custody are** (1) that the artifact is maintained according to requirements set by the State Historical Society of Iowa (2) that personnel from said historical society may inspect the artifact with 30 days notice (3) that the artifact is returned to SHSI at Citadel expense if the maintenance display requirements are not met and/or The Citadel becomes insolvent.
- The **State Historical Society of Iowa** for its part, **remains primary custodian** of the flag consistent with the conditions set forth.