



Maj. Gen. Joseph Wheeler Camp #863, Conyers, Ga.

GEN. JOE'S DISPATCH



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Coming Events

April 16, 2011 - **UDC Confederate Memorial Day Celebration** - 2:00 pm @ Social Circle United Methodist Church, Social Circle, Georgia

April 26, 2011 - **Confederate Memorial Day** - Viewing of the Confederate Constitution, UGA Library, Athens, Georgia

May 20 - 22, 2011 - **147th Anniversary of the "Battle of Resaca"**, Resaca, Georgia

July 14 - 16, 2011 - **2011 SCV Reunion**, Montgomery, Alabama

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Wal-mart Drops Wilderness Project



Form: March issue of "Civil War News" by Scott C. Boyd

ORANGE, Va. – A last-minute decision announced by Wal-mart on Jan. 26 to cancel plans to build a 138,000-square-foot Supercenter at the entrance to Wilderness Battlefield halted the trial contesting Orange County's special use permit allowing the development. Opening arguments were expected to begin the next day.

Wal-mart also pledged to buy the site in question, but not develop it; compensate Orange County for legal and administrative costs related to the project; and to look for a new store site in the county.

This sudden turn of events seemed to leave everyone pleased except the Orange County government officials who granted the permit and fought for the Wal-mart.

The trial on the suit brought by Friends of Wilderness Battlefield and six residents was scheduled to begin Jan. 25 and consume up to eight days on the court docket.

Orange County Circuit Court Judge Daniel R. Bouton announced when court began at 9:30 a.m. on Jan. 25 that there would be no trial that day because of the pre-trial motions the court had to handle.

"Approximately 30 days ago, a number of filings came forward," Bouton said. "The material kept coming in, 30-40 pounds in a large storage box. A few thousand pages of reading material. There is a hot dispute

with respect to eight witnesses, motions on standing, discovery sanctions, expert witness fees."

Bouton said the materials could not be shrugged off or disposed of in an hour or so. "Perhaps I should have seen this coming, but I did not," he said.

The list of pleadings and orders takes up five pages alone. Since Christmas 2010, the judge received 51 different motions and other pleadings.

Noting he would have set aside two days if he knew so many motions would be filed, Bouton said no new motions could be made without the court's permission.

After this preamble, Bouton invited the defense — the Orange County Board of Supervisors, Wal-mart, developer JDC Ventures and landowner 3 & 20 Limited Partnership — to argue its side of the first motion.

They asked for a summary judgment on the count that the county's decision to grant a special use permit was made in a manner that was "unreasonable, arbitrary and capricious and not reasonably related to the public health, safety, morals and general welfare."

Supervisors' attorney Sharon E. Pandak took about an hour making her arguments. The co-defendants' attorneys told the judge they had nothing to add.

About 10:45 a.m., Judge Bouton announced a 10-minute bathroom break. This break lasted well beyond the allotted time, with attorneys for both sides eventually going to the judge's chambers.

More than an hour later they returned to the courtroom where Judge Bouton announced that some matters had been brought to his attention that he needed to consider before he let the plaintiffs argue their side of the first motion.

He called for a two-hour lunch break, an hour longer than usual. When court resumed at 2 p.m. the judge recessed court until 9 the following morning.

Surprise Announcement

When the Jan. 26 session started at 9:20 a.m. Judge Bouton apologized for the late start, saying, "Because of information brought to my attention, I had to meet with counsel."

The judge said he was going to provide information on the status of the case, and that everyone must remain seated until he finished his remarks. A great sense of anticipation was felt among the observers.

"The trial is not going to go forward," Judge Bouton said.

"Wal-mart intends to relinquish its rights under the special use permit."

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Our Commanders Comments



By: Commander Elect J. H. Underwood



Compatriots;

April is Confederate History Month and as usual our camp celebrates this by having our annual "Open House" as our April meeting. The Open House will

be on Tuesday April 12, 2011 at 7:30 pm at the Masonic Lodge and it is open to the public, so please invite your friends and family.

I will open the Lodge at 6:00 pm to give all of you time to bring your confederate artifacts and memorabilia and get your displays set up. Lets make this the best "Open House" we have ever had.

Also don't forget that our camp is helping the James M. Gresham Chapter #1312 in Social Circle with their Confederate Me-

morial Day ceremony. 1st Lt. Cmdr. Tommy Cook will be the guest speaker and Chaplin John Maxey will deliver the invocation. This event will be held at 2:00 pm on Saturday, April 16, 2011 at the Social Circle Methodist Church on Highway 11 in Social Circle, Georgia.

All camp members and their guest are invited so please let me know if you are going to attend and how many there will be in your party. I need to let the UDC chapter know how many to expect from our camp.

April 26, 2011 is Confederate Memorial Day and as most of you know our own Camp Chaplin John Maxey is allowed to show the world the Confederate Constitution at the University of Georgia Library.

John is a leading authority on the Constitution and spends this day answering questions and discussing the document with everyone who visits the UGA library on that day. It is only displayed to the public on Confederate Memorial Day and if you have not seen it, it is well worth the trip to Athens.

If anyone is interested in going this year as a group, let me know and I will get it put together as an official field trip.

Compatriots also remember to bring a snack or drink to next month's meeting for the "Open House." It is open to the public and we need to make sure we have enough.

I look forward to the upcoming Confederate History Month activities and will see you at the "Open House".

J. H. Underwood, Commander.



Middlebrooks Cemetery Workday



By: Commander J. H. Underwood

On Saturday, March 12th five of us worked on the south end of the Middlebrooks cemetery and were able to clear the three large downed trees that kept us from clearing the brush and vines. It is now cleared to the point that you can see the rock wall all the way around the cemetery.



I want to thank 1st Lt. Cmdr. Tommy Cook, 2nd Lt. Cmdr. Jerry New, Camp Adjutant Steve Camp and Camp Historian Dan Bass for their hard work and a special thanks to Penn Middlebrooks' great granddaughter, Debbie Autry, who came from Calhoun, Georgia to help with the clean-up. Her presents brought the Middlebrooks family history to life and made a hard day of work a lot more enjoyable.

She learned more about her ancestors as well and this reminded us how important saving this piece of history is. Here is what Ms. Autry had to say about her day in an e-mail to me later that day.

"Thank You for such a great day!! I was so happy to meet you guys and work with you.

Thank you so much for taking an interest in my ancestors and giving of your time. It really means a lot to me. Remember the grave of Mary Elizabeth? I found her parents in the Middlebrooks history book. She was the daughter of Isaac Simeon Middlebrooks and Laura Anna Garlington. Isaac was one of those 11 children of Zere and Sophia. He was a doctor having studied medicine at Southern Botanical medical College in Macon and at the Metropolitan College of Medicine in New York City. Laura Anna was his first wife. She died in Honduras, Central American in November 1868 with one of her children Ella. The child Mary Elizabeth was born Jan. 23, 1866 and died May 13, 1870 two years after her mother's death. I don't know why they were in Honduras.

I did find the home of Penn and Maggie Middlebrooks, on that road Oak Hill. I visited with

the people who live in my great grandfather's farmhouse. The Penn Middlebrooks house was owned by Ernest and Frances Underwood but they have both died and now some other family owns it. They use the land for gardening but the old house is falling apart. Naturally, I walked right in!! took photos in every room and even dug up some irisis for my garden!! Thanks once again for making today so special!"

There is still work to be done but the cemetery is in a lot better shape than it was and now it will be much easier to control the undergrowth. There are some stones that need resetting or repairing and we will soon need to spray brush killer on the wall and a few other trouble spots. I will keep you



updated as to when we might do this. It is nice to know that our efforts are appreciated and again I thank Ms. Autry for her help.

J. H. Underwood
Commander



Wal-mart Drops Wilderness Project



Form: March issue of "Civil War News" by Scott C. Boyd

The judge then read a statement he said was prepared by Wal-mart attorney Jonathan T. Blank:

"We have decided to preserve the property near the Wilderness Battlefield in Orange County, Virginia, that was approved by the Board of Supervisors for a new store. We will still buy the land, but not develop it.

"We appreciate Orange County's business friendly nature, and we are committed to building a store in the county to serve customers in this area. We look forward to beginning talks within the next 30 days about a new site along the Route 3 corridor.

"We are very grateful to county officials for their leadership and commitment to the project, and appreciate the time and effort they have spent working with us together as we tried to design a store that balanced preservation and economic growth. We will compensate the county for its legal and administrative expenses related to this project."

In noting the legal issues and differences would not be decided by his court, Judge Bouton said, "It was a hotly contested, vigorously contested case with both sides proceeding in commendable fashion. The court extends best wishes to all parties."

Wal-mart spokesman William C. Wertz stood outside the courtroom afterward, handing out copies of the statement read in court.

Wertz said the decision to not build at the Wilderness site was made in the preceding 24 hours and that there wasn't any one single factor that decided the matter.

"We tried to weigh the balance between preservation and economic growth and decided preservation needed to get the weight," Wertz said.

"We commend Wal-mart for its decision," said plaintiffs' attorney Robert D. Rosenbaum immediately afterward. "The preservation community looks forward to working with Wal-mart and the county to preserve this land."

"We were prepared to prove this was the

nerve center of the Union Army, where General Meade's headquarters was located. Artillery batteries were up the hill. Across Route 3 there was a large hospital complex," Rosenbaum said.

County Reaction

"Orange County, Virginia was stunned and disappointed to learn that Wal-mart is abandoning its proposed location on Route 3," said a statement issued by Pandak and immediately posted on the county government's Web site.

"Orange County stood with Wal-mart to defend in court County approval of its requested Special Use Permit. Orange County officials and staff worked very hard through a review process to balance economic development with private property rights and a respect for historic preservation in developing the Rt. 3 corridor with this Wal-mart location."

The county statement said, "Forces from largely outside the County, using exaggeration, took advantage of the horrors of the Civil War to achieve their own goals."

"Even the eminent Dr. James McPherson conceded that no event of historic significance occurred on this land," Pandak's statement claimed.

However, a summary of testimony the 1989 Pulitzer Prize for history recipient provided to the court last Oct. 12 included: "And the historical record makes clear that the land on or adjacent to that site [for the proposed Wal-mart] was the immediate rear of the fighting, where significant events occurred that were an integral part of the battle."

Pandak's statement concluded: "Orange County will continue to work with Wal-mart to find an acceptable site on Rt. 3 and minimize the economic damage created by those who brought the lawsuit. Orange County remains committed to expanding its tax base through economic development and good land use planning on the Rt. 3 corridor."

Other Reactions

President Zann Nelson of the Friends of

Wilderness Battlefield, who was present in court, described her reaction to the outcome as "pure joy."

"I'm very, very happy with the Wal-mart decision. We have a lot of good work we can do now together with Wal-mart and the County of Orange," Nelson said. "What Wal-mart has done is create a venue where all stakeholders can sit at the table and create a win-win situation."

"We're very pleased with the outcome," said Russ Smith, Superintendent of the Fredericksburg and Spotsylvania National Military Park, which includes part of the Wilderness Battlefield. "We only wish this outcome had come a lot earlier. This is all that we've ever asked – that Wal-mart move to a less-sensitive site."

Congressmen Peter Welch, a Vermont Democrat, and Republican Ted Poe from Texas, who visited the site on the battle's 145th anniversary (June 2009 CWN), spoke on the House floor together and wrote the Wal-mart CEO in opposition to the Wilderness store location, praised the company's change of mind.

"The Wilderness Battlefield is a sacred site for Vermonters, Texans and all Americans," they said in a joint statement. "We appreciate Wal-mart's decision to build elsewhere and we applaud the leadership and advocacy of those who fought to preserve this important national landmark."

said her orgStephanie Meeks, president of the National Trust for Historic Preservation, which was a plaintiff before being excluded based on a motion by Pandak, anization "commends Wal-mart for taking this important step." The National Trust was part of the Wilderness Battlefield Coalition.

James Lighthizer, president of the Civil War Trust, another coalition member, which filed a friend of the court brief, said, "We have long believed that Wal-mart would ultimately recognize that it is in the best interests of all concerned to move their intended store away from the battlefield." He added, "We applaud Wal-mart officials for putting the interests of historic preservation first. Sam Walton would be proud of this decision."



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It's No Longer CWPT; There's A New Logo & Name:



WASHINGTON, D.C. — The name is shorter, the logo snappier, but everything else about the Civil War Trust is the same as it was under the well-respected Civil War Preservation Trust name.



It was CWPT for years to headline writers and others cramped for space. There is no acronym this time — Civil War Trust fits.

In the Jan. 10 announcement of the name change president James Lighthizer noted the new logo better represents the group's land conservation mission.

The logo features two soldier silhouettes holding U.S. and C.S. flags with the new name, the tagline "Saving America's Civil War Battlefields" and the Web site address.

The timing of the changes to coincide with the Civil War Sesquicentennial was not

accidental.

"We hope that unveiling this change at such an exciting time — as the sesquicentennial stimulates interest in the Civil War and the hallowed battlegrounds where that conflict was decided — will also help generate greater support for battlefield preservation," Lighthizer wrote.

Civil War Trust Policy and Communications Director Jim Campi said planning for the name and logo change began more than a year earlier.

"This gave us plenty of time to draw down on our stocks of letterhead and promotional material, enabling us to keep the cost of the transition extremely low," he noted.

A direct mailing to Trust members about the changes included a feedback card. Campi said for the most part, response has been positive.

"Some recognized that the longer name was a mouthful; others that the previous logo didn't say much about what the Trust does," he said.

By: Kathryn Jorgensen, "Civil War News"

Some members had concerns, "but in most cases, they understand our reasoning and plan to continue to support our battlefield preservation mission."

A fact sheet mailed to members noted that despite its success in saving nearly 30,000 battlefield acres, many people did not know about the organization, in part because of the long name and abbreviated "CWPT."

A market research firm surveyed thousands of members and potential members on prototype graphics through an online interactive system. Based on response, the organization decided to move forward with the logo change and incorporate the tagline. Various designs were presented to the board before the final selection was made.

Details about the thinking behind the name change can be found online at www.civilwar.org/logo which has links to Lighthizer and Civil War Trust Chairman John Nau III discussing the changes on YouTube videos