

# WEB SUPPLEMENT

to the Winter 2005 issue of *Blue & Gray Magazine*

*From the Editor:* The Holiday 2004 issue included a sidebar by Alan T. Nolan and Marc Storch entitled “The Strange Story of the 6th Wisconsin’s Flag at Antietam.” It accompanied their feature article and General’s Tour on the Iron Brigade in the Maryland Campaign. A charge by members of the Wisconsin unit and their brigade commander was leveled at the 20th New York State Militia and its commander, Lt. Col. Theodore B. Gates, of improperly claiming to have rescued the 6th Wisconsin’s flag from the battlefield of Antietam. Another controversial issue involved a captured Confederate flag. Commanding the Iron Brigade at South Mountain and Antietam was Brig. Gen. John Gibbon. The 6th Wisconsin was led by Lt. Col. Edward S. Bragg until his wounding, when Maj. Rufus Dawes assumed command.

In response to the sidebar, B&G received a lengthy rebuttal from Seward R. Osborne of Krumville, New York, a noted scholar on Gates’ 20th NYSM, also known as the Ulster Guard. Mr. Osborne owns the diaries of Colonel Gates, and is the author or editor of three books on the 20th: *Holding the Left at Gettysburg: The 20th New York State Militia on July 1, 1863*; *The Three Months’*

*Service of the 20th New York State Militia, April 28-August 2, 1861*; and *The Civil War Diaries of Col. Theodore B. Gates, 20th New York State Militia*. He has privately funded two monuments to the 20th, at Gettysburg and Kingston, New York, and a marker at 2nd Bull Run.

Space in the Winter 2005 issue did not permit the full text of his rebuttal, so the Response section of that issue carried an abbreviated version. However, knowing the appetite of many of our readers for historical controversy, Mr. Osborne’s 5,500-word response appears in its entirety in this Web Supplement. He further notes, for the record, that the oft-used, alternate designation of “80th New York” for the unit is improper, as the historical record shows that the 20th NYSM rejected that designation. For more on the 20th, Colonel Gates, and Seward R. Osborne, visit his website: [www.ulsterguard.us](http://www.ulsterguard.us).

For the benefit of those who had no opportunity to read the Nolan-Storch sidebar in the Holiday 2004 issue, it too has been reproduced in this Web Supplement.

# The Strange Story of the 6th Wisconsin's Flag at Antietam

by Alan T. Nolan and Marc Storch

Only a few days after the Battle of Antietam, officers of the Army of the Potomac sat down to write their official reports. While meant to document the events of the battle, the reports also gave the writer a chance to give credit to officers and men who had shown special gallantry, as well as to provide reasons for why things happened or did not happen during the fight. Like any event, every participant saw parts of it differently, and in some cases it was to the benefit of someone to see things in a particular light. On September 21, 1862, Lt. Col. Theodore B. Gates, commanding the 80th New York (20th Militia) in Brig. Gen. Marsena Patrick's brigade, wrote of his unit's actions in the Battle of Antietam. His regiment, which "did not number 150," was behind Battery B, 4th U. S. Artillery in support of the guns, when ordered forward into the cornfield fighting. Gates included the following passage:

*... For a time the enemy were completely driven from their cover, and in their flight abandoned their battle-flag (the bearer was shot down by Isaac Thomas, of Company G), which was brought off by Major H. [Hardenbergh], as was also the regimental colors of the Sixth Wisconsin, which they had been compelled to leave on the field. The Wisconsin regiment falling back, and the enemy advancing strongly re-enforced, Major H. fell back with his small party to the right wing. The enemy advanced, apparently with the intention of taking the battery [B, 4th U. S.], and drove the gunners from their pieces for a time, but the steady fire of my battalion checked and drove them back until other regiments of your [Patrick's] brigade reached the field to my right and front, when the enemy were driven to the left and rear.*

*The battery no longer being of service here, was removed to the hill on the left of the road, and some half an hour afterward I fell back to a piece of woods on the same side of the road, and subsequently rejoined the brigade.*

That Gates would describe another unit losing its flag in battle was a serious matter, and not only bespoke of the severity of the fight, but also the gallantry of his New Yorkers in rescuing the 6th Wisconsin's flag in the action. However, on the very day that Gates wrote his report, so too did Lt. Col. Edward S. Bragg of the 6th Wisconsin. Bragg made sure to insert this passage:

*At the request of Major [Rufus] Dawes, who was in command during my absence [Bragg was wounded at Antietam], I have the honor to report that the regiment conducted itself during the fight so as to fully sustain its previous reputation; that it did not abandon its colors on the field; that every color-bearer and every member of the guard was disabled and compelled to leave; that the*

*State color fell into other keeping, temporarily, in rear of the regiment, because its bearer had fallen; but it was immediately reclaimed, and under its folds; few but undaunted, the regiment rallied to the support of the battery. The color lance of the National color is pierced with five balls, and both colors bear multitudes of testimony that they were in the thickest of the fight.*

*... In this advance two stand of colors were captured and sent to the rear in charge of a wounded soldier, and have become lost or fallen into possession of some one desirous of military écart without incurring personal danger, so that they cannot be reclaimed by the captors.*

And there the matter would stand for many years. Both reports were submitted to each regiment's brigade commander. Both reports were eventually published in *War of the Rebellion: Official Records of the Union and Confederate Armies*. It was not until the late 1880s and 1890s that other views came to light when Ezra A. Carman began to compile data to write a history of the Battle of Antietam. Carman corresponded with veterans and asked questions regarding descriptions of events he found in the *Official Records*.

When Carman explored what happened to the flag of the 6th Wisconsin he received copies of the following two letters. The first is from General John Gibbon, commander of the Iron Brigade. The second is a response to Gibbon's letter from Lt. James Stewart who commanded Battery B, 4th U. S. Artillery in the battle. Both men were in the Regular Army after the war and were frank in their discussions, as only old comrades can be.

Winchester VA  
Aug 4, 1893

My Dear Stewart,

*... I am glad to hear you are preparing a paper on Antietam, but I am afraid I cannot trust my memory sufficiently to be of much service to you in regard to the incidents of that hot place between the straw stacks and that cornfield. I have only a dim recollection of the flag incident to which you refer. I was at the Battery when the 6th Wis. came back and helped the Major (Dawes) to rally it on its colors which were then with the Regiment. A half regiment (I think the 20th N.Y. [Gates' regiment]) had been sent to aid in protecting the battery. It never went beyond the position occupied by the limbers of the guns. After the battle the Col of that half regiment (I am not certain of his name or the number of his regiment) turned in a Rebel color which he claimed to have captured on the field, and on the paper accompanying the color*

stated that he had brought off the field the colors of the 6th Wisconsin. During the fight one of our men (I suppose one of the brigade) brought me in the Battery a rebel color and in the excitement of the fight I yelled at him to throw down the flag and take his place in the ranks. When the NY Col. turned in his rebel flag I suspected it was the one this man had brought to me as I knew the Col. had never been in a place where he could have captured it, but when he said he had brought off the colors of the 6th Wis. I knew that was not true, for I saw them come off the field myself. Hearing of the NY Col's statement I went to Division Hd. Qrs., examined it and the Col. was sent for and made his statement. It was not very clear and was very weak, and I had not much difficulty in persuading him to omit all mention of the 6th Wis. flag in his statement and I did not attempt to make any point about his captured Rebel flag. Now this I cannot pretend are facts, they are merely my dim recollections of the case and they are welcome to you if you can use them. The records will show, but the recollection is the Regiment was the 20th NY and the Col. or Lt. Col.'s name, Gates.

Very truly yours,  
John Gibbon

★ ★ ★ ★ ★ ★ ★ ★

Carthage Ohio Aug 12, 1893  
Maj. Gen. Jno. Gibbon USA

Dear Genl.

Your letter received for which I feel greatly obliged. Now I will state the incident as it occurs to me. A few minutes after you had placed me in command of the battery, I was walking towards the left of the left piece [cannon]. The 6th Wisconsin was on our left flank and seeing the color bearer falling out of the ranks, and about to fall to the ground, from a wound, I rushed to him and taking the flag stepped into his place, holding it there for some minutes. In looking over my shoulder, I noticed the right piece was not firing. I faced about, and seeing what I thought at the time was the Major of the regiment, I handed him the flag and thought nothing more about it until two days afterward when an orderly came to my tent and informed me that you wished to see me. I told the orderly that I was sick. The orderly returned and informed me that I must come. Dr. Mosher of the battery had a short time before performed an operation on me and I was in terrible pain, but nevertheless I went to your tent. I was afraid to report myself wounded, for fear of losing command of the battery.

When I reached your tent, I saw for the first time that you were considerably annoyed. You asked me what I had done with the flag (6th Wisconsin). I stated that I had given it to the major of the Regiment. You sent for Maj. Dawes and when he came, you asked him if I had given him the flag. He said I had not. You told him that that would do. You then told me to go and bring the flag. I went back to my tent, and some time after a Lt. Col. came and asked me if I remembered him. I said "yes" and that I was glad to see him; that I wanted him to go with me to your tent. I told him on the way that I thought he was a major but that I now saw he had the straps of a Lieut. Col.

When we reached your tent, I knocked and we both walked in. I said "General, I have made a mistake, this is the officer to whom

I gave the [6th Wisconsin's] flag." Your words to him were "Did Mr. Stewart give you the flag[?]" His reply was that he thought it was given to him by a private of his Regiment. Your words were, as well as I can remember "Oh, you thought you had received it from a Private?" I then said that privates did not wear Second Lieutenants' shoulder straps. You then said "Do you wish me to forward this to Gen. McClellan [?]" holding in your hand a piece of paper. He said "No" that he had made a mistake, and you said "Yes, a thundering mistake." I did not know Mr. Dawes at the time, and there was to me a considerable likeness between him and Lt. Col. Gates. This is, to the best of my recollection, the whole circumstance.

Yours very truly  
James Stewart

Thus, in the heat of battle, Lieutenant Stewart of Battery B had mistakenly handed the 6th Wisconsin's flag to the commander of the 80th New York (also known as the 20th Militia), Colonel Gates. In Gates' report, the "thundering mistake" was that he made it sound as if the 6th Wisconsin had left its colors on the battlefield. Carman also corresponded with Rufus Dawes, who at Antietam was a major, and eventually became the colonel of the 6th Wisconsin. Dawes responded to the question of the regiment's flag:

Marietta Ohio Feby 14, 1898  
Genl. E. A. Carman  
Washington D.C.

My dear sir,

I received your letter of Feby. 12th with much pleasure.

If you will examine Lieut. Colonel E. S. Bragg's official report in the Official Records of the War, you will find an exact statement of the flag incident. As Col. Gates is dead, I will make no comment upon the effort of his to discredit the service of my regiment. It is not for the 20th New York who took 135 officers and men into action at Antietam and had 49 killed and wounded to claim credit by an effort to discredit the 6th Wisconsin which took 300 men into action and had 152 killed and wounded. Their loss was 34%, and our loss was over 50%. There is no language strong enough to adequately commend the service of the gallant regiment which I had the honor to command in that bloody struggle, and to apologize for or defend its service would be absurd. Our regiment came upon the field long before the 20th New York, and left the field after that regiment had gone, and we marched back with both colors flying.

Very Truly,  
R. R. Dawes

Theodore Gates wrote a history of his regiment after the war and described the flag incident much as he did in his official report, but with some added color. Dawes also wrote a history of his regiment, titled *Service with the Sixth Wisconsin Volunteers*. He did not mention the flag incident in his work. Though widely read and generally appreciated, Dawes was taken to task by his old comrades from the regiment who remembered events differently, or felt he had not given the "Old Sixth" the recognition it was

justly due. One such letter in that vein is an undated one in the Dawes Papers at the State Historical Society of Wisconsin, from Edward Bragg, who wrote the original report on the actions of the 6th Wisconsin that fateful day:

*My Dear Dawes,*

*Your book makes me feel young again & makes a yearning for the old feeling of glory in commanding a line of the best troops in the world.*

*You must not take my critique—except as it is intended—in the best of friends & and with hopes I have of our work when complete will be, as I believe it will, a great success.*

*You fail to do the 6th full justice at 2nd Bull Run and give the command that deserted us in the wood credit [for saving] that damned battery to them. The 20th NY and 20th New Y. Mil[itia]—were our 2nd line & they left before the 1st line did! Gates of New York comd. the 20th, a blubber lipped, gormandizing looking cuss—he has written a book called “the Ulster Guard”— He is the man who claimed to have taken your color at Antietam.*

Old soldiers could never let such issues lie undisturbed. 🖊️

#### ABOUT THE AUTHORS

ALAN T. NOLAN is a native of Indiana and a graduate of Indiana University and Harvard Law School. He is the author of a highly acclaimed history of the Iron Brigade, considered a model for unit histories. He is also co-editor with Sharon Eggleston Vipond of *Giants in Their Tall Black Hats: Essays on the Iron Brigade*.

MARC STORCH was born and raised in Wisconsin. He and his wife Beth have spent the last 15 years researching Wisconsin regiments, particularly in the Iron Brigade. They have written on the Brigade, including an essay in *Giants in Their Tall Black Hats*. Currently, Marc and Beth are working on a regimental history of the 2nd Wisconsin Volunteer Infantry.

[ Mr. Osborne’s rebuttal  
begins on the next page ]

# Chicanery – Subterfuge – Conspiracy

## The 6th Wisconsin Flag Incident at Antietam Re-examined

by Seward R. Osborne

This is in response to the sidebar by Alan T. Nolan and Marc Storch titled “The Strange Story of the 6th Wisconsin’s Flag at Antietam,” which accompanied their feature article on the Iron Brigade in the Maryland Campaign in the Holiday 2004 issue of *Blue & Gray Magazine*. I will address the article in the order in which it was written.

As the very first paragraph of the sidebar intimates, a battle report is usually not the recording of one man. It is a compilation of what he saw and what others of his command experienced. It is imperative that the reader understand that at no time did Lt. Col. Theodore B. Gates of the 20th New York State Militia attempt to discredit the gallantry or fighting ability of the 6th Wisconsin. At no time did he censure or demean any of the regiment’s officers, in his official report or in any later writing. It is interesting to note that in both Gates’ and Bragg’s reports, the two officers use the same three words: “compelled to leave.”

In each case, the word “compelled” does not disparage the 6th. Also there is no discrepancy between Gates’ “regimental colors” and Bragg’s “State color.” They both refer to the same flag and infer that something apart from the ordinary did actually occur. The key to the flag issue is Dawes telling Bragg, four days after the event, while still fresh in his mind, “that the State color fell into other keeping.” It is clear the flag was not in possession of the 6th! Dawes also recalled “that every color-bearer and every member of the [color] guard was disabled.” There is certainly no dishonor when a soldier is wounded and “compelled” to drop his flag. Strangely, if the flag incident was such a “serious matter,” why was there no mention of it, the 20th New York or Lt. Col. Gates in John Gibbon’s official report written one day prior to Gates’ and Bragg’s reports?

Equally puzzling is the absence of anything relevant in the September 24, 1862 report of Lt. James Stewart! The most simple and logical explanation is that when the 6th’s “State color” fell, an unknown 20th New York soldier, in a very hot place, being close to the flag and not wanting to see a Federal ensign fall into Rebel hands, merely picked it up, carried it a few feet or yards, to a safe place and immediately gave it back to a soldier of the 6th Wisconsin! In my eyes this took some courage and is a perfect example of camaraderie between soldiers fighting for the same cause. Quite frankly this is where the story should end. However, others have opted for a more radical and scurrilous conclusion, so we continue.

We are quickly transported from 1862 to the 1890s. Four elderly but proud former officers, connected to one another in earlier years, contrive to alter the historical record! Their purpose was to leave behind an unsullied legacy and gleaming tribute to themselves and their commands of old—even at the expense of others.

The first is a letter from John Gibbon to James Stewart, dated August 4, 1893. For whatever reason, Mr. Nolan and Mr. Storch did not include the beginning of this revealing missive. For the

purpose of historical completeness, Gibbon said, “I have your letter of the 25 July with its enclosed slip for which I am much obliged. I had not seen the newspaper slip before.” Might this unknown writing have aided Gibbon in his response to Stewart? Most of the letter seems to be unreliable as Gibbon is writing 31 years after Antietam. He vacillates as he uses phrases such as “I am afraid I cannot trust my memory,” “I have only a dim recollection,” “I suppose,” “Now this I cannot pretend are facts,” all very ambiguous and disjointed ramblings. However, at the end of his letter, as if by some inexplicable miracle, Gibbon with precise accuracy recalls, “the Regiment was the 20th NY and the Col. or Lt. Col’s name, Gates.” This may be unprecedented in the annals of human memory.

Let us now turn our attention to the Rebel flag mentioned in this letter. What would be the purpose for anyone to write “on the paper accompanying the color” the details of having “brought off the field the colors of” a Federal regiment? What possible bearing would these additional details have concerning the captured Southern ensign? This preponderance of information is redundant, irrelevant and makes no common sense whatsoever! For the record, the Confederate color in this story still exists and is in the Museum of the Confederacy’s collection. It is an Army of Northern Virginia pattern. Along the left white bunting border, in period ink and script is written: “Confed Battle Flag captured at Sharpsburg, by Privt I. Thompson [Thomas] Co C [G] 20th N.Y.S.M. He shot the Rebel color Bearer. Ran forward and brought off the Colors.” In addition there is a piece of white rectangular fabric which is attached to the top left where the left side border and top border meet. The only added information on the fabric is “Battle of Sharpsburg, Sept 17, 1862” and the soldier’s complete first name, “Isaac.” There are no battle honors or a regimental designation on the standard.

Further lauding the brave private of the 20th, Kingston, New York’s Poet Laureate Henry Abbey wrote a 40 line poem titled, “What Isaac Thomas Did” which was printed by the *Rondout Freeman* in October 1862. Staying with his unit, Thomas was promoted to 1st Sergeant, 2nd then 1st Lieutenant, and mustered out of service on January 29, 1866. It seems highly doubtful that an honorable man would allow all this fanfare if he had not actually performed the deed, and it would seem rather difficult to save face at home and with his comrades in the 20th.

Lastly, knowing that Colonel Theodore Gates stayed with the right half of his command supporting Campbell’s battery [editor’s note: Capt. Joseph Campbell commanded Battery B, 4th U.S., of which Lt. James Stewart commanded a section, then the battery when Campbell fell wounded] one must surely question Gibbon as to why he so distrusted a soldier he barely knew. Colonel Gates never claimed to have personally captured the Rebel flag, as one can readily discern from reading his battle report. Also, in Gibbon’s August 4 letter, on the second page where he writes, “When the

NY Col. Turned in his rebel flag I suspected” etc., Gibbon had underlined the word “suspected” as if to emphasize it. The authors of the sidebar chose not to underline this word, but I feel it is imperative to retain historical accuracy. Why then was Gibbon so suspect of Gates, going so far as to intimate that Gates was a liar? Very perplexing indeed.

Let us now examine the highly fabricated letter from the Scottish born James Stewart, written in response to Gibbon’s letter and dated August 12, 1893, 31 years after Antietam. The first thing gleaned is that the incident with the 6th Wisconsin flag occurred, “A few minutes after you [Gibbon] had placed me in command of the battery,” adding that he held “it there for some minutes.” How many minutes “a few” and “some” add up to is speculation at best; however, five to ten minutes would not be unreasonable. I now submit portions of a letter written on January 16, 1893, about seven months prior to the Gibbon letter, by the very same James Stewart, to John M. Gould, former 1st Lieutenant of the 10th Maine Infantry (at Antietam), later major of the 29th Maine. Stewart says in part:

*About ten minutes after being placed in Command [after Campbell fell] I was struck by a minie Ball breaking my waist Belt plate and Knocking me down[,] on getting up I found my sword Belt broken in two[,] the Shock was terrific for some time. But I knew if I should allow it to be Known that I was wounded that some one else would be sent to Command the Battery[.] I suffered a great deal and had to use a Cathator [sic] for nearly a year and sometimes especially when I catch cold the old pains will come back[.] General Gibbon does not know to this day that I was wounded in that Battle [Antietam]. So when the Battle was over[,] in place of looking over the Field [standing upright] and making notes[,] I had to lie on my back and obtain all the relief I possibly could untill [sic] the Surgeon came and helped me out of pain[.]*

This wound was severe enough that, as Stewart says in his August letter, it caused him to undergo an operation by “Dr. Mosher of the battery.” The rest of Stewart’s August 12, 1893 letter deals with the 6th Wisconsin flag incident and the imaginary story of Stewart and Lt. Col. Gates in the tent of General John Gibbon. When did this supposed meeting take place? Stewart himself places the date at “two days afterward,” that is to say two days after he claimed to have “handed” the color of the 6th to “the Major of the regiment.” So the so-called tent conference took place, as Stewart would have us believe, on September 19, 1862. Let us see what Gates was doing on that day as recorded in his 1862 diary: “Up at 4 [a.m.]. Enemy has retired[.] Marched at 8 in pursuit. Encamped in woods near Potomac [River]. Enemy have crossed. Wrote to May, Mrs. Swart[h]out [Lt. Martin Swarthout’s mother—Lieutenant Swarthout was killed on the 17th] & others & Capt. [Jacob] Hugg.”

It seems as if Gates had a pretty full day and no mention was made of Gibbon or Stewart! Doesn’t it seem just a little absurd to think that just two days after a major engagement, Gates, as a regimental commander, had nothing more pressing than to seek out 2nd Lieutenant Stewart in order to reintroduce himself? And what propitious timing, as just then Stewart wanted Gates to follow him to Gibbon’s tent? “For what purpose?” Gates might have asked. “To discuss the circumstances relevant to the flag of the 6th Wisconsin,” might have been the response. We are led to believe that 2nd Lt. James Stewart, “in terrible pain,” entered

General Gibbon’s tent with the burly, 6-foot-tall Gates in tow. Here Gates is taken to task by both Gibbon and Stewart. Supposedly Stewart questions Gates as to the difference between the dress of a private and that of a second lieutenant. As Gates started his military career as a major in the 20th NYSM prior to the war, he certainly knew the difference.

Then there is the threat by Gibbon “to forward” to General McClellan “a piece of paper,” the contents of which we are not made aware. To this the battle-hardened Lt. Col. Gates must have cowered as he sheepishly admitted “he had made a mistake.” Stewart goes on to say that at the time (1862) he “did not know Mr. [Major] Dawes” and had mistaken Gates for Dawes because to him there was “a considerable likeness” between the two officers. Allowing Stewart the benefit of the doubt, let us postulate that he may not have known Rufus Dawes personally at the time of the battle. However, Battery B, 4th U.S. had supported Gibbon’s brigade at times, during the 2nd Bull Run Campaign and at South Mountain. During the Battle of Antietam, while Major Dawes was rallying remnants of the 6th Wisconsin near Stewart’s guns, Stewart supposedly shouted, “Hurrah for the Sixth,” and “Three cheers men, for the Sixth.” Taking all this into account, it seems illogical to think that Lt. Stewart did not at least recognize the face of Maj. Rufus Dawes.



Craig Johnson

If he did not know Dawes he certainly did not know Gates either. This is supported by Stewart himself, if he can be believed, when he says that Gates had come to his tent “and asked me if I remembered him.” The article layout graciously provides us with contemporary images of both men. Probing just a little deeper, what we have in reality is a youthful 24-year-old Dawes (above right) with a full head of hair, chin whiskers and a moustache, as opposed to a more mature, seasoned 37-year-old Gates, who has a full beard and balding head. There is in reality very little, if any resemblance between the two men, and claiming to have confused one for the other makes Stewart unreliable at best.

One other important point: In Gibbon’s 1893 letter he claimed, after hearing Gates’ 1862 statement, made shortly after the battle, regarding the 6th Wisconsin’s regimental flag, that “I [Gibbon] had not much difficulty in persuading him [Gates] to omit all mention of the 6th Wis. Flag in his statement.” In Stewart’s 1893 letter to Gibbon, he claims that Gates stated, concerning the very same flag story, “that he had made a mistake.” Apparently, Lt. Col. Theodore Burr Gates was not intimidated by the gruff General Gibbon, as he would have us believe. The 20th New York colonel had not made the mistake that Stewart alleges, because in Gates’ September 21, 1862 official report, he included the incident concerning the 6th Wisconsin flag.

Astonishingly, based solely upon James Stewart's August 12, 1893 letter to General John Gibbon, written 31 years after the Battle of Antietam, regarding an "incident as it occurs to me," Mr. Nolan and Mr. Storch postulate as if it were fact, that "Thus, in the heat of battle, Lieutenant Stewart of Battery B had mistakenly handed the 6th Wisconsin's flag to the commander of the 80th New York (also known as the 20th Militia), Colonel Gates." What a thundering supposition and conclusion!

I submit the following in order to hopefully obtain a more rational and truthful history of events at Antietam. Here are some cogent, fast paced episodes in the life of Lt. James Stewart which greatly affected his thoughts and movements on that fateful September day in 1862. General Gibbon ordered Stewart's section forward to a more exposed position in front of the hay stacks. The Lieutenant gave the command "action front," just at the time when a Rebel battle line loosed a terrific volley of musketry, which as Stewart said, "Killed and wounded fourteen men out of the 17 cannoners I had with my section and besides every horse in the two pieces were either Killed or wounded." The enemy fire also killed Stewart's horse which had fallen on him. After extricating himself, the lieutenant ran back to his caissons and ordered the drivers to man the cannons. Up came the remaining four guns under Capt. Joseph Campbell, forming on Stewart's left. The Southerners were close. Campbell gave the order "action front." Fragments from a bursting Rebel shell struck him in his side, shoulder and neck, and he was "carried to the rear." The mantle of command was now Stewart's and within ten minutes he was down with a grievous wound. However, he stayed with the battery as the Rebels gallantly charged three times, getting to within "thirty yards" of his guns.

Amid the heat of battle, shell fragments, shouted orders, confusion, and sounds of wounded and dying soldiers, Stewart, in "terrible pain," almost super-humanly, somehow located and grasped the flag of the 6th Wisconsin, "holding it there for some minutes." He then "faced about" and handed the color to Lt. Col. Theodore Gates, as we are led to believe, who being in the same hotly contested area, with the responsibility of supervising his own command, which supported the 4th U. S. Battery, found himself with nothing better or more pressing to do than accept the Wisconsin flag from Stewart and hold it! This latter account concerning Gates and the flag is fallacious, conspiratorial and lacks basic common sense. Colonel Gates did not make "it sound as if the 6th Wisconsin had left its colors on the battlefield" and ran away from them. To the contrary, both Gates and Dawes used the same terminology, "compelled to leave." The word "compelled" is not equal to or synonymous with dishonor. To come to an absolute conclusion regarding Lt. James Stewart, from his letter, is extreme and very one-sided at best.

The next letter I address is the February 14, 1898 missive from Rufus Dawes to former Col. Ezra Ayres Carman, who had commanded the 13th New Jersey Volunteers at Antietam. First of all, Dawes is in error when he stated that, "Col. Gates is dead." Gates would not pass away until July 5, 1911 in Brooklyn, N.Y., 13 years after Dawes' letter. He further states, "I will make no comment upon the effort of his [Gates] to discredit the service of my regiment." Exactly where is Dawes' hatred for Gates and the 20th New York coming from, especially as Colonel Gates had made no effort whatever to discredit the 6th Wisconsin? Dawes rambles on, citing numbers for both regiments at the battle. However, he proves nothing by this, but does make clear his warped memory

in vilifying the Ulster Guard "to claim credit for an effort to discredit the 6th Wisconsin." What claim to credit, by what effort to discredit? He is referring to the flag incident in 1862, when an unknown soldier of the 20th New York picked up the regimental color of the 6th Wisconsin, whose bearer had been compelled to drop it. If any credit was implied, it was one Federal regiment assisting another, nothing more. Neither Gates nor the 20th ever made any effort to discredit the gallant 6th and no one was asking or expecting Dawes "to apologize or defend its service." He had no reason to.

In 1879 Colonel Gates' regimental history *The Ulster Guard and the War of the Rebellion* was first printed. On page 318 of this book, Gates wrote in part,

*The Sixth Wisconsin, which had advanced into the cornfield on Major [Jacob] Hardenburgh's [sic] left, was very roughly handled by the enemy in its front, and was thrown into disorder and forced to retire. Its color-bearer was shot down, and its colors left on the field. Major Hardenburgh [sic] covered the retreat of the Wisconsin regiment, and brought off its colors. He also captured and brought off a Confederate battle flag, the bearer of it having been shot down by private Isaac Thomas of G company.*

Some "added color" or facts, this is true; however, no intent or "effort" to "discredit" the 6th. Authors Nolan and Storch tell us that Dawes "wrote a history of his regiment, titled *Service with the Sixth Wisconsin Volunteers*," published in 1890, but "did not mention the flag incident in his work." I submit, that in a manner, by purposeful, deliberate calculation and by omission of the words, "that the State color fell into other keeping," which appeared in the 1862 official report of the 6th, Dawes, to his discredit, very clearly did mention the flag incident by altering the historical record.

Additionally, in a paper "Prepared for the Ohio Commandery of the Military Order of the Loyal Legion of the United States" sometime between "1888-1890," titled, "On The Right At Antietam," Dawes once again falsifies his narrative by misleading the reader into thinking that nothing out of the ordinary had ever occurred regarding the 6th's battle flags. General John Gibbon in his work, *Personal Recollections of the Civil War*, has Dawes retrieving the regimental flag himself! Now quite obviously, Dawes and Gibbon were old comrades and so Dawes saw a way out. In fact, what he did was strip away the gallantry and glory which rightly belonged to his own intrepid color guard and standard bearers of 1862, now allowing the mantle of valor to rest squarely upon himself. In both his regimental history of the 6th and the prepared paper, Dawes states as if fact, "at the bottom of the hill I took the blue color of the state of Wisconsin," and throughout the engagement the regimental stays with him!

Further embellishing his Herculean deed, Dawes added in "On the Right at Antietam," but omitted from his history of the 6th, "It did not seem possible then to carry that flag into the deadly storm, and live." Nowhere do we see the event as written in the 1862 official report of Colonel Bragg, "that the State color fell into other keeping"—and why is this?—because John Gibbon and Rufus Dawes found the truth unbecoming to a regiment of the famed "Iron Brigade." The validity, at least in part, regarding what Dawes wrote is further brought to task by the following. Referring to the same incident at Antietam, Dawes wrote about a Federal regiment driving "back the rebels who were firing upon us." In his paper "On the Right at Antietam," he identifies the

Union regiment as “our own gallant Seventh Wisconsin,” but in the regimental history of the 6th Wisconsin, Dawes stated the troops were “our own gallant 19th Indiana.” Which do you prefer to believe? Which is true and which is fabricated? The 19th is the correct regiment.

Finally we come to the last letter used by Nolan and Storch. This is an undated narrative, written to Rufus Dawes by his old New York-born colonel, Edward Bragg, who was then in his 60s. Although no date is present, we are given a revealing clue as to when it was recorded. Bragg says to Dawes, “Your book makes me feel young again.” As Dawes’ regimental came out in 1890, we can deduce that Bragg wrote in that time frame. It almost seems as if Bragg was incoherent at best regarding the 20th New York State Militia at 2nd Bull Run. He claims that the 20th “deserted us in the wood,” and that undeserving credit was given the New Yorkers for protecting “that damned battery.” On August 30, 1862, the 20th fought in the woods approximately one-half mile away from the 6th Wisconsin—so far away that the two regiments couldn’t even see one another. The Ulster Guard never saved any battery at Manassas, and never claimed credit for any such feat. In fact, the closest battery to either the 20th New York or the 6th Wisconsin was a considerable distance to the right of the 6th. Even though the battery was nowhere near the 20th, it is interesting to note that the battery was Captain Campbell and Lieutenant Stewart’s Battery B, 4th U.S.

How could the 20th be “our 2nd line,” as claimed, when they were not even in Gibbon’s brigade? And for the record, the 20th most certainly did not leave the field “before the first line did!” They in fact became the first line as the others in their front melted away before a scathing fire from the enemy behind the railroad embankment. The 20th charged three times and lost roughly 500 men killed, wounded and missing in less than 20 minutes. Also, Theodore Gates did not command the Ulster Guard at 2nd Bull Run; Col. George W. Pratt did. Lieutenant Colonel Gates did not command the unit until after Pratt was mortally wounded, and even then, in the heat of battle, he only had charge of the regiment’s right.

Bragg goes on to describe Gates as “a blubber lipped gormandizing [gluttonous] looking cuss.” What terrible hatred after so many years! In describing Gates, do you suppose it is from Bragg’s memory of him? This seems highly unlikely given the prior mistakes in the letter. Surely, then, Bragg had kept and cherished a circa 1862 image of Gates, his pard and lifelong friend—I don’t think so. Actually Bragg himself gives us the clue. It is Gates’ history of the Ulster Guard that Bragg has a copy of! In the first edition in 1879 there were no photos; however, in the 1884 second edition, images were added. Included in the front is a chest and head view of Maj. Gen. Theodore B. Gates, looking quite different than he did 22 years earlier. It is from this illustration that Bragg’s repugnant mind spews forth his odious remark. Bragg’s last sentence hardly justifies a response, as Gates never “Claimed to have taken” the 6th’s regimental color.

So far in this narrative I have said little regarding the scapegoat in the flag incident, Lt. Col. Theodore Burr Gates. Mr. Nolan and Mr. Storch have told us that in Gates’ regimental history of the 20th New York State Militia, when referring to the event with the 6th Wisconsin, to his credit, Gates wrote “much as he did in his official report, but with some added color.” The added color is on page 318 where Gates recalled, “The Sixth Wisconsin, which had advanced into the cornfield on Major Hardenburg’s left, was

very roughly handled by the enemy in its front, and was thrown into disorder and forced to retire.”

Of course, he could have quoted from a letter written by Lt. John McEntee, of the 20th, to his father from “Near Sharpsburg Battle Field Maryland, September 21, 1862.” In part, McEntee said “our boys thought best to fall back, as the 6th [Wisconsin] had previously broke and run, leaving their colors on the field, which our boys picked up and brought off.” That would have added a little more color, but Gates toned down his remarks some. I realize this makes the Iron Brigade fan see red, especially when Capt. John Kellogg of the 6th told General Abner Doubleday that, “Wisconsin men never run.”

Mr. Nolan and Mr. Storch have added a little color of their own by saying “Gibbon’s men” would do “equally” as well as “Wisconsin men” in Captain Kellogg’s proud statement. Just how accurate are these last quotes? Let’s read the words of Maj. Rufus Dawes on page 91 of his *Service with the Sixth Wisconsin Volunteers* as he recalled, “A long and steady line of rebel gray” swept undaunted toward the 6th. “They raise the yell and fire. It is like a scythe running through our line. It is a race for life that each man runs for the cornfield. A sharp cut, as of a switch, stings the calf of my leg as I run. Back to the corn, and back through the corn, the headlong flight continues.” Dawes used the words “runs,” “run,” and “headlong flight.”

Does this true up with Captain Kellogg’s quote or the equally illusionary substitute for his quote by the authors? Upon comparison I believe most would say no. However, we all must remember that these soldiers, not unlike the 20th New York soldiers, were made of flesh and blood. They were not iron, super-human robots. Do the remarks of Dawes cast a disparaging pall upon the gallant ranks of the 6th Wisconsin? Of course not! These soldiers, under the worst possible battle conditions, showed their human side; after all, self-preservation is rather high on the list of mortals.

As his writings show, Theodore Gates never made any effort to discredit the 6th Wisconsin, Gibbon, Bragg, Dawes or Stewart. Frankly, as a Christian gentleman, to stoop that low was not in keeping with his morals. He fought with honor and courage with his Ulster Guard through many hotly contested engagements. On the night of July 1, 1863 at Gettysburg, Gates walked among the shattered remnants of his unit. Pvt. Lambert DuBois of the 20th, never forgetting the memory, left us a glimpse of the inner man as he remembered his commander’s “solicitude for the welfare of his men.” Colonel Gates “inquired by name for many men whom we did not even dream that he knew and as the death of one and another was made known to him, tears ran down his cheeks” as if a close family member had passed on.

In January 1868, Peter F. Rothermel wrote a letter to Gates inquiring as to his action at Gettysburg on July 3, 1863. Three months later Gates responded humbly, “I have not been willing to enter the lists with two or three officers who are ambitious to be considered the chief heroes [sic] of Gettysburg. It is enough for me to know that I did all I could to turn the rebel assault into a disastrous defeat. And I may as well say that my reluctance to thrust myself forward in this matter as I have seen a few others doing was one reason why I did not answer your letter [sooner].”

Having examined the 6th Wisconsin flag incident for many years, from many angles, it is my belief that somehow the elements which ultimately led to this controversy started at brigade level and filtered down to the regiments involved.



One day before the Battle of South Mountain, Brig. Gen. Marsena Patrick—whose brigade included the 20th New York State Militia, and along with Gibbon’s brigade was in Brig. Gen. John P. Hatch’s division, formerly Rufus King’s, in the I Corps—wrote in his journal: “As I am disgusted with Hatch & have no confidence in King & regard Gibbon as a despicable toady, I have written, this Afternoon, to [Maj. Gen. Ambrose] Burnside, to know if any probability exists of my being transferred from this command.” Patrick was a force to be reckoned with, to be certain, as few men from a private to a superior officer would cross him. What was his problem with John Gibbon?

Writing about the Battle of Antietam, Patrick said, in part, that “the 20’ having been detached, after crossing the Road, to support Campbell’s Battery, where Gibbon himself was with the 2’ & 6’ Wisconsin, on his left. . . . He, himself [Gibbon], was not seen away from the Battery & straw stacks during the engagement.” Of the Confederate surge Patrick stated, “It was a critical moment & I ordered the 2 Regts. of Gibbon [why wasn’t Gibbon there to direct his own men?] as well as my own,” etc.

When Rebel regiments were advancing upon Patrick’s rear and right flank, one of his regimental commanders, Col. William F. Rogers, 21st New York, “on the right requested the 6’ [Wisconsin] & 19’ [Indiana] to throw back their Right, at right angles with our line. . . . They did throw back their right & left too, & marched off the field, to which they did not again return.” Finding that the enemy had been driven to a point, “I begged Gen. Gibbon (whose Brigade had left the field & who was now riding over it) to ask that a strong force might be sent down to the wood, which I would direct towards that point.” Apparently Gibbon refused, as Patrick continued, “Returning hastily to the wood I found Col. [William B.] Goodrich dead & his troops with difficulty held in position, but assuming command I ordered the Regts. Forward.”

The day before Gates and Bragg wrote their battle reports, Patrick wrote, “There has been a great deal of feeling in my brigade in consequence of the course pursued by Gen. Gibbon, who has, or is said to have said, that I did not support him—I went to

see him, but he was toadying at Head Quarters.” The day after, on September 22, 1862, Patrick said: “I had an interview with Gibbon who declares that neither he nor [Maj. Gen. Joseph] Hooker [I Corps commander] ever made the remark attributed to them—still I do not quite understand some of his explanations—” As for Patrick and entries in his journal, the issue seemed to have ended.

Let me state for the record that what I have written does not harm the valiant Iron Brigade’s sterling historical legacy. These soldiers did their duty and it is not my desire, nor hidden agenda, to discredit or vilify this gallant band of heroes. I do not question the courage or competence in battle of Gibbon, Bragg, Dawes or Stewart, for they have proved and demonstrated by their own deeds the credit they deserve. However, by their chicanery, subterfuge and conspiracy, these four men have heaped unjustified ashes upon the 20th Regiment New York State Militia and especially upon the shoulders of Theodore B. Gates. These soldiers have, by their own words, shown contempt, hatred and a villainous spirit for comrades who wore the blue and who also did their duty. By their twisted thoughts, years after the conflict had ended, their own culpability has brought upon themselves a stain of deceit, and a blemish to their own character, which is unbecoming to an officer and a gentleman.

As “old soldiers” who fabricated a scenario, unconcerned that it would ever be discovered or challenged, history would be far better served had they let this “issue lie undisturbed.” 🦋

#### ABOUT THE AUTHOR

SEWARD R. OSBORNE of Krumville, New York, is a noted scholar on the 20th New York State Militia, also known as the Ulster Guard. He owns the diaries of Colonel Gates, and is the author or editor of three books on the 20th:  *Holding the Left at Gettysburg: The 20th New York State Militia on July 1, 1863*; *The Three Months’ Service of the 20th New York State Militia, April 28-August 2, 1861*; and *The Civil War Diaries of Col. Theodore B. Gates, 20th New York State Militia*. He has privately funded two monuments to the 20th, at Gettysburg and Kingston, New York, and a marker at 2nd Bull Run.