

D. H. Maffett,

Dear Sir: I have received
a letter from ^{Sgt} Barney McKay, ~~Jun~~
asking me to come and defend
him before a court martial
on a charge of having intro-
duced an inflammatory cir-
cular into the Post.

This will be quite impossible be-
cause of ^{important} ~~my~~ engagements ~~and the~~
crowding almost every day for
months to come.

If the circular referred
to, is one that I have seen I am
afraid instead of doing my good
it might do harm. The fur-
nore of the circular no doubt

was good, but its language
was very unguarded and I
fear that if they are able to
show that Seryt McKay was
instrumental in getting it
up on introducing it into
the Park, ~~the~~ ^a military officer
has been committed.

I am very sorry there was
not some one to put this pro-
test against race prejudice in
a less offensive form. It might
have done good instead of im-
perilling any one. If I had been

consulted before the circular was
printed & might have been of
service; now, I could do little
even if I were there.

It seems to me, and I have
some knowledge of military law hav-
ing been a ^{Department} Judge Advocate for a
year or more, that, under the
circumstances, it would not be
wise for Sergt McKay, to try to jus-
tify the Circular, since it is clearly ~~un-~~
~~substantiated~~ ~~to~~ ~~be~~ ~~considered~~ ~~as~~ ~~being~~ ~~indefensible.~~
Let him, on the contrary, put his
whole defense on the denial of any
knowledge of it on any wilful

aid in circulating it.

If he was not privy to its publication and only brought one or two into the post and not any number for distribution they can hardly hold him guilty of a military offense.

If, however, they prove him that he was privy to the printing or brought the circular into the quarters to circulate, or did circulate it, let him take the ground that it was not meant to secure any action on the part of the soldiers but

only to intimidate those who
were about to make an indi-
vidual in violation of law.

In other words that it was meant
to scare people to obey the law.

Of course, if he had nothing to
do with publishing or distributing
the circular, they cannot in-
troduce it, and he should ob-
ject to its being introduced
or read until they have proved
his responsibility for it.

I should be ^{to know} very sorry indeed, ^{that}
coloured soldiers, especially those of the
9th Cavalry, were betrayed even

by the excitement attending on the
outrage threatened into a breach
of discipline and trust it may
be clearly shown that ~~some~~ out
side parties not only printed the
circulars but ~~also~~ sent
~~such~~ were responsible for their
introduction to the camp.

Of course, I know the col
and soldier like the col
men in ever with life
much to hear best has

not the same liberty to
assert his rights on those of
his fellows. He is bound by the
limitations of his service and
cannot do many things it
would otherwise be ~~his~~ right and
proper for him to do. It might
be well for Seph McKay, if he is con-
vinced in the publication to allege
them wrong, in extenuation of his
forgetfulness of the requirements of
good discipline. Of course, it will be
for him and his counsel to be
wiser than that. very respectfully
~~Appreciate~~
W.H.