Dear Directors,

This letter is to serve notice that I am appealing the sanction levied against me by Ray DuBose, Society Marshal - the suspension of my warrant for one year - for barring Baldar (mka Alex Cooley) from participation in the rapier field battle at Gulf Wars 2022.

In the notification of the sanction (see Appendix A), Mr. DuBose finds

> "...that you did not follow the chain of command.
> This caused a fighter who was approved to fight by his Kingdom Earl Marshal to have to sit out of fighting.
> When the Kingdom Earl Marshal came to speak with you and let you know he was approved to fight you disregarded his comments and also did not escalate the matter up the marshals' chain of command."

Mr. DuBose is mistaken on every point, by choice.

1. Regarding failure to follow the Chain of Command:

   Per the Society Marshal Handbook Section XVIII (July 2020 version - the version in place at the time of the incident. It is Section XVII in the current version), the chain of command specified in marshallate procedures and in the Gulf Wars treaty applies to reporting of incidents and events, not pre-approval of decisions. If there is an expectation that marshals, especially Marshals in Charge, get pre-approval of decisions, I am unable to find it documented.

   The chain for escalation of grievances and sanctions specifies that the deputy earl marshal and then kingdom earl marshal are the next levels of escalation. As the incident happened at Gulf Wars, and under the terms of the treaty governing Gulf Wars, the Gleann Abhann Deputy Earl Marshal for Rapier was informed and consulted before any action was taken.

2. Regarding the status of Baldar's authorization:

   The Trimarian authorization form in place at the time (see Appendix B) required the signatures of "Two Warranted Rapier Combat Marshals-RCM." It has a general expectation of multiple signatures from marshals warranted in the specific styles being authorized. The form presented by Duke Baldar had all disciplines and styles marked and was signed only by the Kingdom Earl Marshal of Trimaris.

   As I noted to the BOD's investigator, Duke Donngal, I initially thought a KEM was able to grant authorizations by fiat. I was "raised" in the SCA in Atlantia where this is a custom.

As such, and without reading the fine print on the picture of an authorization form presented by Baldar, I initially okay'ed him to participate.

However, I was informed by Maestra Hawke that this special power of the KEM was not customary and was not consistent with the policies of Trimaris in place at that time. I was surprised to hear that the custom was not common to all kingdoms in the Society.

In June of 2019, Meridies hosted members of the BOD and the Society President for a counseling session regarding the interpretation of corporate and kingdom laws and policies. A key point emphasized by President Fulton in that session is that a custom is only binding if it is written down. I therefore reviewed the applicable rules and policies of the Society, Gleann Abhann, and Trimaris to find where this custom was written down.

Section I (Combat Authorization Requirements) subsection A.1 of the Society Marshal's Handbook requires that "All persons who wish to participate in SCA combat activities must authorize under the Society and Kingdom-of-residence authorization procedures." There was no procedure then specified in the Society or Trimarian policies by which the Kingdom Earl Marshal could grant an authorization by fiat.

On the other hand, Section II (Rules of the List) subsection B.2 of the Society Marshal's Handbook bars the Crown from using its privileged position in the marshallate to "simply grant an authorization, unless the recipient has successfully completed the authorization process as delineated in Society and kingdom law." Per Section III (Conventions of Combat) subsection A.3 the Earl Marshal is "the sovereign's representative upon the field and in all matters dealing with Society combat." A restriction on the power of the Sovereign would also seem to restrict the powers of Their representatives.

Section VII.D (Kingdom, Principality, and Local Officers) of Corpora does say "The Earl Marshal is responsible for issuing and maintaining authorizations for all participants." That wording did not suggest they had an exemption or special power to grant an authorization, only that they were "responsible for issuing" - specifically, responsible for the procedures detailed in the Society Marshal's Handbook Section I (Combat Authorization Requirements) regarding the registration and documentation of fighters who had completed the authorization requirements also specified in that section.

Prior to the interpretation announced at the August 2022 BOD meeting, there was nothing to support the assumption of a special privilege reserved to the KEM to bypass the procedures specified in society and kingdom law.

However, I was conscious of my own potential for bias and poor reading comprehension, and so I asked Maestra Hawke (previous Gulf Wars RMiC and former Trimaris KRM), Master Etienne de Montagu (mka Theron Bretz, then-KRM of Ansteorra), Master Damiano (mka Stacy Young, former Gleann Abhann KRM), and Master Nikoslav (mka

Nik Cheimis, then-Meridian KRM and kingdom law clerk) to double-, triple-, and quadruple-check me.

I also contacted the previous Society Marshal, Alan Smith, to find out if he was aware of any policies documenting the customary power claimed by the KEM, and he was not. I checked the minutes of BOD meetings and the president's reports between the end of his tenure and March 2022 to determine whether the custom had been documented since the end of his tenure.

All of the above research and review was done between Tuesday evening and Wednesday morning at Gulf Wars.

At ~11am Wednesday I received a text from then-Trimarian KRM Mathias (mka Todd Griffin) confirming the authorization paperwork and process did not meet the standards laid out in society and Trimarian policies, with citations to society and kingdom policy (see Appendix C).

Hawke, Damiano, Nikoslav, Theron, and I reconvened on Wednesday morning to discuss our findings and determined we had individually reached the same conclusion as Mathias: the authorization paperwork presented by Baldar did not meet the standards specified in the rules and policies of Trimaris or the Society.

We considered that the authorization form presented by Baldar was intended as a renewal of existing authorizations. Per that form, the only requirements for renewal was "to provide an authorization form with updated personal information and completed waivers." No signature would be required, and no styles should be marked. Baldar's form did, as noted, have a signature, and had every discipline and style for all martial activities marked.

On the other hand, neither the KRM nor the Authorization Deputy for Trimaris had a record of Baldar being authorized in rapier previously (see Appendix D). Furthermore, no Trimarian rapier marshal we could reach was aware of Baldar having been through the authorization process at any point, which could have served as a fall-back assurance that Baldar was, indeed, safe and could be permitted on the field. Instead, per Maestra Hawke (see Appendix D), Baldar had contacted the Trimarian KRM only a week before Gulf Wars asking how he could get authorized in rapier - indicating he had not been through an authorization, and leaving no time or opportunity to follow the kingdom-specified process before Gulf Wars.

Therefore, Baldar failed to meet the criteria for a valid authorization to be issued as specified in the Society Marshal's Handbook Section I (Combat Authorization Requirements) subsection A.3 that "candidates must demonstrate the ability to function on the field in a manner that is safe both to themselves and to their opponents."

Baldar did not have a valid rapier authorization.

The first duty of a marshal is to insure the safety of the fighters, and the first line of protection for a rapier fighter is the control exercised by their opponents, which is documented via a valid authorization. I did not have adequate documentation or testimony that Baldar was safe with a rapier.

In order to reduce confusion and to mitigate any circumstances that may have changed overnight, I instructed the Rapier-Marshal-of-the-Day, Nikoslav, to inform Baldar that he needed to discuss his authorization status with me before taking the field. I instructed the other marshals assisting with the rapier activities that day to keep an eye out for Baldar so that we could have this conversation before he took the field.

However, Baldar was not present at the rapier field prior to the start of the Rapier Town Battle. As such there was no opportunity to discuss, in advance, the status of his authorization. Baldar was not present at the field until mid-way through the second half of the town battle, at which point Nikoslav approached him, and informed him that, because he was not authorized, he was not permitted to participate in rapier activities. Nikoslav instructed him to speak to himself or the Rapier Marshal in Charge after the town battle and before returning to the field.

Baldar ignored this instruction. In so doing he violated section III (Conventions of Combat) subsection B.2 of the Society Marshal's Handbook (“All fighters shall obey the commands of the marshals on the field or shall be removed from the field and subject to disciplinary action.”)

Baldar was not present once the town battle ended to discuss his authorization status. My staff of marshals looked for him again, but could not find him prior to the start of the field battle (which started about 30 minutes after the town battle ended). It wasn't until I'd called hats-and-bats and was moments away from calling lay-on that Mistress Gwynneth noticed he had re-joined the Trimarian army - without talking to the Rapier Marshal of the Day or me as he had been instructed to do.

Had he approached the RMotD or the RMiC before the start of the field battle, or been present at the field during the transition from the town battle to the field battle, we could have followed the normal path of escalation and I could have brought the War MiC in for that conversation.

Unfortunately, with all fencers standing in their kit, ready to fight, and with the day’s schedule compressed due to the weather, I did not have the opportunity to arrange that conversation before the field battle.

3. Regarding Kurn’s communication

> The Trimaris Earl Marshal approached me only after Baldar re-took the field without talking to the RMotD or me, and was removed a second time. Kurn approached me between the second and third rapier field war point battles, during the side changeover, and said "I understand you're not allowing one of my authorized fighters on the field." I told him that his own deputy, the Trimarian KRM, had informed me the authorization was not valid. Kurn asked me who his deputy was.
>
> Per Mathias, he had been attempting to contact Kurn since the previous day. Kurn had been ignoring or not responding to Mathias's messages.
>
> I informed Kurn of the name of his KRM and instructed Kurn to discuss it with his KRM, then excused myself to go finish running the war point.
>
> Neither Kurn nor Baldar approached me after the battle. Neither followed the escalation procedure to redress their concerns with my decision. This, also, violated Section III subsection B.2 of the Society Marshal's Handbook ("Disagreements with the marshals on the field shall be resolved through the established mechanisms outlined in the Procedures for Grievances and Sanctions of the Marshallate Procedures of the SCA, Inc.").

The compressed schedule of the day's activities on Wednesday and Baldar's presences and absences at the rapier field prevented the normal, and my preferred, approach to such situations (inform the fighter of the issue, discuss the issue with the fighter, involve fighter's kingdom marshal and the war marshal). Nonetheless, after the incident I filed incident-specific and event reports in accord with the specified chains of reporting.

Mr. DuBose, meanwhile, failed to perform basic due diligence in regards to this incident.

I would gladly have explained all of these mitigating circumstances to Mr. DuBose at any time. He spoke to Baldar and/or Kurn before the rapier field battle was over, and possibly multiple times since.

He has never contacted me prior to the notification of the suspension of my warrant.

He, unlike me on that Wednesday of Gulf Wars, was not operating under a time crunch while juggling the needs of royals and rapier fighters. He could have, nine months ago, asked me the questions that Duke Donngal asked in his investigation.

He failed to conduct even basic fact finding.

In July of 2022 I was unofficially informed that the draft Society Marshal's report of June 2022 included the suspension of my warrant. At that time I reached out to the Society Seneschal for a status update on the investigation into the incident and received a "no comment" with the Society Marshal and the Society President CC'd. Mr. DuBose did not follow-up with me.

When the Society Marshal's final report delivered at the August 2022 BOD meeting did not include this sanction, I assumed he had reconsidered and decided against it. I heard nothing further either officially or unofficially until Mr. DuBose's email on New Year's Day.

I am confused as to why he waited this long to act, unless it's to insure I could not serve as Gulf Wars RMiC whether or not his sanction had actual merit and whether or not an appeal was successful.

To be frank:

I spent an inordinate amount of time, energy, and resources to prioritize the safety, enjoyment, and success of Gulf Wars rapier activities on behalf of the SCA, and also to find the grounds by which Baldar's authorization could be valid and thereby permit him to take the field. Ultimately, after extensive review, in consultation with senior marshals from all participant kingdoms and the previous Society Marshal, I followed the rules as written - not as I believed them to be or believed they should be - to insure that no fencer was injured by an unauthorized fencer (exposing the SCA to liability).

When he was on the Board of Directors, Duke Cuan (mka Arthur Donadio) told me "The SCA is what you make it." Hawke and I spent the past six years dreaming of and working towards making Gulf Wars Rapier a model for the Society: running smoothly with an eye to efficiency and quality; encouraging cooperation over competition among the fighters; and developing a wider range of scenarios that embraced the historic use of rapier and the full panoply of available martial forms.

My reward for these efforts on behalf of Baldar and on behalf of the Society has been a year of opaque, Kafkaesque processes resulting in me being sanctioned for enforcing specific rules, in violation of unwritten rules, with an end result that even if this appeal is successful I achieve nothing except the permission to once again risk punishment for good-faith service to the Society.

Mr. DuBose's action is purely punitive - even now I have no idea what his expectation was because he has entirely failed to communicate with me even when I asked for information. If I am supposed to learn a lesson from this, I can only guess what it might be. The next time I have an opportunity to serve the Society I'll have to choose between following the written policies of the Society, thereby risking another sanction, or doing nothing.

Whether this appeal is successful or not, Mr. DuBose has ensured I will not be the Gulf Wars RMiC this year. He has guaranteed my punishment with no chance of relief. With no other information available, I suspect his goal in the delay was to guarantee just that - rendering moot the entire point of an appeal, in violation of the spirit of the appeals process.

It may not have been his intent, but Mr. DuBose has also insured the rollback of the improvements made by Maestra Hawke and me. His decision to issue this sanction at this time substantively harms the Society.

I submit this appeal and ask that you reverse the Society Marshal's sanction. I also ask that you give some attention to Mr. DuBose's conduct in this matter and his execution of his duties, the damage done, and how he can best go about repairing it.

I am actively available for conversation to all parties investigating or reviewing this incident at xxxxxxxxx.

Yours,

Owen Townes
sca Wistric Oftun

Appendix A: Text of email notification of suspension of warrant

January 1, 2023

Owen Townes / Wistric Oftun **,**

After careful review of the incident with Baldar Langstriter (Alex Cooley) at Gulf Wars it has been determined that you did not follow the chain of command. This caused a fighter who was approved to fight by his Kingdom Earl Marshal to have to sit out of fighting. When the Kingdom Earl Marshal came to speak with you and let you know he was approved to fight you disregarded his comments and also did not escalate the matter up the marshals' chain of command.

Because of this disregard of following the chain of command which caused a valid authorized fighter not to be able to fight I am revoking your ability to hold a marshal's warrant for the period of one year effective January 1st 2023.

This administrative sanction by my office may be appealed to the SCA Board of Directors if desired.

In service,

Ray DuBose

Rey RiBeaumont
Society Marshal

Appendix B: Kingdom of Trimaris Combat Related Activities Authorization Form

KINGDOM OF TRIMARIS

COMBAT-RELATED ACTIVITIES AUTHORIZATION FORM

To be completed by Applicant (Print Legibly or Authorization will be Rejected & Returned) ***WAIVER MUST BE ATTACHED!***

THIS FORM WILL NOT BE LOOKED AT WITHOUT A SIGNED WAIVER FOR NEW & RENEWALS

MUNDANE NAME (LAST)_____(FIRST)_____

SCA NAME (INCLUDE HONORIFICS)_____

ADDRESS_____APT#_____

CITY_____FLORIDA, ZIP_____

PHONE_____DATE OF BIRTH_____/_____/_____ (MM / DD / YYYY) EMAIL_____

Directions:

- A seperate Authorization Form is needed for each **AREA** of authorization (i.e. Armored Combat, Equestrian, Ranger, etc.)
- Make a copy for your records before submitting your application. The participant and any local marshals should retain a copy of each form.
- For **RENEWAL** applicants, within the authorization period or no more than 6 months expired, you will only need to provide an authorization form with updated personal information and completed waivers.
- For **EXPIRED** cards over 6 months a completed authorization package with signatures is required for each AREA of authorization.
- For **NEW** and **RENEWAL** applications a **COMBAT WAIVER IS REQUIRED.**
- For **EQUESTRIAN**, a Florida Equestrian Liability waiver is required. • For **YOUTH**, a Youth waiver is required.
- The completed package must be sent to the Deputy Earl Marshal for Authorization Paperwork.
- All Marshal Authorizations must be signed by the appropriate Kingdom Marshal for approval, Equestrian signed by KEO, All Ranger authorizations require the signature of the Kingdom Archery Marshal and a Warranted Ranger.

Official Use Only:
Card #_____
Waivers_____
_____/_____/_____
Date Received

_____/_____/_____
Date Issued

_____/_____/_____
Date Expired

To Be Completed By Warranted Authorizing Marshal:

Authorized Styles/Activities:

(For Authorization or Style additions check all that apply; DO NOT CHECK STYLES FOR RENEWAL)

Type of Authorization:
(check only one)
❍New
❍Renewal--Card#_____
❍Additional Styles
❍Marshal
❍Ranger

Armored Combat AC
❍Weapon & Shield-WS
❍Spear-SP
❍Two Weapons-TW
❍Combat Archery-CA
❍Siege Weapon-SW
❍Two Hand Weapon-THW

Armored Steel Combat AS
❍Arming Sword-AS
❍Long Sword-LS
❍Marshal-MAS
❍Judge-JAS

Rapier Combat RC
❍Cut & Thrust-CT
❍Dagger-RD
❍Defense Second-DS
❍Heavy Rapier Only-RO
❍Heavy Rapier Brace-RB
❍Two Handed Rapier-THR

Area of Authorization:
(check only one)
❍Armored Combat
❍Armored Steel Combat
❍Rapier Combat
❍Equestrian
❍Youth (under 18)
❍Ranger

Equestrian EQ
❍Rider-R
❍Games-G
❍Jousting-J
❍Driving-D
❍Groundcrew-GC
❍Mounted Combat-MC
❍Mounted Archery-MA

Equestrian Marshaling EQM
❍Mounted Combat Marshal-MCM
❍Mounted Archery Marshal-MAM
❍Equestrian Marshal-EQM
❍Jousting Marshal-JM
❍Driving Marshal-DM

Rangers RG
❍Archery Ranger-AR
❍Thrown Weapons Ranger-TWR

Youth Marshals
❍Youth Combat Marshal-YCM
❍Junior Youth Combat Marshal-JYCM

Marshaling M
❍Siege Weapon-SWM ❍Armored Combat-ACM ❍Rapier Combat-RCM
❍Combat Archery-CAM ❍Rapier Cut & Thrust-CTM

Authorizing Officials: ***Signing Marshall must be a member and be authorized (not expired) to sign this form.***

_____/_____/_____/_____/_____
SCA NAME PRINT | MUNDANE NAME SIGN | DATE | MEMBERSHIP # | SCA EXP. DATE

_____/_____/_____/_____/_____
SCA NAME PRINT | MUNDANE NAME SIGN | DATE | MEMBERSHIP # | SCA EXP. DATE

Signatures for Authorizations:

- Armored Combat Authorizations-AC...Two members of the Chivalry or 1 member of Chivalry and a Warranted Marshal-ACM.
- Combat Archery-CA & Seige Authorizations-SW...A Member of the Chivalry and a Siege Weapons Marshal-SWM.
- Rapier Combat-RC....Iwo Warranted Rapier Combat Marshals-RCM.
- Cut & Thrust-CT...A Warranted Rapier Marshal-RCM & A Cut & Thrust Marshal-CTM.
- General Equestrian-R & G...Two Warranted Equstrian Marshals-EQM, Jousting-J, Mounted Combat-MC & Driving-D, a Warranted Marshal of that Style-JM, MCM, DM. Mounted Archery-MA...An Equestrian Marshal-EQM & a Ranger-RCM or a Mounted Archery Marshal-MA.

Deputy Earl Marshal for Authorization:

_____/_____/_____/_____/_____
SCA NAME PRINT | MUNDANE NAME SIGN | DATE | MEMBERSHIP # | SCA EXP. DATE

Appendix C: Message received from Master Mathias, Trimarian KRM, (mka Todd Griffin), March 16th, 2022, ~11am

Todd

Kurn is not responding to me.

Ok. I figure I'll make a ruling, but feel free to ignore it. You guys are on the front line. I'm just armchair quarterbacking.

Todd

Ruling is: The auth form is invalid (1 signature by a non-rapier marshal.). He is not a registered Rapier fighter. He should not be on the field. If his excellency Kurn would like to overrule that, he can do so, then to King, etc.

I'm looking up the rules:

Todd

Trimaris Rapier rules on the website include I(B)(2): B.2 No person shall participate in Official Combat-Related Activities (including armored
combat, period fencing, and combat archery) outside of formal training sessions unless they have been properly authorized under Society and Kingdom procedures.

Todd

SCA Marshalling handbook says (Appendix 4: A4.2) A4.2. Marshals shall only officiate practices, tournaments, and scenarios for which they are
warranted.

Kurn is not a warranted Rapier marshal. Egro, he cannot authorize someone in rapier.

The auth forms require two signatures of marshals. Sadly, there is only one, and not a warranted marshal.

I will send an email to their majesties, but I don't know if that will do anything. I'm sorry that I am not there to handle this directly.

Please be aware, Kurn is the KEM, and therefore my 'boss'

Appendix D: Report of Maestra Hawke on the incident
https://docs.google.com/document/d/16XRIPWuLK0M3-nsb7IfpNZy5wf92d4JuKIFIQ1wcCcg/edit

- Before the war, I had been made aware that Baldar was not an authorized rapier fighter via an email he had sent to the KRM.
    - I was also aware that he had created an identically dressed unit by purchasing gear and garb for all members of the unit.
    - A list of warranted rapier marshals was also sent to the KRM email shortly before war.
- Monday night/Tuesday morning I confirmed with the KRM Matthias that I was the KRM representative for Trimaris at war.
- On Tuesday, I was informed that Baldar had presented himself for inspection using a picture of a Trimarian authorization form with rapier checked off and signed by the Earl Marshal, Kurn.
    - As directly mentioned on the authorization form, a rapier authorization in Trimaris requires the signatures of two authorized rapier marshals.
    - Having very recently received the warrant list, I was aware that Kurn was a) not a rapier marshal and b) one person.
    - Nikoslav and myself combed through multiple available Trimarian and Society handbooks to see if there was anything suggesting the Earl Marshal could authorize people, by themselves, in a discipline they were not authorized themselves. Although able to find several more references to the auth process requiring two rapier marshals, we were unable to find anything giving the KEM that power.
- Nikoslav and myself went to speak with the Trimaris card deputy on Tuesday afternoon.
    - She informed us that she had never received rapier authorization paperwork from Baldar.
    - She also informed us that when Baldar recently renewed his card, he turned in the form with rapier and equestrian checked off (for renewals, you're not supposed to check anything off). He was informed that he was not authorized in rapier or equestrian, and sent a new card with only his heavy authorization.
- Matthias (Trimaris KRM) was contacted to confirm the ruling of Wistric (RMiC), myself (deputy RMiC + Trimaris KRM rep) and Nikoslav (marshal of the day for Wednesday) – that the paperwork signed by Kurn was not a valid form of authorization, and that as he had not turned in rapier authorization paperwork, he was not authorized.
    - The KRM rep for Gleann Abhann (Damiano) and Society Rapier Marshal (Robert) were also informed of the situation.
- On Wednesday, during the second half of the town battle, it was noticed that Baldar had joined the field.
    - As Marshal of the Day, Nikoslav informed him of the situation (including that he was not permitted to fight that day without explicit permission from himself or Wistric), removed the inspection sticker, and encouraged him to follow the GW chain of command if he wished to dispute the issue.

- Following the town battle, I returned to camp. The following is what I've been told from other reports:
    - Baldar went to Kurn (KEM) and complained, bypassing the GW chain of command. Kurn grabbed a heavy authorization sticker, wrote his medallion number on it, and told Baldar he could fight rapier.
        - In order to perform rapier inspections and issue inspection stickers, you must a) be an authorized rapier marshal and b) sign in as an inspecting marshal. Kurn did not fulfill either of these requirements.
        - By doing so, he countermined the direct ruling of the marshal of the day, RMiC and Trimaris KRM rep, and completely bypassed the Gulf Wars chain of command (which he is not part of).
    - Under Kurn's instructions, Baldar attempted to rejoin the rapier field for the field Battle, forcing Wistric to delay the battle to have him removed from the field.
    - Before and throughout the field battle, both Baldar and Kurn continued to argue with Wistric about the decision to refuse to allow an unauthorized fighter on the field, nor allow an Earl Marshal to supersede the decision of the Rapier Marshal in Charge.
    - Per Master Robert, Kurn declared that he was going to fire Matthias (Trimaris KRM).