

# THE SHOOTING UP OF BROWNVILLE

Transcript of Testimony and Documents in Case Sent to Senate by the President.

SEVERE ON NEGRO TROOPS.

III Feeling Between Soldiers and Citizens Existed But Attack Was Wanton.

Men Were Aggressors From Start to Finish—Discharge Not Punishment—No Color Prejudice.

Washington, Dec. 19.—President Roosevelt today complied with the request of the senate in transmitting to that body a transcript of testimony and documents connected with the discharge of a battalion of negro troops of the Twenty-fifth Infantry. The message was decidedly severe in its criticism of the soldiers alleged to be concerned in "shooting up" the town of Brownsville, Tex. Its reading was listened to intently.

## PRESIDENT'S MESSAGE.

In response to senate resolution of Dec. 9, addressed to me, and to the two senate resolutions introduced to him, the secretary of war has, by my direction, submitted to me a report which I herewith send to the senate, together with several documents, including a letter of the Adjutant General and memoranda as to proceedings for the summary discharge or mustering out of regiments or companies, some of all of the members of which had been guilty of misconduct. I ordered the discharge of nearly all the members of companies B, C and D of the Twenty-fifth Infantry by name, in the exercise of my constitutional authority and in pursuance of what, after full consideration, I found to be my constitutional duty as commander-in-chief of the United States army. I am glad to avail myself of the opportunity afforded by these resolutions to lay before Congress the following facts as to the murderous conduct of certain members of the companies in question and as to the conspiracy by which many of the other members of these companies saved the criminals from justice to the disgrace of the United States uniform.

## REPORTS ON CASE.

I call your attention to the accompanying reports of Maj. Augustus B. Blockson, of Lieut. Col. Ernest A. Garlington, the inspector general of the United States army, of their investigation into the conduct of the troops in question. An effort has been made to discredit the fairness of the investigation into the conduct of these colored troops by pointing out that Gen. Garlington is a southerner. Presumably the same action would have been taken had the troops been white—indeed, the discharge would probably have been made in more satisfactory fashion. Gen. Garlington is a native of South Carolina. Lieut. Col. Lovering is a native of New Hampshire; Maj. Blockson is a native of Ohio. As it happens, the discharges of the troops were made in the report of the officer who comes from Ohio, and the efforts of the officer who comes from South Carolina were confined to the endeavor to shield the innocent men of the companies in question, if any such there were, by securing information which would enable us adequately to punish the guilty. But I wish it distinctly understood that the fact of the birthplace of either officer is one which I absolutely refuse to consider. The standard of professional honor and of loyalty to the flag and the service is the same for all officers and all enlisted men of the United States army, and I resent with the keenest indignation any effort to draw any line among them based upon birthplace, creed or any other consideration of the kind. I should put the same entire faith in the report of an officer who happened that they were all made by men coming from some one state, whether in the south or the north, or even the west, as I now do, when, as it happens, they were made by officers born in different states.

## WHAT EYEWITNESSES SAW.

Maj. Blockson's report is most careful, is based upon the testimony of scores of eyewitnesses—testimony which conflicts only in unimportant details and which established the essential facts beyond chance of successful contradiction. Not only has no successful attempt been made to travesty his findings in any essential particular, but as a matter of fact, every trustworthy report from outsiders amply corroborates them, by far the best of these being that of the late Gen. Henry B. Nettleton, made in a letter to the secretary of war, which I herewith append; Gen. Nettleton being an ex-soldier, a consistent friend of the colored man throughout his life, a lifelong Republican, a citizen of Illinois and assistant secretary of the treasury under President Harrison.

## BLAME ON BOTH SIDES.

It appears that in Brownsville, the city immediately behind which Fort Brown is situated, there had been considerable feeling between the citizens and the colored troops of the garrison companies. Difficulties had occurred, and there being a contest as to whether the troops were to be citizens or the colored troops were to be citizens. My impression is that, as a matter of fact, in these difficulties there was blame attached to both sides; but this is a wholly unimportant matter for our present purpose, as nothing that occurred offered in any shape or way an excuse or justification for the atrocious conduct of the troops when, in violation of the sacred spirit, and under cover of the night, they made their attack upon the citizens.

## THE MIDNIGHT ATTACK.

The attack was made near midnight on Aug. 13. The following facts as to this attack are made clear by Maj. Blockson's investigation and have not been, and, in my judgment, cannot be, successfully controverted. From nine o'clock to midnight the colored soldiers took part in the attack. They led over the walls from the barracks and hurried through the town. They shot at whoever they saw moving, and they shot into houses where they saw lights. In some of these houses there were women and children, as the would-be murderers must have known. In one house in which there were two women and five children some 10 shots were thrown at a height of about four and one-half feet above the floor, one putting out the lamp upon the table. The flaring and roared toward it. He met the raiders, who, as he stated, were all colored soldiers. They instantly started firing upon him. He turned and rode off, and they continued firing upon him until they had killed his horse. They shot him in the right arm (it was afterwards amputated above the elbow). A number of shots were also fired at two other policemen. The raiders fired several times into a guest sitting by a window. They shot a saloon, killing the bartender and wounding another man. At the same time other raiders fired into another house in which women and children were sleeping, two of the shots going

through the mosquito bar over the bed in which the mistress of the house and her two children were lying. Several other houses were struck by bullets. It was at night, and the streets of the town were poorly lighted, so that none of the individual raiders were recognized; but the evidence of many witnesses of all classes was conclusive to the effect that the raiders were negroes. The shattered bullets, shells and clips of the government rifles, which were found on the ground, are merely corroborative. So are the bullet holes in the houses, some of which it appears, must, from the direction, have been fired from the fort just at the moment when the soldiers left it. Not a single house appears in any of the structures of the fort.

## SOLDIERS THE AGGRESSORS.

The townspeople were completely surprised by the unprovoked and murderous savagery of the attack. The soldiers were the aggressors from start to finish. They met with no substantial resistance, and one and all who took part in that raid stand as deliberate murderers, who did murder one man, who tried to murder others, and who tried to murder women and children. The act was one of horrible atrocity, and so far as I am aware, unparalleled for infamy in the annals of the United States army.

## WHITE OFFICERS SURPRISED.

The white officers of the company were completely taken by surprise, and at first evidently believed that the firing meant that the townspeople were attacking the soldiers. It was not until 2 or 3 o'clock in the morning that any of them became aware of the truth. I have directed a careful investigation into the conduct of the officers, to see if any of them were blameworthy, and I have approved the recommendation of the war department that two be brought before a court-martial.

As to the non-commissioned officers and enlisted men, there can be no doubt whatever that many were necessarily privy, after if not before the attack, to the conduct of those who took actual part in this murderous raid. I refer to Maj. Blockson's report for proof of the fact that certainly by some and probably all of the non-commissioned officers in charge of quarters who were responsible for the barracks and had keys thereto in their personal possession knew what men were engaged in the attack.

## MAJ. PENROSE.

Maj. Penrose, in command of the post, in his letter (included in the appendix) gives the reasons why he has reluctantly convinced that some of the men under him—as he thinks, from 7 to 10—not their rifles, slipped out of quarters to do the shooting, and returned to the barracks without being discovered, the shooting all occurring within two and a half short blocks of the barracks. It was possible for the raiders to go from the fort to the farthest point of firing and return in less than 10 minutes, for the distance did not exceed 350 yards.

## RIDDLED WITH BULLETS.

Such are the facts of this case. Gen. Nettleton, in his letter herewith appended, states that next door to where he is writing in Brownsville is a small cottage where a children's party had just broken up before the house was riddled by United States bullets, fired by United States troops, from United States Springfield rifles, at close range, with the purpose of killing or maiming the inmates, including the parents and children who were still in the well lighted house, and whose escape from death under such circumstances was astonishing. He states that on another street he daily looks upon fresh bullet scars where a volley from similar government rifles was fired into the side and windows of a hotel occupied by the colored troops, and that the murder of a man who could not possibly have given any offense to the assailants. He writes that the chief of the Brownsville police is again on duty at the hospital and carries an empty sleeve because he was shot by federal soldiers from the adjacent garrison in the course of the murderous foray; and that far away is the fresh grave of an unoffending citizen of the place, a boy in a park, who was wantonly shot down by these United States soldiers while unarmed and attempting to escape.

## A GROSS ABSURDITY.

The effort to confute this testimony so far as consisted in the assertion or implication that the townspeople shot one another in order to discredit the soldiers—an absurdity too gross to need discussion, and unsupported by a shred of evidence. There is no question as to the truth of the attempted murder of the soldiers are guilty thereof; there is no question that many of their comrades to the deed have combined to shield the guilty from justice. These comrades of the murderers, by their own action, have rendered it necessary either to leave all the men, including the innocent, at the mercy of the law, or to turn them all out; and under such circumstances there was no alternative, for the usefulness of the army would be at an end were we to permit such an outrage to be committed with impunity.

## WHAT EVIDENCE PROVES.

In short, the evidence proves conclusively that a number of the soldiers engaged in a deliberate and concerted attack upon the citizens of Brownsville; that the purpose being to terrorize the community, and to kill or injure men, women and children in their homes; that the attack was made at night, and at an hour of the night when concerted effective resistance or defense was out of the question, and when detection by identification of the criminals in the colored man throughout his life, a lifelong Republican, a citizen of Illinois and assistant secretary of the treasury under President Harrison.

## NON-COMMISSIONABLES RESPONSIBLE.

The non-commissioned officers are practically all of the colored race, and good conduct of the men; they are appointed to their positions for the very purpose of preserving this discipline and good conduct, and of detecting and securing the punishment of every enlisted man who does what is wrong. They fill, with reference to the discipline, a part that the commissioned officers are of course unable to fill, although the ultimate responsibility for the discipline can never be shifted from the shoulders of the latter. Under any ordinary circumstances the first duty of the non-commissioned officers, as of the commissioned officers, is to train the private in the ranks so that he may be an efficient fighting man against a foreign foe. But there is an even higher duty, so obvious that it

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is not under ordinary circumstances necessary as much as to allude to it—the duty of training the soldier so that he shall be a protection and not a menace to his peaceful fellow-citizens, and above all, the women and children of the nation. Unless this duty is well performed, the army becomes a mere dangerous mob; and if conducted such as that of the raiders in question is not, where possible, punished, and, where this is not possible, unless the chance of its repetition is guarded against in the most thoroughgoing fashion, would be better that the entire army should be disbanded. It is vital for the army to be imbued with the spirit which will make every man in it, and above all, every non-commissioned officer, feel it a matter of highest obligation to discover and punish, and not to shield, the criminal in uniform.

## CONSPIRACY TO PROTECT.

Yet some of the non-commissioned officers and many of the men of the three companies in question have banded together in a conspiracy to protect the assassins and would-be assassins who have disgraced their uniform by the conduct above related. Many of these non-commissioned officers and men must have known, and all of them may have known, the circumstances which would have led to the conviction of those engaged in the murderous assault. They have stolidly and as one man broken their oath of enlistment and refused to help discover the criminals.

## INNOCENT WERE WARNED.

By my direction every effort was made to persuade those innocent of murder among them to separate themselves from the guilty by helping bring the criminals to justice. They were warned that if they did not take advantage of the offer they would all be discharged from the service and forbidden again to enter the employ of the government. They refused to profit by the warning. I accordingly had them discharged. If any organization of troops in the service, white or black, is guilty of similar conduct in the future I shall follow precisely the same course. Under no circumstances will I consent to keep in the service bodies of men whose conduct shows that they are a menace to the country. Incidentally I may add that the soldiers of longest service and highest position who suffered because of the order, so far as being those who deserve most sympathy, deserve least, for they are the very men upon whom we should be able especially to rely to prevent mutiny and disorder.

## DISCHARGE NOT PUNISHMENT.

People have spoken as if this discharge from the service was a punishment. I deny emphatically that such is the case, because as punishment it is utterly inadequate. The punishment must for mutiny and murders such as those guilty of the Brownsville assault is death; and a punishment only less severe ought to be meted out to those who have aided and abetted mutiny and murder and treason by refusing to help in their detection. I would that it were possible for me to have punished the guilty men. I regret most keenly that I have not been able to do so.

## BE IT REMEMBERED ALWAYS THAT THESE MEN WERE ALL IN THE SERVICE OF THE UNITED STATES UNDER CONTRACTS OF ENLISTMENT, WHICH BY THEIR TERM AND BY STATUTE WERE TERMINABLE BY MY DIRECTION AS COMMANDER-IN-CHIEF OF THE ARMY.

It was my clear duty to terminate those contracts when the public interest demanded it; and it would have been a betrayal of the public interest on my part not to terminate the contracts which were keeping in the service of the United States a body of mutineers and murderers.

## NO COLOR LINE DRAWN.

Any assertion that these men were dealt with harshly because they were colored men is utterly without foundation. Officers or enlisted men, white or colored, who were guilty of such conduct, would have been treated in precisely the same way; for there can be nothing more important than for the United States army, its membership, to understand that its arms cannot be turned with impunity against the peace and order of the civil community.

## PLENTY OF PRECEDENTS.

There are plenty of precedents for the action taken. I call your attention to the memoranda herewith submitted from the military secretary's office of the war department, and a memorandum from the military secretary enclosing a piece by ex-Corporal Hesse, now chief of division in the military secretary's office, together with a letter from Dist. Atty. James Wilkinson of New Orleans. The district attorney's letter recites several cases in which white United States soldiers, being arrested for crime, were shot by white soldiers and employees of the regiment, or in the fort at which the soldier was stationed, volunteered all they knew, both before and at the trial, so as to secure justice.

## INDIVIDUAL CASES.

In addition to the discharges of organizations, which are of course infrequent, there are continual cases of the discharge of individual enlisted men without trial by court-martial in the cases of 352 enlisted men of the regular army, 352 of them being on account of "having become disqualified for service through own misconduct." Moreover, in addition to the discharges without honor ordered by the war department, there were a considerable number of discharges without honor issued by subordinate military authorities under paragraph 148 of the army regulations, "where the service has not been honest and faithful—that is, where the service does not warrant re-enlistment."

## THE RACE QUESTION.

So much for the military side of the case. But I wish to say something additional, from the standpoint of the race question. In my message at the opening of the Congress I discussed the matter of lynching. In it I gave utterance to the abhorrence which all decent citizens should feel for the crime of lynching. In my message at the opening of the Congress I discussed the matter of lynching. In it I gave utterance to the abhorrence which all decent citizens should feel for the crime of lynching. In my message at the opening of the Congress I discussed the matter of lynching. In it I gave utterance to the abhorrence which all decent citizens should feel for the crime of lynching.

## GRANT'S FIELD ORDER.

I call your particular attention to the special field order of Brig. Gen. U. S. Grant, issued from the headquarters of the Thirteenth army corps on Nov. 16, 1862, in reference to the Twentieth Illinois. Members of this regiment had broken into a store and taken goods to the value of \$1,240, and the rest of the regiment, including especially two officers, failed, in the words of Gen. Grant, to "exercise their authority to ferret out the men guilty of the crime." Gen. Grant accordingly mustered out of the service of the United States the two officers in question, and assessed the sum of \$1,240 on the said regiment as a whole, officers and men to be assessed pro rata on their pay. In its essence this action is precisely similar to that I have taken, although the offense was of course trivial compared to the offense with which I had to deal.

## WHAT COL. R. E. LEE DID.

Ex-Corps. Hesse recites what occurred in a regular regiment in the spring of 1860. Corp. Hesse subsequently, when the regiment was surrendered to the confederates by Gen. Twiggs, saved the regimental colors, wrapping them about his body, under his clothing, and brought them north in safety, receiving a medal of honor for his action. It appears that certain members of the regiment lynched a bartender who had killed one of the soldiers. Being unable to discover the culprits, Col. Robert E. Lee, then in command of the Department of Texas, ordered the company to be disbanded and the members transferred to other companies and discharged at the end of their enlistment, without a court-martial, in the outbreak of the Civil war, and the con-

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sequest loss of records and confusion, it is not possible to say what finally became of this case.

When Gen. Lee was in command of the army of northern Virginia, as will appear from the inclosed clipping from the Chicago Observer, he issued an order in October, 1864, disbanding a certain battalion for cowardly conduct, stating at the time his regret that there were some in the organization who, although not deserving it, were obliged to share in the common disgrace because the good of the service demanded it.

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Evil Counsel.

It is of the utmost importance to all our people that we shall deal with each man on his merits as a man, and not deal with him merely as a member of a given race; that we shall judge each man by his conduct and not by his color. This is important for the colored race in its efforts to strive upward and upward, should teach first, as the most important lesson, alike to the white man and the black, the duty of treating the individual man strictly on his worth as he shows it. Any conduct by colored people which

tends to substitute for this rule the rule of standing by and shielding an evil-doer because he is a member of their race means the inevitable degradation of the colored race. It may and probably does mean the same to the white race, but it means ruin to the black race.

His Guiding Principle.

Throughout my term of service in the presidency I have acted on the principle thus advocated. In the north as in the south, I have appointed colored men of high character to office, utterly disregarding the protests of those who would have kept them out of office because they were colored men. So far as was in my power, I have sought to secure for the colored people all their rights under the law. I have done all I could to secure them equal school training when young, equal opportunity to earn their livelihood, and achieve their happiness when old. I have striven to break up peonage; I have upheld the hands of those who, like Judge Jones and Judge Speer, have warred against the evil of peonage. In one policy, as in the other, I do not claim as a factor, but I challenge as a right, the support of every citizen of this country, whatever his color, provided only he has in him the spirit of genuine and far-sighted patriotism.

Theodore Roosevelt.

The White House, Dec. 19, 1906.

Secretary Taft's Report.

In a report to the president on the several senate resolutions of inquiry, Secy. Taft enters into an exhaustive discussion of the law and the evidence in the case. He quotes the authority for the president's action and with regard to the new evidence presented, says he has examined it with care, and that he does not find anything contained in it which should lead to a different conclusion of fact from that already stated in his annual report.

The affidavits, says he, "contain in substance the same denials of complicity or knowledge by the enlisted men that were made to the inspecting officers, together with evidence intended to show that there was an opportunity for persons in the battalion to secure the new evidence presented in the form of the enlisted men and to secure empty cartridge shells and throw them in the streets of the town."

The suggestion now he declares, is so grotesque in its improbability and absurdity as hardly to call for discussion of comment.

After stating that it is not the practice of the inspector general, in making investigations into questions of fact to set out all the evidence in sworn affidavits or depositions, Secy. Taft quoted from the fourth article of war, which he states contains the statutory direction in respect to the discharge of soldiers.

The regulations adopted by the president in carrying out this statutory provision, as well as excerpts from various decisions of the judge advocate general of the army, bearing out the discharge without honor, are also quoted, the secretary adding:

"From the citations above given it follows that one enlisting in the army is advised first, that the president has the right of will to terminate the contract of enlistment; second, that

or of the president to discharge every member of an organization.

Action by Senate.

The question whether the senate should make independent investigation of the Brownsville raid was raised in the senate by Senator Forsaker today, immediately after the reading of the president's message. He offered a resolution giving the committee on military affairs authority to make such an investigation if deemed necessary after consideration of the testimony transmitted by the president.

Mr. Forsaker's motion was interpreted by Senator Lodge as a peremptory direction to the committee on military affairs to proceed immediately with an investigation. To this the Massachusetts senator made objection, but disclaiming such purpose, Mr. Forsaker reduced the proposition to writing as follows:

"Resolved, That if the committee on military affairs deems it necessary in connection with the consideration of the message of the president in regard to resolution number 110 and 111, to take further testimony to establish all the facts connected with the discharge of members of the companies B, C and D, Twenty-fifth United States Infantry, that it be and hereby is authorized to send for persons and papers, to administer oaths and report thereon by bill or otherwise."

"To that resolution I have no objection at all," remarked Senator Lodge. Referring to the document submitted by the president, Mr. Forsaker said: "There are statements here under oath, many of them not under oath, referred to as 'testimony.' In the proper sense of the word there is no testimony at all."

Upon objection of Mr. Clay, the resolution went over until tomorrow.

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