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Presentation of Loving Cup to J. B. Foraker



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Ceremony Attending the
Presentation of Loving Cup

... to ...

Hon. Joseph Benson Foraker



**They ask no favors because they
are Negroes, but only for justice
because they are men. :: Foraker.**

WASHINGTON, D. C.
March 6th, 1909

The BROWNSVILLE TEXAS AFFAIR

Presentation of Loving Cup

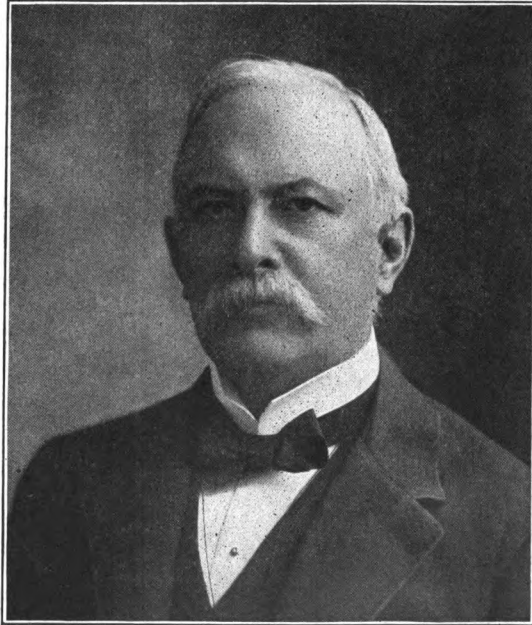
. . . to . . .

Hon. JOSEPH BENSON FORAKER
UNITED STATES SENATOR

In appreciation of his service on behalf of the members of
Companies A, B and C, 25th Infantry, by a
Committee of Colored Citizens.

The ceremony and addresses, March 6th, 1909, at
Metropolitan A. M. E. Church, Washington, D. C.

Washington, D. C. 1909
The MURRAY BROTHERS Press
1733 7th Street, Northwest



C. H. Baker



**THE LOVING CUP
PRESENTED TO SENATOR FORAKER**

The Brownsville Affair

August 13th, 1906

A REVIEW by DANIEL MURRAY

The summary discharge November 5th, 1906, from the Army of the United States of 167 men of the 25th Infantry Battalion, by executive order solely, startled the country greatly when promulgated by President Roosevelt. At once a storm of protest followed, since the men thus discharged without honor had been denied any trial, and grave doubts arose as to the constitutional right of the executive to so act. Senators Penrose of Pennsylvania and Foraker of Ohio introduced, December 2d, 1906, resolutions asking the Military Committee of the Senate to make an examination of the matter. The investigation showed that from September 4th, 1903, to July 28th, 1906, Fort Brown, at Brownsville, Texas, had been garrisoned by the 26th Infantry, white, when they were relieved by the 25th Infantry, colored battalion, coming from Fort Niobrara, Nebraska. As early as May, 1906, it was known in Brownsville that the white soldiers were to be displaced by a colored battalion, and at once no little discontent became manifest among the white people residing there. The testimony taken before the Senate Committee on Military Affairs, begun February 4th, 1907, justifies the assertion that the white people of Brownsville, animated alone by prejudice, were determined to have the colored battalion recalled, and at once began a systematic effort to that end. This view is further justified by the fact that, on August 17th, 1906 (three days after the affair), Senator Culberson telegraphed the Secretary of War and said that he had previously warned the Department of the danger of locating negro troops at Fort Brown. The colored battalion reached Fort Brown July 28th, 1906, and August 13th, same year, at midnight, there began in the town and near the fort a fusillade of firing, estimated at between 150 and 250 shots, during which Frank Natus, a white bar-keeper, was killed, and M. Y. Dominguez, lieutenant of police, was wounded, his arm later being amputated. The commandant of the post, Major C. W. Penrose, believing the post was under fire, sounded the alarm and had all the men of the battalion mustered, the roll called, the gun racks unlocked, and then it was found that every man of the battalion was present or accounted for, and, further, that the firing continued after all the soldiers had assembled and answered to their names. This testimony, so favorable to the soldiers, cost Matias G. Tamayo, his home in Brownsville, but it gave rise to grave doubts as to the culpability of the colored soldiers—doubts which could be settled only by a thorough investigation. This investigation, had at the instance of Senator Foraker, and of which he was the head and front, was the most exhaustive ever given by the United States Senate to a single subject and lasted thirty-two months. It developed as a motive for the "shooting up" that in the change of troops the saloon-keepers, through the color prejudice in the town, lost the custom of the post, and to induce the colored troops to come and drink in their saloons had gone to the expense of erecting separate bars. This the colored men regarded more in the light of an affront than an accommodation

and absented themselves. This view as to the probable motive for the "shooting up" becomes more manifest when it is recalled that on August 11th, two days before the "shooting up," William Allison, a former member of the 25th Battalion, set up a bar near the fort, which the men patronized most liberally. Many other circumstances developed by the Senate investigation as it proceeded created in many the belief that the "shooting up" was the outcome of a conspiracy by the rough element of Brownsville, under the instigation of the saloon-keepers, to create a reason for recalling the colored troops and replacing them with white soldiers. This view has been much strengthened by certain facts connected with former raids in and around Brownsville.

It will be recalled that during the debate in the Senate much stress was laid upon the fact that, to acquit the men, left then only the inference that the shooting done in Brownsville was done by their neighbors or by themselves. And this was held to be inconceivable and beyond ordinary belief; that any community could be assailed at midnight in the manner of the Brownsville raid and the people terrorized and murder committed by their neighbors, and yet such a charge was filed at the State Department in Washington, D. C., by Señor Mariscal, the Mexican Minister, in 1875. He then charged the people of Brownsville of disguising themselves as Indians and Mexicans and committing arson, robbery and murder while so disguised, the inference of Señor Mariscal's charge being that the disguises were assumed to throw suspicion on his countrymen.

In 1875 there was published a pamphlet by the permanent committee of citizens of Brownsville appointed April 17, 1875. From this pamphlet, which is a reply to Señor Mariscal's charge, it is learned that the town and vicinity had been the victim of similar raids twenty-one times, dating from 1859 to the date of publication, 1875. If these raids were of such frequency as to warrant the organization of a permanent committee, there is nothing to refute the inference that the affair of August 13th, 1906, was but a recurrence. At the conclusion of the Mexican War a line was fixed as the limits of each county. Years after the Mexicans claimed it was the Nueces River, while the Americans claimed and compelled the Mexicans to accept the Rio Grande as the boundary line. From that day until the present moment much ill-feeling has existed between the two peoples. In the pamphlet referred to this fact is emphasized in the Cortina raid, and each of the twenty-one enumerated down to that of Corpus Christi. Whatever in this line may have occurred since the publication I am not able to say, but believe it continued, and that the shooting of August 13th, if genuine and from a source outside the town, may be ascribed to the same parties named in the report of the Brownsville permanent committee. The existence of this pamphlet was not developed during the examination before the Senate Committee, and the debate and final vote on Senator Foraker's bill of relief, February 23d, 1909. Had it been used in the debate, and the facts it recites then been rehearsed, it would, I am sure, have gone far towards securing an early acquittal of the soldiers.

Since the treaty of 1848 the Mexicans have ever held Brownsville as subject to their jurisdiction and as being a part of their territory, and periodically vent their resentment in raids.

The force of the above is greatly strengthened by the fact that the Grand Jury called to investigate the "shooting up" of August 13th, 1906, ignored the charge of guilt lodged against the colored battalion and ordered the discharge of the men held in custody.

Immediately following the affray, Major Blockson was sent to Brownsville, and August 29th, 1906, he reported to the War Department that he was unable to locate the guilty parties, but believed a conspiracy of silence had been entered into by all the men to defeat the ends of

justice, and that all the members be discharged if the guilty one be not identified by a given day. Then was begun one of the most stupendous detective quests known to American history. On one side 167 men, presumably innocent because no testimony to prove otherwise could be obtained, though the whole resources of one of the most powerful of world governments was enlisted against that theory.

Every circumstance connected with the affair favored the innocence of the black battalion, but to acquit them involved the white people of Brownsville, and therein arose the dilemma. Major Penrose and Captain Macklin were tried by court-martial, and both acquitted, on the same testimony relied upon to convict the soldiers.

THE TESTIMONY ADDUCED.

The testimony, when sifted and examined without bias, all tended to strengthen the doubt as to the culpability of the soldiers. On the morning following August 13th the Mayor of Brownsville, accompanied by several citizens, called on Major Penrose and formally charged the crime on the soldiers, and when Major Penrose expressed his doubt as to their complicity, the Mayor and party volunteered to show him and Captain Macklin, officer of the day and responsible for the conduct of the men, unmistakable evidence of their guilt. So they were conducted to a place outside the fort and shown a pile of empty cartridge shells and some clips used in connection therewith, which were of the kind used by the battalion. When shown the shells and clips Major Penrose felt disposed to concede the guilt of the men, but in the course of the examination one of his officers noticed a regularity and neatness in each pile of shells which precluded the idea that they had been thrown out by the shell ejector, but gave unmistakable evidence of salted testimony. In each case the shells were in neat heaps and all had fallen and were neatly piled in each case within a radius of ten inches.

One particular case found by Captain Macklin had in its pile seven shells and six clips, and the arrangement was so formal that it caused Major Penrose and all of his officers to reverse their belief in the guilt of the soldiers. It might, as a freak of nature, have been possible for one pile of shells, ejected as they are from the gun, to have so fallen, but for three or more heaps to be so found indicated beyond the shadow of a reasonable doubt that they had so been placed for a purpose. These facts were developed and emphasized by Senator Foraker during the investigation.

Another very significant fact, developed later, showed that the bullets extracted from the houses did not fit the shells. The bullets were from the Union Metallic Company, while the shells were from the Frankfort Arsenal.

October 4th, 1906, the Assistant Secretary of War, with the concurrence of President Roosevelt, sent Brigadier General Ernest Garlington, Inspector General, to Brownsville to investigate and report, which he did, with the following recommendation (which, it will be seen, followed that of Major Blockson): "I recommend that orders be issued as soon as practicable discharging, without honor, every man in Companies B, C and D of the 25th Infantry, serving at Fort Brown, Texas, on the night of August 13th, 1906, and forever debarring them from re-enlisting in the Army or Navy of the United States, as well as from employment in any civil capacity under the Government. In making this recommendation I recognize the fact that a number of men who have no direct knowledge as to the identity of the 25th who actually fired the shots on the night of the 13th of August, 1906, will incur this extreme penalty."

November 5th, 1906, President Roosevelt wrote to the Secretary of

War: "I have read General Garlington's report, dated October 22d, 1906, submitted to me by you. I have directed that the recommendation of General Garlington be complied with, and that at the same time the concluding portion of his report be published, with our sanction, as giving reason for the action."

General Garlington was born in South Carolina, and at once it was interposed that because of his birthplace and inherited prejudices he was totally unfit to have made a fair investigation, upon which the President's order was predicated. This unfitness for a fair and unprejudiced report General Garlington practically admitted on cross-examination while on the stand.

On January 11th, 1907, the President revoked that part of his order which imposed a civil disability on the members of the three companies, having found that he had no authority to impose such unless the person had been first convicted according to law.

December 11th, 1906, the President issued an order providing for the re-enlistment of such of the discharged soldiers as could prove their innocence, and under its provisions Sergeant Mingo Sanders and many others submitted to examination and made affidavits to the effect of their innocence, as well as having no knowledge as to who the perpetrators were, but when the same was submitted to the President he rejected all.

On May 10th, 1908, President Roosevelt wrote to Senators Stewart of Vermont and Smith of Michigan, telling them that no further time need be spent on the Foraker Bill, then pending before the Senate, to restore the dismissed soldiers, since he would veto it if sent to him, and if passed over his veto, he would not execute it. This caused a sensation in the Senate, with some talk of impeachment.

After several postponements a vote was taken and the Foraker Bill was passed by the Senate on February 23d, 1909, by a vote of 56 to 26, and by the House of Representatives on February 27th, 1909, by a vote of 211 to 102, and a few days later signed by President Roosevelt.

The foregoing is a brief history of the Brownsville affair, and my apology for reciting this much of the now noted affair may be accepted when I say that this information has been derived after a careful study of the entire history of everything connected with the discharge of the colored battalion.

The colored citizens, feeling deeply grateful to Hon. Joseph Benson Foraker for the matchless fight he had waged for a fair trial and justice to the black battalion, tendered him a reception and presented him on March 6th, 1909, with a loving cup at the Metropolitan A. M. E. Church, of which the following is the program:

...PROGRAM...

CHORUS—The Festival “Te Deum”	- -	<i>Dudley Buck</i>
Metropolitan A. M. E. Church Choir		
Prof. J. T. Layton, Director		
PRAYER		
Rev. J. H. Welch, D. D.,		
Pastor of Metropolitan A. M. E. Church		
SOLO	- - - - -	<i>Selected</i>
Mrs. Lucy A. Blagburn		
INTRODUCTORY REMARKS		
Mr. J. W. Cromwell, <i>Chairman</i>		
CHORUS	- - - - -	<i>Selected</i>
Amphion Glee Club		
Prof. J. Henry Lewis, Director		
ADDRESS		
Hon. Archibald H. Grimke		
RECITATION—“The Black Regiment”	- - -	<i>Boker</i>
Mr. Richard B. Harrison		
CHORUS—“Hallelujah Chorus”	- - -	<i>Handel</i>
Metropolitan A. M. E. Church Choir		
PRESENTATION ADDRESS		
Armond W. Scott, Esq.		
REPLY		
Hon. Joseph Benson Foraker		
“AMERICA”		
The Audience		
BENEDICTION		
Rev. W. Bishop Johnson, D. D.		
		Prof. W. T. Braxton, Organist

Executive Committee:

JOHN W. CROMWELL, Chairman	
WILLIS B. MITCHELL, Vice Chairman	
SAMUEL E. LACY, Secretary	
DANIEL MURRAY, Treasurer	
FRANK BYRON	WM. T. FERGUSON
LOUIS G. GREGORY	THOMAS A. JOHNSON
NAPOLEON B. MARSHALL	F. H. M. MURRAY
JAMES L. NEILL	J. T. C. NEWSOM
CHARLES J. PICKETT	OLIVER RANDOLPH
ARMOND W. SCOTT	JOSEPH H. STEWART



ARMOND W. SCOTT



ARCHIBALD H. GRIMKE



JOHN W. CROMWELL

Introductory Remarks

by

JOHN W. CROMWELL

Chairman

LADIES and GENTLEMEN :

Of those who have championed beyond their colleagues the rights and privileges that have come to us because of the Civil War, five names stand out in the last fifty years of our history.

First, and leading all others is Abraham Lincoln, the Emancipator. The recent centenary celebrations held throughout the civilized world show that posterity will name him as the foremost statesman of the 19th century.

Standing out in the legislative history of reconstruction is Thaddeus Stevens, who, strong of mind, inflexible of will, though weak in body, organized and directed the Congressional policy of reconstruction, resulting in the act of March 2, 1867, the Fourteenth and Fifteenth amendments. Had the original measures proposed and advocated by the Great Commoner prevailed many of the problems that now perplex and paralyze statesmen and worry politicians would never have presented themselves.

Following Stevens, and building on citizenship and the franchise as accomplished facts, Charles Sumner emphasized the idea of civil rights. But before he could complete what he sought to accomplish by legislative enactment, he fell a victim to that brutality that eighteen years before had cowardly assailed him in the Senate Chamber. A compromise measure shorn of the most vital provisions for which he had contended finally became a law, only to be construed nine years after by the United States Supreme Court as unconstitutional and void. Against this opinion there was one dissenting voice strong and clear, in the interest of a broad interpretation of the Constitution and equality of civil rights by all citizens without regard to race or color. And ever since that memorable October of 1883, John Marshall Harlan has always rung true on all constitutional questions affecting our interests as citizens.

In all the years since 1883, surrender after surrender has followed, even up to the closing of the Sixtieth Congress, as witness the resignation of Collector Crum and the elimination from the penal code of safeguards enacted when the Fifteenth Amendment was not considered a failure.

Since the death of Sumner those who have found the opportunity in the whirligig of politics or the administration of public affairs to raise an issue in our behalf, founded on the fundamental principles of the Constitution or of justice, have been few and far between. It was as a period of Cimmerian darkness. But a star arose above the horizon to brighten our pathway with hope and light.

It was a long call from 1874, when the Massachusetts statesman passed from the stage of action to 1906 when the farmer boy who had laid down his arms as a captain in the U. S. Army in 1865, and taken his place in college and university, having entered the public arena first as a lawyer, then as judge, next as governor, finally as United States Senator to become ultimately the defender of the Black Battalion.

From the most distant sections of our country we are assembled at the National Capital to witness scenes incident to the inauguration of the new President. The number of citizens of every political cast of mind and affiliation that throng our streets and avenues and are welcome to our homes, attests and illustrates a patriotic interest growing more and more national. As in the presence of the 90,000,000 of the Republic, the new Chief Magistrate takes the oath of office, outlines his policy, and, in the eyes of his assembled countrymen and the accredited representatives of the nations of the civilized world, amid their plaudits and the of salvos artillery that announce a new administration, seeks the approval of mankind. Hardly less important, though less spectacular, is the laying down of the responsibilities of men in both houses of Congress, that co-ordinate branch of our great government.

To-night the close of the second senatorial term of Joseph Benson Foraker gives us a fitting opportunity of expressing our public approval of a public career culminating in the ultimate triumph of the principle for which he has contended so persistently since he began his inquiry two years ago. Such an opportunity to salute the honored guest of this occasion as the fearless, the intrepid, the unconquerable, the victorious champion of simple justice, honors most of all those who have made this gathering possible.

But, ladies and gentlemen, I must not further anticipate and indicate than in this desultory way as presiding officer, the object of this meeting. Speech and song cannot fully reveal how keenly we feel the retirement of Joseph Benson Foraker from the United States Senate.

I believe I voice the general opinion that the people of Ohio will not suffer him to remain long in retirement, and that the developments of the next year will fully vindicate his contention that the Black Battalion "asks not for favors because they are Negroes, but only for justice because they are men."



Address

by

Hon. ARCHIBALD H. GRIMKE

A little more than two years ago the country was startled one November morning by a Presidential order for which there is no precedent in the history of the Government. It was an act not only without precedent, but, as it appeared at the time to many Americans and as it appears to them now for that matter, not warranted either by law or justice. The punishment which that order inflicted on a whole battalion of American soldiers without trial of any kind, seemed unmerited and cruel in the highest degree, and a wanton abuse of executive power.

The history of this case is known of all men, thanks and yet again thanks and love without limit to the illustrious man whom we have met to honor tonight. For it is now and it must forever remain the history of the Black Battalion and of Senator Foraker. It is the history of the most masterly and heroic struggle in defense of the rights and liberties of the individual citizen against executive usurpation and oppression, which this country has witnessed for a generation.

The act of the President while it affected the rights of all Americans, bore with peculiar hardship, with crushing injustice on the one hundred and sixty-seven men of the Black Battalion who were discharged from the Army without honor and on a mere assumption of their guilt in the "Brownsville" affray.

That act was a sad blow to the colored race of the country likewise, and fell upon them with cruel surprise. For they are people without many friends and are hard pressed in this boasted land of the free and home of the brave. They are hard pressed in every part of the Republic by an increasing race prejudice, by a bitter colorphobia which forgets that they are weak, forgets their claim at the hands of a Christian nation to just and equal treatment to the end that they may do and become as other men with a race and color different from their own. Blows they are receiving thick and fast from their enemies whose name is legion, blows against their right to life, liberty and the pursuit of happiness in the South and in the North. We are accustomed as a race to such blows. Cruel as they are and hard to bear yet they do not take us by surprise. For we have learned by long and bitter experience to look for them from a people who loudly proclaim in season and out their belief in the principles of democracy and of Christianity. But when an old friend turns against us and strikes too like an ancient enemy such a blow is more grievous to bear, seems crueler than death itself. The blow of an old friend is always the unkindest blow of all. One is never prepared for it and when it falls the wound which it inflicts cuts deeper than flesh and blood, for the iron of it enters the soul itself. And so it happened to us, when two years ago the cruel wrong of that executive order was done to our brave boys in blue by the hand of a trusted friend, the apostle of the "square deal."

Who can describe the shock of that first terrible amazement, the hot indignation felt by a race at the huge injustice, at the Draconian severity of that order which expelled from the American Army one hundred and sixty-seven men without trial of any kind and on a mere

suspicion of their guilt, and which made them forever ineligible to employment thereafter in any department of the National Government, whether on its civil, military or naval side, and the deep consternation which filled the homes of every colored man in the land—North and South alike? I for one can not describe those feelings although I experienced in unison with the race at the time the amazement, the indignation and the consternation which swept us together and caused us to feel and speak and act as one man under the wrong done us by the hand of an old friend whose golden words of hope and fair play we had sometime written in letters of light on the tablets of our hearts. It is no slight matter for any man whether he be President or private citizen so to wound the sense of right of a whole race, so to shock its faith in the justice and righteousness of its rulers and government as that cruel blunder of the President of the United States produced among the colored people of the entire country.

We lifted up our voice as the voice of many waters from one end of the land to the other in loud protest against the wrong, in stern denunciation of it, and the press of the North came nobly to our assistance and swelled the volume of our protest and denunciation. But alas, all this volume of protest and denunciation on the part of the race and of the press would have passed over the nation and the Government like a summer storm of wind and rain—so little do our outcries against injustice and oppression excite the attention and sympathy of the Republic any more—had there not arisen in the Senate of the United States a man for the hour, had not God raised him up to defend his little ones against the slings and arrows of a sleepless energy, of an almost omnipotent power seated in the highest place of the Government. It was the genius, the grandeur of soul of a great man who was able to gather into thunderbolt after thunderbolt all the sense of outraged justice on the part of race and press, and to hurl them with marvelous precision and overwhelming might against that cruel executive order and the hosts of words and messages and other hordes of blood dyed epithets which the President marshalled and sent forth from time to time in defense of his Draconian decree. If there was sleepless energy in the White House there was an energy just as sleepless on the floor of the Senate. The almost omnipotent power wielded for the destruction of the Black Battalion by the formidable occupant of the executive mansion was met and matched, ay, over-matched again and again by an omnipotence in discussion which a just cause and genius as orator, lawyer and debater of the first rank could alone have put into the strong right arm of the brave redresser of a race's wrongs on the floor of the Senate. For more than two years he carried the case of the Black Battalion in his big and tireless brain, in his big and gentle heart as a mother carries under her bosom her unborn babe. God alone knows what sums of money, what deep thought and solicitude, what unflagging energy, what unceasing labor he spent in his holy and self-imposed task to right the wrongs of those helpless and persecuted men. In the Senate their case pursued him like a shadow, and at home it sat with him like a ghost in his library, and slept for a few hours only when the great brain slept and the generous heart rested from the pain which was torturing it. Sir, did you know what love went out to you during those tremendous months of toil and struggle, and what prayers from the grateful hearts of ten millions of people?

Yes, he was one man against the whole power of the administration and all that that meant. Perhaps we do not fully understand what a colossal power that was to confront and grapple with. Almost single-handed he met that power and threw it again and again in the arena of debate. Every speech he made in behalf of his clients, whether on

the floor of the Senate or outside of that body, was as terrible as an army with banners to the enemies of the Black Battalion who had now alas, become his enemies too, and who were bent on the destruction of both, the defender and the defended alike. But he did not hesitate or quail before that power and the danger which threatened his political life. As the battle thickened and perils gathered fast about his head he fought the fight of the Black Battalion as few men in the history of the Republic have ever fought for the weak, for a just cause against organized power and oppression in the high places of the Government. Senator Foraker was one man but Senator Foraker was a host in himself. We know this but the enemies of the Black Battalion know it better than we do, for wherever they appeared on the field of action during those two years, whether with their sappers and miners or assaulting columns there they found him alert, dauntless, invincible—their sappers and miners hoisted with their own petard, their assaulting columns routed and driven to cover before the withering, the deadly fire from the flashing cannon of his facts, his logic, his law, and his eloquence. Sir, God knows that I would rather have fought the fight which you fought so gloriously than be a Senator of the United States, ay, than be President of the Republic itself. For it is better to be a brave and just and true man than to be either Senator or President or both.

Greater love hath no man than this that a man lay down his life for his friends. This is what Senator Foraker has done for the Black Battalion and for the principles of law and liberty which underlie their case. He has given his political life, his seat in the Senate, all the honor and power which were his had he chosen to defend the order of the President, discharging those one hundred and sixty-seven men without trial of any kind from the Army which their valor had helped to make glorious—instead of the soldiers whom he did not know but whose pitiful case, whose unjust and cruel punishment enlisted the sympathy of his great heart and the masterly labors of his tireless brain. Yes, I repeat, and do not let it ever be forgotten by us as a race, that Senator Foraker might today be his own successor in the U. S. Senate had he chosen to play in the "Brownsville" affair the part of defender of President Roosevelt's wanton abuse and usurpation of executive power, instead of taking the side of the Black Battalion and the fundamental principle of our law and Constitution that each man accused of crime is entitled to trial before he is condemned and punished. He chose the side of the weak, of justice and the Constitution in this great struggle, and not that of power and the administration. This was the sin which brought upon him all the wrath of that power and of that administration, but of which all good men and true absolve and for which they honor him, and for which besides a grateful race enshrines him in its heart of hearts. For he preferred to suffer affliction with the Black Battalion and to suffer defeat for the Senatorship rather than enjoy power and office as the price of his desertion of the cause of those helpless men.

No man can give as much as Senator Foraker has given to a just cause, give as generously, as unselfishly, as gloriously as he has given of his very self in this "Brownsville" case and lose that which is best striving for in life. He may lose place in the Government and power as a political leader. But what are these but the ephemera of man's fevered existence and strivings here below? "What shadows we are," Burke said on a memorable occasion in his contest for a seat in parliament, "and what shadows we pursue." Office, power, popularity what are they but shadows of passing clouds which a breath blows to us and a breath blows from us again. No man loses anything in reality when he loses such fleeting, such shadowy possessions. But

if for the sake of them he loses truth, justice, goodness, his love of the right and his hatred of the wrong, his sympathy for the oppressed, his passion to help God's little ones, such a man has bartered away his soul, the immortal part of him for a rood of grass, which today flourisheth and tomorrow withereth and is cast into the oven of all transitory and perishable possessions.

How many men who now hold seats in the United States Senate or the House of Representatives do we even know the names of? How many of all that long procession of them who have been passing for more than a century through those halls of power have we so much as heard the names of? They have filed through those stately chambers to dusty death and oblivion, and the places which knew them once know them no more forever. A few names only are remembered among all the multitude of them, not because of the places they occupied or the power they wielded but because while in those houses they chose the better part—chose not to busy themselves with shadows, with the things which perish but seized and held fast to the eternal verities of justice and freedom and human brotherhood. The vast majority of them magnified their brief authority and neglected the opportunity which their offices offered them to link their names and official lives with some noble movement or measure for the betterment of their kind, for the lifting up of those who were down, the strengthening of those who were weak, the succor of those who were hard pressed by man's inhumanity to man.

It is beautiful to defend those who can not defend themselves, to lift up the weak, to succor those who are ready to perish. It is heroic, divine when the doing so involves peril and sacrifice of self. It is the essence of the Gospel preached and lived by one who spoke and lived as never man spoke and lived. It is simple and undefiled Christianity. Nothing avails to make Senator or President or people Christian but just this one thing—not race or color or creed, not learning and wealth and civilization—but kindness to God's poor, to Christ's little ones. Did you feed them when they were hungry, did you give them to drink when they were thirsty, did you visit and comfort them when they were in prison? Those who do these things to the humblest and the blackest of these little ones of the Republic have done them unto the divine Master, are in truth His disciples, and those who do them not are not His followers, whatever may be their profession, but quite the contrary. They have no part or lot with Him but belong to the evil forces of the world which are forever opposing the coming of His righteous Kingdom on earth when all men shall be brothers, when the strong shall everywhere bear the burdens of the weak.

Inasmuch as William Lloyd Garrison, Charles Sumner, Wendell Phillips, John Brown and Abraham Lincoln did it to the least of His little ones in this Republic they did it unto Him. They are a goodly company, the glorious company of the elect of the Republic, its prophets, its priests and its kings, And, Sir, inasmuch as you, too, did it to the Black Battalion in their dire need you did it unto Christ, and you are now henceforth and forevermore to enter into the supreme joy of that supreme service and sacrifice. You lost, Sir, your seat in the Senate, it is true, but you have won an enduring place in a race's heart, its enduring love and gratitude, and the plaudit of the divine Master. "Well done good and faithful servant," uttered from the lips of all good men and true the country over.

Presentation Address

by

ARMON W. SCOTT, Esq.

Senator FORAKER, Mr. CHAIRMAN, LADIES and GENTLEMEN:

I consider no honor in the gift of mankind greater than the one accorded your humble servant, in representing you to-night in the fulfillment of this most pleasant duty on this most auspicious occasion. We have assembled here with one accord to do honor to one of the world's greatest statesmen and one of the noblest humanitarians ever known to mankind. A great statesman, because from the very beginning of his public career up until this very hour, he has never taken a stand upon any public question simply to be on the momentary popular side, he has never truckled or cringed; but whenever he has taken a stand, he has been moved by a conscientious conviction that the cause which he espoused was right, and his matchless career has won the plaudits of the entire world.

A broad humanitarian, because he has dared, whenever the occasion has arisen and he was convinced of the righteousness of the cause to stand up and fight fearlessly for those who were persecuted and oppressed.

And it is not within the power of man, even in his wildest flights of imagination, to picture to you in the slightest degree, the bold, determined and successful fight which he has so relentlessly waged against that outrageous and unwarranted discharge and degradation of one hundred and sixty-seven of the bravest and best soldiers who ever shouldered muskets in defense of their country.

And it is therefore not to be wondered at, that so many of you are here to-night; it is but the spontaneous manifestation of the gratitude of honest hearts—that this large outpouring of so many of the representatives of the best blood of the race has taxed the capacity of this great edifice, dedicated to the worship of God, in order that they might do honor to this illustrious man, who is the friend of all mankind, who knows no man by the color of his skin or the texture of his hair, who believes in the constitution of this great government, who believes in that theory of the law which has come down to us through all ages, even from a time whereof the memory of man runneth not to the contrary and that is—that every man is presumed to be innocent until he is proven guilty, and then his guilt must be proven beyond a reasonable doubt.

A man who has never raised a hostile hand or voice against an oppressed people: but who has wept when he has seen the hand of race hatred and persecution laid heavily upon us and who has fought valiantly for us in our every hour of need. And a man my friends, whose idea of the Christian religion has not caused him to take issue with or exception to that portion of the Holy Scripture which tells us—"That of one flesh and blood God created all nations to dwell upon the face of the earth." And we honor ourselves and count ourselves fortunate indeed to be privileged to assemble here to-night to honor such a man.

By reason of our abiding faith in God, our inherent belief that WRONG will triumph only for a while, and that RIGHT MUST and WILL ultimately prevail, we are inspired with the faith and hope that

this brave man, favored as he is with so many of nature's choicest gifts and imbued with that spirit of bull-dog determination, who like Banquo's ghost will not down, will yet triumph over all of his enemies and will ultimately be abundantly rewarded for the matchless fight which he has made in the furtherance of justice and the cause of humanity.

In all ages of the world, history presents many shining examples of brave and good men who have dared to stand up and contend single-handed for that which they believed to be right.

Socrates, the renowned Grecian philosopher, who believed in the immortality of the soul and whose marvelous wisdom caused him to live many years ahead of his time, was made to drink the fatal hemlock because he would not desist in promulgating that doctrine to the youths of his time. And yet, even unto this day his place in history, is that of one of the world's greatest philosophers and benefactors.

John Brown whose spirit will go marching on as long as time endures, was put to death, because he dared to strike the fatal blow against chattel slavery, which fired the American people and caused them to rise up in their might, and his influence, like the influence of the moon upon the waters, raised the tide of the multitude, till overleaping all bounds, it burst forth with such impetuosity that it forever destroyed and swallowed up that hydra-headed monster, American slavery. So that whenever a brave man has placed himself upon the altar for the cause of right, much good has resulted therefrom.

Abraham Lincoln, Charles Sumner, Wendell Phillips, Harriet Beecher Stowe, William Lloyd Garrison, Thaddeus Stevens and Frederick Douglass, waged a united and successful onslaught against American chattel slavery, a warfare in defense of human liberty unparalleled in the history of the world. And it remained for this brave man to come forward and take his place alone at the head of the firing line to fight against those who have set themselves up in a determined effort to nullify all that those heroes fought to accomplish.

Now why is it that this man, one of the noblest God ever created, has been treated in the manner in which he has? What offense has he committed? Has he wronged any man or has he tried to strike any man below the belt?—Let us see!

About two years ago, the Secretary of the War department of this great Republic, ordered that a battalion of black soldiers be sent to Fort Brown Texas, into that section of this country where the forefathers of those brave black warriors had been formerly held as chattel slaves and to be stationed among people who for all the years had nurtured and harbored in their breasts a burning hatred with an ever increasing fury against any man whose blood was in any degree tainted with that of the African race.

Not only that; but when it became known that those men had been ordered there, a storm of protest and indignation arose against them among the people of Texas, and they ordered their Senators and Representatives to call upon the President and demand of him, that the order directing them to Fort Brown be revoked. And seeing that no heed was paid to their protest, they then and there resolved to seek vengeance upon these innocent victims.

In the due course of human events, these soldiers arrived at Fort Brown and subsequently a mysterious SHOOTING UP of the town of Brownsville occurred, the soldiers were presumed to be the perpetrators and therefore accused of the crime. Thereupon an organized effort was entered into at the instance of the then, President of this Nation, by whatever means that could be resorted to, to prove them guilty.

He first sent down General Garlington, a Government Army Officer and a native of the State from which hails our loving and ever faithful friend, Senator Benjamin Tillman, to investigate the charge, and from that time on we knew what to expect. We next heard that the

men were given so many days in which to tell something on themselves and if they did not, they were all to be dishonorably discharged from the Army.

Of course all of them being human beings, and men and even soldiers, were not going to commit deliberate perjury against one another in order to stay in the United States Army, when they all knew too well that no one of them had been connected with the shooting up of Brownsville. And for that reason they were subsequently charged with a "conspiracy of silence," and under those circumstances one hundred and sixty seven black soldiers some of whom had spent nearly thirty years of their lives in fighting for this government, were dishonorably discharged from the Army.

Do you wonder then my friends, that this brave and good man, with a heart over-flowing with the milk of human kindness, himself a soldier who enlisted when but a boy, came forward and put himself upon the altar in defense of these men, and he entered into the fight imbued with the spirit of that word of that humanitarian poet:

"You cannot bridle the tongue,
You cannot conquer the will,
You cannot make me hate man
For man's my brother still."

To adequately describe what followed would be a vain undertaking. You all know too well the awful story. You know how all the power of this government has been brought to bear to find even a shadow of guilt against these men. You know how they have been subjected to every test known to human ingenuity in order to discover the slightest trace of guilt against them. You have been fittingly told on the floor of the United States Senate by this brave man, how since their discharge from the Army, they have been hounded from one end of this country to the other by unscrupulous and designing detectives who were paid extravagant sums of money out of the Treasury of this government to try to entrap them.

But in spite of all of this, not one scintilla of reliable evidence has been adduced against them **EVEN TENDING** to prove that any one of them was in any way connected with the shooting up of Brownsville. And this giant defender of human rights went into the thickest of the fight and almost single-handed and against all odds, fought the battles for those persecuted men and is still determined to fight on for them until all the American people shall know and be convinced that these men, and every one of them, are innocent. And may God strengthen him and help him and give him the determination to keep up the fight.

So that, honored sir, it is but fitting for some of the grateful representatives of the race for whom you have fought so long and so valiantly, to present to you on this occasion this slight token of their appreciation of your services, which have been so freely given in such a crucial hour. Because, we feel that in the fight you have made, you were not only moved by your abiding conviction of the innocence of these men, but that you felt that you were fighting for a race which has never given birth to a son who has ever taken up arms against his country. And the entire world was looking down upon you and listened, when on that ever memorable 14th day of April 1908, you dared to stand upon the floor of the United States Senate and defended us in these words.

"They are at once both citizens and soldiers of the Republic. Aside from these charges, which they deny, their behavior both in the Army and out of it, has justly excited the highest commendation. Their record is without spot or blemish. They are typical representatives of a race that has ever been loyal to America and American institutions; a race that has never raised a hostile hand against our country's flag; a race that has

contributed to the nation tens of thousands of brave defenders, not one of whom has ever turned traitor or faltered in his fidelity. In every war in which we have permitted them to participate, they have distinguished themselves for efficiency and valor. They have shed their blood and laid down their lives in the fierce shock of battle, side by side with their white comrades. They are the direct and worthy successors of the brave men who so heroically died at Petersburg, at Wagner, and on scores of bloody fields, that this nation might live."

And sir, you spoke truly and well, because you were defending a race which has given to the world a Crispus Attucks, from whose veins flowed the first blood that was poured out upon the altar of American Independence.

Representatives of which race, during the war of 1812, played well their part on every American war vessel in that conflict, and we are told of one of those black sailors, by the name of Ben Johnson, who after all the lower part of his body had been shot away, he lay on the deck and between the last gasps of his death agony, heroically exclaimed, "fire away my boys, no haul a color down."

A race that gave to the world a Nicholas Biddle, a Negro who was the first man to be struck down in the Civil War, and who was seriously wounded in the streets of Baltimore during the mobilization of the troops in that city.

And in the Spanish-American War, Elijah B. Tunnell, a Negro of Accomac County, Virginia, was one of the first two who were killed in that conflict, having been shot down simultaneously with Worth Bagley on the torpedo boat Winslow in the Harbor of Matanzas.

And last but not least, a race from which have come the 24th and 25th UNITED STATES INFANTRIES, and the 9th and 10th CAVALRYMEN, those brave black men, who at San Juan Hill, when other soldiers had retreated because of the deadly fire which had been poured into them from the Spanish block-house, and when their officers ordered the black soldiers to retreat, a black sergeant rushed forward and said, "retreat hell! we will go up that hill," and they went up that hill singing, yes singing, "There will be a hot time in the old town to-night." And the world knows the result. As they not only saved the honor and glory of their country's flag, but they saved the life of the very man who afterwards struck them down.

It is therefore with feelings of pride, pleasure and deep gratitude, that I, on behalf of the grateful colored citizens of the District of Columbia, and of all those throughout the nation, present you with this loving cup, in token of their appreciation for the valiant fight which you have made in behalf of the discharged soldiers, and for all the past services which you have rendered us during all the years of your public career.

You have fought long and well, and thank the Congress of this nation only a few days ago, fully vindicated you in that fight which was ceaselessly waged in the cause of right, justice and humanity.

And we leave with you these fitting words from Milton's *Paradise Lost*, between the lines of which, in my feeble judgment, we can see graphically portrayed, a true characterization of that indomitable spirit of unalterable determination which has characterized your every act during all your public career and upon which we plant our hopes for you in the future.

"Whence and what art thou, execrable shape,
That dar'st though grim and terrible, advance
Thy miscreated front athwart my way
To yonder gates? through them I mean to pass!
That be assured, without leave ask'd of thee.

Retire or taste thy folly, and learn by proof,
Hell-born not to contend with spirits of heaven."

Now let me bid you in the works of William Cullen Bryant,—

"A happy lot be thine, and larger light
Await thee there : for thou hast bound thy will,
In cheerful homage to the rule of right,
And lovest all, and doest good for ill."

Then finally, we take cheer with you in the works of Park Benjamin,—

"Press on, there's no such word as fail,
Press nobly on ! the goal is near—
Ascend the mountain ! breast the gale !
Look upward, onward—never fear !
Why should'st thou faint ? Heaven smiles above,
Though storm and vapor intervene ;
That sun shines on, whose name is Love,
Serenely o'er life's shadow'd scene.



Response

By

Hon. JOSEPH BENSON FORAKER

“MR. CHAIRMAN, MR. GRIMKE, MR. SCOTT, LADIES AND GENTLEMEN:

“I am embarrassed. I do not know where to commence, or how to proceed, and I am afraid if I once get started I won't know how to stop. (Laughter.) I knew, of course, because your committee who waited upon me told me, what would be the general character of this occasion. I knew, as they said, that you wanted to show me your friendship and your good-will, and that you wanted to present me with some token of that friendship and good-will, that I could carry with me to my home in Ohio and look at in order that I would not be able to forget you. I came expecting some such program as that. But I have been overwhelmed with that which I have witnessed in this church this evening. This music ! You did not tell me anything about that. It is the best part of the program. Everything from the beginning down to the present moment, surpasses expectation. The warmth of your greeting, the strength of your demonstration and the earnestness of it: and above all, the eloquence of the addresses. I never heard anything better. I heard a Senator only a week or two ago address the Senate for an hour on the “Incapacity of the Negro Race to Help Govern This Country.” Just to help. Nobody was contending that they ought to cut us out. He was trying to show their inability to even participate. While I was listening to Brother Grimke and Brother Scott—I say brother because we are here in these sacred precincts, I thought there were very few men in the Senate of the United States now or ever, who could speak in favorable comparison from the same platform with either one of them. (Applause.) But all this, as I say, so far exceeds my expectations of what would occur here this evening that I fear I am not able to make fitting response. First here is this cup. I saw a picture of it in the “Washington Post” this morning. I examined it pretty closely. It was the subject of conversation at the breakfast table in my family. We all admired it. But I had no idea how chaste and beautiful it really is, from that picture. It will be cherished in my household forever. (Applause.) How further shall I express my appreciation? I thank you, of course, and from my heart, a heart that is full to overflowing—and from the bottom of that heart. From the depths of it, I thank you and assure you of my appreciation of all that has been said and done, and all that is to be implied from that which has occurred here tonight. (Applause.)

“Now I stipulated with that committee that I was not to make any speech here tonight. I was just to come and get this cup and run home with it. (Laughter.) I made that stipulation in good faith knowing that I would not keep it; knowing you would not let me keep it. (Applause.) But at the same time, I desired to keep it. For, to be frank with you, I do not like to talk about myself, especially in public. But after what I have heard spoken here so eloquently this evening, I feel, in view of it all, not only invited but challenged and compelled to say a few words about myself.

"The speakers have both expressed great regret that I have been retired from the Senate. Well, I will be frank with you, I rather regret it myself. Not that I especially wanted to stay there on account of the office, but because I thought there might be in the future, as there has been in the past, some opportunity to do some good thing. (Applause.) And yet, when I take a second thought about it, I can truthfully say that I have not one particle of regret.

"Just as I was leaving my home tonight, I thought of something I said at Wilberforce in June 1907. I was there addressing the faculty, the graduating class and the under classes and all the people who had gathered for that occasion—it was commencement day. It was just after the 'Brownsville' investigation had gotten fully under way. We had been taking testimony before the Senate Committee. It was proclaimed that as a penalty for what I had done and proposing to do in the 'Brownsville' matter, I should be eliminated from public life. That was the polite word that was used—going to 'eliminate' me. But I went ahead, simple-minded man as I was, and told those people all about 'Brownsville' and closed my remarks with these words:

"It may never be known who did the firing but it will always be known that the men have at least had a chance to state their side of the case.

"If, for what I have done in this behalf, I am to be eliminated from public life, as has been proclaimed, then let it be known that I shall at least carry with me into private life the consoling satisfaction of feeling and knowing that I have been rebuked for an act that I shall never regret; but always esteem as creditable to my heart as a man, and to my sense of justice and duty as a public official. (Applause.)

"I spoke these words when the doom was impending and when I foresaw that in all human probability it would come to pass as it has. Now that I have been eliminated, those words are put to test, and truthfully I can say here tonight, I go back to my home carrying with me my own self-respect. (Applause.) That is a great deal more than some other people can do. (Applause.) No, I do not regret it; for I realize that as I go out of the Senate, I do not necessarily go out of commission. Henceforth I can not hold official place and exercise official power, but henceforth I shall be a sovereign and not a servant. (Applause.) I go back to Ohio as one of the people of this nation. I will with them give commands to General Sherwood, Mr. Cushman and all these other members of Congress and Senators here with us tonight. I shall not have to take orders from any of them. We will not only make Representatives and Senators, but Presidents also. And when we put them into the White House, we will draw the chalk mark, and make them toe it. (Great applause.)

"Now a word about the 'Brownsville' affair. Probably I ought to say in justice to myself that I never had a selfish thought in regard to that matter. (Applause.) It never once occurred to me that under any circumstances it would redound to my political benefit to champion that cause. I championed it with malice toward none, without a thought of embarrassing anybody connected with the discharge of those soldiers, from President Roosevelt down. I championed that cause only because I could not help it. The spirit that caused me to take up that contest was born in me. It was the same spirit that caused me, when a boy only sixteen years old, to enlist in the Union Army. (Applause.) I hated and detested slavery. When my older brother, who was of suitable age, enlisted and marched off to the conflict, I tried to join his company, but they told me I was too young and they could not take me. I said I will go later, and I did, and stayed until the end of that struggle; having put my hand to the plow, I never took it away

or looked backward. (Applause.) I felt that we were engaged in a great struggle, for a great principle, to emancipate a race not a man of whom has ever raised a hand against the flag, as the orators of the evening have said. It was a struggle to make them men, men under the flag, men under the Constitution and the laws of this nation.

"When the war was over, slavery was abolished and all men were made free. Then came reconstruction. The men who were at the front in that period were noble patriots, their hearts were in the right place, and they did the best that was possible to be done under the circumstances. I have always been in favor of both the Fourteenth and Fifteenth Amendments; and I have believed with all my heart and soul in the proposition that this is a land of the free where all are equal before the law and where no man can be convicted of crime without first having a chance to be heard in his own defense. (Applause.) Therefore, when I read in the newspapers that the President of the United States, merely by executive order, had found one hundred and sixty-seven men guilty of crime, and had discharged them without a hearing from the Army, in disgrace, the old-soldier blood was aroused. (Applause.) That is all there was of it. As I said a while ago, I am not entitled to any credit, for I could not help it. God made me that way. And I am thankful that He gave me that kind of nature, that kind of spirit, that kind of judgment; and that He gave me the courage necessary to stand up for my convictions. (Applause.)

"I knew it would not be popular to engage in a contest of that kind, but I can say to you in all truthfulness that I did not stop to consider the consequences. (Applause.) I always try to determine what is right and then do it, leaving results to take care of themselves. I have always felt that if the people do not want me to represent them in that spirit, to exercise my sound judgment, following my best opinions; if they do not want that, then let them get somebody else. (Applause.) That is what they have done. They have selected somebody else. I accept their action without complaint, and unless they change their minds about it, I shall never hold office again, for I have no desire to again seek any office.

"I do not regret this retirement. On the contrary, in some respects I am rather proud of it. (Applause.)

"Returning now to Brownsville. I said my attention was directed to the matter because I was shocked by the idea that the President, without giving them a hearing, would convict those men of crime and dismiss them in disgrace. My attention was aroused in the first instance on account of the great questions of Constitutional Law involved; a question as to the Constitutional power of the President on the one hand, and of the Constitutional rights of the helpless soldiers on the other hand.

"At first I supposed, as a matter of course, as the newspapers announced, that some of the men had shot up the town. I thought I could understand why they had done so; that they had been mistreated and nagged at, until they committed that grave offense. But as I began to go over the testimony, I doubted whether or not anybody in that battalion had anything to do with it. And when we began the investigation which was ordered by the Senate, and commenced examining the witnesses, I soon became clearly convinced that not a man in that battalion had anything to do with it. I am clearly of that opinion now. (Applause.)

"There are many reasons for this opinion. I cannot undertake to state all of them now; the hour is too late; but if you will bear with me I will mention some of them.

"In the first place, it is now almost two and a half years since that trouble occurred. That would be a long time for a very small number of men to keep any such secret. But if the charges against the men

are true, from ten to twenty of them actively participated in the firing, as many more were necessarily active accessories, and, according to the President, General Garlington, and others, many others, if not the entire command, had knowledge that would have led to the identification of the guilty if they had not withheld it pursuant to a 'conspiracy of silence,' a new kind of crime, never heard of by Blackstone or Kent or any other law writer who wrote prior to this Brownsville occurrence, into which all entered except a few, if any at all. In other words, the charge is that, speaking in round numbers, 167 men are guilty in one form and another, and that all have for two and one-half years been so close-mouthed that not a word has been dropped that gives any clue by which to establish the guilt of any one of them, and this on top of the fact that the active participators so carefully planned and so skillfully executed the raid as to leave no clue that leads to identification.

"If this be true, then one of the most remarkable things that ever happened in all the world has occurred. When I say that, I do not refer to the shooting up of the town, for there have been many such occurrences, but to the fact that all this knowledge with which these men are charged has been so successfully withheld and suppressed. Nothing equal to what this statement suggests has ever occurred in the history of the world, and, in my opinion, never will occur. I am sure 167 white men could not thus keep such a secret; and all will agree that 167 white women couldn't and wouldn't thus keep such a secret. (Laughter.) It needs no argument to satisfy any unbiased mind, possessing a knowledge of human nature, that no 167 men or women of any race or color could thus keep such a secret (applause); especially not when under surveillance and pursued, and dogged, by night and by day, by officials and spies and detectives of the Government as these men have been.

"But I recognize that this is not conclusive; therefore, let me mention some additional reasons.

"Each man in that battalion was chargeable with a specific number of cartridges, supposed to be in his possession. The officers of the different companies knew exactly the number with which each man was chargeable. They also knew the exact number not in the hands of the men, but in the hands of the Quartermaster Sergeant of each company. In other words, the officers knew when the firing ceased that night the exact number of cartridges that should be found in the storeroom and in the possession of the men of the respective companies. They also knew the exact number of rifles and revolvers with which each company was chargeable. They also knew the exact number of men to be accounted for in each company.

"As soon as the companies were formed the men were verified, and every man was present or accounted for, and the next morning as soon as it was light enough the guns and ammunition were inspected and it was found that not a cartridge was missing, and not a rifle was unclean, or showed any evidences whatever of powder stain, or of having been fired. (Applause.)

"All this, coupled with the fact that every man has denied guilt and guilty knowledge, and has accounted for himself in such a way as to thoroughly satisfy his officers and to defy examination and cross-examination intended to confuse and destroy his statement, ought to be enough to acquit him in the absence of conclusive testimony to the contrary. (Applause.)

"There is no such testimony to the contrary. All testimony so far taken against the soldiers may be divided into two classes: that of so-called eye-witnesses and circumstantial evidence.

"The testimony of the 'eye-witnesses' is, I venture to say, the most unreliable on which a conviction was ever predicated in the history of our country.

"Major Penrose and all of his officers testify that the night was so dark that you could not distinguish a colored soldier from a white officer at the distance of ten feet, and yet these 'eye-witnesses' testify that, looking out from their houses into the darkness of such a night they were able, without the help of artificial light, except the flashes of the guns, to see the raiders, and at distances ranging all the way from thirty to two hundred feet distinguish them as negroes dressed in the uniform of soldiers and carrying the rifles the soldiers used. Some of the witnesses were able, according to their testimony, to tell in detail how the soldiers were dressed, even to the color of the shirts they wore. Two of them testified that by the flashes of the guns they could see that one of the soldiers had spots on his face, and another testified that he could see the 'blue barrels' of their guns, although the rifles with which the soldiers were at that time armed were so constructed that the barrels were entirely covered with wood to a point within three or four inches of the muzzle. (Applause.)

"I haven't time to answer here tonight such trash, for it isn't anything else, beyond saying that anybody can see for himself by simply looking across the street any ordinarily dark night at a passer-by on the opposite side, and learning thereby that, unless the party pass under an artificial light, it is utterly impossible to tell whether he is white or black, old or young, soldier or citizen, armed or unarmed. But what is within the power of everyone thus to learn is established by the testimony that has been taken not only of the officers of the battalion, but by officers who made careful tests not only to determine at what distances the color and dress of men might be distinguished, but also to show that the flashes from the high-power rifles with which these soldiers were armed are so instantaneous and give so little light that it is utterly impossible to recognize anyone in the dark by that kind of help.

"The other class of testimony, the circumstantial testimony, as I have called it, consisted of shells and clips and cartridges found in the streets of Brownsville the next morning after the firing, and a few bullets that were subsequently taken from houses into which they had been fired. All these corresponded in character to the shells and clips and cartridges and bullets with which the soldiers were supplied, and made such an impression on the minds of the officers of the battalion as to cause them, or at least most of them, to conclude reluctantly that some of the men must have done the firing. They remained of that opinion, although somewhat shaken in it by developments, and the passing of time without discovering any proof of guilt, other than that, until, during the progress of the Senate investigation the War Department laid before the Senate Committee a report of what is called in the record 'The Microscopic Inspection' of the exploded shells that had been picked up in the streets of Brownsville.

"I cannot here go at length into an explanation of the character of this inspection. It would take too much time. But I can show enough in regard to it for present purposes by the simple statement that according to this report the results of the microscopic inspection showed conclusively, by the marks on the exploded shells, that they had been fired out of certain guns belonging to B Company. The report gave the numbers of these guns. It explained the character of investigation that had been made with a microscope, and pointed out with great minuteness the indentations made by the firing pins on the heads of the exploded shells, and showed, by comparison with shells they exploded, from what guns they had been fired. The case thus made seemed to me conclusive, as the War Department stated it was, and I have no doubt now but what the guns thus named were the guns out of which those shells picked up in the streets of Brownsville had been fired.

"The next step, therefore, was to identify the men who were responsible for these guns. That was easy. The records of the company showed which men were chargeable with the possession of these guns on that night. All these guns were thus located except only one. All the men chargeable with these guns were brought before the Committee, and each man accounted for himself and his gun on that night beyond the possibility of doubt or question by anybody. Not one of these guns with which they were chargeable could have been fired in Brownsville that night. This left only one other gun to be accounted for, and that was found, not in the hands of a soldier, or any other individual, on that fateful night, but in an arm chest, located in the storeroom with a lot of heavy baggage piled on top of it, and the storeroom locked. It had been placed in that arm chest at Fort Niobrara before the company left there for Brownsville, and there the arm chest containing it and nine other rifles was closed and securely fastened, and not again opened until the company commander undertook to verify his rifles and locate each and every one of them immediately after the firing occurred. That rifle never was fired, except only at Fort Niobrara. It never was in the possession of any soldier of the battalion except only at Fort Niobrara, where it was issued to Sergeant Blaney and carried and used by him in target practice until he re-enlisted and took his re-enlisting furlough shortly before the company went to Brownsville, when he turned in his rifle to the Quartermaster Sergeant, who put a paper with his name on it in the magazine of the rifle, smeared the rifle with cosmoline to protect it from rust, placed it in the arm chest with other surplus rifles, where it was found when the chest was opened by Lieutenant Lawrason the night of the firing, and where it continued to remain until the battalion reached Fort Reno, where, when Sergeant Blaney returned from his furlough, it was taken from the chest and returned to him.

"I might dwell upon other facts established by the testimony to show that the so-called circumstantial evidence, instead of convicting the soldiers, absolutely acquits them. But I haven't time, and it isn't necessary, for if what I have mentioned is not sufficient to acquit these men to the satisfaction of any mind, it is simply because there is something the matter with that mind. (Applause.)

"It was upon such testimony as this that the officers of the battalion who, when the charge was first made, believed their men were innocent, then reluctantly concluded, before this circumstantial evidence was explained, that some of their men must have been guilty, finally changed their opinions, and are now of one mind, that none of their men had anything whatever to do with the shooting up of Brownsville. (Applause.)

"In view of the lateness of the hour I will not pursue this subject further, except only to say beyond investigating as to the guilt or innocence of the soldiers, I have made no effort, neither has anyone else, to find out who did shoot up Brownsville. If the soldiers did not do it, and I am sure they did not, I am not concerned as to who may have done it. No court ever required, at least not without committing error, that a defendant charged with crime should go with his proof beyond showing that he was not guilty, and, also show, to acquit himself, who was guilty.

"I might turn away from this subject at this point, but one or two other thoughts come into my mind, and I must speak of them.

"One of your speakers spoke of the fact that the Government has been pursuing these men with detectives to find the perpetrators. That is true. Recent developments in the Senate have established the fact that the authorities spent at least fifteen thousand (\$15,000) dollars, in payment to detectives to pursue these men, and if possible find some evidence of their guilt. But so far, they have found nothing. The

trouble is they are not looking in the right place. (Applause.) While they have spent fifteen thousand dollars to convict the soldiers, they have not spent fifteen cents to convict anybody else. I do not think it would take half of fifteen thousand dollars to find the fellows who shot up the town, if they would look for them in the right place. (Applause.)

"But now, speaking to you about these men. The Committee on Military Affairs of the Senate was ordered to conduct an investigation. I shall never forget how those men impressed me as they were brought into that committee room and examined and cross-examined in the presence of that Committee; examined in the most rigid and exacting manner. Many of them had never been to the Capitol before; many of them were what you might call illiterate men; there was much to awe them and confuse them in what they had to meet. But as they marched into that room, one after another, each testifying for himself, and each accounting for his whereabouts to the satisfaction of everyone, I shall never forget the impression they made. They demonstrated the majesty and overwhelming power and force of simple truth, for they had nothing in their favor except only the truth, but with that they met successfully all the efforts of this great, mighty Government. (Applause.)

"Now you give me praise for the result. But there are two colored men I ought to mention here, who gave me great help, and I hope I can do this without exciting any jealousy. They were Mr. N. B. Marshall, of this city, and Mr. Gilchrist Stewart, of New York. They labored as faithfully as any two men ever labored in any cause in helping to bring the facts before that Committee in a way calculated to present the cause to its best advantage. I must mention others. On that Committee was General Morgan G. Bulkeley, of Connecticut, who ought to have a loving cup, or something equally good. (Applause.) I love him as though he were my brother. And there were two others who should be mentioned. Senators Scott of West Virginia and Hemenway of Indiana. They all helped, and I wish they were here tonight to receive your thanks for the contribution they made to the success that has finally been wrought. Governor Bulkeley, who served in the Civil War, made a splendid record on the fighting line. He was born of the political conditions of that great period when Abraham Lincoln conducted the affairs of the country, and when the American people were purified in the fires of battle. He is still in the Senate. I hope he will remain there as long as he lives. When you want to give somebody else a loving cup, present Senator Bulkeley with one. (Applause.) I am really ashamed to take this without something being done for the other three Senators who stood by the soldiers on that Committee. (Applause.)

"I have said that I do not believe that a man in that battalion had anything to do with the shooting up of Brownsville; but whether any one of them had, it was our duty to ourselves as a great, strong and powerful nation to give every man a hearing, to deal fairly and squarely with every man, to see to it that justice was done to him, that he should be heard.

"They are now to be heard before a Court of Inquiry. I do not know what the result will be, but I do not believe any man in the battalion fears investigation, or that any man will be found disqualified to re-enlist. I do not know whether the men want to go back in the Army or not. I have not asked them. That is for them to determine. My purpose was to see that they had a chance to defend themselves. In the second place, to restore to the innocent all their rights and give them the privilege of re-enlisting in the uniform that had been taken off them in disgrace, and that has been accomplished. (Applause.)

"Henceforth the Brownsville matter will take care of itself.

"Let me now speak a word as to the future. I am sorry to say

there seems to be a growing prejudice against the black man all over the country. Your speakers have spoken of his struggles for freedom. We gave him relief from physical slavery, and undertook to give him freedom from political slavery. We tried to make him an American citizen, equal with every other American citizen in his rights under the Constitution and the laws of the land.

"I want to see those rights protected and upheld. (Applause.)

"I do not speak of social equality. There is no such thing among white people, and I do not imagine there is any such thing among colored people. What I am troubled about is political equality. In this connection I call your attention, in a favorable way, to what our new President said in his inaugural address. If I correctly understand what he said, and I think I do, he realizes fully the serious character of this question, and intends to do all in his power to bring about a just solution of it. Knowing him as I do, that means that he will do much, and if I correctly understand what is in his mind what he may accomplish will be in the right direction. I read what he said with added interest and gratification, because only a few days before, February 12, Lincoln's birthday, he was reported in some of the newspapers as saying, at Pelican Park, in New Orleans, that the South understood the race question better than anybody else, and that in consequence the North must stand aside and let them settle it.

"I must confess that announcement gave me serious apprehension. The proposition was one I could not subscribe to, at least not until I had some satisfactory assurance as to what kind of a solution the South proposed. I had heard too many speeches from Senator Tillman and others that indicated, if they did not broadly proclaim it, that the negro should not be allowed to participate in the government of the country, and that he should be divested of his right of suffrage and other political rights.

"I never could consent to such a program, and therefore feared I might be again compelled to differ with the President of the United States, which I would do, although disagreeable, rather than acquiesce in such a wrong. But these fears were dispelled when I read his inaugural. While I may not fully agree with all he has in mind, or may see fit to do, yet I am rejoiced to know he intends to do what he can to correct the wrongs of the race and bring about some acceptable adjustment of differences consistently with the great war amendments to the Constitution. If he succeeds it will be a great achievement for his administration.

"It will bring great honor to his name. In consequence, not only justice and official duty, but also personal ambition, should work in harmony to bring success. Everybody should help him who can. I can do but little, but you can do much. I exhort you, therefore, to help him, trust him, have confidence in him, and, in every way you can, support him and uphold him. (Applause.)

"I might say more, but the hour is late, and I prefer to not detain you longer, except to again thank you for what has been done and said here this evening. I shall always cherish the recollections of this hour as among the most pleasing connected with my public service." (Applause.)

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