

# Alexander's Magazine

And The National Domestic



**MAY, 1907**

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*This Magazine gives the Negro's point  
of View Regarding his own Problems  
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# ALEXANDER'S MAGAZINE

Devoted to the Spreading of Reliable Information Concerning the Operation of Educational Institutions in the South, the Moral, Intellectual, Commercial and Industrial Improvement of the Negro Race in the United States. Published on the Fifteenth Day of each Month. Entered as Second-Class Matter on May 3, 1905, at the Post Office at Boston Massachusetts, under act of Congress of March 3, 1879

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No. 1

## Editorial Department

### Layman's Philosophy

The individual who lives on fat salt pork all his life, can hardly be blamed for exhibiting in his actions, the characteristics of the hog.

Giving advice is an easy matter. It is like making bread pudding from left-over crusts. It doesn't cost much, and many times you are just as well off, if you pay no attention to it.

Never try to impress your friend that you can do things which you know you cannot do. He may take occasion to embarrass you by urging you on to the task.

What often appears to us to be our misfortunes, may upon vigorous self-criticism and examination frequently turn out to be the result of bad qualities in our own character.

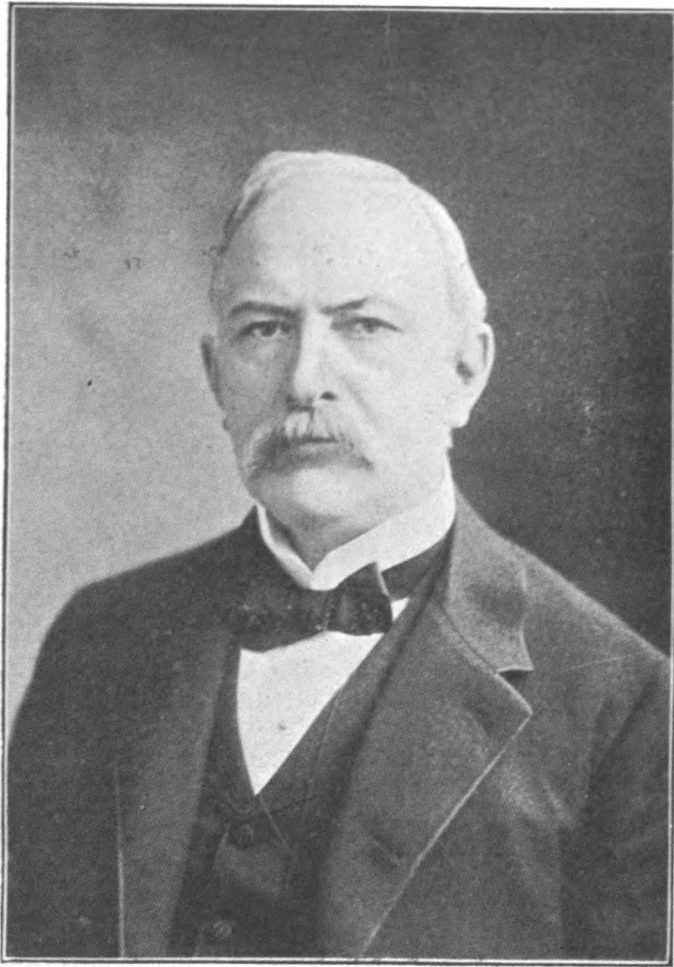
The foolish man whines and frets about the wrongs done him by other men; while the wise man whenever grief befalls him, inquires first into the origin of his own mistakes, and blames himself for his errors.

Suspicion and jealousy are twin sisters; they cause countless heart-pangs which have no foundation except in the imagination. Men are faulty, it is true, but we often think that women's love for them, exaggerates their faults and rarely magnifies their virtues.

If each man could see clearly what the future has in store for him, in the way of disappointments, heart-hurts, sorrows and pains, the world would be to him one vast mad-house, and the present would be a horrible nightmare or perpetual terrors, because of his dread of the inevitable.

Nothing in the world compensates for self-confidence—a man must believe in himself if he is to make any real progress among his fellows: "As a man thinketh in his heart, so is he." We cannot help being largely what we think we are, because mind controls matter.

Yesterday's mistakes may serve you as a warning and as a valuable lesson, but fretting and grieving over yesterday's mistakes will do you no good. Nothing of real value in the world was ever erected upon useless regrets. Forget if possible yesterday's errors, and



SENATOR JOSEPH BENSON FORAKER.

# HON. JOSEPH BENSON FORAKER

(SENATOR FROM OHIO)

OR

## THE MAN AND THE HOUR

BY ARCHIBALD H. GRIMKE

When President Roosevelt issued his Draconian decree discharging without honor and without trial of any kind one hundred and sixty-seven soldiers of the 25th U. S. Infantry on a mere presumption or suspicion of their guilt in the matter of the now famous Brownsville affray, and took himself off to Panama, he evidently supposed that he had made an end of the business. But everybody knows today, including his high and mighty self, that he did not make an end of the ugly business, but quite the contrary. For no single act of his since he became president of the United States has so stirred the country from ocean to ocean, and from the gulf to the lakes, as this autocratic and unjust order of his in relation to the Black battalion.

The colored people in all parts of the country, almost to a man, felt the monstrous injustice of the president's Draconian order as a blow dealt to the whole race. In every part of the country they cried out against this wanton abuse of executive authority, which had singled out members of a long suffering and oppressed race, for what seemed to them cruel and unmerited severity and punishment, before the guilt of the discharged soldiers had been ascertained by legal methods, guaranteed by the Constitution to every American citizen accused of crime, regardless of his race or color. In addition to the instant and universal outburst of indignant protest by the colored people against the sweeping and summary injustice of the order of discharge, the outburst of indignant criticism from the press of the North was hardly less notable and impressive. And this re-

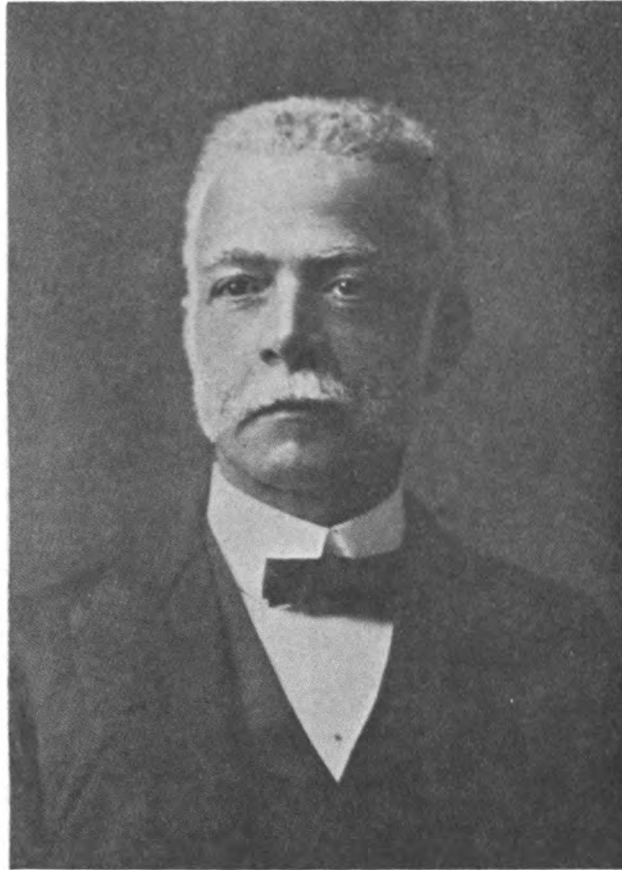
gardless of political party differences among the astonished and remonstrant newspapers, east and west alike, which refused to approve and applaud the arbitrary act of the president.

From the sixth of November until the third of December, when Congress met, the indignant protest of the colored people gathered volume and power, and during those exciting four weeks the indignant criticism of the press of the North gained in volume and power also. The Constitutional League, of which Mr. John E. Millholland is the soul and the actual head, had in the meantime investigated by its agents the alleged facts on which the president had based his order of discharge and had found them false, or else wholly wanting in proof. The situation was critical, for the hour of a great opportunity had struck, in which to try these alleged facts, and the justice and constitutionality of the autocratic order of the president at the same time. The hour had arrived; would the man arrive also to meet it in the nick of time, and so convert their potent conjunction in the life of a race and in the life of the Republic, too, into an event of dramatic and far-reaching historic interest and importance? "Wanted," spoke the Hour, entering from one wing of the national stage, "wanted a man to match me." And forthwith there appeared from the opposite wing, as if by magic, the very man for whom she called; a royal man from the head of him to the feet of him, a brave man in every inch of his tall stature, a true man in every thought of his powerful mind; a great man, worthy and willing to meet the call of duty; the man for the hour, Joseph Benson Foraker,

a senator of the Republic from the great State of Ohio.

Congress had hardly convened on the third of December, when the immense value of Senator Foraker's championship of the cause of the 167 soldiers discharged by the president's Draconian order became immediately apparent. A less able, resourceful and resolute man might have blundered at this initial stage of the struggle

through Senator Penrose of Pennsylvania, anticipated by a trick the resolution of the senator from Ohio calling upon the Secretary of War for full information relating to the Brownsville affray, together with all the facts bearing upon the history of the 25th U. S. Infantry in possession of the War Department, by another resolution, requesting the president, "if not incompatible with the public interest," to



HON. ARCHIBALD H. GRIMKE.

gle on the floor of the Senate. For he had opposed to him, bent on bringing to naught any action of his intended to redress the wrong done to those 167 soldiers by the president, the president himself and his adroit and able defenders in that body. Even as it was, ready and alert as Senator Foraker was, the administration.

send to the Senate full information concerning the dismissal of the 167 soldiers.

It was a sorry parliamentary trick on the part of the administration, this attempt through the Penrose resolution, to divert and possibly to block entirely the threatened investigation on the part of the Senate, foreshadowed

by the Foraker resolution. And here is the resolution, which started the struggle in the Senate over the Brownsville affair:

**Mr. Foraker's Resolution.**

"Resolved, "That the Secretary of War be, and is hereby, directed to furnish the Senate copies of all official letters, telegrams, reports, orders, etc., filed in the War Department in connection with the recent discharge of the enlisted men of Companies B, C and D, 25th United States Infantry, together with a complete list of the men discharged, showing the record of each, the amount of retained pay (under Section 1281, Revised Statutes), if any, to the credit of each man at the time of his discharge; the ruling of the War Department, if any has been made in this or any other similar case, as to the effect upon his right to such retained pay, and also the ruling of the War Department, if any has been made in this or any similar case, as to the effect of such discharge upon the right of an enlisted man to retire on three-fourths pay, with an allowance for subsistence and clothing (under section 1260, of the Revised Statutes), and his right to enter a national soldiers' home (under section 4821); his right to be buried in a national cemetery (under section 4878); and his right to receive transportation and subsistence from place of discharge to his home, as provided for in section 1290; also, a complete history of the 25th Regiment from the time of its muster-in to the date of the discharge of Companies B, C and D."

The precipitancy of the administration in getting in its obstructive work before the Senate had organized for the session compelled Senator Foraker to offer his resolution as a substitute to the Penrose resolution. And this he did.

Thus promptly did Senator Foraker lock horns with the administration. The contest between the contending forces on the floor of the Senate waited for no preliminaries, but was precipitated at once during the first moments of the opening session of Congress. And for six weeks thereafter it occupied the centre of the national stage in a series of fierce and brilliant

parliamentary engagements between Senator Foraker, almost single-handed and alone, and the combined strength of administration senators reinforced by the almost solid strength of the southern wing of the Democratic party in the upper branch of the national legislature. Although one in the great debate, Senator Foraker speedily proved himself a host, outmatching in knowledge of the subject and the law applicable to the situation, and in unrivalled powers of exposition, argument and eloquence, the whole administrative forces backed up at intervals by special messages from the president and his pliant secretary of war.

As the administration party in the Senate could not balk Senator Foraker in his purpose, both the Penrose and the Foraker resolutions were passed by that body, and the president and the secretary of war began the preparation of their respective reports in compliance therewith. Two weeks after the passage of these resolutions the president and the secretary of war transmitted their joint reports to the Senate, the former supplementing the same with a special message of extraordinary vehemence of denunciation of the 167 soldiers involved in the unjust and cruel consequences of his arbitrary order, discharging them without honor and without trial of any sort, and on a mere presumption of their guilt on the part of the autocratic head of the army.

With the transmission of this report and the special message accompanying it from the White House, Senator Foraker made his second masterly move on the senatorial chess-board in the form of a resolution authorizing the committee on military affairs to inquire into the facts in the Brownsville case, and report thereon by bill or otherwise. The resolution reads as follows:

"Resolved, That if the committee on Military affairs deem it necessary, in connection with the consideration of the message of the president in regard to resolutions Nos. 180 and 181, to take further testimony to establish all the facts connected with the discharge of members of Companies B, C and D.

Twenty-fifth U. S. Infantry, that it be, and hereby is, authorized to send for persons and papers, to administer oaths, and report thereon, by bill or otherwise."

Subsequently Senator Foraker so amended this resolution as to make the investigation contemplated by it mandatory upon the committee on military affairs.

At this stage in the unfolding purpose of the great champion of the Black Battalion, the day arrived for the adjournment of the senate during the holiday recess, a period of about two weeks. This was a long time to let the subject sleep, and for senators to slumber over it. As this was no part of the plan of the great man, who had the matter in charge, to let the subject sleep and the Senate to slumber over it, he got possession of the floor on the last day before the beginning of the two weeks' recess, and held it for two glorious hours, during which he dissected with a master hand the joint report of the President and the secretary of war and the special message of the former on the same. With the trained powers of a great lawyer he reviewed and analyzed the statements and the alleged facts, the so-called precedents recited in the report. He had the sixty-four articles of war at his fingers' end to disprove the pretension of the President that he possessed the legal right as commander-in-chief of the Army to discharge summarily from the service any soldier without first giving such soldier a trial by court martial. Striking his desk with clenched hand, the great orator and lawyer declared in tones which rang through the chamber that "Congress never intended that the constitutional powers of the President as commander-in-chief should be unrestrained and unlimited. Congress has declared emphatically upon every occasion that there shall be no arbitrary exercise of power by the President. In drawing up the articles of war and presenting the methods of punishment of soldiers, Congress left nothing to the discretion of any officer, not even the commander-in-chief."

A speech such as the one made by Senator Foraker on December 20th,

last neither the Senate nor the country would forget within two weeks. The speech had made it impossible for the subject to sleep in the White House or in any other house in this broad land the while, or for senators to slumber over it during the holiday recess, either. The Brownsville affray was the liveliest topic of conversation in the Capital when Congress adjourned, and continued so until the beginning of the new year, thanks to the foresight and courage and unrivalled powers of debate of the senior senator from Ohio.

The fire of the great debate flamed afresh soon after the re-opening of Congress at the beginning of the new year. Senator Lodge, the leader of the President's forces in the Senate, obtained the floor and made a speech in support of his chief, arguing for an hour the question in its purely legal aspects. He tried very hard to prove that the President was vested with the constitutional and legal right and power to do exactly as he had done in respect to the 167 soldiers discharged by him without honor and trial of any kind, merely on a presumption of their guilt, and that he was in no way accountable to the Senate for his act. Senator Lodge offered in addition a substitute resolution which, while it called for an investigation of the facts of the case, recognized the constitutionality and justice of the order of discharge. Senator Foraker was instantly on his feet at the conclusion of the argument of the senior senator from Massachusetts, and met it point by point as only a great lawyer and a past grand master of debate could have met it. At every point of his attack he pierced the lines of his opponent and carried every position occupied by him with a weight of authority and reasoning which left nothing in possession of the Massachusetts statesman but his dogged determination to stand by the President right or wrong.

The President, who at the opening of the great debate in the Senate, had evinced the most absolute cocksureness in the unassailable character and strength of his position, began presently to waver and to show signs of weakness under

the steady and tremendous hammering of Senator Foraker. Positions which the autocratic head of the army had once deemed impregnable to attack, he saw weakening and crumbling under the terrific fire of of his great antagonist. These positions needed to be strengthened, and so meanwhile the President dispatched Assistant Attorney-General Purdy to Brownsville to take testimony. When the man of law had filled his green baize bag to the bursting point with *exparte* testimony, the President sent the contents of the green baize bag to the Senate, with a special message on the conclusive value of the same. But again Senator Foraker's batteries swept into line and poured into the reinforced positions of the President the hottest sort of shot and shell, shooting to pieces the new lines of defence and leaving the Presidential positions no stronger than before Mr. Purdy had gathered the new material and built them into the weakened lines of the boasted, impregnable front of the President's breastworks, thrown up between him and the consequences of his acts as commander-in-chief by his interpretation of the constitution and the articles of war. Said Senator Foraker in thunder tones, "I want these men who have been accused of murder, mutiny and treason to have their day in court, where they may have a chance to defend themselves. This they have not had up to the present time. The evidence submitted here today is all *ex parte* and taken behind closed doors, and notwithstanding the fact that the President seems to think so highly of it, I do not regard it as sufficient or in any sense conclusive. In fact, it only emphasizes the necessity in my mind for a real investigation into all of the facts. What I am trying to do now is to secure a hearing for these accused men. When we have ascertained all of the facts I expect to have something to say, and I expect to say it in no uncertain terms."

The President at this stage of the struggle struck his colors on one of his original positions and surrendered it without terms to Senator Foraker and the forces led by him. This was the formal rescission of that part of

his Draconian order of discharge, which denied to the 167 soldiers the right of employment in any capacity whatever under the national government.

From the first to the last day of the struggle in the Senate, Senator Foraker stood firmly, uncompromisingly for the sacred right of the 167 colored soldiers to be heard in their own defence before they were condemned and punished. Here is a noble passage on this point from his great speech closing the debate, which the children in our schools ought to learn by heart and declaim for long years to come, the better to keep alive in the Republic the grand principles of justice and liberty and fair play which flow like rich red blood through its whole splendid length:

"Mr. President, there is another limitation upon the power of the President, and that is the spirit of American institutions that runs through all our legislation and all our political relations—the spirit that every man somewhere and sometime and in some manner shall have his day in court when charged with crime. That, Mr. President, has been the law of the world from the beginning of civilization.

I am reminded of the trial of Paul before Agrippa. You remember that Festus reported the case of Paul to Agrippa, and that he declined to punish him or to find him guilty of any offense until he had a chance to be heard. I read verses 14, 15, and 16 of the twenty-fifth chapter of the Acts of the Apostles:

14. And when they had been there many days, Festus declared Paul's cause unto the King, saying: There is a certain man left in bonds by Felix.

15. About whom, when I was at Jerusalem, the chief priests and the elders of the Jews informed me, desiring to have judgment against him.

16. To whom I answered, It is not the manner of the Romans to deliver any man to die, before that he which is accused have the accusers face to face, and have license to answer for himself concerning the crime laid against him.



That, Mr. President, has ever been the law of every civilized and every Christian country in all the history of the world. No man shall be convicted of crime until after he has been permitted to face his accusers and cross-examine the witnesses. Is it possible that we, in this twentieth century, with our boasted constitutional liberty, are behind the Romans of two thousand years ago? No; it is elementary, and when in the fifth amendment to the Constitution it was proved that life, liberty or property should not be taken without due process of law, and then the Army and Navy were excepted from that provision, the Congress, recognizing the incongruity of such a provision with the spirit of liberty and the nature of our institutions, provided that the enlisted man should have due process of law, should have a right to trial.

What is due process of law? Due process of law is nothing more than being heard and punished according to the law of the land, and so Congress made a law of the land for the enlisted man who had been put outside the provision of the fifth amendment to the Constitution. That law so made by Congress has continued until this day. Does any man need to be told that anything in conflict with the spirit of American liberty and American justice and American right is un-American? Shall a man who has served his country for twenty-six years, who has borne the flag of this nation in battle always to victory, who has an honorable record—as honorable as any man in the public service, from the President down to the lowest—be disgraced before the world, branded as a criminal, without being given a chance somewhere to say to an authority authorized to hear him, "I am not guilty; I have not committed this offense," and prove his contention if he can? If such is the law, it is a shame and a disgrace to the American people.

It was because of this spirit of our institutions that the Congress carefully so provided, and all the more carefully because enlisted men in the Army are under officers who have a certain measure of very autocratic power; under officers frequently far

removed from courts of justice and from those to whom the enlisted men could appeal if their rights were being taken away from them. For such reasons has the Congress provided that every man in the Army who is charged with a crime shall have a right to be tried before a court-martial, shall have a right to come and present his defense, if he claims to have one.

All these men claim to have a defense. I do not know whether their defense is good or not. That remains to be seen. I am not going to be drawn into a discussion of the merits of this testimony, although by other Senators there has been much discussion of that character. I am confining myself to the great, broad question that applies to white men as well as to black men. I am not going to belittle and dwarf this question of constitutional power on the one side and constitutional right and liberty on the other by introducing the race problem or any other question that would belittle it. It is a great, broad, living question, and we should deal with it with a sense of that fact."

Here is his keen and masterly analysis of the charges, records and facts presented by the President, War Department and Senators in relation to the 25th U. S. Infantry. It was unanswered. It is unanswerable:

"Now, Mr. President, that is not all. They sent to us in the President's message what purports to be a history of the Twenty-fifth Infantry, and the Senator from South Carolina (Mr. Tillman) in his speech the other day—and he must not take exception to the fact that I take exception to something that was said by one who is assisting, as he announced, in the trial of this case—the Senator took occasion to say that the record sent to the Senate by the President of the United States as an exhibit to his message shows that these discharged men are a set of brutal, murderous, cutthroats, or something like that. I can not quote his language exactly, but that is the effect of it. I know he used the word "cutthroats" and I know he used the word "brutal," and I know he used the word "murderous." How many other adjectives he employed I do not recall. That is what he said. Other

Senators have spoken to the same effect. Quite a number have told us that they were vicious, that they were brutal, that they ought to be called the "Bloody Twenty-fifth," and so forth and so on.

Let me call the attention of Senators to the fact that not a single man of the 167 discharged had anything whatever to do with any one of the offenses recited in this record of the Twenty-fifth—not one of them—nor did any one of the companies of this battalion have anything to do with any shooting affray in all the forty years this regiment has been in existence. Let me analyze this record. It is set out here with great particularity, and I call the attention of every Senator to it. In this record, at page 315, is given first an official account of the shooting affair at Sturgis City, Dak. I can not read it. It is not necessary. There was a shooting affray, denominated properly by that name. One man was shot and killed, and it was a murder, and there was no excuse for it, and I would not stand here to extenuate to the extent of one iota the crime committed by the men who did that shooting; and yet there were extenuating and provoking causes that led to it. But let it stand as murder committed by those men. But who were those men? They all belonged to Company H, of the Twenty-fifth Infantry. Not one of them belonged to Company B, C or D, and that happened in 1885, twenty-two years ago. Every man connected with that shooting long ago was mustered out of the service, soon after they had been tried and convicted for that crime.

But, while I will not stop to read that, let me in justice to this much-abused regiment, read what Gen. Alfred H. Terry saw fit to say in his official report on that subject. At page 359 of Senate Document 155 there will be found his official report. He was the commanding officer. He said:

I have had much experience with Colored troops, and I have always found them as well behaved and as amenable to discipline as any white troops that we have. The characteristic submissiveness of their race is

manifested in the readiness with which they yield to military control.

They are much more temperate than our white troops, and crime and disorders resulting from intoxication are comparatively rare among them.

Passing over a few paragraphs, he says, further:

I take it for granted that in the Territory of Dakota the keeping of houses of ill-fame is prohibited by law, but notwithstanding the law there are in the town two brothels which would appear to have been established for the express purpose of catering to the taste and pandering to the passions of the Colored troops, for they are "stocked" with Colored prostitutes—negresses and mulattoes.

They are, I am assured, places of the vilest character, and it was at one of them that the affray of September 19 occurred. Had no such place existed it is most probable that any affray would have occurred, and if the people of Sturgis City suffer such places to exist they must, I submit, expect the natural result of their existence—frequent broils, and from time to time the commission of the most serious crimes. And I submit further that until the people of the town shall have suppressed these dens which equally debauch the troops of the post and threaten their own safety, they will not be in a position to ask the Government to change its garrison.

Now, that is one. There was a shooting. There was a man killed. I do not pretend to extenuate or to apologize for it. Only as an act of justice I read what the commanding officer said about it, and every man knows that we never had in the United States service a more conservative, conscientious, and capable man to judge honestly than Alfred H. Terry, a major-general of the volunteers during the civil war and a brigadier-general at the time when this shooting affray occurred.

Moreover, there was a board appointed in that case. Did the President of the United States, by order, discharge somebody because of that shooting? No; they convened a board of inquiry and they investigated it.

There was the same effort there to conceal as is charged here, but when the trial came on the guilty parties were discovered. The testimony established the guilt, and they were all brought to punishment.

What is the next case? One of these bloody shooting affrays, the only one that any one of the companies of this battalion had anything to do with. It happened at San Carlos, in Arizona. It was not a shooting scrape at all, but a case where some men of Company C got into a sort of fist fight with some of the Indians stationed at that agency, and the soldiers got the better of the Indians and beat them up pretty badly with clubs; but there was no shooting. Nobody was armed on either side. There was nothing in connection with that occurrence that has not occurred a hundred times in connection with white companies and white regiments. I pass that by as not worthy of any further comment.

MR. SPOONER. The men were identified in that case and punished.

MR. FORAKER. Certainly. And now the Senator suggests to my mind an important point. I said here the other day that if, out of the 170 men then belonging to this battalion stationed at Fort Brown, 16 to 20 of the number had organized a raid, had plotted a shooting up of the town, and then carried it out in the way indicated, of necessity they must have accessories before and accessories after the fact; and it seemed to me utterly impossible that a crime of such magnitude, with so many men engaged in it, could be carried out in the way indicated and they or some of them not be discovered by anybody.

But it is said the Colored men were in a conspiracy and they would not discover them. It is conceded that the white officers—the commissioned officers—were not in the plot. They were present. Immediately after the firing commenced they repaired to the barracks and saw the men formed in line, and stood by while the roll was called. It has been said that the roll was carelessly called. I do not think so. I know enough of what the facts are to believe that it was carefully

called and every man was there, and that the roll was practically called before the firing ceased, and that the commissioned officers stood by the side of the orderlies who were calling the roll, and that they were on the alert, especially to see anybody who might be approaching from the city, from which point they thought they were being attacked. No commissioned officer saw anybody come and join the ranks.

Does any one contend that sixteen or twenty men who had been 300 yards, or whatever the distance may be, down in the town shooting up the town, in the state of excitement they would necessarily be under, could come after the firing rushing back to the garrison, pass around the barracks, join the companies, and form in line in front of the barracks and not be detected by the commissioned officers or by the non-commissioned officers who called the roll?

Mr. President, this may amount to nothing in the final result, but now it amounts to this: It is such an extraordinary thing that I was justified in saying, as I did the other day, that you may search the history of criminal jurisprudence in vain from the beginning of the world to this time to find anything like it successfully carried out with nobody to tell it, not a clew to be found to convict any one of the men. You will search in vain for anything like it. At Sturgis City and at San Carlos and all the other places where the conspirators killed somebody they undertook to conceal their crime, but in every instance the crime was detected. Witnesses were found. They were found because the men were guilty. "Murder will out" today as much as when that was first announced. But so much for that.

Now I come to another case, the third, the shooting at Winnemucca; and I want the attention of Senators, because I have a rather unpleasant duty to perform with respect to this alleged shooting. The resolutions of the Senate were sent to the War Department and to the President, calling for all the facts relating to these discharges and calling for the history

of this regiment. In response we got, among other things, what purported to be a history of the shooting at Winnemucca. The record of the shooting at Winnemucca, as shown by this record, consisted of a report made by S. W. Groesbeck, Judge-Advocate-General of the United States Army; a recommendation by William R. Shafter, major-general commanding, two or three short affidavits, and a very extended sensational newspaper account of the shooting. The upshot of it all, according to the report made by the Judge-Advocate-General and this newspaper account, is that not Companies B, C and D, but Companies L and M, of the Twenty-fifth, with Company K of the Twenty-fourth, were on their way to the Philippines. They stopped at this little place in Nevada, called Winnemucca, and the officers went from the train to get their suppers. It was about 7.30 in the evening. While they were getting their suppers a report was brought to them that there was a shooting affray occurring in a saloon. They immediately repaired to it, but found that all the men who had been at the saloon had returned to the train. The newspaper account goes on to tell how the men went into that saloon, a little place 20 by 20 feet, which had a bar, with tables and chairs. There could not have been very many men in it. They seemed like a good many perhaps. They went in to get some refreshments, and they got into some kind of a squabble, and one of them whipped out his revolver, as the newspaper says, and shot the bartender and seriously wounded him. The troops were immediately inspected. No guilty man could be found among them. No gun could be found that had been discharged and no revolver that had been discharged. The troops had to hurry on, although they were kept there some hours. In due time they went on board the transport at San Francisco; and when they were on the Pacific Ocean, without anybody to represent them, the Judge-Advocate-General who makes this report was sent to Winnemucca, and he there got an ex parte statement, such as had been published in the newspapers; and

his report was made in accordance with that. General Shafter, reviewing that report, recommended that these companies be fined to the extent of \$250, and there the record sent us stops.

Well, I read it over and I thought I would like to know whether that fine was paid. Somehow or other it seemed to me that possibly something had been omitted, and so I wrote to the Secretary of War calling his attention to this state of the records and inquiring whether or not there were any more correspondence or orders and documents of any kind on file in the War Department having reference to this shooting.

In answer to that in due time I received the following, inclosed in a letter from the Secretary of War, giving additional information in regard to that shooting. I ask that it may be printed in full in my remarks as a part of the same.

MR. FORAKER: I call attention to the report by George B. Davis, Judge-Advocate-General, on this subject; also a report by Capt. A. B. Shattuck, quartermaster of the Twenty-fifth Infantry at that time, and also a report of Capt. Samuel P. Lyon, captain of one of the companies. I want to read some of this. All this was omitted, Mr. President, for some reason, when we were given an account of the shooting at Winnemucca. We were given an account which showed that colored soldiers had done the shooting. Now, what does this say? Captain Shattuck in making a report on the subject, dated at Fort Niobrara, Nebr., April 30, 1903, says what I shall read. The regiment had gone to the Philippines and had returned when he was called upon for this report.

Fort Niobrara, Nebr.,

April 30, 1903.

Sir: In compliance with instructions from your office I have the honor to submit the following report relative to the affair at Winnemucca, Nev. The train bearing Companies L and M, Twenty-fifth Infantry, and K, Twenty-fourth Infantry, arrived at this town about dark June 29, 1899. The majority of the officers, myself included, proceeded to the nearest eating house

for supper. During the meal a citizen entered the room and reported that the soldiers had wrecked a saloon and shot a man.

All the officers immediately left the room, and I proceeded at once to the cars occupied by Company L, Twenty-fifth Infantry, which company I commanded.

The men were in or about the cars, quiet and orderly; the street was filled with citizens and more or less excitement prevailed. In a few minutes the commanding officer ordered me to form my company. It was formed outside the car, roll called, all were present, and the men were then carefully inspected by several of the citizens who claimed they could identify the men who had done the shooting. I accompanied them, questioned the men, and gave all possible assistance to locate the guilty parties. Sergeant Smith, an old soldier with an excellent record, was recognized as having been in the saloon. He admitted it, stated that he went there immediately upon the arrival of the train, sat at a table, had some beer, paid for it, and returned to his car, and was in the car when the discharge of firearms took place, and that he had no knowledge of the affair. His statements were corroborated, and he was believed. His revolver and ammunition were examined. The revolver had not been fired and his ammunition was as issued. A private named Porter was also recognized as having been in the saloon. It was proven that he sat at the table with Sergeant Smith, and that the beer he had was paid for. He also claimed to have left the saloon before the trouble and shooting began. Neither man could give any information on the subject. Twice again the company was formed outside the car and carefully inspected. No one could be identified as having been mixed up in the affair, and none of the alleged stolen articles were found. All the men to whom revolvers had been issued were fallen in, their revolvers inspected by the sheriff and myself; none were found to have been fired, and all ammunition was as issued. Suddenly the search for the soldier

who had fired the shot which had hit a citizen stopped and a new one begun for a soldier who was said to have stolen some four bottles of beer. A white recruit, travelling in one of the cars occupied by Company L, said he was in the saloon at the time, had seen the man take the beer, and could recognize him. The company was again inspected by the sheriff, myself, and the said recruit. He could not identify the alleged thief. We were detained at Winnemucca some six hours. During the time men were quiet and orderly. I asked repeated questions of the various men; all disclaimed any knowledge or participation in the affair, and it was impossible to select any one as having been engaged in the same.

I did not enter or go near the saloon in question, and know nothing as to its condition at any time. As the commanding officer of Company L, Twenty-fifth Infantry, and being present at the time, it is only fair and just, both to myself and the men, to reply to certain statements in the report of the Judge-Advocate, especially his "conclusions as to the facts," and which he states "of necessity rests upon ex parte information." I am positive had he been present on the night in question he could never have arrived at some of his conclusions. Company L was not allowed to leave its coaches in a body, as might be inferred (p. 4, said report). The companies were recruited to an unusual size, and it did not take many colored soldiers, at about dark, to give the impression that the streets of Winnemucca were crowded. Fewer still that said saloon was crowded—a room 20 by 20, containing bar, table and chairs. Company L was the first company to be inspected. When its inspection was over, much surprise was evinced when it was learned that this was only one-third of the soldiers present. I never heard a probable estimate as to the number of soldiers in said saloon. When we reached Winnemucca, the men had their supper, the berths were made down, and I have always believed that only a comparatively few men left the train. The impression should not pre-

vail that men of Company K, Twenty-fourth Infantry, were not allowed to leave the train at station. I was present and saw them.

All soldiers, so far as I observed, conducted themselves well on such occasions. It was a matter of talk in the officers' car, between officers and civilians, that a sergeant of this company was the only person found on the train whose revolver had been discharged, evidently some time before, said to have been at prairie dogs after leaving Fort Assiniboine, and which explanation was, I believe, satisfactory. If the statements of the non-commissioned officers of said company are to receive such weight (p. 4, J. A.'s report) the statements of non-commissioned of the other companies present should receive equal weight. At the time and place I heard no statements made by the civilians which relieved from suspicion one company more than another.

The coaches occupied by Company L, Twenty-fifth Infantry, were in rear and nearly opposite said saloon. When the shooting began, it would have been the most natural thing for those men off the train to get on at the nearest point and this is probably just what they did do, and then proceeded to their proper cars.

I have read all that with care, because it is all responsive to the charges that are made against these men in the Judge-Advocate-General's report, which has been sent to us as though a correct and undisputed account of what occurred.

Now, passing over a sentence and coming to the point, he points out how the man who was wounded had the bullet extracted from him, and says:

The bullet extracted from the said Deiss was shown to officers in the car. There could be no possible doubt. It was not Government ammunition, neither was it fired from a Government revolver. Christopher Deiss was shot with a small calibre revolver while standing inside the saloon near the bar.

So he goes on, Mr. President. I have read enough to show the nature of it. Captain Lyon sustains what Cap-

tain Shattuck says; every other officer who makes a report sustains him, and thus it is shown by this testimony and there is no reliance to be placed in the Judge-Advocate-General's report that was sent to us.

Therefore, so far as Winnemucca is concerned, there was no shooting by any member of the Twenty-fifth Infantry, let alone by any member of either Company B, Company C, or Company D, neither of which companies was there. It is not for me to say why this important testimony was withheld when we were asking for the history of these shooting affairs. These helpless wards of the Nation were put in the attitude of having undertaken to murder a man on whose premises they had gone, without at the same time giving us this conclusive testimony to show they had not done any such thing. I make no comment; it is not necessary.

I have shown that at Fort Sturgis, twenty-seven years ago, some men from Company H did shoot and kill a man in a raiding party. I have shown that at San Carlos some men of Company C got into an affray of some kind, without guns or deadly weapons, and had a fight, in which the Negroes got the better of some Indians. I have shown that at Winnemucca, where it was undertaken by the records sent us to establish that they did some shooting, they did not do any shooting. I do not have to comment on it. It is not necessary. It speaks for itself.

MR. TILLMAN. Mr. President---

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. Certainly.

Mr. TILLMAN. I call the Senator's attention to the statement he made a little while ago as erroneous in regard to all the men having been engaged in these shooting scrapes having been punished. Nothing has ever been done with those who killed a Negro woman at Fort Niobrara.

Mr. FORAKER. I am coming to that in a minute, to show you that they did not kill any Negro woman at Fort Niobrara.

Mr. TILLMAN. Then, in the name of common sense, what did the War Department mean by sending us all this stuff?

Mr. FORAKER. That is what I want to know. I will show you what it is. That is what I am here for. I will show you what was done at Fort Niobrara in a minute.

But next came a most deplorable shooting affray, that which occurred at Fort Bliss, at El Paso, Tex. There a member of Company A—not one of these three companies—a member of Company A of the Twenty-fifth Infantry was arrested and put in jail. His comrades wanted to bail him out. They would not accept bail. This is at page 352. His comrades went back to camp, 2 or 3 miles distant, and at midnight or later got away from the sergeant in charge of the gun racks the key, went to the gun racks and took out their guns, organized a raiding party of four or five men, marched back to the jail with axes and guns to liberate their comrade, and in the affray that resulted one of the soldiers was killed and one of the jailers was killed.

Now, that was a crime without any excuse at all in law. I am not here to extenuate it. But, Mr. President, General McKibben, known to most Senators as one of the most splendid officers in the Army, made a report upon that, in which he showed there was great provocation. I do not cite that for the purpose of extenuating the crime, but simply that justice may be done, and that these men, who for forty years have stood faithfully to the flag and the honor of their country, shall not, in addition to being denounced as guilty of this particular crime, be branded as a lot of cut-throats and brutal murderers, as shown by the records that are sent here. So much for that.

Now, I come to the last, Fort Niobrara; and what about Fort Niobrara? This regiment was stationed there. Company B was there along with some other companies of the regiment. There was a place a mile and a half distant from the reservation where a drinking place was kept. About midnight some men fired into that place,

wounded two people, and one of them a Colored soldier belongin to Company B, who was sitting there simply a guest in the establishment. Nobody but colored men went there. The country was full of cowboys. There is no testimony to this day who did it. The officer of the day in that case, on duty at the time, hearing the firing and getting a report that there had been an alleged shooting, at once posted extra pickets to detect anybody who might be returning to the camp, and had check roll call, and the guns inspected, and every soldier was there, and every man was there except only one white soldier from Company K of the Eleventh and two men out of the band.

The place that was fired upon was a place that was frequented not by white people, but only by the soldiers of this command, and if it be an absurdity to think, as Senators have forcibly said it is, that the people of Brownsville could not be charged with shooting up themselves, was it not also an absurdity to say that members of this colored regiment would go down and in a wanton way shoot up their comrades who were there at that place of entertainment?

Now, that is all there is of this record. This bloody history, of which we have heard so much, consists of two shooting affrays, and only two, in which anybody was killed, one at El Paso—utterly inexcusable; I do not pretend to extenuate it—and the other at Fort Sturgis, twenty-seven years ago, and in no one of these did any member of Company B or Company C or Company D take any part. The record of these companies, covering forty years, is without a blemish.

Mr. President, that is not all. I have here an official congratulatory order issued to the Twenty-fifth Regiment at the close of the Spanish-American war. I will ask permission to put it in the Record in full. It is embodied in a newspaper article giving the history of the Twenty-fifth Regiment. It is about a column in length. I ask that the whole article be incorporated in my remarks, including this official congratulatory order. I want to cite it simply to show that the order

commences with a statement that for the first time in twenty-eight years the whole regiment had been assembled when the Spanish-American war commenced. For twenty-eight years they had been scattered over the country doing duty, a company here and another yonder, or a battalion here and another yonder, perhaps. These units of organization had been as separate and distinct as though they were so many separate and distinct regiments. When the war came the whole regiment was brought together for the first time in that long period, and the record shows that no regiment that went to Cuba won more honor on the field of battle than did the Twenty-fifth Infantry, and no companies in the American army have a clearer record or a more gallant and heroic record than Companies B, C and D of that regiment. Not a man of either one of these companies, according to these reports, that are spoken of as a condemnation of the regiment had anything to do with any shooting affray. No one of them had anything to do with any disturbance of any kind except the few men of Company C who got into an altercation with some Indians, where there was no shooting at all, a thing that might happen with any white company and has happened hundreds of times with white companies."

"Endurance is the crowning quality, and patience all the passion of great hearts," sings Lowell, in his ode to Columbus. They were certainly Senator Foraker's during the exciting and memorable weeks of the great debate in the Senate. Day after day he sat alert and ready and resourceful, maintaining his ground and advancing upon ground of the enemy with a power of argument, authority and eloquence which must place him among the foremost parliamentary leaders in the history of the Senate for all time. He stood for a hearing for those 167 colored soldiers; he stood like a rock for all of their rights under the constitution and the articles of war. And from this position no power of the administration, reinforced by the Democratic senators from the South with a single exception, was

able to dislodge him, to make him surrender a single inch of his ground, a fraction of the rights of his helpless clients. Wherefore it was that he demanded and strove with masterly ability for an investigation of the case by the committee of the Senate on Military Affairs. And after one of the fiercest and most exciting struggles in the history of that body for well nigh a generation, he won for his clients a hearing at the bar of the Republic. Here they are being heard today, and here, too, as on the floor of the Senate, those deeply wronged American citizens and soldiers have the devoted service of their powerful and unequalled champion. This great man has earned for himself the lasting love and gratitude of the colored people of the country, for he has proven himself a friend in need, and their knight, without fear and without reproach. Long live, then, Joseph Benson Foraker, the unmatched champion of the colored soldiers and of constitutional liberty in America; may the shadow of his great name and influence never grow less in the public life of the nation.

ARCHIBALD H. GRIMKE.

MR. GEORGE W. COOK

OF ITHACA, N. Y.

Three years ago, Mr. George Washington Cook, after resigning his position as superintendent for a large white firm in New York, started in business for himself. At East Ithaca, N. Y., he built a brick and tile plant. This plant was located within 100 rods of the depot and in sight of Cornell university. He drafted his own plant, loaded and unloaded all the machinery and put up all his buildings with the assistance of only common brickyard laborers, and employing no skilled machinists at all. At the start Mr. Cook's capital being very limited, he was forced to enter into partnership with a white man, but in a short time, he was able to buy out his partner and then he took two Negroes into partnership with him. These two