

5-6-1878

Letter from the Secretary of War, transmitting a copy of letters and a telegram from Col. B. H. Grierson, Tenth Cavalry, objecting to the reinstatement or reappointment officers dismissed from the Tenth Cavalry; also, a copy of the report of the Adjutant-General on the subject.

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LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

A copy of a communication from Capt. T. J. Spencer, in connection with the letters and telegram from Col. B. H. Grierson, Tenth United States Cavalry.

MAY 6, 1878.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT,
Washington City, May 2, 1878.

The Secretary of War has the honor to transmit to the United States Senate, for the information of the Committee on Military Affairs, a copy of a communication from T. J. Spencer, brevet captain United States Army, dated the 25th ultimo, in connection with the letters and telegram from Col. B. H. Grierson, Tenth Cavalry, published in Senate Executive Document No. 52, present session.

GEO. W. McCRARY,
Secretary of War.

The PRESIDENT *United States Senate.*

WASHINGTON, D. C., *April 25, 1878.*

SIR: Referring to your communication of the 3d instant, transmitting to the United States Senate copies of certain "letters and telegrams from Col. B. H. Grierson, Tenth Cavalry," I have the honor, respectfully, to submit, in answer to so much of the same as refers to myself, the copies hereto appended of certain testimonials and other papers in my behalf covering the entire period of my military service. They include expressions of every commanding officer under whom I have served as a commissioned officer, including the indorsement (in 1871) of Colonel Grierson on my application for exchange with Lieutenant Townsend, of the Thirteenth Infantry. In this connection particular attention is respectfully invited to papers numbered 1, 2, 5, 8, 9, 11, 12, 13, 15, 16, 19, and 20. In this reference, which is forced upon me by Colonel Grierson's reference to me in the "letters and telegrams" referred to, I desire earnestly to disavow any intention to be disrespectful to my superior officer. I would further invite your attention to the fact that my term of service under Colonel Grierson's immediate eye was comparatively brief, as he was only at intervals in command of or present with

the troops with whom I was doing duty. On the other hand, the officers of the regiment who have kindly testified in my behalf were, most of them, continuously with me, in all kinds of service, since joining.

I wish in conclusion to add that, in submitting this defense, I seek simply to protect my reputation, which I feel has been frequently, in different quarters, unjustly assailed by Colonel Grierson for the gratification of personal feelings. I have always sought to perform my duties faithfully and fully, and to uniformly maintain that attitude toward my superiors and comrades enjoined in the regulations, and as to whether I have succeeded in the main or failed the accompanying papers will testify. In view of what they show, and of the fact that in his *ex parte* denunciation Colonel Grierson can submit no instance in which any of his statements against me are well founded by proof, I maintain that he has no right to officially assail me except through specifications drawn in proper legal form, laid under appropriate charges, and submitted in the prescribed manner before the proper tribunal.

Several important papers in my case, heretofore submitted, cannot be found among the files of the Adjutant-General's Office, War Department, but in connection with the records of my trial the accompanying, for purposes of defense, may suffice. With your approval, I respectfully request that these papers may be submitted for the consideration of the Senate Committee on Military Affairs, in connection with the "letters and telegrams" from Colonel Grierson accompanying your letter of the 3d instant.

I have the honor to be, your obedient servant,

T. J. SPENCER,

Brevet Captain United States Army.

To the honorable the SECRETARY OF WAR.

1.

WAR DEPARTMENT,
BUREAU OF MILITARY JUSTICE,
Washington, D. C., June 16, 1875.

Respectfully returned, and attention invited to the report of this bureau, made on the 15th of January past, reviewing the record of the trial of this officer. He having been dismissed from the service by sentence of the court, subsequently formally approved by the reviewing authority, an application is now made for his reappointment. The petition for this purpose, addressed to the President, is signed by the governor and adjutant-general of Michigan, the collector of customs and postmaster at Detroit, Samuel A. McCoskrey, bishop of Michigan, and a number of other prominent citizens, among them the Hon. A. S. Williams, who, in referring to the petition, thus writes to the Secretary of War:

Our leading citizens, including most of the State and Federal officers, have signed a recommendation for his restoration to the Army. They have known him from his boyhood and hold him in high esteem. During the late war, he served in the western armies gallantly and capably, of which he has abundant testimonials, which you will recognize as from some of our best officers. We cannot believe here that his offenses, which grew out of some domestic trouble at a time of severe suffering, and with his commanding officer, can be of so serious a character as to merit this severe punishment.

After declaring the offense, for which this officer was dismissed, to

have been "rash and unpremeditated," and since "sorely deplored" by him, the petition thus speaks of his character and past services:

His record, your excellency, and the testimony in his defense will, we think, bear us out in this declaration. Many of us have known Mr. Spencer, either personally or by reputation, since his boyhood, and we can testify to his integrity as a man, and his character as a prompt and gallant soldier in battle and on the march. When in April, 1861, the echoes of Fort Sumter's guns reached his native city he, with others of our best young men, prepared at once for the front. Through McClellan's Western Virginia campaign, at the battle of Rich Mountain—the first of the war—and through the campaigns that followed, conducted by Buell, Rosecrans, Thomas, and Sherman, from May, 1861, to September, 1865, in battle, siege, and rebel prisons, through sunshine and storm, heat and cold, on all kinds of duty, and under all circumstances, he behaved as a brave soldier and modest gentleman should.

Warm as are these words of commendation, they are believed to be sustained and fully justified by the numerous testimonials now on file in the department, and which have been carefully examined by this bureau. These testimonials from high and trustworthy sources are too numerous to mention in detail; and it will be sufficient to state in general terms that they show that, having entered the service as a private soldier, and while but a youth, in May, 1861, he rose rapidly from the ranks by his zeal and efficiency in the performance of his duties, and occupied throughout and to the close of the war responsible official positions in the Army, acquitting himself everywhere—in battle, on the march, and in camp—with distinguished honor and to the entire satisfaction of his superior officers. In February, 1866, Major-General Thomas wrote to the Secretary of War, asking for the appointment of this officer to a lieutenantancy in the Regular Army, saying:

Lieutenant Spencer performed his duties faithfully and well, and to the satisfaction of those with whom he was serving. He is industrious and intelligent, and has on all occasions manifested a cheerful and ready spirit to do whatever was required of him.

In this letter and recommendation Lieut. Gen. W. T. Sherman concurred. In April, 1867, a communication was addressed to Lieutenant-General Sherman in behalf of this officer, in which, after reciting at length his faithful services during the war, it said:

In view of his long-continued faithful and efficient services, and for the acts of heroism mentioned in the accompanying recommendations for brevet promotion, we, the undersigned, petition your earnest recommendation to his appointment to a brevet lieutenant-colonelcy.

This communication was indorsed, "approved and recommended," by General Sherman. In May, 1867, this officer was recommended to the Secretary of War by General Grant "for brevet captaincy for gallant and meritorious services at battle of Atlanta, to date March 2, 1867." In the presence of such testimonials, and of those of more recent date, no doubt can be entertained but that the long military career of this officer has been marked by zeal, fidelity, courage, honor, and efficiency.

The offense for which he was convicted and dismissed was committed under peculiar and exceptional circumstances, and although it exposed him to the penalty he is suffering, it did not compromise his integrity or the high soldierly qualities he has heretofore so constantly displayed. Believing that in a matter affecting his honor and that of his family, his superior officer had failed to do his duty, he addressed him the insulting and insubordinate letter for which he was tried. The act was done in a frenzy of passion and under a stinging sense of the wrong he supposed he had suffered. With the cooling of the momentarily ungovernable excitement under which he had acted, he bitterly repented of what he had done, sought the following day to withdraw the letter, and thus endeavored to make such amends as he could. Of his continued sor-

row for his offense there can be no question. The best interests of the military administration, however, required that he should be tried, and that a signal condemnation should be visited upon his insubordinate conduct. This has been done. The dignity and discipline of the service have been vindicated, and in the humiliation of his trial and dismissal, a punishment has been inflicted upon him, which, for one of his sensibilities, must be most poignant and enduring in its effects. It is believed that this punishment may be safely accepted as a sufficient atonement. Such a record as he has made in the country's service, to which the prime of his life has been devoted, should not, it is thought, be allowed to be permanently sullied by a single offense, sincerely repented of and marked by such circumstances of mitigation as are disclosed in the explanation subsequently made. The President, in his recent consideration of the case, evidently arrived at the conclusion that the sentence might well have been commuted. In his indorsement on the petition, he says:

I had much doubt about the propriety of approving the sentence in the case of Lieutenant Spencer at the time it was submitted, and now think it was a mistake in its severity. The case may be reinvestigated, and if found to be so, sentence may be suspended.

The sentence having been executed relief can be had only by a reappointment.

J. HOLT,
Judge-Advocate-General.

(S. and friends never saw the above until furnished it by Secretary McCrary on application.)

Reappointment was unanimously recommended by Congress by act approved March 3, 1877.

2.

Indorsements on application of First Lieut. Thomas J. Spencer, Tenth Cavalry, dated April 25, 1871, for a transfer with First Lieut. E. H. Townsend, Thirteenth Infantry.

[First indorsement.]

CAMP MOUTH OF CACHE CREEK, INDIAN TERRITORY,
April 25, 1871.

During his connection with this company, while I have been in command, Lieutenant Spencer has been zealous and efficient in the discharge of his duties, and as he urgently desires to transfer to the Thirteenth Infantry, this application is respectfully forwarded, approved.

THOMAS LITTLE,
Captain Tenth Cavalry, commanding Company L.

3.

[Second indorsement.]

HEADQUARTERS DETACHMENT TENTH CAVALRY,
CAMP ON RED RIVER, INDIAN TERRITORY,
April 26, 1871.

Respectfully forwarded, approved. I fully concur with Captain Little as far as Lieutenant Spencer's discharge of duty is concerned, during the time he has been under my command.

D. B. MCKIBBIN,
Major Tenth Cavalry, Commanding.

3.

[Third indorsement.]

HEADQUARTERS TENTH CAVALRY,
FORT SILL, INDIAN TERRITORY,
May 3, 1871.

Respectfully returned (through commanding officer detachment Tenth Cavalry) to Lieutenant Spencer, who will state more explicitly his reasons for desiring transfer, or inclose copies of communications herein referred to, for the information of the regimental commander.

By order of Col. B. H. Grierson.

L. S. WOODWARD,
First Lieutenant Tenth Cavalry, Adjutant.

4.

[Fourth indorsement.]

HEADQUARTERS DETACHMENT TENTH CAVALRY,
CAMP ON RED RIVER, INDIAN TERRITORY,
May 10, 1871.

Respectfully returned to Lieutenant Spencer, Tenth Cavalry, whose attention is called to indorsement of regimental adjutant.

D. B. MCKIBBIN,
Major Tenth Cavalry, Commanding.

5.

[Fifth indorsement.]

IN THE FIELD, COMPANY L, TENTH CAVALRY,
Camp Mouth of Cache Creek, I. T., May 10, 1871.

Respectfully forwarded. In compliance with indorsement from headquarters Tenth Cavalry, I have to state that my principal reason for requesting an exchange is my belief that my colonel is unduly prejudiced against me, having preferred charges against me, of which I was acquitted, and having written letters to department headquarters, which resulted in bringing me before the board for the examination of officers to be thrown out of service under charges, which were refuted. Par. IV, General Orders No. 2 (c. s.), Adjutant General's Office, Headquarters Army, provides that officers may be transferred on mutual application.

THOS. J. SPENCER,
First Lieutenant Tenth Cavalry.

6.

[Sixth indorsement.]

HEADQUARTERS DETACHMENT TENTH CAVALRY,
Camp on Red River, Ind. T., May 10, 1871.

Respectfully forwarded to Headquarters Tenth Cavalry, Fort Sill, Ind. T.

D. B. MCKIBBIN,
Major Tenth Cavalry, Commanding.

7.

[Seventh indorsement.]

HEADQUARTERS TENTH CAVALRY,
Fort Sill, Ind. T., May 13, 1871.

Respectfully forwarded. I earnestly request that this application be granted. Lieutenant Spencer has utterly failed to command the respect of either the officers or men of this regiment, and is entirely unfit for a cavalry officer. The charges I preferred against him were for "absence without leave," and were ordered to be preferred by the Adjutant-General United States Army.

The other charges, from which he escaped upon a technicality, were preferred by a field-officer of the regiment. How he managed to pass the board, with the evidence against him for inefficiency, is a mystery.

B. H. GRIERSON,
Colonel Tenth Cavalry, Commanding Regiment.

8.

Before the "Hancock Board" (1870), Major Kidd (the field-officer referred to by Colonel Grierson) testified that he preferred the charges in question because Colonel Grierson ordered him so to do. Furthermore, it will be seen that I was reported by Colonel Grierson as "absent without leave," and because of that report the Adjutant-General United States Army ordered the charges to that effect to be made against me. (See paper marked 16.)

THOS. J. SPENCER,
Brevet Captain, United States Army.

9.

CHAMBERSBURG, PA., *October 6, 1875.*

SIR: I have the honor to state that I have known Capt. T. J. Spencer, late Tenth United States Cavalry, since my assignment to the Tenth Cavalry in 1871, and have at different times been his commanding officer. His duties as a soldier were always promptly and efficiently attended to, and at one time, near the mouth of Cache Creek, Indian Territory, he crossed Red River into Texas for the protection of a ranch, not far from his command, with but ten men, when the Indians were reported there in very large numbers. From my knowledge of this officer, I should think that it must have been a temporary insanity which caused him to write the letter which caused his dismissal.

* * * * *

D. B. MCKIBBIN,
Major United States Army, Brevet Brigadier-General.

ADJUTANT-GENERAL
United States Army.

10.

[Indorsements on application of First Lieutenant Thomas J. Spencer, Tenth Cavalry, dated September 16, 1872, for six months' leave of absence, with permission to ask for six months' extension, and to go beyond sea.]

FORT SILL, IND. T., *September 16, 1872.*

Respectfully forwarded approved, and request that the within application be granted, as I can dispense with this officer's services, having

another with my company to assist in performing its duties, and, in my opinion, Lieutenant Spencer is entitled to this indulgence.

THOMAS LITTLE,
Captain Tenth Cavalry, Commanding Company L.

11.

[Second indorsement.]

HEADQUARTERS FORT SILL, IND. T.,
September 19, 1872

Respectfully forwarded with the recommendation that this application be favorably considered. Lieutenant Spencer is entitled to the indulgence, and his services can be dispensed with for the time without detriment to the service.

G. W. SCHOFIELD,
Major Tenth Cavalry, Commanding.

* * * * *

12.

CINCINNATI, OHIO, *June 24, 1876.*

Mr. THOMAS J. SPENCER:

I witnessed your general conduct as an officer of the Army, a portion of the time from 1868 to 1872, while I was serving in the Indian Territory and you were stationed at Forts Gibson, Arbuckle, and Sill, and I can freely say that I thought it very satisfactory, and I never knew any objections to it either upon the score of military duty or conduct as a man of integrity and correct habits, and this was quite in accord with your character as I knew it in the war.

I am, respectfully,

W. B. HAZEN,
Colonel Sixth Infantry, Brevet Major-General.

I desire further to say that, from considerable observation upon the subject, I have been strongly impressed with the opinion that General Grierson's estimate of men is more often faulty than any person's of his experience and rank I have ever known in the Army.

W. B. HAZEN.

13.

FORT SILL, IND. T., *November 21, 1870.*

The undersigned, officers of the Tenth Cavalry, having learned that First Lieutenant Thomas J. Spencer, Tenth Cavalry, has been ordered to appear before the board now in session at Washington, D. C., of which Major-General Hancock, United States Army, is president, upon certain allegations made against him, desire to state that during our acquaintance and connection with him we have found him to be a gentlemanly officer, and know of nothing against his character either as an officer or a gentleman which can be substantiated. Believing that Lieutenant Spencer can satisfactorily answer any charges made against

him, we trust and hope that he will be able to vindicate himself in every respect.

E. BYRNE,
Captain Tenth Cavalry.
L. H. CARPENTER,
Captain Tenth Cavalry.
JNO. D. MYRICK,
First Lieutenant Tenth Cavalry.
L. H. ORLEMAN,
Lieutenant Tenth Cavalry.
GEO. T. ROBINSON,
Captain Tenth Cavalry.
ROBT. GRAY,
Captain Tenth Cavalry.
THOS. C. LEBEAU,
First Lieutenant Tenth Cavalry.
WM. E. DOYLE,
Second Lieutenant Tenth Cavalry.
R. H. PRATT,
First Lieutenant Tenth Cavalry.
J. T. MORRISON,
First Lieutenant Tenth Cavalry.
J. W. WALSH,
Captain Tenth Cavalry.
J. WILL MYERS,
Second Lieutenant Tenth Cavalry.
JOHN B. VANDE WEILE,
Captain Tenth Cavalry.
R. N. PRICE,
Second Lieutenant Tenth Cavalry.
ORVILLE BURKE,
Captain Tenth Cavalry.
J. E. YARD,
Major Tenth Cavalry.
M. J. AMICK,
First Lieutenant Tenth Cavalry.
C. E. NORDSTROM,
First Lieutenant Tenth Cavalry.
CHAS. BAUZHAF,
First Lieutenant Tenth Cavalry.
W. R. HARMON,
Second Lieutenant Tenth Cavalry.

14.

HEADQUARTERS POST OF LITTLE ROCK, ARKANSAS,
December 14, 1870.

I have known First Lieut. Thomas J. Spencer, Tenth United States Cavalry, since June, 1868. He served under my command from June 2, 1868, until about the 1st December of the same year. I always found him prompt and efficient in the discharge of his duties, and his conduct and deportment were uniformly those of a gentleman.

JAMES P. ROY,
Major Sixth Infantry.

Subscribed and sworn to before me this 14th December, A. D. 1870.
FRANK O. WRIGHT,
Clerk United States Circuit Court Eastern District Arkansas.

15.

WASHINGTON, D. C., *February 23, 1877.*

MY DEAR SPENCER: I have known you since the winter of 1867, when we were both snow-bound on the plains between Fort Hays and Fort Harker, and I wish to say that I have known how hard you have been struggling for the last ten months to vindicate yourself by obtaining restoration to the Army, and I desire to express my earnest hope that you will succeed. I have heard that Colonel Grierson has remonstrated in your case, but I feel sure he cannot support by proofs anything that will compromise your character as an officer and a gentleman.

I know that he is generally regarded as your bitter personal enemy, and that he gave you a great deal of distress and trouble by his vindictiveness while we were together at Fort Sill, but I am glad to say, for your sake, and your estimable wife and little girl, and all your host of friends, that you came through every storm with colors flying.

I have spent thirty odd years in garrisons and with officers, and am familiar with military life, and have children married to Army officers, and I can unhesitatingly say I never knew of an officer so persistingly and vindictively pursuing and persecuting another like Colonel Grierson pursues and persecutes you. I hope you will be restored, and your heart be made glad notwithstanding.

Very respectfully,

A. G. BOONE,
Late Sioux Commissioner.

Evidence given before the board of which Maj. Gen. W. S. Hancock, United States Army, was president, December, 1870, in the case of Lieut. Thomas J. Spencer, Tenth Cavalry.

16.

Evidence of Maj. Meredith H. Kidd, Tenth Cavalry.

[Extract.]

* * * * *

I served with Lieutenant Spencer; he was under my command from early in the winter of 1869 until, I think, in the latter part of May of that year. After that I served at the same post with him until the first of the September following. I know nothing derogatory to his character as a gentleman except it would be from hearsay, and I, of course, do not know that. I heard of a court-martial, but I know nothing of the facts except there was a talk. Indeed, I signed the charges at the request of Colonel Grierson without knowing what the charges were. He had them framed and sent to me with his compliments, and requested that I should sign them, which I did to make them formal.

17.

Capt. James W. Powell, a witness called by Lieutenant Spencer, having been first duly sworn by the recorder, testified as follows:

Lieutenant Spencer has been stationed at the same post that I have been at for about a year, and during that time he always seemed to be very efficient in the performance of his duties. His quarters were so

located that in going to his company he always passed my quarters, and I have often noticed his appearing to be very prompt in attending stable-calls and roll-calls. I have never known anything regarding him unbecoming an officer or gentleman.

Question. Do you know anything in relation to his social relations with Colonel Grierson?

Answer. Nothing that I have heard General Grierson himself state. It was merely some common rumors about the post regarding the matter. I cannot even say who told that, or what officer spoke of it particularly.

Q. What is your opinion as to the efficiency of Lieutenant Spencer as an officer?—A. I believe him to be an efficient officer. * * * Lieutenant Spencer has been on duty with me as an officer of the guard, during my tour as officer of the day, and I always felt he was performing his duties well. I observed that he did so during such occasions. That is the only association on duty that I can recollect now.

18.

Captain L. C. Forsyth, assistant quartermaster, was called as a witness by Lieutenant Spencer, and, having been first duly sworn by the recorder, testified as follows:

Questions by Lieutenant Spencer.

Q. State fully what you know of Lieutenant Spencer, as to his character as an officer and gentleman?—A. I have been on duty with Lieutenant Spencer some eighteen months. I know nothing derogatory to his character as a gentleman or an officer.

Q. Do you know anything in regard to his social relations with Colonel Grierson?—A. Yes, sir. I believe they are not on very good terms, but I know nothing further about it.

Q. What is your opinion as to the efficiency of Lieutenant Spencer as an officer?—A. I believe he is a very efficient officer.

Q. Give your reasons for this opinion.—A. I should judge so from what I have seen in connection with his duties at the post. I have seen him on duty there in connection with his command; and such business as we have had to transact with each other has always been done in an officer-like and efficient manner.

Questions by the Board.

Q. Do you know the cause of the unfriendly feeling between Colonel Grierson and Lieutenant Spencer?—A. I cannot tell.

Q. Did it rise out of any matters of duty?—A. I could not say, for I really do not know. I know there has been a feeling of animosity for a long time. It existed some time before I joined the command, but I do not know the foundation of it. It seemed to be a strong personal feeling, though.

19.

Extract from testimony of Capt. Montgomery Bryant, Sixth Infantry, now Major Fourteenth Infantry.

* * * * *

Q. What did you know in reference to my personal relations to my regimental commander?—A. I know they are not good.

Q. Please state particularly what you know on the subject?—A. I do not remember whether I have heard his regimental commander say anything in regard to him, but from the general report I know that it was

the endeavor of General Grierson to get Lieutenant Spencer out of the service by any means he could make use of.

Questions by the Board.

Q. State how you know.—A. Only by report. I was stationed with General Grierson with the Tenth Cavalry, and that was the general report among officers there. I am not certain whether I heard any remark of General Grierson, but it is my impression that I may have heard him say that it was his determination to get him out of the service.

Q. Did you say that you may have heard it, or did hear it?—A. It is my impression that I did hear it.

20.

Before the same board, Captain Rife, Sixth Infantry, testified, "I have heard General Grierson express unkind and ungentlemanly remarks about Captain Spencer, * * * * of a personal nature, that did not reflect on his official character," and General Hazen wrote, "My attention was frequently drawn to your conduct on the battle-field, where, during the engagement, you always kept the troops fully supplied with ammunition, and afterwards performed thoroughly your duty in gathering up the property left there."

Colonel Baylor, of the Ordnance Corps, wrote, "Lieutenant Spencer served with me from 1863 to the close of the war. During this time his habits were unexceptionable, and he discharged his various duties with zeal and ability." * * * *

In addition to the foregoing, there are in my possession, and also among the War Department files, a large number of letters certifying in my behalf while I was a student, prior to the war of the rebellion and covering the period of my civilian life, since April 24, 1874, in editorial and newspaper and mercantile reportorial capacities; but those above presented are believed sufficient for the object for which they are respectfully submitted. Ample answer to, and explanation or refutation of each and every specific allegation ever made against me, has also, as the same were presented, been submitted to the proper authority.—(Copies in War Department.)

T. J. S., U. S. A.

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