

1-16-1883

On the Case of Maj. Reno

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Recommended Citation

S. Rep. No. 926, 47th Cong., 2nd Sess. (1883)

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IN THE SENATE OF THE UNITED STATES.

JANUARY 16, 1883.—Ordered to be printed.

Mr. HARRISON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill S. 2190.]

The Committee on Military Affairs, to whom was referred the bill (S. 2190) for the relief of Marcus A. Reno, respectfully report:

An inquiry addressed to the Secretary of War, asking for the military record of Major Reno, and for any other facts in the possession of the department appearing upon the subject of the relief asked for by him, was answered on the 9th instant by transmitting the military record of Major Reno and also certain proceedings before courts-martial which were convened: The first, March 8, 1877, at Saint Paul, Minn.; the second, November 28, 1879, at Fort Meade, Dak.

The committee do not deem it necessary to state at length the military history of this officer. He was graduated at the United States Military Academy July 1, 1857, and his record shows that he performed valuable and even distinguished services in the war of the rebellion, and also in Indian wars since. The proceedings had by the two courts-martial before which he was tried, as has been mentioned above, were as follows:

[General Court-Martial Orders No. 41.]

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, May 8, 1877.

I. Before a general court-martial which convened at Saint Paul, Minn., March 8, 1877, pursuant to Special Orders No. 22, Headquarters Department of Dakota, Saint Paul, Minn., February 20, 1877, and of which Col. WILLIAM B. HAZEN, Sixth Infantry, is president, was arraigned and tried—

Major MARCUS A. RENO, Seventh Cavalry.

CHARGE.—“Conduct unbecoming an officer and a gentleman.”

Specification 1st.—“In this: that he, Maj. Marcus A. Reno, Seventh Regiment of Cavalry, being in command of the military post of Fort Abercrombie, Dak., garrisoned in part by Company F, Seventh Regiment of Cavalry, under command of Capt. James M. Bell, did, during the temporary absence from the post of the said Captain Bell, in disregard of his honor and duty as commanding officer, visit the quarters of the said Bell, and then and there take improper and insulting liberties with the wife of the said Captain Bell, by taking both her hands in his own, and attempting to draw her person close up to his own. This to the scandal and disgrace of the military service, at Fort Abercrombie, Dak., on or about the 18th day of December, 1876.”

Specification 2d.—“In this: that he, Maj. Marcus A. Reno, Seventh Regiment of Cavalry, being in command of the military post of Fort Abercrombie, Dak., garrisoned in part by Company F, Seventh Regiment of Cavalry, under command of Capt. James M. Bell, did, during the temporary absence from the post of the said Captain Bell, in disregard of his honor and duty as commanding officer, visit the quarters of the said

Bell, and while the wife of said Bell was passing through the storm-screen connecting said quarters with the adjoining set of quarters, take improper and insulting liberties with her, by placing his arm around her waist. This to the scandal and disgrace of the military service, at Fort Abercrombie, Dak., on or about the 21st day of December, 1876."

Specification 3d.—"In this: that he, Maj. Marcus A. Reno, Seventh Regiment of Cavalry, being in command of the military post of Fort Abercrombie, Dak., having alone, of all the officers of the garrison, failed to receive an invitation to a social gathering held by invitation of the wife of Capt. James M. Bell, Seventh Regiment of Cavalry, during the absence from the garrison of the said Bell, did say to Mr. John Haselhurst, post trader at Fort Abercrombie, Dak.: 'This means war! Mrs. Bell has thrown down the gauntlet, and I will take it up. Perhaps these people do not know the power of a commanding officer,' referring thereby, and intending to be understood to refer, to Mrs. Bell's purposely excluding him from the list of her invitations, and did further say: 'I will make it hot for her (meaning Mrs. Bell), I will drive her out of the regiment,' or words to that effect, thereby dishonorably and maliciously threatening to use his power as commanding officer of that post to revenge himself upon the said Mrs. Bell for her failure to invite him to the social gathering as aforesaid. This to the scandal and disgrace of the military service, at Fort Abercrombie, Dak., on or about the 25th day of December, 1876."

Specification 4th.—"In this: that he, Maj. Marcus A. Reno, Seventh Regiment of Cavalry, being in command of the military post of Fort Abercrombie, Dak., did write, or did cause to be written, and did sign and send to the Rev. R. Wainwright, who was at Fort Abercrombie for the purpose of holding Divine service, and a guest in the quarters of Capt. James M. Bell, Seventh Regiment of Cavalry, a communication in words and figures, as follows:

'DR. WAINWRIGHT:

'SIR: My attention having been again called to the subject of your holding service, I am convinced it is in the interest of peace and harmony that you should not do so. I need scarcely assure you of the deep regret with which I make you acquainted with this decision.

'Very respectfully,

'M. A. RENO,

'Major, Seventh Cavalry, Commanding.

'FORT ABERCROMBIE, December 30, 1876.'

and did, when the said Mr. Wainwright sought, in a personal interview with him, for an explanation of the communication above set forth, say to him, the said Wainwright, that his action in declining to permit religious services was taken because a member of the garrison (meaning the post trader, Mr. John Haselhurst) had objected to Mr. Wainwright's preaching in the garrison, and had determined to take his family to Morehead if such preaching took place, and did further say, as additional reason for his action, that the names of Mr. Wainwright and Mrs. Bell had been mentioned by an officer of the garrison in the club-room at Fort Abercrombie, in the presence of several other officers, connected together in an obscene and licentious expression, to wit: 'That Mr. Wainwright would have his goose as well as another man, and he could have it with Mrs. Bell,' which statements of reasons were wilfully and maliciously false, and given for the dishonorable purpose of injuring the good name and repute of the said Mrs. Bell, in fulfillment of the threats made by the said Major Reno, as set forth in the foregoing third specification. This to the scandal and disgrace of the military service at Fort Abercrombie, Dak., on or about the 30th day of December, 1876."

Specification 5th.—"In this: that he, Maj. Marcus A. Reno, Seventh Regiment of Cavalry, being in command of the military post of Fort Abercrombie, Dak., did, in an interview with the Rev. R. Wainwright, urge him to leave the quarters of Captain Bell when he was a guest, and did say to the said Wainwright: 'Mrs. Bell's reputation is like a spoiled egg—you cannot hurt it. She is notorious in the regiment as a loose character;' and did further say that Captain Benteen and Lieutenant Wallace, all of the Seventh Regiment of Cavalry, had repeatedly asked him to expel her from the regiment; which last statement was maliciously false, no such request ever having been made by them; and all of which statements were made for the dishonorable purpose of injuring the good name and repute of the said Mrs. Bell, and in fulfillment of the threats made by the said Major Reno, as set forth in the foregoing third specification. This during the absence from the garrison of the said Captain Bell, Seventh Regiment of Cavalry, at Fort Abercrombie, Dak., on or about the 30th day of December, 1876, to the scandal and disgrace of the military service."

Specification 6th.—"In this: that he, Maj. Marcus A. Reno, Seventh Regiment of Cavalry, being in command of the military post of Fort Abercrombie, Dak., did state to Lieut. W. W. Robinson, Seventh Regiment of Cavalry: 'Mrs. Bell ought to know better than to make a fight with me; her character is too vulnerable,' or words to that

effect; meaning thereby to express an intention to assail the reputation of the wife of Capt. James M. Bell, and to assert that her character was bad. This to the scandal and disgrace of the military service, at Fort Abercrombie, Dak., on or about the 30th day of December, 1876."

Specification 7th.—"In this: that he, Maj. Marcus A. Reno, Seventh Regiment of Cavalry, being in command of the military post of Fort Abercrombie, Dak., did, dishonorably, willfully, and maliciously attempt and endeavor to annoy and humiliate the wife of Capt. James M. Bell, Seventh Regiment of Cavalry, at a time when the said Captain Bell was absent from Fort Abercrombie, in the manner following, to wit: Arrangements having been made to hold religious services in the garrison, at which services the said wife of Captain Bell had been engaged to play the organ, he, the said Major Reno, did send an official message by and through his post adjutant, Lieut. W. W. Robinson, Seventh Regiment of Cavalry, to the officers and other persons who were assembled and engaged in making preparations for said religious services, to the effect, substantially, that the services might be held in the garrison, but that Mrs. Bell would not be permitted to play the organ at the services, and did shortly thereafter send another message by and through his said post adjutant, to the effect that if Mrs. Bell should attempt to do so, he, the said Reno, would put a stop to the services and prevent their continuance. This to the scandal and disgrace of the military service, at Fort Abercrombie, Dak., on or about the 31st day of December, 1876."

ADDITIONAL CHARGE.—"Conduct unbecoming an officer and a gentleman."

Specification.—"In that Maj. Marcus A. Reno, Seventh Regiment of Cavalry, having had charges preferred against him for 'conduct unbecoming an officer and a gentleman,' and a general court-martial having been ordered for his trial upon said charges, did interview Eliza Galloway, a colored servant in the employment of Dr. T. B. Davis, acting assistant surgeon, U. S. A., at Fort Abercrombie, Dak., for the purpose of obtaining testimony for his defense, and, when told by her that she could not furnish any testimony favorable to his case, did say in substance to the said Eliza Galloway that he would pay her any amount of money if she would testify for him, or say anything that would help him; thereby intending to bribe the said Eliza Galloway to testify falsely, at the same time cautioning the said Eliza Galloway not to say anything about what he, Reno, had said to her. This at Fort Abercrombie, Dak., on or about the 25th day of February, 1877."

To which charges and specifications the accused, Maj. Marcus A. Reno, Seventh Cavalry, pleaded "Not Guilty."

FINDING.

The court, having maturely considered the evidence adduced, finds the accused, Maj. Marcus A. Reno, Seventh Cavalry, as follows:

Of the 1st *Specification*, "Guilty."

Of the 2d *Specification*, "Guilty."

Of the 3d *Specification*, "Guilty, except of the words 'perhaps these people do not know the power of a commanding officer,' and 'dishonorable and'; of the excepted words Not Guilty."

Of the 4th *Specification*, "Guilty."

Of the 5th *Specification*, "Guilty, except of the words 'as a loose character'; of the excepted words Not Guilty."

Of the 6th *Specification*, "Not Guilty."

Of the 7th *Specification*, "Guilty."

Of the CHARGE, "Guilty."

ADDITIONAL CHARGE.

Of the *Specification*, "Not Guilty."

Of the CHARGE, "Not Guilty."

SENTENCE.

And the court does, therefore, sentence him, Maj. Marcus A. Reno, Seventh Regiment of Cavalry, "To be dismissed the service."

II. The following are the orders of the Secretary of War:

WAR DEPARTMENT, May 8, 1877.

The proceedings in this case having been forwarded, under the 106th Article of War, to the Secretary of War, have been most carefully considered and have been submitted

to the President, who approves the proceedings, findings, and sentence, but is pleased to mitigate the latter "to suspension from rank and pay for two years from the 1st of May, 1877."

Major Reno's conduct towards the wife of an absent officer, and in using the whole force of his power as commanding officer of the post to gratify his resentment against her, cannot be too strongly condemned; but after long deliberation upon all the circumstances of the case, as shown in the record of the trial, it is thought that his offenses, grave as they are, do not warrant the sentence of dismissal, and all its consequences, upon one who has for twenty years borne the reputation of a brave and honorable officer, and has maintained that reputation upon the battle-fields of the rebellion and in combats with Indians.

The President has therefore modified the sentence, and it is hoped that Major Reno will appreciate the clemency thus shown him as well as the very reprehensible character of the acts of which he is found guilty.

GEO. W. McCRARY,
Secretary of War.

By command of General Sherman:

E. D. TOWNSEND,
Adjutant-General.

[General Court-Martial Orders No. 20.]

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 17, 1880.

I. Before a general court-martial which convened at Fort Méade, Dak., November 28, 1879, pursuant to Special Orders No. 123, dated November 5, and No. 128, dated November 13, 1879, Headquarters Department of Dakota, Saint Paul, Minn., and of which Col. W. H. Wood, Eleventh Infantry, is president, was arraigned and tried—
Maj. MARCUS A. RENO, Seventh Cavalry.

CHARGE.—"Conduct unbecoming an officer and gentleman."

Specification 1st.—"In this: that he, Maj. Marcus A. Reno, Seventh Cavalry, did create and engage in a disreputable disturbance or brawl in a public billiard saloon, and did violently assault and strike Second Lieut. Wm. J. Nicholson, Seventh Cavalry, with a billiard cue, with the manifest intent of inflicting severe bodily injury upon the person of said Lieutenant Nicholson; and did persist in continuing said disturbance until threatened with arrest by Second Lieut. Jas. S. Pettit, First United States Infantry. This at Fort Meade, Dak., on or about the 25th of October, 1879, to the scandal and disgrace of the military service."

Specification 2d.—"In this: that he, Maj. Marcus A. Reno, Seventh Cavalry, was drunk and disorderly in a public billiard saloon, and did several times, wantonly and in a riotous manner, knock money out of the hands of the saloon keeper (or tender), Mr. Joseph Smythe, scattering said money over the floor, and did, in a wanton and riotous manner, smash in with chairs the glass of one or more of the windows of said billiard saloon. This at Fort Meade, Dak., on or about the 8th of August, 1879, to the scandal and disgrace of the military service."

Specification 3d.—"In this: that he, Maj. Marcus A. Reno, Seventh United States Cavalry, was in a disgusting condition of intoxication at the residence of Mr. W. S. Fanshawe, post trader. This at Fort Meade, Dak., on or about the 3d of August, 1879, to the scandal and disgrace of the military service."

ADDITIONAL CHARGE—"Conduct unbecoming an officer and gentleman."

Specification.—"In this: that he, Maj. Marcus A. Reno, Seventh United States Cavalry, did, in the darkness and at a late hour in the evening, surreptitiously enter the side grounds adjoining the private residence or quarters of his commanding officer, Col. S. D. Sturgis, Seventh Cavalry, and did peer into a side (and retired) window of the family sitting-room of said private residence or quarters, approaching so near and so stealthily as to very seriously affright and alarm that portion of the family of the said Col. S. D. Sturgis, Seventh Cavalry, which had not yet retired for the night, and were still below stairs and occupants of said family sitting-room. All this at Fort Meade, Dak., between the hours of 9 and 11 o'clock p. m., on or about the 10th of November, 1879."

To which charges and specifications the accused, Maj. Marcus A. Reno, Seventh Cavalry, pleaded "Not Guilty."

FINDING.

The court, having maturely considered the evidence adduced, finds the accused, Maj. Marcus A. Reno, Seventh Cavalry, as follows:

Of the 1st *Specification*, "Guilty, except the words 'create and,' and the word 'dis-

reputable,' and the words 'and did persist in continuing said disturbance until threatened with arrest by Second Lieut. Jas. S. Pettit, First United States Infantry,' and of the words 'to the scandal and disgrace of the military service,' and of these excepted words Not Guilty."

Of the 2d *Specification*, "Guilty, except the words 'wantonly and in a riotous manner,' and of the words 'in a wanton and riotous manner,' and of the words 'to the scandal and disgrace of the military service,' and of the excepted words Not Guilty."

Of the 3d *Specification*, "Guilty, except the word 'disgusting,' and of the words 'to the scandal and disgrace of the military service,' and of the excepted words Not Guilty."

Of the *CHARGE*, "Not Guilty, but Guilty of conduct to the prejudice of good order and military discipline."

ADDITIONAL CHARGE.

Of the *Specification*, "Guilty, except the word 'surreptitiously,' and the words 'and so stealthily,' and the words 'very seriously,' and of the excepted words Not Guilty."

Of the *CHARGE*, "Guilty."

SENTENCE.

And the court does therefore sentence him, Maj. Marcus A. Reno, Seventh Cavalry, "To be dismissed from the military service of the United States."

II. The proceedings, findings (except as to the additional charge), and sentence in the foregoing case of Maj. Marcus A. Reno, Seventh Cavalry, having been approved by the proper reviewing authority, and the record forwarded, in accordance with the 106th Article of War, for the action of the President, the following are his orders indorsed thereon:

EXECUTIVE MANSION,
Washington, D. C., March 16, 1880.

The sentence in the foregoing case of Maj. Marcus A. Reno, Seventh Cavalry, is confirmed.

R. B. HAYES.

III. By direction of the Secretary of War, the sentence in the case of Maj. Marcus A. Reno, Seventh Cavalry, will take effect April 1, 1880, from which date he will cease to be an officer of the Army.

By command of General Sherman:

E. D. TOWNSEND,
Adjutant-General.

The committee are unanimously of the opinion that this officer ought not to be reinstated in the Army, and therefore recommend that the bill be indefinitely postponed.