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Charles H. Campbell.

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CHARLES H. CAMPBELL.

JUNE 21, 1888.—Committed to the Committee of the Whole House and ordered to be printed.

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

REPORT:

[To accompany bill H. R. 5846.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 5846) to restore Charles H. Campbell to the rank of captain in the Army, submit the following report:

They have examined the military record of Charles H. Campbell, captain of cavalry, in connection with the bill for his restoration to the Army. His volunteer record in Army is as follows:

Mustered into service as first lieutenant First New York Artillery, February 4, 1865.

Appointed captain and assistant adjutant-general of volunteers, June 1, 1865. (Brevetted first lieutenant of volunteers, April 9, 1865, for meritorious services during the campaign terminating with the surrender of the insurgent army under General R. E. Lee.)

Service.—On the staff of General A. A. Humphreys, from February to August, 1865; assistant adjutant-general, district of Pennsylvania, to October 23, 1865, and awaiting orders until honorably mustered out, May 11, 1866.

His regular Army record from War Department as follows:

Appointed second lieutenant Sixth Cavalry, 25th July, 1866; promoted first lieutenant Sixth Cavalry, 7th May, 1867; promoted captain Sixth Cavalry, 20th September, 1874. (Brevetted first lieutenant and captain, 2d March, 1867, "for gallant and meritorious services in the battle of Petersburg, Va.")

Service.—On duty at Carlisle Barracks, Pennsylvania, from September 11 to October 31, 1866; conducting recruits to posts in Texas, to January, 1867; in arrest January to February, 1868; with regiment in Texas to October 28, 1870; in arrest to March 8, 1871 (see General Court-Martial Orders, No. 8, Department Texas, February 7, 1871, copy herewith); with regiment in Texas to April 20, 1871, and Indian Territory and Kansas to March 9, 1872; on leave to May 31, 1872, and surgeon's certificate of disability to September 23, 1872; with regiment in Kansas to December 16, 1873; on leave to February 18, 1874; with regiment in Kansas to July 2, 1874; on expedition in the field, Indian Territory, to December 31, 1874; at Fort Hays, Kansas, to March 19, 1875; in the field on scouting duty to May, 1875; in Arizona to July 22, 1877; in arrest and before general court-martial to August 7, 1877 (see General Court-Martial Orders, No. 18, Department Arizona, August 7, 1877, copy herewith); with regiment in Arizona to October 5, 1877; in arrest and awaiting sentence of general court-martial to February 2, 1878 (see General Court-Martial Orders, No. 83, of December 27, 1877, from this office, copy herewith); with regiment in Arizona to January 27, 1880; on leave to September 15, 1880; in arrest from September 20 to October 2, 1880; commanding company at Fort Grant, Ariz., to November 1, 1880; in arrest and awaiting sentence of a general court-martial until he resigned, February 15, 1881.

R. C. DRUM,
Adjutant-General.

It will thus be seen by the volunteer record and by the regular Army record that this young officer, just upon the threshold of life

and at the beginning of his Army record, had won distinction and promotion. He had been on a leave of absence at the East, and returning to his command, learned his company had gone on a campaign against hostiles. Though feeble in health, and against the advice of his brother officer, he made unusual exertion to join his company and did so, and was ordered by his commanding officer to take command of his company, and subsequently, at one time, of the battalion, which he did; and yet the charge of drunkenness, which was subsequently made against him, refers to the very facts and conditions in which he was at the time of reporting for duty and actually assuming it under orders of his superior officer. When the charges were made against Captain Campbell, and a court-martial assembled, the accused "plead in bar to the second, third, fourth, fifth, and sixth, specifications, and they were thrown out" by the court, on this "plea in bar," and yet on the finding of the court find him guilty of "*all the charges and specifications.*"

A most singular proceeding was had on this trial, novel and peculiar in the history of courts-martial, and we think standing without precedent in courts, civil or martial.

After throwing out that part of the charge and specification embraced in the plea in bar, Captain Campbell pleaded "not guilty" as to the remaining charges and specifications, and while the case was proceeding some proposition was made to withdraw the charges on his pledge of honor that he would absolutely abstain from all intoxicants, and this was to be accompanied with a "conditional resignation" to go into effect on his violation of his pledge; upon the filing of these papers there was to be dismissal of the charges against him, as Captain Campbell insists. The department commander alone had the right to accept these papers and order dismissal of the case. The court suspended proceedings until he could be dispatched. The court ordered its judge-advocate to send following dispatch to department commander:

No evidence has been taken in the case. Does the commanding general wish the court to make any recommendation regarding the acceptance or non-acceptance of the pledge of Captain Campbell, *on condition of the withdrawal of the charges* before the case goes further? Court awaits reply.

To this dispatch of the court came this reply:

Dispatch received. Before the case goes any further, the commanding general wishes the court to make recommendation regarding the acceptance or non-acceptance of Captain Campbell's pledge, as stated in your dispatch, *on condition of the withdrawal of the charges.*

On receipt of this the court replied:

Court instructs me (judge-advocate) to send following dispatch: "The department commander having power to withdraw the charges against Captain Campbell, the court desires to be excused from making a recommendation for or against such a course. The court awaits action of department commander before proceeding with case."

To this department commander replied:

The commanding general thought it was no more than due to the court, consisting of members of rank and reputation, called from a distance, that their views should be consulted, particularly as they were on the ground, *and before accepting Captain Campbell's pledge*; hence the telegram of last night, but as the court declines to make any recommendation, you will proceed to trial.

Now, it is evident that this pledge was conditional on the withdrawal of the charges, and the resignation was conditional on the breaking of the pledge.

It is shown by this telegraphic correspondence between the court and the department commander that neither the court nor the department

commander regarded the offenses as imputed to Captain Campbell of a very grave or heinous character, and that the court declined to recommend as to their acceptance or rejection solely and alone because the power lay exclusively in the hands of the department commander.

Captain Campbell was notified that his pledge was not accepted, and he was summoned to go on with the case at 7 p. m.

On conference with his counsel and the court, and believing, from these telegrams, that he would be recommended to the mercy of the reviewing power, Captain Campbell did withdraw his plea of not guilty and plead guilty, thus cutting himself off from all evidence, and no evidence was taken on the remaining charges and specifications after those excluded by plea in brief. There being no sworn evidence taken, Captain Campbell then made his statement to the court, in which he says:

He desires that his pledge, which appears in the record, and his resignation, which accompanies it, and is conditional upon his keeping it, shall not be withdrawn, but shall continue in force, and he now declares most solemnly not only his determination but his ability to keep it.

On this statement the pledge was received by the court in lieu and instead of the one which had been refused. It was again offered to the court, accepted, was recorded in its proceedings, and upon which a favorable recommendation was made by the judge-advocate of the court and four members of the court.

Upon this evidence your committee submit that it is clear that the pledge and resignation were first made by Captain Campbell under the assurance by the man making the charges that they would be withdrawn, and that this was balked and defeated by the refusal of the department commander to exercise the power which alone lay in him, and that the second pledge and resignation conditional were made by Captain Campbell under the assurance that he would be favorably commended to the reviewing power, all of which failed, and the sentence of court was confirmed, and he dismissed the service without a particle of proof being presented.

Your committee are informed by Maj. Gen. Henry T. Hunt, one of the most honorable of the officers of the Army, and who has known Captain Campbell from his first entrance into the service, and from others with equal facilities for knowing the facts, that it is true that Captain Campbell has religiously kept his pledge for all these long years, while he has been banished from his command by an unjust and most puerile finding; that he has not only led a life of temperance, but has absolutely abstained from the use of all intoxicants.

Your committee consider it very unjust that he shall be judged by any other charges, which have long since been removed by the action of the President of the United States in indignantly dismissing them. The protest of the officers of the Sixth Cavalry, when simmered down to their real meaning, is that *promotion* may be interfered with if Captain Campbell shall be restored to his command.

Your committee, believing that justice to a young and meritorious officer, just on the threshold of life, and justice to the service, demand his restoration, herewith report the bill back to the House with a recommendation that the same do pass.