

THE  
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COURT-MARTIAL

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INTRODUCTION

Lieutenant Colonel George Armstrong Custer, Brevet Major General, United States Army, was Court-martialed at Fort Leavenworth, Kansas, during September and October, 1867. Though not unknown to Custer historians, this little-chronicled event in the life of the well-known American soldier and Indian fighter is seldom accorded more than an obscure comment in the many books and articles about the man.<sup>1</sup> Only within the past few years have historians made more than a passing reference to the Court-martial. Custer himself in My Life on the Plains, makes no direct reference to the Court-martial, though he does mention his involuntary absence from his regiment.

The winter of 1867-68 found me comfortably quartered at Fort Leavenworth, Kansas, on the banks of the Missouri. . . . I had not been on duty with my regiment [7th Cavalry] since my rapid ride from Fort Wallace to Fort Harker in July, nor was I destined to serve with it in the field for some time to come.<sup>2</sup>

Elizabeth Custer, in her numerous books and articles about the General, never mention<sup>ed</sup> his Court-martial and subsequent suspension from the Army. Although The Army and Navy Journal, news organ of the armed services, customarily published detailed accounts of all Courts-martial of military interest, nothing about Custer's Court-martial and sentence

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<sup>1</sup>Exceptions are comments made by Professor Edgar I. Stewart in the introduction to Custer's My Life on the Plains (Norman: University of Oklahoma Press, 1962), and Jay Monaghan's The Life of George Armstrong Custer (Boston: Little, Brown and Company, 1959), pp. 298-303.

<sup>2</sup>George A. Custer, My Life on the Plains (Norman: University of Oklahoma Press, 1962), p. 143.

appear<sup>d</sup> in it. This seems particularly strange since The Journal reported many other trial proceedings and sentences of less well known persons in great detail.<sup>3</sup> The Journal's only reference to the Custer Court-martial was its January 1868 publication of an extract of a letter from Custer to the Sandusky [Ohio] Register, in which Custer defend<sup>ed</sup> the actions for which he was Court-martialed. A roster of the 7th U. S. Cavalry, however, published in The Journal on December 7, 1867, lists "Lt Col George A. Custer, Brevet Major General, under suspension for one year."<sup>4</sup> This obscure note is the first indication to readers of The Journal that Custer was not with his regiment at the time. The roster did not indicate, however, that the General had been Court-martialed two months previously.

The only original and authentic source material on Custer's trial and sentence are the official Army records and transcript of the Court-martial proceedings and some informal notes made by him for the use of his defense counsel at the trial. The official records of the Court-martial have only recently become available through the National Archives.<sup>5</sup>

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<sup>3</sup>Among the Courts-martial reported by the Journal was that of Brevet Major General George W. Fetterman who later became well known to the general public as the commander of troops massacred by Indians at Fort Phil Kearny. Fetterman's sentence "to be cashiered", was immediately remitted by the President who restored Fetterman to full duty. See Army and Navy Journal, 5:91, September 28, 1867. Custer, also best known as the commander of the 7th Cavalry Regiment massacred by Indians at the Battle of the Little Big Horn, was not as fortunate. He served most of his year's suspension from service before being restored to duty.

<sup>4</sup>The Army and Navy Journal, V, (December 7, 1867), p. 249.

<sup>5</sup>Department of the Missouri General Order No. 93, 1867; "Transcript of Trial of Lt Col George Armstrong Custer, Fort Leavenworth, Kansas September-October, 1867; Records of The Judge Advocate General, General

Custer's trial notes are preserved at the Custer Battlefield National Monument.<sup>6</sup> The relatively recent availability of these two documentary sources may in part explain the cursory treatment heretofore accorded the Court-martial by Custer historians.

In determining the circumstances leading up to the Court-martial and in reviewing the record of the trial proceedings, the investigator becomes puzzled by the enigma that was Custer himself. The tales of the behavior of this complex man are so contradictory and the testimonies of those who knew him well are so conflicting that it appears that Custer the legend and Custer the man were in fact two different persons - a caricature fittingly aligned with what one eminent Custer historian has called "The Custer Myth."<sup>7</sup>

#### THE TWO CUSTERS

George Armstrong Custer was and will ever remain a controversial character. To his wife Elizabeth and to those who strive to perpetuate his memory as a national hero, Custer was a shining knight, a bold and talented general in buckskins, and a gallant defender of the American frontier. [He it was who, as the handsome boy general of Civil War Fame,]

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Courts-martial, 1812-38", folder 00-2555 (General Custer); both documents located in Army-Navy War Records, National Archives, Washington, Room 8W; hereinafter referred to as Custer CM Records.

<sup>6</sup>Located at Hardin, Montana.

<sup>7</sup>William Alexander Graham, The Custer Myth (Harrisburg: Stackpole Co., 1953), passim.

was first in the Army of the Potomac to capture a Confederate color. As McClellan's brilliant aide-de-camp on the Peninsula and Phil Sheridan's strong right hand during the Virginia campaigns, he created the Custer legend and the Custer image so fondly held by many Americans today.<sup>8</sup> This was the Custer described by Frazier Hunt as "The Last of the Cavaliers."<sup>9</sup> His faithful wife excepted, the biographers who thus describe George Armstrong Custer never really knew the man in his lifetime.

Elizabeth Bacon Custer, the General's resourceful wife and also a professional writer, was largely responsible for protecting and fostering the Custer Legend after her husband's death. Her many popular and entertaining books and articles on the General and the frontier created the Custer that Americans admire today. Her longevity - she died in 1933 at the age of 90 - contributed much toward maintaining the Custer image.

The other Custer, the Custer of the Court-martial, was a different man. "He was impatient of restraint, careless, slovenly, and insubordinate, according to his own account, and for these reasons, more than any others, graduated at the foot of his class, [at West Point] number thirty-four in a class of thirty-four."<sup>10</sup> [Fred Dustin, one of the foremost authorities]

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<sup>8</sup>Joseph Mills Hanson, "The Civil War Custer", The Cavalry Journal, XLIII (May-June, 1934) pp. 24-31; and "Custer, George Armstrong", Encyclopedia Americana (1956 Edition), Vol. 8, pp. 335-6.

<sup>9</sup>Frazier Hunt, Custer, the Last of the Cavaliers (New York: Cosmolitan Book Corporation, 1928).

<sup>10</sup>Fred Dustin, The Custer Tragedy: Events Leading up to and Following The Little Big Horn Campaign of 1876 (Ann Arbor: Edwards Brothers, Inc., 1939), p. 13.

on Custer, calls the General "one of the most over-rated men on the stage of American life."<sup>11</sup> Charles J. Brill, noted historian of the Indian campaigns, states that "Custer failed to contact, personally, the Indians for a single engagement during his first border campaign [of 1867]."<sup>12</sup> Brill uses Custer's own memoirs to make his case for the General's incompetence.

His next opportunity occurred in the early autumn of 1868. The very day he rejoined the Seventh Cavalry on Bluff Creek, Southwestern Kansas, after lifting of his court-martial sentence, Indians made a series of running attacks on his camp. Though hundreds of shots were fired, not an Indian was killed. Eventually the assailants rode tauntingly away, passing in full view within a few hundred yards of Custer and his men as they departed. Despite the fact that he had seven hundred soldiers with him at the time, outnumbering the Indians several to one, Custer did not give chase. ("Life on the Plains," page 171).

In his own memoirs ("Life on the Plains," page 222) Custer admits he retreated from the so-called Battle of the Washita during the night of November 27, 1868, as a result of the press of warriors on all sides.

Brill also quotes from Whitaker's Life of Custer to offer further evidence of the General's apparent incompetence.

His next clash with the Indians was during the Yellowstone Expedition of 1873. Here Sioux attacked his command of some four-score soldiers. Custer was rescued by the timely arrival of reinforcements, but for which he might have suffered the same fate as overtook him on the Little Big Horn three years later, when his entire command was annihilated. (Whitaker's "Life of Custer," page 495.)

The Little Big Horn battle was his only other fight with Plains Indians.<sup>13</sup>

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<sup>11</sup>Ibid., p. xiii.

<sup>12</sup>Charles J. Brill, Conquest of the Southern Plains (Oklahoma City: Golden Saga Publishers, 1938), p. 14.

<sup>13</sup>Ibid.

Custer was not a hero to his regiment. Many of the officers and men of the 7th Cavalry blamed Custer for abandoning Major Elliot and his detachment of troopers to the cruel fate that befell them at the Battle of Washita. The enmity evoked by this action was later apparent at the Reno Court of Inquiry when the testimony revealed that some of Custer's men believed Custer ~~may~~<sup>MIGHT</sup> have considered abandoning Reno and his men at the Battle of the Little Big Horn.<sup>14</sup> Major Reno himself, Custer's second in command at the Battle of the Little Big Horn, did not have a high opinion of Custer's tactical ability as a soldier. When pressed by the Court for an opinion of Custer, Reno stated: "Well, sir, I had known General Custer a long time; and I had no confidence in his ability as a soldier. I had known him all through the [civil] war."<sup>15</sup>

Perhaps the most incongruous aspect of the Custer character concerns his relationship with his wife. Never averse to changing the plan of a campaign to be near "Libby," Custer knowingly risked Court-martial to visit her at Fort Riley in July, 1867.<sup>16</sup> Yet the Custer who was deeply in love

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<sup>14</sup>William Alexander Graham, Abstract of the Official Record of Proceedings of the Reno Court of Inquiry (Harrisburg: The Stackpole Company, c1954), passim.

<sup>15</sup>Ibid., p. 214.

<sup>16</sup>Custer's forced march in July, 1867 from Fort Wallace to Fort Harker, where he expected to find his wife, and his continued trip to Fort Riley when he found that she had moved there, were largely due to his concern for her welfare and safety. The cholera epidemic on the frontier in the summer of 1867 had taken the lives of many women and children, and Custer had not heard from home during the weeks he had been campaigning on the Republican river.

with his wife and glowingly described in her writings as a faithful and devoted husband is difficult to reconcile with the Custer who kept a beautiful Indian Princess as his companion on the trail.<sup>17</sup>

It was a strange and complex character indeed who, standing before a Court-martial at Fort Leavenworth during September and October 1867, was found guilty of all charges preferred against him and was sentenced to one year's suspension from the service.

#### THE HANCOCK EXPEDITION - INITIAL STAGES

Indian uprisings in the Department of the Missouri reached alarming proportions during the summer of 1867. General Sherman, commanding the Military Division of the Missouri, considered the situation extremely serious. In a report to the General-in-Chief, dated October 1, 1867,<sup>18</sup> he described the Indian depredations in detail, including the attacks on the railroad working parties at Fort Harker. Believing the situation warranted his personal attention, Sherman visited Fort Harker on July 4, 1867.

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<sup>17</sup>Although no primary documentary evidence exists of Custer's relations with his Indian mistress, the story of his affair with Mo-nah-see-tah, a 20-year-old Cheyenne Princess, appears frequently enough in early secondary historical materials to warrant belief. Custer's "rapturous description of the girl's physical charms" in My Life on the Plains, p. xx, provides circumstantial support for the story, further substantiated by Cheyenne tradition and legend, that Custer was the father of Mo-nah-see-tah's half-breed son Yellow Swallow. See George Bird Grinnell, The Fighting Cheyennes (Norman: University of Oklahoma Press, 1956) and Mari Sandoz, Cheyenne Autumn (New York: McGraw-Hill Book Co., 1953), pp. 7, 21, 32, 89, 215.

<sup>18</sup>United States Congress, House, Executive Documents Printed by Order of The House of Representatives During the Second Session of The

Colonel A. J. Smith, commanding Fort Harker during General Hancock's absence at Denver, pleaded with Sherman for more cavalry to meet the Indian menace. Bemoaning his shortage of troops, Smith urgently requested that General Custer and the six companies of the 7th Cavalry previously ordered north to the Platte River be returned to Fort Harker. The area of military operations is shown in Figure 1. Finding this infeasible in view of the equally serious Indian threat on the Platte, Sherman met Smith's pressing demand by a call for volunteers. Accordingly, four companies of Kansas volunteers were mustered into Federal service on July 14, 1867.<sup>19</sup> Sherman reported to Washington: "They are the only volunteers called out by me, and they were indispensably necessary. . . . We have been very short of cavalry all the time."<sup>20</sup>

Although the appearance of Custer and the 7th Cavalry on the Republican River quieted the Indians in that area, they immediately shifted their operations to the south and became active on the Smoky Hill River. Sherman, having returned to his headquarters in St. Louis, learned that Custer had sent to Fort Wallace for supplies to continue his "Scout" further to the north. He immediately sent orders to Custer in the following telegram to Army Headquarters in Omaha:

I don't understand about General Custer being on the Republican [river] awaiting provisions from Fort Wallace. If this be so, and

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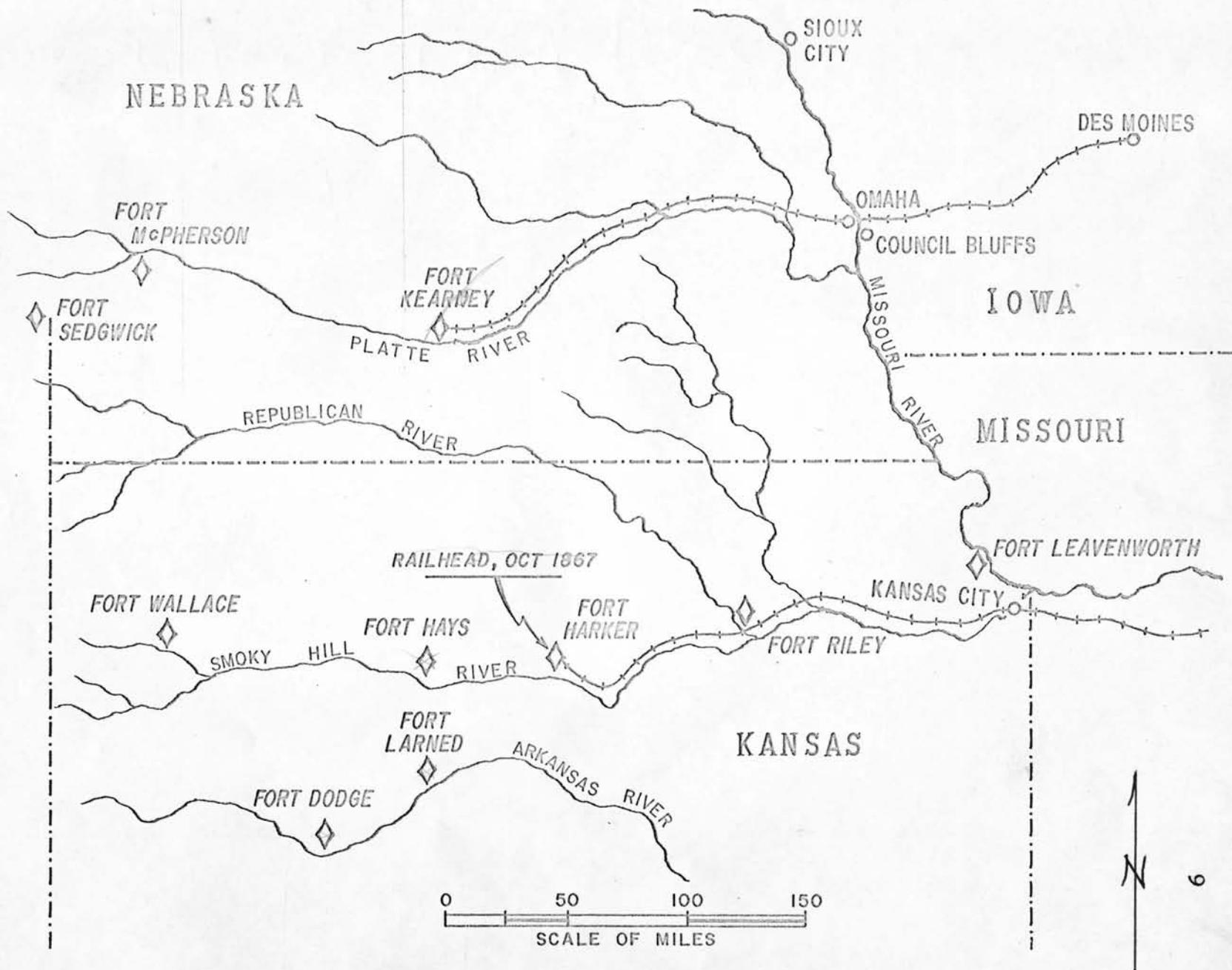
Fortieth Congress, 1867-68 (Washington: Government Printing Officer, 1868), Vol. 1, p. 34.

<sup>19</sup>Ibid.,

<sup>20</sup>Ibid.

HANCOCK EXPEDITION - INITIAL STAGES  
AREA OF MILITARY OPERATIONS

FIGURE 1



all the Indians gone south, convey to him my orders that he proceed with all his command in search of the Indians toward Fort Wallace, and report to General Hancock, who will leave Denver for same place today.<sup>21</sup>

Obviously displeased with Custer's actions, Sherman ordered General Hancock back from Denver to supervise the campaign in the Fort Wallace area.

Sherman's orders were delayed in reaching Custer. Lt Kidder, a courier, and a party of ~~twenty~~ <sup>eleven</sup> were intercepted and killed by Indians while carrying the dispatch to Custer, who by this time was camped on the Platte <sup>50 miles</sup> west of Fort Sedgwick. A copy of Sherman's orders eventually reached Custer and he started back to Fort Wallace. On his return trip he found the skeletons of Lt Kidder's party, all of whom had been killed and horribly mutilated by Indians. General Sherman concluded his report to the General-in-Chief on the border campaign of 1867 as follows:

General Custer, on reaching Fort Wallace, left a part of his command, and with the rest came into Fort Riley without orders, for which he is now under trial on charges preferred by General Hancock.<sup>22</sup>

General Sherman was justly displeased with Custer. The border campaign of 1867, commonly known as the Hancock expedition, was a costly operation. It expended \$9 million worth of government funds and the lives of three hundred white settlers. During the campaign, Custer was unable to force the Indians into a single decisive engagement and could account for only four warriors killed.<sup>23</sup> In addition, the regiment which Custer brought back to Fort Wallace on July 14, 1867, was trail-weary, underfed, and frustrated; it had not been paid for months. Morale, to say the least,

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<sup>21</sup>Ibid.,    <sup>22</sup>Ibid.,    <sup>23</sup>Brill, loc. cit.

was at a low ebb. The troops were understandably distressed to discover that Custer was contemplating a forced march to Fort Harker, ~~220~~<sup>212</sup> miles across hostile Indian country, beginning at ~~dawn~~<sup>sunset</sup> the next day, July 15, 1867.

Custer's reasons for leaving Fort Wallace for Fort Harker will always be controversial. His command was exhausted, and its condition could hardly be improved by another forced march under difficult and dangerous conditions. Custer's only plausible explanation at his Court-martial was the inadequacy of his supplies at Fort Wallace. Continuation of his campaign was impossible, he said, until his command was properly provisioned. To this end, he made a forced march with his empty supply wagons escorted by 72 mounted troopers and a few handpicked officers including his brother Tom and Lt Cooke, his Adjutant.

There can be no doubt that Custer was well aware of General Sherman's desire that he and his command be at Fort Wallace during this period. Once Custer made his decision to proceed to Fort Harker for supplies, however, he carried it out in his typical peremptory fashion. Custer made the first leg of his journey - the 150-mile march to Fort Hays - in 60 hours. Considering that his command had just completed a 300-mile foray to the Platte and return, Custer's march to Fort Hays is phenomenal in itself.<sup>24</sup> Leaving the major part of the escort at Fort Hays to guard the wagons and resume

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<sup>24</sup>At his Court-martial, Custer stated that although his rate of march was rapid, he did not consider it excessive and referred to rapid cavalry marches made by Jeb Stuart during the Civil War.

the march to Fort Harker where he arrived at two o'clock the next morning, having completed the 60-mile march in 12 hours. He went immediately to the quarters of Colonel A. J. Smith who was the acting district commander in the absence of General Hancock.<sup>25</sup> Awakening the old soldier, Custer explained that his wagons were on the way and that he must have supplies for Fort Wallace at once. He told Smith that he was continuing on to Fort Riley to see his wife and would return in time to take the wagon train back to Fort Wallace. The sleepy Smith bade Custer a good journey, sent his regards to Mrs Custer, and promptly went back to bed. The following morning, in recalling his middle-of-the-night conversation with Custer, Smith began to wonder what authority Custer had to be in Fort Harker at all. Custer, meanwhile, had departed on the 3:00 a.m. train for Fort Riley. The more Smith thought about the matter, the more uneasy he became. In his anxiety, he wired Custer to return to Fort Harker posthaste to explain why and by what authority he had left Fort Wallace. Custer returned to Fort Harker at once and on the 28th of July he was placed under arrest.<sup>26</sup>

#### THE COURT-MARTIAL

A General Court-martial was convened at Fort Leavenworth during September and October 1867 by General Hancock. Members of the Court were Colonel William Hoffman, 3rd Infantry; Colonel Benjamin Grierson, 10th Cavalry; Colonel Pitcairn Morison, retired; M. R. Morgan, commissary of

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<sup>25</sup>Colonel Smith was also the detached Colonel of the 7th Cavalry.

<sup>26</sup>Monaghan, op. cit., pp. 299-300.

subsistence; F. D. Callendar, Ordnance Department; Lt Col T. C. English, 5th Infantry; Major Henry Asbury, 3rd Infantry; and Major Stephen C. Lyford, Ordnance Department. Hoffman and Grierson were brevet major generals while Morison, Morgan, and Callendar were brigadier generals by brevet. Captain Robert Chandler of Hancock's staff was appointed Judge Advocate for the trial.

The charges preferred by Colonel Smith alleged that Custer had absented himself from his command at Fort Wallace and proceeded to Fort Riley without proper authority; that he had required his men to march at an unreasonable pace when both men and mounts were exhausted from the campaign on the Platte; that he procured a number of government mules without authority for an unauthorized trip; that he took no action to rescue stragglers from his march to Fort Harker when they were attacked by Indians, and made no attempt to retrieve the bodies of stragglers slain in this encounter.

In addition to the charges preferred by Colonel Smith, Captain Robert M. West, an officer in Custer's regiment, brought additional charges.<sup>27</sup> Captain West alleged that on July 7, 1867, at a spot approximately 15 miles south of the Platte River, Custer ordered Major Elliot and a detachment of troopers to bring back "dead or alive" a group of deserters who were seen leaving the camp; that because of these orders three of the men

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<sup>27</sup>West has been characterized as a "disgruntled captain in the regiment" chafing under Custer's discipline. Six months after preferring charges against his commanding officer, West was "cashiered" out of the Army for drunkenness. See Hunt, op. cit., p. 89.

were shot down and severely wounded; that Custer refused to allow the wounded men medical attention although a surgeon was present; and that one of the men later died of these wounds. ✓

Custer selected as his defense counsel Captain Parsons of the 4th Artillery, who was an old friend from cadet days at West Point and a very religious man. Custer usually turned to religion when in danger and did so now, realizing that he was in serious trouble. Parsons and Custer decided not to challenge the facts of the case but to attempt to justify the acts committed. If they should fail in that, they would introduce evidence in extenuation of the charges. Defense witnesses at the trial were Major Elliot; Captains Hamilton and Weir; Custer's Adjutant, Lt Cooke; and, of course, his brother Tom.

Custer was undoubtedly guilty of leaving Fort Wallace without proper authority. ~~The prosecution's case was completely prima facie.~~ Custer had no orders to leave Fort Wallace. He knew that General Sherman desired him to remain there. Custer had willfully disobeyed orders. It was that simple. In extenuation, Custer stated that he lacked the necessary supplies at Fort Wallace to continue his campaign and had merely gone to Fort Harker to obtain them. Later, in determining his sentence, the Court obviously gave some credence to his testimony and accepted his judgement as the commander on the spot. As for continuing on to Fort Riley to see his wife, Custer testified that his presence was not required at Fort Harker and, in any event, he intended to return in time to take his loaded wagons back to Fort Wallace. He had no difficulty establishing ✓

that Colonel Smith had wished him bon voyage before he left for Fort Riley and had indeed sent his regards "to the ladies." Colonel Smith admitted as much. This did not alter the fact, however, that Custer's entire journey was unauthorized.

To the charge that he marched his men at an unreasonable pace, Custer pleaded ignorance. He referred to rapid cavalry marches made in the Civil War and reminded the Court that his column was traversing dangerous Indian country. He contended that to have travelled at a less rapid pace would have endangered the safety of the entire force. He also cited the Indian menace as justification for not searching for the bodies of slain stragglers. He testified that he could be of no assistance to the dead men, and to have spent valuable time searching for their bodies might well have subjected his column to further attack. Besides endangering his force, this would have prevented his early return to Fort Wallace with badly needed supplies for the remainder of his regiment garrisoned there.

To the charge of misappropriating government mules for his unauthorized trip, Custer justified this as a necessary expedient. The Court found Custer guilty of this charge but attached no criminality to the act.

Of the charges preferred against Custer, the most serious was the one charging him with ordering the deserters shot. This charge, brought by Captain West, with not altogether disinterested motives, was also the one most feared by Custer. He had understandably discussed it in the

greatest detail with his defense counsel, Captain Parsons. Clearly Custer had ordered his officers to pursue a group of deserting men and shoot them down if necessary. Testimony at the Court-martial established that he had ordered Officer of the Day Jackson to "bring back none of those men alive."<sup>28</sup> When the wounded men were apprehended and returned to the regimental bivouac, Custer is alleged to have shouted to the regimental surgeon, "Doctor, don't go near those men. I have no sympathy for them."<sup>29</sup> Although two days elapsed before the men's wounds were dressed, the surgeon testified that this was due to the lack of sterile water and bandages rather than Custer's orders.<sup>30</sup> The doctor also testified that shortly after the deserters had been returned, and when the other men could not hear him, Custer said, "You may attend to them after a while."<sup>31</sup>

#### DESERTION AND OTHER DISCIPLINARY PROBLEMS

Desertion was an extremely serious problem on the frontier. It was dealt with severely, often drawing such severe punishment as flogging and even the death sentence. Early in 1867, however, the death penalty was abolished and a maximum term of six months imprisonment was substituted.<sup>32</sup> Desertions increased alarmingly. The Army and Navy Journal during this period contained many references to the desertion problem. On October 5, 1867, The Journal contained a letter to the editor recommending that

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<sup>28</sup>Custer CM records,   <sup>29</sup>Ibid.,   <sup>30</sup>Ibid.,   <sup>31</sup>Ibid.

<sup>32</sup>Army and Navy Journal, V (November 2, 1867), p. 173.

deserters be tattooed with the letter D "on a precise anatomical spot,"<sup>33</sup> and a Journal editorial on November 2, 1867, commented upon the increasing number of desertions in the west.<sup>34</sup> The 7th Cavalry, in the forefront of the difficult and dangerous Indian fighting and close to the Colorado gold fields and the trails to Oregon and Santa Fe, had a particularly difficult desertion problem. Theodore Davis, a well known correspondent representing Harpers Magazine, accompanied the Hancock expedition of 1867 and gave a relatively disinterested account of Army desertions in his article "A Summer on the Plains," appearing in the February, 1868, edition of Harpers.

Men were deserting at the rate of fifty a month - In less than a year the 7th Cavalry had lost by desertion nearly eight hundred men. . . . They escaped with horses, arms, and accoutrements. They were perfectly aware that the extent of the punishment which could be inflicted, in the event of capture, would be six months in the guard-house, and in all probability, not even that.<sup>35</sup>

Custer's disciplinary problems were not limited to those he experienced with his enlisted men. His officers were far from being paragons of virtue or soldierly efficiency.

In the 7th Cavalry, soldiers of fortune, drunkards, gamblers, and libertines received commission. . . . Of the forty-one officers first listed in the 7th [1866], one deserted and was dropped from the rolls, one was cashiered, two were dismissed, several were forced to resign, and others had extremely dubious records.<sup>36</sup>

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<sup>33</sup>Army and Navy Journal, V (October 5, 1867), p. 106.

<sup>34</sup>Army and Navy Journal, V (November 2, 1867), p. 173.

<sup>35</sup>Theodore R. Davis, "A Summer on the Plains," Harpers Magazine, XXXVI (February, 1868), p. 298.

<sup>36</sup>Dustin, op. cit., p. 8.

There are several reported instances of officers suffering from delerium tremens. One Colonel shot himself while having an [sic] delerium tremens fit.<sup>37</sup>

Mrs Custer herself told the story of opening the door of her quarters to receive an officer making an obligatory courtesy call only to have the man collapse at her feet in a drunken stupor.<sup>38</sup>

The mass desertions on the frontier and the large number of disciplinary cases involving officers finally reached such proportions that the House of Representatives passed a special resolution on January 9, 1884, requiring Robert T. Lincoln, the Secretary of War, to report to The House on Courts-martial in the Army.<sup>39</sup>

Davis's Harpers article also contained a disinterested eyewitness account of the shooting of the deserters for which Custer was tried. This reporter accompanied Custer on his "Scout" to the Platte and return to Fort Wallace. He was present when Lt Kidder's body was found, and accompanied Custer's column on its rapid march from Fort Wallace to Fort Harker for supplies. Davis's article related:

The stay of a single day on the banks of the Platte river cost the command a loss of thirty-five men by desertion. This out of a force numbering less than three hundred men was a serious misfortune.<sup>40</sup>

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<sup>37</sup>Marguerite Merington (ed.), The Custer Story (New York: Devin Adair, 1950), p. 204.

<sup>38</sup>Ibid., p. 192.

<sup>39</sup>United States Congress, House, Executive Documents Printed by Order of The House of Representatives During the First Session of the Forty-Eighth Congress, 1883-84 (Washington: Government Printing Office, 1884), Vol. 26, Document No. 104.

<sup>40</sup>Davis, op. cit., p. 306.

Davis continued to describe the shooting incident:

Halting at noon to graze the animals, ten more men attempted to desert - five mounted, and five dismounted. Custer ordered Major Elliot and one or two officers to pursue the deserters, and shoot them if any resistance was offered to being captured. As Major Elliot rode up to one of the men on foot he was met by a lowered carbine. The Major shot the man down and continued the pursuit. Two more of the deserters were wounded before their capture could be finally effected. The five mounted men escaped.<sup>41</sup>

Custer himself, in a long letter to the Sandusky [Ohio] Register justifying his actions, expressed his amazement at being Court-martialed for attempting to maintain discipline in the face of a savage enemy. Explaining that 35 of the 300 men in his command on the Platte had deserted the previous evening, and that those remaining planned a mass desertion at the first opportunity, Custer continued:

As I stated in my defense, instead of being arraigned before a Court-martial for my acts I believed, and still believe, that I should have received the commendation of my superior officers. . . . had I failed to adopt the stringent measures I did for the preservation and maintenance of discipline in my command, and the scheme for the desertion of a large portion of my command had been carried out, I should have deserved to be, and should have been arraigned before a Court-martial on my return for incompetency and 'neglect of duty.'<sup>42</sup>

Davis apparently agreed with Custer, as revealed in the conclusion of his article on the incident.

During the afternoon march [after the shooting incident] it was discovered that a general émeute [riot] had been arranged by the men to take place that night. As it did not occur, it was evident that the

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<sup>41</sup>Ibid.

<sup>42</sup>Army and Navy Journal, V (January 4, 1868), p. 311.

summary measures of the afternoon had a salutary effect. For days after this there were no more desertions in the Seventh Cavalry.<sup>43</sup>

Testifying in his own defense, Custer admitted the shooting of deserters as charged but said that such stringent action was absolutely necessary to prevent a large part of his force from deserting. He said that his officers understood he did not intend to carry out his threat, otherwise all of the deserters would have been shot dead. Instead, they were merely wounded in violently resisting arrest.

As Edgar Stewart said in his introduction to Custer's My Life on the

Plains:

The action of the men who left camp at noon in plain sight of everyone with the announced intentions of deserting was certainly insubordinate, and it may have been that a mutiny was averted only by Custer's prompt and drastic action. Moreover, Custer certainly had an obligation to the government and to the faithful members of his command.<sup>44</sup>

DECISION OF THE COURT

The eyes of the Army in the West were on the court room at Fort Leavenworth as the trial progressed. News of the Court's decision would spread quickly to every post on the frontier. More was to be decided at this trial than the fate of George Armstrong Custer. The findings of the Court would determine if discipline could be maintained on the frontier and, if it could, what methods would be sanctioned to achieve it. The Court was well aware of the issues involved as it deliberated Custer's sentence.

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<sup>43</sup>Davis, loc. cit.

<sup>44</sup>Custer, op. cit., p. xv.

The evidence against Custer was overwhelming. The Court found him guilty of all charges and specifications. The sentence imposed, however, was light. Custer was to be suspended from the Army for one year and forfeit one year's rank and pay.<sup>45</sup> General Grant, in approving the findings of the court, noted: "The reviewing officer, in examining the testimony in the case, is convinced that the Court, in awarding so lenient a sentence for the offences of which the accused is found guilty, must have taken into consideration his previous services."<sup>46</sup>

For five months following his conviction and suspension, Custer and his wife continued to live at Fort Leavenworth in quarters assigned to General Sheridan but relinquished to them by the General. In May, 1868, the Custers moved to Elizabeth Custer's home in Monroe, Michigan. It was there, after serving nine months of his sentence, that Custer received a telegram recalling him to service with his regiment. On September 24, 1868, General Sheridan cabled Custer from his headquarters at Fort Hays, Kansas.

Generals Sherman, Sully and myself, and nearly all the officers of your regiment, have asked for you, and I hope the application will be successful. Can you come at once? . . .<sup>47</sup>

Without awaiting orders from Washington, Custer boarded the next train for the frontier. His rendezvous with destiny at the Battle of the Little Big Horn was just a few years away.

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<sup>45</sup>Custer CM Records.

<sup>46</sup>Ibid.

<sup>47</sup>Hunt, op. cit., p. 90.

## IN RETROSPECT

The annihilation of five companies of Custer's 7th Cavalry at the Battle of the Little Big Horn - one of the most dramatic and best known events in American history - may well have been a direct outcome of the General's Court-martial at Fort Leavenworth. Custer was chagrined and deeply hurt by his conviction and sentence. Believing he had been betrayed and that his honor and integrity as an officer was in question, Custer was convinced that only a glorious personal victory in battle could atone for his humiliation. Such a victory he sought at the Little Big Horn.

As is evident, George Armstrong Custer was far from being a stable personality.

To put it mildly, this General Custer was an odd ball. . . . not quite grown up in some facet of his mind; in his thirties, he would cry streaming tears when he left his mother and sob like a child, completely unnerved. Solemn and brooding in repose, he would take the bombastic, dramatic stance for posed photographs.<sup>48</sup>

To doctors, Custer's last stand has become a fascinating study in psychoneurosis. In 1947 several eminent psychiatrists, including Dr Karl Menninger and Dr Paul R. Hawley, conducted a posthumous psychiatric analysis of General Custer in the medical journal Surgery, Gynecology, and Obstetrics. Dr Hawley concluded that Custer's actions at the Little Big Horn could definitely be traced to the traumatic experience of his Court-martial at Fort Leavenworth. In describing the effect of the Court-martial on Custer, Dr Hawley stated:

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<sup>48</sup>James Warner Bellah, "Thirty-nine Days to Glory," Holiday, XXVI (September, 1959), p. 69.

The giant had been stabbed in the back by pygmies. His pride had been severely wounded, and the wound festered, leaving an ugly scar. This scar could be made less. . . . disfiguring only by repolishing his reputation to a brilliance that would blind the public to the defect.<sup>49</sup>

Custer apparently saw his chance in the fatal campaign of 1876 and in flagrant disobedience of the orders of his commanding officer General Terry, led his command to its annihilation at the Little Big Horn.

In reviewing Dr Hawley's diagnosis, Dr Menninger described Custer as a psychopath "marked by extreme vanity, inhumanity, ruthlessness, and a complete lack of loyalty to any friend or cause."<sup>50</sup> Dr Menninger found it incredible that Custer is still considered "a great hero," and concluded that "in World War II, Custer, for all his dashing aggressiveness, would have been discharged as a psychoneurotic."<sup>51</sup>

Custer's Court-martial at Fort Leavenworth was neither his first, nor was it to be his last, clash with authority. Only the early graduation of his class at the beginning of the Civil War prevented his Court-martial for a serious breach of discipline committed during his last year at the military academy.<sup>52</sup>

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<sup>49</sup>"The General was Neurotic," TIME, L (August 18, 1947), p. 90.

<sup>50</sup>Ibid.,      <sup>51</sup>Ibid.

<sup>52</sup>In the month of June, 1861, just prior to graduation and while Officer of the Guard, Custer had failed to interrupt a fight between two cadets at a drinking fountain. Lt W. B. Hazen, commissioned Officer of the Day, placed Custer under arrest for neglect of duty and preferred charges against him. As a result, Custer did not graduate with his class but remained restricted at West Point. The results of his Court-martial were never published, but on July 17, 1861, Special Order 114

It is a sad commentary that Custer's career, which was almost terminated by a Court-martial at West Point before it had begun, and which later received a severe jolt from the conviction at Fort Leavenworth, escaped a final Court-martial for disobedience of orders at the Little Big Horn only by the dramatic death of the General at the head of his regiment.

Whatever term may be applied to the General - soldier, warped personality, glory hunter and misanthrope, or if you will, "The Last of the Cavaliers" - it must be conceded that the man was a colorful, albeit a controversial, character. It has been said that "Custer himself was enough of a showman to cut his life dramatically short."<sup>53</sup> It is, perhaps, fortunate that he did.

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directed Cadet Custer to "repair to Washington City without delay and report to the Adjutant-General in person." Custer thus entered active duty in the Civil War but never forgave Hazen for what he had done. Years later when Hazen was a Major General, Custer impugned his motives as an Indian agent and alleged that Hazen gave refuge to hostile Indians fleeing from Custer after the Battle of Washita. This controversy continued in and out of the newspapers for months with both Custer and Hazen defending their actions and making charges and countercharges. See Army and Navy Journal, XI (1873-74), p. 664; and William B. Hazen, Some Corrections to Life on the Plains (St Paul: Romaley & Cunningham, 1875).

<sup>53</sup>"Rash General," Life, XI (December 8, 1941), p. 75.

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