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THE BROWNSVILLE AFFRAY
(RESEARCH).

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THE BROWNSVILLE AFFRAY (RESEARCH)

I. INTRODUCTION

A. Overview. On the night of August 13, 1906, shortly before midnight, a band of men ran through the streets of Brownsville, Texas, firing into buildings, seemingly at random. The official records list two casualties: Frank Nautus, a bartender in the Ruby Saloon, was killed, and a lieutenant of police, M.Y. Dominguez, was seriously wounded. Another citizen, Paulina S. Preciado, claimed to have been slightly injured. The testimony of witnesses and circumstantial evidence immediately linked the Negro soldiers stationed at Fort Brown with the raid. Several investigations into the incident were conducted. However, none of the investigations resulted in identification of the guilty individuals. MAJ August P. Blackson, an official who conducted one of the investigations, made this recommendation: unless the Negro soldiers voluntarily disclosed what they knew about the raid, all of them should be discharged. The soldiers denied any knowledge of the raid. Because of their failure to identify the guilty persons, all 167 of the soldiers stationed at Fort Brown on the night of the raid were discharged without honor. President Theodore Roosevelt gave the order for their dismissal.

B. Scope. This monograph covers the period from August 13, 1906, the night of the shooting, through November 26, 1906, when all members of Companies B, C, and D, 1st Battalion, 25th Infantry, had been discharged without honor. I shall review what actions were carried out and what possible actions were left undone by the soldiers involved, their commanding officers, and the President.

C. Objectives. I shall examine the shooting at Brownsville, and the subsequent investigations that led to the soldiers' dismissals in order to determine whether or not the constitutional rights of the soldiers were violated.

D. Method of Development. The events in this study will be presented in chronological order.

II. BODY

A. Sequence of Events.

Companies B, C, and D of the 1st Battalion, 25th Infantry Regiment, colored, under the command of MAJ Charles W. Penrose, arrived at Fort Brown, Texas, July 28, 1906. (1:309) The fort was adjacent to the town of Brownsville, Texas. The town is located on the Rio Grande River, and it is directly opposite Matamoros, Mexico. Companies B, C, and D had previously been stationed at Fort Niobrara, Nebraska. Prior to this they had served in the Philippines, in Cuba, and on the frontier. (1:309)

The Negro soldiers had originally been scheduled to stop at Camp Mabry, Texas, to take part in field maneuvers with the Texas state militia. (8:61) Because of previous incidents of racial hostility between white soldiers from Texas and Negro soldiers, the officers of the 25th Infantry Regiment protested strongly against sending the men of Companies B, C, and D to participate in these maneuvers. Several officers wrote letters to the adjutant of the battalion expressing their concern for the soldiers' safety should they be sent to Fort Mabry. (6:12-13)

Colonel Hoyt, the commanding officer at Fort Niobrara, went a step farther than the question of the maneuvers and wired a message to the Military Secretary at San Antonio asking that the troops not be sent to Camp Mabry, and that if possible they be stationed in some other section of the country where race prejudice was less violent than in the South. (6:13)

The War Department rescinded the order sending the Negro troops to Camp Mabry, and the soldiers proceeded directly to Fort Brown. (6:13)

News of the transfer of Negro soldiers to Fort Brown reached the town of Brownsville on May 27, 1906. (6:13) The citizens of Brownsville protested loudly among themselves regarding the stationing of Negro soldiers at Fort Brown instead of white soldiers. At least one citizen wrote a letter to Texas Senator C.A. Culberson, who forwarded it to Secretary of War Taft. The letter advised that the transfer of the Negro soldiers to Fort Brown was an unfortunate move and concluded that "the Border is a poor place to station negro (sic) soldiers." (6:14)

Despite the protests of the townspeople, the Negro soldiers, commanded by five white officers, arrived by train in Brownsville on July 28, 1906. (8:309) They formed ranks and marched to their new quarters at Fort Brown.

In view of the ominous atmosphere in which the troops arrived, relations between the black soldiers and white citizens of Brownsville proved to be better in some respects than had been anticipated. The friendly relationship between Mayor Combe of Brownsville and Major Penrose, the commanding officer of the post, tended to encourage an atmosphere of harmony. However, prior to the raid several incidents occurred that were cited later during the investigations as possible causes of the raid.

On two occasions Negro soldiers were allegedly disrespectful to whites. The first incident occurred on August 5, less than two weeks after the soldiers' arrival at Fort Brown. Private James Newton and Private Frank J. Lipscombe were walking down Elizabeth Street when they encountered a group of ladies talking to Customs Officer Tate. Newton and Lipscomb, attempting to pass single file between the women and a fence bordering the sidewalk, were intercepted by Tate who, pulling a revolver, struck Newton on the head, knocking him down. Tate is quoted as saying, "Get along, damn you, or I will blow your brains out," and "Whenever you nigger soldiers see a white man on the sidewalk talking to ladies get off the sidewalk and get into the street." (1:210)

The second incident occurred on August 8, when Private Clifford J. Adair, of Company C, was returning from a day's visit to Matamoros, Mexico. After getting off the ferry boat on the Brownsville side of the Rio Grande, he was searched by a customs official. The official confiscated a gold pen that Adair had purchased in Matamoros. The officer refused to let him pay duty on the pen, and threatened to report him to his commanding officer. (1:210)

Seemingly, the Negro soldiers took these incidents and insults in their stride. Even Mayor Combe remarked on the good behavior of the troops.

There were only a few Negro citizens in Brownsville, consequently there were no Negro taverns. This situation was temporarily remedied by white saloon owners who opened back rooms of their saloons for the Negroes, away from the main bars which were reserved for whites. The Negro soldiers were continuously harassed as they passed through the main bars into the rooms reserved for them.

On the very day of the raid, 13 August 1906, a complaint was made to the officials in Brownsville and at Fort Brown that a Negro soldier had attempted to rape a white woman in the town. The alleged victim's husband reported to Major Penrose that his wife had been attacked the previous night by one of the soldiers under his command. Although Major Penrose was inclined to doubt the accusation because of the availability of prostitutes in the town, he ordered all passes cancelled at 8 o'clock and sent a patrol through the town ordering all men to report back to post by that time. (8:32-33)

At 11 o'clock, a routine roll call check was made by Captain Macklin, officer of the day, and all men were present and accounted for. The gun racks had been checked earlier in the day and all guns had been verified and put under lock. After making his rounds and finding everything quiet, Captain Macklin retired to his quarters.

At approximately midnight on August 13, gunshots were heard. The details of the raid, based on available testimony, have been reconstructed as follows: the raiders, numbering between 9 and 15, possibly more, are said to have met at the rear of the barracks behind the garrison wall. This garrison wall separated Fort Brown ^{from} Brownsville. Supposedly, at this point, a volley of shots was fired into the air to create an atmosphere of alarm. Subsequent testimony tracks the soldiers across the garrison wall to Garrison Road, the street that skirted the wall. Here shots were fired into the telegraph office and the Martinez house which faced the garrison on this street just opposite the garrison wall. Shots were also fired into the Yturri house which was on the corner of Garrison Road and Washington Street. The raiders then, according to testimony, proceeded up Cowen Alley to Fourteenth Street where they shot into the Cowen house. Mrs. Cowen, her five children, and a maid were in the house at the time. They escaped injury by hiding under a bed. Shots also were fired into the Garza house. The Cowen and Garza houses were on either side of the alley and on the south side of Fourteenth Street. As the raiders moved

up the alley they encountered the chief of police, M. Dominguez, and fired at him, wounding him in the arm and killing his horse. Two other policemen who were with Dominguez escaped injury. Witnesses indicate that the men separated on Thirteenth Street, part of them going up the alley to Tillman's Saloon, firing into it and killing the bartender, Frank Nautus. Another customer in the saloon claimed to have been slightly injured when a bullet grazed the back of his hand. The rest of the raiders went out Thirteenth Street to Washington and up Washington to the Starck house, where more shots were fired. It is believed that the shots fired into the Starck house were intended for the Tate house, located next door. Tate was the customs officer involved in the Newton-Lipscomb incident. With this attack the raid was over. It had lasted approximately ten minutes. (6:117) (1:5-6 and 62-63)

Meanwhile, at Fort Brown, the shooting had awakened Major Penrose who immediately thought the fort was being attacked and took the necessary precautions to guard it. Major Penrose gave the order to fall in under arms which the men did with little delay. The roll was called and all men were present and accounted for, except two men from Company C. A group of men, with Captain Lyon, were dispatched into the town to look for the two missing men. (8:30)

The townspeople had also been aroused by the gunfire. Mayor Combe and his brother ran from their home toward the sound of the firing. As they approached Twelfth Street, Mayor Combe and his brother met one of the town's policemen who warned them to go no farther because the Negroes were shooting up the town. (6:17)

When the Mayor walked into a nearby saloon he was again told that Negro soldiers were causing the disturbance. As this rumor spread through the town, resentment and anger grew. Groups of men began to form and there was talk of storming the fort.

Captain Lyon, who had gone to search for the two men absent from Company C, was gone from the post for approximately three-quarters of an hour. He returned without locating the men, and had met with no opposition in the town. Returning with Captain Lyon was Mayor Combe. (8:67)

Mayor Combe informed Major Penrose that one civilian of the town had been killed, and that the chief of police was badly wounded, his horse having been shot from under him. The Mayor claimed the killing and wounding had been done by the colored soldiers. At this point, it is reported, Major Penrose felt confident that none of his men were responsible since all of the men had been accounted for except two. (8:67)

Major Penrose kept the garrison under arms until 3:30 a.m. and then placed one company on guard, allowing the others to return to their barracks. Strict orders were given that no one was to leave the fort and no one was to be allowed to enter the fort except Mayor Combe and such persons as the Mayor might want to bring with him. (8:67)

As an additional check, as soon as it was light, Major Penrose had every rifle in the barracks and in the hands of the men checked to determine whether or not they had been fired. All rifles were found to be bright and clean. (8:67)

On the morning of August 14 at approximately 10 a.m., Mayor Combe again called upon Major Penrose. He informed the Major that a few empty cartridge bases and used clips of the kind used in a Springfield rifle had been found in the streets. Later that morning he told Major Penrose that between 75 and 100 empty cases and used clips had been picked up, as well as a few unused cartridges. Major Penrose examined the cartridges and confirmed that they had been manufactured by the Army's Ordnance Department.

At 11:30 a.m. on August 14, a citizens' committee of 15 from Brownsville called upon Major Penrose. The committee stated that they had positive proof, involving several reliable witnesses, that the shooting had been perpetrated by colored soldiers. The committee requested that the offenders be turned over to the civil authorities. (8:67) Major Penrose did not turn the soldiers over to the civil authorities, and he assured the committee that he was conducting a rigid examination of the soldiers to determine the guilty individuals. In his report to the Military Secretary in San Antonio, Major Penrose stated that he expected "no further trouble." (8:69)

The value of the testimony of the witnesses mentioned above was weakened considerably by the fact that the committee had failed to bind their witnesses under oath, and had made an obvious predetermination of guilt. The questions asked confirm this theory. For example, one of the witnesses was asked the following question:

"You know the object of this meeting. We know that this outrage was committed by Negro soldiers. We want any information that will lead to a discovery of who did it." (1:446)

Also, there was no cross-questioning of witnesses, and the soldiers were not present during this hearing. Even though the testimony offered was laid open to serious doubts, it was still responsible for shaping the initial decisions that were made in the case.

B. Investigation of the Incident.

Five days after the inquiry by the citizens' committee MAJ Augustus P. Blacksom, assistant inspector-general of the Southwestern Division, arrived in Brownsville to take charge of the investigation for the War Department. As one of his first acts, he recommended the transfer of the Negro soldiers from Fort Brown to Fort Reno, Oklahoma Territory. It was there that Blacksom completed his inquiry. (8:45)

On August 29, Major Blacksom filed his report, which charged an unidentified number of the battalion with the actual perpetration of the raid, and the rest of the battalion with adhering to a conspiracy of silence in order to shield the guilty. (8:60-65)

In Blacksom's report motives for the raid were stated as follows: 1. The motive behind the change in plans concerning the maneuvers at Camp Mabry: It had been threatened that ball cartridges would be used against the Negro soldiers if they went to Camp Mabry; 2. The desire of the citizens of Brownsville not to have colored soldiers at Fort Brown; 3. The Jim Crow laws enforced in the local bars; 4. The two incidents in Brownsville involving Negro soldiers; and 5. The cancelling of privileges following the Evans incident. (9:61)

Major Blacksom recommended in his report, after he had conducted extensive questioning of the soldiers, that if satisfactory evidence concerning the raid was not obtained from the soldiers by a certain date, all of the enlisted Negro men present on the night of August 13 should be discharged from the Army, and barred from reenlisting in any of the other services. (8:64) Major Blacksom concluded his report by stating, "It must be confessed the colored soldier is much more aggressive in his attitude on the social equality question than he used to be." (8:65)

At this point President Theodore Roosevelt took a direct interest in the incident. He endorsed the Blacksom report and sent GEN Ernest A. Garlington, inspector general, United States Army, to Fort Reno to deliver an ultimatum: unless the guilty persons were identified, the whole of the three companies would be discharged and barred from enlisting in the Army or Navy of the United States. (8:178)

After a careful investigation by General Garlington, in which no additional information concerning the raid was uncovered, he recommended that all men serving in Companies B, C, and D on the night of August 13 be discharged from the service without honor, barred from enlisting in the Army or Navy of the United States, and denied the right to civil employment under the federal government. (8:182)

On November 5, 1906, President Roosevelt instructed Secretary of War William Howard Taft to comply with General Garlington's recommendation. He also asked that the conclusions reached in Garlington's report be published as an official justification for the action. (8:183) Special Order No. 266 was issued by the War Department on November 9, 1906. (8:183) By the morning of November 26, all men in Companies B, C, and D, 25th Infantry, had been discharged from the Army. (8:192)

During the long weeks of the investigations the Negro soldiers maintained they were innocent. Only one report, that of LTC L. A. Lovering, included sworn statements from the soldiers themselves. His report was submitted on October 4. He examined all the available witnesses at Fort Reno. Lieutenant Colonel Lovering stated he had been particularly meticulous when examining soldiers who had had difficulties with the Brownsville townspeople. Almost all his questions had been directed at determining the exact whereabouts of individuals on the night of the raid, what problems existed between particular soldiers and the people of Brownsville, and what complaints, if any, had been expressed

by the troops during the period of time they had been stationed at Fort Brown. Most of the soldiers questioned denied any knowledge of difficulties between soldiers and townspeople and stated they had been asleep when the shooting began and had assumed, upon awakening, that the garrison was being attacked. The soldiers' affidavits were attached to Lieutenant Colonel Lovering's report. Several soldiers testified to having heard expressions shouted such as "Black sons of bitches" while the firing was going on. (8:111) Several Negro soldiers testified that they had seen and heard men firing at the post. In notes made by Major Blacksom, and attached to the Lovering report, Blacksom stated the soldiers' "statements were based on flashes from rifles and sounds of bullets only." He found no evidence of bullets striking anywhere in the post. He also pointed out that the statements concerning the derogatory expressions were made by members of Company C, and that the men in Company C were the only ones (with one exception) who had had trouble in Brownsville. Nobody in B Company reported having heard the remarks, and their barracks were much nearer the firing than C Company's. (8:177)

The first testimony of the citizens of Brownsville was taken the day following the raid. The statements made by the townspeople were not taken under oath, but they were reported stenographically.

These statements were made to the citizens' committee which was operating on the assumption, as did all the witnesses, that the shooting had been done by the Negro soldiers.

Twenty-two witnesses appeared before the committee; eight of these persons identified the raiders as black soldiers. Five of the witnesses had actually seen the raiders and identified them as soldiers from the fort. The three remaining witnesses testified that they recognized them as Negroes by their voices. (8:440-445)

A later report admitted that there was much contradiction in the testimony of the townspeople, but stated contradictions concerned irrelevant and immaterial points. (1:23) However, these contradictions involved many facts vitally related to the incident. For example: some citizens said they saw men shooting pistols; some said they saw Winchesters; some saw five men in the uniforms of soldiers, while others saw twenty men. One witness saw a whole company. One witness who identified the raiders as Negroes made the identification from a distance of a hundred and fifty feet, a remarkable achievement in view of the fact the witness was 72 years of age, totally blind in one eye, had impaired vision in the other eye, and could not remember whether he was wearing his glasses at the time of the identification. (11:74)

The visibility at the time of night the raid was conducted was another matter about which there was much contradiction. The officers of the 25th demonstrated the darkness of the night with several incidents. Captain Macklin claimed not to have been able to see anything at 15 feet. (6:42)

4. All of the soldiers were dismissed without any positive identifications being made.

5. The sworn affidavits of the soldiers were not given equal consideration with the affidavits of the citizens of Brownsville.

6. The conflicting nature of the testimony of the eyewitnesses was not given sufficient consideration.

7. The actions taken in the incident at Brownsville were not in keeping with military and civilian justice whereby a man is innocent until proven guilty.

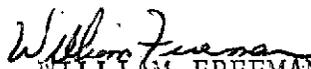
IV. EFFECTS, IMPLICATIONS, AND RECOMMENDATIONS

I believe the actions taken against the Negro soldiers stationed at Fort Brown in August of 1906 were in direct violation of their rights as American citizens.

It is possible that some of the Negro soldiers of the 25th Infantry Battalion were guilty of the raid upon the town of Brownsville. However, according to Anglo-American concepts of law and justice, a person is innocent until proven guilty, and he has a right to trial to prove his innocence or guilt. Another time-honored concept holds that it is the better part of justice when the guilty members of a group cannot be determined, to let the guilty go free rather than punish the innocent. The evidence gathered at Brownsville does indicate that a small number of the soldiers were guilty, but it does not justify the assumption that all members of Companies B, C, and D had any knowledge of the guilty persons.

This incident highlights and exemplifies the fact that the Army's racial problem is simply a manifestation of the racial situation in American society. During the time of the raid, it was the general feeling that Negroes would stand together to protect a criminal of their own race. Because of the general prejudices felt about Negroes during this period it was easier to believe they were guilty rather than innocent.

It is recommended that further research be conducted into the area of military history concerning blacks, in order to understand the origins of current problems.


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