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1. AGENCY USE ONLY (Leave blank)

(Leave blank)

2. REPORT DATE

2 June 1995

3. REPORT TYPE

Master's Thesis, 2 Aug 94 - 2 Jun 95

4. TITLE AND SUBTITLE

Does Anyone Care? Henry O. Flipper and the United States Army

5. FUNDING NUMBERS

FUNDING NUMBERS

6. AUTHOR(S)

Major John J. Taylor, U.S. Army

7. PERFORMING ORG

ORGANIZATION NAME(S) AND ADDRESS(ES)

U.S. Army Command and General Staff College
ATTN: ATZL-SWD-GD
Fort Leavenworth, Kansas 66027-6900

PERFORMING ORGANIZATION
REPORT NUMBER

9. SPONSORING / MONITORING AGENCY NAME(S) AND ADDRESS(ES)

SPONSORING / MONITORING AGENCY NAME(S) AND ADDRESS(ES)

SPONSORING / MONITORING
AGENCY REPORT NUMBER

11. SUPPLEMENTARY NOTES

12a. DISTRIBUTION / AVAILABILITY STATEMENT

Approved for public release, distribution is unlimited.

12b. DISTRIBUTION CODE

A

13. ABSTRACT (Maximum 200 words)

This study addresses the cadet and military times of Lieutenant Henry O. Flipper, the first African-American graduate of the United States Military Academy and the first African-American to serve as a regular Army officer. Lieutenant Flipper entered West Point ten years following the Emancipation Proclamation, in 1873. In 1877, he was commissioned a second lieutenant in the U.S. Cavalry and, in 1882, was dismissed from the U.S. Army for alleged "irregularities" in his commissary accounts. Flipper's brief Army career personifies the highest values and principles sought by the Army today. He was the epitome of a cadet and officer and gentleman. Even after his dismissal from the Army, he remained deeply patriotic to his country and went on to serve his country in many ways. An authentic American hero, Flipper proved a superb role model then and now to military leaders. He remained proud of himself, West Point, and the U.S. Army until his death in 1940.

DTIC QUALITY INSPECTED 5

14. SUBJECT TERMS

Henry O. Flipper

15. NUMBER OF PAGES

111

16. PRICE CODE

17. SECURITY CLASSIFICATION OF REPORT

Unclassified

18. SECURITY CLASSIFICATION OF THIS PAGE

Unclassified

19. SECURITY CLASSIFICATION OF ABSTRACT

Unclassified

20. LIMITATION OF ABSTRACT

Unlimited

DOES ANYONE CARE? HENRY O. FLIPPER AND THE UNITED STATES ARMY

A thesis presented to the Faculty of the U.S. Army
Command and General Staff College in partial
fulfillment of the requirements for the degree

MASTER OF MILITARY ART AND SCIENCE

by

JOHN J. TAYLOR, MAJ, USA

B.S., United States Military Academy, 1981

M.Ed., University of Texas at Austin, 1991

Fort Leavenworth, Kansas

1995

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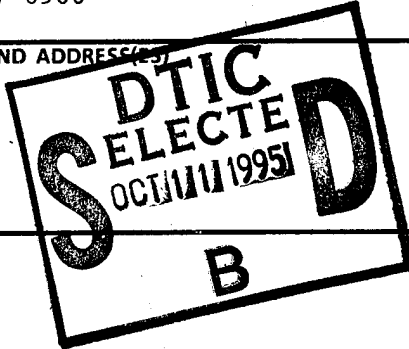
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REPORT DOCUMENTATION PAGE

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1. AGENCY USE ONLY (Leave blank)		2. REPORT DATE 2 June 1995	3. REPORT TYPE AND DATES COVERED Master's Thesis, 2 Aug 94 - 2 Jun 95	
4. TITLE AND SUBTITLE Does Anyone Care? Henry O. Flipper and the United States Army			5. FUNDING NUMBERS	
6. AUTHOR(S) Major John J. Taylor, U.S. Army				
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) U.S. Army Command and General Staff College ATTN: ATZL-SWD-GD Fort Leavenworth, Kansas 66027-6900			8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES) 			10. SPONSORING/MONITORING AGENCY REPORT NUMBER	
11. SUPPLEMENTARY NOTES				
12a. DISTRIBUTION/AVAILABILITY STATEMENT Approved for public release, distribution is unlimited.			12b. DISTRIBUTION CODE A	
13. ABSTRACT (Maximum 200 words) This study addresses the cadet and military times of Lieutenant Henry O. Flipper, the first African-American graduate of the United States Military Academy and the first African-American to serve as a regular Army officer. Lieutenant Flipper entered West Point ten years following the Emancipation Proclamation, in 1873. In 1877, he was commissioned a second lieutenant in the U.S. Cavalry and, in 1882, was dismissed from the U.S. Army for alleged "irregularities" in his commissary accounts. Flipper's brief Army career personifies the highest values and principles sought by the Army today. He was the epitome of a cadet and officer and gentleman. Even after his dismissal from the Army, he remained deeply patriotic to his country and went on to serve his country in many ways. An authentic American hero, Flipper proved a superb role model then and now to military leaders. He remained proud of himself, West Point, and the U.S. Army until his death in 1940. DTIC QUALITY INSPECTED 5				
14. SUBJECT TERMS Henry O. Flipper			15. NUMBER OF PAGES 111	
			16. PRICE CODE	
17. SECURITY CLASSIFICATION OF REPORT Unclassified	18. SECURITY CLASSIFICATION OF THIS PAGE Unclassified	19. SECURITY CLASSIFICATION OF ABSTRACT Unclassified	20. LIMITATION OF ABSTRACT Unlimited	

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DOES ANYONE CARE? HENRY O. FLIPPER AND THE UNITED STATES ARMY

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Command and General Staff College in partial
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MASTER OF MILITARY ART AND SCIENCE

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Accession For	
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ABSTRACT

DOES ANYONE CARE? HENRY O. FLIPPER AND THE UNITED STATES ARMY by MAJ John J. Taylor, USA, 106 pages.

This study addresses the cadet and military times of Lieutenant Henry O. Flipper, the first African-American graduate of the United States Military Academy and the first African-American to serve as a regular Army officer. Lieutenant Flipper entered West Point ten years following the Emancipation Proclamation, in 1873. In 1877, he was commissioned a second lieutenant in the U.S. Cavalry and, in 1882, was dismissed from the U.S. Army for alleged "irregularities" in his commissary accounts.

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ACKNOWLEDGMENTS

I am indebted to many people for their assistance in this endeavor. To begin, I would like to thank God who is first and foremost in my life. I would also like to thank my wife, Brenda, and my sons, Chad and Scott, for their understanding, encouragement, and love while I was involved in this project. My wife did all the editing and proofread every page of this thesis. Without her undying support, this project would never have gotten off the ground. She helped in more ways than even she knows.

In addition, I would like to acknowledge my committee members, Dr. Jerold E. Brown, CHAP (LTC) Erwin Wichner, and my good friend and West Point classmate, MAJ (Dr.) Donnie H. Horner, Jr. Their guidance, insight, and support were instrumental in making this a truly enjoyable experience for me.

Finally, I would like to thank my mother and father, John and Tula Taylor. Without them as my first role models in life, none of this would have been possible.

Any merit this thesis may have is the direct result of the generosity and kindness of all these selfless people. Any fault with this thesis lies solely with the author.

J.T.

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Henry O. Flipper

1875-1876

(Source: Flipper, *The Colored Cadet at West Point*, 1)

INTRODUCTION

In 1989, a member of the armed services made news not only for who he was, but for what he was as well. General Colin L. Powell was the first African-American to be named Chairman of the Joint Chiefs of Staff. The faces of today's military members are very different from those of fifty or even fifteen years ago! And, while many people today are aware of the distinction that General Powell holds, the name Henry O. Flipper is barely known within the military community.

In 1877, Henry Ossian Flipper emerged as one of the most important African-Americans of his time. He attended the United States Military Academy at West Point from 1873 to 1877. He was commissioned a second lieutenant in the cavalry in 1877, and in 1882 was dismissed from the Army for alleged irregularities in his commissary accounts.¹ Despite the misfortunes he encountered in the Army, he had a remarkable civilian career that spanned nearly sixty years. He surveyed enormous areas of Mexico and the United States; was an authority on Mexican land and mining laws; an author; interpreter; special agent of the Justice Department; aide to the Senate Committee on Foreign Relations; and an assistant to the Secretary of the Interior.²

Complementing his extraordinary civilian career, Henry O. Flipper accomplished two other phenomenal feats which are overlooked by many military historians: he was the "first" African-American graduate to receive a bachelor's degree from the United States Military Academy,

and the "first" African-American to serve as a regular army officer in the United States Army. He was also the "first" African-American officer to be dismissed from the service.

Henry Ossian Flipper was born 31 March 1856 of slave parents in Thomasville, Georgia. His mother, Isabella Buckhalter, a mulatto, "belonged" to the Reverend Reuben H. Lucky. His father, Festus Flipper, a skilled shoemaker and carriage trimmer, was the "property" of Ephraim G. Ponder, a prominent slave dealer. While the actual derivation of the names Buckhalter and Flipper is unknown--slaves usually adopted their masters' surnames--both parents appear to have had some "white blood," a racial background acknowledged by Flipper in his autobiography and somewhat obvious in his photographs.³

When Ponder decided to move his slaves from Thomasville to Atlanta in 1859, Festus Flipper persuaded his owner to purchase Isabella and their son from Reverend Lucky.⁴ Festus advanced Ponder the cash to make this transaction and the impending family separation was fortunately averted.

Henry O. Flipper was the eldest of five brothers, all of whom survived him, and like him made their mark in society.⁵ His next youngest brother, Joseph, became a bishop of the African Methodist Episcopal Church; Carl was a college professor in Savannah; E.H., a physician in Jacksonville, Florida; and Festus, Jr. became a prosperous farmer in Thomasville.⁶

As late as 1950, J. Frank Dobie described Henry O. Flipper as a truly "remarkable character," yet little is known or has been written about this trailblazer whose accomplishments in many ways equal those of

other great Americans, such as General Powell, Booker T. Washington, and George Washington Carver.⁷ Likewise, little if any attention has been accorded the fact that the guiding principles on which this great man built his successful life are the very ones that West Point and the Army desires in all of its leaders. He demonstrated a unique blend of patience, scholarship, and self-discipline. More importantly, he demonstrated to all Americans that African-Americans did possess the soldierly attributes of dedication and military leadership and were indeed capable of becoming "officers and gentlemen." Thus, this thesis will address the major aspects of the cadet and military career of this remarkable man and show how current and future Army leaders can use Flipper as a role model when examining "leaders of character" from our nation's past.

Endnotes

¹Ezra J. Warner, "A Black Man in the Long Gray Line," *American History Illustrated* 9 (January 1970): 30.

²Henry O. Flipper, *Negro Frontiersman: The Western Memoirs of Henry O. Flipper, First Negro Graduate of West Point*, ed. Theodore D. Harris (El Paso: Texas Western College Press, 1963), 16; Warner, 30.

³Henry Ossian Flipper, *The Colored Cadet at West Point: Autobiography of Lieut. Henry Ossian Flipper, U.S.A., First Graduate of Color from the U.S. Military Academy* (Autobiography first published in 1878 and republished in 1969; reprint, New York: Homer Lee & Co., 1878), 8-9; (Cited hereafter as Flipper.); Warner, 30.

⁴Flipper, 8; Steve Wilson, "A Black Lieutenant in the Ranks," *American History Illustrated* 8 (December 1983): 31.

⁵Larry R. Jordan, "A Different Centennial: Henry O. Flipper, USMA 1877, First black Graduate," *Assembly* 1 (June 1977): 5; Wilson, "A Black Lieutenant," 31.

⁶Carter G. Woodson, "Joseph Simeon Flipper," *Journal of Negro History* 30 (January 1945): 109; Warner, 30.

⁷J. Frank Dobie, *Apache Gold and Yaqui Silver* (Boston: Little, Brown and Company, 1950), 203.

CHAPTER I

THE ROAD TO WEST POINT

First African-Americans at West Point

Flipper remained the first and only African-American to graduate from the United States Military Academy at West Point for ten years. He was actually the fifth African-American admitted to the Academy however; the first was Michael Howard, a "full-fledged Negro" from Mississippi in 1870. James Webster Smith, an "octoroon" [a person having one-eighth Negro ancestry] from Columbia, South Carolina followed.¹ Henry A. Napier of Tennessee and Thomas Van R. Gibbs of Florida had also been accepted as cadets prior to Flipper's arrival.² Both Napier and Gibbs were claimed to have had academic shortcomings and were subsequently discharged. By the time Flipper arrived at the Academy, Smith was the only African-American in attendance.

The early African-American cadets at West Point were totally ignored by the Corps of Cadets. White cadets merely left them alone, and few were able to withstand four years of complete isolation, stay at the Academy, and do good enough academically in order to graduate. For example, white cadets would not sit at the same table in the mess hall with James Webster Smith, the first member of a minority race to attend a service academy, even when Superintendent Thomas Pitcher placed two cadets under arrest for refusing to sit with him. One of Smith's

classmates charged that "all he [Smith] wanted was social equality, not an education."³

Throughout the Reconstruction period, the treatment of African-Americans at West Point was a popular subject in newspapers and magazines. The media implied that there was a conspiracy by the cadets and the staff and faculty at West Point and the Army as a whole to ostracize African-Americans. In actuality, racial prejudice was neither higher or lower at West Point or in the Army in general because these institutions merely reflected the attitudes held by society--which meant that racial prejudice was indeed high!⁴

Having received an appointment to West Point, prospective cadets, such as Flipper, entered the Academy in late May or early June. Wearing the title, "cadet candidates," they were examined by the Academic Board in six subjects--arithmetic, reading, history, geography, grammar, and writing. After preliminary examinations, the cadet candidates were admitted as "conditional cadets" and did not receive the official title of "cadet" until they successfully passed a comprehensive examination the following January.⁵

Why West Point?

Preparation for the road to West Point for Flipper began long before the age of admission (seventeen years old) to the Academy. In 1856 Thomasville was a small, rural Georgia community, so Flipper was destined to grow to maturity in the city of Atlanta. Shortly after his birth, the Flipper family was taken to Atlanta by their "owner," Ephraim G. Ponder, a prominent capitalist in ante-bellum Atlanta.⁶

During the mid-1880s, Atlanta was one of the South's few genuine metropolitan centers. That is, it was the hub of transportation, commerce, and craft industry, surrounded by prosperous farms and plantations. The diversification and rapid growth of the Atlanta economy afforded socio-economic opportunities for its African-American population, slave as well as free, which were unique in the South.⁷

For instance, a small lower-middle class of free African-Americans engaged in craft industries and other skilled trades began to flourish in Atlanta. These expanding economic opportunities motivated urban slave owners to train their slaves in profitable crafts. Eventually, many of the more productive craftsmen were permitted to retain a share of their earnings. Consequently by the time the Flipper family had been brought to Atlanta, a small class of elite craftsmen had joined together to form an African-American "petite bourgeoisie." And the bulk of this class, as well as the slave house servants in Atlanta homes, were mulatto in ethnic composition; that is, mixed bloods of varying degrees of racial admixture.⁸

Ephraim Ponder, the Flipper family's "master," owned sixty-five slaves. Most of Ponder's slaves were skilled mechanics and Ponder permitted them to contract out their work at their own price. Festus Flipper, Henry Flipper's father, possessed the ability and ambition to take full advantage of these unique economic opportunities. Despite the restraints of his slave status, he revealed a remarkable streak of rugged individualism and zeal for enterprise when he was able to raise the money to purchase his own wife and son for the Ponder estate,

persuading Ponder to reimburse him at a later date.⁹ As a highly skilled shoemaker and carriage trimmer, he became one of Ponder's most successful slaves and eventually earned his way into the slave elite of Atlanta's African-American community. He also rose to a position of high trust in the Ponder household and was appointed custodian of the Ponder property in Macon, Georgia, where the family had fled in 1864 as Sherman's army approached Atlanta.¹⁰

As an eight-year-old child, Flipper identified himself instinctively with his Southern homeland when Sherman's army invaded Georgia. Shocked by the sight of Confederate corpses dangling on tree limbs in the wake of Union Army military executions, he swore a child-like oath to become a soldier and someday avenge those Confederate dead. Naturally in the emotion of the moment, his boyish mind temporarily forgot that the Confederates were his oppressors and the Federals his liberators. Nevertheless, it was this boyhood incident of Southern sentiment that probably contributed to some of his earliest motivation to attend West Point and eventually become a soldier.¹¹

In the spring of 1865, Festus Flipper, entirely on his own initiative and not even certain of his own legal status as slave, contraband, or freedman, returned with his family to a federally-occupied Atlanta to seek out his fortune.¹²

Festus Flipper established a bootmaker and shoemaker shop in downtown Atlanta and it grew rapidly into a highly successful business. Like many of the African-American owned businesses in Atlanta after the war, his shop attracted a white as well as an African-American clientele.¹³ He always carried himself in an unassuming manner when

dealing with his white clientele. Consequently, he provided his son Henry with an example of the advantages of such behavior for an ambitious African-American in nineteenth-century America.

Moreover, this type of behavior and attitude paid dividends in terms of being accepted by the white majority. For example, Henry Flipper reprinted an article in a white newspaper in Thomasville which praised his father's conservative conduct:

Among colored men we know of none more honorable or more deserving than [Festus] Flipper. His character and deportment were ever those of a sensible, unassuming, gentlemanly white man. Flipper possessed the confidence and respect of . . . all who knew him. His wife, . . . Isabella, . . . bore a character equal to that of her husband.¹⁴

Thus, young Henry Flipper grew up in a community and family environment which was strongly oriented toward the traditional, nineteenth-century values of initiative, hard work, thrift, conventional morality, and outward respectability. Like his parents and community, Flipper perceived success and upward social mobility as the inevitable rewards of embracing this value-laden orientation. The influence of these values on Flipper was also reinforced through his education in an African-American school and college under white Puritan teachers from New England.

Apparently, Flipper's ultimate motivation in seeking an appointment to West Point was utilitarian: West Point offered a great opportunity to better his position in life. Also, according to Flipper, West Point was just the vehicle he needed to improve his position in life.¹⁵ Sitting in his father's bootshop in 1872, Flipper overheard a customer mention an upcoming vacancy at the U.S. Military Academy.

Naturally, such news would be exciting for a young man who believed in the importance of education, and had sufficient role models in the "petite bourgeois" elite in Atlanta's growing middle-class Negro community.

As a black person in Georgia in an atmosphere of heightened hatred and distrust brought about, in part, by Radical Reconstruction¹⁶--Flipper's hope to obtain an appointment to West Point depended on the election of a Radical Republican candidate from his district. James C. Freeman, a native Georgian and planter from Griffin, Georgia, won on the Republican ticket in the 1872 election and was elected to the House of Representatives. As soon as Freeman took office, Flipper immediately began bombarding him with letters to obtain an appointment to West Point. Freeman's responses (all of which can be found in Flipper's autobiography) suggest that he liked the political implications of making a Negro appointment to West Point--especially a Negro who was well-qualified.

That African-Americans were being appointed to West Point should not have been a surprise to either Academy officials or to the American public. Following the Civil War, enrollment at the Academy was slowly increasing from the prewar period. West Point had 220 cadets in 1843 and 231 in September 1870. In a 1971 article, *West Point and the First Negro Cadet*, William P. Vaughn pointed out that southern states

were dominated by:

Radical Republicans, coalition of blacks, carpetbaggers, and native whites. Negroes formed a majority of the population, and it was only a matter of time until some Congressman rewarded his black supporters with an appointment to the Academy.¹⁷

Freeman took great pains to ensure that Flipper would not embarrass him politically by failing the West Point entrance exams. For example, Freeman's first response to Flipper stated that he knew nothing of him nor of his qualifications but that this could be remedied by forwarding personal recommendations of him from other prominent Republicans in his district.¹⁸ It appears Freeman attempted to choose his African-American appointee with the same care that Branch Rickey used to pick Jackie Robinson to play baseball for the Brooklyn Dodgers after W.W.II.

Whatever may have been Congressman Freeman's motivation, whether he was a crusader, opportunist, or a complicated mixture of both, the fact remains that he did grant Flipper an appointment to West Point. Without question, this appointment was a courageous act for a native-born white Southerner!

When the news of his appointment was announced, Flipper rejected the advice of many white Southerners that he not assault the color barrier at West Point. In fact, even the offer of a \$5,000 bribe by a white Atlantian who wanted his own son to go to West Point in Flipper's slot did not sway young Flipper.¹⁹ Flipper's response to such urgings was:

I have a due proportion of stubbornness in me, I believe, as all of the Negro race are said to have, and my Southern friend might as well have advised an angel to rebel as to have counseled me to resign and not go.²⁰

The appointment was an answer to Flipper's dream. Having passed the preliminary examinations, he became a "conditional cadet" on 1 July 1873.

Flipper's Early Education

Interestingly, the first book that Henry O. Flipper learned to read was a Confederate edition of Webster's *Blueback Speller*.²¹ It was this textbook and the crude woodshop school room where a fellow slave taught him to read at the age of eight that constituted the basic formal elements of his education. It is conceivable also that his parents' teachings and the teachings of New England missionaries reinforced his value of education and led him to believe strongly in formal education as an initial step in furthering the Negro's advancement.

After the Confederate surrender in 1865, his father, now a free man, hired a private tutor to teach his sons reading and writing. Ironically, the tutor was the wife of an ex-Confederate Army captain.²² However, no irony whatsoever was intended when Flipper acknowledged his indebtedness to the wife of "an ex-rebel captain" who offered with "remarkable condescension" to tutor him and his brother after the war "for a small remuneration."

Flipper was ten years old when he embraced and demonstrated true skills in reading and writing.²³ In 1866, he enrolled in Atlanta schools for new freedmen operated by the American Missionary Association (AMA) in cooperation with the War Department's Freedmen's Bureau.²⁴ The Freedman's Bureau, established by Congress in 1865, assisted former slaves by giving them food and finding jobs and homes for them after the

Civil War. The bureau also established hospitals and schools, including such institutions of higher education as Hampton Institute, Fisk, Howard, and Atlanta universities.²⁵ In 1867, Flipper entered the AMA's famous Storrs School, the forerunner of Atlanta University, and in 1869 he enrolled in Atlanta University's college preparatory department until he departed for the United States Military Academy.²⁶

Endnotes

¹Ezra J. Warner, "A Black Man in the Long Gray Line," *American History Illustrated* 9 (January 1970): 32; Larry R. Jordan, "A Different Centennial: Henry O. Flipper, USMA 1877, First Black Graduate, " *Assembly* 1 (June 1977): 6.

²Warner, 33.

³Stephen E. Ambrose, *Duty, Honor, Country: A History of West Point* (Baltimore: Johns Hopkins Press, 1966), 231-32.

⁴Ambrose, 233; George L. Andrews, "West Point and the Colored Cadets," *The International Review* 9 (November 1880): 479-84.

⁵Warner, 32-33.

⁶Franklin M. Garrett, *Atlanta and Environs: A Chronicle of Its People and Events* (Athens, GA: University of Georgia Press, 1954), 511-12.

⁷August Meier and David Lewis, "History of the Negro Upper Class in Atlanta," *Journal of Negro Education* 28 (March 1959): 128-39.

⁸Franklin E. Frazier, *Black Bourgeoisie: The Rise of a New Middle Class in the United States* (New York: Free Press, 1957), 77.

⁹Henry Ossian Flipper, *The Colored Cadet at West Point: Autobiography of Lieut. Henry Ossian Flipper, U.S.A., First Graduate of Color from the U.S. Military Academy* (Autobiography first published in 1878 and republished in 1969; reprint, New York: Homer Lee & Co., 1878), 11. (Cited hereafter as Flipper); Garrett, 511-12.

¹⁰Flipper, 11.

¹¹*Ibid.*, 15-16.

¹²*Ibid.*, 12.

¹³Garrett, 511-12; August Meier and David Lewis, "History of the Negro Upper Class in Atlanta, Georgia, 1890-1958," *Journal of Negro Education* 28 (March 1958): 128-36.

¹⁴Flipper, 14.

¹⁵*Ibid.*, 17-18.

¹⁶Flipper, 18-20; Warner, 32; Jordan, 4. The victory of the North in the Civil War put an end to slavery and to the South's effort to secede from the Union. For more than a decade after the Civil War, the status of liberated slaves and the terms in which the defeated states would be restored to the Union; that is, the way in which the South and the Union would be reconstructed remained a source of conflict. The years during which the Civil War settlement continued to be contested are known as the Reconstruction period. From the outset of Radical Reconstruction, the Ku Klux Klan and other extralegal

organizations sought to convert the biracial governments of the South into governments of white men. These organizations included the Red Shirts, the Regulators, the White Line, and the Knights of the White Camelia. These terrorist groups maimed, whipped, and hanged blacks and their white allies and drove them out of the communities in which they lived. For a more detailed discussion of Reconstruction see Page Smith, *Trial by Fire* (New York: McGraw-Hill, 1986), 705-732; 843-856.

¹⁷William P. Vaughn, "West Point and the First Negro Cadet," *Military Affairs* 35 (October 1971): 100.

¹⁸Flipper, 18.

¹⁹Steve Wilson, "A Black Lieutenant in the Ranks," *American History Illustrated* 8 (December 1983): 31.

²⁰Flipper, 27.

²¹*Ibid.*, 11.

²²*Ibid.*, 12.

²³Wilson, "A Black Lieutenant," 31.

²⁴Flipper, 12-13; Myron W. Adams, *The History of Atlanta University* (Atlanta: Atlanta University Press, 1930), 2-3, 6.

²⁵Page Smith, *Trial by Fire* (New York: McGraw-Hill, 1982), 619-24.

²⁶Flipper, 12-13.

CHAPTER II

"COLORED" CADET AT WEST POINT

Socially Ostracized

Like the rest of society, cadets and faculty at the United States Military Academy held attitudes that were prevalent throughout the country during the late 1800s. Many Anglo-Americans registered shock and resentment when African-Americans were first appointed to the Academy. To many of them accustomed to the dogma of "Negro inferiority," appointments of African-Americans served as evidence that African-Americans were attempting to achieve social equality and force an "unnatural" relationship with whites. As a result, African-Americans who entered the Academy during this early period were ostracized, and every effort was made to show that their presence was not appreciated.¹

Evidence of this rejection had already surfaced in the Academy's dealings with the four African-American admissions prior to Flipper. In addition to Napier and Gibbs, Howard, the first African-American admitted, was rejected by the Academic Board for deficiencies in all subjects and was sent home. Smith, whose father was a veteran of Sherman's Army and a prominent alderman in South Carolina, passed the preliminary examinations, but endured four tortuous years at West Point. During his tenure, he was court-martialed twice, turned back a year, found deficient in Natural and Experimental Philosophy [Physics], and was eventually dismissed.²

The leadership in the Army also failed to solve the treatment of African-American cadets at West Point. In a letter to General Oliver O. Howard, the founder of Howard University and former-head of the Freedman's Bureau, General Sherman said:

I do not believe West Point is the place to try the experiment of social equality. All else has long since been conceded. Social equality must be admitted in civil life, in Congress, the Cabinet, and the Supreme Court before it is enforced at West Point.³

Furthermore, most Americans readily agreed with the Academy's Superintendent, John M. Schofield, that it was unreasonable "to expect . . . Negroes to compete with whites, and a mistake to make them try."⁴ Given these attitudes, it is not surprising that the Academy administration was unable to create a more receptive attitude among white cadets and prevent social ostracism of its African-American cadets.

Flipper saw formal education as the key to personal as well as intellectual maturity. He maintained that racial prejudice was not simply a matter of color, but a problem of differing intellectual and moral levels which could be solved through formal education.⁵ In this regard, he wrote:

Color is of no consequence in considering the question of equality socially Want of education, want of the proof of equality of intellect, is the obstacle, and not color. And the only way to get this proof is to get education, and not by 'war of races.'⁶

Despite what appears to be an incomplete explanation for racial prejudice, and Flipper's outright dismissal of color as a determinant in prejudice, he most assuredly suffered psychologically from social ostracism. For instance, there were numerous times at West Point when Flipper's outward optimism would breakdown to be replaced by periods of

depression and helplessness. Highlighting one of these periods, he wrote:

This distant haughtiness assumed by some of them, and the constant endeavor to avoid me, as if I were 'a stick or a stone, the veriest poke of creation, 'had no other effect than to make me feel as if I were really so, and to discourage and dishearten me. I hardly know how I endured it all so long. If I were asked to go over it all again, even with the experience I now have, I fear I should fail. I mean of course the strain on my mind and sensitiveness would be so great I'd be unable to endure it.⁷

In contemplating the reasons for his classmates' behavior, Flipper posited what he believed to be two causes for their actions. The first being the low educational level attained by most white cadets and the second being social conformity. Flipper remembered that he was treated courteously by his instructors, but that his fellow cadets often treated him with disdain.⁸ It appears that the faculty at the Academy were more learned, enlightened, and mature than the cadet student body. Accordingly, only rarely did a white cadet ignore the pressures of social conformity and exchange pleasantries with him.⁹ Consequently, during his entire four years at West Point, many of his fellow cadets spoke to him **only** on official business (that is, in the classroom or on the drill field).

Socially, Flipper admitted, he was in limbo during his four years at the Academy, as might have been expected in a society less than a decade removed from legal slavery. In spite of the overt social ostracism, Flipper remembered being treated as an equal in private dealings with his classmates.¹⁰ In his autobiography, Flipper wrote of an individual who had expressed regret at the treatment Flipper had been receiving and "assured me that he would be a friend and treat me as a

gentleman should."¹¹ It appears that many of his peers publicly ignored him out of fear of being labeled a friend of the "Negro," rather than out of any deep-seated feelings of contempt.¹²

The other cause Flipper believed to be influential on his classmates' behavior toward him was the power of social conformity, or, what today's social psychologists would call "peer group" influences. In his autobiography, Flipper spoke of a "poor white class" of people in the South who were, he believed, intolerant of African-Americans simply because of their need to conform socially to their peers. Flipper maintained that people are prejudice "because they know others are for some reason, and so cringing are they in their weakness that they follow like so many trained curs,".¹³

Likewise, he maintained, even the more highly educated cadets at West Point were subject to the pressures of social conformity. Thus, he believed that these cadets were also "restrained by the force of opinion of relatives and friends" from overtly associating with him.¹⁴ Flipper's classmates, like other "poor white Southerners," suffered from a "cringing dependence" on their peer group's norms which fostered an intolerance toward African-Americans. In his autobiography [which is, incidentally, considered one of the earliest authenticated autobiographies written by an African-American], Flipper wrote "many a cadet has openly confessed to me that he did not recognize us [African-Americans] because he was afraid of being 'cut' [by his peers]".¹⁵

Passive Resistance

During his four years at West Point, Flipper practiced a form of "passive resistance" long before this concept was popularized by Gandhi, the Dali Lama, and Martin Luther King, Jr.--all which are now world renowned! He exhibited unbelievable self-control under what had to be a tremendously distressful environment. In particular, he reacted to every affront by "turning the other cheek." He believed that people could be shamed of their prejudice and persuaded to change their way of thinking if confronted by a victim who passively endured the suffering put upon him. He often spoke of himself as "passively resisting" his tormentors while at West Point.¹⁶

Flipper had decided, even before he entered the Academy, to do everything within his power to avoid antagonizing his classmates or as Smith warned him to refrain from any "forward conduct" if he wanted to avoid any unpleasant consequences. Apparently, this decision was made before Flipper left his home in Atlanta. When a local newspaper wanted to announce his appointment with a detailed biography, Flipper refused saying "too great a knowledge of me should proceed me, such, for example, as a publication of that kind would give."¹⁷ Fully conscious of his social inferiority, young Flipper, who was not a "grad" yet, was careful not to draw any attention to himself. This recognition would have to wait until he had paid his dues.

Graduation

On June 14, 1877, Flipper graduated from the Academy. He had little trouble with academics. It appears his prior studies in the

American Missionary Association school and the four years at Atlanta University gave him the academic background to make it through the Academy's curriculum. It is also possible that his solitary life may have helped him academically in that he was able to concentrate on his studies with literally **no** distractions. He excelled in engineering, geology, and Spanish.¹⁸ When he stepped forward to receive his diploma, he drew a heartwarming applause from the spectators and, surprisingly, also from his fellow cadets who had virtually ignored him in public during the past four years.¹⁹ After graduation, he wrote:

Even the cadets and other persons connected with the Academy congratulated me. Oh how happy I was! I prized these good words of the cadets above all others. They did not hesitate to speak to me or shake hands with me before each other or anyone else. All signs of ostracism were gone.²⁰

Flipper graduated fiftieth in a class of seventy-six cadets. He was commissioned a second lieutenant and assigned to frontier duty with the Tenth U.S. Cavalry, one of two black cavalry regiments known by many as the Buffalo Soldiers. Of the seventy-six members in his graduating class, sixty-two including Flipper, received "frontier duty" as their initial assignments. Three of his classmates would receive the Medal of Honor for heroic action during the Indian Wars; one became Governor of Wyoming; one served as Superintendent of the Military Academy; one became the Chief of Engineers, and ten became general officers--certainly a distinguished record of accomplishments for such a small class especially during a period absent of a total war.²¹

Keys to Success

Being the first African-American to graduate from West Point, it appears logical that Flipper at least established the initial pattern for success among African-Americans at the Academy. In the fifty years after the Civil War, West Point would admit thirteen African-Americans cadets, of whom three graduated and one would rise to the rank of colonel. During the same period, the Naval Academy did not admit a single African-American midshipman.²² Each succeeded, in part, by adhering to Flipper's advice: Dedication, hard work, and humility are the keys to graduation from West Point.²³ George L. Andrews, an 1851 graduate of West Point and a professor at the Academy, wrote:

As to the best course to be pursued by a colored cadet, it seems to be indicated by Flipper's success. He conducted himself in a straightforward, self-respecting manner, neither cringing nor meeting trouble more than half way. He never obtruded himself upon others, nor did he appeal either to the authorities of the Academy or to outside influences.²⁴

Consequently, at least in the eyes of his white classmates, Flipper's success at West Point can be attributed to the fact that he "never pushed." Flipper was smart enough to ignore his classmates just as much as they ignored him, go through four years of a monk's existence, and graduate.

An Example

Flipper was aware of the symbolic role into which he had been cast, and he truly believed that an educated "Negro" could achieve a predominant role in American society.²⁵ Pointing to himself as an example, he hoped that his success would serve as an example of the

equality of intellectual potential for all Americans, not just African-Americans.²⁶

In retrospect, it seems that his success had little impact on the nation's African-American masses. However, the story of his success did have selective impact. For instance, forty-five years after Flipper's graduation, James Weldon Johnson, noted teacher, politician, lawyer, and militant crusader for civil rights, credited Flipper's accomplishment in motivating him toward high achievement.²⁷

Reflections on Flipper's West Point Experience

Flipper's success at West Point fulfilled two sociopolitical objectives. First, he proved that an African-American appointee could graduate in four years despite the social isolation, insults, and formidable academic curriculum. He also demonstrated that his suffering and perseverance had a higher purpose; namely, that his success would beckon other African-Americans to follow his outstanding example and follow in his footsteps. This social obligation forced him to avoid failure in all aspects of his West Point experience and strike the delicate balance between accommodation and disorder.

Second, his victory enabled the black community to realize its dream of having African-American officers in the U.S. Army. Since their participation in America's wars was significant, blacks had consistently campaigned for military recognition and equality. Prior to Flipper, America's distrust and lack of faith in black military leadership was exemplified by only having white officers commanding black troops. The success of Henry O. Flipper would now force the War Department to

reassess its beliefs and initiate changes in its military policies.

Endnotes

¹George L. Andrews, "West Point and the Colored Cadets," *The International Review* 9 (November 1880): 479; Larry R Jordan, "A Different Centennial: Henry O. Flipper, USMA 1877, First Black Graduate," *Assembly* 1 (June 1977): 25.

²Ezra J. Warner, "A Black Man in the Long Gray Line," *American History Illustrated* 9 (January 1970): 32-33.

³Stephen E. Ambrose, *Duty, Honor, Country: A History of West Point* (Baltimore: Johns Hopkins Press, 1966), 236; Sherman papers, Dec 7, 1880. Interestingly, this is the same argument that was used to oppose integration in the 1940s. It was also echoed against the integration of women into the armed services.

⁴Ambrose, 237.

⁵Henry O. Flipper, *The Colored Cadet at West Point: Autobiography of Lieut. Henry Ossian Flipper, U.S.A., First Graduate of Color from the U.S. Military Academy* (Autobiography first published in 1878 and republished in 1969; reprint, New York: Homer Lee & Co., 1878), 178-82. (Cited hereafter as Flipper.)

⁶Flipper, 184.

⁷*Ibid.*, 145-46.

⁸Flipper, 120-21; Henry O. Flipper, *Negro Frontiersman: The Western Memoirs of Henry O. Flipper, First Negro Graduate of West Point*, ed. Theodore D. Harris (El Paso: Texas Western College Press, 1963, 21; Jordan, 4.

⁹Flipper, 124.

¹⁰*Ibid.*, 143.

¹¹George S. Pappas, *To the Point: The United States Military Academy, 1802-1902* (Westport, CT: Praeger, 1993), 382-83.

¹²Warner, 33; Jordan, 4.

¹³Flipper, 153.

¹⁴*Ibid.*, 28.

¹⁵Margaret Just Butcher, *The Negro in American Culture* (New York: New American Library, 1957), 120-23; Flipper, 128.

¹⁶Flipper, 136.

¹⁷Pappas, 382.

¹⁸*Official Register of the Officers and Cadets of the U.S. Military Academy* (New York: U.S. Military Academy, 1877), 13; Steve Wilson, "A Black Lieutenant in the Ranks," *American History Illustrated* 8 (December 1983): 33.

¹⁹Wilson, "A Black Lieutenant," 32.

²⁰Flipper, 244.

²¹George Washington Cullum, *Biographical Register of the Officers and Graduates of the U.S. Military Academy* (Boston: Houghton Mifflin, 1891), 8.

²²"Negro Cadet Issue, Appointment of Holley Deplored by Officers in Navy--The Color Line at Both Academies," *New York Times*, 9 April 1922, sec. 9, 1.

²³Jordan, 25; Flipper, 19-20.

²⁴Andrews, 484.

²⁵Flipper, 181.

²⁶*Ibid.*, 185.

²⁷James Weldon Johnson, *Along This Way* (New York: The Viking Press, 1933), 57-58.

CHAPTER III

A SHORT ARMY CAREER

At last the U.S. Army had an African-American officer in its ranks. Celebrated in New York, Atlanta, and Charleston, Second Lieutenant Henry O. Flipper became a national celebrity in an overnight. Immediately following his graduation, for example, a representative of the Liberian Exodus Movement offered him the post of Generalissimo of the Liberian Army. Opposed to Liberian colonization by American Negroes, Flipper respectfully declined.¹

The *Army and Navy Journal* published Flipper's letter of refusal while he was en route to his first duty assignment.² The letter was printed in the column regularly reserved for news about the Tenth Cavalry and was followed by a satirical editorial commentary about the Tenth for having a former general as its most junior officer. Apparently, Flipper did not disapprove of his letter being widely published. Being a graduate of West Point and now a commissioned officer in the U.S. Army, he probably perceived a change in his social status. It was now 'ok' to have some notoriety in the paper because he had earned it. It is also conceivable that this incident did not enhance Flipper's ability to make a good first impression with some of the officers in his regiment because the rest of society and the Army was too hypocritical to give him the status he had justifiably earned.

After graduation leave, duty called for Flipper at Fort Concho in San Angelo, Texas. Arriving in Houston, he learned that his company had been ordered to Fort Sill, Oklahoma. He proceeded to Fort Sill, arriving there by stagecoach on New Year's Day, 1878.³ Thus, Henry O. Flipper rode into what would become the early years of a new era for African-Americans in the United States Army.

African-Americans in the Regular Army

At the direction of Congress, the Army was reorganized for peacetime after the Civil War. In just recognition of the bravery and valor demonstrated by the "colored" soldiers during the Civil War, the Ninth and Tenth Cavalry (Flipper's), and the Thirty-eighth, Thirty-ninth, Fortieth, and Forty-first Infantry, were designated as "colored" regiments. As the Army continued to work toward downsizing, the Thirty-eighth and Forty-first became the Twenty-fourth Infantry, and the Thirty-ninth and the Forty-first became the Twenty-fifth. Consequently, there were four "colored" regiments from 1870 to 1901.

These new regiments comprised a mixture of veterans from volunteer units, newly released slaves, and freedmen without prior military experience. Eventually, the makeup of African-American soldiers began to change. The Army began to attract young men from the North and East who had more education and were more self-reliant. (Flipper, for example, had four years of college preparatory schooling before entering West Point.) This so-called "new breed" of African-American soldier depended less and less on white officers in their day-to-day routine. For instance, the Ninth Cavalry shocked the Army by not

having a single AWOL soldier for a period of twelve months, an unheard-of and undreamed-of record for a frontier Army during the 1800s.⁴

It appears reorganization was not an attempt to segregate blacks from whites. To the contrary, it was meant to ensure a legitimate place for African-Americans in the future Army.⁵ A special Bureau for "Colored" Troops was set up in the Adjutant General's office to deal with the recruiting, training, and disposition "United States Colored Troops."⁶

In characterizing the Army's so-called *Negro* policy during this period, L.D. Reddick in his article, "Negro Policy of the United States Army," offered the following:

1. The overall preference of the Army has been that there should be no Negroes in it at all but since this preference must be qualified by need, Negroes are to be used only when and where they are required by manpower shortages and by public pressures.
2. The overall preference of the Army has been that no Negroes should be in positions of authority in it but if they must be, they shall be limited and shall be over Negro personnel only.
3. The overall preference of the Army has been that its Negro soldier shall be segregated not only from their non-Negro fellow soldiers but also from non-Negro civilians--especially women--at home and abroad.
4. The Army's overall preference has been that there should be no Negro heroes but if there must be awards granted to Negro soldiers for extraordinary endeavor, these should be for preserving supplies and other military properties, for saving the lives of Army personnel--especially of white officers--rather than for heroic performance, under fire, against the enemy.⁷

These policies were not testimonials to the espoused legitimacy of blacks in the Army; instead, they offered that blacks were, in effect, necessary "evils" that "may" have to be incorporated into units. Thus with Flipper serving openly as an officer and prestigious USMA graduate,

the Army was facing a major dilemma in that the organizational structure and social interactions of its members would now have to be reexamined.

Needless to say the Army is a micro-cosm of society and perpetuated society's at large beliefs about the African-American. Thus, there was a considerable amount of apprehension to arm masses of African-Americans especially in areas of the country where they outnumbered whites.⁸ It may be that the reputation of the African-American soldier during the 1800s as well as other periods throughout history was more dependent on race than deeds. Among the factors on which the African-American soldiers' reputation were based included:

1. The long peace of Europe from 1870 to 1914 made for the full tide of the expansion of European culture, including white supremacy, all over the world.
2. The rise of the poor white in the South, followed the undoing of Reconstruction; the North turning its attention to money-making, appeared to be content to let the South have its way with the Negro.
3. Southerners, who were out of the Army for the most part during the Civil War and the two decades following it, were flocking to it again, in droves. Most of them were men "on the make," men who in their economic and social poverties [sic] were hungry for prestige and status. They were the military counterparts of the yeoman whites who were emerging in politics and who did so much to disfranchise and jim crow Negroes in the South. Their philosophical smoke screen was the "turn the other cheek" rationale provided by Booker T. Washington.⁹

Duty With the Tenth Cavalry

Trim and standing almost six-feet-two-inches tall, Flipper's assignment to the Tenth Cavalry was the fulfillment of yet another dream. He was assigned to Troop A under the leadership of Captain Nicholas Nolan, an Irishman and famed fighter of Indians who had risen through the ranks. Nolan, who was born in Ireland, served as a private,

corporal, and sergeant in the Army from 1852 to 1858. During the Civil War, he was commissioned an officer. In as much as the Irish had been persecuted by the English, Nolan, like Flipper, had experienced prejudice and took an immediate liking to him. He invited Flipper to move in with him and his family.¹⁰

At forty-three years old, Nolan was widowed with an eight-year-old son. He eventually married twenty-one-year-old Annie Dwyer of San Antonio, Texas and brought her and her sister, seventeen-year-old Mollie Dwyer, back to Fort Sill with him. Mollie and Flipper became close friends and spent a great deal of time enjoying each others' company. According to Flipper, they spent time horseback riding together with other officers and their ladies. Whereas Flipper reported in his autobiography that he had, to that time, received fair and gentlemanly treatment from his fellow officers, his troubles in the Army undoubtedly began to mount, in part, from his close social relationship with Mollie.¹¹

It appears that Nolan was the only one willing to stand up and right a wrong on Flipper's behalf. In defense of his decision to receive Flipper at his quarters, he wrote a letter to *The Army and Navy Journal* praising Flipper's character and abilities and claimed that Flipper was liked and respected by the officers of the garrison.

Social Ostracism Revisited

During Flipper's brief military career (1877-1881), he remained an introspective, almost stoic person who guarded against revealing his emotions. It did not help that frontier military life--the American

Southwest--only allowed the wives and children of white military officers and enlisted men in the area.¹² Thus, Flipper's social life was limited. The ten or so other officers in his regiment rarely, if ever, invited him to their quarters during off-duty hours. When dinner parties, musicales, picnics, and other outings were held, he was not invited. On New Year's Day in 1881 only one officer visited him, and Flipper stated "the rest of the officers on the Post were hyenas."¹³ Flipper's counsel would use this statement to illustrate the despicable nature of Flipper's fellow officers at his court-martial four years later. His counsel would say, "It is a fact well known that he has not had those advantages of companionship and association with his brother officers which are such a help to us all in meeting the emergencies which are liable to come upon us at unexpected moments."¹⁴

One of the few pleasures of frontier army life was the presence of wives and children. This undoubtedly made the lonesome life on the frontier plains endurable. Nevertheless, Flipper was never really comfortable in the company of anyone, and was far less uncomfortable with men than with women. It appears that he rarely sought the company of women. For example at West Point, he had been without feminine company during his entire four years. In his book, Flipper wrote:

One would be unwilling to believe that I had not, from October, 1875, till May, 1876, spoken to a female of any age, and yet it was so. There was no society for me to enjoy--no friends, male or female, for me to visit, or with whom I could have any social intercourse, so absolute was my isolation.¹⁵

There would be two women, however, who would end up playing significant roles during Flipper's court-martial--Mollie Dwyer and Lucy E. Smith. Mollie is believed by many historians to be the indirect

cause for Flipper's dismissal from the Army. During his court-martial, Flipper maintained that all his problems stemmed from the jealousy of Lieutenant Charles Eben Nordstrom who, prior to Flipper's arrival at Fort Davis, had enjoyed Mollie's undivided attention. Flipper felt that Nordstrom was without an education, was not a West Point man, was quite brutal, and hated him.¹⁶

Lucy E. Smith, on the other hand, worked as Flipper's house servant and was in his quarters on the day he was arrested. She was arrested as well when \$2,800 in checks was found on her during a strip search. During Flipper's trial, the Judge Advocate, Captain John W. Clous, implied that Lucy was either Flipper's mistress or common-law wife. Lucy's response to this accusation was "He don't mess with me. I do his work."¹⁷

Not much has been documented about the relationship Flipper had with other African-American soldiers. However, supposedly he was admired by the enlisted men and they looked up to him.

Duty Performance

In early 1879, Flipper's troop was transferred to Fort Elliott in the Texas panhandle. Their mission was to scout the *Staked Plains* for "renegade Indians," "Mexican bandits," and rustlers. When Nolan served as the acting commander at Fort Elliott, Flipper became his adjutant, the highest ranking officer on Nolan's staff.¹⁸

In November, 1879, Troop A was ordered back to Fort Sill where the Army's only black officer served as the acting commander of Troop G until April, 1880. Here, he led his unit on a thirty-day scouting

mission on which he commanded both black troops and white junior officers.¹⁹

He was also tasked to construct the drainage of stagnant ponds suspected of causing malaria to Fort Sill area inhabitants for more than a decade. Although Flipper's work was criticized by the post commanding general who said, "[he] had his ditch running up hill and the grade was wrong," along came the rains and proved the CG wrong. The ponds drained perfectly and the malaria at Ft. Sill eventually stopped, making the post a healthier place at which to live.²⁰

Almost a century after the engineering of "Flipper's Ditch," as it became known, on 27 October 1977, the site was officially designated a National Historic Landmark. Flipper's grandnephew, Joseph Flipper, unveiled a bronze marker in a ceremony commemorating this engineering feat which had failed twice before Flipper undertook it.²¹

During the late eighties, there were considerable troop movements in Western Texas. The Victorio campaign was one of the most publicized of these operations, but there were scores of obscure scouts, pursuits, and skirmishes, as the territory in the Big Bend area of the Rio Grande was explored and settled.

In late May, 1880, Troop A was ordered to return to Fort Concho. In less than two weeks, Flipper and his men were back in the field where they joined other troops in the Ninth and Tenth Cavalries in the campaign against Victorio and his renegade Chiricahua Apaches. Victorio is considered by many historians to be "the greatest warrior in Apache history."²²

In April 1879, Victorio and his followers left their Mimbreno Ojo Caliente Reservation at Canada Alamosa in the New Mexico Territory when they learned that they would be resettled in the infamous San Carlos Reservation in Arizona. Victorio and his men were determined to fight and die rather than be peaceably removed to San Carlos, where few crops could be grown on the barren desert land. Consequently, Victorio and his followers (which never numbered more than 175 in all) made war against the white man. They roamed the deserts, plains, and mountains of Texas, New Mexico, Arizona, and Mexico.²³

Troop A's mission was to pursue Victorio on one side of the Rio Grande while Mexican cavalry tracked them on the other side.²⁴ It was estimated that at one point over 2,000 U.S. soldiers, an equal number of Mexican troops, and hundreds of miners, ranchers, cowboys, and civilian posses sought out Victorio and his renegades. When an intelligence report revealed that Victorio had crossed into Texas territory, Nolan dispatched Flipper with two couriers to Eagle Springs, Texas, the site of the regimental headquarters. Some ninety-eight miles and twenty-two hours later, Flipper finally reached Colonel Benjamin H. Grierson's headquarters and literally fell off his horse from exhaustion. Partly because of Flipper's superhuman effort, Victorio and seventy-eight of his followers were eventually killed in action on October 15, 1880, when they were ambushed by Mexican cavalry in Chihuahua.²⁵

Thus, during Flipper's first four years in the Army, little or no evidence suggests that his peers or superiors manifested any dissatisfaction with his performance in strictly military related duties. Further, no evidence suggests that he was denied opportunities

to perform duties commensurate with his rank. During cross-examination at Flipper's trial, Colonel William Rufus Shafter, the regimental commander, replied:

I found Mr. Flipper, as far as I could observe, always prompt in attending to his duties--performed them intelligently and to my entire satisfaction. I think I told Lieutenant Flipper that, about the 1st of July, myself, when I told him I intended to relieve him soon, as he was a cavalry officer and should be with his company. It was not because I was dissatisfied with him but it was because I thought he ought to be assisting the other cavalry officers in performing their duties in the field.²⁶

For instance, during his first three years in the Army, he was in command of troops most of the time. Just as conveniently, he could have been assigned the duties of regimental quartermaster, a post which would have avoided having a black officer in command of troops in the field. Moreover, Flipper served as a member of numerous courts-martial and even served on one occasion as the Judge-Advocate or prosecuting attorney of a General Court-Martial by order of the commanding general of the Department of Texas.²⁷

Flipper was assigned to Fort Davis, Texas, in late 1880. Fort Davis was a large and important post, with three departmental subposts--Presidio, Pena Colorado, and Fort Quinan--and with an outlying camp called the Pinery. It lay less than sixty miles from the Rio Grande and Mexican influence was strong in that portion of the country.

In early December, two officers--including the post adjutant--went on leave and this led to some changes in the garrison staff. Flipper was appointed acting assistant quartermaster and acting commissary of subsistence in charge of supplies, transportation, and equipment--two appointments which were frequently held by the same

officer.²⁸ The quartermaster was responsible for property, animals, and for hiring civilian employees. The commissary was also responsible for everything on the official army ration and for a variety of foodstuffs which could be purchased by officers, enlisted men, and camp followers.

At Fort Davis, any illusion that he may have had of an idyllic future in the Army would quickly vanish because these two duty assignments would eventually prove to be the undoing of his short Army career.

Endnotes

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⁹*Ibid.*, 21.

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¹²Richard W. Murphy, *The Nation Reunited* (Alexandria, VA: Time-Life Books, 1987), 104-105.

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¹⁴Closing arguments by counsel in the General Court-Martial of Lieutenant Henry O. Flipper (June 1882), Record Group 153, QQ2952, National Archives, 579. (Hereafter cited as G.C.M.).

¹⁵Flipper, 18.

¹⁶Patricia Y. Stallard, *Glittering Misery: Dependents of the Indian Fighting Army* (Norman, OK: University of Oklahoma Press, 1978), 188-89; Bentz, 56.

¹⁷Stallard, 109; Testimony of Lucy E. Smith from G.C.M., 462.

¹⁸Wilson, "A Black Lieutenant," 33.

¹⁹Wilson, "Henry O. Flipper," 33; Wilson, "A Black Lieutenant," 33.

²⁰Wilson, "Henry O. Flipper," 33-34; Wilson, "A Black Lieutenant," 33; Bentz, 19.

²¹Wilson, "Henry O. Flipper," 34; Wilson, "A Black Lieutenant," 33.

²²Wilson, "A Black Lieutenant," 33.

²³Bentz, 56.

²⁴E.L.N. Glass, *The History of the Tenth Cavalry: 1866-1921* (Ft. Collins, CO: The Old Army Press, 1972), 22.

²⁵Theodore D. Harris, *Negro Frontiersman: The Western Memoirs of Henry O. Flipper, First Negro Graduate of West Point* (El Paso, TX: Texas Western College Press, 1963), 20; Wilson, "A Black Lieutenant," 33; Bentz, 56.

²⁶G.C.M., 54.

²⁷"The Army," *Army and Navy Journal* 18 (2 July 1881): 1001.

²⁸Wilson, "A Black Lieutenant," 33.

CHAPTER IV

FLIPPER'S DISMISSAL

The circumstances surrounding Flipper's dismissal form as confusing and contradictory a picture today as they did at the time of his dismissal. The research available on this part of his life reveals an interesting and inconclusive story. Nonetheless, it happens that on 13 August 1881, \$1,440.43 was discovered missing from Flipper's commissary accounts. This would eventually lead to the unveiling of \$3791.77.

The Stage is Set

The leadership environment at Fort Davis had undergone a recent change in the early spring of 1881. Colonel William Rufus Shafter, accompanied by his adjutant, First Lieutenant Louis Wilhelmi, took command of Fort Davis on 11 March. Shafter, a rather overweight, 260-pound infantryman, had built a reputation of being coarse, profane, and harsh with his junior officers.¹ He had earned the nickname 'Pecos Bill', as he conducted an unrelenting campaign against the Indians in America's expansion of the West. Like any other "doers," he was resented by many of his subordinates. Cavalry officers, in particular, objected to his manners and ways of conducting business on the frontier. For instance, one subordinate to Shafter lamented about an expedition led by Shafter that "It is a perfect circus, I can assure you."²

Nonetheless, much of Shafter's previous service had been with "colored" infantry troops. So he had rather extensive experience in dealing with African-American soldiers. And like many other ranking officers in the postwar army, Shafter made no secret of his contempt for black troops. No evidence suggests that Shafter had ever met Flipper before his assumption of command, however.³

The regimental adjutant's position during this time period, wielded a considerable amount of influence. Adjutant Wilhelmi's belief that Flipper had embezzled the missing funds played a significant part in bringing him to trial. Wilhelmi said that his relations with Flipper were "of a friendly character." However, when asked, "Has not your intercourse with Lieut. Flipper since you came to post been confined as nearly as you could possibly make to your official relations?" he answered, "I have never asked him to visit my house, nor have I visited his house except officially, or on official business, at the same time, there was not that marked relation which persons would have whose intercourse would only be when they were brought together with them officially."⁴

Wilhelmi, a native Prussian, appointed to West Point in 1872, first met Flipper at the Academy when they were cadets. Because of an illness, Wilhelmi became a "turn back,"--meaning that he was turned-back to become a member of the next most senior class--thereby becoming classmate to Flipper temporarily. As his health continued to deteriorate, Wilhelmi was ultimately forced to resign from the Academy. Ironically, Wilhelmi, who claimed a friendly relation with Flipper, never uttered a word of his illness to him. Obviously, this disproves

Wilhelmi's perception of a friendly character relation with Flipper, and shows that Flipper did not enjoy normal relations with his peers as the other cadets did. Wilhelmi was eventually given a direct commission as a second lieutenant in the Regular Army in October 1875.⁵

Flipper's Relief

Shortly after assuming command, Shafter abruptly removed Flipper from his duties as acting assistant quartermaster, insisting on returning him back to his field of duty as he was a cavalry officer. Also, according to Flipper, Shafter was to remove him from his position as the acting commissary officer "as soon as a suitable replacement was found." It would take five months before this transition would actually take place, August 1881. Nonetheless, considering the instability of the situation--a new commander, the fast removal of key personnel, namely Flipper, and the five month time lapse before relieving Flipper as the commissary officer--matters would continue to compound and complicate his dismissal. For instance, Shafter, between March 1881 and August 1881, further ordered the immediate transfer of funds from the "quartermaster's safe" to Flipper's "private quarters," as Flipper would write in a petition to Congress in 1898. Flipper went on to describe in his Memoirs the happenings surrounding his removal as a "nefarious scheme" to oust him from the Army. Thus, he posited that incidents such as the preceding, as well as similar occurrences that followed, signaled the beginning of a systematic campaign of persecution against him by Shafter and his adjutant.⁶

Flipper removed the commissary funds from the safe as ordered

and "secured" them in his personal quarters. He wrote:

In the commissary office there was one small safe, used for keeping the books and the weekly receipts from sales of stores. It was used exclusively by my Commissary Sergeant [Ross].

In the Quartermaster's office there were two large safes. One was used by the Quartermaster's civilian clerk, and the other by myself. In this latter safe I kept my quartermaster funds and also my commissary funds, putting them there each week as I received them from the Commissary Sergeant.

When I was relieved from duty as Quartermaster I had no secure place to keep the commissary funds, and so reported to Colonel Shafter. He expressly told me at that time to keep them in my quarters, that they would no doubt be safe there for a few days until he relieved me and I turned them over to my successor. Colonel Shafter denied all knowledge of this interview and, instead of relieving me from duty as Acting Commissary of Subsistence within "a few days," waited until the 10th of August, five months, during which time I kept the commissary funds in my trunk in my quarters with his full knowledge and consent, notwithstanding his denial.⁷

First Lieutenant Frank H. Edmunds, one of five West Point graduates serving at Fort Davis, succeeded Flipper as the commissary officer. Interestingly, Edmunds had also been French teacher to Flipper when he began his studies at West Point in 1873. Still a lieutenant (as an old West Point song goes, "In the Army there's sobriety, promotion's very slow"), Edmunds met up with Flipper again at Fort Davis in the spring of 1881.⁸ At Flipper's trial, he would answer questions in the following manner:

Q: What have been your relations with him?

A: They have always been very friendly.

Q: What character has he borne during those relations?

A: Up to the 13th of August [1881], his character in my opinion has been above reproach.⁹

To the contrary, Flipper did not share in this sense of friendliness and common bond(ness) that a normal West Point graduate experienced. In his Memoirs and autobiography, he would constantly

write of ostracization and loneliness. Even so, it appears that Edmunds held no ill will toward Flipper; unlike Wilhelmi, who could possibly have harbored some resentment toward Flipper as an Academy graduate.

The Missing Funds

Flipper's financial difficulties probably began when Shafter made him take the money to his private quarters. On 9 May 1881, Flipper received the following telegram from San Antonio:

As I shall be absent from these Headquarters all the month, do not invoice me any Subsistence funds until the beginning of June.

Small,
Commissary.¹⁰

Just as Flipper had to satisfy Shafter's concern of commissary affairs, he had to also answer to the Chief of Commissary of Subsistence for the Department of Texas, Major Michael P. Small.

Small was conducting inspections elsewhere during the period the funds were lost. Flipper had been left without direct "professional" supervision for the first time since he assumed duties as commissary officer. Apparently, interpreting Small's directions to apply to "everything" relating to commissary funds, Flipper also stopped forwarding his weekly financial statements to the Department of Texas.¹¹ In a written statement to the court during his trial, he wrote:

As it was the first time during my charge of the Commissary Department of the post that the Chief Commissary had been absent I construed it to mean that everything pertaining to funds was suspended till his return, but I continued to submit the actual cash I had on hand through May when it was discontinued as it seemed to me unnecessary to submit funds and not forward the statements.¹²

The "lost" funds were from the sales of goods to individual cavalryman. During these sales, regimental officers were allowed credit

and could pay by either check or cash; enlisted men had to pay in cash at the time of sale.¹³ Departmental orders required that all money be sent "as soon after the end of the month as the funds can be forwarded, with safety, to the Chief of Commissary of Subsistence." Due to the presence of Indians, desperadoes, and Mexican bandits, hard currency was not sent to San Antonio nor were funds transferred at regular intervals. Moreover, departmental orders stated that a weekly "Statement of Funds" be forwarded to San Antonio so that the Chief Commissary could be advised on how much each commissary officer had on hand.¹⁴

Despite Small's notice to Flipper to halt the transfer of funds to him, in July, Shafter ordered Flipper to go ahead with the transfer of all commissary funds in his possession to Small. Needless to say, Flipper began to sense that something was amiss when Shafter ordered him to do this. Flipper then counted the money in his trunk and discovered a deficiency of \$1,440.43. Although he could not immediately account for this shortfall, he was not unduly alarmed because he believed he could easily submit a check for the amount of the deficit by using some of his own money.¹⁵ Flipper had expected to receive royalties from the publishers of his autobiography also.¹⁶ Wilhelmi lent some credence to this expectation during Flipper's trial. He said:

He [Flipper] told me . . . that Homer Lee & Company . . . had sold 5000 copies of the first edition at two dollars a copy which made \$10000, that he was to have fifty per cent of that, making \$5000 and that he supposed half of that--\$2500--his share of that \$5000 had been given away for advertising purposes and criticism, that they owed him he thought about \$2500, that he had written to them about it and that there also was some amount in reference to the second edition which had been published at the commencement of the Whitaker trial[1880]. I told him that I was going to New York in a few days and if there was anything I could do for him there to let me know. He said he would write to me.¹⁷

Accordingly, Flipper was sorely disappointed when he received only \$74 several weeks later.¹⁸ By the end of July, the \$1440.43 deficit had mushroomed to \$3,791.77!

Unable to promptly raise the cash as he had thought, he began to procrastinate. He told Shafter since the beginning that the missing funds were "in transit" to San Antonio. His stratagem to procrastinate and work out a solution to the problem himself was successful until 10 August 1881 when Small informed Shafter that no funds had arrived in San Antonio from either the past or present fiscal year.¹⁹ At 1030 hours, Shafter received a telegram from San Antonio which said:

Statement of funds from your post for 30 July shows a large amount in transit to me which has not been rec'd. Please telegraph when & how sent by post commissary.

Small,
Coms'y.²⁰

During Flipper's trial, Shafter testified that he saw:

Lieutenant Flipper's horse standing in front of the [Sender & Siebenborn] store in town with saddle bags and saddle. I knew that he had something over two thousand dollars in money and it occurred to me right then and there that if there was anything wrong he would have an opportunity of getting away if he saw fit, and I determined--I had intended to relieve him the next morning--and I determined that he should turn his money over at once and rode back--I was very nervous about the matter as I could not conceive what had become of it; as I did not suspect him of embezzling it at that time. It was simply a wonder as to what the matter could be and I thought I would be on the safe side and get possession of what was in his hands and do it before night.²¹

Apparently Shafter feared Flipper would escape to Mexico and ordered Wilhelmi to return Flipper to the post immediately. When he reached Shafter's office, Flipper continued to maintain that the commissary funds were en route and were mailed to San Antonio on 9 July.

He could not explain why the funds had not arrived other than to comment that the funds must have been lost or stolen "in transit."²²

Finding this response unacceptable, Shafter once again ordered Flipper to transfer all commissary funds and goods to yet another person, Lieutenant Edmunds. At 0900 on Saturday morning, 13 August, a formal investigation of Flipper began.²³

Preliminary Investigation

Shafter sent for Flipper and recalled the following conversation he had had with him:

"Mr. Flipper, you presented to me a very large check for commissary funds.

"Yes, one for \$1440.

"Why was not that in the list of checks a day or two ago when I sent around for it?

"I forgot it, sir.

"\$1440 is a very large check for a man to forget under the circumstances, and now I will say that I don't think you have ever sent those checks. I may be doing you an injustice. If I am, I shall be very sorry for it and will apologize and make all amends that I can to you after I am through, but I am going to treat you just as though I knew you had stolen those checks.

"Colonel, you are doing me a very great injustice as I did mail those checks just as I have told you.

"Very well, I hope you did and I shall be found to be in the wrong in the matter."²⁴

Shafter then turned to Wilhelmi and Edmunds and told them "to go to Lieutenant Flipper's quarters and search them thoroughly." He also told Wilhelmi to arrest Flipper "if anything suspicious was found."

The Search

A "considerable [amount] of money was found in the desk scattered around in different places." Commissary checks in excess of \$2,000 were thrown haphazardly on Flipper's desk. Weekly statements

for the months of May, June, and July, 1881, were found in Flipper's trunk as well as personal articles belonging to his servant, Lucy Smith. According to Wilhelmi, Flipper's clothes were "mixed up with those of his servants."²⁵

During the search, Flipper, stepped into the back room of his quarters and held a brief conversation in Spanish with three acquaintances who had apparently been there when the officers came in. After a while, two of his visitors left his quarters, the other one sat down in a rocking chair to wait until the search was over. Wilhelmi was wary of this unknown "Mexican" and kept an eye on him through the doorway while Flipper's wardrobe, sewing machine, and bed were examined.²⁶

The search brought to light a discrepancy of \$2,070 between the amounts listed in the weekly statements for fiscal year 1880-1881 and the checks found on hand in Flipper's quarters. Armed with this seemingly deleterious evidence, Wilhelmi informed Flipper that he would be placed under arrest. There was a moment of military punctilio when Wilhelmi remarked apologetically that he was not wearing a sword: was his authority nonetheless recognized? Flipper acknowledged and was placed under arrest--an arrest he never emerged from during his remaining ten months in the Army!

Shafter and Lucy

After Shafter was briefed on the results of the search, he immediately summoned Lucy Smith. At Flipper's trial, Shafter recalled

the following conversation he had with Lucy:

"I suppose you know there is some trouble with Lieutenant Flipper's money matters." She said she knew there was something wrong. I said, "Have you ever seen any large amounts of money about his place, or any checks?" She said, No, sir, she never had. I asked her if she knew anything about it in any way? She said, "No, sir." I told her then that her things had been found in Mr. Flipper's quarters and she had got to go out of the garrison at once. And to return to the house, pack up her things and the provost sergeant with a cart would be around in a little while to take her trunk and take it outside of the post. She said she had nowhere to go outside and asked me if I had any objection to her going down on the creek or to staying with a laundress--a friend of hers. I told her I had not, and that she could go. As she was going out the door, my orderly . . . said, "Colonel, are you looking for papers?" I said, "Yes." He said, "That woman has some in her dress" I called her back and said, "Lucy, have you any papers about you?" She said, "No, sir, I have not You can see I have not," and she pulled her dress open and disclosed the inside of her dress I said, "Very well, you can go," when my orderly said, "Colonel, I know she has some papers in her dress for I seen her trying to hold them up with her elbow as she came across the parade ground." I said, "Come back here, Lucy." She came back and stood up close to me and I put my hand on the outside of the waist on the opposite side to the one that she had shown me and felt a couple or three packages of papers. I told her to take them out. She said those were her papers, and she would not do it. I said, "You must do it. If you don't take them out, and lay them down on my desk, I will call in another orderly and have them take them from you by force. You had better lay them down, without any trouble." She again declined saying that they were her own private papers. I said, it made no difference: I had to see them. She then put her hand inside of her dress and handed out two packages of papers . . . [One] contained the missing checks, or checks to the amount of \$2800.00 and some odd dollars. I said, "Lucy, where did you get these-how did you come by these papers?" She said, "Lieutenant Flipper gave them to me a day or two ago and told me to take care of them." I said, "Did you know what they were?" She said, "No, sir, I have never looked in the envelopes to see." I said, "Very well, I will make complaint against you and it will probably send you to the penitentiary."²⁷

Two days later, Lucy gave her own account of her interview with Shafter to the United States Commissioner:

I told him [Shafter] I took them out of my trunk this morning when I was cleaning up. He wanted to know who gave them to me or when I got them. I told him I had taken them out of my trunk when I was cleaning up and Lt. Flipper told me to take care of his things when

he went out of the house, and when I was cleaning up I was overhauling my clothes and the Lieut. knew I was cleaning up and he told me to be careful of these two envelopes because he said having so much help around the house they might get misplaced. I had taken them out of the trunk and had no pocket. I just stuck them down in my bosom and when the girl [who was helping around the house] came after me I changed my black dress skirt and being in a hurry I never thought about them being in there any more. I never tried to hide them or anything of the kind. I don't want them to try to think that I was trying to conceal them because they were not given me to conceal. I had always picked up everything around the house and taken care of them as far as I knew how, he [Flipper] always told me to look out for everything when he was out because you are my servant and I'll hold you responsible.²⁸

Doubting the veracity of both Lucy and Flipper, Shafter had Lucy arrested for allegedly stealing \$1,300. She was confined to the Presidio County Jail, where she stayed for approximately seven days. By the evening of 13 August, Flipper was confined in a windowless 6 ½' x 4 ½' cell in the post guardhouse.²⁹

Confinement

Even though confining an officer to the post's guardhouse was not unlawful, it was rather unusual for this to happen. The customary form of arrest was "open," meaning the officer was restricted to the post. A "close" arrest was seldom used with an officer. Nonetheless, Shafter sent a telegraph to his department commander, Brigadier General Christopher C. Augur, stating, "I have confined him [Flipper] in a cell in the post guardhouse, that being the only secure place in the post until the orders of the Departmental Commander [Augur] can be had in his case." When Augur forwarded Shafter's report to the War Department,

General William T. Sherman, General of the Army, replied:

HeadQrs of the Army,

Washington D.C. Aug 23. 1881

The arrest and suspension from his duties of Lt. Flipper is right--
His confinement to the guard house, though within the province of
the Post Commander is not usual, unless there be reasons to
apprehend an escape--

W.T. Sherman
General³⁰

Because of Sherman's concern, Flipper was released from the post
guardhouse and confined to his quarters. Moreover, a telegram was sent
to General Augur saying: "Both the Secretary of War and General of the
Army require that this officer must have the same treatment as though he
were white."³¹

Shafter was unrelenting in his efforts to uncover the mystery
surrounding the missing commissary funds. As part of his preliminary
investigation, he received the following telegram from the San Antonio
National Bank:

Lt. H.O. Flipper has never had a personal acct. in this Bank.³²

When Shafter received this telegram, he immediately confronted
Flipper, telling him that "his check for \$1440.00 was good for nothing."
According to Shafter, his conversation with Flipper went as follows:

"Yes, Colonel, I had to deceive you in the matter in some way and I
took that way to do it.

"You need not criminate [sic] yourself--I don't want you to do so
unless you choose to, but I would like to know where that money has
gone to if you are willing to tell me.

"Colonel, I don't know where it has gone to.

"It is very strange that you should be short \$2400.00 and not know
where it is, or what has become of it.

"Yes, that is so, but I can't account for it unless some of them
have stolen it from me.

"Who do you mean by 'some of them'?

"I don't know.

"Do you think that woman at your house [Lucy] has it or any of it?

"No, sir, I do not." [Flipper added that if he could see three or four of his friends in town he thought he could make up the deficiency.]

"Do you think you can make the whole \$2400.00 good?"

"Yes, I think I can."³³

Apparently, Flipper could not or simply refused to accuse any particular person of stealing the funds. Furthermore, he remained confident that he could restore the money, if he were only allowed to speak to some of his friends in town. Convinced of his innocence, the civilians in the surrounding community of Fort Davis promptly came to Flipper's rescue. They raised \$1,700 in one day, and just two days later, the entire deficiency, \$3,791.77, was made good. Heading the list of contributors was Shafter, who surprisingly, gave \$100 to Flipper's cause.³⁴

There were a total of twenty-eight officers stationed at Fort Davis and surrounding posts. Only Shafter offered financial assistance to Flipper. Among those at Fort Davis alone, were six captains (including Nolan); four first lieutenants, and three second lieutenants. Among the Academy graduates were Captain Thomas M. Tolman (1865); and Second Lieutenants Robert D. Read (1877); Charles G. Starr (1878), and Charles B. Vodges (1880). Read was the only classmate to Flipper at Fort Davis. Surely the other officers would have gone to the rescue of a "brother" officer who they considered more socially acceptable! Like his days at West Point, Flipper again was socially ostracized by fellow officers.³⁵ In any case, any illusion that Flipper might have had about being "all right" must have been severely shaken when he was served with a copy of charges preferred against him by Shafter.

Court-Martial Proceedings

The first charge alleged that Flipper "did embezzle, knowingly and willfully misappropriate and misapply . . . \$3791.77, more or less . . . between the 8th day of July, 1881, and the 13th day of August, 1881." The second charge was "Conduct unbecoming an officer and a gentleman." Its five specifications alleged that:

(1) he had made a false statement to Shafter on the 10th of August, when he said that the funds had been sent to San Antonio;

(2-4) the weekly statements dated, 9th, 16th, and 23rd July were false in that the funds reported by him as in transit . . . had been retained by him or applied to his own use or benefit; and

(5) he had exhibited a fraudulent check which was intended to deceive his commanding officer.³⁶

Military Justice in the Nineteenth Century

American military justice in the nineteenth century was based on the British Military Act promulgated by Gustavus Adolphus during the Thirty Years' War. The seating arrangement at Flipper's trial was the same as described in the Swedish articles of war published in 1620. That is, the president sat at the head of a long table, with other members seated down the table on both sides, in descending order of rank. Members wore dress uniforms including sidearms. The accused also wore full dress, but without sidearm. Voting was done by a simple majority, but no records were kept as to how each individual member voted.³⁷

All of the board members whom Flipper faced had served in the Civil War--which had ended when Flipper was nine years old! There were a total of ten--none of the board members were West Point graduates.

Well above the legal minimum of five and below the maximum of thirteen, the court's most distinguished member was its president, Pennypacker, who had been one of the youngest generals in the Civil War and had been awarded the Medal of Honor and two brevet promotions for actions at Fort Fisher.³⁸ The officers who faced Flipper during his trial were:

1. Colonel Galusha Pennypacker, 16th Infantry:
President.
2. Lieutenant Colonel James F. Wade, 10th
Cavalry.
3. Major George W. Schofield, 10th Cavalry.
4. Surgeon [Major] William E. Waters,
Medical Department.
5. Captain Fergus Walker, 1st Infantry.
6. Captain William Fletcher, 20th Infantry.
7. Captain William N. Tisdall, 1st Infantry.
8. Captain Robert G. Heiner, 1st Infantry.
9. Captain Evarts S. Ewing, 16th Infantry.
10. First Lieutenant William V. Richards,
Regimental Quartermaster, 16th Infantry.

Judge Advocate: Captain John W. Clous,
24th Infantry.

During Flipper's time, it was normal for line officers to be detailed as judge advocate of court-martials. Many were content with simply presenting the case for the government. In addition to being the prosecuting attorney, infantryman Clous was also the acting Judge Advocate for the Department of Texas. Born in Wurtenburg, Germany, in 1837, and enlisted in the Regular Army before the Civil War, Clous had a reputation for energetically prosecuting officers. His duties included more than those ordinarily associated with prosecution. He selected the officers serving on the court-martial board; participated in closed deliberations; recommended the verdict and sentence to the members of the court, and reviewed the court proceedings at the end of the trial.³⁹ Obviously, Clous was a shrewd and ambitious person. Many perceived his

opportunity of hearing board members discuss the case as an unfair advantage over the defense.

In his Memoirs, Flipper recounted that he was indeed circumspect of Clous' powerful position. He wrote:

The prosecuting attorney, called Judge Advocate in military parlance, was Judge Advocate General [sic] of the Department at that time, the man who selected the officers for the court, the man who had to review and did review the proceedings after the trial and of course recommended the approval of his own work.⁴⁰

Flipper began to view his trial as even more inimical when Augur tried to add two more officers (Colonel Stanley and Lieutenant Colonel Van Voast) to sit on the board. Stanley was replaced by a Lieutenant Colonel Switzer, Eighth Cavalry because he was unable to travel. Flipper vehemently objected. He said, "the time, the manner and the circumstances of adding additional members are calculated to excite the greatest apprehension" and that "the convening authority [i.e., department commander] has not given any reason . . . and no reason suggest themselves, except that something has transpired since the court convened."⁴¹ That Flipper saw something sinister in adding these additional members can be easily imagined.

Flipper formally requested a delay in his trial until 1 November 1881, for the purpose of establishing his defense and obtaining counsel. His request was denied and notification of his trial date did not reach him until 10 September, five days before his trial was scheduled to convene.⁴² At the point, Flipper concluded that nothing should be done without professional legal help.

According to Flipper, the least costly civilian lawyer "wanted \$1,000 to take the case."⁴³ How was he to employ a civilian lawyer with

his meager salary, and still pay his friends for making up the \$3,791.77 deficiency? "Chagrined . . . depressed [and] helpless," Flipper probably resigned himself to fighting yet another battle on his own.

Authorized by Army regulation to obtain the services of an Army lawyer to defend him without a fee, Flipper retained Captain Merritt Barber, a member of the 16th Infantry located in Texas.⁴⁴

Barber, a native of Vermont, enlisted in his state's volunteer infantry and served until the end of the Civil War in the Army of the Potomac. Having practiced law for three years before he entered the Army, few officers were as well qualified to serve as Flipper's defense counsel.⁴⁵

Throughout Flipper's trial, Flipper and Barber shared quarters and formed a close friendship that appeared to transcend the barrier of color. As Flipper recalled in his Memoirs, Barber "lived in my quarters with me and made a brilliant defense, better than any civilian lawyer could have done ."⁴⁶

The Prosecution

The prosecution's case appeared to have been severely handicapped from the outset, as Clous was unable to prove that Flipper had taken the funds or disposed of them. In fact, during the trial, even Shafter admitted that he did "not yet know where that money went to."⁴⁷

As the prosecution's principal witness, Shafter did very little to facilitate Clous' task. He consistently exhibited a faulty memory of critical events and brought to light his extreme laxity in the

supervision of the post. When the defense introduced the weekly account statements (four of them) for the month of June, Shafter testified that he had signed all of them, but, in actuality, he had not signed any. Moreover, when pressed by the defense to explain this discrepancy, Shafter said:

I am positive that I always signed the statements when I examined the funds, and at no other time. It is possible that it may have been entirely forgotten and the Sunday passed by without me counting them, but if I was at the post, and my name is to the weekly statement, I know that I counted funds rendered on that weekly statement.⁴⁸

Also, Shafter could not recall whether or not he had examined any paperwork that had been removed from Flipper's quarters after the search. In fact, when Barber asked him to identify such papers, Shafter replied "I have only the word of the officer who took them that they are the articles that came from Flipper's quarters."⁴⁹

Furthermore, Shafter could not recall his order to have Lucy Smith searched. The following exchange between Barber and Shafter took place during cross-examination about Lucy:

Q: Did you not use very violent language in your intercourse with Lucy on that occasion?

A: I did not.

Q: Did you not curse her?

A: I did not.

Q: Did you not threaten her?

A: I did not.

Q: Did you not refer in your language in abusive terms to improper relations between her and Lieutenant Flipper?

A: I did not, I don't think I used an oath during the whole examination, although I am liable to, but I am very positive that I did not. On the contrary, I am sure that I talked very quietly to the girl. There were two or three persons present who heard the whole conversation.

Q: Did you not tell her . . . that if she would tell all she knew about Flipper, and tell the truth about this matter, she could have a house in the garrison, or quarters in the garrison, and have

friends among the officers, and that you would go around and see her yourself once in a while?

A: I did not tell her any part of it nor anything that could be tortured into it.⁵⁰

Recognizing the inadequacy of his memory, Shafter finally said, "I don't pretend to recollect everything that occurs in my command of the post day to day, only these important things. I am fallible."

Wilhelmi's testimony proved almost as worthless to the prosecution as well. For instance, recounting Wilhelmi's description of friendly character relations with Flipper, when pressed by the defense, he admitted that his contacts with Flipper did not extend beyond the realm of strictly official duties.

Wilhelmi appeared to be the only person who believed that Flipper had consciously defrauded the government. According to the defense:

There is but one person who has testified in this case from whose testimony and presence on the witness stand it is not plainly evident that they believe him [Flipper] innocent of any criminal intention.⁵¹

The presumption that Wilhelmi was the one who thought Flipper to possess "criminal intention" was based on his strong and persistent belief that Flipper was about to flee to Mexico with the missing commissary funds. Needless to say, this thought was shattered in court and so was Wilhelmi's credibility.

The Defense

During their first trial day, the defense examined seven witnesses; hardly any cross-examination took place. Two of the town's merchants, Shields and Keesey, testified that they had not observed any extravagance on Flipper's part. Similar testimony was allowed to pass

unchallenged. Flipper chose not to testify, leaving the only other important defense witness, Lucy Smith.

In examining the allegation that Flipper had conspired with Lucy to take the checks from his quarters, the following questions were asked of Lucy:

Q: Did he ever tell you what was in the trunk?

A: No, sir, he did not.

Q: Did he then at that time [after breakfast on 13 August, when she asked for the keys], did he state anything to you in regard to these papers?

A: No, sir.

Q: Then, if I understand you, you took them without his knowledge?

A: Yes, sir.

Q: And he knew nothing about it?

A: No, sir, he knew nothing about my taking the envelopes out.

Q: Well, after putting away these clothes [her reason for going to the trunk], what did you do with the keys?

A: I think I laid them on the table. I had not finished putting away all the clothes.

Q: Did you lock the trunk?

A: I don't remember whether I locked the trunk or not.

Q: Where did you go after you had changed the clothing and taken these envelopes and put them in your bosom as you state?

A: I don't remember where I went to. I was cleaning up. I was around the house there.

Q: Where did you go during the day?

A: I went to jail for one place.

Q: Where were you when you were taken to the jail--where did you go from?

A: I don't know, Captain, because I was so scared I don't know where I was taken from.

Q: What scared you?

A: I can't tell you that. I don't know what scared me. I was scared through.⁵²

In his defense, Flipper said that the deficit was never more than several hundred dollars prior to 10 August 1881. However, when he transferred the funds to Lieutenant Edmunds, he discovered an unexplained deficit of \$2,074.26.⁵³ Because of his "peculiar situation" and knowing Shafter "to be a severe, stern man," Flipper believed that he could work out his situation alone.

It was customary under nineteenth century military justice as it is today for the accused to make a statement to the court before deliberation began. On the morning of 6 December, Flipper read the following statement to the court:

Gentlemen of the Court:

To the first charge and its specification in this case I declare to you in the most solemn and impressive manner possible that I am perfectly innocent in every manner, shape or form; that I have never myself nor by another appropriated, converted or applied to my own use a single dollar or a single penny of the money of the Government or permitted it to be done, or authorized any meddling with it whatever. Of crime I am not guilty. The funds for which I was responsible I kept in my own quarters in my trunk, the trunk I procured at West Point and have used ever since I entered the service. My reasons for keeping them there were that as I was responsible for their safety I felt more secure to have them in my own personal custody. From May 28th to July 8th the weekly verifications of funds ceased, but I regularly put the weekly accumulations into the trunk and never took a dollar out except to pay the beef bill for June which was paid in checks at the request of Mr. Henning whose contract had expired and who gave as his reason for wishing checks that he intended to leave this section of country. This was previous to the verification of July 8th, from which date up to August 9th the funds of the last fiscal year were never touched by me. August 9th was the first verification covering the July bills of officers who were in the field. The commanding officer declined to verify the statements until the money was presented and I took out about \$250 I think, enough with what the Commissary Sergeant advanced to satisfy the statement. The money so transferred to the present fiscal year to cover those bills due was principally silver and after verification the entire amount just as it was verified was put into my trunk in a cigar box and the next evening when I transferred to Lieut. Edmunds was turned out of the box on to the desk. That morning, August 10th, I had taken the checks pertaining to last fiscal year to the Commissary Sergeant to make a letter of transmittal and when I took them out as well as when I returned them to the envelope after the letter was written, there was a large amount of currency in that envelope, apparently enough to satisfy what ought to be there although I did not count it as it appeared to be all correct.

My servant having no place to keep her clothing safely had asked me if she could put some of it in that trunk and I granted her permission; keeping the keys myself, and only handing them to her when she desired to get something out or put something in, and then for but a short time; cautioning her to be very careful of my goods and papers and to never leave anything unlocked or insecure. I had

no reason to question the honesty of any of the persons about my house as I had never missed anything that attracted my attention, and when the officers searched that trunk and failed to find the funds which I had put in there three days before I was perfectly astounded, and could hardly believe the evidence of my own senses. As to where that money went and who took it I am totally ignorant.

To the second charge and its specifications I make this statement: On the 2nd day of May last I received a dispatch from Col. Small directing me not to transmit any more funds. I knew he was absent and as it was the first time during my charge of the Commissary Department of the post that the Chief Commissary had been absent I construed it to mean that every thing pertaining to funds was suspended till his return, but I continued to submit the actual cash I had on hand through May when it was discontinued as it seemed to me unnecessary to submit funds and not forward the statements. Sometime in May the actual cash on hand did not meet the amount for which I was responsible. I was owing a considerable bill myself which it was not convenient to pay, and as there was a large amount due me from men and laundresses I believed that my shortage was accounted for in that way, but as the funds were not to be transmitted for sometime it did not occasion me any uneasiness, as I felt confident of getting it in by the time it would be required. From the last of May the funds were not verified until the 8th of July, when I was called upon by the commanding officer to submit them at once. Upon counting my funds I found I was \$1440 short, but of that my own accounts were due since April amounting to about five hundred dollars and I had not collected anything outstanding or given any attention the matter. After verification the commanding officer directed me to transmit the funds as soon as possible and I directed the Commissary Sergeant to make the invoices and receipts. I had had trouble in getting checks, but I knew Company "A" 10th Cavalry, my own company, was coming into the post on Sunday the 10th of July, as it did; and as it had two months' pay in checks I thought I could get enough from them and procure enough from dues to make up what I was lacking and I made the entry on the weekly statements that the funds had been sent feeling confident that I could get them and send them in a day or two. But in this I was disappointed as the post trader cashed the checks the day after the arrival of the company. I then learned the Chief Commissary had left San Antonio again and I communicated with Homer Lee & Co., from whom I expected a considerable sum of money on account my book, to remit to my credit to the San Antonio National Bank as they had informed me they would do as soon as they got in statements from their agents. They did not do so and I continued the entry on the weekly statements and retained them expecting to get every day notice of funds deposited. The \$74 from Homer Lee & Co., was deposited after my arrest and is all I ever received from them. On the morning of the 10th of August I took what checks I had to the Commissary Sergeant and directed him to make a letter of transmittal of them and searched for checks to meet the money I had, expecting daily a

deposit from Homer Lee & Co., but there were no checks to be procured and no deposit was made. On the 13th of August when I left my house with Mr. Chamberlain I have every reason to believe and do believe that all the funds for which I was responsible was in the trunk and in my quarters except the \$1440 check which I have already explained, and the amount of my Commissary bill for July which I had not paid. As to their disappearance I have no privy or knowledge and am not responsible except to make the amount good, and that I have done.

As to my motives in the matter alleged in the first specification on the second charge [i.e., making a false statement to Shafter] I can only say that some time before I had been cautioned that the commanding officer would improve any opportunity to get me into trouble, and although I did not give much credit to it at the time, it occurred to me very prominently when I found myself in difficulty; and as he had long been known to me by reputation and observation as a severe, stern man, having committed my first mistake I indulged what proved to be a false hope that I would be able to work out my responsibility alone, and avoid giving him any knowledge of my embarrassment.

[signed] Henry O. Flipper
2d Lieut., 10th Cavalry.⁵⁴

Still unwilling to shift blame to anyone else at the time, Flipper recalled menacing omens happening around him. Particularly, numerous civilians around Fort Davis repeatedly cautioned him that certain officers were plotting to force him out of the Army. In fact, even the "state hide inspector" warned Flipper on one occasion that Wilhelmi had boasted during a scouting foray that he had "found a way to get rid of the nigger."⁵⁵

Yet, despite these early warnings, Flipper failed to exercise the necessary precautions, even when observing Wilhelmi and others suspiciously prowling around his quarters at night. Flipper would later recall in his Memoirs:

The blow came, however, in a way that was wholly unexpected, and, for a long time, I did not realize how it had been worked out. I handled many times more money as Quartermaster than as Commissary and there never was any question about its management In the Commissary my personal work was limited to bearing the responsibility and signing the statements and reports made out and

placed on my desk by the Commissary Sergeant It was impossible to tell whether the Commissary Sergeant was stealing or not. The Commissary Sergeant issued rations to the troops, sold supplies to the officers' families and kept the accounts. He collected and handled all the funds and also controlled the only safe in the office I spent but little time in the Commissary, as the Quartermaster's Department required my personal attention to a greater extent than did the Commissary.

The Chief Commissary at San Antonio wired me not to remit any funds until further orders from him. During the period of suspension of remittance the commissary funds accumulated and the [weekly] inspection was suspended.

This fact was taken advantage of in laying the trap for me. As a first step, the Commissary Sergeant advised me that the safe in his office was not a secure place in which to keep the funds. He used it for his books and it was kept open practically all the time. It did not occur to me then that the funds had been kept in it safely for more than a year, along with the books.

Although the money could have been still kept in this safe as well as not, I innocently mentioned the matter to Colonel Shafter at one of the weekly inspections in his office He then told me to keep the funds in my own quarters in my trunk, and I just as innocently and unsuspectingly transferred them to my quarters. This was the trap that was laid for me, to get the funds into my quarters, under my personal care, and then steal them from me. All the cash was stolen but the checks were left.

I occupied one of a double set of quarters with a common entrance, First Lieutenant C.E. Nordstrom, of my troop, occupying the other set. The doors of our quarters were never locked, being officers' quarters and inside a military post where sentinels were always on duty. I believed at that time that the Post Adjutant, Lieutenant Louis Wilhelmi, or Lieutenant Nordstrom, had entered my quarters in my absence and stolen the funds from my trunk, and I have had no reason to change my belief since then. I still believe one or the other of them stole the money. Both were unfriendly to me and I had been several times warned against them.⁵⁶

When the time came for Flipper's defense to address the motives behind misleading his commanding officer, his counsel said:

Mr. Flipper tells you that he had been cautioned against Col. Shafter, and while he did not pay any attention to the warning nor consider it justified by anything in his experience, yet when he began to get into difficulties what more natural to recur to that warning, no matter from what source derived, and to fear some plot in a mystery which he could not fathom? [As for his brother officers] he could not have any confidence in receiving their

sympathy, advice or assistance in his difficulties, but had every reason to feel, on the contrary, that they would seize with eagerness the first opportunity to relieve themselves from one whom they considered objectionable.⁵⁷

Considering Flipper's long struggle for acceptance, it is not surprising that he would conceal his problems in an attempt to reconcile the situation himself. It is surprising however that Flipper actually made false statements to his commanding officer. In this regard, Flipper's counsel reminded the board of "all white" officers that:

From the time when a mere boy he stepped upon our platform and asked the privilege of competing with us for the prizes of success he had to fight the battle of life . . . alone. He has had no one to turn to for counsel or sympathy. Is it strange then that when he found himself confronted with a mystery he could not solve, he should hide it in his own breast and endeavor to work out the problem alone as he had been compelled to do all the other problems of his life?⁵⁸

Also, Flipper's lawyer noted that "no difficulty occurred so long as the lieutenant's financial transactions remained under the close supervision of an officer experienced in business matters and cognizant of the proper administrative duties of a post commander." Consequently, Flipper's "carelessness" and Shafter's lack of supervision "led to accidents which he [Flipper] did not foresee."⁵⁹ Hence, the trial ended as a public spectacle, and what followed was a closed court.

The board members discussed the case, then voted in reverse order of seniority so that senior members would not influence the votes of juniors. The findings were passed through several agencies at the War Department before going to the President for final approval.⁶⁰

The Verdict

After deliberating for more than seven hours on 8 December

1881, the Court ruled:

1st Charge . . . Not Guilty.

2nd Charge . . . Guilty on all five specifications; and Guilty of "Conduct unbecoming an officer and a gentleman."

Flipper was sentenced "to be dismissed from the service of the United States."⁶¹

Since no officer in peacetime could be dismissed without the President's approval, the case ultimately had to go to Washington, D.C. Before it reached the President, the sentence was immediately reviewed by Flipper's chain of command as required. Augur disapproved the finding of "not guilty" to the first charge and approved the finding of "guilty" to the second. He endorsed the Record as follows:

Headquarters Department of Texas

San Antonio, Texas, January 2d. 1882.

In the foregoing case of 2d Lieutenant Henry O. Flipper, 10th Cavalry, the proceedings are approved. The findings of "Not Guilty" of the first charge & its specification are disapproved; the evidence seeming, in the opinion of the reviewing authority, to fully establish the allegations in the specification and "embezzlement" under the 60th article of war. The findings upon the 2d. charge & the specifications under it, are approved. The sentence is approved. The proceedings are respectfully forwarded for the action of the President.

C.C. Augur

Brigadier General

Comdg Dept. of Texas⁶²

Augur was a graduate of the West Point Class of 1843 and had later been the Commandant of Cadets. Being a product of the "old Army," his generation tended to believe that the post-War Army was not what it ought to have been. Consequently, his view concerning Flipper's case was not at all surprising.⁶³

Upon further review, General David G. Swaim, the War Department's Judge Advocate General, recommended to the Secretary of War, Robert T. Lincoln, that "the sentence be confirmed but mitigated to a less degree of punishment." Swaim added:

Notwithstanding Flipper's confidence in the honesty of this woman [Lucy] there is some reason to believe that she made away with part of the funds found to be deficient. It is clear that Lieut. Flipper did not intend to defraud the government out of any of its funds but that his conduct is attributable to carelessness and ignorance of correct business methods.⁶⁴

Because Sherman was away from Washington at the time, Robert T. Lincoln, the son of the "Great Emancipator" and Secretary of War, approved Swaim's recommendation and forwarded the proceedings to President Chester A. Arthur.⁶⁵ Oddly, and without explanation, the President confirmed the original sentence put forth on 8 December and wrote rather uninformatively:

Executive Mansion

June 14, 1882.

The sentence in the foregoing case of Second Lieutenant Henry O. Flipper 10th regiment of U.S. Cavalry, is hereby confirmed.

Chester A. Arthur.⁶⁶

Some Final Thoughts

Judging from the court-martial files and Flipper's character traits as portrayed in the research, Flipper was not an embezzler. The possibility that someone else stole the funds is more plausible than the story that Flipper did. Throughout his trial, many "shadowy" people went in and out of his quarters. This was never looked into. Neither was the fact that Lucy Smith was in some way a party to the theft. Lucy had the best opportunity to leave Flipper's trunk open or to leave the

keys to his trunk accessible to other visitors to Flipper's quarters. Nevertheless, it appears that Flipper lost the battle to serve his country because his countrymen were not willing to serve with him. Again, a case of ostracism--a familiar state of being for Flipper.

Endnotes

¹Robert M. Utley, "'Pecos Bill' on the Texas Frontier," *The American West* 6 (January 1969): 5-6; Barry C. Johnson, Flipper's Dismissal, *The Ruin of Lt. Henry O. Flipper, U.S.A., First Coloured Graduate of West Point* (London: 39a Kildare Terrace, 1980) 10-11; Steve Wilson, "A Black Lieutenant in the Ranks," *American History Illustrated* 8 (December 1983): 33.

²Charles J. Crane, *The Experiences of a Colonel of Infantry* (New York: Knickerbocker Press, 1923), 256.

³Utley, 5-6; Bruce J. Dinges, "The Court-Martial of Lieutenant Henry O. Flipper," *The American West* 1 (January 1973): 14; Johnson, 11.

⁴Court-Martial of Lieutenant Henry O. Flipper (June 1882), Record Group 153, QQ2952, National Archives, 304. (Hereafter cited as G.C.M.).

⁵Dinges, 14; Johnson, 29.

⁶Henry O. Flipper, *Negro Frontiersman: The Western Memoirs of Henry O. Flipper, First Negro Graduate of West Point*, ed. Theodore D. Harris (El Paso: Texas Western College Press, 1963), 20; Dinges, 14; Johnson, 11.

⁷*Before the Committee on Military Affairs, House of Representatives, 55th Congress, 2d Session: In the Matter of the Court-Martial of Henry Ossian Flipper, . . . Statement and Brief for Petitioner* (n.p., n.d. [1898]) 11-12 (Cited hereafter as *Statement for Petitioner.*); Dinges, 14; Johnson, 11.

⁸Johnson, 28; The most popular, and oldest of all West Point Songs is "Benny Havens, Oh!" This song was taken from the 69th Volume of *Bugle Notes, 1977-1981*, which was presented by The Staff of '77, (New York: United States Military Academy, 1977), 197.

⁹G.C.M., 338-39.

¹⁰G.C.M., Exhibit 68.

¹¹Dinges, 14; Johnson, 21.

¹²G.C.M., 505.

¹³*Ibid.*, 58.

¹⁴*Ibid.*, 184.

¹⁵Dinges, 14-15; Johnson, 24.

¹⁶Dinges, 15; Johnson, 25, 43.

¹⁷G.C.M., 306-07.

¹⁸Ibid., 193, 311.

¹⁹Dinges, 15, Johnson, 25.

²⁰G.C.M., Exhibit 10.

²¹Ibid., 122.

²²Dinges, 15; Johnson, 27, 30.

²³Dinges, 15; Johnson, 31.

²⁴G.C.M., 67.

²⁵Dinges, 15.

²⁶Johnson, 32-33.

²⁷G.C.M., 76-77.

²⁸Ibid., Exhibit 105.

²⁹Dinges, 15-16; Johnson, 37.

³⁰G.C.M., Exhibits 16 and 17.

³¹Ibid., Exhibit 13.

³²Ibid., Exhibit, 13.

³³Ibid., 51.

³⁴Dinges, 16; Johnson, 40-41.

³⁵Johnson, 40.

³⁶G.C.M., 6; 35-41.

³⁷G. Norman Lieber, "Remarks on the Articles of War and the Common Law Military," *Journal of Military Service Institution of the United States* 1 (1879): 53-86; and in "Military Law" by William T. Sherman, a letter and two papers written in response to Lieber's article printed in the same journal (1880): 129-32; 320-55; and 385-437.

³⁸Johnson, 51.

³⁹Dinges, 16.

⁴⁰Flipper, "Negro Frontiersman," 13.

⁴¹G.C.M., 13-20; and Exhibit 2.

⁴²Dinges, 16; Johnson, 42.

⁴³Flipper, "Negro Frontiersman," 13.

52. ⁴⁴Flipper, "Negro Frontiersman," 40; Dinges, 16; Johnson, 43 &

⁴⁵Papers from Barber's personal file (B-1714-C.B.-1867), Record Group 94, National Archives.

⁴⁶Flipper, "Negro Frontiersman," 41.

⁴⁷Dinges, 17.

⁴⁸G.C.M., 126.

⁴⁹Dinges, 17.

⁵⁰G.C.M., 82-84.

⁵¹G.C.M., 531, 535 and 576.

⁵²Ibid., 446-48.

⁵³Dinges, 59.

⁵⁴G.C.M., 503-506.

⁵⁵Dinges, 59.

⁵⁶Petition, 5-7.

⁵⁷G.C.M., 585.

⁵⁸Dinges, 60.

⁵⁹Ibid., 60.

⁶⁰Lieber, 53-86.

⁶¹G.C.M., 605.

⁶²G.C.M., 606.

⁶³John M. Schofield, *Forty-Six Years in the Army* (New York: The Century Co., 1897), 16-17.

⁶⁴Dinges, 60; Johnson, 84 & 86.

⁶⁵G.C.M., 607; John S. Goff, *Robert Todd Lincoln* (Norman: University of Oklahoma Press, 1969), 122.

⁶⁶G.C.M., 607.

CHAPTER V

EXONERATION

In February 1883, Flipper complained to the War Department that he had not received a copy of his trial record. He requested that it should be "furnished . . . with as much dispatch as possible, as it is necessary [author's emphasis] for me to have it just as soon as I can get it."¹ Having received a copy of his court-martial as early as March 1883, he set off on a successful civilian career in Mexico and the Southwestern United States, pushing to the back of his mind any question of reinstatement.² For reasons unknown, Flipper waited fifteen years, until the spring of 1898, before he requested the first legislation to clear his name.

Reinstatement of Officers

During the nineteenth century, there was no appellate process for military courts-martial. The only way to overturn a court-martial decision was by private legislation. The convicted officer would have to persuade a senator or congressman to introduce a bill authorizing reinstatement. The bill would be referred to the appropriate Military Affairs Committee where its acceptance or rejection was debated before passing to the full house or senate, then on to the President. In Flipper's case, it was highly unlikely that such legislation would be

passed because it had to compete for time against national legislation, and congress rarely overturned the decision of the President.

Even so, Flipper, fully aware of the fifteen year lapse of time before requesting reinstatement, wrote:

It might be pertinently asked why have I not, prior to this occasion, sought the rectification of the wrong which I conceive has been done me, why have I suffered quietly the contumely of this sentence and allowed myself to appear before the country in a position that reflected on my integrity.

To these questions I will say:

1.-I was thoroughly humiliated, discouraged, and heartbroken at the time of my dismissal from the service.

2.-On reflection, I saw clearly that I was not sufficiently removed from the excitement and prejudices of the time.

3.-I was aware that I had no political or army influences sufficiently powerful to present my case in its true aspect.

4.-I preferred to go forth into the world and by my subsequent conduct as an honorable man and by my character disprove the charges.

Having been educated by the government of the United States, being the first of my race to be so educated, and feeling it my duty in the crisis in which the country is now situated, to apply the training and ability acquired by me at the Military Academy to the service of the government, I ventured to come before your Committee and ask, at your hands, the just and impartial consideration of the facts I have presented.³

The "crisis" that Flipper referred to was the outbreak of the Spanish-American War. The battleship *Maine* had been blown up in the Havana harbor on 15 February 1898. A few days later, Flipper telegraphed the War Department and offered his services to the war effort:

EL PASO, TEXAS

February 24, 1898

To the Secretary of War,
Washington, D.C.

As graduate U.S. Military Academy, class seventy-seven, my services are at disposal of War Department in any capacity in which they can be utilized in event of war.

HENRY OSSIAN FLIPPER
Now Special Agent, Department of Justice.⁴

Needless to say, his offer to serve his country was ignored.

In the meantime, he traveled to Washington, D.C. to assist in arguing cases for the Department of Justice, Court of Private Land Claims. Here he met Barney M. McKay, an ex-sergeant of the Ninth (Colored) Cavalry who spent sixteen years in the Army until he was denied reenlistment in 1897. After reviewing Flipper's case, McKay strongly urged Flipper to seek vindication for his dismissal. In his "Memoirs," Flipper recalled his relationship with McKay as:

I took a liking to him instantly. I hadn't done anything at the time, although I was preparing to move in the matter [of reinstatement]. He came to urge me to move and he had the first bill introduced by a Congressman from Wisconsin [Michael Griffin]. He worked like a Trojan, held interviews with Congressmen, took me to call on Congressmen.⁵

With McKay's help, Flipper's first bill for reinstatement was introduced by Congressman Michael Griffin, a Republican from Wisconsin. The bill read:

A BILL

To enable the President to restore Second Lieutenant Henry Ossian Flipper, United States Army, to duty, his former rank, and status in the United States Army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

That the President is hereby authorized to set aside, annul, or expunge the proceedings of a court-martial, as promulgated in general court-martial orders numbered thirty-nine, Headquarters of the Army, Adjutant-General's Office, Washington, June seventeenth, eighteen hundred and eighty-two, to take effect June thirtieth, eighteen hundred and eighty-two, and to restore Second Lieutenant Henry Ossian Flipper, Tenth Regiment of Cavalry, United States Army, to duty, grade, rank, pay, command, and status in said arm of the service to which he would have attained had he remained continuously in the service from the date of the approval of this Act: *Provided,*

That nothing in this Act shall be so construed as to confer upon the said Second Lieutenant Henry Ossian Flipper any right to back pay or other allowance by reason of the passage of this Act.⁶

The War Department's long-standing policy which rejected reinstatement of dismissed officers, never wavered throughout Flipper's bids for such. In keeping with its policy, the War Department's endorsement to Flipper's first bill concluded:

This office cannot recommend the restoration by special legislation of any officer dismissed by due sentence of court-martial approved by the President.⁷

Unflagging in their motivation, Flipper and McKay introduced five more bills to both Houses of Congress. These bills eventually "died" in the Senate Committee on Military Affairs.⁸ Incidentally at the turn of the century, Military Affairs committees of both houses included Civil War Veterans--all but two of them had served in the Union Army.

In August 1919, Flipper was summoned to Washington D.C. once again. Senator Albert Fall, a close friend of President Warren G. Harding, put Flipper to work as a translator and interpreter for the Senate Committee on Foreign Relations investigating Mexican affairs. Fall was a powerful politician who eventually became Secretary of the Interior in the Harding administration. He employed Flipper as his special assistant on the Alaskan Engineering Commission where Flipper's engineering skills were instrumental in the development of the Alaskan railway system.⁹ Here, Flipper grabbed his last opportunity to vindicate himself. He prepared his own fifty-one page brief, seeking:

(1) to be restored to his grade and rank at the time of his dismissal from the army, and;

(2) to be placed on the retired list.¹⁰

For the first time, Flipper pleaded:

The most damning feature of my case, however, is to be found in the fact that the Judge Advocate who tried me was Acting Judge Advocate General [sic] of the Department, on whose recommendations the Department Commander ordered and detailed the court; the reviewing officer, on whose recommendation the proceedings were approved and, in fact, that they were never actually reviewed, in the meaning of the law, by any of the various authorities whose duty it was to do so, beyond perfunctorily attaching their signatures to recommendations based solely on that of the prosecuting officer in his capacity as reviewing authority.

I was dismissed in 1882. I have had several bills introduced in Congress for my relief, but have never found any friend in that body who would take interest enough in the case to push it, and the complexion of Congress itself has not always been such as to invite a serious effort. In each instance my restoral to the service has been blocked by officers of the Army under the specious plea that they did not want to serve under a Negro officer, but this objection no longer holds, as if restored and placed on the retired list, I shall have no command.¹¹

Seemingly, the support for this bill was more substantial and better organized because Flipper not only had the active support of an old friend, McKay; a cabinet member, Secretary Fall; but also the backing of one of the country's best known generals, Anson Mills. In fact, in his testimony before the Senate Committee reviewing Flipper's case, Mills stated:

I am familiar with the circumstances of his court-martial, was convinced at the time of his innocence and am of like mind today.¹²

In addition, Moses E. Clapp, a Washington, D.C. attorney and former U.S. Senator, had agreed to be Flipper's counsel and would personally present his case before the Military Affairs Committee.¹³

Despite this bill's seemingly broad base of support, the Committee on Military Affairs voted to postpone action once again. When Senator Fall got wind of this decision, he wrote the following letter to Senator J.W. Wadsworth, Chairman of the Committee on Military Affairs:

THE SECRETARY OF THE INTERIOR
WASHINGTON

September 9, 1922.

Hon. James W. Wadsworth, Jr., Chairman,
Senate Committee on Military Affairs,
United States Senate.

My Dear Senator Wadsworth:

I was very much disappointed to learn a few days since, that a bill pending before your Committee for the restoration and retirement of Lieutenant H.O. Flipper, had been postponed indefinitely.

I have had this matter up with the Secretary of War personally, within the last month, and had arranged for him to meet Mr. Flipper and discuss this bill fully and then inform you as to his feeling in the matter.

I am very deeply concerned in Mr. Flipper's behalf. I have known him now for thirty years. Without any hesitancy or qualification whatsoever, I can say to you that he is one of, if not the highest class colored men whom I have ever met in my life. He graduated from West Point where he went through, as I have been informed by his classmates with the respect of the white boys with whom he was associated. Of course he had a most difficult and trying time. He was assigned to a company and, as I know personally, he commanded white troops.

One of his company happens to live in my county and has worked for me from time to time as a carpenter for many years. He has told me that every soldier in the company respected and loved Flipper.

In the old days I talked with ex-District Attorney John Dean, with ex-Judge Falvey, and lawyers of the Western District, Texas, and I think without exception those civilians who know of the Flipper case sympathize most fully with him in his trouble, and this is in a district where the negro has no voice in affairs and receives but scant courtesy or consideration, as practically all the old time white residents were Southern born and life-long Democrats.

I knew Flipper during his connection with the Court of Private Land Claims, as Special Agent of the Department of Justice, in 1893 to 1901; he served with the Hon. Matt Reynolds, one of the most eminent lawyers in the country, who was the United States Attorney for this court. I knew every individual member of the court and certainly there was never organized in this country or any other, a court composed of more eminent lawyers and high class gentlemen fitted for and performing their duty in the important matters entrusted to their care with the extreme of ability and with results satisfactory to private claimants and to the public.

Mr. Flipper is a master of the Spanish language without a superior; he is thoroughly and fully acquainted with the Civil Law of Spain and Mexico, and was the person whom principal reliance was placed in the investigation of land grant frauds, securing

witnesses and testimony, and assisting in the preparation of all the cases before the court for trial.

Flipper graduated from West Point in the engineering class with General Goethals. After his retirement from the service with the Court of Private Land Claims, he became associated with companies and individuals with whom I was working in the Republic of Mexico.

I had charge of all legal matters of several corporations and companies engaged in mining, building and operating railroads, in installing large modern lumber mills, etc., etc. I was also the Attorney-in-fact for these companies and my associates; I represented all their business before the Mexican authorities, State, and national, as well as the Mexican Courts. Mr. Flipper was my right hand man and adviser.

I had him out for something like eight months on one engineering expedition in charge of other competent engineers and a field force and in charge of finances, consisting generally of sums of cash amounting to thousands of dollars for meeting pay rolls in the field, where no bank facilities were available. His accounts have always been kept with the most scrupulous care and under the audit of competent men as could be employed in any enterprise, never one question was raised as to any account rendered by Flipper.

His life is a most pathetic one. By education, by experience and because of his natural high intellectual characteristics, he can find no pleasure in association with many of his own race, and because of his color he was and is precluded in this country from enjoying the society of those whom he would be mentally and otherwise best fitted to associate with. I have never known a more honorable man in my somewhat varied experience.

He has now been associated with me, in one way or another, since about 1905, and at times most intimately. He has never presumed; he has always been assiduous in attention to his duties and performs every task willingly, cheerfully and efficiently.

Aside from his other duties in my Department, he does all my Spanish translating and, in addition thereto, translates from the French, technical oil articles, books, pamphlets, etc., which I am accustomed to having examined and placed before me in considering matters of oil production, costs, etc., as well as general mineral production in all countries of the world. He is the most reliable interpreter and translator whom I have come in contact with in any office in the public service.

The enactment of the bill would simply result in his restoration and immediate retirement on account of age.

Of course I am aware that some of our officers are opposed to the passage of this bill; I have hoped, however, that a thorough consideration by the Committee, after the Secretary of War had also personally considered the matter, would have resulted favorably.

Is there anything which can be done in this matter?

Very sincerely yours,

[signed] Albert B. Fall¹⁴

Not surprising, Fall's emotional plea fell on deaf ears. By 4 March 1924, Fall resigned as Secretary of the Interior. Losing his most influential supporter, Flipper resigned his efforts for reinstatement the same day.¹⁵ In retrospect, his hopes of reinstatement always appeared rather forlorn, and his claim that there was a "great wrong" to be righted would not be proven during his lifetime.

In 1931, Flipper returned to Atlanta for retirement with his brother, Joseph Flipper. He survived into his eighty-fifth year, dying on 3 May 1940--the same year that the first African-American (Benjamin O. Davis) was promoted to brigadier-general in the U.S. Army.

Having little knowledge of the happenings in Flipper's life, his obituary in the Journal of Negro History read:

Flipper did not remain long in the service before charges of misconduct were lodged against him--such charges that one cannot easily refute or prove. General Shafter, it is said, did not like Flipper. He heard that Flipper was spending money rather freely as Canteen Officer of the regiment. He ordered Flipper arrested and called upon him for an accounting. Flipper produced some of the money for which he was responsible and informed Shafter that the balance was on deposit. Shafter wanted to know where, but Flipper refused to say. He did produce the balance in a few days, but he was dismissed just the same. Under similar circumstances before the Civil War General U.S. Grant was allowed to resign when his friends made up the missing funds. Flipper's friends say that he was "framed."¹⁶

In a similar vein, Dr. Thomas Flanagan of the Atlanta Daily World wrote: "He [Flipper] died unwept, unhonored, unsung."

It would take four decades before history would correct itself.

In 1971, John M. Carroll wrote:

Some day, some organization may have Flipper's court-martial reopened, just as the case of Major Marcus Reno, who was condemned for his role in the Battle of the Little Big Horn, was reheard many years later. Just as Major Reno was vindicated--and his position was far less tenable than that of Flipper--so should Flipper receive the same consideration.¹⁷

"Correcting" History

After World War II, Congress no longer handled private legislation to do with soldiers and their relatives. A newly created Army Board for Corrections of Military Records was established and situated in the Pentagon. To this day, the board consists of three Department of the Army civilians.¹⁸

In early 1976, the new board was called by a descendant of Flipper to clear his name. Submitted by a friend of the family, schoolteacher Ray O. MacColl of Valdosta, Georgia, the 52-page application was summarized as follows:

In the brief he [MacColl] states that he believes the following errors or injustices exist in the record:

(1) that the attempt to force two new members on the court after it had been organized and accepted by FLIPPER, apparently was an effort to fix the complexion of the court so as to secure conviction; (2) that the merging of the functions of prosecuting and reviewing officer in one individual was necessarily prejudicial to FLIPPER; (3) that irregularities under the second charge resulted in the conviction of a man acquitted of wrongdoings as to the specific acts of which the charge arose; (4) that the 61st Article of War, vague and uncertain, conferred legislative power on courts-martial and prescribed punishment for undefined crimes; (5) that assuming, arguendo, that FLIPPER was correctly convicted, other roughly contemporaneous cases show his punishment to have been unduly severe by the standards at the time.

In addition to the foregoing, Mr. MacColl has elaborated on a number of matters in connection with FLIPPER's court-martial and conviction. He points out that the General Court-Martial that tried FLIPPER was composed of all white officers, three of which were assigned to the 1st Infantry and under the command of Col. William R. Shafter, the officer who preferred the charges against

FLIPPER. Although he has listed several other points, and made lengthy arguments in connection with each, the entire appeal evolves to the essential point that he feels the acts admitted to by FLIPPER and proven by the court did not involve such measures of moral turpitude as to render FLIPPER guilty of "conduct unbecoming an officer and a gentleman", but rather, applying the standards of the day, the courts should have substituted "conduct prejudicial" for "conduct unbecoming" and to have imposed a sentence far short of dismissal.¹⁹

MacColl's brief prompted the new board to conclude that "the evidence of record tends to show that he [Flipper] may not have been provided with adequate means to properly safeguard the funds." Also, the board agreed with the recommendation of a sentence other than dismissal as stated by the Judge Advocate General (Swaim) who reviewed the case at the time. The board concluded:

That in view of the foregoing findings and conclusions, giving consideration to the circumstances of his service, and the nature of the offense involved, the continuance of the stigma from a dismissal, which characterizes the entire service as dishonorable, is unduly harsh, and therefore unjust.²⁰

On 17 November 1976, the Army Board of Corrections cleared Flipper's name and forwarded the following recommendation to the Assistant Secretary of the Army:

All of the Department of the Army records of HENRY O. FLIPPER be corrected to show that he was separated from the Army of the United States on a Certificate of Honorable Discharge on 30 June 1882.²¹

The recommendation was approved by the Assistant Secretary of the Army on 20 December 1976, and an honorable discharge certificate was issued to Flipper's descendants, ending the ninety-four year fight.

On 7 June 1977, exactly one-hundred years after his graduation, a memorial bust was established at the United States Military Academy in honor of Henry Ossian Flipper. Also, an award is presented to an academy graduating cadet who demonstrates the highest quality of

leadership, self-discipline, and perseverance. This award was presented for the first time by Lieutenant William R. Davis, a 1976 graduate of the United States Air Force Academy, and grandson of Mrs. Irsle King, Flipper's niece.²²

In early February 1978, Flipper's remains were exhumed from an unmarked, unkept grave in Atlanta's Southview Cemetery and moved to Thomasville, Georgia.²³ On 11 February, another "Great American Hero" was eulogized, honored, and buried with full military honors.

Endnotes

¹Before the Committee on Military Affairs, United States Senate, Sixty-Seventh Congress, First Session . . . Petition for Redress of Grievances, Senate Bill 2455 (n.p., n.d.) [1922]), 122. (Cited hereafter as Petition for Redress of Grievances.)

²Henry O. Flipper, *Negro Frontiersman: The Western Memoirs of Henry O. Flipper, First Negro Graduate of West Point*, ed. Theodore D. Harris (El Paso: Texas Western College Press, 1963), 21-37.

³Before the Committee on Military Affairs, House of Representatives, 55th Congress, 2d Session: In the Matter of the Court-Martial of Henry Ossian Flipper, . . . Statement and Brief for Petitioner (n.p., n.d. [1898]) 50-51 (Cited hereafter as Statement and Brief for Petitioner.); Steve Wilson, "A Black Lieutenant in the Ranks," *American History Illustrated* 8 (December 1983): 37.

⁴Statement and Brief for Petitioner, 59.

⁵Wilson, 37; Flipper, "Negro Frontiersman," 37-39.

⁶Wilson, 37; "Records of the U.S. House of Representatives, 55th Congress, Committee on Military Affairs, H.R. 9849," in Record Group 233, National Archives. (Cited hereafter as H.R. 9849.)

⁷Endorsement by H.C. Corbin, dated 18 April 1898 in H.R. 9849.

⁸Wilson, 37.

⁹*Ibid.*, 37.

¹⁰*Ibid.*, 37.

¹¹Petition for Redress of Grievances, 1-2.

¹²Wilson, 37; Petition for Redress of Grievances, 1.

¹³Wilson, 37.

¹⁴"Records of the U.S. Senate, 67th Congress, Committee on Military Affairs, S. 2455." (Cited hereafter as S.2455.)

¹⁵Wilson, 38.

¹⁶"Lieut. Henry Ossian Flipper," *Journal of Negro History* 25 (3 July 1940): 404.

¹⁷John M. Carroll, *The Black Military Experience in the American West* (New York: Liveright, 1971), 352.

¹⁸Johnson, 41-43.

¹⁹Department of the Army, Army Board for Correction of Military Records, "Case of Henry O. Flipper (Deceased) 17 November 1976" in Record Group 407, National Archives. (Cited hereafter as Correction Board.)

²⁰Correction Board, 7.

²¹Ibid., 7.

²²Larry R. Jordan, "A Different Centennial: Henry O. Flipper, USMA 1877, First Black Graduate," *Assembly* 1 (June 1977): 5; Wilson, 39.

²³James Feron, "West Point Cites Black Graduate of 1877," *New York Times*, 3 May 1978, sec. III, 23; Wilson, 39.

CHAPTER VI

SUMMARY AND CONCLUSIONS

Summary

Despite overwhelming adversity, Henry O. Flipper consistently demonstrated a rare combination of character and intellect in facing life's challenges. As a young and lonely cadet at West Point, he endured the hostilities, social isolation, and disdain of his fellow cadets without complaint. This display of restraint, patience, and self-discipline for four years eventually gained their respect if not their friendship.

Flipper's graduation from the Academy in 1877 had satisfied a personal goal; however, this singular event had far-reaching implications for the Army in that it proved to America that African-Americans had formally possessed the qualities of military leadership. As such, Flipper was no ordinary cadet for he carried the hopes and dreams of many black Americans on his shoulders. No white cadet was ever burdened with such enormous responsibilities.

During his brief duty as the only African-American officer in the U.S. Army, Flipper demonstrated the highest principles of leadership and dedication to duty. Furthermore, his engineering talents, intelligence, competence, and total professionalism had earned him the respect of the majority of officers with whom he served. And despite

his humiliation and suffering at the hands of his court-martial, he never abandoned the convictions that he had formed at the Academy.

By 1883, Flipper had pushed aside the Army's mistakes and had begun a forty-eight year career as a civil and mining engineer. In these professions, he traveled abroad extensively during a time when few U.S. citizens (especially African-Americans) had ever visited a foreign country. Moreover, he established a level of excellence that was not normally associated with the role of African-Americans in government service.

Conclusion

Success of today's military service members, like General Colin L. Powell, was made possible, in part, by the trailblazing efforts of Lieutenant Henry O. Flipper. In fact, today's African-American soldiers, sailors, airmen, and marines are the beneficiaries of this Great American. This "leader of character" had the inner sense to realize that he was part of a journey that was greater than himself. Though there were many times throughout his life for him to quit, Flipper stayed on azimuth which allowed people like General Powell to achieve the highest level of responsibility in the nation's armed services.

Closing Comments

"History is such a big, big thing, full of holes and footnotes."¹ The historical neglect of African-Americans, such as Henry O. Flipper, has denied generations of people a powerful connection to their past and adequate role models for the present. Despite Flipper's

accomplishments outside the military, he was nonetheless, proud of his success at the United States Military Academy and his role in the U.S. Army.²

Flipper's military career fully personified the Army's highest values and principles. Even after dismissal from the Army, he remained deeply patriotic to his country as evidenced by his request to serve in the Spanish-American War. The epitome of a West Point graduate, an officer, and a gentleman, he preferred throughout his civilian life to be addressed as "Lieutenant Flipper." His death certificate as inscribed by his brother, Bishop Joseph Flipper, reads "Lieutenant Henry O. Flipper; Retired Army Officer."

Efforts are currently underway to memorialize Flipper via a U.S. postage stamp. Five years of work has gone into this effort which has received support from all corners of the U.S.³

Sadly, information such as this only finds its way into America's classrooms during African-American History Observance Month. Unlike movie stars and sports figures, Flipper is an authentic American hero who did not have to be created. Simply, Flipper was a true patriot who performed an outstanding job serving his country even when his country treated him unfairly.

Endnotes

¹David Maraniss, "Due Recognition and Reward," *Washington Post Magazine*, 20 January 1991, 31.

²Sara Dunlap Jackson, "Introduction" to *Henry Ossian Flipper, The Colored Cadet At West Point* (New York: Homer Lee & Co., reprint 1969), ix.

³Letter from Mayor Len Powell to Marie T. Capps, 27 October 1990. Letter in the hand of Marie T. Capps, manuscript librarian, United States Military Academy Archives, West Point, New York; Maraniss, 31.

APPENDIXES

APPENDIX A
CHRONOLOGY OF KEY EVENTS

1856

21 March Henry O. Flipper born into slavery in Thomasville, Georgia.

1865

April Learned to read and write with the help of the wife of an ex-confederate army captain.

1866

March Attended American Missionary Schools.

28 July Army Reorganization Act authorized the establishment of six black regiments: Thirty-eighth, Thirty-ninth, Fortieth and Forty-first, and the Ninth and Tenth Cavalries.

1869

March Flipper entered Atlanta University.

1870

31 May James Webster Smith entered West Point as its first black cadet.

1873

28 March Honorable James C. Freeman nominated Flipper to the Academy.

20 May Flipper arrived by ferry to West Point.

1877

14 June Flipper graduated from West Point.

1878

1 January Flipper arrived at his first duty station, Fort Sill, OK.

1880

November Flipper assigned to Fort Davis, TX where he becomes acting assistant quartermaster and acting commissary of subsistence.

1881

- 13 August A large amount of money (\$1440.43) was discovered missing from Flipper's commissary accounts.
- 4 November Flipper was arraigned on charges of embezzling \$3,791.77 between 8 July and 13 August 1881, and of "conduct unbecoming an officer and gentleman."
- 8 December Flipper was found not guilty of embezzlement but guilty of "conduct unbecoming an officer and gentleman."

1882

- 14 June Flipper was dismissed from military service.
- 1 July The Army officially closed Flipper's case and returned the young soldier to civilian life.

1893 to 1901 Flipper was employed as a special agent with the Court of Private Land Claims, a division of the U.S. Justice Department.

1898

- 24 February Flipper telegraphed the Secretary of War offering his services in the event of a war with Spain.
- 13 April Congressman Michael Griffin of Wisconsin introduced House Bill (HB) 9849, the first of what would eventually be six different attempts to have Flipper's court-martial reversed.

1922

- 6 October John W. Weeks, Secretary of War, denied Flipper's final attempt to have his court-martial reversed.

1940

- 3 May Flipper died of a heart attack at his brother's home in Atlanta, GA.

1976

- 13 December Flipper's court-martial was reversed by the Army Board for Correction of Military Records and issued Flipper's descendants an honorable discharge certificate.

1977

- 10 February "Henry O. Flipper" day observed at West Point, NY.
- 3 March Georgia State Senate adopted Resolution 160, which recognized Flipper's excellence and proficiency during his military and civilian careers.
- 7 June First Henry O. Flipper award presented to "The graduating cadet who best typifies the attributes of Flipper . . . leadership, self-discipline, and a perseverance displayed in the face of unusual difficulties while a cadet." The award was presented by Lieutenant William R. Davis, a 1976 graduate of the United States Air Force Academy and grandson of Mrs. Irsle King, Henry O. Flipper's niece.
- 27 October "Flipper's Ditch" designated as National Historic Landmark at Fort Sill, OK.

1978

- 10 February Flipper's remains exhumed from unmarked grave in Atlanta and reinterred in Old Magnolia Cemetery, Thomasville, Georgia.

APPENDIX B

FLIPPER'S ACADEMIC RECORD WHILE A CADET AT THE UNITED STATES MILITARY ACADEMY 1 JULY 1873 - 14 JUNE 1877

Appointed from: 5th Congressional District of Georgia
Age on Date of Admission: 17 years, 4 months
Admitted as a Cadet: 1 July 1873
Legal Residence: Atlanta, Georgia
Name of Parent or Guardian: Festus Flipper
Residence of Parent or Guardian: Festus Flipper

FOURTH CLASS YEAR ENDING JUNE 1874 Class of 100 Members

SUBJECT	CLASS STANDING
Mathematics	54
French	42
Discipline	45
Earned 40 demerits for the year	
Order of General Merit	47

THIRD CLASS YEAR ENDING JUNE 1875 Class of 84 Members

Mathematics	47
French	51
Spanish	37
Drawing	56
Earned 96 demerits for the year	
Order of General Merit	50

SECOND CLASS YEAR ENDING JUNE 1876 Class of 73 Members

Philosophy	66
Chemistry	70
Tactics	40
Drawing	52
Earned 83 demerits for the year	
Order of General Merit	64

FIRST CLASS YEAR
ENDING JUNE 1877
Class of 77 Members

SUBJECT	CLASS STANDING
Engineering	51
Law	34
Mineralogy & Geology	70
Ordnance & Gunnery	57
Discipline	15
Earned 25 demerits for the year	
Order of General Merit	50
Graduation Order of Merit	50

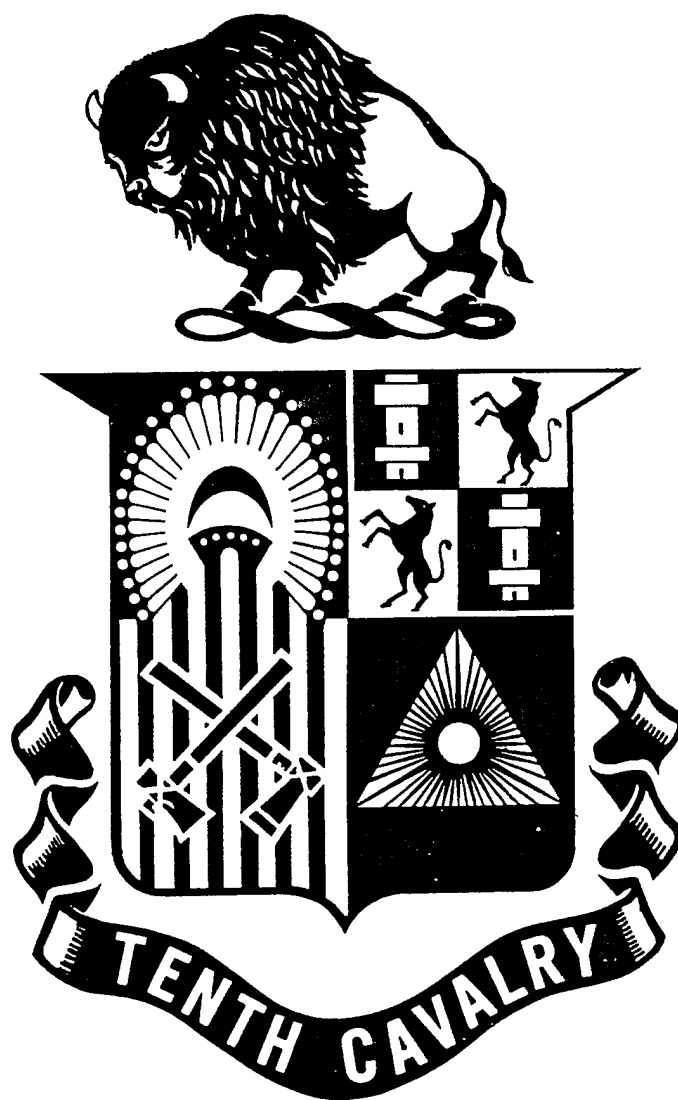
Henry Ossian Flipper was graduated and was commissioned a 2nd Lieutenant, 10 Cavalry, 15 June 1877.

(Extracted from the *Official Registers, U.S.M.A., 1873-1877*, and other records from the United States Military Academy Archives.)

APPENDIX C

REGIMENTAL CREST OF THE TENTH CAVALRY

PLATE 1



The Regimental Crest of the Ninth and Tenth
U.S. Cavalry: The Buffalo Soldiers

(Source: Leckie, *Buffalo Soldiers*, 26)

APPENDIX D

SELECTED COURT CASES (1872-1885)
ADJUDICATED UNDER THE 61st ARTICLE OF WAR

Name: Captain (Paymaster) Reese
Race: White
Year: 1872

Charge: Embezzlement (\$23,591.91) & improper military conduct

Verdict: (Principal & Secondary) Guilty of embezzlement but innocent of improper military conduct

Sentence: Reprimand & suspension from rank & command for a period of four months

Name: Lieutenant Hasson
Race: White
Year: 1879

Charge: Felonious assault upon one-armed medical doctor and improper military conduct

Verdict: (Principal & Secondary) Innocent of assault and improper conduct military conduct - court determined that the lieutenant's conduct was not sufficiently disgraceful for conviction or dismissal from the service

Sentence: None

Name: Lieutenant Flipper
Race: Black
Year: 1882

Charge: Embezzlement (\$3,791.77) & improper military conduct

Verdict: (Principal & Secondary) Innocent of embezzlement but guilty of improper military conduct

Sentence: Dishonorable discharge and dismissal from the U.S. Army

Name: General Swaim
Race: White
Year: 1885

Charge: Fraudulent banking practices, conspiracy, deceit, and improper military conduct

Verdict: (Principal & Secondary) Guilty of fraud & conspiracy but innocent of improper military conduct

Sentence: Suspension from rank and duty for twelve years and forfeiture of one-half of monthly pay from same period

(Source: *Records of the Judge Advocate General*, QQ-2952, T-1027, roll 1, 35-43.)

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