



# Custer

## And the First Iowa Cavalry

by Robert E. DeZwaan, Jr.

*Historians have probably written as much about George Armstrong Custer as they have about any other officer in American military history. By some, he is praised for his bravery in the face of overwhelming odds; by others, he is condemned for his incompetence. While the Battle of the Little Big Horn is the action that brought Custer his fame—or infamy—he also held a cavalry command in the Army during the Civil War and Reconstruction. When he was ordered to occupy an area of Texas near Houston after the surrender of the South in 1865, his command included the First Iowa Cavalry Regiment, and the incidents during that period that are narrated in the following excerpts from an unpublished manuscript have an important bearing on the much-disputed question of Custer as a military commander.*

**I**n late September 1865, Iowa governor William M. Stone received a very disturbing letter from Surgeon Charles H. Lothrop of the First Iowa Cavalry Regiment. Lothrop reported that Private Horace Cure of Company M of the First Iowa had recently had his head shaved and had received twenty-five lashes as punishment for an offense, and that this had been done without his ever having been tried by court martial, which Lothrop declared to be in violation of the Articles of War and an Act of Congress of August 5, 1861. Stone, incensed,

wrote directly to Secretary of War Edwin M. Stanton asking that this “degrading and unmilitary treatment,”—as well as reports he had also received of unfit rations being issued to the First Iowa—“be searchingly investigated.” He also demanded that the First Iowa be “relieved from this barbarous order,” meaning Custer’s Special Order Number Two, on which the punishment of Private Cure had been based.

Iowa Adjutant General Nathaniel B. Baker received a similar letter from Lothrop. Baker, whom a contemporary described as “rough and unguarded in his language . . . [and] plain spoken,” flew into a rage and fired off a telegram to



GENERAL GEORGE ARMSTRONG CUSTER

*“an educated soldier, a strict disciplinarian and . . . boundless in his ambition”*

Stanton asking: “Has Genl Custer [sic] now in Texas, under the articles of war & the Acts of Congress any right, with or without court martial of offender, to order or inflict punishment of a member of the 1st Iowa Cavalry by shaving of head & infliction of lashes? If he has such a right or authority, from what source does he derive it? An answer by telegraph is respectfully solicited.” Stanton sent no reply.

These two Iowa officials were not alone in their efforts to secure the release of the First Iowa. In Washington, General Fitz Henry Warren, who had been the regiment’s first colonel, spoke with Stanton in the First Iowa’s behalf, but to no avail.

When Governor Stone drew no response from the War Department to his letters, he wrote again to Stanton on October 18: “I am

constrained to indulge in the belief of gross misconduct on the part of the General towards these veteran troops, and to again demand the immediate interference of your Department in their behalf. . . . In view of the fact that this regiment has been in active field service for over four years, participating in the most arduous and perilous campaigns of the western division of the army, I respectfully suggest and urge that it be discharged as soon as the exigencies of the public service will permit.” The War Department’s reply stated that the matter would be referred to General Grant.

Governor Stone’s letter passed through channels for a response by General Custer. His reply is crucial to an understanding of his role in the incident Lothrop described, and it is worth quoting at length here:

I have the honor to submit the following report in regard to the case of Horace Cure, a private in Co. M, 1st Iowa Cavalry, referred to in a telegram from His Excellency, Governor Stone of Iowa, to the Secretary of War. . . .

Under instruction from the Major-General commanding this Military Division, I pro-

ceeded in June last to Alexandria, La., to assume command of the following named regiments, viz: First Iowa Cavalry, Second Wisconsin Cavalry, Fourth [?—Fifth] and Twelfth Illinois Cavalry, and Seventh Indiana Cavalry. These regiments had, prior to this time, been serving in Tennessee and other States farther north. A portion of them had

preceded me to Alexandria, the others following soon after my arrival there. The conduct of these troops while at Alexandria was infamous, and rendered them a terror to the inhabitants of that locality, and a disgrace to this or any other service. Highway robbery was of frequent occurrence each day. Farmers bringing cotton or other produce to town were permitted to sell it and then robbed in open daylight upon the streets of the town—this, too, in the presence or view of other soldiers than those perpetrating these acts.

No citizen was safe in his own home, either during the day or night. Bands of soldiers were constantly prowling about the surrounding county for a distance of twenty or thirty miles, robbing the inhabitants indiscriminately of whatever they chose, and not unfrequently these squads of soldiers who were so absent from camp, not only in violation of orders but of articles of war, were accompanied by officers. Upon two occasions . . . parties being under the charge of the Adjutant of the regiment [H.L. Morrill], were trespassing on the premises of a citizen nine miles from camp. [When] the latter remonstrated against it, the Adjutant seized a revolver belonging to a negro who accompanied the soldiers and threatened to blow the citizen's brains out if he dared to oppose them.

Such instances were of almost daily occurrence. Had this misbehavior been only chargeable to the enlisted men, I could have corrected it by calling in the assistance of the officers, but unfortunately the officers were the responsible parties. When not engaged with enlisted men in committing unlawful acts, they sanctioned such conduct when brought to their notice, and never to my knowledge, did an officer of the command take a single step toward suppressing the disorder complained of unless when acting under special instructions to do so. This may appear incredible, but is accounted for as follows: I found, upon assuming command of the above named regiments,

that a feeling amounting almost to mutiny existed throughout the command, occasioned by their determined opposition to remain longer in the service, and particularly was this opposition heightened by an impression that they were to be required to go to Mexico, a measure that they would not consent to under the circumstances. They claimed that they had enlisted for the present war, that the war was over, and they were entitled to their discharge from service. This was the universal feeling among officers as well as men. Many openly stated their intention not to accompany the command on its proposed march to Texas, and large numbers of men did desert from this reason alone. It was also openly stated that if the Government determined to hold them in service, they would, by their conduct, compel their discharge. Actuated by these motives in addition to the natural viciousness which is ever found among an unrestrained soldiery, the disposition and conduct of these troops, as manifested daily, was such as to excite the deepest anxiety.

I first appealed to the regimental commanders, referred them to such cases as were brought to my notice—cases in which the perpetrators of wrong were members of the regiment of which the officer addressed was the commander—urged them to correct the evil complained of, and prevent their recurrence in future. In one instance, I remember, I instructed one of the regimental commanders to the effect that if the complaints against his regiment—of thieving, &c., all of which were well founded, did not cease—I would relieve him and place an officer in command who could and would control it.

In no instance did my efforts in this direction succeed. The sympathies of the officers were so strongly enlisted in favor of the men that my appeals were fruitless. Officers would offer . . . such arguments as the following: "The boys think that they ought to be allowed to go home, and if not allowed to go home, they ought to

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have a little liberty”—meaning by “liberty” unrestrained permission to go where they pleased and rob whoever came in their way. Such at least was the practical exercise of this “liberty.” I was powerless so far as I relied upon the regimental officers for cooperation to secure discipline, obedience, and proper regard for the rights and property of others. Under other circumstances I could have summoned a court-martial for the trial of offenses such as I have named, but this would have been a mere mockery and would have defeated the very aim it was intended to promote. I was located several hundred miles away from my next superior officer, with no means of immediate communication. Before instructions could have been asked for and received, it was expected that the expedition I was to command would move; . . . then I would be entirely cut off from communication with any other command, until I had

completed a march of hundreds of miles, and reached a new base in a different department. My instructions from the commanding General were to treat the inhabitants of the country with whom I was brought in contact with kindness and conciliation—to permit no foraging, to pay for all supplies of beef or grain which it became necessary to take, to issue stringent orders which should prevent depredations or outrages being committed upon citizens by troops of my command. Under these circumstances, as I have related them above, actuated by the single desire to discharge my duty, carry out strictly the instructions of my commanding officer, and to prevent and remove the disgrace which was daily attaching itself to the troops of my command, I issued an order referred to by His Excellency, Governor Stone—stating as a reason for so doing that a court-martial would be impracticable while the command was on

the march or in any unsettled state. The order was intended as only temporary, and to express my view of the punishment, a general court-martial, sitting in my command, of which Lieutenant-Colonel McQueen, First Iowa Cavalry, was president, in the case of an enlisted man found guilty of a very serious offense, sentenced [Private Cure] among other punishments, "to receive twenty-five lashes well laid on. . . ."

In regard to the case of Private Horace C. Cure, Co. M, First Iowa Cavalry, I would state that, at a time when the commissary department was furnishing the troops of this command with a full supply of the best quality beef, Private Cure, in company with a Mexican, stole a valuable beef from Dr. Peebles, collector of the port of Galveston, drove it to the vicinity of camp, killed it, and, taking a small portion for their own use, left the remainder on the ground. This was an offence which was being committed daily. No shadow of reason existed for such conduct, for whatever deficiencies existed in the commissary department, the supply of beef was always ample and of the best quality. Nothing but a desire to commit a wan-

ton outrage could have prompted it. The usual excuse that the owners were rebels would not be true, as in this case the owner was Dr. Peebles, who, according to my opinion, is a man whose sacrifice and personal suffering in defense of the Government and the Union have been greater than those of any other individual, either north or south. The punishment was inflicted both upon Private Cure and upon the Mexican, and had its intended effect, as no outrage of a similar character has been committed since.

I will add in conclusion, that I have been in almost continuous command of troops since the commencement of the war, frequently in much larger numbers than at present, and that I never found it necessary or desirable to issue such orders as I have referred to, simply because I have never been in command of troops whose conduct, both as regards officers and men, so nearly resembled that of a mob as was the conduct of these troops when I assumed command of them. I am happy to say that today no better behaved regiments are included in the volunteer force than those now composing my command."



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Certainly depredations were committed before and after Custer's arrival at Alexandria, Louisiana, but were they, as he states, on a daily basis? If depredations had been as frequent as Custer claims, then his orders and notes would reflect such a state of affairs, but they do not. First Iowa Adjutant Morrill's party had not been ordered to rob anyone, but was under specific orders and instructions to *buy* fruit from planters. If indeed Morrill was operating under questionable circumstances, why was the matter not brought up at the time and only raised in this letter?

Until the time of the Cure incident there is nothing in Custer's papers that reflects any improper behavior on the part of members of the First Iowa. Colonel William Thompson expressed the opinion that the greatest dissatisfaction was the result of the actions of the provost marshal, "who endeavored" Thompson charged, "to place himself 'high up' in the estimation of his General by the infliction of cruel and unusual punishments as a means of enforcing army discipline. He was not a graduate of West Point, but supposed an imitation of the worst and most strikingly abused notions of young and inexperienced graduates, was the best course to pursue in rendering himself conspicuous and consequential. General Custer was an educated soldier, a strict disciplinarian and was boundless in his ambition, but he let this Provost Marshal of his, hinder and obscure all his native kindness and benevolence. Had he long since given this officer the 'bounce,' he would have experienced greater satisfaction with his Command and have saved himself from much outside, really undeserved animadversion."

Near the first of October 1865 the voting commissioner arrived to take the vote of the First Iowa for the upcoming gubernatorial election. The regiment voted overwhelmingly in favor of Governor Stone, whose efforts on their behalf were well known. It should also be mentioned here that the involvement of Governor

Stone was not a matter of political debate and in no way figured into the election. Of course, this is not to say that the families and friends of members in the regiment did not vote for Stone for this particular reason, but it is unreasonable to assume the entire state voted in favor of him because of his actions to gain relief for the regiment.

In Iowa the letters published in newspapers and those released to the press by government officials, including Lothrop's letter and accompanying documents, created quite a stir, and it was not without its ramifications. One of the first orders of business after the Iowa General Assembly convened in January 1866 was the passage of the following resolution: "Resolved, That His Excellency, Governor Wm. M. Stone, be respectfully requested to furnish to this House such information as he may possess, or the records and correspondence of his office may show, touching the *gross outrages* and cruelty which have been inflicted, as punishments, upon members of the First Iowa Cavalry, or of any other Iowa regiment, contrary to the Regulations and Articles of War, by order of Major-General Custer [sic], or any other officer of the U.S. Army, who has been in command of Iowa regiments now or recently in the United States service."

General Custer, meanwhile, had received orders that his muster out would be effective on February 1. On the last day of January Custer began to dismantle his staff. At about the same

#### Note on Sources

Sources consulted for this article included the correspondence of the Adjutant General of Iowa, letterbooks of Governor William M. Stone, and an autobiography of William Thompson, all of which are held by the Division of Historical Museum and Archives in Des Moines. Also consulted were issues of the *Des Moines Iowa State Daily Register* from August through October 1865, volume 2 of the Iowa Adjutant General's report for 1866, the journal of the Iowa House of Representatives for the Eleventh General Assembly, and Charles H. Lothrop's *History of the First Regiment Iowa Cavalry Veteran Volunteers* (Lyons, Iowa, 1890).

time, orders were also received for the First Iowa to be mustered from service. On February 3, an order came from the chief quartermasters department, approved by General Custer, that Lieutenant Heberling, First Iowa, was to have "twelve horses from your train to send out as relays for the General. Have them ready by twelve o'clock. I want only the horses without harness." In one last defiant act taken against Custer, Lieutenant Colonel McQueen "ordered Lieutenant Heberling to take the teams back to quarters. . . . which he did." Having made other arrangements, Custer left on the evening of February 3, or possibly the next evening. The high regard shown for Custer was

evidenced by his farewell party, "a detachment of men in the bush before daylight, with carbines to fire a parting salute, but he passed about two hours before they got into position." With Custer's departure General Sturgis was left in command.

Beginning on February 19, the First Iowa, escorted for a short distance by General Sturgis and the brigade band, traced a northern route and arrived at Davenport, Iowa, by steamboat on March 12. Three days later the men were paid and mustered out. One day after the First Iowa's arrival in Davenport the Iowa legislature unanimously passed a joint resolution that read in part:

Members of that regiment have unjustly received from the hands of Major-General Custer, while under his command, such ill treatment as no other Iowa soldiers have ever been called upon to endure; that such treatment or punishment was dishonorable to the General inflicting it, degrading to the name of American soldier, unworthy of the cause in which they were engaged, and in direct and flagrant violation of the laws of Congress and the rules and articles of war.

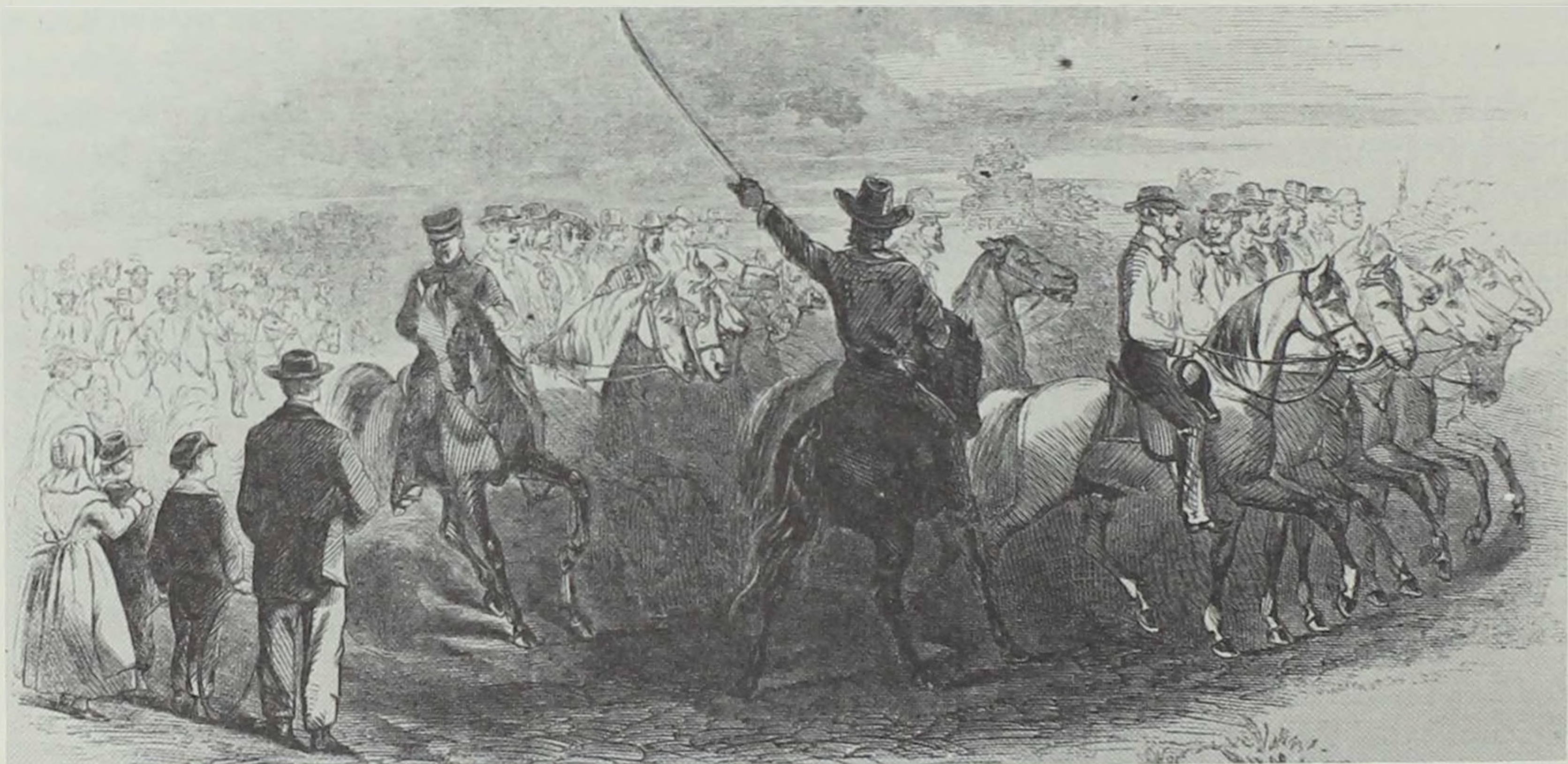
The regiment was one of the foremost in answering their country's call to put down the rebellion, having enlisted in April and May, 1861, and so eager were they to take an honorable part in their country's service, and fearing that Iowa's quota of troops would not be large enough to admit a cavalry regiment from this State, they immediately, after their organization, tendered their services direct to the Secretary of War, and they were accepted by him as an independent regiment. Every enlisted man furnished his own horse and equipments, and continued to do so until July, 1864, when they were compelled to sell them. Early in 1864, nearly six hundred of them re-enlisted for another term of three years. They served in all the campaigns of Missouri and Arkansas, and were honorably mentioned in general or-

ders by Generals Rosecrans, Davidson, Heron, Blunt, Dana, Reynolds, and others, and even by General Custer himself, as will appear hereafter in this report.

This regiment was first under the command of Major General Custer on the day of its arrival from Memphis, Tenn., at Alexandria, La., which was on the 23d day of June, 1865, on the following day, viz: the 24th of June, 1865, General Custer issued his Special Order No. 2, one clause of which is in these words, viz: "Every violation of this order will receive prompt and severe punishment. Owing to the delay of courts martial, and their impracticability when the command is unsettled, it is hereby ordered that any enlisted man of this command violating the above order, or committing depredations upon the person or property of citizens, will have his head shaved, and in addition will receive twenty-five lashes upon his back, *well laid on.*"

Another clause of this order is as follows: "Citizens of the surrounding country are *earnestly invited* to furnish to these headquarters any information they may acquire which will lead to the discovery of any parties violating the foregoing order."

Your Committee beg leave to state that the above order, aside from its brutality and in-



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humanity, is in direct violation of a law of Congress, approved August 5, 1861; while the latter part of it is, as every officer and soldier knows, too readily responded to by rebel citizens eager to bring Union soldiers into discredit and disgrace. . . . many soldiers deserted what they termed a reign of terror, even though the war had ended, and the prospect of a speedy return to their homes and firesides, and an honorable discharge from their long and active service, were about to be soon realized. . . .

General Custer, in justification of his barbarous treatment, and of his conduct in suspending courts-martial and substituting unlawful and unwarrantable orders, denounced the character of his entire command of five regiments—including field and line officers—as "infamous and mutinous," unwarrantable and sweeping charges made against a regiment of soldiers whose conduct and bearing had been hitherto irreproachable. . . . Furthermore, Gen. Custer himself, in his official report to

Major-General Sheridan, made on the 26th of October, 1865, and while in command of the same troops whose character he had defamed so recently, made this remarkable admission: "I am happy to say, that today, no better behaved regiments are included in the volunteer force than those now composing my command. . . ."

[The following resolution accompanied the statement:]

*WHEREAS*, By an act of Congress approved August 5th, 1861, passed from a consideration of the fact that the perilous condition of the country was inducing many thousands of its best and most patriotic citizens to enlist in the ranks, the barbarous and inhuman punishment of flogging was prohibited throughout the armies of the United States; and

*WHEREAS*, By Special Order No. 2, dated at Headquarters Cavalry Division, Alexandria, La., June 24th, 1865, issued by command of Major-General Custer, authority was given to Provost-Marshals to cause American soldiers to



be punished by "twenty-five lashes on the back, well laid on," without their being allowed the formality of a trial by Court Martial; and

*WHEREAS*, On the 14th day of September, 1865, two American soldiers, one of whom was a member of the First Regiment Iowa Veteran Cavalry, were punished by flogging, by parties acting under authority of said order, therefore, be it

*Resolved by the General Assembly of the State of Iowa*, That, while we recognize the necessity of strict enforcement of military discipline, and the propriety of punishing every violation thereof in such manner as the laws of

Congress and Articles of War may direct, we also consider that the infliction of the cruel and barbarous punishment referred to could only have a tendency to render soldiers discontented and insubordinate, and that by this wanton and atrocious outrage, the majesty of the law has been condemned, the honor of the State has been insulted, and the rights of American soldiers trampled under foot, and we demand that the author thereof be held to strict accountability, and, after proper trial, be subjected to condign punishment, that future tyrants may take warning from the example."

**F**or all the strength of its language in defending the First Iowa Cavalry and attacking Custer, the Iowa General Assembly's resolution possessed all the elements of an anticlimax. By the time the resolution was passed, the incident had been essentially closed. The First Iowa had already been mustered out, and General Custer went on to be

commissioned a lieutenant colonel in command of the newly formed Seventh United States Cavalry, following the path that would eventually take him to the Little Big Horn. The record of the incident remains, however, as evidence in the historical debate on the question of the competence of George Armstrong Custer as a military commander. □

