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## Did Custer Disobey?

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# Greasy Grass



*"Custer's Last Stand"*

# Greasy Grass

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# DID CUSTER DISOBEY?

By Samuel W. Calhoun



Gen. Alfred Terry



Col. John Gibbon



Gen. George Crook

Photos courtesy of Custer Battlefield

**O**F the many controversies surrounding the life and death of George Armstrong Custer, none has been more enduring than whether he disobeyed orders given him three days before the Battle of the Little Big Horn. Some have argued that Custer willfully disregarded Brig. Gen. Alfred Terry's written instructions concerning his approach to the Little Big Horn Valley; others have said that the order gave Custer sufficient discretion to justify his actions.

Evan S. Connell, in his best-seller about Custer, *Son of the Morning Star*, writes that "[i]t is a matter of interpretation ... [i]t depends, like the blind men describing an elephant, on what part of the creature you touch."<sup>1</sup>

While acknowledging that modern students of this battle are to an extent akin to blind men, this article attempts to "describe the elephant" — to determine whether Custer disobeyed — by closely examining the language of the order in light of Custer's circumstances. This is not the first such attempt and undoubtedly will not be the last. The years are seemingly bearing out Frederic Van De Water's 1934 prophecy that the order, which had already "had its every word tested, its each comma and period examined, [and] all its sentences twisted and stretched," would generate "immortal" controversy.<sup>2</sup>

## Background

Let's start with Terry's order to Custer at the Camp at the Mouth of the Rosebud River on June 22, 1876.

\* \* \* \* \*

Colonel:

(1) The Brigadier-General commanding directs that as soon as your regiment can be made ready for the march, you proceed up the Rosebud in pursuit of the Indians whose trail was discovered by Major Reno a few days ago.

(2) It is, of course, impossible to give you any definite instructions in regard to this movement, and were it not impossible to do so, the Department commander places too much confidence in your zeal, energy and ability to wish to impose upon you precise orders which might

hamper your action when nearly in contact with the enemy.

(3) He will, however, indicate to you his own views of what your action should be, and he desires that you should conform to them unless you shall see sufficient reason for departing from them.

(4) He thinks that you should proceed up the Rosebud until you ascertain definitely the direction in which the trail above spoken of leads.

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**'...the Department commander places too much confidence in your zeal, energy and ability to wish to impose upon you precise orders which might hamper your action when nearly in contact with the enemy.'**

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(5) Should it be found, as it appears to be almost certain that it will be found, to turn toward the Little Big Horn he thinks that you should still proceed southward, perhaps as far as the headwaters of the Tongue, and then turn toward the Little Big Horn, feeling constantly however, to your left so as to preclude the possibility of the escape of the Indians to the south or southeast by passing around your left flank.

(6) The column of Col. John Gibbon is now in motion for the mouth of the Big Horn.

(7) As soon as it reaches that point it will cross the Yellowstone and move up at least as far as the forks of the Big and Little Big Horn.

(8) Of course its future movements must be controlled by circumstances as they may arise; but it is hoped that the Indians, if upon the Little Big Horn, may be so nearly enclosed by the two columns that their escape will be impossible.

(9) The Department Commander desires that on your way up the Rosebud you should thoroughly examine the upper part of Tullock's Creek, and that you should endeavor to send a scout through to Col. Gibbon's column with information of the result of your examination.

(10) The lower part of this creek will be examined by a detachment from Col. Gibbon's command.

(11) The supply steamer will be pushed up the Big Horn as far as the forks of the river are found to be navigable for that space, and the Department Commander, who will accompany the column of Col. Gibbon, desires you to report to him there not later than the expiration of the time for which your troops are rationed, unless in the meantime you receive further orders.

Respectfully,  
E. W. Smith,  
Capt. 18th Infantry,  
Acting Asst. Adjt. Genl.<sup>3</sup>

\* \* \* \* \*

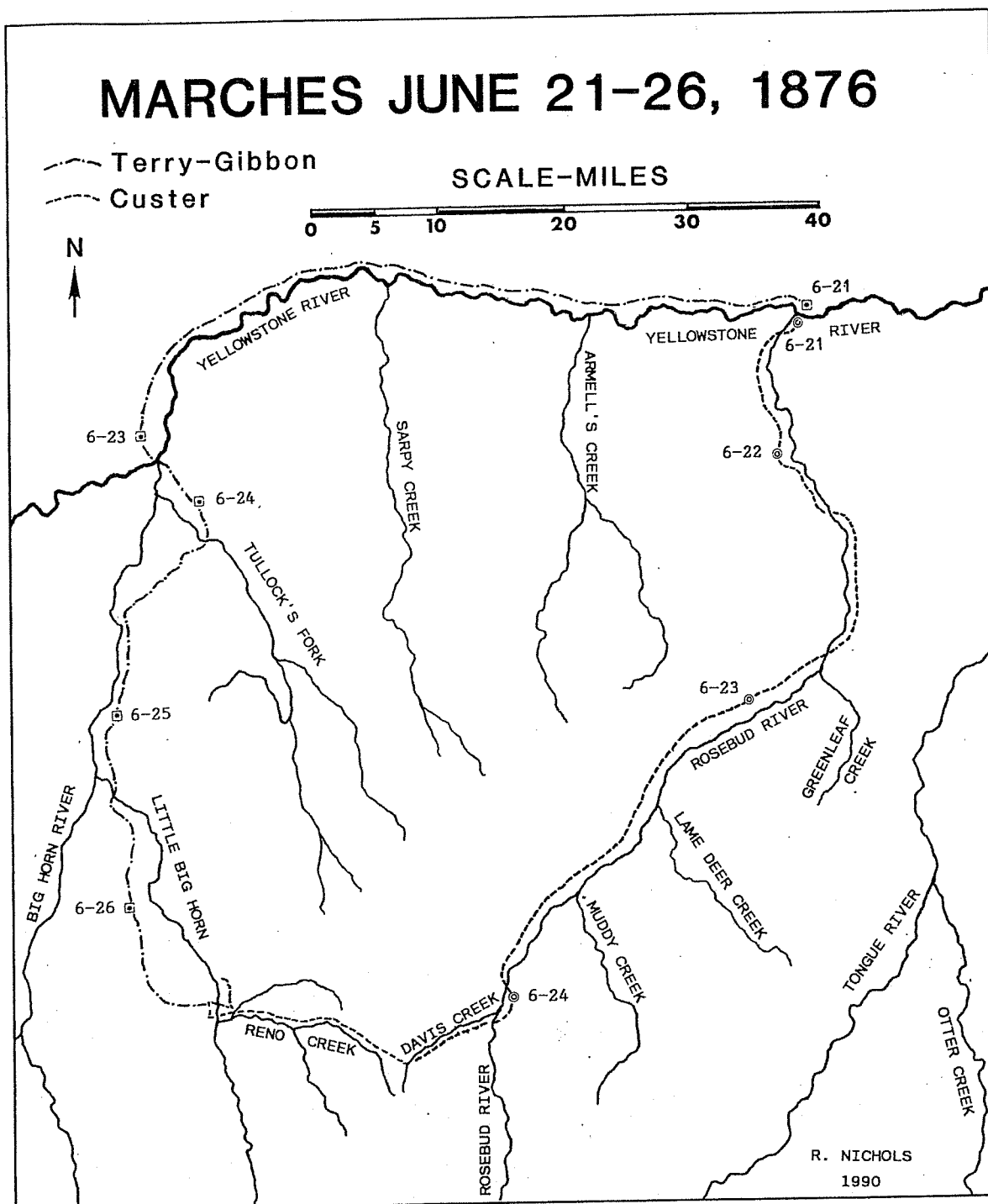
Discussing whether Custer disobeyed demands knowledge of the surrounding facts, especially a chronology of events:

- Late December, 1875: The Commissioner of Indian Affairs issued an ultimatum to the Sioux to report to their reservations by Jan. 31, 1876, or be classified as hostiles subject to military action.<sup>4</sup> There was no "measurable response" to the ultimatum.<sup>5</sup>

- Feb. 1, 1876: The Secretary of Interior certified the Sioux as hostile and asked the Secretary of War to take such measures as he thought appropriate.<sup>6</sup>

- April-May, 1876: A three-pronged expedition was begun against the hostile Sioux. The western column was commanded by Col. John Gibbon. The southern column, under Brig. Gen. George Crook, was met by the Indians on the Rosebud on June 17, about 20 miles from what would be the site of Custer's battle on June 25. Although the hard-fought fight was a stalemate, Crook turned back and was effectively out of the campaign. The eastern column, as originally planned, was to have been commanded by Custer. However, he had angered President U. S. Grant through his involvement in impeachment proceedings against Secretary of War W. W. Belknap. Grant not only removed Custer from command, but refused to let him accompany the expedition. Custer made frantic efforts to be reinstated, and through Terry's intercession, the president at the last moment relented. Custer could go, but only as leader of the 7th Cavalry; Terry would command the expedition.

- June 10-20, 1876: Major Marcus A. Reno, who accompanied the Terry-Custer column, conducted a scouting expedition which discovered a large Sioux trail heading south up the valley of the Rosebud. Reno's orders had been to search the valleys of the Powder and Tongue rivers. Reno, however, abandoned his mission and moved westward



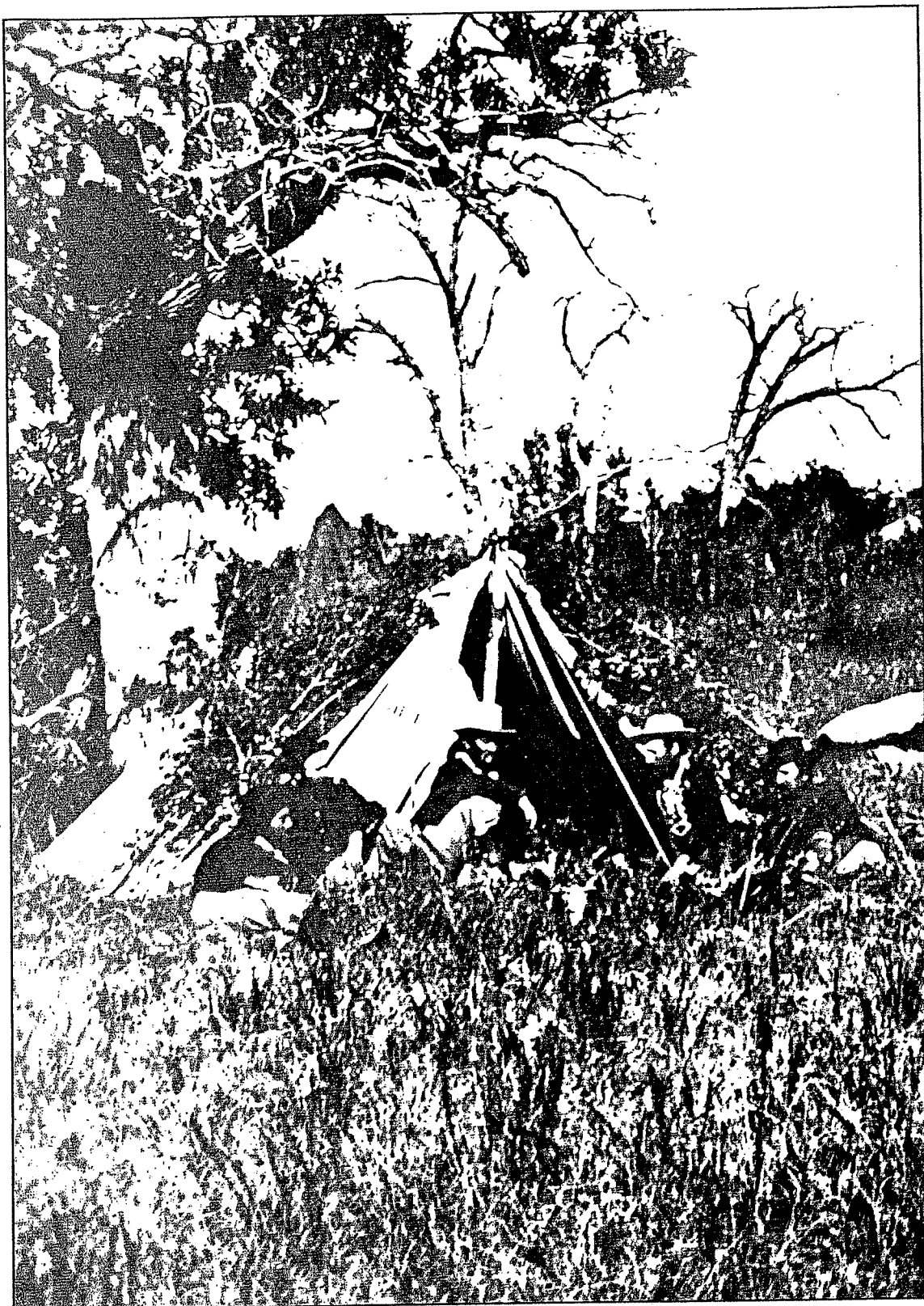
to the Rosebud, where he followed the Sioux trail upstream. He reached his farthest southern point on June 17, the same day that Crook was battling the Sioux 40 miles away.

- June 21, 1876: A conference was held among Terry, Custer and Gibbon. Although no contemporary record of their discussion exists, Terry later stated (with Gibbon's concurrence) that it was determined that Gibbon would enter the Little Big Horn Valley from the north, while Custer would enter from the south; the plan was that no action would be taken before June 26, the earliest day that

Gibbon could reach the Little Big Horn.<sup>7</sup>

- June 22, 1876: The written order to Custer having been issued, the 7th Cavalry departed at noon with rations for 15 days. That evening, in camp 12 miles up the Rosebud, Custer cautioned his assembled officers "to husband their rations and the strength of their mules and horses ... as he intended to follow the trail until [they] could get the Indians, even if it took [them] to the Indian agencies on the Missouri

(See DISOBEY, p. 13)



Gen. George Crook and his staff, circa 1876. Many wonder how history might have been changed if Custer and Terry had realized that Crook had headed back to Wyoming after battling the Indians on June 17 at the Rosebud/courtesy Custer Battlefield.

(DISOBEY, from p. 11)

River or in Nebraska."<sup>8</sup>

- June 23, 1876: Custer's column found the Sioux trail previously discovered by Major Reno's scout.

- June 24, 1876: After a march of about 30 miles, Custer's column camped at dusk. Shortly after 9 p.m., Custer was informed by his scouts that the Sioux trail, which had grown larger and fresher all day, turned abruptly to the right and went westward toward the Little Big Horn Valley. Custer immediately roused his men and began a march along the trail. By about 2 a.m., when a halt was called, the command had proceeded about 10 miles toward the Little Big Horn Valley. Custer's plan was to rest the men on the 25th and make a dawn attack on the 26th.

- June 25, 1876, morning: Custer obtained information that his command had been discovered by the Sioux. He decided not to wait until the 26th for an attack, but to find the Sioux village and strike it as soon as possible.

- June 25, 1876, afternoon: Custer and his immediate command of 210 men were killed.

- June 27, 1876: Terry wrote a report of the disaster for Gen. Philip Sheridan which referred to the conference of June 21, but made no mention of a plan of cooperative action between Custer and Gibbon.

- July 2, 1876: Terry wrote for Sheridan a second report of the disaster, marked "Confidential." It read, in part:

"I think I owe it to myself to put you more fully in possession of the facts of the late operations. While at the mouth of the Rosebud I submitted my plan to Genl. Gibbon and to General Custer. They approved it heartily. It was that Custer with his whole regiment should move up the Rosebud till he should meet a trail which Reno had discovered a few days before but that he should not follow it directly to the Little Big Horn; that he should send scouts over it and keep his main force further to the south so as to prevent the Indians from slipping in between himself and the mountains. He was also to examine the headwaters of Tullock's creek as he passed it and send me word of what he found there. A scout was furnished him for the purpose of crossing the country to me. We calculated it would

take Gibbon's column until the twenty-sixth to reach the mouth of the Little Big Horn and that the wide sweep which I had proposed Custer should make would require so much time that Gibbon would be able to cooperate with him in attacking any Indians that might be found on the stream.... The plan adopted was the only one that promised to bring the Infantry into action and I desired to make sure of things by getting up every available man.... The movements proposed for Genl.

Gibbon's column were carried out to the letter and had the attack been deferred until it was up I cannot doubt that we should have been successful.... The proposed route [Custer's] was not taken but as soon as the trail was struck it was

**'For whatever errors  
(Custer) may have committed  
he has paid the penalty  
... but I feel that our plan  
must have been successful  
had it been carried out...'**

**—Gen. Terry**

followed. I cannot learn that any examination of Tullock's creek was made. I do not tell you this to cast any reflection upon Custer. For whatever errors he may have committed he has paid the penalty and you cannot regret his loss more than I do, but I feel that our plan must have been successful had it been carried out, and I desire you to know the facts.... I send in another dispatch a copy of my written orders to Custer, but these were supplemented by the distinct understanding that Gibbon could not get to the Little Big Horn before the evening of the 26th."<sup>9</sup>

## Analysis

If the question is whether Custer disobeyed his orders, the task is to determine what he was ordered to do, whether he carried out those orders, and, if not, whether he was given sufficient discretion to justify his noncompliance.<sup>10</sup>

What did Terry order Custer to do? It is striking that of the five sentences in the written order which involve Custer's doing something, only Sentence 1 uses the peremptory word "directs." Sentences 9 and 11 use the softer word "desires," while Sentences 4 and 5 use the equally mushy term, "thinks." In many non-military contexts, such language would convey a great deal of latitude.

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9  
0 It is no surprise that in this military setting the issue is marked by controversy. Col. Robert P. Hughes, who was Terry's long-time aide-de-camp (and brother-in-law), writes that "All military men know that the polite words 'he desires,' 'he thinks,' have all the force that can be conveyed in the words 'he orders'."<sup>11</sup>

On the other hand, Capt. Robert G. Carter, another Indian War veteran, argues that such polite language rendered Terry's document not a mandatory order at all, but rather only a "very elastic" letter of instructions.<sup>12</sup>

I agree with Hughes. The last phrase of Terry's communication to Custer, referring to the possible receipt of "further orders," suggests that the document itself contained orders. Custer himself understood this to be the case, as shown by his last letter to his wife, Libbie, dated June 22, which included an extract from what Custer referred to as "Genl. Terry's official order."<sup>13</sup>

Also of significance is the judge advocate general's rejection of a similar defense in the court-martial of Col. Joseph J. Reynolds, which arose out of the engagement at Powder River on March 17, 1876. Reynolds, who was convicted of "conduct to the prejudice of good order and military discipline," argued that he had been given no orders, but that matters "had been left to his own discretion."<sup>14</sup> The judge advocate general, commenting on the instructions to Reynolds, wrote that they "were not in the form of positive formal orders, but they clearly and intelligently expressed the wishes of the commander of the expedition...."<sup>15</sup>

Assuming that Terry's use of "desires" and "thinks" did not deprive the order of all compulsion, the next question is whether Custer did what he was told to do. Sentence 1 was speedily carried out,<sup>16</sup> as was Sentence 4.<sup>17</sup> Sentence 5, however, was disregarded by Custer, as he immediately turned west to follow the Sioux trail rather than proceed southward up the Rosebud. Sentence 9 likewise was disregarded. Sentence 11 tragically became impossible to perform.

Even if Custer failed to comply with aspects of his orders, he cannot rightly be accused of disobedience if he were given discretion broad enough to justify noncompliance. Sentences 2 and 3 contain considerable discretionary language, and the heart of this inquiry is to determine just how much freedom of action they permitted.<sup>18</sup>

On first impression, Sentence 2 appears to give Custer carte blanche. Closer examination, however, reveals that it is limited in

how much discretion it bestows. First, when one recalls how recently Custer had been humiliated by President Grant, the language praising the 7th's leader appears more as a courtesy to soothe his ruffled feathers.<sup>19</sup>

Second, Terry failed to impose "precise orders" on Custer to avoid hampering him "when nearly in contact with the enemy." This condition did not exist on the night of June 24, when Custer roused his men to follow the Sioux trail. While signs indicated that the Sioux were "a mere 30 miles away,"<sup>20</sup> 30 miles does not equal "nearly in contact." The phrase most probably was used in reference to battlefield tactics when a fight was imminent.

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**If the question is whether Custer disobeyed his orders, the task is to determine what he was ordered to do, whether he carried out those orders, and, if not, whether he was given sufficient discretion to justify his noncompliance.**

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Finally, Sentence 2 is overridden by Sentence 3. Beginning Sentence 3 with "He will, however..." in effect says "Despite what I say in Sentence 2, you should do what I say in Sentence 3." Sentence 3 told Custer that he should conform to Terry's views unless Custer saw "sufficient reason for departing from them." Whether "sufficient reason" existed thus becomes the critical issue.

Many Custer scholars would disagree. A persistent theme, stated most strongly by John Gray, holds that Custer was to be the "sole judge" of any reasons which might cause him to deviate from Terry's orders: "...not Terry nor any other officer, not some barracks lawyer nor a court-martial, not even history. Only Custer. Period. One may quarrel with Custer's judgment, but not his authority to judge. Custer's obedience is therefore neither debatable, nor relevant."<sup>21</sup>

Gray surely has overstated the case. Under his language it would not have been disobedience for Custer simply to have done what he pleased, even if his "reason" were pure caprice. I must agree with Charles Kuhlman that this would be an erroneous construction of the order.<sup>22</sup> Custer's discretion concerned the measures to be "employed in attaining the objectives sought should the circumstances prove to be substantially different from what they were assumed to be."<sup>23</sup>

Were there "substantially different" circumstances to justify Custer's immediate turn westward

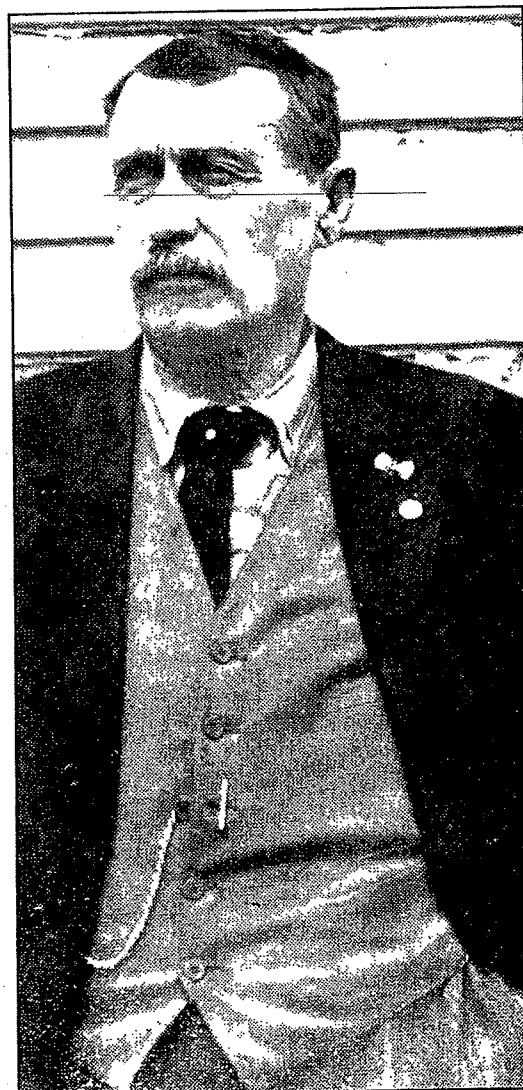
to follow the Sioux trail? Perhaps the most commonly offered justification, which I will call the Kuhlman-Gray-Utley thesis, is that Terry's orders assumed that the Indians were located on the upper Little Big Horn.<sup>24</sup> The trail's freshness on the 24th showed that the Indians could not yet have traveled that far.<sup>25</sup> Under these unexpected circumstances, leaving the trail to continue up the Rosebud before turning toward the Little Big Horn would have risked the escape of the Indians, since during the detour "...the village could disperse or move far in any direction; it could double back on the Rosebud route [Custer] would necessarily leave open, or even approach and surprise Gibbon's weaker force on the march. Furthermore, there could be no assurance that his whole regiment could execute the circle without detection, and the latter would certainly trigger flight or dispersion."<sup>26</sup> Following the trail directly, with the intention of concealing the command on the 25th and attacking on the 26th, was preferable in that it reduced both delay in attacking an elusive enemy and the risk of detection.<sup>27</sup>

The strength of the Kuhlman-Gray-Utley thesis is the undeniable fact that Terry was greatly concerned that the Sioux not escape. This concern was the only explicit reason Terry gave in the order for his instruction that Custer deviate from the trail in the first place. An order to deviate from an old trail, however, is quite different from an order to deviate from a fresh trail. Not following an old trail makes sense if the main objective is to prevent the escape of the Indians presumed to be in the upper valley: the detour further south would ensure that the troops got above the Indians, thereby preventing their escape in that direction before the northern end of the valley was blocked by Gibbon.

With a fresh trail, however, deviation creates a greater risk of escape; following it in hot pursuit minimizes the chance that the Indians would slip away. Of course, it could still be argued that deviation from the trail "would have heightened the chances of striking the quarry from the south and driving them toward Gibbon."<sup>28</sup>

Gibbon's principal role, however, was to prevent the escape of the Indians, not to join in a coordinated attack. With Custer so close behind the Indians, the risk of escape probably was not substantial. It is therefore plausible to conclude that if the freshness of the trail did motivate Custer's decision to follow it, he had "sufficient reason" to justify his decision.<sup>29</sup> This result is supported by the fact that Custer's original intention was to attack on the 26th, thereby giving Gibbon time to assume his blocking position to the north.

The key word in the foregoing conclusion is "if." Custer had "sufficient reason" *if* the freshness of the trail motivated his decision to follow it. The word is required because of substantial evidence



**Scout George B. Herendeen**

*Courtesy Montana Historical Society*

that Custer had decided not to leave the trail well before it suddenly became fresher on the 24th.

One of the first indications of Custer's intentions is seen in his reaction to Reno's disobedience of orders on his scouting expedition.

In a June 22 letter to the *New York Herald*, Custer wrote that he was "disgust[ed] and disappoint[ed]" at Reno's non-compliance.<sup>30</sup> Custer seemed more upset, however, that Reno had not "pursued and overtaken the Indians," which would have caused "his original disobedience of orders [to] have been overlooked ... Few officers have ever had such a fine opportunity to make a successful and telling strike and few ever failed so completely to improve their opportunities."<sup>31</sup> The same letter reveals that Custer did not intend to make the same mistake. It describes Terry's plan as calling for

Custer to take up the trail "and follow the Indians as long and as far as horse flesh and human endurance could carry his command."<sup>32</sup> Custer explicitly confirmed this intention in conferences with his officers on the evenings of both June 21 and June 22.

Were it not for the written order, one would be tempted to say that this evidence shows not that Custer had a preconceived idea to disobey orders by following the trail continuously, but that his orders in fact had been to do just that. The language of the order, though, is to the contrary. I therefore find persuasive Taunton's argument that the fact that Custer's decision to depart from Terry's instructions was premeditated, reached "before he could have ascertained the situation and invoked the ["sufficient reason"] clause giving him discretion," would have resulted in Custer's conviction had he survived to face court-martial.<sup>33</sup>

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**It is therefore plausible to conclude that if the freshness of the trail did motivate Custer's decision to follow it, he had "sufficient reason" to justify his decision.**

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In stating this conclusion, I am aware of Col. Graham's warning "that between wilful disobedience of orders and justifiable disregard of instructions there yawns a gulf both wide and deep" and that the "Commander on the scene is entitled to the benefit of

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#### ABOUT SAMUEL W. CALHOUN:

*The author is an associate professor of law at Washington and Lee University School of Law and a member of CBHMA. This article is an expansion of an earlier piece by the author, "The Law and the Little Big Horn: What Beginning Law Students Can Learn From General Custer," 36 J. Legal Education 403 (1986).*

every doubt, if there be room for doubt."<sup>34</sup> Can there be "room for doubt," however, in view of Custer's explicit prior resolve to follow the trail? Still, prudence requires that two possible justifications for Custer's conduct be evaluated.

First, Terry's failure to discipline Reno for his disobedience may suggest that Custer, too, felt he could disobey with impunity. Charity in enforcement, however, does not make an order any less an order. In any event, the fact that nothing yet had been done to Reno does not mean that nothing would have been done.

Custer was aware of this, for in his June 22 letter to the Herald he stated that a court-martial for Reno was "strongly hinted at." Finally, it is probable that Reno's disobedience resulted from new information conveyed to him by scout Mitch Boyer.<sup>35</sup> This is quite different from Custer's premeditated disobedience announced even before he had left for his march up the Rosebud.

Second, it might be argued that since the freshness of the Indian trail would have provided sufficient reason for a decision to continue following it, had that decision been delayed until this new information was discovered, Custer's premeditated disobedience was blameless. In other words, Custer can be exonerated for his prior resolve to disobey because of the later chance appearance of new information which would have justified noncompliance.

I disagree. Noncompliance was permitted only if it was based upon new information. Custer's decision was not. He therefore disobeyed his orders.

I do not argue that Custer's disobedience caused his defeat. In fact, if we can assume that Custer, even without a prior resolve to follow the trail, would have done so anyway (with "sufficient reason") due to its sudden freshness, his disobedience did not affect the battle's outcome. Nonetheless, he did disobey. ■

# ENDNOTES

- <sup>1</sup> Evan S. Connell, Son of the Morning Star (North Point Press, 1984), p. 260.
- <sup>2</sup> Frederic F. Van De Water, Glory-Hunter, A Life of General Custer (The Bobbs-Merrill Co., 1934), p. 315.
- <sup>3</sup> Col. W. A. Graham, The Story of the Little Big Horn (Bonanza Books, 1959), pp. 115-117. The sentences are numbered to simplify discussion.
- <sup>4</sup> Robert M. Utley, Custer Battlefield, Historical Handbook Series No. 1 (National Park Service, 1969), p. 14.
- <sup>5</sup> Robert M. Utley, Frontier Regulars (Macmillan Publishing Co., Inc., 1973), p. 248.
- <sup>6</sup> Utley, Custer Battlefield, p. 14.
- <sup>7</sup> See the chronology of events for July 2, 1876.
- <sup>8</sup> Gen. Edward S. Godfrey, General George A. Custer and the Battle of the Little Big Horn, reprinted in Col. W. A. Graham, The Custer Myth (The Stackpole Company, 1953), pp. 134-135.
- <sup>9</sup> Graham, Little Big Horn, pp. 110-114.
- <sup>10</sup> For the view that disobedience by Custer was unavoidable, regardless of what he did and regardless of the battle's outcome—due to a far-flung plot to disgrace him—see W. Kent King, Massacre: The Custer Cover-Up (Upton & Sons, 1989). King's allegations are so astonishing that they initially invite skepticism. Still, his book contains provocative arguments and merits further study.
- <sup>11</sup> Col. Robert P. Hughes, The Campaign Against the Sioux in 1876, Journal of the Military Service Institute of the United States, No. 79 (January, 1896), p. 21, reprinted in Graham, Little Big Horn.
- <sup>12</sup> Graham, The Custer Myth, pp. 302-303.
- <sup>13</sup> Marguerite Merington, The Custer Story (The Devin-Adair Co., 1950), p. 307.
- <sup>14</sup> Francis B. Taunton, "Sufficient Reason?" (The English Westerners' Society, 1977), p. 73.
- <sup>15</sup> *Ibid.*, p. 74.
- <sup>16</sup> See the chronology of events for June 22, 1876.
- <sup>17</sup> See the chronology of events for June 23-24, 1876.
- <sup>18</sup> It can be argued that the written order does not contain the only language relevant to the issue of how much of a free hand Terry gave Custer. According to the affidavit, dated Jan. 16, 1878, of Mary Adams, Custer's cook, Terry orally told Custer in the latter's tent on the Rosebud: "Use your own judgment and do what you think best if you strike the trail." Graham, The Custer Myth, p. 280. Much controversy surrounds the affidavit. One issue is whether Mary Adams was even with Custer on the Rosebud. Even if Mary Adams were with Custer, the issue remains whether the affidavit is accurate. Charles Hofling argues that the "whole thing has the appearance of a fabrication constructed after the fact to meet a highly controversial situation."
- Charles K. Hofling, Custer and the Little Big Horn (Wayne State University Press, 1981), p. 28. On the other hand, W. Kent King claims that there was "eyewitness corroboration" from Private John F. Donohugh. King, Massacre, pp. 147-148.
- <sup>19</sup> Utley, Frontier Regulars, p. 257. Custer, in his last letter to his wife, included the opening lines of Terry's order, with the comment that he knew how much she appreciated "words of commendation and confidence in [her] dear Bo." Merington, The Custer Story, p. 307.
- <sup>20</sup> John S. Gray, Centennial Campaign (The Old Army Press, 1976), p. 162.
- <sup>21</sup> *Ibid.*, p. 148.
- <sup>22</sup> Charles Kuhlman, Legend Into History: The Custer Mystery (The Stackpole Co., 1952), p. 22.
- <sup>23</sup> *Ibid.* Sentence 8 of the order supports the view that it is changed circumstances which would justify noncompliance.
- <sup>24</sup> Robert M. Utley, Cavalier in Buckskin (University of Oklahoma Press, 1988), p. 175; Gray, p. 142; Kuhlman, p. 24.
- <sup>25</sup> Utley, Cavalier, p. 180; Gray, p. 163; and Kuhlman, p. 39. Utley's view that Custer confronted changed circumstances apparently reflects a change of mind on his part. In 1973, Utley wrote that Custer "departed from Terry's plan even though the circumstances on which it was premised turned out to be exactly as foreseen." Utley, Frontier Regulars, p. 261. I point this out not to be critical, but only to highlight what must be a common occurrence for any nonpartisan student of the battle. I certainly have changed my mind before, and undoubtedly will again.
- <sup>26</sup> Gray, p. 164.
- <sup>27</sup> *Ibid.*, pp. 164-165.
- <sup>28</sup> Utley, Cavalier, p. 196.
- <sup>29</sup> The fresh trail is also relevant for those seeking to show "sufficient reason" for Custer's failure to scout upper Tullock's Creek. The argument is that scouting was unnecessary because the Indian trail had turned toward the Little Big Horn and Custer was so close behind the Indians that he knew they were not on Tullock's. The flaw in this view is that Custer's knowledge does not equal Terry's knowledge. Custer's orders were not only to examine upper Tullock's, but also to inform Terry of the result.
- <sup>30</sup> Graham, The Custer Myth, pp. 236-237.

# ENDNOTES

<sup>31</sup> Ibid., p. 237. According to Custer's letter, "faint heart never won fair lady, neither did it ever pursue and overtake an Indian village."

<sup>32</sup> Ibid.

<sup>33</sup> Taunton, p. 78. Taunton's conclusion is premised on the fact that Custer lost the battle. If Custer had won, his disobedience undoubtedly would have been overlooked. Custer's

comment that a success by Reno would have had this effect upon Reno's disobedience suggests that this is precisely the result for which Custer was hoping when he disobeyed.

<sup>34</sup> Graham, *Little Big Horn*, p. 178.

<sup>35</sup> Gray, pp. 132-133.

(N. Y. TIMES, from p. 6)

for any one who has the slightest regard for the spirit—not to mention the facts—of American history, it will prove exceedingly annoying.

For without the least hesitation, the Warners have blithely enrolled Jeb Stuart, George Custer, Phil Sheridan, James Longstreet, George Pickett and John B. Hood in the class of 1854 at West Point; has graduated them en masse to Kansas, like a troop of adventure-loving Rover Boys, and has there put them to guarding the perilous trail to Santa Fe. But, very soon, Jeb and the boys run afoul of John (Osawatomie) Brown, the abolitionist leader, and from then on it is Jeb and his Young Generals versus old Osawatomie and his villainous band all the way from Fort Leavenworth, Kan., to the final kill at Harper's Ferry, Va. It is a noisy and bloody pursuit.

Now, the judgment of history upon John Brown is divided, it is true. Some hold that he was a great martyr to the cause of freeing the slaves, other suspect he was just a fanatic driven mad by a high ideal. But he was hardly the crackpot villain that the

Warners have broadly implied, and he deserves a better classification in the minds of impressionable movie-goers than that just one peg above a marauding cattle rustler from Bloody Gulch. Still, the story demanded a bad man for Mr. Flynn and his buddies to chase, so John Brown turns out it (sic).

On another less-serious count: the Warners may be charged with abandoning fact for the sake of expediency. Mr. Flynn plays Jeb Stuart, who was famous for his flowing red beard with but the trace of a moustache on his lip. A shorn and fragile Jeb, one may complain; yet think what the fans would say if Mr. Flynn had to play a romantic role behind a mass of herbage! However, Raymond Massey, as John Brown, makes up in hirsute adornment what Mr. Flynn lacks—and in vigorous authority, too. Mr. Massey's Brown, though mad, is a very commanding person. In fact, he is the most convincing leader in the film. Next to his, Van Heflin's performance as a treacherous follower contains the sharpest punch. The rest are all routine.

Incidentally, we would like to know what happened to the strange railroad we saw building in just one shot. Did it ever reach Santa Fe? (Dec. 21, 1940) ■