

no new *light*; he did receive none. If so, why does he not, in justification of himself, show what it was? If his letters be true, his charge is false. If his letters be false, then he subjects himself the very charge which he makes against me, viz: that he *bore false* testimony in my favor, and offered high praise of me, to induce me, "through considerations purely selfish, dishonest, and personal" to the said Scott and Pillow, to make a false report in his favor. There is no escaping from this position. He may take his choice of positions.

In either, it must be seen that he is overwhelmed by the power of truth. If anything could give additional force to the view here taken, it would be found in the fact that my original reports are proven to have been true. In support of this position, I refer the court to the proof of the six witnesses, establishing the orders to Morgan's regiment, to the testimony of General Shields and Lieutenant Davis, as to the movements, turning the works of San Antonio, and to that of Lieutenant Ripley as to the orders for my own command to advance upon the capital after the fall of Chapultepec. I had, by the alterations in my official reports, conceded the orders in these three important points to General Scott. The effect of these alterations was to state that he was upon the battlefield of Contreras, giving orders and making disposition, when in point of fact he was in San Augustin, three miles off; that he was present at San Angel directing the movements of the army in turning San Antonio, while he was three miles in the rear, and giving me no orders; that he was at Chapultepec and gave orders for the advance of my command, when in point of fact he was upon the top of a house in Tacubaya, a mile and a half from my position. All these changes he desired me to make as affecting himself, and I did make them; but because I accompanied the alterations with an official letter, in the nature of a *protest*, (which I tried to make as *delicately* and as little offensive as I could,) he takes exception, and says in reply, that "since I have made the alterations more to oblige him than from any conviction of error in the reports, he would send the whole correspondence to the Secretary of War." It cannot escape observation, from the reply, that this *protest* was the real cause of his offence. He does not say one word in his reply, as the court will perceive by an examination of his letter dated 4th October, about my effort (now charged) to get him to sanction my pretended *false claim* to the order of battle, but places his reply on the ground apparent in the above extract. Thus it is made to appear that, if I had made the alterations he desired, and *not accompanied* them with my *official protest*, he would have been perfectly satisfied, and would never have *seen* the effort to *corrupt him*, which constitutes so conspicuous a place in this specification. It is therefore manifest that this unjust imputation upon my *honor* is "a deliberate invention and after thought" of his, which must recoil upon him with a force proportioned to the malignity of his assault upon my honor.

In regard to the fourth specification of this charge, I have said, I thought General Scott was so shocked by the unexpected loss of

the 8th of September, at Molino del Rey, that his energies seemed *paralyzed*. In the following statement of facts, which are in proof, it will be seen that I was justified, as I think, in this opinion. On the night of the 7th September, at 10 o'clock, I left my quarters and went the distance of two miles to Tacubaya, to inform him that I had information—in which I placed full reliance, that the *machinery* for casting and boring cannon was removed from the foundry, on the 21st August, to the city of Mexico, and that at that time there were no operations going on in the building, which he had ordered to be attacked next morning. I further informed him that the water power by which the machinery was worked, could be *cut off* by ten minutes' labor, and I told him the position (which I had seen) at which it could be done.

This information I felt it my duty to give, as I had understood from him that his object in the movement was to destroy the machinery, &c. In reply, he said if the machinery was there, he would destroy it, and if it was not there, he would know it, and that he would not lose more than twenty men. The movement was made. At the cost of upwards of 700 men, *killed* and *wounded*, he got possession of the *deserted foundry*, and found that all the machinery and cannon *had been removed*, and after we entered the city it was there found.

As soon as the killed and wounded could be removed from the field, the empty houses (which cost so much blood) and field of battle were *given up*, and the forces *withdrawn* to Tacubaya.

This slaughter and useless waste of life, so unexpected, threw a *gloom* over the whole army. I knew it was to no one more unexpected than to General Scott.

On the morning of the 9th September, under orders from General Scott, I pushed forward my command, seized Piedad, drove in the enemy's pickets, occupied this village as my head-quarters, and threw my own pickets forward to the position the enemy's had occupied, and in full view of his main force upon this front of the city. I there saw that the enemy had a large force actively engaged throwing up new works to defend that approach to the city, that he had then *but two guns in position*, and saw if that work was attacked *at that time* it could be carried with little comparative loss. All this was reported to General Scott. In reply he ordered me to *maintain my position, but not to engage the enemy*.

While I occupied this position, day after day, I saw guns placed in battery, until the afternoon of the 11th, when the enemy had apparently completed his works, had eleven guns in position, seven of which commanded my approach, and four were in flanking works to the left.

On the afternoon of that day General Scott came to Piedad, held a conference, and after much talk determined to attack Chupultepec. It was this *extraordinary inactivity* and apparent *supineness*, at the cost of time so *precious* to us, and so *important* to the enemy, which induced the belief which I did express (but in perfect respect and in kindness to General Scott) that he seemed shocked and paralyzed by that disastrous loss of the 8th of September.

This opinion I entertained, thinking it was justified by the circumstances upon which it was based; and I learn, for the first time, that the expression of such an opinion in private conversation was a violation of the rules of military propriety. If it be an offence to entertain and express such opinion, I am ready to abide the consequences; but, before I am condemned for it, I should be glad to be informed whether, in the nineteenth century, officers are required to subscribe to the doctrine in reference to the general-in-chief, never applicable except to the king, viz: "that *he* can do no wrong."

If that be the law by which officers of the American army are to be governed, it is time that this new *principle of duty* were engrafted into the rules and articles of war, or into regulations, that they may know how to *shape* their opinions so far as the general-in-chief is concerned.

It is also true, as charged, that I had originally a very decided preference for attacking the city on the south front, as being its weakest approach; but after the general-in-chief had allowed the enemy from the 9th to the evening of the 11th of September to fortify this approach, and to place a heavy amount of metal in position on this line of fortifications, it became, in my judgment, a matter of much doubt and uncertainty which front was most assailable, *this* or the *west*; but regarding the formidable work of Chapultepec and its armament, and the *inner defences* on that approach as presenting obstacles of greater resistance than the south front, I still entertained a preference for the assault in that direction, though I did not clearly so express myself. It is also true that I, in common with many other officers of the army, from the fatal error of the general-in-chief, in granting the armistice when the city was in our power, from the useless waste of the blood of more than 700 men on the 8th of September, and from his apparent supineness, from that time until the 11th, in allowing the enemy so much time to complete his works of defence and place his armament in position on his weak front, and from his *vascillating course*, did regard the army in the most imminent peril and did express that opinion.

But it is not true that I was in favor of adopting a defensive position and waiting the arrival of reinforcements; nor is there one word of proof in the record to sustain this charge, except in the statement of the never-failing Mr. Trist, who is again brought in. This is the *third statement* of this witness, who has no *qualms* or *scruples* about *disclosing private* and confidential conversations, or anything else he happens to know, *except the truth*. His only fault as a witness is, that he proves *too much*; he swears *too strongly* to be believed.

Well, what is *this confidential revelation*? He says that between the 8th and 11th September, at General Scott's quarters, in Tacubaya, I said to him that I wanted to have a strictly *private* and *confidential* conversation with him. That I then said that "a few more such experiments as that of the 8th of September, and we would have no army—that I was opposed to any further active operations

against the city, and that I was in favor of taking up a defensive position until reinforcements should arrive." That he replied to me, "that the battle of the 8th September was no experiment of General Scott's, and that he was a living witness of the fact as long as he did live, that the ball was opened and it must be danced out."

It was not until after a close and sifting cross-examination that I succeeded in getting him to fix the date of this conversation, between the 8th and 11th September. This latitude of three days which he took, seemed "ample room and verge enough" for *dodging*, certainly. He knew I was a great deal at General Scott's, and might well suppose I could not prove myself absent all these three days.

But "murder will out." I have proved by every member of my staff, that after I took possession of Piedad, early on the morning of the 9th September, I was never absent from that position until late at night on the 11th September, when I moved with my command to Tacubaya, where I arrived at about 11 o'clock at night.

I have proved by General Scott, that between the 8th and 11th of September, late at night, I was not at his quarters at all.

I have proved by him that, as I occupied the advance position of the American forces during this time, he instructed me not to leave my command; that he desired me to be constantly present to guard against the possibility of surprise, and to meet any sudden emergency that might arise; he authorized me to call upon other commands in my immediate vicinity, and that, after much reflection, he was satisfied that during the time mentioned, namely, between the 8th and 11th of September, I had *not* been at his quarters. This proof of the officers of my own staff, and of the prosecutor himself, showing that I was *not* at Tacubaya, nor nearer than about three miles of that place at any time during the three days fixed by Mr. Trist, establishes most conclusively that *this*, the *third* fiction of the ex-commissioner, is absolutely false. Neither is it true that I ever said that, but for my interposition, General Scott would not have assaulted Chapultepec; nor has he, after forty-five days' diligent search for testimony, been able to put one word of proof upon the record which goes to sustain this allegation. I have said that the plan of attack (so far as my own division was concerned, and the disposition of the forces, preparatory to the assault) was my own. I think so still; and further, that the record of the court will sustain me in this opinion, as a reference to the testimony of Generals Worth and Quitman and W. Wood will show.

As this specification, however, imputes to me no offence, and seems to have been introduced for the sole purpose of allowing the prosecutor an opportunity of introducing testimony to establish his great energy and activity, I have no objection to his having the full benefit of his proof upon that subject.

If, however, his conduct on this occasion was distinguished by these qualities, it was fortunate for the enemy, and equally unfortunate for our army, that nothing was matured till ample time had been given the enemy thoroughly to fortify his weak approaches.

The fifth specification of the second charge reads as follows: "That the said Major General Pillow in his official report, dated at Mexico, September 18, 1847, and addressed to the general headquarters of the United States army in Mexico, giving the details of the said Pillow's military operations on the 12th and 13th of the said month of September, at the head of a part of the American forces employed in the reduction of the enemy's castle of Chapultepec, falsely states, in the said report, in order to magnify his own zeal and heroism, that although wounded in approaching the said castle on the 13th of said September, he, nevertheless, caused himself to be borne along with the continued attack or assault upon the said castle, evidently designing, by this part of the said report, to cause it to be believed that he was borne along in the face of the enemy's fire, and was up with the said castle at the moment of its capture by the American forces; whereas the said Pillow, on receiving a contusion on one of his legs or ankles, near the edge of the grove from which he was emerging, and at the foot of the mound upon which the castle stands, placed himself near the same spot, at the foot of the said acivity, about — yards from the said castle, where he was covered from the fire of the enemy, except for a very few moments next after receiving said contusion; and the said Pillow did there remain until the said castle had been stormed, silenced and carried by the said American forces."

For the complete refutation of the allegations made against me in this specification, I might only refer to the language of that part of my report which is its subject matter. It reads as follows:

"In the achievement of this most brilliant victory, justice demands of me an acknowledgment of the claims of the gallant officers who so nobly executed my orders, to high distinction. Being with the main body of my advancing forces *until* I was cut down by a grape shot, at the base of the hill, I had an opportunity of witnessing in person the distinguished gallantry of my command, a gallantry unsurpassed by that of any troops during this war.

"After being wounded, I caused some of my soldiers to carry me forward to the top of the hill, where I had the proud satisfaction of witnessing the consummation of this glorious victory, and saw the stars and stripes raised aloft upon this formidable work, upon the very site of the ancient palace of the renowned Montezuma."

It is no where asserted, or even pretended, that I caused myself to be borne along "in the face of the enemy's fire, or that I was up with the castle at the precise moment of its capture by the American forces, or that I remained with the main body of my troops after being wounded." So far from it, it is stated "that being with the main body of my advancing forces until I was cut down by a grape shot at the base of the hill, I had an opportunity of witnessing in person the distinguished gallantry of my command."

From reading this paragraph, it must be evident to every un-biased mind that it was intended to convey the idea that, after being wounded, I was *no longer* with the main body of my troops,

and had not the same opportunity for observation which I had enjoyed before the casualty.

The defence might have rested here, and with a simple comparison of the words of the specification and report, submitted for the decision of the court, whether it was in that report falsely stated that, although wounded, I caused myself to be borne along with the continued assault upon the castle, or that I designed it should be so understood.

Again: Not only is the language and obvious meaning of my report totally perverted in this specification, but the report itself, thus perverted, pronounced false, and I am charged with having intentionally made a false report for the purpose of magnifying my own zeal and heroism.

The motives assigned, as well as the alleged facts in the specification, disappear by a simple reference to the language of my report, yet I beg leave momentarily to call the attention of the court to the official report and correspondence of the prosecutor, in the former of which he testifies "that this gallant leader was struck down *while up with the front rank* by an agonizing wound;" and in the latter, that he had, "*from what he personally saw*, received an agonizing wound in the *able and heroic discharge of duty*"—in storming Chapultepec—and that I had had "*a full and most distinguished participation* in all the operations of the army in the valley of Mexico.

In concluding the letter of the 3d October, 1847, he says:

"In haste, permit me to repeat, once more, that I have from my first meeting with you, been anxious, from a high opinion of your intelligence, honor, valor, and zeal, to win your esteem and confidence on any terms consistent with justice and honor, in which sentiments I remain

"Yours truly,
"WINFIELD SCOTT."

How completely do these solemn written opinions falsify this entire charge! This whole specification is based upon my official report of the storming of Chapultepec. I am charged with making a false report in order to magnify my zeal and heroism.

If I was *struck down* with an agonizing wound, *while up with the front rank*; if, from *what "he personally saw,"* I did my duty "*in an able and heroic manner*;" if I had a "*full and most distinguished participation*" in all the operations of the army, I do not perceive the necessity of falsifying the facts to magnify my zeal and heroism.

He testifies that he witnessed my conduct, and that it was both "*able and heroic*."

But, notwithstanding these strong testimonials of my good conduct, in which he is the witness to disprove his own charges, I have thought proper to introduce testimony to prove to this court the facts of the case, and show how unfounded are the statements alleged in the specification against me, how ungenerous the insinuations contained therein, and that from them it may determine

whether, or not, I attempted, in my report, "falsely to magnify my own zeal and heroism."

By a reference to the testimony of Lieutenant Bennett, it will be seen that I was wounded near the base of the hill of Chapultepec, and after being assisted forwarded by him a short distance, I ordered him to leave me and join his company in the assault. Captain Sprague proves that soon after he assisted me to the foot of the hill, and Lieutenant Drum testifies that when, by Colonel Andrews's order, he had reported to me that the enemy's gunners had been driven from the ordnance in front of our troops, and before the stormers had commenced scaling the walls of the works, he procured a party of men to carry me up the hill, in obedience to my order.

Sergeant Bates, 6th infantry, who assisted in carrying me up the hill, and who should be supposed to know the facts of the case, testifies that the Mexican troops were firing from the works on the top of the hill when I was being carried up.

Lieutenant Bennet testifies that he saw me inside the works from ten to fifteen minutes after it was first entered. Lieutenant Ripley, Captain Barnard, and Lieutenant Colonel Johnstone have testified that they saw me when I entered the gate of the interior works, at the head of the ramp, and, according to the recollection of the two former, I arrived there from ten to fifteen minutes after the works were first entered by our troops, while Lieutenant Colonel Johnstone proves that I was the first officer of superior rank to himself whom he saw inside the works, in which he is sustained by Capt. Barnard.

Lieutenant Colonel Gladden, Lieutenants Tilton, McConnell, and Simpson, and Lieutenant Colonel Howard have testified on this point as witnesses for the prosecution. Lieut. Colonel Gladden proves that he passed a person whom he afterwards supposed to be myself being carried up the hill, as he marched up the ramp, by the flank; that his command was the advance of the volunteer division, and that he saw me inside the work from ten to fifteen minutes afterwards.

Lieutenant Tilton also proves that I entered the work from ten to fifteen minutes after its fall.

Lieutenants McConnel and Simpson, who did not see me, as I entered the gate, but as I was being carried into the building, place the time of my entrance at twenty and thirty minutes after the fall of the castle. But Sergeant Bates, Lieutenant Ripley, and Lieutenant Colonel Gladden clearly prove that I had been placed upon the wall at the east end of the works, immediately after my entrance, and Lieutenant Ripley that I remained there some time before being carried into the building.

Lieutenant Colonel Howard testifies that some thirty minutes or more after the fall of the castle, he saw a person, *whom he was told was myself*, borne in through the main gate upon a litter.

Every other person, who has testified as to the mode of carrying me up the hill, states that it was in a blanket; and I beg to call the attention of the court to the answer of the witness, in which he

admits that it *has not escaped his memory* that he was sharply and severely rebuked by General Pillow for failing to bring up his regiment to the battle-field of Molino del Rey promptly, as he had been ordered to do during the action.

Every witness who had any knowledge of the time of hoisting the national flag upon the castle, and of the time at which I entered it, testified that I entered the work from ten to fifteen minutes before the flag was raised. The large majority of witnesses, and those best cognizant of the facts, prove that the firing and resistance of the enemy had ceased but a very short period anterior to my arrival; a period so short, as to render it perfectly evident that the enemy's fire and resistance was given to our troops during the time I was ascending the hill.

While all who have testified on the point have proven that I was not *only with the main body of my advancing forces in storming Chapultepec, but in advance of them* until I was wounded, the testimony of Captain Hooker and Lieutenant Drum proves that my position at the foot of the hill of Chapultepec, where I remained for some time after being wounded, was not one of security; and the testimony of my staff shows that while there I continued to give orders and directed the operations against the work.

With a simple reference to these facts, which are fully and amply sustained by the record, and the reference to the language of the official documents spoken of in my previous remarks on this specification, I content myself.

But as, throughout these charges, it is caused to be understood that I have claimed more for my command than was due, I ask attention to the mass of testimony in regard to its services, in which it is fully proved that it did not stop its advance from Molino del Rey until it had, unsupported, crowned the hill of Chapultepec; that it kept its position in the front, enveloping the work, and was the first to enter the castle, and finally, by the delivery of its fire into the gorge of the enemy's batteries on the Tacubaya road, which were at the same time under the fire of the assaulting forces in front, assisted materially in the reduction and capture of those works.

But, in closing my remarks upon this subject, it will be remembered that the controversy on this point is one not sought or brought on by me; but the subject having been introduced into these charges by the prosecutor, the truth of my report denied, and my character assailed in connexion with the matter, I have felt bound to show that if I erred at all in my report, it was not for the purpose of "magnifying my own zeal and heroism."

The sixth specification of the second charge alleges that I was in favor of the armistice until after it was agreed upon, and that I then *insidiously* "sent in a letter, advising a modification of some of its terms."

Nothing could be more false than this charge is proven to have been. It is not only proven to be false, but it is positively proven that General Scott knew it to be false when he made it.

General Worth proves that on the 22d of August, before the