

terms of the armistice were agreed upon, and after General Scott had read to General Worth and myself the instructions he had prepared for the commissioners who were to fix upon the terms of the armistice, that *we* both expressed our disapproval of those terms, and urged him not to grant the armistice without the surrender of Chapultepec, as a guarantee of the enemy's good faith in the proposed negotiation.

General Pierce proves that on the same day, and before he had taken his seat as a commissioner, he delivered to General Scott, or to some member of his staff, a letter from myself, in which was the following paragraph, viz:

"If I were the commanding general of the army, [anxious as I am for peace,] I should demand the surrender of the city. But in any event, and at all hazards, I should require the surrender of Chapultepec, and the above suggested rights of intercourse with the city. In my judgement, neither the army nor the country will ever be reconciled to different terms. I cannot, in justice to my feelings, withhold the expression of my opinion.

"Yours, truly,

GID. J. PILLOW."

It is thus placed beyond controversy that I was not only opposed to the armistice before it was entered into, but that my opposition and views were made known to General Scott, both orally and in writing, leaving no possible room for doubt upon his mind as to my position and views. And yet, in the face of this proof, with the written evidence to the contrary in his own possession, he charges that I was in favor of the armistice until after it was entered into. I am at a loss to perceive upon what grounds such a destitution of truth, in these solemn written charges laid before the government, [in which he sought to brand me with falsehood,] can be extenuated. I would have been glad to have been spared the necessity of commenting upon conduct evincing such total disregard of truth and honor in one occupying so exalted a position before the world as does General Scott. It is as painful for me to do so, as it is mortifying and humiliating to witness so much greatness tarnished by the absence of those cardinal Christian virtues, without which we contemplate character with painful emotions and bitter regrets.

By the battles of Contreras and Churubusco, at the cost of the blood of one thousand and fifty-six men, we had won the city. It was completely in our power, as the official report of the prosecutor states, and as all know.

Against the wishes and feelings of almost the whole army, and against the remonstrance of many of his officers of rank, he surrendered all the advantages, and granted an armistice without anything in return, and without any guarantee of the good faith of a man whose whole life constituted a series of perfidies.

This armistice allowed the enemy ample time to collect and reorganize his scattered and beaten forces, and to strengthen his defensive works, and to plant his artillery. At the end of an

armistice of about fifteen days, asked for no other purpose than that for which it was used by the enemy, hostilities were resumed, and it afterwards cost the blood of sixteen hundred and forty-seven men more to take the city, and atone for the blunder of the general-in-chief. These are the facts, as they are known to the world, and as they are proven in the record of this court, and by the official returns of General Scott.

Great and useless as was this waste of the best blood of the army, the charities of a Christian and grateful public would have thrown the mantle of forgiveness over this error of the leader of its armies. In contemplating the glory of the achievements, the nation might have forgotten the sacrifice, useless as it was, upon the altar of patriotism. But who can forget that, in order to screen himself from the responsibility of his criminal blunder, he turns in the blindness of rage, and seeks, by falsehood and calumny, to destroy the object of his displeasure, for opposing, with a patriotic zeal, the blind infatuation which plucked his army into an ocean of blood?

Bright as was the star of his glory, it must be obscured, if it does not culminate and sink under the cloud created by his acts of injustice and falsehood.

In the seventh specification, I am represented to have said, "I felt a warm interest in the prospects of the New Orleans Delta. That I intended to exert my influence in its favor—that I meant to make it," &c.

Now suppose I had said all this, what does it amount to when fairly construed and properly understood? Simply to this—that I felt grateful to a paper which had defended me against the assaults of my enemies, and that I meant to assist it with my influence, and to patronize it. Is not this a natural and honorable feeling? Does it evince anything more than a just sense of gratitude towards a friend (or paper) for many acts of kindness? But the prosecutor, with sagacity quite characteristic, says, "I thereby corruptly intimated that I had money, or the political influence, greatly to benefit said newspaper."

Who but the prosecutor could have discovered, in language so unequivocal in its meaning, and so harmless of purpose, an intention so base? To sustain this charge, the prosecutor takes the deposition of Mr. Maginnis, of the Delta office, and asks him the question if any general officer had attempted, unduly and improperly, to control his paper. His answer was decisive. He said "no, I don't believe any officer would be foolish enough to make the attempt." The prosecutor took the deposition of Judge Walker also, the editor of the Delta, and to the same question he made substantially the same answer. Thus this charge falls to the ground.

The eighth and last of this string of charges and specifications is similar to the one preceding it, viz: it is an effort by bartering the influence of rank and high command to the base purpose of purchasing a "puff" from the editor of his dirty organ in Mexico—"The American Star."

The idea of corruption, and of bartering the influence of rank and the power of station, seems to be always uppermost in his mind. From the standard by which he measures the public virtue and the honesty of others, he seems to have a species of *hallucination*. If a man says he loves his friend, or will not (like himself) *forget those who have served him with fidelity*, he at once sees the effort to corrupt the purity of that friend, and is shocked at the idea of prostituting rank and high command to base purposes.

Well, what is the proof to sustain this grave charge? Mr. Peoples, the editor of the aforesaid "*organ*," testifies that after the Leonidas letter arrived in Mexico, accompanied by the comments of the Picayune, charging me with its authorship, that I sent for him, told him I wished to publish my card, (the same which is in proof,) denying the authorship of the letter. He says I requested him to publish the card; that I wanted no puff; that I simply desired justice, and had confidence enough in him to believe he would do me justice; that I was second in command of the army; that if anything should happen to General Scott, I would be in command, and that I never forgot my friends. This is the substance, if not the very words, which this witness puts into my mouth. And what, I ask, does it all amount to? Simply, that I denied the authorship of the Leonidas letter, and wished him to say so in his paper; that I wanted no puff; that I asked but justice, and had confidence enough in him to believe he would do me justice; that I was second in command to General Scott, and that ingratitude was not a trait of my character.

Every word of this proof has a plain, obvious, and harmless meaning, and if I were to admit I used the language attributed to me, the most scrupulously honorable and censorious could not find fault with it; unless, like the prosecutor, he tortured the language and misconstrued its obvious meaning.

The very expression of confidence, that he would do me justice, should have awakened in the bosom of an *honorable* and *just* man a sense of *decency*, to which he had been before, was then, and still is an utter stranger.

How could I expect to *procure*, by *such means*, "*editorial puffs*" from a man who had shown *himself my bitter enemy*, and whose *puffs* were as *valueless* as his *assaults* were *malignant*? How could I hope to change his *hostility* into *friendship*, and to turn his press *against* the *powerful influence* of the *lucrative patronage* which it was receiving as the *price* of its *adhesion to power*? I did hope, by considerations of justice, to awaken in his bosom some faint perception of right, but the result has shown that in this most reasonable expectation I was mistaken, for though under *arrest* and under *charges*, he continued his abuse of me under the eye of my accuser, circulating his dirty sheet in the army, from which it was fair to suppose my *judges* would be selected.

I deem any further remark upon this groundless charge against me unnecessary.

One word on the subject of letter-writing in general. After the most sifting investigation of my conduct, both official and *private*,

during the whole term of my service in the army, in which my military family have been called, and after the examination by the prosecutor of my most intimate friends, he has wholly failed in bringing to *light* one word of proof connecting me with any letter or article other than my official reports.

So much for my conduct. But how is it with himself? My object in calling upon the stand certain witnesses, members of General Scott's staff, to make them disgorge the fact that they had written letters and articles that had "*found their way into the public prints*," was to illustrate what was done by members of General Scott's own military family ought not to be too strongly condemned by him, on the part of others. In this I have succeeded, for it is in testimony upon the record that letters were written, not only descriptive of the operations pending the campaign, but highly laudatory of General Scott, by different members of his staff, from Captain R. E. Lee, a man of high gallantry, honor, and purity of character, *down* to Lieutenant Colonel E. A. Hitchcock, who has *shown himself* destitute of all these qualities; and that these same letters found their way into the newspapers or public prints within one month after the termination of the campaign to which they related, and therefore came within the penalty of the law or regulation. I had no disposition to call public attention further to this prominent fact, but as the prosecutor, by his shuffling and struggling has endeavored to cover up the truth, it is proper to notice the testimony on the subject.

The prohibitory regulation on the subject of letter-writing, is the mandate of the President of the United States; no other authority can set it aside, or give *the permission* to publish, therein required. The Secretary of War, who is the legal representative of the President in such cases, testifies that no such permission was given, except in one instance. Colonel Talcott says one of the published letters from an officer of the Ordnance Department—Captain Huger—was an unofficial letter, and that he, (Colonel Talcott,) the chief of the bureau, had no agency whatever in its publication. Colonel Totten, chief engineer, testifies that another from an officer of his corps—Captain Lee—was a private letter to a female friend, and that the engineer bureau, as such, had nothing whatever to do with its publication; that he considered the agency of the bureau in the matter entirely accidental. He further testifies that Major Smith, and not Captain Lee, was the senior engineer officer present with General Scott's army, at the time the letter was written, and that it was the duty of the senior officer to make the monthly reports to the department required by regulations; hence the prosecutor's ground has slipped entirely from under him, and it is believed the officers themselves would have preferred not to have any particular attention drawn to a subject that will not bear minute investigation; but no excuse is pretended to be offered by the prosecutor for Colonel Hitchcock's laudatory introduction to the intercepted letters, and none can be given for his false and infamously calumnious article, written with General Scott's know-

ledge and approbation, and published in the Courier and Enquirer, a copy of which forms part of the record of this court.

Having thus considered the charges, and examined the proof in the case, I will glance rapidly at the results evolved.

As to the first charge, the proof shows that Paymaster Burns wrote the letter which is its subject matter, without my knowledge, and of course without my procurement. It explains the analogy between the paper No. 1 and this letter, in a manner perfectly consistent with my innocence.

The paper No. 1 (containing interlineations in my hand writing) is shown to be a copy of my *original report*, so far as its statement of facts is concerned—Paymaster Burns having, without my knowledge, taken a copy of the *same report*, from it wrote the Leonidas letter. Hence the analogy of these two papers to each other, and of both to my official report.

As the first specification under second charge is based upon the *assumption* that the Leonidas letter was written by me, or by my procurement, the charge falls to the ground when this *assumption* is proven to be *false*.

The second specification, second charge, alleges that the Freaner paper is false in certain particulars. I have shown that all the *controverted* parts of that paper are *true*. Those parts not controverted are of course admitted to be true.

The third specification assumes that I claim to have given precise orders for the particular *plan* of attack carried into successful execution on the morning of the 20th August, at Contreras—and that claim is false, and is a “deliberate invention and afterthought.” I have shown that my report does not authorize the construction placed upon it in this specification. But I do claim to have given the orders under which the battle was fought upon the 19th, and that the *positions secured that day determined* the victory of the 20th, is proved by the prosecutor himself. I claim that the successful assault next morning was in conformity with my *original plan of battle*. I have never claimed anything more; conceding to General Cadwalader the high credit due to his sagacity, gallantry, and generalship, in promptly seizing and holding the village of Ensalda, and confronting Santa Anna with a force of 12,000 men; and to General Smith the distinguished honor of having disposed the forces across the pedrigal at daylight next morning, and directing the assaulting forces with judgment, prudence, gallantry, and skill; to Colonel Riley the honor due to his distinguished daring in directing and commanding in person the advanced assaulting forces on the entrenched camp.

I have proven this original report of mine to be true in all its parts. I have proven my orders for battle and the disposition of the forces by many witnesses.

As to the fourth specification, I have admitted that I said I thought General Scott seemed paralyzed in his energies, by his fatal error in granting the armistice, and the unexpected and disastrous loss of the 8th September, that I entertained that opinion, and thought then, and still think it was well founded; but I did not say

that, but for my interposition, General Scott would not have assaulted Chapultepec; nor was I in favor of taking a position and waiting for reinforcements. There is no proof to sustain this part of the specification, except that of Mr. Trist, which the testimony of the prosecutor himself [by proving that I was not at his quarters between the 8th and 11th September, at Tacubaya] shows was false.

In regard to the fifth specification, I have shown by a comparison of the language of my official report with that of the charges, that my report is entirely misconstrued, and does not authorize the construction placed upon it by this charge. I have shown that my division, and the storming party under my command, were the only troops that actually participated in storming and carrying that work, and are entitled to the credit of it, and that I was in advance of my command in the assault until I was wounded. I have proved by the official reports and letters of General Scott, as well as by many witnesses, that my official report is true, and have disproved the motives attributed to me in this specification.

As to the sixth specification, charging that I was in favor of the armistice until after it was entered into, I have shown it to be false, and that General Scott *knew it* when he wrote the charge. That he had in his possession both *oral* and *written* evidence of my decided opposition to this unfortunate measure, and that by my opposition to the infatuation under which he then chased the phantom of peace, I incurred his displeasure, (and that of Mr. Trist,) which was the true cause of our rupture.

In regard to the seventh and eighth specifications, I have shown that the language attributed to me (if ever made) was harmless, and does not admit of the construction placed upon it by the prosecutor. That, if true, it imports no offence, and I have actually disproved the charge in the eighth specification of trying to control the paper there referred to by improper means.

Having thus met these charges of the prosecutor, and shown myself innocent of every accusation brought against me, it remains for me to take a glance at the conduct and motives of my accuser.

That General Scott was once kindly disposed in his feelings towards me, I entertain no doubt. I believed I possessed his entire confidence, and certainly did to some extent, possibly, too, in a greater degree than I had a right to expect; but surely not greater than was warranted by my *zeal* and *fidelity*.

He placed me in positions of great responsibility, and devolved upon me high and important duties, which I spared no effort to discharge faithfully; and for a time I enjoyed the proud satisfaction of believing I had fulfilled every reasonable expectation.

For these acts of kindness, evincing so much consideration, it was natural and proper that I should feel grateful to General Scott, and such were sincerely my feelings. Hence, the great concessions I made in altering my official reports against my conviction of the facts, to gratify and conciliate him.

I knew that, owing to the high military reputation and great weight of character which General Scott enjoyed, any controversy between him and myself must be very unequal; that, however

much I might be in the right, I had nothing to gain and everything to lose; hence my anxiety to avoid a rupture with him, shown in my effort to secure the interposition of General Quitman, in whose high sense of honor and chivalric bearing I placed much confidence.

At the end of the correspondence between General Scott and myself, it was manifest that his friendly feelings towards me had undergone a change. Being confined to my bed by a recent wound, and General Scott having failed to do me the honor to call on me as I requested, I could not obtain a personal interview with him, and not knowing or suspecting the influence which was at work, I sent to Mr. Trist, [whose high official position, and as I then believed, friendly relations both with General Scott and myself, pointed him out as the most suitable person to bring about a reconciliation between us,] and desired his mediation. The result proved that I was very unfortunate in the selection of a mediator, for whatever "ability" he may have for diplomacy in national affairs, he certainly has shown very little in social; at least his *art* is not in "pouring oil upon the troubled waters," for the developments of this investigation have, according to his own showing, exhibited on his part a degree of perfidy, depravity, and wickedness, almost without a parallel.

In justification of these remarks, I need only refer to the misrepresentations of the object of that interview—to his agency in the use made of the private note accompanying the package of letters, in bringing about this prosecution—to his agency in procuring the Freaner paper and the use he made of it, and of his pliant tool Freaner—to his infamously false and abusive letter to Secretary Buchanan, to destroy me with the government—to Senator Dix, to defeat, as he says, my nomination before the Senate—and his unblushing falsehoods voluntarily put forth, and disclosing pretended *private conversations*, which I have shown to be, in point of fact, pure *fabrications* of the basest character; all of which are sworn to with a degree of coolness almost commanding admiration.

While I do not hesitate in believing that this "honest Iago" is at the bottom of this conspiracy against me, and by his falsehood and intrigues has exercised an influence over General Scott, which, by poisoning his feelings and blinding his judgment, precipitated him into a series of wrongs, oppression and injustice against me; yet I cannot hold him *guiltless* who suffered the power and influence of his exalted station to be thus *used* and *abused*. This series of wrongs began by the abrupt termination of a correspondence introduced by General Scott, desiring alterations in my official reports, thirty-nine days after *one* of these had been filed in his office, and long after he had made up his own. To gratify him, I made all the alterations desired, except one, [which in no way related to himself,] notwithstanding which he took offence, and said he would send the whole correspondence to the Secretary of War.

But a few days had elapsed before I was informed that, in

presence of a number of officers of rank and character, he grossly reflected upon me about the removal of two small howitzers, (from Chapultepec), which I had never seen and never heard of, until I was informed that they had been removed from their carriages, when I ordered them to be restored to the garrison. I placed in his possession the proofs of my innocence, and of the injustice he had done me; but he refused to relieve me of the censure. I demanded a court of inquiry. The record of that court exhibited the facts upon which my innocence was clear and manifest; but the court committed an obvious error in reporting them, which resulted in an unjust reflection upon my character.

I pointed out the error to General Scott, and asked him to refer the case back for its correction. He refused to do so. I appealed from his decision to my government, as I had a right by law to do. For this he arrested me, and held me suspended from command, a prisoner within the limits of the city of Mexico for nearly three months, while he *suppressed* entirely my appeal, in violation of law and regulations, and gave the government no official information of the cause of my arrest.

In the meantime, he issued General Order No. 349, in which he denounced me as the author of the Leonidas letter, with puffing myself, and malignantly excluding others, and invoked upon me the indignation of all officers "who loved their country and the truth of history;" thus *condemning* me *unheard* and *without trial*, and using the power and influence of his official station and high command, to degrade and disgrace me. He preferred charges against me—grossly false and calumnious—applied to the government for a court martial for my trial; and when a court was ordered to investigate the facts, and had reached the city of Mexico, he withdrew from the prosecution; while in the very act of withdrawal, he, in effect, reiterated the truth of his charges, and sought to fix more indelibly the stain which his false charges had inflicted, and at the same time to deprive me of all opportunity to investigate the facts. And it was not until I applied to the court to *order him* to prosecute his charges, that he consented to do so.

He has prosecuted this case as if I were a murderer, and a fit subject for the gallows; seeking, by his tyrannical and overbearing manner, to *intimidate* my witnesses, and to crush me by the weight of his character.

For nearly ten months my official and private character has been assailed with most relentless ferocity, from one end of the Union to the other. During the whole of this time I was in the presence of the enemy, fighting the battles of my country, far from my native land, whence these poisoned shafts have been directed. Nor is this all. Whilst I was held a prisoner in the enemy's capital, awaiting trial on charges preferred against me by the prosecutor, there issues from his camp, nay, from his very office, not only with his *knowledge*, but with his own *sanction* and *approbation*, a false, calumnious and *savage* article, written by the chief of his own staff, and sent forth for the very purpose of prejudicing the public mind, already much abused, still further against me, and causing it