

# COURT OF INQUIRY

ON MAJ.-GENL. HOOKER'S REPORT OF THE NIGHT ENGAGEMENT OF  
WAUHATCHIE.

ARGUMENT OF MAJ.-GEN. CARL SCHURZ.

*Delivered February 12th, 1864.*

In submitting the case to this Court of Inquiry, I am obliged to notice a circumstance which is of a delicate nature, but about which I shall speak with entire frankness. I asked for this investigation, and it was granted. The manner in which it was granted deviates in a remarkable degree from the recognized usage of military life. I think there never was a military court in the Army of the United States, not one member of which held an equal rank with the accused; and I doubt, whether there ever was a court of inquiry in this army, all the members of which belonged to the command of the accuser. I am far from intending any reflection upon the Court, as it is now constituted; for there is probably no man in the army who has less of the pride of rank in him than I; nor do your official relations to the accuser in this case, give me any uneasiness as to your impartiality. But I wish to observe, that in accepting the form in which this investigation was offered to me, I had to waive a question of propriety. In justice to you I waived that question without hesitation; in justice to myself I have to notice it.

In Maj.-Genl. Hooker's report of the night engagement of Wauhatchie, we find the following paragraph:

"I regret that my duty constrains me to except any portion of my command in my commendation of their courage and valor. The brigade was dispatched to the relief of Geary, by orders delivered in person to its Division Commander, never reached him until long after the fight had ended.

"It is alleged that it lost its way, when it had a terrific infantry fire to guide it all the way; and also, that it became involved in a swamp, where there was no swamp or other obstacle between it and Geary, which should have delayed it a moment in marching to the relief of its imperiled companions."

By this paragraph I considered myself and my command deeply wronged. This censure has gone forth to the world, and I asked for a fair investigation of the charge, the result of which shall be as public as the charge itself. You are ordered, after having investigated the circumstances connected with the case, to give an opinion, as to whether the strictures contained in the above paragraph in Genl. Hooker's report, were deserved, by the conduct of myself or Col. Hecker, or any part of my command during the engagement of Wauhatchie. These strictures imply, that a part of my command, directed to perform a certain task, by orders delivered to me in person, rendered itself liable to be solemnly excepted in a commendation for courage and valor bestowed on other troops, or, in other words, to be stigmatized as lacking courage and valor. To show the injustice of the reflection, I shall recount the occurrences of that night strictly according to the evidence before you.

On the evening of the 28th of October, the two Divisions of the 11th Corps encamped near Brown's Ferry; the command of Genl. Geary lay at Wauhatchie. The troops had arrived not long before dark. The distance between the two encampments was about three (3) miles; the country which separated them partly open, partly covered with woods and thickets, and here and there intersected by marshy water-runs. The road from Wauhatchie to Brown's Ferry was muddy, but not impassable; the ground alongside of the road, in places wet and difficult of passage. The night was pleasant—the light of the full moon, from time to time, obscured by streaks of clouds.

After midnight we were aroused by the sound of musketry heard in the direction of Geary's camp. The liveliness of the firing indicated an attack. The troops were called under arms. Orders were brought to me by two of Genl. Hooker's Aides, and by Genl. Hooker himself. About the nature of these orders the testimony conflicts. Genl. Hooker says, he ordered me to double-quick my whole Division to the relief of Geary; Genl. Butterfield says the same, but he heard only the orders Genl. Hooker gave two of his Aides to transmit to me, one of whom was charged to communicate the same orders to Genl. Howard. The two Aides referred to, Capt. Hall and Lieut. Oliver, testify, that they delivered to me orders from Genl. Hooker to throw forward the Brigade nearest at hand.

Genl. Butterfield is therefore mistaken. One of my Staff Officers, who was present, when Genl. Hooker gave me his orders in person, states that I was ordered to throw forward my nearest Brigade, Tyndale's, at once, and to follow up the movement with the rest of my command. This has the weight of the testimony in its favor, and it agrees with my recollections. The difference, however, is not very material, as the manner in which I executed the order, answered even Genl. Hooker's version of the story. The troops were soon in motion, and even Genl. Hooker admits, that the turning out of the troops was splendid. As soon as the alarm was given, and before the order to march had reached me, I had sent one of my Aides to the 2d and 3d Brigades, to bring the columns from the camps down towards the road. Then, leaving my Chief of Staff behind for the purpose of superintending the movement of the 2d and 3d Brigades, which were ordered to follow the 1st, I placed myself at the head of Tyndale's column, and directed its march towards the firing. It is proved, that the orders I left to my Chief of Staff to transmit, were correctly given, first by Capt. Greenhut, Asst. Adjt.-General of the 3d Brigade, who received them, and then by Lieut. Kluetseh, who heard them communicated to the Commander of the 2d Brigade. These orders were not only correctly given, but also correctly executed, for it is proved, that the troops marched without delay, and in the right direction, following the advance. No military man will pretend that these orders were not answering the object and fitting the circumstances. The ground over which I had to march was not reconnoitered outside of the road. The only indication we had of the intentions of the enemy was the firing at Wauhatchie. If the attack on Geary was serious, it was not only possible, but probable, that the enemy would occupy some position in the valley in order to protect their rear. This would have been correct, and was, therefore, probable. Whether we would meet them, where, and in what strength, we had to find out; and in order to find it out I placed myself at the head of the advance.

To give, in this state of absolute uncertainty, special instructions to brigades marching in the rear, to do this or to do that, would have been absurd; their part in the action depended upon circumstances, and the circumstances had first to be ascertained. My orders covered this case completely; according to them my brigades were to be at hand to be used as circumstances would demand. And the testimony shows clearly enough that they would have been at hand had not other agencies interfered.

Relying upon their following me, I pushed forward, skirmishers in advance. The evidence shows that on the ground as it then was, troops could not be moved with more speed. When opposite the hill now known as

Smith's Hill, the head of the column received a volley from the left. It was on this occasion that one of my Aides, of whom the testimony speaks, was wounded by my side. The head of the column stopped a moment, fired a few shots in return, and upon the order to cease firing, pushed on again towards Wauhatchie. Meanwhile the firing on Smith's Hill became lively; it was evident that our troops were engaged with the enemy on that spot. At the same time the firing near Geary's camp died gradually away.

General Howard, who had been with my command and left it not long before we reached the hill, afterwards known as Tyndale's, sent me word through Captain Stinson, one of his Aides, that he desired me to move forward as rapidly as possible. Soon afterwards the skirmishers became entangled in a boggy thicket, which was impenetrable for troops. We had left the road at a place a few rods behind where it makes a slight turn, and moved forward on a bee line. The skirmishers were recalled, and after a stoppage of a few moments, the column regained the road by a movement to the left.

While this was going on I received notice that my 3d Brigade had been halted near Smith's Hill, and was under instructions from General Hooker himself, and also that the 2d Brigade had been halted by order of General Hooker, and was to go to Chattanooga.

I received this notice, as the evidence shows, with regard to the 3d Brigade, through Major Howard of the Corps Staff, and with regard to the 2d Brigade through Captain Orlemann, a member of the 2d Brigade staff. Until then I had been firmly believing that the 2d and 3d Brigades were following me according to orders, and the testimony proves this belief to have been very well founded until the brigades arrived near Smith's Hill. About the same time I received through Lieut. Oliver, of General Hooker's staff, the order to take and occupy the hill now known as Tyndale's with one brigade.

I replied to Lieut. Oliver that I was ordered by General Hooker himself to push through to Geary. He observed that General Hooker wanted to have the hill occupied with a brigade, and repeated the order. While this order struck me as contradictory to orders originally received, it struck me also that circumstances might have changed. The firing at Geary's camp, as the testimony shows, had died out; for some time the action had been far more lively in my rear than in my front. The enemy had, perhaps, made a new movement. The order delivered by Lieut. Oliver was, indeed, not in keeping with General Hooker's original order; but General Hooker, as I was informed by two reliable staff officers, had kept back my two brigades, and that was likewise against the original understanding, and could hardly be without a sufficient cause. The word General Howard had

sent me through Captain Stinson could hardly come into consideration. General Howard had been with my column and left it not long before; he was probably not informed of what was going on in the rear. But above all, the order brought by General Hooker's aide was positive; General Hooker was highest in command on the field; this was his last order, and, according to all military rules, it is the last order that counts. I had no choice.

The testimony given by Lieut. Oliver, when first on the stand, is remarkable in one respect. While he expressed himself with an air not uncommon among young staff officers about other matters, how he ordered this, and ordered that, he seems to leave it somewhat in doubt whether the order to take and occupy the hill, was a suggestion of his own or an order of Genl. Hooker. If it had been a suggestion of his own, if he really had given an order without due authority from his chief, his conduct would be open to grave charges; for that he delivered it as positive order, is proved by another witness, who heard him deliver it. But to his justification it may be said, that his memory does not appear to be of the most faithful as to details. He saw and heard my whole advance brigade halt and fire, when the other witnesses heard only a few scattered shots. He heard of a line of battle in our front at Tyndale's Hill, a thing which would have been so important, that every officer on the ground would have known or heard of it; but none of the other witnesses remember any such thing. His conversation with me as he reports it, must be taken with the same grain of allowance; it is only the substance of it which can be accepted as reliable.

But there are three things which leave no doubt as to the genuineness of this order, all three of which show that I acted correctly in obeying it, and two of which bear out Lieut. Oliver in giving it. The first is, that Lieut. Weigel, who heard Lieut. Oliver deliver it, testifies that it was delivered as a direct and positive order; the second is, that Genl. Hooker, in his report, in his letter, and in his testimony, states, that the order was given by him and duly executed by me; and the third is, that Lieut. Oliver reported the fact immediately to Genl. Hooker, and Genl. Hooker received the report with silent approbation. Genl. Hooker is very clear and positive about this matter, and it is perhaps the only point about which his testimony is not in conflict with that of the other witnesses. No doubt is admissible.

Let me continue my account of the occurrences which now took place. Three regiments were sent up the acclivity and gained the crest with a loss of a few killed and wounded. Lieut. Oliver indeed heard but a few shots, hardly any. He heard perhaps not as many shots as we had men

killed and wounded. It is in keeping with his other statements about details. But he testifies also, that he left very soon after he had given me the order, and went back to Genl. Hooker to report to him. When he left, part of the Brigade was still on the road. If the firing had really been as he described it, Generals Hooker and Butterfield, who were behind me at a considerable distance, would hardly have noticed it.

My situation was now as follows: knowing that Lieut. Oliver, Genl. Hooker's Aide, had gone back to General Hooker, and having informed him of the circumstance, that after the taking of the hill I had no troops to send to Geary, as the balance of my command was kept back, I was justified in expecting that Lieut. Oliver would give General Hooker a true and complete report of what had happened. For that is one of the duties of a Staff officer. If, then, anything was found to be wrong or not in accordance with General Hooker's views, I had a right to expect that General Hooker would correct the mistake by sending me further orders, for Lieut. Oliver having just left me, he knew well where I was.

Meanwhile, being ordered to occupy the hill, the importance of which consisted in its commanding one of the few passes leading through that chain of ridges, we proceeded to do it as it ought to be done. When we had obtained possession of the crest, the troops were promptly put in position. Such parts of the line as were loose and weak, had to be strengthened, connections to be established, a reserve to be placed in a suitable location. The wounded were carried to the rear. Patrols were dispatched to explore the ground in our front and our flanks, the skirmishers were thrown forward. It was reported by an officer, that he had seen something like a column passing to our right. Patrols were sent in that direction to ascertain the truth of the statement. The completion of such arrangements will, under all circumstances, take some time, especially in the night, and on uneven and densely wooded ground, where nothing can be discerned with certainty, even at a moderate distance. During that time Lieut. Oliver might well have reported to General Hooker; Genl. Hooker might well have taken things into consideration, and sent me new orders if anything was not in accordance with his views. I received no further orders. The firing had meanwhile ceased at all points, except a few straggling shots here and there, such as skirmishers will fire at random in or after a night engagement, and I was justified in supposing that everything was as desired. So I rode back in order to see what had happened there.

I found General Hooker in the midst of my two Brigades, which had been stopped on the way when following me. Our conversation was of a singular nature. As the testimony indicates, he showed his dissatisfaction with my not pushing through to Geary. I replied that I had received

his positive orders through one of his own staff officers, to occupy the hill near the railroad gap with one Brigade, and that the only Brigade with me thus being disposed of, I had no troops to push through to Geary. He observed, that he himself had given me the order to push through to Geary two hours ago and ordered me to do so now. I asked whether I might now have the Brigades which had been kept back, and upon his reply, that I might take them, I marched off. This is the substance of the conversation according to the evidence. One of the witnesses, who reports it, gives it also as his impression, that Gen. Hooker, from what he said, seemed to disown the order delivered to me by Lieut. Oliver. Taking this as absolutely correct, we would be forced to one of two conclusions—either Gen. Hooker had not given the order—but that is impossible, as he afterwards so repeatedly and emphatically declared that he did give it—or General Hooker had led me into a snare by first giving me an order and then disowning it, a supposition as unreasonable as it would be unworthy. Lieutenant Oliver, who also listened to the conversation, gives it as his impression, that General Hooker supposed I had another Brigade with me, aside of Tyndale's. According to him, therefore General Hooker must have thought, that in some manner some of my troops must be possessed of ubiquity. But Lieutenant Oliver well knew this supposition to be erroneous. According to his own testimony, I had informed him at the foot of the Tyndale Hill, that my other Brigades were held back, and that if I occupied the hill with one Brigade, I could not reinforce Geary, as I had nothing in hand to do it with. But he testifies also, that when reporting to General Hooker the taking of Tyndale's Hill, he said nothing to him of my having only that one Brigade in hand. I had been careful to give him all the information that was important. There my duty ended and his commenced. That he did not communicate the whole of that information to his chief, is a thing which I have not to answer for; my responsibility does not extend to General Hooker's Staff.

But aside of all this, how it was possible for General Hooker to suppose, that I had more than one Brigade with me when taking the Tyndale Hill, you will find difficult to explain, when you hear and consider what meanwhile had happened. Still, as the question, whether I or somebody else bears the responsibility for the staying behind of the balance of my command, seems to be the point upon which this whole matter hinges. I shall return to it in order to discuss it more fully, after having sufficiently elucidated the rest of my movements.

The testimony shows that as soon as I resumed command of my 2d and 8d Brigades, I marched forward. In passing I had the gap between

Smith's and Tyndale's Hills hastily reconnoitered and ascertained that it was not held by any troops. This is the gap through which the main Chattanooga road runs; the road upon which a part of the enemy's force had come into the valley. I ordered Colonel Krzyzanowski to take position in this important thoroughfare with a portion of his Brigade, which was decimated by picket and other details, while another portion was directed to join Colonel Hecker in marching to Geary. Arrived at Tyndale's Hill, Hecker's Brigade was ordered to halt a little while, for the purpose of awaiting the reinforcement which arrived promptly. A regiment was thrown forward into the gorge through which the railroad runs, and as soon as the 141st N. Y., the strongest regiment of the 2d Brigade, had closed up on Hecker's column, Hecker was ordered to march forward to Geary. He executed the order without delay. The ground between Tyndale's Hill and Wauhatchie was mostly covered with thick woods on both sides of the road. The column marched in a formation which is proper in the presence of the enemy, front and flanks well covered with skirmishers. It arrived at Geary's position about 5 A. M., and we are told that Geary met Hecker at 5.30. The day was just breaking.

Here I wish to say a word about the estimates of time occurring in the testimony. It must have struck you that these estimates as given by the witnesses are exceedingly uncertain and contradictory. Hardly anybody looked at his watch. An interval between two occurrences, which seemed to Gen. Hooker nearly two hours, seemed to Gen. Butterfield about five minutes. I abstain throughout from referring to the testimony of the latter, because his recollection has evidently lost the thread of events. An interval of time appeared to an individual longer or shorter, as his attention was more or less engaged or his mind possessed of greater or less anxiety. Thus the duration of the stay of the 2d and 3d Brigades at the cross-road is evidently under-estimated by most if not all our witnesses. About the time occupied by the movement from the cross-roads to Geary, we are fortunate enough to have very precise data. Lieut.-Col. Meysenburg met the column at the marshy run about 250 to 300 yards from the cross-roads. He looked at his watch. It was about 4.30. There the troops had to undouble files, which inevitably delays the march of a column a little. From that place to Wauhatchie, the distance is not far from two miles. Taking into consideration, that a little time may have elapsed between Col. Hecker's arrival at Wauhatchie and his meeting with Geary, it may be concluded with reasonable certainty, that his whole march from the cross-roads to Wauhatchie, a march with skirmishers and flankers through a wooded country and over muddy roads, occupied, inclusive of all delays, not over 45 minutes, probably less. It is well proved,

that this Brigade never lost its way or became involved in a swamp, and nobody alleged so. This I submit, was as quick a night's march as anybody could desire; certainly as quick as anybody could execute.

That Col. Krzyzanowski reported to Geary much later is very natural. I had placed him with a fraction of his Brigade into the gap, while a larger portion of his command went to Geary with Col. Hecker. That this measure was approved and adopted by my superior commanders, is easily shown. Lieut.-Col. Meysenburg, Asst. Adjt.-Gen. 11th Corps, testifies, that I was ordered to send reinforcements to Hecker, which I had already done, but not to evacuate the gap, even if I could leave only a small force in it. I had directed Col. Krzyzanowski to stay there in person, because I considered the position important and because it was held by fractions of several regiments. Lieut.-Col. Meysenburg testifies further, that Col. Krzyzanowski was ordered at 7 A. M., to join Geary with the rest of his command. Thus I acted under orders. This accounts sufficiently for the time of Col. Krzyzanowski's arrival at Wauhatchie. With the manner in which these movements were executed, nobody that I know found fault and I would not have dwelled upon these matters at such length, had not the prosecution shown some disposition to shift from the censure contained in Gen. Hooker's report, upon a new ground, in order to detect, by minute microscopic research, perhaps a little flaw in those of my proceedings which had not yet been blamed.

In General Hooker's report, the brigade dispatched to the relief of Geary, is blamed for not having arrived there until long after the fight had ended. This cannot apply to the movements just described; for it is proved that when Hecker was ordered forward from the cross-roads, the fight at Wauhatchie had long been over. To blame him for not arriving there before the fight was over, when it was already over before he started would have been an absurdity.

The occurrence which called forth the censure, must have happened previous to the last movement. The report itself, together with General Hooker's letter and testimony, establishes the point beyond controversy. The report says: "Directions were immediately given for one of the brigades, *en route* to Geary, Tyndale's, to be detached and assault the enemy in the hills on the left, and the other brigade to push on as ordered." A brigade was to push on to Geary, while Tyndale's brigade took possession of the hills on the left. Why did it not push on? He who is clear of the responsibility for this failure to push on, ought to be clear of the censure. This is the point, and the only point to be decided. I will state the circumstances which occasioned this failure, strictly according to the testimony of five witnesses, all agreeing on the main points. Look back to the open-

ing scenes of the action. The orders I had given before leaving our encampment at the head of the 1st brigade, were correctly carried out. The brigades marched forward on the road to Wauhatchie, the 2d following the 1st, and Col. Hecker with the 3d following the 2d, but, impatient to get on, pressing alongside where the ground would permit. After marching nearly three-quarters of a mile, the 2d brigade suddenly stops. Hecker, still more impatient, sends one of his aides forward to ascertain the cause of the delay. The aide returns with the information, that he had seen one of the staff officers of the 2d brigade, who had told him, that the 2d brigade had just received orders to halt. Col. Hecker replies: "I have received no orders to halt, and I shall march on." So he marches his column by the 2d brigade, and continues on the road to Wauhatchie. He has hardly advanced beyond the 2d brigade when he meets Major Howard of the 11th corps staff, on the road. Major Howard tells him to halt his troops at the cross-road, one branch of which leads up to the hill on the left, now known as Smith's hill. This is done. Major Howard perceives General Hooker near the spot, and referring the Colonel to the General, says: "Here is General Hooker himself." General Hooker recognizes the Colonel, with whom he evidently is acquainted. In reply to General Hooker's questions, the Colonel informs him that the troops halting there are the 3d brigade, 3d division, and that he is halting in consequence of an order received through Major Howard. The General asks where General Schurz is, and Colonel Hecker replies: "In the front; one of his aides was just brought by here wounded." The General inquires about the other troops or the other brigade, and Colonel Hecker points out to him the 2d brigade of my division, standing immediately on his left, and mentions even the name of its commander, Col. Krzyzanowski. General Hooker then instructs Col. Hecker to form his brigade in such a manner as to be able to face towards the hill or towards the valley, as necessity might require. Then saying to Col. Hecker, "You stay here," Gen. Hooker rides over to the 2d brigade, immediately in front of which he remained a considerable time. According to Gen. Hooker's direction, Hecker stays. For this we have the testimony of Maj. Howard, Capt. Greenhut, Asst. Adjt. General of the 3d brigade, Lieut. Miller and Lieut. Kramer, aides of Col. Hecker, and Col. Hecker himself. This conversation being an important matter, the testimony must be examined with greater care. Maj. Howard, when as a witness before you, must have made upon you the impression of a man who is careful and conscientious in his statements. He produces as facts only what he knows with absolute certainty; most of his recollections of what happened during a night of battle three months ago, he gives as impressions more or less distinct and reliable. The testi-

mony of a witness so conscientious, can be taken at a valuation rather above than below that which he himself puts upon it. He states that he found Col. Hecker marching, and admits it as not only possible but probable that he told Col. Hecker to stop at the cross-roads. He tells us, that before he did so, he had been with Gen. Hooker and staff, informing them of Col. Hecker's arrival, and that he heard Gen. Hooker or Gen. Butterfield say that the troops might be halted at the cross-roads. He further gives it as his impression, that he heard Gen. Hooker or Gen. Butterfield instruct Col. Hecker to form his brigade so as to be able to make front towards the valley as well as towards the hills. The corroborative testimony of three other witnesses, Col. Hecker, Capt. Greenhut and Lieut. Kramer, establishes this point as absolute certainty.

The testimony of Col. Hecker himself is so clear, distinct and positive, that nobody, who knows the man, will breathe a doubt against it. That of Capt. Greenhut and Lieut. Kramer, concurs with it in almost every particular. All these testify that Col. Hecker was halted by Maj. Howard, and that Gen. Hooker was informed by the Colonel of the presence of my 2d brigade; all three testify to the instructions given by the General to Col. Hecker, and all three testify to the words pronounced by Gen. Hooker when he rode away: "You stay here." This would seem sufficient to account for the 3d brigade. Col. Hecker's case is as clear as sunlight. He acted under my orders when he marched towards Wauhatchie; he acted under Gen. Hooker's orders when he stayed at the cross-roads.

As to the 2d brigade, it is to be regretted that its commander, as well as its staff officers without exception, are absent with the furloughed veteran regiments. I am therefore unable to produce them personally as witnesses. But if circumstantial evidence can prove anything, it proves in this case, that an agency similar to that which stopped the 3d brigade on its march towards Wauhatchie, stopped the 2d also.

Recall to your minds the following facts established by the testimony before you. The 2d and 3d Brigades are pressing forward on their march towards Wauhatchie; the 2d Brigade suddenly stops, and upon inquiry Captain Greenhut is informed by a member of the 2d Brigade staff that the 2d Brigade has received orders to halt there. The 3d Brigade still presses forward, but has hardly passed by the 2d when it is halted also. It forms in line of battle fronting towards the hills, and General Hooker instructs its commander to form his troops in such a manner as to be able to change front towards the valley. The 2d Brigade is pointed out to General Hooker; he rides towards it and halts there, and immediately afterwards it is noticed that the 2d Brigade is formed front towards the valley. General Hooker remains in front of the 2d Brigade a considerable

time; that brigade is, of all troops, nearest to him. Orders are carried to that brigade by one of General Hooker's aides, and when it is found out that the orders sending the 2d Brigade to Chattanooga arose from a mistake, the brigade is directed to resume its old position. While this is going on I am near Tyndale's Hill. Notice is brought to me through a staff officer of the 11th Corps that the 3d Brigade is stopped near Smith's Hill, and under instructions from General Hooker. Almost at the same time notice is brought to me by a staff officer of the 2d Brigade that the 2d Brigade is stopped near Smith's Hill, and under orders to go to Chattanooga. Can these circumstances be accidental? They speak for themselves.

Nor is this at all strange. Consider the circumstances under which these things happened, and you will find an easy explanation. At first there was no firing except in the direction of Wauhatchie. The attention of everybody was fixed upon that point. My troops are hurried forward to the assistance of Geary. Suddenly, while my column is marching along, a volley is thrown upon it from the hills on the left. All at once it is discovered that this range of hills is occupied by the enemy. This changes the whole aspect of affairs. It is not foreseen in the original programme. The effect of this discovery cannot but be startling. General Hooker himself says in his testimony: "When the first fire was given from the hills on the left, it suggested itself to me that the enemy was trying to get between me and Brown's Ferry," and Captain Greenhut testifies, it is his impression to have heard General Hooker say that he expected the enemy to break through between the hills. That would have completely altered the character of the action. The principal and most important fight would have been, not at Wauhatchie, but between the Chattanooga road and Brown's Ferry; for it was our main object to hold the road between Kelly's Ferry and Brown's Ferry open. Now imagine General Hooker and staff on the very scene of action with such apprehensions suddenly springing up in their minds. Is it not possible, nay, even probable, that at such a moment General Hooker, thinking of the new danger and considering how to avert it, should have dropped the words: These troops must be stopped here, or something to that effect? Is it not equally probable that some zealous staff officers should have taken such words for an order and hurried off to put the supposed order in execution? Look at Major Howard's case; it is exactly in this way that he came to stop Hecker, and General Hooker confirmed his action by subsequent instructions of his own. It is not only probable, but almost certain, at least it is my firm belief, that the 2d Brigade which preceded Hecker's was stopped in a similar manner. General Hooker's own instructions to Colonel Hecker to be prepared for a

change of front, can be explained upon no other theory but that he was expecting an attack. And the staff officers no doubt acted upon the inspirations of their chief. All this was perfectly natural. There is nothing surprising in it.

But it was not natural that General Hooker should have expected the same troops which were held at the cross-roads under his instructions, and with his knowledge, at the same time to march to the relief of Geary. And it is most unnatural that he should, in his report, charge a lack of courage and valor upon commanders and troops because they stood still where, he, with his own instructions, and under his own eyes, had held them.

It is true, General Hooker's own testimony, although by some unguarded admissions supporting the theory upon which I explain these occurrences, partly ignores, partly contradicts some of the facts upon which this reasoning is founded. I would not subject his depositions on oath to a scrutiny were it not a duty I owe to myself and I owe to my commands. That duty I perform with regret and reluctance; for when I look upon General Hooker's sworn testimony, as it stands there, unsupported by any other evidence, in conflict with the testimony of almost every other witness, his own Aides included, in conflict even with itself, it is to me a subject of painful contemplation.

As he informs us, Colonel Hecker told him that he was in his position by order of General Howard. Colonel Hecker asseverates that he said Major Howard, but General Hooker may have misunderstood him. This misunderstanding, however, is of very little moment. General Hooker goes on to tell us that he may have said to Colonel Hecker to wait there for further orders from General Howard. General Hooker tells us also, that he had advised General Howard of the orders given to me, to double quick my division to the relief of Geary. And then he supposed that General Howard, after having been advised of that order, had stopped the troops on their way. Indeed! Does General Hooker not know that General Howard was my immediate commander, and that his orders were superior to mine? If General Hooker really was under the impression that General Howard had stopped the troops which, by my orders, were marching towards Geary, and that these troops, after having been so stopped by General Howard, were left waiting for General Howard's further orders, and waiting in vain, if that was really General Hooker's impression, how in the name of common sense then could he blame me or my troops for a delay which, in his opinion, was owing to the orders, or to a neglect of General Howard, my commander? Either General Hooker did not believe that General Howard had ordered these troops to stop, or by blaming me and my command, he

committed the most unaccountable injustice—an injustice for which even the cheap pretence of a misapprehension cannot serve as an excuse.

No, this will not answer. It is well enough established, that Genl. Howard gave no orders to halt. He had, indeed, a far different idea of a double-quick movement. Instead of halting troops on the way, troops whose commanders were impatient to get on, he was with me and Genl. Tyndale at the head of the column in march, making every exertion to accelerate its progress. It is also well enough established by the instructions given to Hecker, that Genl. Hooker thought very little of Howard or of Geary at that time. Such instructions are given only in expectation of an attack; they mean preparation for defense on the spot, and not preparation for a double-quick movement. In this attitude the Brigades remained there a considerable time in Genl. Hooker's immediate vicinity, under his very eyes, within the reach of his voice, and he did not stir them. If he was under the impression, that the troops were waiting for orders to march forward, why did he not give the orders? If, in his opinion, there was a mistake, why did he not correct the mistake? Is it not one of the principal privileges and duties of a Commander to correct mistakes of his subordinates? But then Genl. Hooker indulges in statements still more serious and still more untenable.

He declares in his testimony, and declares with emphasis, that he gave no order at all to Brigades. It is sworn to before four witnesses, by Colonel Hecker, Maj. Howard, Capt. Greenhut, and Lieut. Kramer, that he gave the Commander of my 3d Brigade, not only orders, but the very explicit instructions above mentioned. With due respect to Genl. Hooker—the concurring testimony of these four witnesses admits of no doubt.

Again, Genl. Hooker declares, that he knew nothing of presence the of my 2d Brigade on that part of the field. Is it possible? Three witnesses, Col. Hecker, Capt. Greenhut, and Lieut. Kramer, testify, that he was not only informed of its presence, but that Col. Hecker in his own emphatic and demonstrative manner, which admits of no mistake, pointed it out to him as standing immediately on their left; even the name of its Commander, Col. Krzyzanowski was pronounced, and that is a name which cannot well be mistaken for any other. It is further proved, that Genl. Hooker, as soon as the conversation was concluded, rode over to the 2d Brigade and remained there. One of Genl. Hooker's own Aides testifies, that he carried orders to that Brigade; that the Brigade was, of all troops, nearest to the place where Genl. Hooker stood, and that he presumes Genl. Hooker must have been aware of its being there, as it was so near him. Lastly, Lieut. Weigel states, that when after the taking of Tyndale's Hill he, with me, met Genl. Hooker, the commander of the 2d Brigade, Col-

onel Krzyzanowski, was in Genl. Hooker's immediate presence. And Genl. Hooker was ignorant of all this?

Lastly, Genl. Hooker declares, that, had he known anything of the presence of my 2d Brigade on that part of the field, or had he known, that I was forward with only one Brigade, he would have ordered Colonel Hecker instantly to march to Wauhatchie. This indeed he might have been expected to do, if he really wanted one of my Brigades to occupy the Tyndale Hill, and another to push through to Geary. Now, mark what he did do. It is proved by three witnesses, that immediately after the 2d Brigade had been bodily pointed out to him, he gave Col. Hecker instructions how to form, and then left him with the words, "You stay here!"

But to cap the climax, he says himself, he was not positive whether he knew that I had more than two brigades in all. He thinks he must have known it, or ought to have known it, as he had marched with us from Bridgeport to Lookout Valley, but he was not positive. Every candid mind will conclude from his report, that he did not know it, for he speaks only of Tyndale's and "the other Brigade." And then, not being positive, whether I had more than two Brigades in all, he tells us that he kept one of my Brigades back, thinking that two of my Brigades were in advance. Here my willingness to furnish an explanation is at a loss. There is no theory upon which I can reconcile his acts with his declarations.

This testimony, in its relation to the facts as proved by all the other witnesses, is to me a puzzle. It is almost impossible to suppose that General Hooker did not know the Brigades to be there; for, if he had eyes to see, ears to hear, and a mind to understand, he *must* have been aware of their presence. But it is almost equally impossible to suppose that he did know them to be there, for, how strange is it, how can it be explained, that he did not send them forward, if he wanted to have Tyndale's Hill occupied, and Geary reinforced at the same time—and, above all, how can his report be accounted for? I am irresistibly driven to the conclusion that, either Genl. Hooker did not clearly fix his mind upon what he saw, heard, said, and did, during the night of the engagement, or that he did not clearly fix his mind upon what he remembered and wrote at the time of composing his report.

Now let me sum up the facts, as they are established by the evidence.

It is proved, that, immediately upon receipt of orders, I hurried forward at the head of my 1st Brigade, after having directed my 2d and 3d Brigades to follow.

It is proved that my orders to the 2d and 3d Brigades were correctly delivered, and correctly executed. They did follow me.

It is proved that, upon the arrival of the head of my column opposite



Tyndale's Hill, I received official notice of the detention of my 2d and 3d Brigades, by orders and instructions coming from Gen. Hooker.

It is proved that these notices were brought by staff officers, whose business it is to carry such information, and that, therefore, I was justified in considering it as reliable, which, as the evidence shows, it was.

It is proved that, at the same time, I received, through one of Gen. Hooker's Aides, an order to take and occupy the hill, now known as Tyndale's, with one Brigade.

It is proved by the Aide who brought the order, that I duly informed him of my having but one Brigade on hand, and of the impossibility of reinforcing Geary, if that one Brigade was employed in occupying the hill.

It is proved that the order was repeated, and that it was a positive and direct order. That it was Gen. Hooker's order, is proved by Gen. Hooker himself in his report, in his letter, and in his testimony. It is proved by Gen. Hooker, also, that I did right in executing it; in his own words, the order was "duly executed."

It is proved that all these movements were executed with all possible speed, and that the troops could not have moved quicker on the ground as at then was.

So much for the first act of the drama. Now for the second.

Gen. Hooker swears to his report. While Tyndale's Brigade was directed to take the hill on the left, "the other Brigade was to push on as ordered." This Brigade is censured for not having arrived at Geary's until long after the fight had ended, while, as the report says, it had been dispatched to the relief of Geary by orders delivered in person to its Division Commander. Here is the censure, and here is the question to be decided. Why did not the other Brigade push on, and why did it arrive long after the fight had ended?

It is proved that my 2d and 3d Brigades followed the first, in the direction of Wauhatchie, according to my orders.

It is proved that, after having marched a certain distance, the 2d Brigade was suddenly stopped on the road, and that the 3d marched by the 2d, in the direction of Wauhatchie, according to my orders.

It is proved that immediately afterwards, the 3d Brigade was halted also, and received special instructions from General Hooker himself.

It is proved that Gen. Hooker's attention was directed to the 2d Brigade, that it was pointed out to him, and that he remained with it a considerable time.

It is proved that both brigades remained under General Hooker's eyes and under his immediate control.

It is proved that I was officially notified of this by staff officers.

It is proved that General Hooker, while with my Brigades did not order them to Geary.

It is proved that when I came back from Tyndale's Hill, the Commander of my 2d Brigade was in General Hooker's immediate presence. It is proved that as soon as the control of my two Brigades was restored to me, Geary was reinforced with all possible speed.

It is proved that when my first Brigade arrived at Tyndale's Hill, the firing at Wauhatchie had already ceased, so that it would have been impossible even for that column, in spite of all double-quick movements, to arrive there before the end of the fight.

It is proved, that when Col. Hecker was ordered forward from the cross-roads, the fight at Wauhatchie had long been over. It would have been absurd therefore to expect him to arrive there before it was over.

And now I ask you, with all candor, what is there in all this, that I am, or that my troops are to blame for? Where is the non-compliance with orders, and where is the lack of courage and valor?

No doubt mistakes were committed. But the question is, whether they were my mistakes. It may have been a mistake to take the Tyndale Hill. But if so, it was Gen. Hooker's mistake, for he acknowledges to have given the order. It may have been a mistake that Gen. Hooker was not immediately advised of the impossibility to reinforce Geary, while this order was executed. But most certainly it was not my mistake; for I informed Gen. Hooker's Aide explicitly of all the circumstances which produced that impossibility. What more had I to do? If that Aide when he reported the facts to Gen. Hooker, did not report the facts fully, as his duty required, am I responsible for Gen. Hooker's Aides? It may have been a mistake, that the troops were stopped at the cross-roads. But it was not my mistake; for nobody, I suppose, thinks that I ordered them to stop. The case of the 3d Brigade is clearly established; and as for the 2d, how was it possible, if such an order had come from me, that one of the brigade staff officers should report to me its detention by orders coming from General Hooker?

If the stopping of the troops was a mere mistake, it is to be regretted, that it was not at once rectified. But that mistake happened under Gen. Hooker's very eyes; he, by giving instructions, participated in it, and of all men in the world he was the man to remedy it. I did all I could to direct his attention to it by giving his Aide all the information that was necessary. I will stretch self-criticism to the utmost limit, and say, that I might have

gone back when I heard that my troops were stopped at the cross-roads. But being informed by respectable staff officers, that the two brigades were under Genl. Hooker's immediate control, had I not to suppose that Genl. Hooker knew what he was doing, and what he wanted them for? Besides, I had communicated to Genl. Hooker's Aide all that was important. That Aide went back to report to his Chief. If anything was wrong, Genl. Hooker, by his Aide, knew where I was, and could advise me. Receiving no further orders, I was justified in believing that all was right. So I remained where I considered my presence most desirable. That Genl. Hooker meanwhile held my two brigades where he did not want them, is that my mistake?

Whatever way you may turn and twist the occurrences of that night, you will always arrive at the conclusion, that the mistakes committed were not my mistakes, and that of all persons that might be blamed, my troops and their commander were the very last.

I think I could make even Gen. Hooker feel the injustice of the course contained in his report. What would we have thought, if at the time of the battle of Chancellorsville, his Corps Commanders had received from Washington direct orders to remain in their position near United States Ford; and if then in Genl. Halleck's report the following paragraph occurred: "I regret that my duty constrains me to withhold the usual commendation of courage and valor from the Commander of the Army of the Potomac, who, when he heard that Genl. Sedgwick was engaged with the enemy near Fredericksburgh, remained with the whole Army quiet and inactive in his entrenchments at Chancellorsville, deaf to the stirring appeals of the terrific artillery and infantry fire in the distance, which made known to him the desperate situation of his imperiled companions?" Or another case in point: How would Genl. Hooker feel, if on the evening of our arrival in Lookout Valley, the Commander of the 11th Corps had received from Genl. Thomas the direct order to camp his whole force near Brown's Ferry, and if then in Genl. Thomas' official report the following passage had occurred: "I regret that my duty constrains me to except in my general commendation of good judgment the Major-General commanding the 11th and 12th Corps, who, after having marched his troops into Lookout Valley, so far forgot all the rules of ordinary foresight and caution, as to leave a weak detachment isolated at Wauhatchie, without even occupying with sufficient forces the gaps, and fords, and bridges, through and over which the enemy could penetrate into the Valley, place himself between the said camps, and overwhelm the isolated detachment with superior numbers." How would Genl. Hooker relish that? But if under such

circumstances such a censure would not be considered just, what must be your opinion of the censure in Genl. Hooker's report?

Although the parallels are striking, I will confess that the circumstances described are only made up for the sake of argument, in so far as I do not know that Genl. Halleck in the first, or Genl. Thomas in the second case, gave any direct orders to Corps Commanders.

Before closing I deem it my duty to call your attention to one feature of this business, which has an important bearing, not only upon my interests, but upon yours and upon those of every subordinate commander in the Army. We are bound by the iron chains of military discipline. The superior has it in his power to do all manner of things which may work serious injury to the honor and reputation of the subordinate, and which the latter is but seldom at liberty to disprove, and almost never able to resent. The greater in this respect the power of the superior, the more is he in honor and conscience bound to use his power with the utmost care and discrimination; for the honor and reputation of every subordinate officer is a sacred trust in the hands of the superior commander.

The most formidable weapon in the hands of the latter is his official report of campaigns and actions. It is universally received as documentary history, as the purest fountain, from which the future historian can take his most reliable information. Praise and censure conveyed in such a report are generally looked upon as based upon irrefutable evidence, and they ought to be. Every conscientious commander will therefore consider it a sacred duty before making an official statement affecting the honor and reputation of a subordinate, to scrutinize with scrupulous care the least incident connected with the case, and when at last, after weighing every circumstance, he has arrived at the conclusion that his duty commands him to pronounce a censure, he will weigh every word he says, so as to be perfectly sure that he does not say a word too much. For it must be considered, that public opinion is generally swayed by first impressions, and an injury once done can but rarely be repaired by a subsequent modification of language.

And now I invite you to apply this criterion, which certainly is a just one, to the report of Genl. Hooker. That this report is severe in its reflections on a body of troops, nobody will deny. By solemnly excepting them in a general commendation of courage and valor, it stigmatizes them as destitute of the first qualities which the soldier is proud of. That the report is a just one, who will, after this investigation, assert?

I am far from saying that Gen. Hooker knowingly and willfully reported what was false; his position ought to exempt him from the suspicion of such an act. I have not entertained that suspicion for a moment. But what

excuse is there for his error? There are two things which every conscientious man will be careful to guard against; the first is, saying anything to the prejudice of another, which he knows to be false; and the other is, saying anything to the prejudice of another, which he does not positively know to be true.

And did Gen. Hooker positively know his report to be true and just? He could not know to be just what is proved to be unjust? But would it have been impossible to ascertain the truth? I lived within five minutes' walk of his head-quarters. My Brigade Commanders were all within call. I saw him almost every day, and a single question would have elicited a satisfactory explanation. The question was not asked. Five minutes' conversation with his own Aides, Capt. Hill and Lieut. Oliver, would have removed the error. Was the error so dear to him, that he shielded it with silence against the truth? But to me it is a mystery how that error could stand against the force of his own recollections. Were they, too, shut out, when that paragraph was penned? They would, indeed, have ill comported with the sensational dash with which the incident of the censure is flavored.

You will admit that this is not the way in which troops should be declared destitute of courage and valor—troops belonging to a Division which on three battle-fields lost far more killed and wounded than it counted men, when I was put in command, and than it counts men to-day; and that this is not the way to treat an officer, and than it counts men to-day; nates will say that, when he was in a place of danger, his General was not with him. This is a levity which would not be admissible in the ordinary walks of life—much less in the military world, where every question of honor is weighed with scrupulous nicety.

When looking at this most strange transaction, every impartial observer will ask himself, "What can have been the motive of this?" If the battle had been lost, we might have found the motive in the desire of the Commander to throw the responsibility upon some subordinate whom he might select as the unfortunate victim of his embarrassments. This indeed would not be noble, nor even excusable, yet we can find the springs of such acts among the ordinary weaknesses of human nature. But we were victorious; the results of the action were uncommonly gratifying. And that Gen. Hooker should then sit down, and coolly endeavor to consign a fellow-soldier, and part of his command, to shame, and affectingly ornament the scene with the fanciful pyrotechnics of a terrific infantry fire flaming around imperiled companions—for that I seek the motive in vain. Every candid mind will admit that such an act, on such an occasion, can have been called forth by one of two things only—either the grossest misconduct.

on the part of the subordinate, or a morbid desire to blame on the part of the Commander. Public and official censures under such circumstances are so unusual, that, either, the provocation must be enormous, or the ill will uncontrollable.

It may be asked why the censure in the report is so ambiguous as to admit of an application to some Brigade of mine, as well as to myself. In my public life I have learned to understand the language of those who want to hurt. It is never more insidious than when it merely suggests and insinuates. By saying little that is positive, and expressing that little obscurely, it opens a wide field for a malevolent imagination. Just enough is said in that report to give a bold to backbiting malignity, which now may point to an official document as proof, and suggestively add: no more was said, in order not to ruin him. I appreciate this tenderness, as well as I highly appreciate the elaborate flourish of language, in which the greatness of the danger is so artistically, so touchingly, and yet so gratuitously, contrasted with the tardiness of the relief which was caused by superior orders, and the firmness of an excuse which nobody ever thought of offering.

Here I will stop. I feel that I owe you an apology for the length and sweep of my remarks. When I entered the Army, I left a position of ease and splendor. I might have led a life full of honor and enjoyment in other spheres of activity, but after having co-operated in the development of the ideas governing this country, I desired to share all its fortunes to the last. I entered upon this career with a heart full of enthusiasm and readiness for self-sacrifice. I have been quietly endeavoring to do my duty, with zeal, but without ostentation. For all this I claim no higher consideration than any other man in the Army may claim; but I do not see why I should be satisfied with less. Knowing what material glory so frequently is made of, I do not crave for glory, but for justice. Everybody that knows me will tell you, that here, as elsewhere, I have been, and am the most forbearing and inoffensive of men. And even in this case I would have abstained from all sharpness of criticism, had I not, by a series of occurrences been tortured into the conviction, that at last I owed it to myself and to my troops to array on one occasion the whole truth in its nakedness against official and private obloquy. Since the battle of Chancellorsville,—the first time I had the honor to participate in an engagement under General Hooker's command,—since that time, when through newspaper articles, dated at the Headquarters of the Army of the Potomac, I was covered with the most outrageous slanders, which, although easily disproved, were as easily repeated; since that time until the present day I have had to suffer so much from the busy tongue of open and secret

malignity, that even my well-trying patience was rather too severely tested. Under the pressure of military discipline I held out quietly, and in passive silence. At last an official statement appears, intended to throw disgrace upon me and part of my command. Upon this official statement at last I can put my finger, and you will not blame me, if I put my finger upon it with firmness and energy. But you will bear me witness, that in discussing the facts in the case I have said nothing, absolutely nothing, that is not clearly substantiated by the evidence before you. If my language was severe, you must not forget that the truth is severer still.

I said that the honor and reputation of a subordinate ought to be held as a sacred trust in the hands of his commander. When this trust is violated, good fortune gives us at least sometimes an opportunity to right ourselves before impartial men. For this opportunity furnished me by the Commander of the Army, I am most profoundly thankful; for if, indeed, a General could be found, who, upon a knowledge of facts so lamentably imperfect, upon impressions so vague and unaccountable, could launch in to the world so odious and wanton an accusation, I doubt whether a Court of Inquiry can be found to sanction it.