

Grant (U.S.)

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AN UNDESERVED STIGMA.

On the 27th of November, 1862, a court-martial was convened in the city of Washington, for the trial of Major-General Fitz John Porter, of the volunteer force. The court consisted of nine members and a judge-advocate,—the Judge-Advocate-General of the Army.

The charges against General Porter were :

First. Disobedience of orders under the 9th Article of War.

Second. Misbehavior before the enemy under the 52d Article of War.

Under the first charge there were three specifications of which the court found Porter guilty. These were, substantially :

First. Disobedience to the order of August 27th, requiring him to march from Warrenton Junction at one o'clock on the morning of the twenty-eighth and be at Bristoe Station by daylight.

Second. Disobedience on August 29th, while in front of the enemy, to the joint order to McDowell and Porter, directing them to march toward Gainesville and establish communication with the other corps.

Third. Disobedience on August 29th, while in front of the enemy, to what is known as the "4.30 P. M. Order," requiring Porter to attack the enemy's flank and rear.

Under the second charge the specifications upon which Porter was tried and convicted were, in substance :

First. Shameful disobedience to the 4.30 P. M. Order on August 29th, while in sight of the field and in full hearing of its artillery ; and retreat from advancing forces of the enemy, without attempting to engage them or to aid the troops who were fighting greatly superior numbers, and who would have secured a decisive victory and captured the enemy's army, but for Porter's neglect to attack and his shameful disobedience.

Second. Failure of Porter all that day to bring his forces on the field when within sound of the guns and in presence of the

enemy, and knowing that a severe action of great consequence was being fought, and that the aid of his corps was greatly needed; and his shameful falling back and retreat from the advance of unknown forces of the enemy without attempting to give them battle.

Third. Shameful failure of Porter on the same day, while a severe action was being fought, to go to the aid of General Pope's troops, when he believed that they were being defeated and were retiring from the field; and his shameful retreat away and falling back under these circumstances, leaving the army to the disasters of a presumed defeat; and failure, by any attempt to attack the enemy, to aid in averting a disaster which would have endangered the safety of the capital.

These are the accusations that were made against General Porter for his part and failure in the battles generally known as those of the second Bull Run campaign. The court found him guilty of the charges and specifications. If he was so guilty, the punishment awarded was not commensurate with the offense committed. I believe lawyers have taken exception to the formation of the court and to some of its technical rulings; but neither at the time nor since has General Porter attempted to evade the consequences of his acts by any special pleading, or by taking advantage of any technical error in the composition of the court, or the method of its being ordered, but has relied entirely upon his innocence of all the charges and specifications, and would not be satisfied with an acquittal on any other ground than that of his entire innocence.

It will be seen from the foregoing that General Porter's alleged misconduct was embraced in three separate cases of disobedience of orders: one on the 27th of August, and two on the 29th of August; and in having retreated unnecessarily from the enemy, by that act endangering other portions of the army with which he was coöperating.

It will be seen that, though these offenses were alleged to have been committed in August of 1862, he was continued in the command of an army corps until some time in November following, taking an active part in the battles of the day following the date of the last charge, and in command of the defenses of Washington on the west bank of the Potomac, and also at the battle of Antietam, some weeks later. It would look at first very singular that an officer, so wantonly derelict in the performance of his duty as General Porter was alleged to have

been on the 27th and 29th of August, should have been continued in so important a place as the command of an army corps, when so much was at stake as there was on the 30th of August, and in the defenses of Washington, and in the later battles in Maryland, when the invasion of the North was threatened. These facts would indicate to an unprejudiced mind that the charges against Porter were an after-thought, to shift the responsibilities of failure from other shoulders and to place them upon him.

In regard to his disobedience of the order of the 27th of August, he is alleged to have without justification deferred his march from Warrenton Junction to Bristoe Station from one o'clock until three of the morning of the 28th. It was about ten o'clock on the night of the 27th when Porter received the following order :

“HEAD-QUARTERS ARMY OF VIRGINIA,

“BRISTOE STATION, August 27, 1862, 6.30 P. M.

“GENERAL: The Major-General commanding directs that you start at one o'clock, and come forward with your whole corps, or such part of it as is with you, so as to be here by daylight to-morrow morning. Hooker has had a very severe action with the enemy, with a loss of about three hundred killed and wounded. The enemy has been driven back, but is retiring along the railroad. We must drive him from Manassas, and clear the country between that place and Gainesville, where McDowell is. If Morell has not joined you, send word to him to push forward immediately; also send word to Banks to hurry forward with all speed to take your place at Warrenton Junction. It is necessary, on all accounts, that you should be here by daylight. I send an officer with this dispatch, who will conduct you to this place. Be sure to send word to Banks, who is on the road from Fayetteville, probably in the direction of Bealton. Say to Banks, also, that he had best run back the railroad trains to this side of Cedar Run. If he is not with you, write him to that effect.

“By command of Major-General Pope,

“GEORGE D. RUGGLES,

“Colonel and Chief-of-Staff.

“Major-General F. J. Porter, Warrenton Junction.

“P. S. If Banks is not at Warrenton Junction, leave a regiment of infantry and two pieces of artillery as a guard till he comes up, with instructions to follow you immediately. If Banks is not at the Junction, instruct Colonel Clary to run the trains back to this side of Cedar Run, and post a regiment and section of artillery with it.

“By command of Major-General Pope.

“GEORGE D. RUGGLES,

“Colonel and Chief-of-Staff.”

His troops had been marching all day, were very much fatigued, some of them only having just arrived in camp and had their supper, when the order to march at one o'clock was received. The night, as shown in the testimony before the court

which tried Porter, and as confirmed by the evidence given in what was known as the Schofield Board, was extremely dark; the road very narrow, with numerous cuts and streams passing through it; bounded by woods on both sides in many places, with no place where the open country could be taken for the march of troops; and blocked up with about two thousand army wagons, many of them mired in the narrow road, so that the officer who conveyed this order to General Porter was over three hours, on horseback, in making the distance of ten miles. Porter was expected, with fatigued troops, worn with long marches, on scanty rations, to make a march on a very dark night, through a blockaded road, more rapidly than a single aide-de-camp, unincumbered, had been able to get through on horseback.

When he received the order, he showed it to his leading generals, and, apparently with one accord, they decided that the movement at that hour was impossible; further, that no time could possibly be gained by so early a start, and that if they should start at that hour and get through to Bristoe Station at the time designated, the troops would not be fit for either fighting or marching on their arrival at that point. Porter replied, however, "Here is the order, and it must be obeyed"; but, after further consultation, he decided, as did his generals, that a postponement of two hours in starting the march would enable them to get through as quick as if the men were kept on foot and under arms while the road was being cleared, and that the men would be in a much better condition for service on their arrival at their destination. He was entirely justified in exercising his own judgment in this matter, because the order shows that he was not to take part in any battle when he arrived there, but was wanted to pursue a fleeing enemy. He did not leave the commanding general in ignorance of his proposed delay, nor of the reasons for it, but at once sent a request that the general commanding should send back cavalry (he had none himself) and clear the road near him of incumbrances, so that the march might be unobstructed.

It is shown that a literal obedience to the order of the 27th of August was a physical impossibility. It is further shown that General Porter was desirous of obeying it literally, so far as was practicable, but was prevailed upon by his leading generals—against whom a suspicion of disloyalty to their commander, or to the cause, has never been entertained—to do what his own judgment approved as the best thing to do—to make a

later start with a view of arriving at his destination as early as it was possible for him to arrive there, and to give to his jaded and worn troops two hours more of needed rest. If the night had been clear and the road an open one, there would not have been as much justification for the exercise of his discretion in the matter; but there is no doubt but that he would have arrived at Bristoe Station just as early, and with his troops in much better condition, if he had started at early dawn instead of at the hour he did, and the intervening time had been used in clearing the road for his troops when they did march. Where there were open spaces along the line of the road, they were either marshy, filled with stumps of trees, and impossible to march over, or were crowded with army wagons, so that the track of his army was limited to the incumbered narrow road between the two points designated in the order, which could be cleared only by the wagons being moved ahead, as requested of Pope.

Much of the testimony before the court and before the army board might be quoted to confirm what is here stated; but as this is all accessible to the reader, I will not lengthen this statement by quoting it.

I question very much whether there was an engagement during the war, or a series of engagements continuing over as much time as was consumed in the battles about Bull Run in August, 1862, when not only one, but a number of generals, did not exercise their discretion, as Porter did on this occasion, and with far less justification. The commanding general who gave the order desired to have the troops at a certain point by daylight, and he gave his orders so as to accomplish that result. Under the circumstances, his order required of the troops an impossibility. That was as evident to Porter, and those with him, before the attempt was made as it was after.

It is a little singular that any one high in rank, connected with the Army of Virginia, should be in ignorance of the arrival of at least a portion of Lee's army, by the very route designated by Pope, many hours before the 4.30 order was published. Porter was not in ignorance of that arrival. Between twelve and one o'clock, on arriving at his advanced position, Porter was shown by McDowell a dispatch from General Buford, sent at 9.30 on the morning of the 29th, stating that from seventeen to eighteen regiments of the enemy had passed through Gainesville three-quarters of an hour before, or at a quarter before nine

o'clock, on their way to re-enforce Jackson, so that the head of the column must have been not only in supporting distance of Jackson, but at the place of deployment by ten o'clock in the morning; and now it is known by others, as it was known by Porter at the time, that Longstreet, with some twenty-five thousand men, was in position confronting Porter by twelve o'clock on the 29th of August, four hours and a half before the 4.30 order was written.

While at the head of their united forces, between twelve and one o'clock, and while Porter was preparing to attack the enemy in his immediate front, McDowell, then in command, showed Porter the "joint order" and also Buford's dispatch. It was evident from this dispatch, corroborated by the enemy's movements in their immediate front, that the main forces of the enemy, which the "joint order" said were far distant, had not only arrived, but had formed a junction with Jackson and deployed in their front. Porter knew of this from another fact. He had prisoners from that force—Longstreet's troops. The object of moving toward Gainesville had been thus defeated, and any further advance, if practicable, would only the more widely separate them from Pope's forces then checked at Groveton, at least two miles distant, and with which they were ordered to "establish communication." McDowell, as he had the right, at once withdrew his troops, leaving Porter with ten thousand men to confront Longstreet's twenty-five thousand, while he went by a circuitous route to a point between Porter and Pope, to establish the communication enjoined.

Thus left alone, facing superior numbers advantageously posted, and ignorant of the needs of Pope, if indeed he had any, Porter had necessarily to bide McDowell's arrival on his right. In the meantime his duty was manifestly to engage Longstreet's attention and prevent him from moving against Pope, especially while McDowell was out of support of both Pope and Porter. Porter all that day did not hear of McDowell, or of what was taking place in front of Pope, though he kept the former well-informed of affairs with him, and presumed that his dispatches were sent to the latter. He, however, engaged Longstreet's attention by demonstrations nearly harmless to himself, and so successfully as to cause Longstreet to take Wilcox's division from in front of Pope, in order to strengthen the line confronting Porter, who, at the time, was aware of this movement of forces coming from the right to his front, and notified McDowell

of it. Thus Porter, without sacrifice of men, and without endangering any interests, did more for Pope's relief than if he had gone directly to that general's assistance. To have done so would probably have sacrificed his corps without any benefit, and jeopardized the safety of Pope's army.

So far as I have investigated the case—and I have studied it, I think, pretty thoroughly—I see no fact to base the charge of retreat upon. I do not see that any argument to prove this is necessary, because any reader of history may be defied now to find where and when General Porter retreated during the time specified.

In my judgment, this disposes of the charges, and consequently of all specifications under them, except the alleged disobedience of the 4.30 P. M. order.

In regard to the charge of disobedience of the 4.30 order, which is the principal one and the one that has most deeply impressed the mind of the general public, there are evidences which look to me important and conclusive, showing that the court-martial which tried General Porter found him guilty under a mistaken idea of the actual facts, now accessible to any one in search of the truth, and which Porter knew to be the facts at the time. As maintained by the prosecution, to the apparent satisfaction of the court, the situation of the belligerent forces were in numbers and position about as here given :

Porter,
10,000 men.

Jackson,
22,000 men.

Pope,
33,000 men.

The 4.30 P. M. order of the 29th of August required Porter to attack the enemy's right flank and to get into his rear, if possible. This enemy, in the mind of the commanding general,

and, no doubt, of the court, was Jackson's force of twenty-two thousand men. Porter was supposed to occupy, with ten thousand troops, the position assigned to him in the diagram given. The court also seems to have been satisfied that the order to make this attack was received by Porter from five to half-past five o'clock in the afternoon, leaving him abundance of time to obey the order.

That the commanding general believed the positions as given in the foregoing diagram to be the positions of the different commands, is shown from the fact that in his joint order of that morning he stated that "the indications are that the whole force of the enemy is moving in this direction at a pace that will bring them here by to-morrow night or next day,"—that is, the evening of the 30th or the morning of the 31st of August,—and from the fact that in the 4.30 order he stated that "the enemy is massed in the woods in front of us," thus ignoring the presence of Longstreet. This is confirmed in his map No. 5, furnished to the Government. If these had been the facts of the case, there would have been no justification whatever for Porter's failing to make the attack as ordered; but, instead of the facts being as supposed by the commanding general and the court which tried General Porter, they were as shown by the following diagram. This Porter knew on indisputable evidence.



As shown by this diagram, Porter was not in a position to attack the right flank of Jackson, because he was at least three miles away, and not across his flank, as shown in the first diagram. With Longstreet's presence, to have obeyed that order he would have been obliged, with ten thousand men, to have defeated twenty-five thousand men in a chosen position, before he could have moved upon the flank of the enemy, as the order directed. But, even if the position of Lee's army

had been thirty-six to forty-eight hours distant, as asserted in the joint order to McDowell and Porter, it would have been impossible for Porter to have obeyed the 4.30 order, because it did not contemplate a night attack, and was not received by Porter until about dark. To have obeyed it would have required some little preparation, movement of troops, and distribution of orders, so that it would have been some time after dark before he could have moved from the position he was then occupying, and at least as late as nine o'clock at night before he could have reached Jackson's flank to engage it. His efforts to execute the order, notwithstanding its apparent inappropriateness, demonstrate this assertion.

I consider that these facts, with many more that were brought to the knowledge of the Schofield Board, fully exonerate General Porter of the charge of disobedience of what is known as the 4.30 order, and also of the imputation of lukewarmness in his support of the commanding general.

A great deal that might be said of the movements, the marching and countermarching of troops between the date of the order of the 27th of August and the receipt of the order of the 29th, which would throw light upon this question; but I abstain from giving it, because I believe that what is stated here covers all the points wherein General Porter has been charged with being delinquent.

General Porter has now for twenty years been laboring under the disabilities and penalties inflicted upon him by the court-martial of 1862, all that time contending for a restoration to his position in the army and in society, and always, as stated in the beginning of this article, on the ground of his entire innocence. The investigation of the Schofield Board has, in my judgment, established his innocence of all the offenses for which he was tried and convicted. The sufferings of twenty years, under such findings, for himself and family and friends, is something it is now impossible to set right. Twenty years of the best part of his life have been consumed in trying to have his name and his reputation restored before his countrymen. In his application now before Congress, he is asking only that he may be restored to the rolls of the army, with the rank that he would have if the court-martial had never been held. This, in my judgment, is a very small part of what it is possible to do in

this case, and of what ought to be done. General Porter should, in the way of partial restitution, be declared by Congress to have been convicted on mistaken testimony, and, therefore, to have never been out of the army. This would make him a major-general of volunteers until the date might be fixed for his muster out as of that rank, after which he should be continued as a colonel of infantry, and brevet brigadier-general of the United States Army from the date of the act, when he could be placed upon the retired list with that rank.

In writing what I have here written, I mean no criticism upon the court which tried General Porter, nor upon the officers under whom or with whom he served. It is easy to understand, in the condition of the public mind as it was in 1862, when the nation was in great peril, and when the Union troops had met with some severe reverses, how the public were ready to condemn,—to death if need be,—any officer against whom even a suspicion might be raised. For many years, and till within a year, I believed that the position and number of the troops on both sides were as stated in the first diagram given here, and that the order to attack was received at an hour in the day sufficiently early to have made the attack feasible; and, under that impression, it seemed to me that the enemy, unless through very bad generalship on the Union side, could not have been able to escape while a superior force confronted him and ten thousand men flanked him. But a study of the case not only has convinced me, but has clearly and conclusively established, that the position and numbers of the armies were as given in the second diagram.

If a solemn and sincere expression of my thorough understanding of and belief in the entire innocence of General Porter will tend to draw the public mind to the same conviction, I shall feel abundantly rewarded for my efforts. It will always be a pleasure to me, as well as a duty, to be the instrument, even in the smallest degree, of setting right any man who has been grossly wronged, especially if he has risked life and reputation in defense of his country. I feel, as stated on a previous occasion, a double interest in this particular case, because, directly after the war, as General of the Army, when I might have been instrumental in having justice done to General Porter, and later as President of the United States, when I certainly could have done so, I labored under the firm conviction that he was guilty; that the facts of the receipt of the 4.30 order were as found by the court, and that

the position of the troops and numbers were as given in the first of these diagrams. Having become better informed, I at once voluntarily gave, as I have continued to give, my earnest efforts to impress the minds of my countrymen with the justice of this case, and to secure from our Government, as far as it could grant it, the restitution due to General Fitz John Porter.

U. S. GRANT.

