



Case of General Fitz-John Porter: Mr. Choates Argument for Petitioner; West Point, 1879 (Classic Reprint)

Joseph Hodges Choate

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Excerpt from Case of General Fitz-John Porter: Mr. Choates Argument for Petitioner; West Point, 1879

Mr. Choate said: If the Board please, I will, as briefly as I can, conclude the argument on the part of the petitioner, and reply, so far as it may seem necessary, to what has been presented on the part of the government. I say as briefly as I may, for I have been reminded of the advice that was given by Dr. Breckenridge to a class to whom he was lecturing on the subject of the efficacy of prayer, as compared with its length, when he said, "Young gentlemen, I beg you to remember that the Lord knows something."

I am going to argue this case upon the assumption that this Board knows something of the evidence which has been taken, and which they have been engaged in receiving and examining for a period of six months, and especially something of the laws of war and of the rules of military conduct. We, who represent General Porter, pretend to know very little of the latter subject, and confide entirely in the ample knowledge of the whole subject which this Board possesses.

At the outset, I wish to express our obligations to the learned Recorder for the ingenious and instructive argument which for the last two days he has been laying before the Board. It is exactly that which we could have wished should be done, namely, that the strongest argument that could possibly be made upon all the facts should be presented to the Board on behalf of the government before you proceed to decide upon the evidence. In my judgment, the best argument which could be made on behalf of the government, from the facts presented, has now been made.

More than that, we owe a considerable obligation to the Recorder for the diligence which he has manifested in searching for and procuring evidence supposed to be adverse to the cause of General Porter. A large part of it consists, in my view, of matter very strongly favorable to the cause of the petitioner, and matter which we never could have found by any search or power on our part. He has gone further than the mere gathering of facts. Every rumor, every suspicion; yes, I may say, every piece of scandal detrimental to the interest or conduct of General Porter, in relation to the events of the 27th and 29th of August, 1862, has now been presented before you. And if, as I hope, notwithstanding all this, your judgment shall arrive at a conclusion favorable to his cause, it must always be said that the search has been fully exhausted, and that everything that could possibly be brought into the balance against him has been thrown in.

As it seems to me, much of the closing argument of the Recorder has relieved us of a great deal of responsibility and anxiety and labor; because, upon the main question of this case, as I have always regarded it, namely, the conduct of General Porter on the afternoon of the 29th of August, he has now seen fit to present, for the first time, an entirely new view, something altogether different from all that has heretofore been claimed, and not only different, but absolutely antagonistic to it.

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