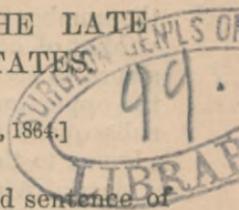


REVIEW OF THE "STATEMENT" OF THE LATE SURGEON-GENERAL OF THE UNITED STATES.

[From the Boston Medical and Surgical Journal of December 1, 1864.]



WHEN, a few weeks since, we published the finding and sentence of the Court Martial in the case of the late Surgeon-General of the United States, we also published Dr. Hammond's request for a suspense of judgment until he had an opportunity to examine the evidence and publish an explanation of it. His review of the evidence is now before the public, and we feel it a duty we owe to the profession and ourselves to give it something more than a passing notice. It is contained in a pamphlet of seventy-three pages, entitled "A Statement of the Causes which led to the dismissal of Surgeon-General William A. Hammond from the Army; with a Review of the Evidence adduced before the Court."

Without prejudging the case or reflecting upon the members of the Court by which Dr. Hammond was tried, we think that, *a priori*, there is much in the circumstances of the trial which should lead the community to accept the verdict rendered against him with some hesitation as to its justice. We will not dwell on the previous standing and reputation of the condemned, nor the influences which led to his appointment. His friends will naturally see in these facts the strongest presumptive evidence against his guilt, while they will fully appreciate the power of the wounded professional pride and class opposition which his sudden promotion over the heads of so many able members of the Surgical Staff in the old army would inevitably array against him. Nothing else than this could have been expected in the nature of things. It was no small part of the difficulties which beset the path of the late Surgeon-General to soothe this professional pride and to remove this class opposition, by showing his preëminent fitness for the office to which he had been raised; and so calling out a spirit of patriotism in those who felt themselves aggrieved, which should obliterate all private griefs. Neither will we discuss now the great reforms which his induction into office signalized, nor the gigantic labors thrown upon him at once in the organization of our immense system of government hospitals and the regulation of the medical staff of our vast army. We would refer, however, for a moment to the tribunal itself by which he was tried. No one is less disposed than we are to call in question the honesty and fairness of that tribunal; but from the very nature of its organization, and the manner of conducting such a trial and rendering a verdict, the nation at large cannot attach to its decision the same weight that it would to a jury trial.

The Military Court was composed of nine members—three less than the number of jurors to which a culprit accused of far less heinous crimes in civil life is entitled to sit upon his case. The verdict of condemnation or acquittal, in such courts, is not of necessity unanimous, as in a civil court, but a bare majority may decide it. Thus in the present instance, the opinion of five men may have cast down the Surgeon-General from his place of honor and usefulness to the position of an infamous outlaw. Surely this is a circumstance which may well lead thinking people to reflect before accepting as unquestionable such a decision. Indeed, if rumor speaks the truth, this is just

the number of the gentlemen constituting that court who rendered the verdict of condemnation. Although all the members of the court are sworn to secrecy, we believe, yet it is impossible for those who have the opportunity of observing, to avoid recognizing by their manner, subsequent to the trial, those who were friendly and those who were adverse to the accused.

Again, a court-martial is conducted on peculiar principles. The whole community do not have the full opportunity of following the case throughout that is afforded in a civil trial. Much of the evidence may be taken, and many of the discussions which may arise may be conducted, in secret. In the present instance we are informed that the court was repeatedly cleared of all witnesses, so that the public is not in possession of a full knowledge of all the proceedings. All these circumstances taken together are, we think, without any personal bias either way, enough to justify the community at large in accepting the verdict in the case of the late Surgeon-General with a good deal of reservation. The whole proceeding had more of the character of a preliminary examination before a Grand Jury than a public trial. We propose to analyze, as briefly as we can, Dr. Hammond's pamphlet, avoiding as far as possible those portions of it of a strictly personal character, and confining ourselves in the main to the evidence bearing directly on the question of guilt.

The first part of Dr. Hammond's pamphlet is devoted to showing that, from the very commencement of his official duties as Surgeon-General, his efforts for the faithful and thorough performance of those duties were constantly frustrated by the persistent ill-will of the War Department. Dr. Hammond cites a number of instances to show this, quoting freely from his correspondence with the Secretary in proof. This certainly shows a most lamentable want of sympathy between these two officials, where for the good of the country it was of the utmost importance that there should have been the utmost cordiality and co-operation. This opposition the late Surgeon-General attributes to an interview which took place at the office of the Secretary of War only two days after his appointment, which is reported in detail in the pamphlet before us, and which led to the unfortunate result, that his intercourse with the Secretary was from that time forward strictly limited to the official necessities of his position.

Turning over the pages of Dr. Hammond's pamphlet, we come to the matter of the removal of Medical Purveyor Cooper from the office which he filled in Philadelphia, and the appointment of Surgeon Murray in his place. It was in the course of this transaction that the letter was written by Dr. Hammond which led to the second charge upon which he was tried by the court-martial, namely, that of falsehood, in saying that Gen. Halleck had requested as a particular favor that Murray might receive this appointment. As this letter appears before the voluminous correspondence relating to the purchase of supplies, we will refer to this charge first.

Gen. Halleck admitted in his evidence that he had written to the Surgeon-General, asking that Murray's wish for an appointment "to Eastern hospital duty" might be considered favorably by the Surgeon-General, and the letter was offered in court. When asked, however, whether he had made any other communication to him (the Surgeon-General) at any time on the subject—the transfer of Murray—he answered, "*Never, Sir, to my recollection.*" In an answer to another question, Gen. Halleck said (speaking of a letter on

private business which he had received from Murray), "*I do not think he designated any place other than 'Eastern hospital duty.'*" The next day Gen. Halleck sent to the Court a copy of portions of the letter referred to, which contains the following passages, which are italicized, as are those above quoted, in the pamphlet before us.

"I want to be ordered to hospital duty in Philadelphia, New York, or some point north of these places. Philadelphia would suit me best."

* * * * *

"If you will send a memorandum to the Surgeon-General's office, requesting him to order me to a hospital in Philadelphia, it will be done at once."

We quote the following comments by the Surgeon-General on this evidence and the conviction of guilty under which he stands:—

"There is not the least positive assertion in General Halleck's testimony that he did not have the conversation with me on the subject. He simply does not recollect that he did. The fallibility of his memory is shown by the fact that he did not recollect that Dr. Murray had specified Philadelphia as the place he wished to be sent to; and yet in his letter Dr. Murray mentions it three times. The truth is that a day or two after General Halleck wrote the note to me in regard to Dr. Murray, I had a conversation with him, and he distinctly stated that he would like to have Murray ordered to Philadelphia. In the lapse of sixteen months he had forgotten this fact, as he forgot Dr. Murray's wishes as expressed in his letter. Moreover, how did I know Murray wanted to go to Philadelphia, unless I received the information from General Halleck? And what object could I possibly have had in telling Dr. Cooper what I did, unless I believed it to be true? If I had said, 'General Halleck wishes Dr. Murray to be ordered East, and you are the only one I think it possible to relieve,' it would have fully expressed as much as what I did write. But, notwithstanding all this, General Halleck's evidence amounts to nothing in support of the charge of falsehood. If he had said, 'I recollect distinctly that *I did not* have any conversation with the Surgeon-General,' that would have been positive evidence. As it is, his testimony is not of sufficient weight to determine a case of the slightest importance, much less one involving the character of his brother officer. Moreover, the alleged falsehood was asserted on the 13th of October, 1862. If it was a falsehood, why was I not at once arrested and tried for it? The Secretary of War had my letter in his possession a few days after it was written, and yet he allows fifteen months to elapse before he brings the accusation of falsehood against me!"

In all candor and justice, it seems to us that this is very insufficient evidence on which to convict an officer of so infamous an offence as deliberate falsehood.

The analysis of the late Surgeon-General shows that the other charges against him may be classified as—"1st, Those which allege acts on his part which were in excess of his legal authority; and 2d, Those which distinctly charge personal corruption and intent to aid others to defraud the Government."

The first and second specifications* come under the first class.

* These specifications charge the late Surgeon-General with unlawfully directing Dr. Cox, Acting Medical Purveyor at Baltimore, to receive certain blankets of William A. Stephens of New York, and not to purchase drugs in Baltimore. For the specifications in full, see this Journal of Sept. 8th, No. 6.

Space does not allow us to follow Dr. Hammond in his answer to these charges. Suffice it to say, that he shows by documentary evidence, that the orders so issued were in accordance with previous usage in the Surgeon-General's office, and that similar orders have been issued by his successor in the office; and he argues that they were fairly within the authority delegated to him by the law under which he came into office; which says, "that the Medical Purveyors shall be charged, *under the direction of the Surgeon-General*, with the selection and purchase of all medical supplies."

The letters published in the pamphlet before us show conclusively the usage in the Surgeon-General's office before and after the term of service of Dr. Hammond, and yet the court would not admit them as evidence to establish this point! Dr. Hammond also shows that in issuing the orders objected to, he was actuated only by a desire to secure the best articles for Government use, at the lowest price for which they could be bought.

The third specification declares that Dr. Hammond ordered Dr. Cooper, Medical Purveyor at Philadelphia, to purchase a lot of blankets of Mr. Stephens, which he knew to be of inferior quality, after Dr. Cooper had refused to buy them.

In reply to this, Dr. Hammond denies that he ever gave Dr. Cooper such an order. Dr. Cooper was unable to produce any written order in court, but swore the order was a verbal one. Mr. Stephens testified that he had no communication whatever with the Surgeon-General relative to the sale of these blankets, that Cooper made no mention to him of having been directed to buy them, and finally, Cooper himself testified that he made no objection to the Surgeon-General as to the quality of the blankets, but merely objected to them "as not being of the kind I was using, and to their being comparatively dearer than what I could purchase." Finally, his own certificate, produced in court as originally appended to the bill, is as follows:—

"I hereby certify that the above account is correct and just, that the articles charged for have been furnished, and that the prices were those customary at that place.

GEO. E. COOPER,

"Surgeon U. S. A."

Completely falsifying his own evidence. And yet the court found the accused guilty of this charge!

The fourth specification charges the Surgeon-General with a similar order to Cooper to purchase a lot of blankets of Stephens with the intent to aid him to defraud the Government, "*which blankets so ordered were unfit for hospital use.*"

The court-martial found him guilty of this charge, except as to the words italicized above. Dr. Hammond's defence against the remainder of the charge in this specification is entirely incompatible with the possibility of his guilt. He shows that after correspondence on the subject with Cooper he telegraphed him to "*do as you see best about the blankets from Stephens.*" In addition, he wrote the next day a private letter to Cooper, in which he says: "If you don't want his blankets, don't buy them at any price." Surely, here was discretionary power conferred on Dr. Cooper, which is entirely incompatible with the supposition that he was peremptorily ordered to make this purchase. The letter was produced in court, and bore an indorsement in pencil, "Received, Med. Purveyor's office, Philada., Pa., June 18th, 1862." A former hospital steward of Dr. Cooper's, and every

clerk who had been on duty in his office, Dr. Hammond states, swore that this indorsement was in Dr. Cooper's hand-writing. Dr. Cooper also, he says, "after swearing that he could not say positively whether he had received it [the letter] or not, admitted that it was familiar to him." And yet Dr. Hammond was convicted on this charge! We forbear to comment on the motives or influences which led to such an astonishing result. But there is a mystery about this letter which we cannot pass over in silence, and here we quote from Dr. Hammond's pamphlet.

"Another circumstance which shows clearly the existence of a conspiracy to ruin me, is the fact that during my trial a number of letters were returned to me which had been stolen from my office. In January, 1863, Dr. J. R. Smith, who was at the time the principal assistant in the bureau, had a large sum of money stolen from a locked drawer of his desk; letters were missed, others directed to me were never received; and it was very evident that my correspondence was tampered with.

"On the 17th March, 1864, a package of letters was handed to my counsel by a gentleman, a friend of mine, to whom they had been addressed. The package was opened by my counsel, Messrs. Bradley and Harris, in my presence, and, in addition to the letters sent, contained the following:—

"Circumstances have placed the inclosed papers in my control, and I know where there are others which bear strongly in General Hammond's favor, and which have been secretly taken from his office. I will obtain them if possible. He has been and now is conspired against. I cannot remain silent while a great wrong is attempted. I dare not tell you *how* I got these papers. I did not steal them. I know you will do what is right with them; my only object is

JUSTICE."

* * * * *

"In all, the package contained forty-nine papers. They were of such a character as showed that my office had been ransacked from top to bottom, and even the private drawers of my desk invaded. It was doubtless in one of these raids that Dr. Smith's money was taken.

"Of these forty-nine papers, one was the original letter from me to Dr. Cooper, dated June-17th, 1862, with the indorsement on the back in his handwriting, already given, and which had either been taken from his office or furnished by him to some one in his confidence."

* * * * *

"On the twenty-eighth of March my counsel, Mr. Bradley, received through the post-office my letter to Cooper of July 30th, 1862, which had evidently once been in his office.

"I have also received information that while my trial was in progress another package of letters, which had been stolen from my office, was sent by some enemy to Major-General Oglesby, the President of the Court. I do not know what he did with them. He did not return them to me, as he was bound in honor to do, and my counsel has written to him on the subject. * * * * * Those from my office were taken surreptitiously.

"I submit these facts to the public without comment. No one can fail to perceive how thorough and how persistent was the combination against me."

We have nothing to say of these transactions which they will not at once suggest to every candid reader.

The fifth specification is so directly connected with the charges contained in the third and fourth, that the guilt or innocence of the accused with regard to one implies the same with regard to the whole ; we therefore pass it by without further comment.

The sixth specification, on which Dr. Hammond was found guilty, charges him, on the 31st of July, 1862, with directing the Medical Purveyor in Philadelphia to purchase an amount of supplies of the value of one hundred and seventy-three thousand dollars, of John Wyeth & Brother, of Philadelphia, notwithstanding he knew that this firm had before furnished medical supplies of light weight, and bad quality, at excessive price—with the intent to aid them “thereby fraudulently to realize large gains therefrom.”

Dr. Cooper again is the principal witness. According to Dr. Hammond, he testified that the order was a verbal one, given in Cooper's private office, with no witness present. Dr. Hammond denies this, and produced as collateral evidence the following letter, which bore Dr. Cooper's endorsement, and which was accepted as evidence by the court.

“SURGEON-GENERAL'S OFFICE, WASHINGTON CITY, D. C.,
July 29th, 1862.

“*Dear Doctor* :—I shall give you orders in a day or two to get ready a large quantity of supplies, so as to be constantly prepared for any emergency which may arise. I will try to be in Philadelphia in a few days to consult with you on the subject. In purchasing supplies, I think it is much better to buy all articles from those who are dealers in them—liquors from liquor dealers, groceries from grocers, books from booksellers, drugs from druggists, etc. The system of buying all things from one person, which prevailed to a great extent under the old regime, is not the correct principle.

“I am glad you like Hobart. I am anxious to see the instruments.

“Yours sincerely, W. A. HAMMOND.

“SURGEON G. E. COOPER, U. S. A., *Philadelphia*.”

Comment is unnecessary.

Dr. Hammond adduces abundant evidence to show that the supplies furnished by the Wyeths previously to his appointment were of excellent quality. He declares that “no report was ever made to my office, previous to July 31st, 1862 [the date on which the specification charges him with issuing the order], that the stores supplied by Messrs. Wyeth were inferior in quality, deficient in quantity, or excessive in price.” And only one, by a citizen physician at Fort Delaware, was received subsequently to that date. Per contra, the evidence of a large number of army medical officers, including such men as Medical Inspectors Cuyler, Coolidge and Vollum, Surgeon Letterman, Medical Director of the Army of the Potomac, and many others of similar standing, was given in the court, and was conclusive as to the excellent character of their supplies. In a single instance, where some inferior articles had been supplied to a medical store-keeper, but of which the Surgeon-General had no knowledge, the parties who furnished them cheerfully replaced them with others of good quality. They had been accidentally furnished under the pressure of a sudden emergency. The charge of light weight arose *from using troy instead of avoirdupois weight in testing the purchases, and in measuring fluids that are sold by weight*. This is from the report of Medical Inspector Coolidge, who had been sent to Philadelphia to ascer-

tain the truth with regard to the purchases in question, and who also says, "I have no reason to believe that any fraudulent sales were made."

With regard to any corrupt influence supposed to have been brought to bear on the Surgeon-General by the Messrs. Wyeth, one of the firm, Mr. Francis Wyeth, testified as follows:—

"Q. State whether, in any of the transactions of your house with the Medical Purveyor's Department of the United States, the accused had any interest, personal or pecuniary, direct or indirect, any profit or advantage therefrom.

"The Judge Advocate objected to this question; was overruled, and desired his exception to be noted.

"A. He had not."

"And further, when cross-examined by the Judge Advocate.

"Q. How do you know that the Surgeon-General had not any interest in the supplies furnished by your house?

"A. No business connected with the house could be carried on without my knowledge. Being a partner in the concern, I was interested in all the monied transactions of the firm. I would be consulted, and be one to advise with."

The seventh specification charges the Surgeon-General with *corruptly* and unlawfully ordering of the Messrs. Wyeth forty thousand cans of their Extract of Beef, "*which extract of beef so ordered was of inferior quality, unfit for hospital use, unsuitable and unwholesome for the sick and wounded in hospitals, and not demanded by the exigencies of the public service.*" The moral offence charged in this specification lay in the words which we have italicized, and of this charge he was acquitted by the court, but found guilty of the alleged illegality involved in the order. In his evidence with regard to the quality and great value of this timely supply, Medical Inspector Coolidge says, speaking of the battle-field near Centreville, "*if we had had ordinary food we would not have been able to cook it in the quantities required by the wounded; and I believe that the hospital supplies, and mainly the beef extract, saved many lives on that battle-field.*"

Of the next specification on which the Surgeon-General was found guilty, this finding only extended to the alleged excess of authority in requiring a Medical Purveyor to purchase certain blankets. This question of authority we have already discussed, and will therefore say no more about it. Of the charge of corruption in connection with it, he was acquitted.

This finishes the charges and specifications on which the late Surgeon-General was tried by court-martial. We cannot forbear to quote from his statement a passage relating to the principal witness against him.

"After Cooper had concluded his evidence in regard to the letters of June seventeenth and July thirtieth, which the Judge Advocate wished him to swear had never been in his possession, but which Dr. Cooper was forced to admit 'were familiar' to him, he came to me outside of the court-room and expressed the utmost contrition for the evidence he had given. He said no one could tell how he had been goaded and threatened, and cajoled into testifying as he had, and that he would 'catch it' for not swearing he had never received the letters above referred to. His conversation was long and evidently sincere, and was heard in part by Messrs. Bradley and Harris, my counsel, and by Dr. S. Adams of the army. To Mr. Harris he expressed

himself in similar terms to those he used to me. I can only hope, for his own sake, that he has truly repented of the bitter wrong he has done me."

One word with regard to the comments of the Judge Advocate on the enormity of the offences of which the accused had been convicted. Towards the close of his report he says :

"That the natural and necessary result of the acts of the accused, as established by the record, involved a criminal spoliation of the Government treasury, which alone would have called for his dismissal from the service, cannot be denied; but when it is remembered, as shown by the proof, that this spoliation was in part accomplished by the purchase of inferior medical supplies and stores—thus compromising the health and comfort, and jeopardizing the lives of the sick and wounded soldiers suffering in the hospitals and upon the battle-fields of the country—soldiers solemnly committed to the shelter and sympathies of the office held by the accused, by the very law and purpose of its creation—it must be admitted that this fearfully augments the measure of his criminality."

If the reader will turn back he will find that it was just on this very point, the inferiority of the supplies, that the Surgeon-General was in several instances acquitted. With regard to the two remaining instances in which he was convicted—namely, the alleged order to buy inferior blankets, and that to buy medicines of the Wyeths—in the first instance the charge was not sustained by a particle of proof, and in the other the strongest evidence was offered that the articles supplied by this firm had been, almost without exception, of the best quality!

We have thus gone over the principal points in the late Surgeon-General's statement, in a very brief and cursory manner, it is true, but fairly and dispassionately, we think, and we leave it to our readers to say whether the verdict and sentence passed upon him are compatible with the documentary evidence which he quotes from the record of the Court. Has he not made out a case strong enough to authorize any honest man to look upon him as innocent of the terrible charges of which he has been convicted, until the whole evidence in the case shall be laid before the country and the world? We have carefully refrained from discussing the influences and motives which are believed by Dr. Hammond to have led to his otherwise unaccountable conviction, and of which he speaks quite freely and at length in the pamphlet before us, and have confined ourselves to a simple review of the action of the court-martial. To Congress we look for a thorough and searching examination of the whole trial, which alone can satisfy the friends of one whom so many have looked upon with pride as a credit to the medical profession and the nation. To no other tribunal can we look for a clearing up of the mystery which involves this extraordinary trial; as we learn, from good authority, that the prosecuting Attorney of the United States, after a revision of the proceedings of the court-martial, has informed Dr. Hammond's counsel that he finds nothing on which to base a criminal prosecution. The late Surgeon-General is therefore cut off from the opportunity of a fair, open, jury trial. If he is the guilty man that his enemies believe him to be, his guilt is ten times blacker for the statements in the pamphlet before us. If he is innocent, what compensation can atone for the stigma, even though temporary, which has made his name a reproach to the medical profession and the nation!