The Schley Court of Inquiry

How It Is Constituted—Causes That Led Up to Its Creation—The Santiago Scandal and Maclay's Sensational Charges—Unique in Naval or Military History.

THE Sampson-Schley court of inquiry, which convenes on the second floor of the gunners' workshop in the Washington navy yard at noon of September 12, is

SECRETARY OF THE NAVY LONG.

destined to be one of the most important events of its kind in the naval or military history of the world. Although called a "court of inquiry," it will in reality be a court-martial,

REAR ADMIRAL WINFIELD SCOTT SCHLEY.

from whose decision there can be no appeal, unless the matter should be taken up by the congress—a step that has several times been urged by the Maryland delegation in the national house of representatives, all of whose members are in hearty sympathy with Admiral Schley and opposed to Admiral Sampson.

The court of inquiry will be in session until all the witnesses cited by

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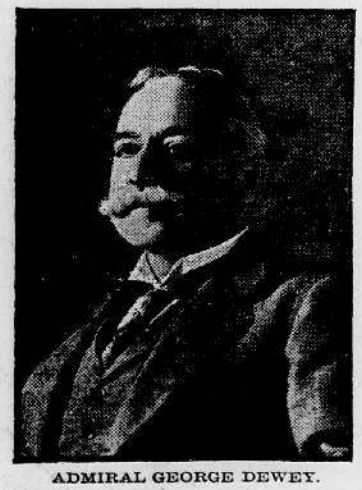


ADMIRAL GEORGE DEWEY.

Admiral Schley and the navy department have been examined. Legal experts estimate that the thorough overhauling of all the charges and counter charges will consume at least two months, and that possibly the court may be kept busy until Christmas.

HISTORY OF THE TROUBLE.

Substance of the Charges Brought Against Admiral Schley.

Considerable satisfaction is expressed at the appointment of a court of inquiry to investigate the charges that have been made against Rear Admiral Schley in various quarters ever since the naval battle of Santiago. The court's findings ought to settle at once and forever the passionate controversy which has already too long afflicted the navy and the whole country. The charges against Admiral Schley and the replies by his friends are voluminous and involved. The main charges, however, and the replies to them, may be summarized as follows:

"That instead of going on to Santiago Schley lingered for several days at Cienfuegos without ascertaining that Cervera was not there, until the arrival of Capt. McCalla. But the reason for this delay has just been disclosed by Rear Admiral Evans, who says that all the captains had been given a code of signals with which to communicate with the rebels on shore except the captain of the Brooklyn and Commodore Schley. Why Schley was kept in ignorance of the signals and code is one of the points of inquiry to come before the court.

"That, having almost reached Santiago, he turned back, disobeying an order to coal at sea, but afterward coaled and returned. To this Schley makes answer by producing a letter from Sampson, omitted from the correspondence officially published, in which Sampson expressed the opinion that if Cervera had gone to Santiago he would have to come out and make for Cienfuegos or Havana, and directing Schley to guard Cienfuegos.

"That in the battle the Brooklyn ran away from the Spanish vessels. This charge is based upon the handling of the vessel. Under the direction of Schley the Brooklyn described a circle, temporarily turning away from the foe to avoid blanketing the fire of other vessels and to get a commanding position from which to head off the escaping vessels. Cervera and other Spanish officers admit that the maneuvers of the Brooklyn frustrated their plans."

Capt. Cook, of the Brooklyn, says in an interview published in the New York Herald that he gave the order for the "loop," and he tells the reason for it by saying:

"The Brooklyn made a beautiful turn, and we were able to fire directly into the bows of the leading ship of the enemy. Our helm was put aport to head off the Spanish fleet, and the Brooklyn turned rapidly and beautifully.

"I remember distinctly giving the order to the quartermaster. 'You see clearly the head of the leading ship,' I said to him. 'The idea is to get directly ahead of her.'

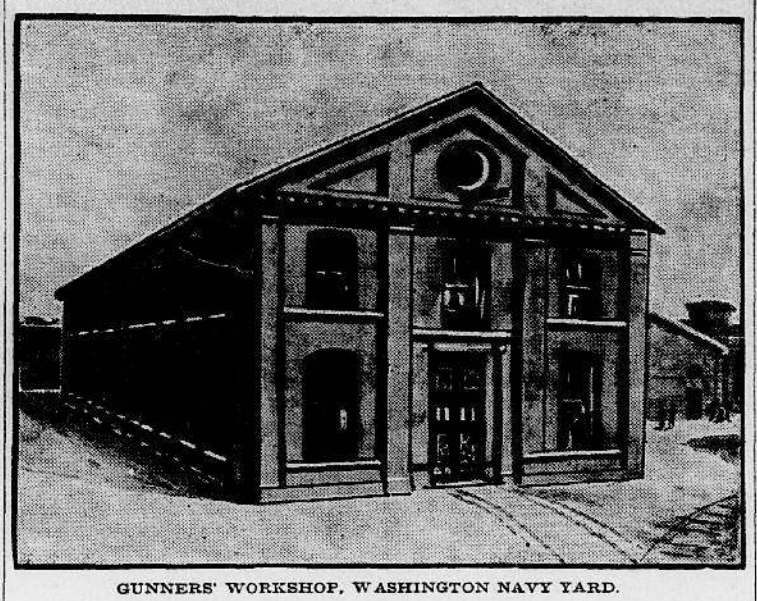
"I thought we might sacrifice our ship, but I believed we would hold the fleet for our battleships."

Other charges against Admiral Schley are that he might have destroyed the Colon, which lay at anchor from May 27 to 31, inclusive, but that he did not do so; and that he used a letter written to him by Lieut. Hodgson, of the Brooklyn, improperly. The lieutenant was reported in an interview as saying that during the famous "loop," when Commodore Schley's attention was called to the fact that the Brooklyn was in danger of ramming the Texas, he said: "D—— the Texas! Let the Texas look out for herself." Soon after this appeared the admiral made public a letter from the lieutenant denying the correctness of the interview. The charge is that when the admiral made public that letter, he had in his possession another letter from the lieutenant explaining that it was the literal, not the substantial, correctness of the interview that he denied.

THE MACLAY INCIDENT.

Controversy That Led to Creation of the Court of Inquiry.

The storm of controversy which led to the appointment of the court of inquiry began with the publication, in the Army and Navy Journal, of extracts from the third volume of "The History of the United States Navy," by Edgar Stanton Maclay, an employe in the Brooklyn navy yard, who is on the rolls as a laborer, and who performs the duties of a clerk. The first two volumes of this history are used as a text book in the naval academy at Annapolis, and the Army and Navy Journal, upon the supposition that the third volume (covering our war with Spain) might also be adopted, published some extracts from it in which Mr. Maclay more

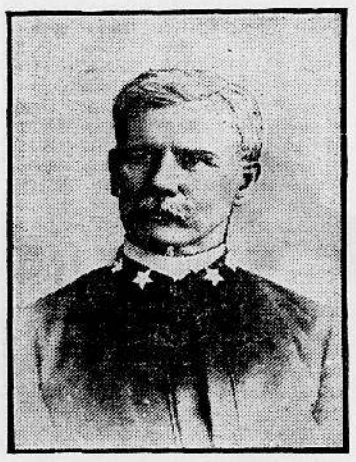


GUNNERS' WORKSHOP, WASHINGTON NAVY YARD.

than hints that Admiral Schley is a liar, a coward and a "caitiff." Here are several passages:

"In his report about the coal supply of the vessels under his command, Schley exhibited either a timidity amounting to absolute cowardice or a prevarication of facts that was intrinsically falsehood." (Vol. III., p. 296.)

"Schley on May 28, 1898, . . . turned in caitiff flight from the danger spot toward which duty, honor, and the whole American people were most earnestly urging



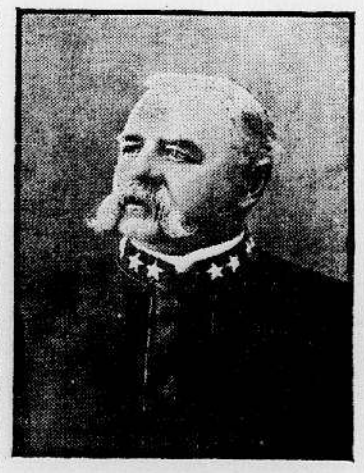
REAR ADMIRAL A. E. K. BENHAM.

him. Viewed in whatever light it may be, the foregoing dispatch cannot be characterized otherwise than as being without exception the most humiliating, cowardly and lamentable report ever penned by an American naval officer." (Vol. III., p. 298.)

"'Let the Texas take care of herself,' was the heartless reply, and the shameful spectacle of an American warship, supported by a force superior to the enemy's—a warship whose commander had expended such vast quantities of ammunition in target practice in the presence of a fashionable hotel at Hampton Roads in order to meet a worthy foe—deliberately turning tail and running away was presented." (Vol. III., p. 364.)

"Schley was perfectly willing to avoid blanketing the fire of the American warships, even at the risk of a disastrous collision with the Texas, so long as he could escape getting too close to danger. . . . Schley's contribution to naval strategy, as too plainly shown by his conduct throughout this campaign, was: 'Avoid your enemy as long as possible, and, if he makes for you, run.'" (Vol. III., p. 365.)

A newspaper interview reports Mr. Maclay as saying, when his attention was called to these extracts: "If Admiral Schley had been in any other navy in the world, he would have been court-martialed and shot. That is my opinion, and the opinion of the majority of the officers in the navy." The New York Sun, too, which refers to Mr. Maclay in its issue of July 20 as "the most distinguished living American historian," says of Admiral Schley that his official record "reeks with deceit," and "compels the presumption that he was a coward, and the conviction that he was not hon-



REAR ADMIRAL H. L. HOWISON.

est, at almost every recorded step." Mr. Maclay's criticisms, declared the Sun, "are more than justified." Admiral Sampson says, in an interview: "In one way, possibly, I was responsible for the statements made in the history. I was commander in chief of the squadron and was responsible, so far as reading the proofs goes."

STRONG PLEA FOR SCHLEY.

Newspapers of the Country Seem Favorable to Accused Admiral.

The chief newspaper supporter of Admiral Schley is the Baltimore American, although it may be added that the great majority of the press have taken his part. The American says:

"Already there has been too much of the Dreyfus atmosphere about this matter. The American people will never tolerate the prosecution of it to the stage reached by the great French case before justice was finally done the maligned and persecuted officer.

"Whatever may be the result of the court of inquiry, it will in no way interfere with the congressional investigation which Congressman Schirm, backed by the Maryland delegation, will propose. Court or no court, congress must sift this matter to the bottom. The things that will not come before any court-martial are those things which will prove the existence of a conspiracy among the junior officers of the navy, temporarily clothed with power through their appointment as chiefs of department bureaus, to shelve the older officers and reap for themselves and their immediate friends the honors and rewards of the Spanish war. A more diabolical scheme was never launched than was this, which has resulted in this long-standing scandal, where there should have been only glory. Congress can go to the heart of that conspiracy and lay the whole thing bare, as nobody else can do, and when its findings have been determined upon it will be in a position to take such action as will forever prevent a repetition of the methods that have been employed against Schley.

"There is but one word more to be said in this connection. By acknowledging that he read the proofs of Maclay's slanderous volume and approved them, the responsibility for the charges made against Schley is assumed by Sampson. Should the court of inquiry vindicate Schley and relieve him of this opprobrium, the people of the United States will demand that the navy department order Sampson before a court-martial for having slandered a brother officer who is his superior in the service."

THE COURT OF INQUIRY.

Composed of Admiral Dewey and Two Retired Rear Admirals.

The publication of the foregoing charges and comments incensed Admiral Schley beyond endurance, and he requested the secretary of the navy, John D. Long, to appoint a court of in-

CAPT. S. C. LEMLY.
(Judge Advocate of the Court of Inquiry.)

quiry to determine the value of the gossip circulated about him and his official actions. Secretary Long complied with this request, and appointed Admiral George Dewey, Rear Admiral A. E. K. Benham and Rear Admiral Henry L. Howison to constitute the commission. Capt. Samuel C. Lemly, judge advocate general of the navy, was designated to act as judge advocate of the court. He will have the assistance of the law firm of Stayton & Campbell, of New York, and the papers of the commission will be handled and prepared by Edgar May, a clerk in the office of the judge advocate general. Admiral Schley will be legally represented by Capt. James Parker, Attorney Raynor and Jeremiah Wilson, one of the finest criminal lawyers in the United States.

The preparations for the court of inquiry were placed in the hands of Frank W. Hackett, assistant secretary of the navy, who had the assistance of Admiral Crowninshield, chief of the bureau of navigation, who, by many, is considered responsible for much of the bitterness of the Santiago controversy.

WILL COST A FORTUNE.

No Expense Will Be Spared to Make the Inquiry Complete.

Secretary of the Navy Long evidently is determined that no expense shall be spared in conducting the court of inquiry, and every officer whose testimony will be of the slightest value has been summoned to Washington, some from the Asiatic station, others from Europe. This means a vast expenditure of money.

The naval regulations provide that officers of the navy traveling under orders in the United States shall be allowed eight cents per mile while so engaged in lieu of their actual expenses.

Officers traveling to the United States from a foreign station will receive subsistence pay at the rate of from 80 cents to one dollar per day if traveling on a naval vessel or on any army transport. But as very few of the officers summoned from foreign countries can travel on government vessels actual traveling expenses will be allowed for the sea voyage, and eight cents per mile for such part of the journey as is made by rail. A naval officer coming from the Philippines to San Francisco on a merchant vessel would receive about $300 for the sea voyage, $250 for the journey from San Francisco to Washington and the same returning to his post.

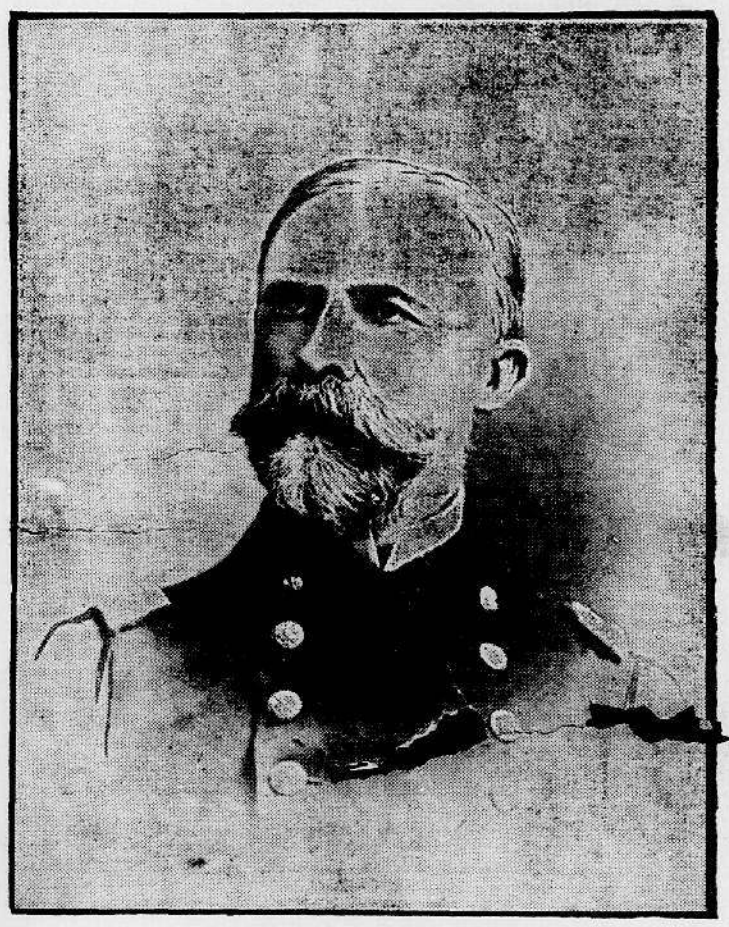
Officers ordered to appear as witnesses before a court of inquiry or to serve as members of a court receive no extra compensation. Retired officers ordered to duty on a court of inquiry will receive full active pay for the time employed. All officers whose presence is required in Washington, except those on duty there, will receive commutation of quarters while there at the rate of $12 a room per month, and are allowed a number of rooms, according to rank.

In addition to the expense of bringing witnesses there are the running expenses of the court. Stenographers and a clerical force are required, while the item of stationery will not be inconsiderable.

SCORES OF WITNESSES.

Condensed List of Naval Men Who Will Offer Testimony.

The judge advocate, acting not as prosecutor but as the law officer of the court, has called all witnesses who can contribute to a full investigation, excepting only a few which Admiral Schley has indicated a desire to have called as his witnesses.



REAR ADMIRAL WILLIAM T. SAMPSON.

The navy department is doing everything possible to make the inquiry open and above board. The new gun shop at the navy yard fitted up for the inquiry will have seats for more than 600 people. This will make the inquiry one of the most publicly conducted military tribunals ever held in the country. It is recognized that there is great public interest in the inquiry, and the department has departed from the ordinary regulations governing such affairs to make it as public as a trial in any civil court.

The list of witnesses prepared by Capt. Lemly is as follows:

Rear Admirals William T. Sampson, Robley D. Evans, Francis J. Higginson, Charles S. Cotton, Henry C. Taylor.

Captains French E. Chadwick, Caspar F. Goodrich, Charles D. Sigsbee, William C. Wise, Francis A. Cook, Bowman H. McCalla, Theodore F. Jewell, William M. Folger, Robert M. Berry, John L. Hannum, retired.

Commanders William P. Potter, Richard Wainwright, Joseph G. Eaton, Newton E. Mason, Seaton Schroeder, Giles B. Harber, James M. Miller, Lewis C. Heilner, Alexander B. Bates.

Lieutenant Commanders Sidney A. Staunton, Nathaniel R. Usher, Albert W. Grant, Albion C. Hodgson, William H. H. Southerland, William H. Schuetze, Templin M. Potts, Alexander Sharp, Jr.

Capt. William C. Dawson, United States marine corps.

Lieutenants Charles C. Marsh, Spencer S. Wood, Victor Blue, James G. Doyle, Charles Webster, John Hood, Charles H. Harlow, Charles W. Dyson, Kenneth McAlpine.

Lieut. (junior grade) Ernest L. Bennett.

Ensign Henry G. Mustin.

Acting Boatswain Dennis J. O'Connell.

Chief Quartermaster Niels Andersen, and others.

The list of witnesses to be called by the judge advocate throws considerable light upon the lines of testimony which he will seek to adduce before the court. Admiral Sampson, as commander in chief of the fleet, of course, heads the list. Then follow the captains of all the ships engaged in the Santiago campaign, with the exception of Capt. Clark, of the Oregon, and Capt. Philip, of the Texas, the latter having died since the war. Evans was in command of the Iowa, Higginson of the Massachusetts, Cotton of the scout Harvard, Taylor of the Indiana, Chadwick of the New York, Goodrich of the Newark and the scout St. Louis, Sigsbee of the scout St. Paul, Wise of the scout Yale, Cooke of the Brooklyn, McCalla of the Marblehead, Jewell of the scout Minneapolis, Folger of the New Orleans and Barry of the Castine.

FRANK W. HACKETT.
(Assistant Secretary of the United States Navy.)

Hannum (retired) was chief engineer of the Brooklyn, Commander Potter was the executive officer of the New York, Wainwright was in command of the Gloucester, Eaton of the Resolute; Mason, executive officer of the Brooklyn; Schroeder, executive officer of the Massachusetts; Harber, executive officer of the Texas; Miller, commanded the Merrimac; Heilner, navigator of the Texas, and Bates chief engineer of the Texas.

Lieutenant Commander Staunton was Sampson's chief of staff aboard the New York; Usher was commander of the Ericsson; Grant was aboard the Massachusetts; Hodgson was navigating officer of the Brooklyn; Southerland was in command of the Eagle;

JUDGE JERE WILSON.
(Principal Counsel for Admiral Schley.)

Schuetze was aboard the Iowa, Potts aboard the Massachusetts, and Sharp was in command of the Vixen. Capt. Dawson was commander of the marines aboard the Indiana. Lieut. Marsh was on Sampson's staff; Wo was commander of the torpedo b Dupont; Blue was aboard the Vix Doyle and Webster were on the Br lyn; Hood was in command of Hawk; Harlow was executive officer the Vixen; Dyson was engineer of t Texas and McAlpin assistant gineer of the Brooklyn.