Henry Wirz and the Tragedy of Andersonville: A Question of Responsibility

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Henry Wirz and the Tragedy of Andersonville: A Question of Responsibility

by Albert Winkler

War Guilt and the Civil War

The Civil War is still regarded as the most devastating conflict in the history of the United States. Military operations, largely as an outcome of Union policies, laid waste to huge sections of the country, including the virtual destruction of several states including Virginia, Tennessee, Missouri, Georgia, and South Carolina. This caused much suffering among the innocent, the weak, and many other noncombatants. The number of civilians who lost their lives directly or indirectly from the war is difficult to calculate accurately, but the finally tally would have to be in the tens of thousands.

At the end of the Civil War, many Americans sought to place blame for the great destruction and huge death toll in the war, now estimated at about 750,000, but it could be as high as 850,000 men. Since the Union won the war and controlled the military and legal apparatus of the reunited nation, the leaders of the federal government were in a position to ascribe blame and mete out punishment for the perceived misdeeds in the war. There is no doubt that if the Confederacy had won the war, the question of duplicity for crimes would have been handled differently.

Much of the destruction of areas in the South were the result of military campaigning and foraging, but the Union crimes during the war included the wanton and deliberate destruction of the Shenandoah Valley

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1 Recent studies on the destruction in the war include, Megan Kate Nelson, Ruin Nation: Destruction and the American Civil War (Athens: U of Georgia, 2012) and Walter Brian Cisco, War Crimes against Southern Civilians (Gretan, La.: Pelican, 2007).

of Virginia and large sections of the states of Georgia and South Carolina. Much of this ruin gave the North few, if any, military advantages, but the victors never accepted blame for their own misconduct. Rather, the Federals diverted attention from their own activities and charged their adversaries with malice. In an attempt to hold their defeated enemies responsible for perceived crimes committed during the war, the federal government executed two persons after the conflict. These men were Champ Ferguson, who was hanged for murder because of his unconventional warfare in Tennessee, and Henry Wirz, who was put to death because of the high death toll at the Andersonville prison camp. Ferguson and Wirz were tried for crimes when other men who were responsible for similar acts were allowed to go free.

The blame for the high mortality at Andersonville prison, and Henry Wirz’s supposed culpability, were points of contention for decades following the Civil War as both sides in the conflict again fought the war in print by leveling recriminations against each other. These charges and countercharges often clarified many details on the treatment of prisoners during the conflict, but they also clouded the picture at times by presenting inaccurate information. The defamation lessened little until the generation who fought in the war had died. Fortunately, important recent studies have been produced both in the United States and in Switzerland to aid in understanding this topic.

Among the first modern academic studies on the treatment of prisoners of war at Andersonville and other camps written after the participants had died was William Best Hesseltine’s Civil War Prisons: A Study in War Psychology which was first published in 1930. Another excellent recent study is William Marvel’s Andersonville the Last Depot. Unfortunately, Marvel’s contribution was so impressive that R. Fred Ruhlman plagiarized it in his Captain Henry Wirz and Andersonville Prison: A Reappraisal. In a book review of Ruhlman’s work, Marvel commented, “[I] discovered that Ruhlman had not only adopted my evidence and my conclusions, but my organizational structure and, to

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an aggravating degree, much of my phrasing.” In his review, Marvel also included numerous examples where Ruhlman had copied his work word for word. Ruhlman’s book had been published by the University of Tennessee Press. When the press learned of Marvel’s review, it recalled the book, but many copies of the flawed work are still available in academic libraries throughout the country, and the study may still
be purchased. While Ruhlman's book and his scholarship need to be condemned, there is still a small amount of original material in the study that is helpful.

Other recent studies vary in quality, but they can often be helpful. These include Edward F. Roberts Andersonville Journey and J. H. Sears, ed. Andersonville: The Southern Perspective. John W. Lynn's 800 Paces to Hell: Andersonville is a lengthy narrative relying largely on primary sources, but the work suffers from a lack of critical analysis, and it also provides no bibliography of cited literature. However, Lynn's work is a valuable as a tool in locating relevant materials.

By far the most complete and most reliable study to date is "Captain Henry Wirz (Zürich 1823—Washington D.C. 1865)" by Heinrich L. Wirz and Florian A. Strahm. Heinrich L. Wirz is a descendant of the one surviving brother of Henry Wirz, and Heinrich has spent decades researching the topic. The book will be most useful to scholars who can read both English and German, but, unfortunately, it has not yet been published. This work is so inclusive on the materials relating to Henry Wirz, that it will likely take the position of the most important study of the Swiss officer for decades if not generations to come. We can only hope that this book will soon be published and made available to a wide audience. In the meantime, Heinrich L. Wirz has most graciously allowed me to examine the excellent work for my use in this study. But my intent is broader than to repeat much that has already been written on Henry Wirz. The purpose of this article is to reevaluate the career of Henry Wirz and to clarify little-known facts about him, to reexamine the evidence against him, take a close look at the trial, and to place the question of brutality at Andersonville in the broader context of activities, policies, and atrocities during the Civil War.

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8 John Lynn, 800 Paces to Hell: Andersonville, a Compilation of Known Facts and Persistent Rumors (Fredricksburg, Va: Kirkland's Museum, 1999).
Henry Wirz’s early Career

The man later known as Henry Wirz in America was christened Hartmann Heinrich Wirz.\(^\text{10}\) Clearly, the best way to understand Wirz’s early life and career is to examine what he said about himself. Fortunately, he granted an extensive interview, which includes an account of his early experiences, to a reporter from the New York Herald newspaper on November 8, 1865 just two days before his execution. The reporter simply asked for “such information concerning himself as he was willing to impart.” The newspaper man took down the reply “verbatim,” or word-for-word. Wirz stated that he would be honest in his account claiming that “I have no secrets of my past life, nor of my present.” Wirz was born in the Froschaugasse of Zurich on November 25, 1823. His father, Hans Caspar Wirz, was originally a tailor, but the older Wirz changed his occupation and later worked in the Custom House in Zurich starting in 1834. Unfortunately, the family suffered a number of tragedies. “My mother died in 1843. I have one brother and one sister; she died unmarried in 1839. My brother is blind.”\(^\text{11}\)

Hans Caspar Wirz and his son disagreed on how the younger Wirz should earn a living. As Henry later admitted, “My father wanted me to study for the pulpit; I did not like it.” The issue of religion probably caused friction between father and son. Even though Henry was employed as a church recorder at the Fraumünster Church ([Our] Lady Cathedral) in Zurich in 1845, he eventually became unhappy with the Swiss Reformed Church. This was a likely reason why he did not want to follow his father’s wishes and study to become a minister in that faith. He later stated, “My people used to be Catholics, I believe.” He converted to the Roman Catholic faith at some unknown date, but he gave little indication on why and when he changed religions, stating only that, “My religious faith I gained from my experience in life: I was not educated in it.”\(^\text{12}\)

\(^{10}\) A number of American scholars have mistakenly stated that Henry Wirz was originally Heinrich Hartmann Wirz. Recent research found that 14 sources (all in English) have made that error. An additional 9 studies (6 in German) have his first two names in correct order.

\(^{11}\) Shortly before his execution Wirz gave an account of his life to a newspaper reporter, see Henry Wirz, “His Life and History from his Own Lips,” Nov. 8, 1865, New York Herald Nov. 9, 1865. See also Boston Daily Advertiser Nov. 10, 1865. Hereafter cited as Wirz, “Life.”

\(^{12}\) Wirz, “Life.”
Henry wanted to be a physician, "I had an inclination to study medicine, and he [his father] would not let me; finally he compromised with me, and I was put in a commercial house. I staid in a large banking house two years, in Zurich; then I went to Italy." In 1842, Henry was employed by a commercial firm in Turin, Italy, but he did little work. In fact, his time in Italy seemed to be a long vacation. "I travelled [sic] all over Italy. I could not say that I staid anywhere; I wanted to travel." 13

Henry Wirz later claimed he was "by profession a physician," 14 but there is no indication that he received a medical degree from any university in Europe. Henry apparently received an education to prepare him to become a merchant. The younger Wirz was back in Zurich in 1845 working with his father. On September 15, 1845, he married Emilie Oschwald, and she bore him two children, Louse Emilie in 1847 and Paul Emil in 1849. 15

Early in 1847, Hans Caspar Wirz noticed some discrepancies in the accounts of his business, including the loss of a box of silk, and he asked the public authorities for an investigation. When suspicion fell upon Henry, he was arrested on January 12, 1847, and he was convicted of fraud and embezzlement on April 3. He was sentenced to four years in jail and was sent to the Ötenbach penitentiary. Due to poor health, the prisoner was released on June 6, 1848, and the city commuted the remainder of his punishment to banishment from the Zurich Canton for twelve years. Wirz went briefly to Moscow, Russia, where his brother-in-law, Hans Jakob Morf, lived, and he then migrated to the United States, landing in New York in April 1849. His wife divorced him in 1853 for abandonment. 16

Initially, Wirz spoke no English, and he did odd jobs until his ability to communicate improved. He was employed for a short time in Lawrence, Massachusetts, as a weaver, a skill he had probably learned in prison. When his ability to speak English improved, he also worked

16 Kieser, 48 and Futch, 16.
as an interpreter for German workers in a factory near Northampton, Massachusetts. The Swiss immigrant then moved to Kentucky where he joined a physician, Augustus Webber, as an apprentice. After two months in Webber’s employ, Wirz recognized that the man was a “humbug” who “could not pay me my wages,” and the Swiss left that position. When he was still in the area, Wirz met and married Elizabeth Savells Wolf, whose husband had died, leaving her with two young girls, Susie and Cornelia Wolf. The couple spoke their vows on May 28, 1854 at Cadiz, Kentucky, and they had two more daughters before the outbreak of the Civil War, but one died before the conflict began.17

The Swiss immigrant met Mrs. Levin R. Marshall at Natchez, Mississippi, and her husband soon hired him “to take charge of one of his plantations,” at Milliken’s Bend, Louisiana, where he was a physician to the slaves. His wage was three hundred dollars per year, and his wife and children joined him there in 1857. Apparently, he owned several slaves. He was still in Louisiana at the outbreak of the Civil War in 1861, and Wirz soon joined the Madison Infantry as a private. The Swiss private was thirty-seven years old when the war broke out, and he was older than most of the enlisted men and junior officers who served on either side of the Civil War. Only senior officers tended to be his age during the conflict. Wirz stated that he served the South out of conviction. “I joined the Confederate Army in 1861 and served faithfully the cause I considered [it] to be the rightful one.” But he was not in a position to protect his home from the Federal soldiers. “In 1862 the United States troops destroyed my home, and my wife and three children had to seek shelter among friends. I lost all I possessed but a few negroes who still remained loyal.”18

Arriving in Virginia shortly after the First Battle of Bull Run (Manassas), which took place on July 21, 1861, the Madison Infantry was given guard duty over Union prisoners of war at Howard’s factory in Richmond. Wirz soon noticed that there was no formal list of the captives, and he took the initiative to make one, probably relying on the training in record keeping he received in his father’s commercial house. When Wirz’s diligence came to the attention of Brigadier General John H. Winder, who had responsibility for the Union prisoners at Richmond,

18 Wirz to the New York News August 27, 1865 as cited in [S. W. Ashe], Trial and Death of Henry Wirz (Raleigh: Uzzell, 1908), 32.
the officer observed, “That’s just what we want.” On August 26, 1861, two days later, General Winder had Wirz placed on detached service under his authority, and he soon advanced the Swiss guard to the rank of sergeant.19

William Howard Merrell, a Union prisoner, gave an early account of Wirz as a prison administrator. The captive indicated that the “Switzer named Wurtz” was a “vulgar swaggering fellow.” Wirz had a temper, but there was little indication that he was a brutal man. In fact, he was the object of derision and ridicule. Sergeant “Wurtz” used “excessively amusing” jargon, and the prisoners had fun pretending to misunderstand him, which sent their jailor into “a spasmodic rage.” When a captive escaped, Wirz “entered the prison in a towering passion, and with a series of frantic gestures commanded the prisoners to fall in for roll-call.” When the men refused to respond, the Swiss insisted they answer, “or you will be very sorry in your life. I shall keep you tree tays on pred and wasser.” The men acted pleased and shouted, “Three cheers for Wurtz. He will keep us three

days on bread and butter!” Wirz responded, “No, no, you tam villains. I say pred and wasser—wasser, not busser!” The Swiss even seemed to play along with the jokes to a degree, and he said his acts of “petty tyranny” could get him executed. If the North took him prisoner, “Dey will kill me sure! ... I am certain dey will kill me so quick ... dat I shall know nothing about it.”

Merrell’s descriptions were clearly intended to amuse his audience, but he also indicated that the captives had little to fear from Wirz. If the Union prisoners in Richmond were actually afraid of severe reprisals from the Swiss, they would have been reluctant to aggravate him. Wirz’s supposed statement about his possible execution was in keeping with Merrell’s continued attempt at humor. The prisoner failed to mention any crime for which Wirz could be executed, and it is doubtful that the Swiss actually thought he had done anything that would merit death. However, this alleged observation was prophetic in one sense because the government executed Wirz three years after Merrell published his account.

Merrell’s narrative also raises the question of Wirz’s ability to use the English language. Wirz clearly had an accent, and some of the accounts of his speech indicate that he never mastered simple pronunciation, the use of terms, or proper word order. Solon Hyde was a Union prisoner who worked with Wirz at Andersonville. While he often criticized his Swiss jailor, Hyde was not wholly unsympathetic to the commander of the stockade, but he found much wanting in Wirz’s speech. It seems that the Swiss spoke with fractured English when he was angry or excited. He also used threats and many profanities when he was barking out orders. As Hyde recalled many years later, Wirz spoke something like this: “Get in de ranks dere. Got damn you, get in de ranks, or you shan’t have a got-dammed mouthful to eat to-day. Guardts, why in hell don’t you standt dem up; get up dare. I say, py Chesus Christ, when I wants you to set down I tells you.”

Hyde stated that on another occasion Wirz related that one of his daughters had discovered a trick by one of the prisoners who wrote a letter using milk that could only be read when the paper was held up to a candle. Reportedly, Wirz said, “Vell, don’t you see, she was...

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reading over from de letters out from the box of de prisoners, don’d you see, und pretty quick she comes to one what don’d be written on at all. ‘Vhat the idea is?’ she said to me, ‘dat dis one don’d be written on no more. Dot Yankee makes one great meestake mid dose.’ But py und py, pretty quick, she goes to de candle mit it, to see off not de ink be poor, und py chance she looked it drough, and it was shust so full mit writing as it could be. ‘Ho, yo! vaht fer ting is dot for writing?’ she says.”

Hyde never explained how a hungry captive at Andersonville could have gotten milk to write the letter. Children rarely learn their accents from their parents. Most often, they copy the pronunciation of other children, so Wirz’s representation of the speech of his daughter reflected his problems with the language not hers.

Despite his supposed challenges with spoken English, Wirz apparently had no trouble being understood when he spoke to his fellow officers, when he was interviewed by the press, when he wrote letters, or when he gave statements in court. The stories about Wirz’s cumbersome language almost all come from Union prisoners trying to make him look foolish or stupid. Also, his correspondence during the war and the diary he supposedly wrote after the conflict either demonstrate that he had an excellent command of written English, or that he had skillful editors that made him appear to be more accomplished than he actually was.

William C. Harris was another prisoner at Richmond early in the war, and he gave additional information on Wirz and his conduct. This Union captive indicated that the Swiss was less than harsh with the prisoners, but he was a stickler for detail. Harris referred to Wirz as being “Dutch.” This term was a common error by Americans at the time because to them Dutch actually meant German. Few Americans could distinguish between a German and a Swiss accent, and they probably saw little significant difference between the two nationalities anyway.

The captive stated that “The Dutch Sergeant [Wirz] of the Post . . . appeared to be the essence of authority at the prison.” He was the “Commanding officer, officer of the day, and roll-sergeant.” Wirz seemed responsive to the needs of the men, “Was any thing wanted?

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22 Ibid., 294.

Ask the Dutch sergeant. Would any thing happen soon? Ask the Dutch sergeant.” Harris found the Swiss guard to be “a good fellow at times, and a very bad one at others.” The Union captive also stated that Wirz “Would show his angular smile of half-stubborn good humor to-day, and curse us in his fragmentary English to-morrow.” On one occasion, two men got out of the prison, and Wirz told the men. “Gentlemen, two of you have got out. Must call de roll. I saw ‘em go but a minute ago.” After the roll call, Wirz ran outside stating, “I know where dey is! I can catch dem.” The escape was unsuccessful because scouts searching for runaway slaves caught the escapees and sent them back to the prison.

Wirz was sent to Tuscaloosa, Alabama, and “He left us on 22\textsuperscript{nd} of November, 1861, in charge of Federal officers and men transferred thither as prisoners of war.” The prisoners at Richmond soon learned that the captives in Tuscaloosa apparently appreciated the Swiss sergeant. As Harris reported, “By a letter thence we have been informed of his popularity, owing to his obliging nature. He fills the important post of commissary at Tuscaloosa, and is still noted for his infallibility and usefulness.”

Significantly, the prisoners at Tuscaloosa were not the only persons to give Wirz praise for his activities at that location. When the citizens of the community learned that Captain Elias Griswold was to be “transferred from the command of a prison in this city,” they were anxious that Wirz replace him. They wrote a letter to General Winder, explaining that “the large increase of prisoners here, present and prospective, makes us anxious that his successor shall possess the prudence, discretion, firmness, decision and energy, which he has exhibited during his continuance at this military post. We believe that Henry Wirtz [sic!], his efficient assistant, possesses all these qualities in an eminent degree. We respectfully recommend him, for that office.” Sixty-one members of the community signed the petition.

The Swiss guard returned to Virginia in 1862, and he later claimed that he participated in the battle of Fair Oaks (Seven Pines).

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25 Ibid., 135-6.
which took place on May 31 and June 1, 1862, where “I was wounded by a piece of shell.” He added, “I was very seriously wounded at the battle of ‘Seven Pines,’ . . . and have nearly lost the use of my right arm.”27 Apparently, the wound did severe damage to the arm between the elbow and wrist. It never healed, and the trauma gave the Swiss much pain for the rest of his life. Even though Wirz was advanced to the rank of captain on June 12, 1862, his damaged arm kept him from any kind of field command, and he continued to work with prisoners of war, which usually involved activities that were within his physical abilities.28

Wirz’s presence at the battle of Fair Oaks would be unexpected. He was not assigned to any combat unit at that time, and there was no reason why he should have been involved in the encounter. Since the battle took place near Richmond, Virginia, the Swiss could have understood the danger to the capital of the Confederacy and came forward to offer his services at a trying time for his nation. If it was not a fabrication to explain his damaged arm, his participation in the engagement was a courageous act.

Arm bones of Henry Wirz.

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28 Studer, 43.
During his trial in 1865, Wirz was accused of ordering his men to fire on Union prisoners at Andersonville, but the captain clearly showed a different attitude early in the war, and he immediately arrested a guard for accidentally shooting a captive in Richmond in September 1862. Confederate authorities were always anxious to exchange prisoners of the war with the Union, but to accomplish this, they needed a full account of the men held in captivity. Unfortunately, a list of 6,000 men was missing. For months, Wirz traveled through many areas of the deep South in search of the list, but he never located it.

Wirz received a medical leave for three months, and he soon got another furlough for an additional four months “to go to Europe on account of my health.” His travel was so delayed, probably because of difficulties getting through the Union naval blockade of the South, that the Swiss guard arrived in Liverpool, England, only three weeks before his leave was set to expire, but he remained in Europe seven

29 Wirz to Winder Sept. 5, 1862 in OR Series 2, vol. 4, 871.
30 Marvel, 37.
more months. He explained his medical treatment, “I went to Europe and had my wound operated upon at Paris. The doctor there thought that all the dead bone had come out.” But three or four months later, “the wound broke open again,” leaving Wirz in a challenging medical condition for the rest of his life. The Swiss guard eluded the Union blockade again and arrived at Wilmington, North Carolina, on January 20, 1864. General Winder soon ordered him to report to Camp Sumter near Andersonville, Georgia, to help with the prisoner-of-war camp there, and Wirz arrived in March 1864.\footnote{Ibid., 37-8, Wirz, “Life,” and The Trial of Henry Wirz, 804}

The Swiss captain’s medical problems probably were associated with his wound, but he had suffered from scurvy and other ailments as well. C. M. Ford, the “acting assistant surgeon in the army of the United States,” examined Wirz after the war and testified that the former prison commander had suffered from scurvy. The physician, John C. Bates, knew Wirz at Andersonville, and testified, “The impression of some of the medical gentlemen at Andersonville . . . was, that there was in his system a constitutional syphilitic taint [infection]. There is, it seems to me, an intermingling of the scorbutic [scurvy] and syphilitic taint.”\footnote{Ford and Bates in The Trial of Henry Wirz, 804-5. See also “Scorbutic” and “Taint” in Webster’s Complete Dictionary of the English Language (London: George Bell, 1886), 1182 and 1348.} After Wirz had been hanged, his body was subjected to an autopsy for no stated reason. Maybe the effort was simply to humiliate the much-hated Swiss even further. The physicians who examined his corpse reported that he had an “aortic insufficiency” consistent with syphilis.\footnote{Ruhlman, Wirz and Andersonville, 213.}

Solon Hyde was a prisoner at Andersonville who was a “hospital steward” for the Union Army. He worked to dispense medications at the prison, and he wrote about the commander’s wounds and how they were treated. Wirz “had some very bad ulcers on his limbs, of a character that required mercurial treatment, and he usually came to the dispensary after an ointment that we prepared from simple cerate [ointment for external use] and calomel [mercurous chloride] rubbed together.” According to Hyde, Wirz wanted as much of the mercury treatment as possible, and the Swiss commandant supposedly said, “Make him [the ointment] strong mit the calomel.” Hyde responded that the mixture was more than
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the accepted amount, but the captain responded, “Py Gott! I cares not for dat; I takes de law into my own handts. Make him two-three times as strong.” The prisoner then made the ointment as strong as possible, and the commandant stated, “Hi-yi, dat is goot! Das is right.” When the Swiss came back later, he ordered, “Make him shust like dot last; it was just right.”

The use of mercury to treat sores at that time was hardly unusual, but other treatments were available. While many American doctors were still unsure about the causes of infection during the Civil War, they knew that pouring alcohol on wounds often kept them from festering, and the practice of using distilled beverages on injuries likely saved many thousands of lives. A Union soldier, Alfred Bellard, described the treatment of his wound caused by a bullet that went completely though his leg. “One of the nurses poured some kind of liquor on the wound, and running in at one hole, and out the other.”

Wirz could have used alcohol on his ulcers, but that treatment was apparently ineffective in his case. The serious side effects of using mercury, which often caused the user to have a violent temper and eventually to become insane, were well known at the time. The adoption of this medication was consistent with the argument that the Swiss had syphilis, and the treatment involving mercury might help explain why Wirz had such an explosive temper.

Recently, modern physicians have argued that taking mercury internally could have contributed to Abraham Lincoln’s violent outbursts. The fact that the commander at Andersonville had syphilis was not too surprising because many other men were infected with the malady at the same time. Medical records indicate that between 8 and 9 percent of Union soldiers had syphilis during the war. The percentage of Confederate troops who also had the malady are unknown, but they were probably less.

34 Hyde, A Captive of War, 294-5.
37 Thomas P. Lowry, The Story the Soldiers Wouldn’t Tell: Sex in the Civil War, (Mechanicsburg, PA: Stackpole, 1994), 104.
Andersonville sketched by R. K. Sneden, a former prisoner.
The Agony of Andersonville

The Swiss guard’s fate became associated with the tragedy of Andersonville, and Wirz was later condemned for the conditions in the camp, but these circumstances were an outcome of the policies relating to prisoners during the Civil War. A system of prisoner exchange, known as the cartel, was arranged on July 22, 1862. Under this agreement, both the Confederacy and Union exchanged prisoners man for man. The cartel functioned well until the end of the year, but it soon began to break down. On July 17, 1862, the US Congress ratified the Militia Act of 1862, allowing the Union army to employ African Americans as soldiers. Also Abraham Lincoln’s Emancipation Proclamation, which went into effect on January 1, 1863, reiterated that the Union would accept Black Americans as troops. African Americans were soon deployed against the enemy, and some were captured, but the Confederacy refused to treat these men and their white officers as legitimate prisoners of war. Confederate officials even threatened to enslave the troops and execute their officers for inciting a slave uprising. When the Lincoln administration threatened to retaliate, the prisoner exchanges became more difficult to arrange. The cartel collapsed entirely by the end of the summer of 1863, and the number of prisoners held by each side rose sharply.38

The conditions in the prisoner-of-war camps on both sides of the conflict were challenging, and high mortality rates followed. General Ainsworth probably presented the most reliable numbers relating to soldiers who were captured or paroled. Soldiers who were paroled had been captured but were released on the battlefield, yet they were not allowed to return to their units until they were properly exchanged when like number of the enemy troops were also taken prisoner and released. Ainsworth stated that “211,411 Union soldiers were captured during the Civil War of which 16,668 were paroled on the field and 30,218 died while in captivity; and that 462,634 Confederate soldiers were captured during the war, of which number 247,769 were paroled on the field and 25,976 died while in captivity.” This meant that over 12% of the Confederate soldiers died, and 15.5% of the Union men perished.

while in captivity. These numbers demonstrate that the conditions in camps both North and South were similar because the death rates were comparable.

But these figures are misleading in at least one respect. As their fortunes collapsed, the percentage of Confederate troops captured late in the war was higher than earlier in the conflict. This meant that more Southerners were held for shorter lengths of time because they were soon released when the war ended, and consequently they would be less vulnerable to the problems that came with lengthy incarceration. Therefore, these men were less likely to die in captivity, which is a factor that helps explain why the percentage of Confederates who died in captivity were lower than their Union counterparts.

By 1863, the Confederacy was suffering from shortages of all kinds, and public officials in Richmond were hard pressed to meet the needs of civilians, soldiers, and prisoners of war in the city and the area nearby. The Confederate capital was connected to much of its nation’s resources by a single rail line that was inadequate to meet the transportation requirements placed on it, and the needs of the captives reduced the amount of supplies for everyone else and drove up prices. Since the prisoners in and near Richmond were close to the scene of military operations in northern Virginia, the captives were military targets for Union cavalry raids.

Incriminating documents were found on the corpse of Union Colonel Ulrich Dahlgren, who was killed in the Kilpatrick-Dahlgren raid from February 28 to March 4, 1864, which underscored the opinion that the prisoners were liabilities. These documents stated that one of the objects of the raid was to free the Union prisoners at Belle Isle, and with their help, the cavalry would “destroy and burn the hateful city . . . and Jeff. Davis and cabinet [would be] killed.” The Federal plan to use prisoners of war as combat troops against the Confederate capital and government officials demonstrated that the captives near Richmond were a liability, making a move to camps farther away from the scene of action to be more imperative.

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39 Hesseltine, Civil War Prisons, 256.
40 For a copy of the orders, see OR Series 1, vol. 33, 178-9. The genuineness of the Dahlgren’s papers was long in dispute, but “We know that they were authentic.” See, Eric J. Wittenberg, Like a Meteor Blazing Brightly: The Short but Controversial Life of Colonel Dahlgren (Roseville, Minn.: Edinborough, 2009), 247.
In December 1863, Captain W. S. Winder and General Howell Cobb selected Andersonville, Georgia, as the best location for a large prisoner-of-war camp officially called Camp Sumter. As Jefferson Davis explained, the prisons around Richmond were beyond capacity, and they were “also beyond the ability of the commissariat to supply them.” Since “a large part of the food for our army in Virginia was drawn from the more southern and southwestern States” more foodstuffs should be available there. Andersonville “was selected after careful investigation...it was in a high pine-woods region, in a productive farming country, had never been devastated by the enemy, was well watered and near to Americus, a central depot for collection the tax in kind and purchasing provisions for our armies. The climate was mild, and, according to the best information, there was in the water and soil of the locality ‘no recognizable source of disease’.”

However, the decision by Captain Winder and General Cobb on the location of the camp proved to be less advantageous than originally assumed. The site of the compound was too near the battlefields of 1864, meaning that transportation and the availability of supplies would be hampered by military action, especially the Union cavalry raids aimed at Georgia’s rail system led by General Hugh Kilpatrick. The flow of the stream running through the camp in December had slowed considerably by the next summer, making good hygiene difficult for the prisoners, and many maladies soon appeared in the enclosure.

The initial compound was designed to hold ten thousand men, but work on the facility was delayed because few tools were available locally, and Captain Winder had to get permission from the Confederate officials to requisition the needed support from the small population in the area. The initial intention was to construct wooden buildings to house the captives, but a lack of saw mills in the area available to cut the planks slowed this effort. Equally important, the effort to supply food for the prisoners was hampered by the few grist mills in the region and the lack of men available to drive cattle to the prison. Problems with transportation also hampered efforts of construction and supply. When

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41 Jefferson Davis, Andersonville and other War-Prisons (New York: Belford, 1890), [1-2]. Hereafter cited as Davis, Andersonville.

42 Samuel J. Martin, Kill-Cavalry: Sherman’s Merchant of Terror, the Life of Union General Hugh Judson Kilpatrick (Madison: Associated University Press, 1996), 173-204.
the first prisoners arrived on February 27, 1864, the compound was not prepared to receive them, and only a stockade was in place with walls fifteen feet high, enclosing sixteen and a half acres. About four hundred captives were soon arriving on many days, and the number of prisoners grew dramatically, taxing the ability of the Confederate authorities to care for them.43

The average number of men in the prison was 7,500 in March, and there were 10,000 men in the stockade in April. The numbers increased to 22,291 in June, to 29,030 in July, and to 31,678 at the end of that month. In August the prison held its greatest number of captives, 33,006. At the same time, the number of deaths rose rapidly. In March 283 prisoners died, in April an additional 576 expired, May 708, June 1,201, and July 1,817. The late summer months of August (2,993 died) and September (2,677 died) were especially severe when the average of nearly 100 men expired each day. In October 1,595 died, November

43Hesseltine, Civil War Prisons, 133-5. See also OR Series 2, vol. 6: 965-6, 992-3, 1000, and 1043.
499, December 165, January (1865) 197, February 147, and March 108. The last recorded deaths were in April, when 28 men died. According to this list 12,994 (other historians state 12,913 or 12,949) men died at Andersonville from a population of about 41,000 men who were incarcerated there in all. During those months only 1,462 soldiers were on duty to guard the captives, meaning that there were only enough men to guard the perimeter of the compound.

The men died from many maladies including exposure, hunger, unsanitary water, scurvy, and poor hygiene. In defense of the Confederacy’s policy of treating prisoners, Jefferson Davis wrote that the reasons for the high death rate included: “insufficient means of transportation,” too few doctors, too few guards due to the lack of

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manpower in the South, and too few physicians were available for prison service. He also pointed out that the Confederate congress passed a law on May 12, 1861, mandating that all prisoners of war be given the same rations "in quantity and quality as those furnished enlisted men in the army of the Confederacy," but he failed to prove that this rule was actually followed in the treatment of prisoners.

Transportation problems plagued the Confederacy from the beginning of the war, and these issues became more acute as the conflict progressed. Many horses and mules were taken to help support the army, making the moving of goods more challenging. The rail system in the South was inadequate at best throughout the war. Also, it continued to deteriorate as more pressure was placed on it, and as Union raids sought to damage it. By the spring of 1863, food riots broke out in many southern cities including Richmond and Petersburg, Virginia; Mobile, Alabama; Salisbury, North Carolina; and Atlanta, Georgia, meaning the transportation was inadequate to these cities.

The suffering of Confederate soldiers due to a lack of food was often acute throughout the war, and the soldiers of the South often took desperate measures to secure foodstuffs. John O. Casler reported on how he got food at the Battle of the Wilderness May 5-7, 1864. "We would get them [rations] from the [Union] dead. I have been so hungry that I have cut the blood off from crackers and eaten them." The Union knew well the plight of the Southern armies. The Federal General, Benjamin Butler, wrote about the meager rations issued to the Confederate troops in 1864, "A soldier of our army would have quite easily starved on the rations which . . . were served out to the Confederate soldiers." The Confederacy was so hard pressed that it could not feed its own people or properly supply its army. Under these trying circumstances, the South could hardly be expected to keep Union captives from suffering as well.

Initially, the prisoners were just turned loose inside the compound at Andersonville. No order had been established in the nature of their housing, and the men rested much where they pleased.

45 Davis, Andersonville, [2-3, 7].
47 John O. Casler, Four Years in the Stonewall Brigade (Girard, Kan.: Appeal, 1906), 208.
48 Benj. F. Butler, Butler's Book (Boston: Thayer, 1892), 610.
By the time Captain Wirz arrived on March 25, 1864, the condition of the interior of the prison was in such a state of disarray that complete order could not be established. The administration of Fort Sumter was also inefficient, and many officers with overlapping authority were in charge. Three independent officers had control of the region around Anderson Station: Brigadier General John H. Winder, Col. George Cooper Gibbs, and Lt. Col. Alexander W. Persons. Five officers were over the guards. Captain Henry Wirz only had authority over the actual stockade, and he could do little about the availability of supplies because he had no authority to requisition them. Surprisingly, the federal government showed little interest in the persecution of anyone besides Wirz after the war.

Wirz's Attempts to Alleviate Suffering at Andersonville

The problems Wirz faced were challenging from the beginning, but he went to work with intelligence and energy. "Wirz was a constant presence in Camp Sumter, and he worked tirelessly to improve its conditions." The stream that went through the compound had become an "open sewer," and the inmates used it as a latrine. The Swiss Captain assigned men to shovel the filth from the stream daily, and he established two dams along the creek, the higher dike for drinking water, the lower for bathing. He wrote that the bread issued to the captives was "of such inferior quality, consisting fully of one-sixth of husk, that it is almost unfit for use and increasing dysentery and other bowel complaints," and he recommended that the flour be sifted to remove such impurities. He built a bake house, so more cooked food would be available, and he got the prisoners to brew a crude beer made from corn mash and molasses to control scurvy. Wirz also asked for more buckets because he did not have enough of these items to issue more "rice, beans, vinegar, and molasses" to the men.
Andersonville Prison in 1864: the Dead Line is to the Right.

The Swiss guard continued his efforts to improve conditions, and he "brought order to the chaos of the camp as commander of the interior of the stockade in March 1864." Wirz established the "dead line," a boundary the captives could only cross at the risk of being shot by the guards. The Captain "tried to compile accurate rolls," and he made the distribution of rations more orderly by dividing the men into detachments of 270 with a sergeant placed over each group. When the men assembled for their rations each day, the sergeant was supposed to account for each prisoner and "Failure to do so is severely punished." To facilitate the distribution of rations, these detachments were further divided into messes of 90 men each.52

The commander at Andersonville also tried to deal with the problems of overcrowding in the compound. "At his insistence the original stockade was enlarged by ten acres" in June 1864. His overall efforts were impressive, and the Swiss has received some acclaim for his efforts. Lieutenant Colonel Persons was over the garrison troops at Andersonville, and he gave his fellow Confederate officer just praise. "Until the day of his arrest he was to exert every effort to alleviate the

conditions within the camp and to stem the ever-rising death toll.”

Even though he gave testimony for the prosecution at the trial, Persons admitted, “I know he [Wirz] labored indefatigably” to help the prisoners, most notably on trying to assure a clean water supply for the captives.

The Lieutenant Colonel also maintained that Wirz could not be “blamed” for the overcrowding in the prison, because the captives were sent there by his superiors, and the defendant had nothing to do with that policy.

As challenging as were the conditions at Andersonville, some of the men who had experience with other Rebel prisons believed that the circumstances of incarceration were more severe elsewhere. One of the physicians who worked at Andersonville, John C. Bates, observed, “Comparing the Macon [Georgia] prison with that at Andersonville, I would prefer Andersonville at the time I was in it.”

A Union captive at the prison, Herman A. Braun, agreed. “Many a prisoner who had given up the hope of ever returning to the North, comforted himself with the nearer memories of Andersonville, where his hunger had been appeased at least once a day.”

Another Union prisoner, Edward Wellington Boate, held a similar opinion. He had been incarcerated at Belle Isle just outside of Richmond from October 1863 until February 1864, at which time he was taken to Andersonville where he remained until August. “The fare at Andersonville was about three times the quantity, both in meat and meal, than it was at Belle island.” He gave more details, “At Belle island we got quarter rations—a quarter of a loaf of bread, with a small bit of meat about that size (about five inches by three). . . . My first rations at Andersonville were about a pound of beef, salt and fresh and two sanitary cups of meal. . . . We got beans at the same time. We got sweet potatoes the day of our arrival.” Boate also claimed he heard a conversation between Wirz and Joseph White, a doctor at the prison, discussing why the death rates were higher among men arriving from Belle Isle. According to Boate, “Dr. White had a theory, and he brought facts to substantiate it, that they were the prisoners from Belle island who suffered most; and it was apparent to all of us that such was the case.”

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54 Persons in The Trial of Henry Wirz, 463.
55 Ibid., 103.
56 Bates in The Trial of Henry Wirz, 664.
57 Herman A. Braun, Andersonville an Object Lesson on Protection: a Critical Sketch (Milwaukee: Fahsel, 1892), vi.
58 Boate in The Trial of Henry Wirz, 687-8.
Many of the problems were simply beyond the control of the Swiss Captain because medical knowledge at the time was too limited to allow for the proper treatment of sick men. Jim Downs, a medical historian, has observed that the federal government was equally inept during the Civil War as disease spread through the refugee camps of freedmen. “Physicians could not cure the fatal infections contracted nor could the army of medical civilians that formed the Sanitary Commission prevent the arresting spread of disease.”59 However, the Swiss commander’s efforts at improving the quality of water and food likely saved thousands of men at Andersonville who would have otherwise perished, and even his most severe critics have been unable to state what else he could and should have done to provide better for the captives and to save more lives.

Wirz’s Attempts at Discipline

The Swiss commander was often harsh as he explained, “Anybody who knows anything about military matters knows that one in command of thirty-five thousand men has to be strict.”60 At his trial,

60 Wirz, “Life.”
Wirz was condemned for the nature of the punishment he inflicted on the prisoners. The Confederate Congress passed a law on April 13, 1863 stating that no soldier may be “punished by whipping, or the inflicting of stripes upon his person.”\footnote{James M. Matthews, ed., Public Laws of the Confederate States of America: Passed at the Third Session of the First Congress 1863 (Richmond: Smith, 1863), 106. See also Wilfred Buck Yearns, The Confederate Congress (Athens: U of Georgia, 1960), 115.} No doubt, this legal protection clearly did not extend to African Americans. There are a few accounts of men being whipped at Andersonville, which seemed to be a punishment rarely used. From the testimony at Wirz’s trial, it is clear that very few white men were given the lash, and most of the men who were flogged were African American prisoners.

The relatively low status of these men probably contributed to their relatively harsh punishments, and the Swiss commander likely considered these soldiers to be in a different category because of their ethnicity. He also seemed to demand more physical labor from them. John Fisher, who was “colored,” stated what Wirz did to him. “I was bucked and gagged [tied up], and whipped with thirty-nine lashes” because “I would not go to work.” The prisoner testified that the strap used to deliver the punishment was two and one-half feet long and “three fingers” wide. While the use of such a device was clearly intended to cause pain, such a wide whip was not designed to tear flesh as would have been the case with a narrow, heavy cord. Fisher maintained that he did not actually see any other men when they were being lashed, but he saw three men, each an African American, after they had been flogged. “They were not badly whipped; the blood was not drawn.”\footnote{John Fisher in The Trial of Henry Wirz, 280.}

Some men were bucked and gagged, strung up by their thumbs, or put on the “chain gang” where they were shackled to large cannon balls often weighing thirty-two pounds. The most-frequently reported disciplinary action was placing men in the stocks. This device was simply a framework of wood with holes in them that allowed the prisoner’s feet or hands to be inserted which kept the man from moving.\footnote{The term “stocks” was recorded over one hundred times at the Wirz’s trial. For examples, see The Trial of Henry Wirz, 46, 117, 177, 209, 214, 218, 318, 321, 507, and 768.} While the use of these devices was called “torture” when the charges against Wirz was read at his trial, none of the men who gave testimony as to their use and effectiveness used the word “torture.”\footnote{The Trial of Henry Wirz, 3, 4, 6, 23, 771, 765, 768, 802, 805, 812, and 813.}
The greatest discomfort these men suffered was being restrained from moving their limbs freely.

Nonetheless, the stocks were designed to be very unpleasant, and the prisoners often complained that they were held in the stocks for lengthy periods of time and denied adequate food and water. These harsh punishments were most often in retaliation for escape attempts. Martin E. Hogan was brought back after an escape attempt. "I was fastened at the neck and ankles and left for 68 hours without food, except such as was stolen to me by my paroled comrades." I. R. Achuff was caught by dogs after he attempted to escape. "I was put in the stocks with my hands fastened by a board and my hands stretched out, I was kept in the hot broiling sun for 36 hours. I had nothing to eat, and but two drinks of water." Thomas Adler said, "I knew of one man who was lying senseless in the stocks for three hours before they would take him out." But the man’s ordeal lasted for a longer time because only the Swiss commander could give the order to have him released. "He lay five or six hours in the stocks until Captain Wirz came and they took him out." 65

The lengthy times these men claimed they were held in the stocks, including the 68 and 36 hours just mentioned, seemed to be challenging to withstand, but such lengthy times might have been exaggerations. Thomas N. Way stated that the terms of punishment were not as harsh as they would seem because he was not held continuously in one position in the stocks, and he was given breaks on a regular basis. "I was laid on my back with my feet and arms in the stocks so that I could only move my head. My face was right up upwards to the sun. I was four hours in and one hour out during the 24 hours." 66

Union Punishments of its own Men

As harsh as these punishments were at Andersonville, the punitive measure at the prison camp were not severe by the standards of the age, and the Union Army often inflicted "brutal punishments" on its own men that left some of them “permanently disabled.” 67 As the Union private, Frank Wilkeson, maintained, “The punishments

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65 Hogan, Achuff, and Adler in *The Trial of Henry Wirz*, 768.
inflicted on the enlisted men were various, and some of them were horribly brutal and needlessly severe."\(^{68}\)

Perhaps wanting to make a moral distinction between the Union forces and the slave owners in the South who could legally whip their human property, the US Congress passed a statute stating that the practice of lashing soldiers would be discontinued in the United States Army. On August 5, 1861 Congress enacted, "That flogging as a punishment in the Army, is hereby abolished."\(^{69}\)

Significantly, the law did not prohibit the whipping of sailors. Even though the flogging of soldiers was then illegal, the practice continued under some commanders during the war and even after the conflict ended. These officers had little to fear from military courts, and lashing troopers was seldom, if ever, a punishable offense.

General George A. Custer was an example of a commander who continued to whip his men long after the practice was prohibited. At the end of the war, Custer was sent to Louisiana and Texas where his army was poorly supplied, and his men started foraging for supplies and taking what they wanted from civilians in the area. The "Boy General" was concerned because his troops lacked discipline and were foraging in defiance of orders not to do so. In General Orders No. 2, Custer stated that he would forgo the required court martial hearing for men accused of plunder, and "It is hereby ordered that any enlisted man . . . committing depredations upon the persons or property of citizens, will have his head shaved, and in addition will receive twenty-five lashes

\(^{68}\) Frank Wilkeson, *Recollections of a Private Soldier in the Army of the Potomac* (New York: Putnam’s Sons, 1887), 32.

upon his back well laid on.” Soon after, the general was called the “hero of the lash.”

Custer even bragged that his policy had been a success. “Since my order—head-shaving and lashes—not flogging, discipline has been restored.” In this comment, the general presented a classic example of a distinction without a difference that made no sense. Twenty-five lashes “well laid on” certainly was flogging. Some other officers found little to object in Custer’s policy. In fact, General James William Forsyth thought he had been too lenient. “With reference to General Custer’s order whilst I was with the command, I have simply to say, that he made a great mistake. Instead of whipping he should have shot [the soldiers].” Of course, the victims of Custer’s crimes believed differently. Curiously, Federal officers could not legally flog their men for any reason, but they could have them executed for various offenses.

The matter of whipping men to instill discipline came to a head when Private Horace Cure of the First Iowa Cavalry was seized. He was not charged with any crime, but he was “Arrested on suspicion only that he knew the parties who had killed a beef.” The man claimed he had no knowledge of the incident, but this alone was cause for punishment. As the surgeon of the unit, Charles H. Lothrop, reported: “Because he would not or could not give information as to who the parties were he was punished not because he assisted in killing the beef, but because he did not know who killed it.” The retribution for his lack of knowledge was that “his head [was] shaved and he received twenty-five lashes, by command of the author of the slave driver order [Custer].” In fact, Custer had given an order that other men be punished at the same time. “To Captain Davidson, commanding provost guard: You will at once shave the heads and lash G. Darr, Company D, Twelfth Illinois Cavalry, and H. Cure, First Iowa Cavalry, teamsters in Captain Lyon’s train, and Gun sales of same train.” None of these men was given “Any trial whatever.”

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71 Custer to Major Lee 1865 as cited in Custer in Texas, 31.
74 Custer as cited in Iowa State Legislature, “Report,” in Lorthup, First Iowa Cavalry, 234.
The commander of the First Iowa Cavalry, Lieutenant Colonel Alexander G. McQueen, was outraged at this treatment of one of his men. McQueen was known as a “strict Presbyterian” who kept his emotions under control, but the officer had sharp words for Custer when he addressed the regiment. “Let Custer whip Cure if he dares. He will then be the aggressor. But if General Custer attempts again to lay violent hands on a First Iowa soldier, I will here say his hide will not hold corn, by God!”75 The phrase “not hold corn” probably meant that Custer’s body would be perforated by cuts or bullets so many times that it would not be able to hold any contents.

McQueen’s anger led him to protest to Governor William H. Stone of Iowa. Other officers complained to the Governor of Wisconsin, James T. Lewis, and the matter came to the attention of the War Department in Washington, DC. The Iowa State Legislature launched its own investigation into the matter, and it criticized Custer heavily for his policy of arbitrary, illegal, and severe punishments. The legislature reported that the affair had been taken to Custer’s superior, General Philip Sheridan, who ordered his subordinate to rescind the offensive order. Additionally, Sheridan stated that an investigation should take place, but this order

75 McQueen as cited in Lorthup, First Iowa Cavalry, 232-3.
was only for show, and the legislative body believed “That no such an investigation was ever had.” Only the official protests of army officers, governors, and legislatures had brought sufficient attention to the crime to warrant any action at all, but Custer escaped without an investigation or even a simple reprimand for his crimes. Ironically, the nation that virtually ignored the severe and illegal punishments of its own men would soon condemn Wirz for lesser actions.

The Union Army’s means of disciplining its soldiers was often similar to the methods used by Wirz at Andersonville, but the federal punishments were often more severe. As would be expected, Union troops often viewed “military punishment . . . [as] the purest form of despotism, the epitome of the class between soldiers, determined to maintain their rights and individuality and officers equally determined to enforce order and discipline.” Many forms of punishment were based on common practice in the army, but many officers devised their own forms of discipline. Some of the milder punishments included the expulsion of the offender from the army, shaving a man’s head, or forcing him to wear a sign designating his crime. Other mild forms of discipline were the withholding of pay and incarceration even though the conditions of confinement could be challenging.

More severe forms of punishment were designed to inflict physical discomfort upon the victim. Making a trooper stand on a barrel or to wear a barrel for hours on end was a common form of punishment. Men were also forced to “ride the pole” or “ride the horse.” In this instance, the soldier was placed on a device similar to a saw horse and forced to sit on a “Narrow rail, a soldier’s entire body weight pressed down on his legs or crotch, causing pain and discomfort as he sat there for hours on end.” Additionally, troopers had to carry weights in various forms. Men were forced to participate in the “knapsack drill,” which meant they had to perform their regular duties wearing a pack that was weighed down with rocks. Men also had to carry poles or logs of wood, which could weigh up to seventy pounds.

Private Frank Wilkeson related how that punishment became more burdensome as fatigue set in. He stated that such an object had

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77 Steven J. Ramold, Baring the Iron Hand: Discipline in the Union Army (DeKalb, Ill.: Northern Illinois, 2010), 344-5.
78 Ibid., 345-57.
79 Ibid., 358-9.
the “Property of growing heavier and heavier as the sun rose higher and higher. One morning at ten o’clock I dropped a stick that did not weigh more than twelve pounds at sunrise. . . . It had not grown but I was then willing to swear that it had gained one hundred and eighty-eight pounds in weight during the time I had carried it.”

Union officers had their men bound in various manners. Some troops were just tied hand and foot while others had chains put about their necks. Among the most feared punishments because of the severe pain involved was stringing men up by their thumbs, and when victims were “bucked and gagged.” When a soldier was strung up by his thumbs much of his weight fell on the thumb joints, and the pressure “became excruciatingly painful.” Men were often strung up, so their tiptoes barely touched the ground. For hours, they had to stand on their toes to relieve the painful pressure on their thumbs, and this activity added to their discomfort. When a man was bucked and gagged, he was placed on the “Ground with his legs bent so his knees were resting against his chest, a length of wood placed under the knees, the soldier’s arms wrapped around his knees and tied to the stick, and something tied into his mouth to silence him (often a bayonet).” The historian of discipline in the Union Army, Steven J. Ramold, has called this punishment “horrendous.”

Placing men in stocks was also a punishment used in the Union Army. Branding was a punishment that was used largely in the first two years of the war. The men were branded with a letter that designated their crime, including D for deserter and T for thief. The troopers hated this means of discipline. “Most soldiers viewed branding as the most barbaric and degrading punishment possible.”

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80 Wilkeson, Recollections, 35-6.
81 Ramold, 361-3.
82 Ibid., 366.
According to an eyewitness, Union Private Wilkeson, among the most feared punishments was “Tying on the spare wheel.” Often for misconduct no more severe than being “insubordinate” or disobedient, men were tied with their legs and arms wide apart on an extra wheel often carried on an artillery wagon. They were left in that condition for five or six hours. At times, the victim was given “a quarter turn” which forced him into a horizontal position, and he had to use his entire strength “to keep his weight from pulling heavily and cutting on the cords that bound his upper arm and leg to the wheel.” As Wilkeson stated, “I have frequently seen men faint while undergoing this punishment.”

Wilkeson identified “Another punishment which was much more severe than the spare wheel, and which, because it was apt to cripple the men physically, was rarely employed.” This was known as “Tying on the rack.” Men were lashed upon the “rack,” which was a board on a wagon about an inch thick, in such a manner that the entire weight of his body was placed on his chest. The punishment was so intense that “No man could endure the supreme pain inflicted by this torture without screaming. I have seen a strong and most determined man faint in less than ten minutes under the strain of this severe and brutal punishment.” Additionally, “I have heard of men beg to be killed rather than to be tied to the rack.”

The Union private gave an example of a man who would go to great lengths to avoid being punished on the rack. Sergeant Stewart got “wildly drunk.” But “he had full control of himself physically, but mentally he was a madman. He cursed loudly, and swaggered with vehement gesticulation around the camp.” Finally, an officer came out of his tent and ordered, “Sergeant of the guard!... Put a gag in Sergeant Stewart’s mouth, and then tie him to a spare wheel and give it a quarter turn!” Stewart soon climbed a tree. The officer called to the sergeant to come down and face his punishment, or “he would be killed.” But the drunken soldier would not come down and begged repeatedly that he be killed rather than be tied to the wheel. He yelled, “You can kill me, but you cannot tie me up.” Stewart’s wish was not granted, and he was tied up after he came down. “When I left the camp of the regulars Stewart was hanging on the wheel,” as Wilkeson maintained, “And no one was paying a particle of attention to Stewart’s inarticulate cries and suffering.”

83 Wilkeson, 32-3.
84 Ibid., 33-4.
85 Ibid., 26-9.
Wirz’s Brutality

The most frequent abuse from Wirz was his infamous swearing, and many unruly captives faced the Captain’s profanity. W. D. Hammock, a Union prisoner, admitted, “He [Wirz] was very profane, one of the profanest men I ever saw. He had a very severe temper.” When Martin E. Hogan was captured and returned to the prison after an escape attempt, he was subject to “Some of the most profane abuse from Captain Wirz that I ever heard from the lips of man.”86 Augustus Moesner, also a captive, gave an example of Wirz’s cussing when the Swiss berated a man for not following instructions, “God damn it! Couldn’t you stay in line where you were put?”87

Another Union captive, Solon Hyde, expressed a similar opinion. “He [Wirz] was beyond controversy, the most intensely and abusively profane man I ever met.” Profanity meant more to Civil War soldiers than swearing or cussing because it often involved the use of irreligious expressions or contempt for sacred principals. Hyde gave examples of the irreverent expressions the Swiss jailor used. “Py Schesus Christ, shust so sure as I am going to hell!” Also, “Shust so sure as I vill never get to heaven, I’ll do so and so!”88 Surprisingly by the standards and the sensitivities of the early twenty-first century, Wirz’s swearing and use of profanity would seldom be viewed as severe.

In their memoirs and testimony at the trial, many Union prisoners accused Wirz of brutality, stating that he needlessly shot men or beat them to death. These accounts were often exaggerations or complete fabrications, because these authors often stated what their audience in the North wanted to believe. John McElroy wrote the most influential narrative of life in the camp, which later formed the basis of MacKinlay Kantor’s popular novel Andersonville. McElroy defamed the Swiss Captain throughout his book, and he stated that Wirz was guilty of many crimes including “cruelly beating and murdering” captives.89 However, recent historians have denounced the memoir as “a prison novel,” which was “preposterously exaggerated.”90

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86 Martin E. Hogan in The Trial of Henry Wirz, 768.
87 The Trial of Henry Wirz, 507 and 556.
88 Hyde, 328.
90 Davis, Ghosts, 31 and Futch, 138.
Two prominent Civil War historians, James Randall and David Donald, were equally doubtful of many of these autobiographies. "As Dr. Hesseltine points out, the harrowing personal memoirs of prisoners, which generally follow a set pattern, are to be taken *cum grano salis* [with a grain of salt]; and the careful student will tend to agree with him in rejecting the legend of willful Southern atrocities." While the majority of Union prison narratives condemned Wirz, some of them defended the Swiss, including James Madison Page, Herman A. Braun, and Edward Wellington Boate. As Boate explained, "Wirz was as kind-hearted a man as I ever met." At his trial, fifteen former prisoners testified in Wirz's defense.

Solon Hyde was a Union prisoner who had worked in the hospital at Andersonville and knew Wirz personally, and the captive thought the Swiss was condemned unfairly. Even though he failed to cite evidence to support his accusation, Hyde placed the blame for the high death rates at the prison camp on higher Confederate officials and not on the Swiss jailor. "While Wirz was a man who could faithfully execute a piece of work assigned to him, his was not the mind to plan such a scheme and give it shape from chaos. Not at all. Wirz never planned Andersonville. It was an idea conceived in Richmond, deliberately planned and theoretically studied in all its probable details, in the council chambers of Jefferson Davis at the Capital of the Confederacy." Hyde criticized the trial which condemned the Swiss. "I ask any candid man, was it right that Wirz should hang and they go free? It seems to me that Justice herself might have dropped a tear over his grave, as she beheld the end of that simple though too pliant tool in the hands of crafty workmen."

**The Union Practice of Killing of Prisoners**

Ordering men to execute prisoners of war is clearly an illegal act and may rightly be considered as murder. If these accusations were accurate, the act of ordering mens' deaths were clearly crimes, but other

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91 Randall and Donald, *Civil War*, 337. See also Hesseltine, *Civil War Prisons*, 248-58.


93 Hyde, 188-9.
activities by the federal forces during the war would clearly fall into this category as well. Throughout much of the war, the Union Army had trouble dealing with the 43rd Battalion 1st Virginia Cavalry under the command of John Singleton Mosby, also known as the "Gray Ghost," which operated primarily in the Shenandoah Valley of Virginia. By late summer 1864, the fight against Mosby and his men had taken an ugly turn, and there were reports of the execution of prisoners by both sides. In obvious frustration, General Grant ordered Major General Philip Sheridan, then operating in the valley, to execute any of Mosby's men when captured. "Where [when] any of Mosby's men are caught hang them without trial." 94

Grant had given Sheridan a direct order to murder prisoners of war. But Sheridan, also known as Little Phil because of his diminutive size, did not wait for Grant's directive and had previously executed captives. On the day Sheridan received Grant's order, Little Phil stated he had already killed prisoners the day before. "We hung one and shot six of his [Mosby's] men yesterday." 95

On April 24, 1863, the Lincoln administration formally issued General Orders 100. Often known as the Lieber Code after its main author, Franz Lieber, this body of rules attempted to codify the laws of war used by the Union Armies. 96 While General Orders 100 were often ignored in military practice, they had already clarified the legal status of such executions. This code stated that men who fought "Without commission, without being part and portion of the organized hostile army . . . if captured, [these men] are not entitled to the privileges of prisoners of war, but shall be treated summarily as highway robbers or pirates." This punishment of immediate execution could be inflicted on men believed to be "armed prowlers," "bandits," and "highway robbers or pirates" as well. 97

95 Sheridan to Grant, Aug. 17, 1864 in OR, Series 1, Vol. 43, Part 1: 822.
However, the Lieber Code gave special protection for men considered as partisans. The code stated that "Partisans are soldiers armed and wearing the uniform of their army, but belonging to a corps which acts detached from the main body for the purpose of making inroads into the territory occupied by the enemy. If captured they are entitled to all the privileges of the prisoner of war." Therefore, such men as found in Mosby's command were protected from summary execution.

In their memoirs, both Generals Sheridan and Grant referred to Mosby and his men as partisans. Sheridan placed Mosby with his list of "partisan chiefs," and Little Phil also included the followers of the "Gray Ghost" as "partisans." General Grant added that "Mosby had for a long time been commanding a partisan corps, or regiment, which operated in the rear of the Army of the Potomac." Grant's use of the term "regiment," and the use of the term "partisan," by both Sherman and Grant meant that these generals had tacitly admitted that the execution of Mosby's men was legally unjustified.

Among the most shameful instances of the federal forces murdering prisoners of war under Mosby's command took place on September 23, 1864. When the Rebel forces attempted to seize some wagons, they were nearly surrounded by the Union cavalry, and the Confederates were forced to fight their way out. In the ensuing skirmish, only one federal soldier was wounded, Lieutenant Charles McMaster, who was shot in the head. The badly injured man, who died three weeks later, told his fellow countrymen that he had tried to surrender to the Rebel cavalry but was shot anyway. In their desperate flight, it was doubtful that any Southern trooper had time to taken him prisoner, but McMaster's fate spurred his comrades to take revenge on the six Confederate soldiers captured in the skirmish.

Probably also seeking revenge for other perceived atrocities committed by their foes, the federals decided to execute their prisoners even though there was no evidence that these captives were involved in

98 Ibid., 162-3.
any atrocities. While the Union leaders who actually ordered the slaying of the first four men remains unclear because no one wanted to take credit for such an illegal act, but General Custer was present, and he did not protest killing these men. Custer liked to fight—and in this instance—kill men to music, so he had his band play a dirge as these men were taken to their places of execution. The first prisoners to die were David L. Jones and the seventeen-year-old Lucien Love. They were shot to death in the town lot of Front Royal, Virginia. Thomas E. Anderson was married and had two children. He was soon also executed for crimes he had not committed.\textsuperscript{101}

The next man to die was Henry Rhodes, who was also seventeen-years-old. He had attempted to join Mosby’s men as they rode through Front Royal that very day, but his borrowed horse gave out, and he was captured. When his widowed mother saw him being dragged through town, she ran screaming to her son whom she hugged. All the time pleading for his life, she followed the Union troopers to a field where a federal soldier shot her only son to death. The poor woman almost went crazy with grief and despair.

William Thomas Overby and a man only known as Carter were the last Confederate prisoners to be executed that day. The Union General, Alfred Torbert, interrogated the two troopers and offered them their lives if they would divulge where Mosby’s headquarters were located. Neither man answered the enquiries, and Torbert ordered them hanged. Before he was strung up, Overby called to the Union soldiers, “Mosby’ll hang ten of you for every one of us.” In a gesture that almost invited retaliation, one of the Federal soldiers placed a sign on Overby’s body which read, “This will be the fate of Mosby and all his men.” Soon thereafter, another Confederate soldier was executed, bringing the total to seven prisoners that the Union had killed.\textsuperscript{102}

After launching his own investigation, Mosby was convinced that Custer was responsible for the execution of his men, and the Gray Ghost retaliated against some of the Boy General’s men who had been captured. Seven men were chosen by lot and condemned to death. Two of these men managed to escape, and an additional two were wounded by gunshots, but their executioners did such poor work that each of them


\textsuperscript{102} Wert, \textit{Mosby’s Rangers}, 216-17.
survived. The three others were hanged. As Mosby explained, these men received the extreme penalty in retaliation for Union crimes and to keep such actions from recurring. His action was “to prevent the war from degenerating into a massacre.” Mosby promised General Sheridan that the Gray Ghost would not kill any other Union prisoners unless the federals killed captives first. This essentially ended the matter and executions for revenge by both sides were stopped in the Shenandoah at that time. As in all cases of Union atrocities during the war, the murder of prisoners of war were never investigated and the perpetrators were never punished.

Question of Wirz’s Ability to Beat Men

In the opinion of three physicians who gave testimony at the trial, Wirz’s wounds and illness left him incapable of committing many of the crimes ascribed to him. Dr. G. G. Roy worked with Wirz starting in September 1864, and he said that the Swiss had a “gangrenous ulcer” on his right hand. The doctor stated, “I should not think he would be able, in any way, to strike a man down with anything in the hand of that arm.” He added, “I think he could not with that arm or hand grapple or shake any one.”

Dr. C. M. Ford described Wirz’s right arm, “It is swollen and inflamed, ulcerated in three places; and it has appearance of having been broken. In addition to that, I believe that portions of both bones of the arm are dead.” Ford continued, “I should think him incapable of knocking a man, or lifting a very heavy instrument of any kind, without doing great injury to the arm.” Referring to Wirz’s left arm, the doctor stated, “There is a very large scar on the left shoulder, and . . . the deltoid [shoulder] muscle is entirely gone . . . only the front part of the muscle of the shoulder remaining.” Ford also testified that Wirz had “dark brown scars” on his legs from scurvy. The physician added the Swiss could not “exert himself to do any act of violence, because in doing that he would be very apt to do injury to himself.” Dr. John C. Bates agreed with the other physicians about the Swiss being unable to use his arms to hurt anyone. The doctor referred to his examination of Wirz’s legs and added, “There is, it seems to me, an intermingling of the

103 Ibid., 248-50.
104 The Trial of Henry Wirz, 657.
The doctors also pointed out that Wirz was sick and absent from his post at Andersonville throughout August and most of September 1864 and was not present when the crimes ascribed to him were supposedly committed.

**The System of Prisoner Exchange Breaks Down**

Jefferson Davis attempted to place all the blame for the deaths of prisoners of war on the Union. "The real cause of all the protracted sufferings of prisoners, North and South, is directly due to the inhuman refusal of the federal government to exchange prisoners of war." 

While this single explanation is too simple because a number of factors were at play in the high death rates, Davis addressed a serious problem. The United States had the opportunity to alleviate the suffering of the Union prisoners and to save many lives by sending aid or by exchanging prisoners, but the federal government refused to do so and then tried to place the blame on the Confederacy. As explained by William B. Hesseltine, the esteemed historian of the prisoners of war in the conflict, "Official propaganda was undertaken to convince the North that exchange was impossible—that it had been stopped by the South—and that the southerners were actuated by a determination to destroy the lives of the prisoners in their hands."

Late in 1863 General Benjamin Butler was chosen as the Union commissioner for the exchange of prisoners. As the general explained, "I had been appointed to the command of the Department of Virginia and North Carolina Nov. 2, 1863, and subsequently commissioner for the exchange of prisoners."

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105 Ibid., 803-5.
questionable choice if the Union was seriously attempting to exchange prisoners, but he was the perfect choice if the federals were trying to block the release of captives. Jefferson Davis had already branded Butler as a criminal, meaning that Confederate officials should have nothing to do with him because of his crimes in New Orleans.109

Upon the capture of New Orleans, which was completed on May 1, 1862, Benjamin Butler was made military governor of the city. The general wanted to quell any resistance to the Federal occupation of the city, and he soon became known for his harsh treatment of its inhabitants. Before the city was completely taken by the Union, seven inhabitants of the city tore down a Union flag. They were arrested, subsequently tried for treason, and found guilty of that crime. Butler paroled six of them, but he thought that he had to make a statement about federal authority in the city, and refused to show mercy to William A. Mumford.110

When Butler set the date of Mumford’s execution as June 7, 1862, many people believed that the punishment for such a minor crime was so excessive that they refused to believe that the general would be so cruel as to carry it out. Butler pushed aside the numerous death threats, stating that the execution would leave him in less danger than allowing the condemned man to live. “I thought I should be in the utmost danger if I did not have him executed, for the question was now to be determined whether I commanded the city or whether the mob commanded it.”

Surprisingly, Butler met with several persons who begged that the Mumford’s life be spared, including the condemned man’s wife and children. “Mrs. Mumford in a proper way began to intercede for her husband and the father of her children. She wept bitterly, as did the children, who fell about my knees” pleading for their father’s life. But Butler was not moved to pity and he ordered the execution to take place, and Mumford was hanged on the appointed day.111 Apparently, the General later had a twinge of conscience. When Mrs. Mumford

111 Butler, 440-3.
came to see him after the war stating that she had fallen on hard times financially and asking him for help, he was instrumental in securing her suitable employment in Washington, DC.\footnote{Ibid., 444-6.}

Many Southerners believed Butler’s rule in New Orleans had been harsh, and they also considered the execution of Mumford to be inexcusable. Many Confederates reacted to the news with indignation, often referring to the general as “Beast Butler.” In retaliation for the execution of Mumford, Jefferson Davis stated in a “Proclamation” of Dec. 23, 1862 that the condemned man had been “executed in cold blood by hanging.” Not only was this “deliberate murder,” but there had also been “numerous outrages and atrocities” committed by the Union forces under the Union general. Davis stated I “do pronounce and declare the said Benjamin B. Butler to be a felon, deserving of capital punishment.” He further announced that Butler was “an outlaw and common enemy of mankind, and that in the event of his capture the officer in command of the capturing force do cause him to be immediately executing by hanging.”\footnote{Jefferson Davis, “Proclamation,” Dec. 23, 1862 in Frank Moore, ed. The Rebellion Record 10 vols. (New York: Putnam, 1863) 6: 292.}

Additionally, Jefferson Davis unwisely used the stopping of the repatriation of prisoners of war as a means of coercion against the Union. “I do further order that no commissioned officer of the United States, taken captive, shall be released on parole, before exchange, until the said Butler shall have met with due punishment for his crime.”\footnote{Davis, “Proclamation,” 6: 292.} If Davis actually thought that the federals would put General Butler to death or hand him over to the South for execution to secure the release of Union officers, he was deluding himself. No government in war time—or even in times of peace for that matter—could ever be expected to execute one of its own leaders or to hand that person over for capital punishment to a hostile nation.

The President of the Confederacy also outlined what he considered to be “repeated atrocities and outrages” perpetrated on New Orleans and the South. He was particularly incensed by Abraham Lincoln’s Emancipation Proclamation that was scheduled to take effect on January 1, 1863, just a little over a week after Davis’s “Proclamation” of Dec. 23, 1862. Lincoln’s pronouncement freed no slaves immediately,
but the decree would liberate persons held in servitude as the Union forces advanced further into the Confederacy. Significantly, the federal president’s decree also stated that the United States would actively recruit African Americans into the federal forces. As Lincoln declared, “[Former slaves] will be received into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in the said service.”115

Moreover, Jefferson Davis equated the use of African Americans in the conflict as causing “servile war—a war in its nature far exceeding the horrors and most merciless atrocities of savages.” He added that Lincoln’s “public and official declarations signified ... his approval of the effort to excite servile war within the Confederacy.” The prospect of a major slave uprising had long been a great fear in the South. President Davis retaliated against General Butler’s actions and Lincoln’s Emancipation Proclamation by declaring that all the “commissioned officers in the command of said Benjamin F. Butler be declared not entitled to be considered as soldiers engaged in honorable warfare, but as robbers and criminals deserving death! And that they, and each of them be, whenever captured, reserved for execution.” Also, “That all negro slaves captured in arms be at once delivered over to the executive authorities of the respective States to which they belong, to be dealt with according to the laws of said States.” Davis extended his condemnation to the Union officers serving with African American troops. “That the like orders [reserved for capital punishment] be executed in all cases with respect to all commissioned officers of the United States when found serving in company with said slaves in insurrection against the authorities of the different States of this Confederacy.”116

While his “Proclamation” may have given the impression that the Confederate president was doing all he could to resist emancipation and the harsh measures of Union troops occupying the South, his decree did little to change federal policies. Soon after, on April 24, 1863, the Lincoln administration issued General Orders 100, which formed the basis of Union military law for the remainder of the war. These

regulations included a denunciation of condemning an enemy to death without a trial. "The law of war does not allow proclaiming either an individual belonging to the hostile army, or a citizen, or a subject of the hostile government an outlaw, who may be slain without trial by any captor." 117

President Davis had gone too far in retaliation against the North and to punish the Union for its actions and policies. By refusing to parole officers (released until exchanged) until General Butler had been executed, in effect, the Confederate president had turned prisoners of war into bargaining chips, and his threat to stop prisoner exchanges in retaliation meant that the Federals would be tempted to use the release of captives as a matter of reprisal as well. Unwittingly, Davis had given the Union either a reason or an excuse to stop the exchange of prisoners, and this policy had a devastating impact on the condition of captives held at Andersonville because they were to be subject to hash conditions that could have been alleviated if they had been returned to the North.

Union Refusal to Exchange Prisoners

Because the Confederate agents could not deal with a Union criminal, Butler’s appointment as an agent of prisoner exchange was a ploy by the United States government to hurt the possibility of exchanging captives and make it look like the South’s fault. Butler overcame some of these problems, and he negotiated with Confederate officials who were naively still trying to exchange prisoners. Lieutenant-General Grant frustrated these efforts, saying such transactions would aid the Confederacy more than the Union.\textsuperscript{118}

Benjamin Butler first met Grant on April 1, 1864, and the commander of all Union armies gave his subordinate details on why the exchange of prisoners was a bad idea. While Grant would allow

\textsuperscript{118} Butler, 584-96.
the exchange of sick and wounded men to continue, he stated that no healthy men should be exchanged until he gave his personal permission.\textsuperscript{119} General Grant wrote to Butler on April 14, 1864, stating again that no prisoner exchanges were to be made without his specific approval. "Your report respecting negotiations with Commissioner Ould for exchange of prisoners of war has been referred to me for my orders. Until examined by me, and my orders thereon are received by you, decline all further negotiations."\textsuperscript{120} General Grant’s opinion had not changed four months later in August when he wrote directly to William H. Seward, the Secretary of State in the Lincoln administration, stating, "We ought not to make a single exchange nor release a prisoner on any pretext whatever until the war closes."\textsuperscript{121}

Grant later expressed some sympathy for Union troops held in captivity under trying circumstances, but he stated that a policy which blocked prisoner exchanges would do much good for the men still in combat units. He also maintained that his strategy would save the Union from defeat and surprisingly be a potential blessing to the South as well by saving them from destruction and annihilation. "It is hard on our men held in Southern prisons not to exchange them, but it is humanity to those left in the ranks to fight out battles. Every man we hold, when released on parole or otherwise, becomes an active soldier against us at once either directly or indirectly. If we commence a system of exchange which liberates all prisoners taken, we will have to fight on until the whole South is exterminated. If we hold those caught they amount to no more than dead men. At this particular time to release all rebel prisoners North would insure Sherman’s defeat [in the Western Theater of operations] and would compromise our safety here [in the Eastern Theater]."\textsuperscript{122}

The head of all Union armies also stated that in prisoner exchanges, the Union did not receive men fit for duty, while the South got able-bodied men who went immediately into the Confederate army. According to federal practice, these troopers returned from captivity were given a furlough of three months to recuperate at home, but Grant stated

\textsuperscript{119} Ibid., 592-3.
\textsuperscript{120} Grant to Butler April 14, 1864 in \textit{OR} Series 2, vol. 7: 50.
\textsuperscript{121} Grant to Seward Aug. 19, 1864 in \textit{OR} Series 2, vol. 7: 614.
\textsuperscript{122} Grant to Butler Aug. 18, 1864 in \textit{OR} Series 2, vol. 7: 606-7.
that few of these men actually returned to the ranks.\textsuperscript{123} He expressed a similar opinion when writing to William H. Seward. “Exchanges simply re-enforce the enemy at once, whilst we do not get the benefit of those received for two or three months and lose the majority entirely.”\textsuperscript{124}

General Grant’s claims need to be carefully examined. Within the same conversation with Butler, the commander of Union armies addressed the issue of exchanging wounded and sick men. He then stated that such exchanges would bring men who were physically sound to the Confederacy and disabled men to the Union. If Grant maintained that the wounded can be treated differently, then it stands to reason that he could make sure that only healthy troopers be exchanged for fit soldiers or only physically impaired men be exchanged for unfit troops. Also, as commander of all Union armies, Grant was in a position to alter any federal practice. He could have demanded only physically fit Union men be exchanged, and he could have changed policy to place these men directly back in combat units.

The Union general’s arguments only have merit if he believed that the Confederate soldiers were superior, man for man, to Union troops because prisoner exchange would have brought an equal number of men to the federal army. Besides, the Confederate soldiers in Union prisons were usually in a deplorable physical condition, and many could not hope to join again in military campaigns until after a lengthy period of recuperation often at their homes. By 1864 the Union was occupying many areas of the Confederacy, and many released prisoners would actually return to their homes behind federal lines. These men would be out of reach of the Confederate authorities, and little could be done to compel these men to return to their units. Clearly, many of them would have elected to stay home rather than risk their lives for a cause that was clearly failing by the fall of 1864.

No doubt, Grant planned to use his numerical superiority to the greatest advantage against Lee’s army in the upcoming Overland Campaign which took place in May and June 1864, and the Union general wanted the Confederates to receive no significant increase in strength. Specifically, Grant stated that the Union held twenty-six thousand Southern prisoners, “And if they were exchanged it would give

\textsuperscript{123} Butler, 592-3.
\textsuperscript{124} Grant to Stanton Aug. 21, 1864 in \textit{OR} Series 2, vol. 7: 662.
the Confederates a corps, larger than any in Lee’s army, of disciplined veterans better able to stand the hardships of a campaign and more capable than any other.”

But Grant’s numbers were misleading. The Union did have roughly 26,000 Confederate prisoners early in 1864, but the South only held about 13,000 Federal prisoners. This meant that a man-for-man exchange would bring only 13,000 men to each side, and that an equal number of Confederate prisoners would still be held by the North, their fate to be decided at some future date.

General Grant was quite correct in this numerical assessment of how the increase in troops in the Confederate army could alter the balance of the size of armies, but he likely exaggerated the overall impact of this alteration. At that point in the war, the Army of Northern Virginia under the command of Robert E. Lee had approximately 64,000 men. These soldiers were divided into various units including three infantry corps which included roughly 10,000 in the First Corps, 17,000 in the Second Corps, and 22,000 in the Third Corps. An increase of 13,000 men to Lee’s army clearly equaled adding another small infantry corps to the Confederate army, but it would not be a large corps as Grant had feared. The Army of the Potomac numbered about 117,000 men at that time, and an increase of 13,000 men would have also given the Union the equivalent of an additional corps.

Additionally, Grant’s supposition that the increase in numbers in the Confederate army potentially hurt the relative strength of the Union army is also exaggerated. If Grant insisted that only healthy men be exchanged, which he clearly could have done, he then would have also received 13,000 able men. While a man-for-man exchange apparently would have benefitted both sides equally because the numbers of men would have been the same, the relative size of the armies would have changed under this agreement. Adding 13,000 men to each side meant that the total strength of the Confederate army would have increased to 77,000 men and the federal to 130,000. Before such an exchange,

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125 Butler, 593.
127 The numbers reported vary, but reliable figures are found in James Longstreet, *From Manassas to Appomattox: Memoirs of the Civil War in America*, 2nd ed. Revised (Philadelphia: Lippincott, 1908), 552-3.
128 Ibid., 553.
the Southern army was 54.7% the size of the Union army, and after the exchange the Confederate forces would have been 59.2% as large as their federal counterpart. This was a relative increase of only 4.5%. Since Grant failed to defeat Lee’s army in the Overland Campaign in May and June of 1864 even though his adversaries were little more than one half the strength of the Union forces, any change of the ratio in favor of the Confederacy could have made victory less likely, but the impact of such a small change in ratio could also have been largely insignificant.

Another important issue was the question of whether the Confederates could have properly supported the additional manpower in their ranks. The South had great difficulties in supplying Lee’s army under the best of circumstances, and the troopers often lacked such articles as clothing and shoes to the point where they were often forced to rob dead soldiers on the battlefield for the needed equipment. Also, the Confederacy had difficulty in feeding its men throughout the war, a problem that was only enhanced in the later stages of the conflict in 1864 and 1865. As the historian, Gerald F. Linderman, has observed, “Several analysts have concluded that too many Southerners became soldiers, to the detriment of the Confederacy’s ability to sustain its armies in the field.” The addition of many more men could have presented an insurmountable problem in supplying them properly. If this was the case, the effectiveness of a large number of troops returned in an exchange to Lee’s army could have been severely compromised.

**Relative Combat Efficiency and Prisoner Exchange**

The relative worth of the Confederate and Union soldiers exchanged would have also had an impact on the ability of both sides while on campaigns. Grant believed that the southern troops would have a larger impact that their numbers would seem to indicate because he had an inflated assessment of these men’s fighting ability. He stated that these troopers were “disciplined veterans better able to stand the hardships of a campaign and more capable than any other” soldiers.

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130 Butler, 593.
The veracity of Grant's supposition on the superior quality of Confederate troops remains highly uncertain. The question has been subject to debate, and northern soldiers have even given the nod to their adversaries in both marksmanship and tactics. For example, after the Union victory at the Battle of Cedar Creek on October 19, 1864, a federal officer, John William De Forest stated, "As I have said before, they [the Confederates] were obviously the best shots, and their open-order style of fighting was an economical one. Moreover, when they retreated, they went in a swarm and at full speed, thus presenting a poor mark for musketry. We, on the contrary, sought to retire in regular order, and suffered heavily for it."131

On the other hand, experts on the war have rated the fighting ability of the opposing troopers as about equal. In the conclusion to his classic studies entitled the Life of Billy Reb and the Life of Billy Yank, the eminent Civil War historian, Bell Irvin Wiley, maintained,

“on the basis of the whole war record it cannot be said that the common soldier of one side was any better or any worse fighter than the one who opposed him.”

Other attempts have been made to address the relative effectiveness or the “fighting value” or “efficiency” of combat forces of the belligerent armies during the Civil War. Professors Herman Hattaway and Archer Jones have even rated the relative performance of Confederate and Union combat troops based on a mathematical model of their success in inflicting casualties on the other side. These historians conclude that “the fighting value of Confederate armies far exceeded that of the Union,” but their reasoning for this opinion did not rest with the superior fighting ability of the southern soldier. “The most likely explanation is not that one Reb could beat ten Yanks but that the Union system of forming new regiments did great harm to combat efficiency as did their practice of discharging veterans whose terms of service had expired.”

Hattaway and Jones have presented perhaps the most important argument on the relative effectiveness of combat units on both sides during the Civil War. The South simply used a superior method of conscription and retention of combat troops relative to the inferior system used by the North. Many Confederate units were formed in the spring and summer of 1861, and the troopers were enlisted for one year. Before these soldiers served out their terms of service, the Confederate Congress extended the time of their enlistment for an additional three years or until the end of the war. The southern government also instituted the draft in April 1862 to force additional men into service. According to these new terms of recruitment, the men who joined could choose into which units they were placed, but all men went into existing organized bodies of soldiers. This policy had the effect of keeping up the fighting strength of veteran units because the new recruits learned their craft very rapidly from their fellow soldiers. Also, the Confederate practice

of placing new recruits into existing units paid big dividends in the size and continued combat effectiveness of its forces.

A good example of keeping units up to strength was the famous Stonewall Brigade. Organized as Virginia's First Brigade in April 1861, the unit soon won fame at the First Battle of Bull Run (Manassas) on July 21, 1861, when it held off repeated attacks by Union forces. It was commonly called the Stonewall Brigade afterwards. The force initially numbered 2,600 men, but it suffered many losses due to illness, desertion, and casualties from heavy campaigning in its first year of its existence. Yet when new recruits came to the unit after the draft law of April 1862, the brigade swelled to 3,681 men by the end of the month, and this was the largest size it ever reached. Presumably, it also attained its greatest battle effectiveness at the same time.

The contrast between the continued combat effectiveness of Confederate units and diminishing abilities of Union forces was a major factor relating to the abilities of the competing armies. The historian, Gerald F. Linderman, has stated succinctly, "Northern states funneled new men into the war by forming new units." He pointed out that this was the case in almost every Union state except one. "Wisconsin alone strove to keep its original regiments filled."136

The federal government recruited troops largely by appealing to the various states still in the Union to create combat units. Once formed, these new forces had the usual learning curve before they attained their peak performance. Almost at the same time such factors as desertion, illness, and casualties ate into the size of these units, and their numbers and combat effectiveness began to decline. After even a few campaigns, the ability of these military compliments often started to deteriorate. Frequently, these units became a mere shadow of their former selves and were much less useful against the enemy later in the war.

The medical historian, Paul E. Steiner, has presented estimates on how rapidly Union units would degrade during the war. The "half-life" of a regiment, by which its numbers declined to one half of its initial strength, "Depended somewhat on its location and combat experience, but even without action it was only about a year. Unless recruits were added, regiments tended to disappear by being discontinued or

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135 James I. Robertson, Jr., The Stonewall Brigade (Baton Rouge: Louisiana State University Press, 1963), 82.
136 Linderman, Embattled Courage, 224.
consolidated after about three years."\footnote{137} Bruce Catton presented more negative estimates of the decline in unit strength in the conflict. "The Civil War regiment had a paper [original] strength of one thousand men; the regiment that could bring as many as five hundred to the field, was very lucky, and the average strength of a veteran regiment would usually be between two and three hundred."\footnote{138}

The Union soldier, Frank Wilkeson, presented an even more negative appraisal of the decline in manpower during the war. By the "Winter of 1863-64 . . . The ranks of the original volunteers, the men who sprang to arms at the tap of the northern war-drum, had been shot to pieces. Entire platoons had disappeared. Regiments that had entered the great camps of instruction formed around Washington in 1861-62 a thousand men strong, had melted before the heat of Confederate battle-fire till they numbered three hundred, two hundred, and as low as one hundred and fifty men."\footnote{139}

The history of the Union's famous Irish Brigade demonstrates this point. This force was formally organized on September 4, 1861, and it initially numbered over 3,600 men. After winning great praise for its performance in such actions as the Seven Day's Battles from June 25 to July 1, 1862, the Battle of Antietam (Sharpsburg) on September 17, 1862, and the Battle of Fredericksburg on December 13, 1862, the numbers of men fell dramatically. The federal government refused to recruit more men into the unit, and by the end of December 1862, the organization only mustered five hundred men. In little more than fifteen months, one of the most-respected brigades in the Union army had dramatically declined in numbers and effectiveness. It was then no larger than an undermanned regiment. After the Battle of Gettysburg July 1-3, 1863, it had only three hundred men remaining, and its numbers continued to decline for the remainder of the war.\footnote{140}

The highly-respected Second Corps of the Union army was another example of an impressive unit that was "fought out and used

\footnote{137} Paul E. Steiner, \textit{Disease in the Civil War: Natural Biological Warfare in 1861-1865} (Springfield, Ill.: Thomas, 1968), 8.
\footnote{138} Bruce Catton, \textit{American Goes to War} (Middletown, CT: Wesleyan U., 1958), 63.
\footnote{139} Wilkeson, 30.
\footnote{140} Daniel M. Callaghan, \textit{Thomas Francis Meagher and the Irish Brigade in the Civil War} (Jefferson, North Carolina: McFarland, 2006), 132, 145, and 162. See also, Phillip Thomas Tucker, "God Help the Irish!" \textit{The History of the Irish Brigade} (Abiline, Texas: McWhiney, 2007), 41, 127, 151, and 168-9,
up.” This “most famous corps in the army” had taken the Bloody Lane at the Battle of Antietam in 1862, had suffered over four thousand casualties at the Battle of Fredericksburg in 1862 while maintaining its combat efficiency, had repulsed Picket’s Charge at the Battle of Gettysburg in 1863, and had stormed the Bloody Angle at the Battle of Spotsylvania in May 1864. Yet after those achievements, the corps proved to be largely ineffective.

At the Battle of Jerusalem Plank Road in June 21-23, 1864, the Second Corps’s performance was shameful when it went into combat on June 22. A report from the “Second Army Corps” shortly after the battle described the poor conduct of the unit. “The abandonment of the line by brigades and regiments without orders and without firing a shot, and the surrender to the enemy of entire regiments by their commanders without resistance was disgraceful and admits of no defense.” The man who wrote the report, Francis A. Walker, later became the historian for the Second Corps, and he was equally critical of its conduct at Jerusalem Plank Road many years later. “The Second Corps had been defeated almost without being engaged. There had been very little fighting, and comparatively small loss, except in prisoners.” In this brief engagement, the corps had lost 1,700 men as captives to the enemy. That was “more than it had [lost as prisoners] at Antietam, Fredericksburg, and Chancellorsville combined.”

The problems with recruitment and terms of enlistment plagued the Lincoln administration from the beginning of the war. The Union initially recruited men to serve for ninety days in the spring of 1861. This time of service was absurdly impractical because men in the ranks for such a brief period of time could attain little effectiveness, and much of the army would dissolve in three months. The ninety-day recruits proved to be ineffectual as demonstrated by their poor performance at the First Battle of Bull Run (Manassas) on July 21, 1861. The Union commander in the battle, Irvin McDowell, lamented the shameful conduct of his men at the end of the engagement as his

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141 Catton, A Stillness At Appomattox, 212.
143 Francis A. Walker, History of the Second Army Corps in the Army of the Potomac (New York: Charles Scribner, 1886), 545-6.
army literally fell apart. “The retreat [of federal forces] soon became a rout, and this soon degenerated still further into a panic.”

The federal government changed the terms of enlistment and then recruited men to serve for three years. However, the Union never fully resolved the issue of short enlistment periods, and many men were recruited for various lengths of service throughout the war. From time to time enlistments were for 3 years, 9 months, 6 months or 1, 2, or 3 years. Even in April 1864 late in the war, men were recruited for only 100 days.

These various lengths of service meant that many Union troops were often lacking in training and experience, and able soldiers and effective units were being mustered out of service at various times throughout the war. A good example is the 2nd Vermont Brigade comprised of the 12th, 13th, 14th, 15th, and 16th Vermont infantry regiments, which was organized on October 27, 1862 to serve for nine months. These men were largely involved in garrison duty until they participated in the Battle of Gettysburg.

In one of the most significant engagements of the war, these troopers faced the might of Picket’s Charge on July 3, 1863. These units, most notably the 13th and 16th regiments, distinguished themselves by disrupting the flank of the attacking columns and weakened the Confederate advance. Of the 4,834 men who served in the brigade, only 68 had been killed in battle, and two regiments, the 12th and 15th, had suffered no combat fatalities at all. Most men were lost to death by disease or to early discharges due to disability, and the total losses for all reasons were approximately 700. This meant that 4,134 men were still present and available for duty after nine months of service. The 2nd Vermont Brigade was almost completely intact and had shown itself to be one of the most effective fighting units in the Union Army, but it was disbanded between July 14 and August 10, 1863 and made no further contribution to the war effort.

The Union method of recruitment has also been criticized for bringing unsuitable men into the service. When the United States Congress passed the Enrollment Act in March 1863, the federal draft was created. Under the strictures of the law, men could avoid conscription if they could claim various exemptions. They could also pay a substitute to take their place, or they could pay an exemption fee of $300 to avoid service entirely. Depending on where a man joined, he could receive cash payments or bounties from local, state, and federal agencies. These bonuses could amount to more than $1000, a huge sum at the time, and some potential recruits expanded their payments by illegal means. These "bounty men" would often join from one area, desert, and then enlist somewhere else under an assumed name, thus increasing the amount of money they received and without any service in the army. One bounty jumper who was about to be executed by firing squad confessed "to being a professional bounty-jumper, worth at the moment near twenty thousand dollars, the proceeds of his work in jumping sixteen bounties." 

The eminent Civil War historian, Bruce Catton, has severely criticized this system of bringing men into the military. Most of the "men who had joined up only because they got a great deal of money for doing it, and in the great majority of cases these men were worse than useless." He added further, "in camp they were valueless, and early in 1864 the army command stipulated that no bounty men could be used on picket or outpost duty" obviously for fear that these men would use these relatively isolated locations as an opportunity to slip away. These men had to be watched. "The mere business of guarding them to see that they did not desert or plunder their honest comrades took time and effort that should have been used in other ways." Catton also maintained that, "In battle they were a positive handicap. Under no circumstances could they be induced to fight."

149 The official report from the Provost-Martial-General's Office on recruitment in the war dated March 17, 1866 is found in the OR Series 3, vol. 5: 599-932.
150 Respected studies on the Union draft include: James W. Geary, We Need Men: the Union Draft in the Civil War (Dekalb: Northern Illinois U., 1991) and Eugene C. Murdock, One Million Men: The Civil War Draft in the North (Madison: Hist. Soc. of Wisconsin, 1971).
152 Catton, A Stillness at Appomattox, 25.
The Union soldier, Frank Wilkeson, had an equally negative assessment of these men who only joined to collect the bounty. “With large bounties came a different class of recruits, the bounty jumpers. These men had to be heartlessly moulded into soldiers.” Additionally, “It is also true that no earthly power could change the character of their hearts; and they were essentially cowardly.” They were also discipline problems. “The bounty-jumpers would cheerfully engage in savage rows; they would fight fiercely with their fists, but they could not and did not stand battle-fire stanchly.”

The men who were enlisted for three years starting in 1861 were scheduled to be released from duty in 1864, and the Union had to find a way to keep these troopers in uniform. The Confederates passed laws to keep their men in the service, but the federal government gave their soldiers the option of going home or reenlisting. Retaining these experienced veterans was key in maintaining combat efficiency in the Union army. Bruce Catton states, perhaps with some exaggeration, that if these troopers left the service, the men who replaced them would be inadequate to their tasks because “conscripts and bounty men could not make Robert E. Lee’s incomparable soldiers even pause to take a deep breath.”

Restricted by its own policy of not bringing new men into established units, the federal government simply had to get these troops to reenlist, and the men were offered bounties as incentives to sign up again. These state and federal bounties added up to about $700. Additionally, the men were given recruiting speeches which appealed to their patriotism and willingness to see the war through to its end. There always seemed to be plenty of whisky available for the men at these rallies. However, the most effective inducement to reenlist was the offer of a thirty-day furlough. Many men, who had not seen their homes in more than two years, were pleased to accept this respite from the tedium of military service.

This thirty or thirty-five days’ furlough was an important inducement to get the men to reenlist. The terms of their service would be over in the summer of 1864, but the men were usually offered furloughs six months in advance of that date. Many soldiers, who had

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153 Wilkeson, 31.
154 Catton, A Stillness at Appomattox, 33.
155 Ibid., 34-5.
learned to survive one day at a time rather than be concerned about the distant future, found the furloughs too tempting to resist.

Captain Brewer Smith of the Sherman Brigade (named for United States Senator John Sherman of Ohio) expressed how many men welcomed the leave time. "The boys made up their minds to take three years more of hell for the sake of thirty days of heaven—home [italics in the original]." But the bitter reality of continued military service hit these men when they returned to their units. One Union soldier, George W. Bicknell, commented on the disposition of the men when they returned from the furlough. "There was sorrow on many a poor fellow's face as he reflected that he had rebound himself and that possibly he had seen his home for the last time. The entire camp seemed gloomy for days after the reënlisted had returned."  

General Sherman thought that inducing the veteran troops to enrol again in the army was a very good idea, but he criticized the timing of this effort because it inhibited his abilities at a crucial juncture in the Meridian Campaign of February 1864. "About this time we were much embarrassed by a general order of the war Department, promising a thirty-days furlough to all soldiers who would "veteranize"—viz., reënlist for the rest of the war." He thought "this was a judicious and wise measure, because it doubtless secured the serviced of a very large portion of the men who had almost completed a three-year enlistment, and were therefore veteran soldiers in feeling and habit." Nevertheless, "to furlough so many of our men at that instant of time was like disbanding an army in the very midst of battle." Fortunately for Sherman, he was able to continue with his campaign despite the men who were then on leave.

As already argued, General Grant stated in August of 1864 that "If we commence a system of exchange which liberates all prisoners taken, we will have to fight on until the whole South is exterminated." The commander of all Union armies was unclear in what he meant by the idea of the "whole South is [will be] exterminated." He could

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159 Grant to Butler Aug. 18, 1864 in *OR* Series 2, vol. 7: 606-7.
have meant the eradication of all the Confederate armies, the complete physical destruction of the South, or both. Of course, Grant, as commander of all Union forces in 1864 and 1865, had much to say about the conduct of the federal forces late in the war, and he chose to wage destructive campaigns that targeted the property and possessions of southern civilians. The effectiveness of this policy was overrated, including General Sherman’s burning of Atlanta and the subsequent wastage of much of Georgia. The Confederate army facing Sherman had withdrawn weeks before, and the destruction of Georgia gave the Union no military advantages. Rather, it was an example of unnecessary brutality, and the federal policy of destruction, clearly supported and fostered by Grant, was not forced on him by military necessity. It was his choice, and he could have decided upon other policies.  

Grant’s belief that prisoner exchanges helped the South more than the North overlooked a number of issues, including the problems of recruiting soldiers and Union morale. Many people in the North wrote to Lincoln begging him to send relief to the prisoners or to exchange them. General Sherman wrote that he received many requests to free captives, “I get one hundred letters a day almost asking me to effect the exchange or release of these Prisoners.” Men who risked their lives in battle wanted their government to do everything possible for them if they were captured, and many of the soldiers and their families felt betrayed by the refusal to exchange them. Some of these directed their anger at President Lincoln. William Keys, a Union captive at Andersonville, wrote in August 1864, “Father Abraham [Lincoln] I wish you had my ration of wood to boil coffee for your family, I think you would soon bring on an exchange.” Another soldier at the prison stated, “If the government don’t get us out they may go to the Devil with Abraham Lincoln.”

On July 20, 1864, the prisoners at Andersonville wrote a petition to their government requesting their exchange. Wirz released a six-man commission of Union soldiers led by Edward Wellington

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160 For more on the destruction of the war in Georgia see Stephen Davis, What the Yankees did to us: Sherman’s Bombardment and Wrecking of Atlanta (Macon, Ga: Mercer U., 2012) and Burke Davis, Sherman’s March (New York: Random, 1980).

161 Hesselteine, Civil War Prisons, 226.

162 William T. Sherman to Ellen Ewing Sherman, Aug. 9, 1864 in Sherman, Selected Correspondence of the Civil War (Chapel Hill: U of North Carolina), 685.

163 As cited in Marvel, 147-8.
Boate to carry the petition to the North. As Boate recorded, “It distresses me to state that the representatives of thirty-eight thousand Union prisoners were treated with silent contempt, the President [Lincoln] declining to see them or have anything to do with them!!” [italics in the original] The Union soldier further stated that the policy not to exchange prisoners was the “quintessence of inhumanity, a disgrace to the Administration that carried it out, and a blot upon the country. . . . You abandoned your brave men in the hour of their cruelest need. They fought for the Union, and you reached no hand out to save the old faithful, loyal, and devoted servants of the country.”

Robert Ould, the Confederate commissioner over prisoner exchange, proposed on January 23, 1864 that each side send their own doctors to oversee the captives held by the enemy and “shall be permitted to take charge of their health and comfort . . . with power to receive and distribute such contributions of money, food and clothing and medicines as may be forwarded for the relief of the prisoners.” This proposal gave the Union the opportunity to care for their own men in Confederate prisons, but the offer was ignored.

General Sherman’s Georgia campaign gave the Union an opportunity to aid or release captives in Confederate prisons. After General George Stoneman’s raid of July 26-31, 1864 failed to release prisoners, Sherman took little further interest in the captives. Even when he marched virtually unopposed across Georgia in November and December 1864 and into South and North Carolina the following

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year, he made no attempt to release or bring aid to the Union prisoners nearby. Late in November of that year, Union cavalry forces under General Hugh Kilpatrick were in Macon, Georgia, which is about sixty miles from Andersonville on modern roads. On its advance to the Little Bighorn in 1876, the 7th Cavalry marched approximately sixty miles in the first forty-eight hours. The federal cavalry in 1864 could have marched that distance in the same amount of time or less to help the captives in the prison, but no such attempt was made.

As the scholar, Robert S. Davis, has observed, “Before the year [1865] ended, the United States government triedWirz for war crimes and hanged him. General Sherman, more responsible than Wirz for prisoners remaining at Andersonville, however, received a hero’s welcome in Washington and a full military review.” Additionally, “He [Sherman] abandoned them [the prisoners] to their terrible fate.” The federal prisoners held in the South had every right to expect their government to come to their aid by any means possible, and the refusal of the North to take advantage of any opportunity to help them was inexcusable.

In September 1864, Confederate officials began to remove the captives at Andersonville to other locations. Finally in February 1865 with the war coming to its end, Grant stated that he would exchange “about 3000 prisoners per week.” In April of that year, Wirz was sending about one thousand men per day to the Union lines, and only a few men remained in captivity in May. The last recorded deaths at Andersonville took place on May 4, 1865. Fearing no legal retribution for his conduct, Wirz remained at his headquarters, but the victorious Union sought revenge for the deaths in the prisons and wanted someone to blame and to punish. General Winder was the logical person to try for crimes, because he had command of Union prisoners in the South, but he had died of natural causes on February 7, 1865, and could not be prosecuted. But Wirz was accessible, and he was arrested on May 7 and brought to trial in Washington, D.C., starting on August 21, 1865.

167 Davis, Ghosts, 161.
168 Grant in OR Series 2, vol. 8:170.
169 Arch Fredric Blakey, General John H. Winder (Gainsville: U of Florida, 1990), 201.
A Prejudiced Court

The trial of Henry Wirz started when the Judge Advocate General of the United States, Joseph Holt, selected a "special military commission" of nine senior army officers, including seven generals and two colonels to oversee the court proceedings and pass judgment on the guilt or innocence of the defendant. Colonel Norton P. Chipman was the prosecuting attorney or "judge advocate" of the proceedings. Many of the nine officers on the commission had personal grievances against the Confederacy. Eight of them had served in battle during the Civil War. Three of these men had been wounded in that conflict, and one of these, Francis Fessenden, lost his right leg to damage received in battle. Another member of the commission, John White Geary, lost his son, Edward, in combat with the Confederacy. Fessenden was also awaiting a promotion from the rank of brigadier general to that of a major general during the trial. His father, William Pitt Fessenden, wrote to his son that the promotion would be granted at the end of the legal proceedings. The older man was correct, and Francis was advanced to that rank nine days after Wirz's execution. Clearly, the younger Fessenden knew that his advancement in rank depended at least partially on how well he performed in the trial.170

Only three members of the tribunal had been lawyers before the war, so most of the men on the commission had no formal legal training. Only one, General Lew Wallace, the famous author of *Ben Hur: A Tale of the Christ*, had served on a military commission before.171 Wallace was the president of the commission to try Wirz, and he probably hated the Swiss long before the trial began. The general's prejudice against the defendant was made evident the first time Wallace laid eyes on the

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him. The president of the tribunal described the Wirz as having an evil demeanor like a depraved animal. In a letter to his wife on August 21, 1865, the general wrote that Wirz had “eyes large... very restless, and a peculiar transparency... reminding you of a cat’s... excited by the scent of prey; in the manner he is nervous and fully alarmed, avoids your gaze, and withers under the knit-brows of the crowd. His complexion is ashen, bloodless, almost blue, altogether he is well-chosen for his awful duty!” 172 Wallace probably meant that Wirz’s “duty,” was to kill Union prisoners, and the president of the commission would do nothing to favor of the Swiss during the trial.

This military tribunal, staffed with prejudiced officers and having been established to try a man for crimes against soldiers in the U.S. Army, could hardly be considered impartial. Rather, these men could be expected to have vested personal and profession interests in finding Wirz guilty in a spirit of revenge, self promotion, and to vindicate federal military policies. 173

General Wallace had recently been in a similar position in which he could influence the outcome of an important trial when he served on the commission to try those accused of involvement in the conspiracy to assassinate President Lincoln and other high government officials. In fact, Wallace probably owed his appointment as the head of the tribunal to try Wirz to the general’s conduct at the trial of the charged conspirators in Lincoln’s murder. The defendants at the trial

172 Lew Wallace to Susan Wallace Aug. 21, 1865 a cited in Koerting, 152.

of Lincoln's assassins included Mary Surratt, who was charged with cooperating in the planning of the murders. The case against Surratt was largely circumstantial. The conspirators had met in her boarding house in Washington, D.C., where they hatched their plot, and one of her sons, John Surratt Jr., was involved in the plans of assassination. Mary might have been guilty of nothing more than holding Southern sympathies and being in the wrong place at the wrong time. Clearly, she was not involved in any action against any government leader, but she was found guilty of conspiracy and treason. As a result of the trial, four men were given prison sentences. One died in 1867, and the others were pardoned by President Andrew Johnson in 1869. On July 7, 1865, Mary Surratt was hanged with three other defendants.  

Women were rarely executed in the United States at that time out of deference to their gender, and Surratt's death was the first case of capital punishment meted out on a woman by the federal government. The fact that she was Catholic likely worked against her, and she garnished less sympathy than would have been the case otherwise because many Americans feared her much-maligned religion. The questionable case against Surratt, in which Wallace concurred with the guilty verdict, showed that the general would have few qualms about condemning Wirz in another trial also on the basis of largely debatable evidence. Wallace never expressed regret for those trials, and he maintained the justice of the verdicts his entire life.  

174 For more on the Surratt controversy see, Elizabeth Stegler Trindal, Mary Surratt: an American Tragedy (Gretna, La.: Pelican, 1996) and Kate Clifford Larson, The Assassin's Accomplice: Mary Surratt and the Plot to Kill Abraham Lincoln (New York: Perseus, 2008).

175 For more on Surratt and Catholicism see, Kenneth Zanaca, The Catholics and Mrs. Mary Surratt (Lanham, Md.: U. Press of America, 2008).

After reviewing the evidence of the trials of Surratt and Wirz, S. W. Ashe commented, "In the fall of 1865, . . . there took place in Washington City two judicial murders, which will ever stain the annals of the conquering States—that of Mrs. Surratt, hung for complicity in the assassination of Lincoln, and that of Henry Wirz, also done to death, after a mockery of a trial, for alleged ill treatment of prisoners under his care at Andersonville."  

The issue of religion again hurt Henry Wirz, also a Catholic, when his trial began a little more than a month after Surratt's execution. The United States was mostly a nation of Protestant churches at that time, and these religions had a natural antipathy against Catholicism because they justified breaking away from that faith during the Protestant Reformation due to its supposed evils. This prejudice was enhanced when many poor Catholic immigrants from Germany and Ireland came to the United States during the 1840s and 1850s, often raising crime rates and competing with native-born Americans for jobs. The movement against these immigrants was so strong that Millard Fillmore, the candidate from the anti-foreigner and anti-Catholic American Party, gained over twenty-one percent of the popular vote in the 1856 presidential election.  

The fact that Henry Wirz was a Catholic and an immigrant with a German accent made him a much more likely target of prejudice. The Union press had reported so many sufferings of soldiers at the Andersonville and other prisons during the Civil War, which clearly enraged public opinion, that a fair trial for Wirz was nearly impossible anywhere in the North, and the court showed little pretense of impartiality. The court was a military commission, meaning the proceedings were on questionable constitutional grounds because civilian courts were in operation at the time, and military courts were unnecessary. The United States Constitution also states, "The trial of all crimes . . . shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed," meaning that the proceedings had to be a jury trial and had to take place in Georgia. (Article 3, Sec. 2, para. 3) The Fifth Amendment adds that the trial of a "capital" or "infamous

177 Ashe, Trial and Death of Henry Wirz, [5].
crime” is illegal “unless on a presentment or indictment of a Grand Jury.” No such jury met.

The Trial of Henry Wirz Begins

The trial started in a curious fashion on August 21, 1865. The prosecution began the case by reading the charges, and Wirz pled not guilty. When the court reassembled the following day, the judge advocate, Norton Chipman, received a package from the United States Secretary of War, Edwin M. Stanton, under whose authority all military trials took place. Stanton ordered the court to be dissolved, and Chipman was commanded to report immediately to the War Department. As Chipman later stated, Secretary Stanton was soon in a “towering rage at the coupling of [Jefferson] Davis’ name and that of General Lee and other high rebel functionaries with this awful crime.” As a result, “I was ordered to prepare new charges leaving out the name of Davis, Lee, [James] Seddon [Confederate States Secretary of War], and others in the Davis’ Cabinet and proceed only against Wirz.”

The judge advocate was miffed by Stanton’s insistence on excluding the higher officials. Chipman admitted that convicting “Wirz, which was of comparatively small consequence and the work only of a few days” would accomplish little in bringing the most important leaders of the Confederacy to trial. Stanton and Chipman reached a compromise by including lesser men in the indictment who were more closely associated with the operations of the prison. These two government officials also agreed to include the terms “other’s unknown” in the charges and with “that form of pleading submit all the evidence touching upon the alleged conspiracy” to kill Union soldiers.

While Wirz was the man in court to be tried for his life, the reading of the “charges and specifications” in the proceedings included a number of other persons. The first charge stated that the Swiss was guilty of “combining, confederating, and conspiring together with John H. Winder, Richard B. Winder, Joseph [Isaiah H.] White, W. S. Winder, R. R. Stevenson, and others unknown to injure the health and destroy the lives of soldiers in the military service of the United States, then

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180 Ibid., 17.
being held and being prisoners of war.” The specifications of the charge were a long list of supposed crimes stating that Wirz had conspired with Confederate officials to kill Union prisoners, “by subjecting [them] to torture and great suffering, by confining in unhealthy and unwholesome quarters . . . by compelling the use of impure water and by furnishing insufficient and unwholesome food.” As a result “many of them, to wit, the number of ten thousand, whose names are unknown, sickened and died by reason thereof, which he, the said Henry Wirz, then and there well knew and intended.”\(^{181}\)

In a trial noted for exaggerations, it was surprising that the “number of ten thousand” men who died at Andersonville was given because it was too low an estimate. Also, the names of the men who died at the prison were known because the Confederate officials kept extensive records, but these inaccuracies had little bearing on the nature of the charges. The criminal aspect of these specifications was the contention that these unhealthy conditions, and the resulting high mortality rates at Andersonville, were deliberately established with malicious intent to do harm and could have been easily prevented or remedied.

The specifications included a number of other estimates, including that the guards had followed orders “maliciously and needlessly given by said Wirz, that said prison-guard did fire upon and kill a large number of said prisoners, to wit the number of about three hundred.” This total was severely exaggerated. No doubt men were killed by guards, but the tally of victims was much smaller. The Confederate jailers recorded the name, unit, and cause of death for 12,367 Union soldiers who died at Andersonville, and these materials were published shortly after the war. An examination of this tally has revealed that only two men were listed as dying after they were “shot by the guard.” These men were H. Lohmeyer from Ohio “died Nov. 30 [1864]” and S. Connor from Pennsylvania “died Jan 1, ‘65.”\(^{182}\)

Curiously, John H. Winder had died in February 1865, and implicating him in the accusation made no sense legally. He could not testify, and he could not explain his actions, justify his policies, or provide an adequate defense. However, such a condemnation could

\(^{181}\) The Trial of Henry Wirz, 3-5.
\(^{182}\) A List of Union Soldiers Buried at Andersonville (New York: Tribune, 1866), 47, 52.
help influence public opinion that the supposed crimes against prisoners of war by the Confederacy was part of some kind of wide-spread conspiracy. John H. Winder’s son, Richard Bayly Winder, was in federal custody during Wirz’s trial. In fact, the younger Winder was being held in the Old Capitol Prison in Washington, D.C., as was the Swiss, and the two were in adjoining rooms. If both these men were guilty of the crime neglecting inmates at Andersonville, they could have been tried together, but this was not done. Joseph White and R. R. Stevenson were physicians at Andersonville, and they also were not tried with Wirz. The accusation against “others unknown” was very vague. Clearly, the prosecution was attempting to place suspicion on any number of possible suspects that could include many Confederate officials in some kind of vast conspiracy to kill Union prisoners of war. In fact, these charged offenses were so broad that virtually no one could be definitely excluded as accomplices in the crimes.

The second charge in the indictment included thirteen specific accusations of “Murder, in violation of the laws and customs of war,” for which Wirz was personally responsible. Supposedly, he had either murdered these men himself or had given direct orders to others to have them killed. In his “statement,” which was his personal defense at the end to the trial, Wirz gave an adequate summation of the murder charges against him that included: “No less than thirteen distinct crimes” of murder. “Three by shooting with my own hand [specifications 1, 3, and 4], one by jumping and stamping upon a prisoner [specification 2], three by torturing prisoners in stocks and chain-gang [specifications 5, 6, and 7], four by ordering sentries to fire upon prisoners [specification 8, 9, 10, and 12], one by having a soldier torn to pieces [specification 11], and one by beating a soldier with a revolver [specification 13].”

In every case, the name of each victim was “unknown,” but the approximate dates of some of the incidents were given. The four accusations of Wirz ordering men to shoot captives are examples of how the charges read. In the four charges, Wirz was accused of ordering Confederate soldiers to shoot prisoners. In each case, the wording was almost identical. The Swiss “feloniously and of his malice of aforethought did order a rebel soldier, whose name is unknown, then

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183 *The Trial of Henry Wirz*, 5-8.
184 Ibid., 710.
on duty as a sentinel or guard to the prison of which said Wirz was commandant as aforesaid, to fire upon a soldier belonging to the army of the United States, . . . whose name is unknown, and in pursuance of said order so as aforesaid and murderously given as aforesaid, he, rebel soldier, did . . . fire at the said soldier . . . inflicting upon him a mortal wound . . . of which he, the said prisoner, soon thereafter, to wit, on the day aforesaid, died."185

185 Ibid., 7-8.
Such a vague phraseology and imprecise accusations clearly give the impression that these charges were based on questionable or unreliable evidence. As the defense would argue later in the trial, some of the supposed crimes took place when Wirz was away from the prison, and one crime involved a violent assault which the ailing Swiss was certainly physically incapable of administering. 186

After the reading of the second indictment, Wirz’s lawyers, James Hughes and Charles W. Peck, requested a “postponement of the case in order to enable the accused to prepare for his defense.” The request seemed reasonable because the second indictment presented accusations that had been altered from the first indictment, and the attorneys for the defense said they needed a few more days to prepare their case to address the altered charges. After a deliberation, the court gave them only until the following day, August 24, at noon to enter a plea for their client. When General Wallace called for an adjournment, Hughes, who was visibly irate, stormed out of the courtroom. 187

Perceiving that their defense of the defendant would be hampered by the biased court, Hughes and Peck withdrew from the case. Hughes later wrote to Wirz to explain the reason for abandoning the accused’s defense. The lawyer condemned the proceedings and stated that the court was a sham. He directed much of his criticisms at Chipman for “arbitrary and disgraceful acts of power, without regard to law, justice or fairness.” Hughes further stated that there was an “undignified cooperation” between the judge advocate and Wallace which would make the defense most difficult. 188 The lawyer clearly believed that the prosecution and the trial commission were cooperating with each other to find the defendant guilty.

The withdrawal of Hughes and Peck briefly left Chipman in an awkward position. In a curious aspect of accepted procedure at military trials at the time, the prosecuting officer had to serve as counsel for the defense if the accused was not represented by lawyers. Since no defense attorneys were then serving for Wirz, the judge advocate would have to preside both for the prosecution and for the defense. This potentially cumbersome and embarrassing situation was resolved the following day when Louis Schade and Otis H. Baker came forward to serve as

186 Ibid., 3-8.
defense counsel for the accused. They immediately entered a plea for Wirz stating that he was innocent of all charges.\textsuperscript{189}

The reasons why Schade and Baker decided to serve as Wirz’s attorneys remain unclear. They worked for free, and the two men had little to gain in reputation from defending a much-maligned and unpopular client, especially in the face of a hostile court clearly bent on finding him guilty. Schade was born in Germany, and his name ironically had a number of gloomy meanings including: “what a shame,” “too bad,” and “how sad.” While the two men probably worked together to prepare the defense, Baker handled almost all of the day-to-day activities in court, and Schade spoke rarely during the proceedings, most notably when his colleague was absent the morning of October 3, 1865. At that time, the German just requested that the court wait until his associate returned before it continued.\textsuperscript{190}

The actual work of the trial began on August 24, 1865, after Schade and Baker had been admitted as defense attorneys for Wirz. The two lawyers immediately entered a series of pleas contending that the trial was on insecure legal grounds, and that the defendant should go free. The court also had no legal jurisdiction over the defendant, as Wirz’s lawyers argued, because of the surrender terms of Confederate General Joseph E. Johnston to Union General Sherman on April 26, 1865. This agreement specified that all men under Johnston’s command, including troops in Georgia, “will be permitted to return to their homes not to be disturbed by the United States authorities.” Technically, a pardon had been granted to all these men including Wirz.\textsuperscript{191}

The trial was also on shaky legal grounds because it was run by a military commission, “being a tribunal unauthorized by either statute, military law, martial law, or well-established usage.” Additionally, Wirz was “a naturalized citizen of the United States; that he is not, and never has been, in the land or naval forces of the United States,” and no U.S. military court had jurisdiction over him. Also, the Civil War was over, so a state of war could not be used as an excuse to place military courts over civilians. This meant “that no military jurisdiction or authority incident to a state of war alone can rightfully detain, try, or punish

\textsuperscript{189}Ibid., 103.
\textsuperscript{190}Ibid., 103-9 and The Trial of Henry Wirz, 530-3.
As a common citizen, the defendant had the right to a civilian trial by jury comprised of his peers rather than by a military tribunal which could skirt the normal procedures of jurisprudence, including the rights of the defendant. In addition, the defense maintained that none of the charges amounted to "any offense punishable under the laws of war."  

Another plea from the defense related to the issue of "double jeopardy" or trying a defendant twice for the same crime, which was forbidden in Fifth Amendment to the U.S. Constitution. Schade and Baker maintained that the actual trial had begun on August 21, 1865, when the first set of charges were read and when Wirz had entered his plea of not guilty. The fact that Secretary of War Stanton stopped the trial and ordered the judge advocate, Chipman, to change the nature of the charges, meant that a second trial began on August 23. Therefore, the prosecuting officer had botched his attempt at proving his case against the defendant, and Wirz should go free.

Chipman countered all these arguments stating that the court had legal jurisdiction, the pardon issued by Sherman when the Confederate armies under Johnston had surrendered did not apply to Wirz, and that the false start of the trial on August 21 did not mean that the defendant had already been tried. Then "the court was cleared for deliberation; and when the doors were reopened, the decision of the court was announced, sustaining the motion of the judge advocate."  

**Unreliable Testimony**

At the trial of Henry Wirz, the prosecution, headed by Norton P. Chipman, used the vast financial and legal resources of the federal government to prosecute the case. As judge advocate, Chipman had much power over the court proceedings and how evidence could be presented, and he "controlled who was summoned as witnesses for both the prosecution and the defense." This meant that "Chipman could refuse to let the defense subpoena important ex-Confederates who could testify in Wirz's behalf." Not only could he give the prosecution an unfair advantage in the proceedings, but he could also inhibit Wirz's
lawyers from making an adequate defense. As Dr. Gayla M. Koerting has summarized: “The inability to summon witnesses decisively hindered the defense's performance during the tribunal proceedings.” 195 The first witnesses testified on August 24 and the last on October 24, 1865. In those two months a total of 143 persons gave statements, 109 strictly for the prosecution but only 18 strictly for the defense. Approximately 16 others were either called for the prosecution and later recalled for the defense or the reverse, meaning they had been called for defense and had been recalled for the prosecution. 196

Clearly, the huge volume of the testimony presented against Wirz was meant to give the impression that the case against him was overwhelming, as though the trial could be decided by the weight of attestation alone while obscuring the question of its accuracy. Also, much of the evidence presented in the proceedings was repetitive in nature and often did little more than rehash earlier statements without substantially advancing the case against the defendant.

From the outset, the military tribunal favored the prosecution, a situation that became more apparent as the trial proceeded. When the counsel for the defense, Baker, objected to some aspect of the trial or to the nature of the proceedings, the court overruled him the vast majority of times, while Chipman’s objections were almost always sustained. In an apparent act of generosity, the government paid the traveling, lodging, and food expenses for the witnesses. They were also paid three dollars per day, which was a handsome sum at the time. As a point of comparison, privates in the Union Army during the Civil War were only paid thirteen dollars each month, and this came to only forty-three cents per day. 197 This much remuneration could lead witnesses to believe that they had to earn their pay. As Koerting explains, “This was a considerable amount of money during the time period and could easily persuade many to say something damaging against the former commandant.” 198

Many of the witnesses for the prosecution were unreliable, including Thomas C. Alcoke. This Union soldier testified on August 28, 1865, that he “saw” Wirz shoot a man dead with only the slightest

195 Ibid., 124.
196 The Trial of Henry Wirz, 848-50.
197 Albert A. Nofi, A Civil War Treasury (Conshohocken, PA: Combined, 1992), 381.
provocation. The witness further gave descriptions of the defendant and his weapons. But when he was asked to show the location of the shooting incident on a map of the prison compound, Alcoke admitted that he had impaired eyesight: “I am almost blind and cannot show it to you on the diagram.” He also indicated that he had little idea when the incident took place. “This occurred in February, I think: February [1865] or June [1864] or along in there. I cannot say for certain in what month it was.” He later admitted: “I don’t know what month it was; it was very hot weather, real summer weather.” The “hot” weather indicated that the month could not have been February, but the highly unreliable witness could not be sure.

On the same day, Boston Corbett, already famous for having killed Lincoln’s assassin, John Wilkes Booth, gave vague statements on prisoners being shot in the compound. “I often, very often, heard the report of a musket. I knew by what was said that a man was shot, but I did not see it.” Baker immediately criticized such testimony, and he “objected to the witness stating anything which he did not see.” The witness explained: “It was too dark to see it, but I heard the whistle of the balls, and know that they fired into the stockade without any provocation whatever.” Corbett never explained how he knew what had happened, and he presented no evidence on why the shots were fired. Also, few men could hear the sound of a musket ball fly through the air even at a close distance, and his statements were clearly exaggerations or fabrications.

Baker again “objected to the witness stating anything but what he knew himself.” General Wallace, as president of the court, put the defense counsel in his place and set the policy of allowing hearsay evidence for the remainder of the trial. “The witness may state what he heard among the prisoners at the time these killings took place, what the prisoners said and what the sentinels said, by whose orders the firing was done, etc. The court wants to hear it all.”

The permissive nature of what testimony was allowed meant that many unreliable witnesses who testified at the trial spun questionable evidence out of rumors circulating in the prison. Some of the witnesses clearly perjured themselves and many more severely exaggerated. As

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200 Boston Corbett and Baker in The Trial of Henry Wirz, 73.
the historian, William Marvel, has explained, the trial record "runs heavy with some of the most absurd hearsay that any American judge ever permitted to stand." 202

On the same day that General Wallace stated that hearsay testimony would be accepted in the trial, both attorneys for the defense, Baker and Schade, withdrew from the case. Baker complained that "I do not think that I can be of any assistance to this prisoner by remaining on the case any longer." When he tried to explain further by saying, "I had hoped that with the mass of testimony which I have in his favor . . .," Wallace cut him off and demanded to know if both he and Schade were leaving the case. They affirmed that they were, and the president of the tribunal did not allow them to make any statement. Wallace then observed: "Very well; the judge advocates will take care of rights of the prisoner." Baker and Schade probably hoped to bring more fairness to the trial the only way they could, by resigning in protest, but Wallace refused to change the procedures of the court. The ploy by the two lawyers left Wirz again in the hands of Chipman to defend him, and the prosecuting attorney was clearly bent on his destruction. In desperation, Wirz pleaded with Baker and Schade to return. On the following day, August 29, these two lawyers entered the courtroom with the accused, were readmitted as his counsel, and continued to work for his defense.

Numerous witnesses for the prosecution stated that they heard the Confederate guards claim that they got furloughs for thirty days when they shot a Union prisoner. The charge was serious, but no official document was found in the prison to support this accusation, and it might have been a complete fabrication. 203 Also, none of the Confederate soldiers who testified at the trial confirmed that there was a policy of giving furloughs to troopers for shooting inmates at the prison.

At least twenty witnesses stated in court that Confederate soldiers, including the Swiss commander, robbed them of their "private possessions" when they entered the Andersonville stockade. 204 No doubt, the implication was that these captives had the means of buying needed articles from the guards or local citizens, including food, tools, clothing, and medicines, and the lack of funds contributed to their misery. One

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202 Marvel, [ix]-x.
203 Koerting, 145-6.
Henry Wirz and the Tragedy of Andersonville

...witness, Thomas C. Alcoke, gave the exact amount of money taken from him stating that Wirz “took from me a belt with $150 in gold, and the balance in greenbacks, amounting to $280 altogether.”

Alcoke never explained how he kept such a huge sum of cash from being stolen before he got to the prison, and the reports of Confederate soldiers stealing money and goods from Union prisoners at Andersonville lack credibility. Troops from both sides of the conflict were routinely robbed of anything of value when taken captive. This was such a common practice that men expected to lose their possessions at the very point when they were made prisoners, and many Rebel guards had numerous opportunities to search Union prisoners before they got to Georgia. Throughout the war, Confederate soldiers were almost always in need of food, equipment, and clothing, and these men logically would be prone to taking what they needed. However, the Union troops routinely robbed the Confederates as well. A Rebel trooper, John W. Munson, gave an account of losing almost everything he had when captured. “The baubles and splendors of guerilla life disappeared. They got my hat and plumes, my gloves and pistols, my watch and belt, and all my personal belongings. Before I had time to make the slightest protest, one fellow sat me down abruptly, put his foot on me, and relieved me of my boots in a most startling and finished manner... The Yankees trimmed me well.”

The witnesses for the prosecution described the conditions of Andersonville, the treatment of prisoners, and Wirz’s supposed crimes in similar manners. They could have just followed the leading questions from the judge advocate, but there are other possibilities. While they waited their turns to testify, these attestors could have read accounts of the trial in newspapers or attended earlier sessions in court by sitting in the visitors’ gallery. This information could have influenced the witnesses to understand what was expected of them and to say much the same. They could have also been coached or intimidated to give certain accounts or to slant their testimony.

When the court reconvened on Monday, September 11, 1865, Baker stated that many of the witnesses he hoped would come to the trial had not arrived arguing that “these witnesses were absolutely necessary

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205 Ibid., 67.
for the prisoner, in order to enable him to make out his defence [sic], which he believed he could do thoroughly, if proper facilities should be afforded him.” Baker further added that many witnesses who came for the defense had been manipulated or intimidated. The defense counsel wanted to “call the attention of the court to the fact that many witnesses who have come, subpoenaed for us, have been examined on the part of the government, and sometimes witnesses have complained that improper language has been used to them to draw out of them something for the prosecution.” Baker added, “Witnesses come here under very peculiar circumstances. Many of them feel it to be necessary to say and do all that they can to leave a favorable impression with the government officers to show their friendship or good feeling to the government.” According to the lawyer, some witnesses were intimidated and feared that they might be liable for some kind of retaliation from the federal government. They often told him, “Why, do you suppose I will leave anything undone to save my own head?”

Chipman responded by asking Baker if he had any formal charges to be brought against the judge advocate and insisted that the defense counsel statements had been highly improper. The judge advocate maintained: “Speaking for my associate and myself, I pronounce such a charge entirely false.” He added that “the preliminary examinations on the part of the government have been made with all the fairness and courtesy due from any attorney or judge advocate toward any witness.”

Wallace, as president of the tribunal, jumped in to have his turn at Wirz’s lawyer, demanding that he “state the names of the witnesses.” Baker admitted, “That I cannot tell. When a witness catches me by the arm and speaks to me on the street or elsewhere, how can I know his name?” General Wallace then dismissed Baker’s observation unless names could be presented. “The only object in asking the names of the witnesses is that an investigation may be had and any guilty parties punished.”

Colonel Chipman and General Wallace had effectively sidelined the question of federal officials tampering with those giving testimony.

Witnesses for the prosecution included Confederate officers in the prison system. Lieutenant Colonel Alexander W. Persons commanded the 55th Georgia volunteers who served as guards at the

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prison. He outranked Wirz and should have borne more responsibility for the conditions at Andersonville than did a mere captain. But Persons had been clearly offered a deal for his testimony. He would not face persecution if he accused Wirz.\(^{209}\)

The federal government gave some of the witnesses rewards, apparently for giving their testimony properly. A man identifying himself as Felix De La Baume took the stand on September 12, 1865. Much of his testimony was similar to that presented by others, but he stated that he had seen Wirz shoot two prisoners just for leaving a line of men. “First I heard a shot fired, without seeing who fired it. After hearing that shot fired I looked down to the left and I saw Captain Wirz fire two more shots, wounding two men.” The witness added that “I have seen many men on the battle-field in the same condition [as the men Wirz shot], and they always died shortly afterwards.”\(^{210}\) On October 19 before Wirz’s trial was over, De La Baume was rewarded for his good work with an appointment to the Department of the Interior.

Despite his moving testimony, De La Baume was far from a credible witness. In fact, he was a charlatan. He had claimed that he was born in France near the Rhine River and that he was a grand nephew of the Marquis de Lafayette, a much-respected leader in the American War of Independence. But his career as an employee for the federal government ended on November 19 after some of the men from his old unit in the Union Army recognized him. His real name was Felix Oeser, he came from Saxony, which was far away from the Rhine, and he had deserted from the army.\(^{211}\)

Benjamin B. Dykes took the stand for the prosecution on September 21. He had been “employed as a railroad agent at Andersonville,” and he gave testimony on the supply situation in the compound. He said that there were sufficient rations for the men in captivity, and there were “a good many vegetables raised” nearby in 1864, but the prisoners were not allowed to purchase any even when they had funds to do so. Dykes probably feared that the federal government could charge him for performing illegal activities for the Confederacy

\(^{209}\) Ibid., 99.  
\(^{210}\) Felix De La Baume in The Trial of Henry Wirz, 282.  
\(^{211}\) Page, The True Story of Andersonville, 205-6; Hesseltine, Civil War Prisons, 242; and Marvel, 244-5.
during the war if he did not cooperate sufficiently. Apparently, his performance on the stand was acceptable, and he soon went to the War Department for his reward, which was a full pardon. 212

Colonel Chipman only allowed testimony within certain limits, and he did his best to keep the defense counsel from presenting evidence that would besmirch the reputation of any high government official. When Baker stated that a petition from the Union captives at Andersonville requesting a prisoner exchange had been brought to the "President or Secretary of War," who ignored their request, the judge advocate objected vehemently. "The proposition of the counsel is to prove, in this unheard-of way, a fact which can scarcely be believed of a man whose name and fame are so unstained and so unimpeachable as that of President Lincoln. ... This court must not allow a slander of that kind against the memory of so great and good man as President Lincoln to be repeated by this witness who has no knowledge of the facts." Lew Wallace soon sustained this objection. 213

Chipman and Wallace certainly saw Lincoln as above reproach and as someone who could not be touched or criticized in any manner. As the eminent Lincoln scholar, David Donald, has observed, "the Lincoln cult is almost an American religion." This movement was well underway within hours of the president’s death, especially by Republican politicians who recognized they had much to gain from eulogizing the martyred leader of their party. 214 The judge advocate wanted the trial to be a clear condemnation of the Confederacy, and he tried to make sure that nothing would be presented in court to question any person or policy of the federal government.

The testimony against Wirz tended to be vague. The victims of his supposed attacks remained nameless, and the accounts of acts against them were often confusing. Only in a couple of instances was the evidence specific enough to include the name of the victim and to allow for close examination. On September 22, 1865, George W. Gray said he saw Wirz shoot a man "named William Stewart, a private belonging to the 9th Minnesota infantry." After Gray and Stewart removed a dead

212 Dykes in The Trial of Henry Wirz, 371-2 and Marvel, 244.
213 The Trial of Henry Wirz, 694-5.
boy from the stockade, “Captain Wirz rode up to us and asked by what authority we were out there or what we were doing there. Stewart said we were there by proper authority. Wirz said no more, but drew a revolver and shot the man.” Once the victim was dead, the commander robbed the corpse. “After he [Stewart] was killed the guard took from the body about twenty or thirty dollars, and Wirz took the money from the guard and rode off, telling the guard to take me to prison.”

The evidence was so specific and technically so essential to the prosecution that Chipman “called upon the prisoner to stand up for identification.” Wirz was sick throughout the trial, and he had trouble attending the proceedings even when he was in a reclining position. The scene which followed was one of the most dramatic of the entire trial. As the court recorder stated, “The prisoner who was lying on a lounge, partly raised himself, turning his face to the witness.” The judge advocate asked the attestor, “Do you recognize that man as the person who shot your comrade?” Gray stated emphatically, “That is the man,” obviously referring to the Swiss. The court recorder described Wirz’s reaction. “The prisoner attempted to say something in contradiction of the witness, but was not permitted by the court.” Chipman, clearly sensing that he was onto an important moment, wanted to repeat the scene. “The judge advocate requested the prisoner to stand up on his feet. The prisoner having complied with the judge advocate’s request, the witness looked at him and said, ‘I think that is the man.’”

This scene was dramatized in the press, and Wirz’s lack of verbal response to the accusation, his expression, his supposed collapse back on to the couch were seen as some kind of admission of guilt.

When Wirz had a statement in his defense read to the court at the end of the trial, he addressed the accusation that he had shot the man named Stewart. The former commander stated that the testimony was false. Stewart “is as much a creation of the fertile imagination of the witness who testified to his murder by me. . . . The judge advocate will not, I venture to say, find on any of the books of the Andersonville prison the entry of that name and regiment. It will not be found in the hospital record or the death register.” With such a common name, it would be surprising if nothing similar was found, but the moniker

217 Wirz in The Trial of Henry Wirz, 713.
and unit do not match Gray’s testimony. A man listed as “Stewart, Wm A.” was among the tally of the dead, but he belonged to Union unit from Virginia [not Minnesota], and he “died on July 25, [1864] [of] icterus [jaundice]” not from a gun shot.\(^{218}\) Additionally, a trooper from Michigan with the similar name of Steward was among the dead. The entry reads, “Steward, WV, . . . died Sept 21, anasarca [edema].”\(^{219}\) Each of these men died of natural causes, and neither of them appear to be the William Stewart whom Gray said he saw killed. Wirz was correct, and there is no clear evidence that the supposed victim ever existed.

Even though Gray was quite specific about the details of Stewart’s supposed death, he was a little less precise in the remainder of his testimony. Early in his statement, the witness maintained, “I was taken to Andersonville on the 10\(^{th}\) of June, 1864, and remained there until November.” A few minutes later Gray testified that he heard Wirz curse the prisoners with the following words, “Damn those Yankees; they will all be dead in a few days, anyhow.” But the witness then gave the date for this supposed incident. “That was, I think, some time in November or December, 1864.”\(^{220}\) While Gray could have heard Wirz say something in November because he claimed he was still at Andersonville at that time, but the date of December was impossible because, according to his own admission, he was no longer in the prison.

Gray’s statement that Wirz used his revolver to shoot Steward might be inaccurate for another reason. In fact, all accounts of Wirz shooting anyone with this pistols lack merit. As attested by a Union prisoner, Frederick Guscetti, all the commander’s side arms were inoperable. A captive examined one of his pistols, and “when he pulled back the hammer he found that the mainspring was broken.” The witness said that Wirz had two revolvers, and Guscetti had examined each of them, but neither of them could function. “The mainspring of one of those pistols was broken, and in the other there was no powder.”\(^{221}\)

The most infamous and well-known incident of the shooting of a prisoner was the “Chickamauga” affair because more testimony was presented about him than any other episode at Andersonville. No less

\(^{218}\) A List of Union Soldiers Buried at Andersonville (New York: Tribune, 1866), 68.

\(^{219}\) Ibid., 25.


\(^{221}\) Guscetti in The Trial of Henry Wirz, 519-20.
than twenty witnesses referred to the incident. They had either heard about the episode or had seen it. No one knew Chickamauga’s real name, but some witnesses stated he was a Canadian who had volunteered for the Union Army. 222 Apparently, the soldier had served at the battle of Chickamauga in 1863 and was known to talk incessantly about that engagement. He had been severely wounded, and one of his legs had been amputated, creating a condition that forced him to walk with a crutch. The man seemed to be somewhat strange or to have some kind of mental disorder. As one attester, James E. Marshall, stated: “The man was supposed by the people in the camp to be crazy. I have no doubt from his ways that he was crazy.” 223 Obviously in derision, some of his fellow prisoners called him “Mutton Head,” “Fortune Teller,” or “Pretty Polly.” 224

The witnesses to the shooting incident gave various dates for its occurrence including the months of May and June. One man stated that it took place between July 5 and 10, while another former prisoner maintained it occurred on May 15. The accounts also vary considerably in detail. Some said that Wirz ordered the guard to shoot the victim, while others stated that the Swiss shot the prisoner himself. Reportedly, Chickamauga was ingratiating himself to the guards by reporting the attempts of some of the prisoners to tunnel out of the compound. The other captives soon held him in derision, and they began to harass the crippled man. Some even threatened to kill him. Apparently, the man had reached his limit, or he had began to fear for his life, and he came to the guards demanding that he be let out. When his request was refused, he reportedly stood within the dead line and “begged the guard to shoot him.” 225

According to various witnesses the cripple kept repeating similar wishes including: “I would rather die than live in this place.” 226 According to another witness: “Chickamauga walked inside the dead-line and sat down, saying he would rather be shot by their men [Confederate] than

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222 The recent historian, William Marvel, has argued that “Chickamauga” was Thomas Heriburt. Marvel, 65-6. But this name does not appear in the list of dead at Andersonville.


224 The Trial of Henry Wirz, 298 and 373.

225 Fanin in The Trial of Henry Wirz, 149.


227 Henman in The Trial of Henry Wirz, 373.
be killed by our own men.” Frederick Guscetti gave the most detailed account. When Wirz threatened the man saying, “If you do not go inside the dead-line I will shoot you,” the prisoner then “bared his breast,” as though he was prepared to receive a bullet, and responded, “I do not care; shoot me if you want to.” In an affair that appeared to take a long time to complete, the cripple kept returning across the dead line, and he refused to be intimidated by the guards. When a sentry again told him to leave the dead line, the man shouted back, “I don’t care,’ and he opened his blouse again.” The guard finally shot and killed him.

In his written defense at the end of the trial, Wirz presented his version of the incident. A sergeant told the commander, “that there was a man within the dead-line, jawing with the sentry, and refusing to go outside.” Wirz rode his horse to the scene of the commotion. “I went up to ‘Chickamauga’ and asked him, in rough tone of voice, what the hell he was doing there.” The man responded that he wanted to be killed. Then the Swiss pulled out his revolver saying, “that if that was all he wanted I would accommodate him.” The threat seemed to work for a moment, but the man again returned inside the dead line. Wirz related, “I then, in his presence, and solely as a menace, told the sentry to shoot him if he came in [within the dead line] again.” The commander later heard a shot and “hastened back” to see that the guard had shot the crippled man.

In his account, Henry Wirz was surprisingly frank, and he had not denied nor did he seem to whitewash his conduct in the matter. He admitted that he had committed an error in judgment in thinking he could cow a man into leaving the dead line when he appeared to be bent on his own destruction. At the very worst, the Swiss could be seen as callous or even criminally negligent in his off-handed orders to the guard to shoot the crippled man. However, the situation had no easy resolution, and Wirz faced a man who was not only tempting death but inviting it. In all appearances, Chickamauga was committing “suicide by cop,” and unfortunately, the commander’s order to the guard seemed to accommodate the victim.

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228 Frederick Guscetti in The Trial of Henry Wirz, 516.
229 Wirz in The Trial of Henry Wirz, 711-12.
A Weakened Defense

Baker was frustrated during the trial because Chipman refused to allow the defense counsel to call many of his desired witnesses. The lawyer wanted to call high Confederate officers and politicians including General Lee, James Seddon, secretary of war; Stephen Mallory, secretary of the navy; Samuel Moore, surgeon general; Robert Ould, commissioner for prisoner exchange; “and others.” The attorney expected these men to testify to the fact that the South had too few resources in food and transportation to feed their people properly, and they had little left over to support prisoners of war, meaning that Wirz was not responsible for the meager rations at Andersonville. In his response, the judge advocate argued that these men were clearly guilty of “one gigantic act of treason, one common conspiracy to overthrow the government.” The implication was that these men were criminals, and they could be brought to justice some time in the future. In the meantime, “until they are purged by special pardons, by a general pardon or by acquittal before a competent court, no one of them ought to be permitted to testify for his associates.”

Curiously, Chipman apparently believed that many Southerners were competent witnesses for the prosecution, probably meaning that he had personally arranged for their pardon or some other reward in each case. The judge advocate called approximately forty former Confederate officials, army officers, and residents of Georgia and other states nearby to testify against Wirz, and he saw their former affiliation as no impediment to giving accurate testimony. However, the reverse was not true, and Chipman often challenged the loyalty of Southerners who testified for the Swiss. When Reverend E. B. Duncan, a Methodist minister, testified that the water at Andersonville was not as polluted as had been stated by the prosecution, Chipman attacked this seemingly impeccable witness.

The judge advocate demanded to know if his loyalty had been to the federal government or to the Confederacy during the war. The minister asserted that he went with his state, Tennessee, after it left the Union, but he maintained his neutrality as far as his office with his religion was concerned. “I preached to souls everywhere—to federal
and confederates.” He added, “I never thought that the gospel had anything to do with the question of government.” Chipman then asked Duncan if he thought the powers of Tennessee were superior to those of the “general government.” At this point, it was the witness who objected to this line of examination by asking, “Is that question proper?” Chipman maintained that it was. The fact that the judge advocate questioned the loyalty or allegiance of the witnesses to the South during the war clearly sidelined much of the testimony given for the defense.231

The trial became rancorous on more than one occasion, and Chipman even threatened the defense counsel with physical harm. When Baker complained that the judge advocate had refused to subpoena an important witness, Colonel Chipman took offense and appealed to the court, “I ask the court to quiet the gentleman, or I will ask permission to do it myself.” Obviously, the judge advocate meant to physically restrain the lawyer. At this point, Lew Wallace jumped in on the side of the prosecuting attorney and told Baker he could make no statement to the court even threatening to have the counsel for the defense removed if he insisted on making an accusation. In frustration, the lawyer stated that he would “have to correct the matter outside if I am not allowed to do so here.” Baker’s observation was probably nothing more than a desire to talk with Chipman about the matter, but the judge advocate turned it into some kind of a physical challenge, and he retorted, “Then I will meet you on any occasion, and in any place.”232

Soon after this exchange Baker, seeing he was unable to call the desired witnesses, closed the case for the defense. General Wallace gave the defense only four days to prepare its closing statements which were read in court on October 18, 1865. Wirz maintained, “I am no lawyer, gentlemen, and this statement is prepared without the aid of my counsel.” The accused presented a “solemn affirmation of innocence.” The Swiss prisoner outlined the case against him and did his best to refute the charges. He even went so far as to suggest, “If I have violated the laws of war if I have outraged humanity, if I have perpetrated any of the murders or atrocities laid to my charge, let me suffer. But I hope to be able to convince the court that I am not guilty.”233

231 Ibid., 611.
232 Ibid., 690.
233 Wirz in The Trial of Henry Wirz, 704 and 709.
The defendant stated that he never personally killed anyone, and that the charges of some kind of conspiracy to kill Union soldiers were absurd. He maintained that, "I am not conscious of there being one particle of testimony in the entire record going to establish the charge or giving even faint color of probability to its existence. Out of the 160 [sic] witnesses that have testified before this court, has any one said that I was ever heard or known to have uttered a syllable or done an act tending to show my knowledge of the existence of such a hellish plot?" He added, "there is not a shadow of testimony by which it can be proven that it [deaths at Andersonville] can be proven that it was the fruit of a conspiracy." As to his conduct in administering the prison, Wirz stated that he followed lawful orders. He "merely obeyed the legal orders of my superiors in the discharge of my official duties."234 His statement in his own defense was well reasoned, passionate, and logical, and it fell on deaf ears.

The judge advocate gave his summation of the evidence against the defendant after Wirz's presentation. This meant that the tribunal heard Chipman's arguments last when his statements would carry more weight in their decisions as to Wirz's guilt or innocence. Since the evidence suggests that the commission found the defendant guilty before he was ever tried, the order in which the summations were presented probably made no difference in the outcome of the trial. However, the sequence in which they were given once again indicates that the court gave no advantage to Wirz.

Colonel Chipman presented his summation over two days, October 20 and 21, and it was very lengthy. These final arguments were eighty pages long when printed, and it included 60,000 words or more, which is about twice as long as this article excluding footnotes. Even if it were lacking in substance, the length of this summation alone would give the impression that the evidence against Wirz was overwhelming. Some of the judge advocate's arguments made little sense or were designed to reignite fears against the South. He made nebulous statements such as, "many things are proper to be time of peace, which in time of war become high crimes." This included such questionable infractions as, "a timid loyalty" or "yielding to doubtful and hasty clamor,"235 as though it was necessary to find the defendant guilty as a matter of patriotism.

235 Chipman in *The Trial of Henry Wirz*, 727.
The counsel for the defense had argued that the court had no jurisdiction over the defendant because the war was over and military tribunals were unnecessary and illegal. Clearly in an appeal to play on the fears of a renewed uprising, the prosecuting attorney argued, "The war is not over. True the muskets of treason are stacked; the armies of the rebellion are dissolved; ... but by far the largest portion [of Southerners are], sullen, silent, vengeful, stand ready to seize every opportunity to divide the loyal sentiment of the country and with spirit unbroken and defiant, would this day raise the standard of rebellion if they dared hope for success."²³⁶ Anxiety is a powerful motivator, and Chipman’s appeal indicated that constant vigilance was required. Taken in context of the judge advocate’s closing statements, these arguments meant that Wirz had to be found guilty for national defense.

The prosecuting attorney repeated much testimony presented at the trial that was carefully selected to make the defendant look as bad as possible. While many of his arguments were based on unreliable testimony, his most questionable assertions related to the charge of conspiracy against the leaders of the Confederacy. Colonel Chipman said they were guilty of a large number of crimes from the treatment of captives in Libby Prison and Belle Isle, to the use of guerilla warfare, to sabotage, to the spread of infections, to the execution of prisoners of war, to the use of land mines against soldiers, and to many other questionable assertions.²³⁷ The logic of these accusations was that since the Confederate leaders were responsible for the war, then they were directly responsible for everything that happened in it. Additionally, Chipman argued that if the Rebel leaders knew of the nature of the war, and by extension the conditions at Andersonville, and they did not solve these problems, then they were responsible for them.²³⁸

The Verdict

The tribunal presented its “findings” on October 24, 1865. The commission first stated the guilt of many Confederate officials as though finding these men culpable was the first and most important aspect of the trial. “Henry Wirz, did combine, confederate, and conspire with them,

²³⁶ Ibid., 729.
²³⁷ Ibid., 749.
²³⁸ Ibid., 750-1.
the said Jefferson Davis, James A. Seddon, Howell Cobb, John H Winder, Richard B. Winder, Isaiah H. White, W. S. Winder, W. Shelby Reed, R. R. Stevenson, S. P. Moore [Dr.] Kerr . . . James Duncan, Wesley W. Burner, Benjamin Harris, and others who names are unknown.” And they “maliciously, traitorously, and in violation of the war, to impair and injure the health and to destroy the lives, . . . the number of about forty-five thousand soldiers in the military service of the United States of American, held as prisoners of war at Andersonville.”

The court had found these men guilty even though no evidence had been presented on the nature of their supposed crimes. None of these men had appeared in court or had been formally brought to trial. They had never been given the benefit of defense counsel, had never been allowed to present evidence asserting their innocence, and had never even been formally informed that they were on trial. The proceedings at the trial were clearly outside the bounds of all rules of jurisprudence, and the verdict against them was criminally absurd. Significantly while the tribunal found these men guilty of conspiring to commit murder, the court gave them no punishment for their crimes. This charade played well in the northern press, and the entire trial was clearly intended to take away any possible blame from the federal government on the high death rates of Union prisoners of war. Incidentally, some of these men who had been found “guilty” were never arrested or incarcerated. Of those who were held in jail, all of them were released within two years and suffered no additional punishments.

The eminent Civil War historian, James McPherson, has argued that the accusations made against the leaders of the South that they were

\[\text{239 Ibid, 805-7.}\]
involved in some conspiracy to abuse prisoners are incorrect. “Few if any historians would now contend that the Confederacy deliberately mistreated prisoners. Rather, they would concur with contemporary opinions—held by some northerners as well as southerners—that a deficiency of resources and deterioration of the southern economy were mainly responsible for the sufferings of Union prisoners. The South could not feed its own soldiers and civilians; how could it feed enemy prisoners? The Confederacy could not supply its own troops with enough tents; how could it provide tents for captives? A certain makeshift quality in southern prisoner administration, a lack of planning and efficiency, also contributed to the plight of prisoners.”

The commission turned its attention to the second charge against Wirz, and the tribunal then found Wirz guilty of ten of the thirteen specifications against him. The sentence was specific. “And the court do therefore sentence him, the said Henry Wirz, to be hanged by the neck till he be dead, at such time and place as the President of the United States may direct, two-thirds of the members of the court concurring herein.” Lew Wallace signed the statement.

Recent historians have almost been unanimous in condemning the proceedings and the verdict. As Robert Scott Davis has affirmed. “His trial failed to produce any credible account of his acting with personal cruelty or evidence of his role in any conspiracy.” He further stated that the trial was “only a formality for a defendant facing the gallows at the hands of a prejudiced court.” Other historians have been equally critical. William Marvel stated that “Wirz was a dead man from the start.” Ovid L. Futch wrote that the trial was a “legal lynching of Wirz.” Charles W. Sanders claimed “that the entire proceeding was a sham—and a poorly executed sham at that.” The lawyer, Glen W. LaForce, agreed stating that “the trial of Henry Wirz was worse than a mistake, worse even than a miscarriage of justice. The trial of . . . Wirz was a national disgrace. Vengeance, not justice, had been served.”

The irregularities in the trial, the biased nature of the court, and the suspect evidence against Wirz clearly indicate that he should have been released. However, a few doubts remain. The author, John W. Lynn, stated that “15 or 16” men gave testimony at his trial, and an additional fifteen men wrote accounts later, stating that they had seen Wirz kill at least one Union soldier. Lynn then asked the question, “Did all 30 of these persons perjure themselves?”

No doubt all these witnesses could have been mistaken especially when heavy prejudices were involved much like the hundreds of people who believe that they have seen Elvis Presley years after the rock legend had died. These “Elvis sightings” may be dismissed as wishful thinking by prejudiced observers, and the accounts of men who claim to have seen Wirz kill someone may be in the same category.

The Question of Responsibility

Not doubt, Wirz considered himself to be innocent of all crimes, and he convinced his closest associates of that fact in the months before his execution. As a matter of practicality there were two persons whom the Swiss would not dare mislead: his defense counsel who needed all relevant facts to prepare a proper defense, and the Catholic priest to whom to confessed his sins. As Wirz stated at the beginning of his trial, “My conscience is clear. I have never dealt cruelly with a prisoner under my charge. If they suffered for the want of shelter, food, clothing and necessaries, I could not help it, having no control over these things.”

Wirz’s attorney, Louis Schade, maintained his entire life that the Swiss guard was innocent. “Protesting up to the last moment his innocence of those monstrous crimes with which he was charged, he received my word that, having failed to save him from a felon’s doom, I would, as long as I lived, do everything in my power to clear his memory. I did that the more readily, as I was then already perfectly convinced that he suffered wrongly.”

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244 Lynn, 800 Paces, [366].
245 The literature on Elvis sightings is large. See, Gail Giorgio, Elvis Undercover: Is He Alive and Coming Back? (Austin, Bright, 1999).
246 Wirz to the Editor of the New York News August 27, 1865.
247 Louis Schade, “Statement” as cited in Ashe, Trial and Death, 37.
The Catholic Priest, Father F. E. Boyle, was Wirz’s confessor, and he heard the condemned man’s confessions for weeks before his execution. The Swiss would never dare lie to his priest because that would place his soul in jeopardy. While Church law forbade Father Boyle from ever divulging the content of Wirz’s admissions to him, the priest gave a summation of what the condemned man said. “I know that he was, indeed, innocent of all the cruel charges on which his life was sworn away, and I was edified by the Christian spirit in which he submitted to his persecutors.”

The night before Wirz was hanged, government agents came to see the condemned man in jail. One of them approached Father Boyle first. “I know that, on the evening before the execution of Major [sic] Wirz, a man visited me, on the part of a cabinet officer, to inform me that Major Wirz would be pardoned if he would implicate Jefferson Davis in the cruelties of Andersonville.” These agents came to the captive the same night and offered him a pardon to implicate Jefferson Davis in the crimes at Andersonville. Wirz rejected this bribe with contempt as he told a companion. “These men have just offered me my liberty if I will testify against Mr. Davis, and incriminate him with the charges against the Andersonville Prison. I told them that I could not do this, as I neither knew Mr. Davis personally, officially or socially, but if they expected with the offer of my miserable life to purchase me to treason and treachery to the South they had undervalued me.”

On November 10, 1865, the day of his execution, Wirz was concerned about his wife and children, and

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248 Boyle “Letter” to Jefferson Davis as cited in Ashe, Trial and Death, 44.
249 Ibid.
he sent a letter pleading that they be helped financially. Henry Wirz was taken to the place of execution, and a long list of accusations were read to him as he stood on the scaffold. When asked if he had any last words, Wirz replied, “No sir; only that I am innocent, and will die like a man, my hopes being in the future. I go before my God, the Almighty God, and he will judge between me and you.” The soldiers detailed to watch the execution were chanting, “Hang him,” “Andersonville,” and “Remember Andersonville.” Wirz fell when the trap door was released, but the rope failed to break his neck, and he writhed in agony for twenty minutes before he strangled to death.251 At least, federal revenge ended at that point, and there were no more executions for war crimes.

While Wirz was the only person executed for the tragedy at

251 “The Execution of Wirz,” Boston Daily Advertiser, Nov. 11, 1865.
Andersonville, the actual responsibility for the high mortality at that prison must be shared by numerous others, and the Swiss probably bore less guilt than many who went free. In many cases, recent historians have been reluctant to assign blame for much of the needless suffering of prisoners during the Civil War. Some of them have indicated that they do not want to stir up sectional feelings again by presenting a case for accountability. Rather they often blame war itself. Hesseltine has argued, "the atrocities of the prison camps were only phases of the greater atrocity of war itself." Benjamin G. Cloyd has also summarized some of these assertions, "Left unsaid, but strongly implied, was an acceptance that modern war, and not individual human choices and actions, inevitably caused such disasters" as took place in the prison camps. Professor Cloyd added, "The overall trend of these prison histories was clear. The objective removal of responsibility for the suffering" in the camps, and it was "the fortunes of war [that] doomed Civil War prisoners to their fate."\textsuperscript{252}

The view that anything on such a huge scale might happen in the

\begin{itemize}
\item \textsuperscript{251} "The Execution of Wirz," \textit{Boston Daily Advertiser}, Nov. 11, 1865.
\item \textsuperscript{252} Benjamin G. Cloyd, \textit{Haunted by Atrocity: Civil War Prisons in American Memory} (Baton Rouge: Louisiana State U. Press, 2010), 157 and 159.
\end{itemize}
area of human affairs without the contribution of people is misleading. Every outcome was a product of established policies and procedures, which were often enacted at the highest levels of government in both the Union and Confederacy. The historian Charles W. Sanders, Jr. has argued that the presidents of both sides of the conflict bear much responsibility for the disastrous treatment of prisoners. Sanders stated that Jefferson Davis knew of the condition of the camps, and, contrary to a popular interpretation, had the ability to bring aid to the men in them. The historian maintains that the South had ample amounts of food, and it also had the means of transporting it to the prison camps. Therefore, hunger in the cities of the South and among the Confederate troops in the field were only short lived, and most of the time these citizens and soldiers had adequate food. “The fundamental reason for the appalling state of the camps was that although senior officials in the Confederate government knew that hundreds of Union prisoners were dying daily from the effects of starvation, exposure and disease, they declined to make decisions or initiate actions that would have improved the conditions under which the prisoners were held.” But he still criticized the refusal to exchange prisoners. “In the end, the dying in southern camps ceased only when exchanges were resumed in the spring of 1865.”

Charles W. Sanders leveled criticism against the Lincoln administration as well. The historian maintained that Lincoln “knew about the operation of northern camps or the treatment of Confederate prisoners of war,” which led to the very heavy death rate among them. But the rail-splitter president used his subordinates, most importantly Edwin M. Stanton, Secretary of War, to carry out presidential policies. This included “coolly and deliberately choos[ing] to withhold food, supplies, and medical care—all of which was readily available.” Sanders summed up Lincoln’s responsibility. “In the end, Abraham Lincoln must be held as accountable as his subordinates for the shameful history of the Union prisoner-of-war system.”

Ultimately, many men shared some responsibility for the tragedy of Andersonville. They include General Grant for following the Lincoln administration in refusing to exchange prisoners, General Sherman for refusing to bring aid to the various prison camps that were within

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253 Sanders, 307-8.
254 Ibid., 311 and 314-15.
reach of his army, a number of Confederate officials including Wirz’s immediate commanders at the prison who did too little to solve the problems of food and sanitation, and Jefferson Davis who diverted too few resources to help the captives. Edwin Stanton and Abraham Lincoln must be included in this list for refusing to deal with the problems of prisoner exchange and sending supplies to captives in Southern prisons. With so much guilt to be shared, the prosecution and execution of Wirz was unjustified. Of all these men, Henry Wirz was probably the least responsible for the high mortality at Andersonville. In fact, he likely deserves high praise for doing what he could to improve the desperate conditions in the prison, and he probably saved many Union prisoners who would have perished without his efforts.

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