

Civil War Prisoner (Mis)Management

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EXECUTIVE SUMMARY

Title: Civil War Prisoner (Mis)Management

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Thesis: American history is replete with examples of our desire to globally export democracy, and the American way of government. As a nation, we often offer ourselves up as the beacon for all things right and just. Yet, within our history exists an example of an American tragedy that offers visual evidence similar to that witnessed by U.S. soldiers at Dachau¹. The origins of the Civil War prisoner of war (POW) management system are rooted in policies that resulted in national tragedies for both the North and South. This paper reviews the national policies, military response to these policies, and individual leadership policies in order to determine whether the deaths were the result of a national strategy, government psychology, failed economies, failed military policy or individual shortcomings.

Discussion: The origins of the Civil War prisoner of war (POW) management system are rooted in policies that resulted in national tragedies for both the North and South. This paper reviews the national policies, military response to these policies, and individual leadership policies in order to determine whether the deaths were the result of a national strategy, government psychology, failed economies, failed military policy or individual shortcomings.

Prior to the commencement of hostilities, the governments of the belligerents had not planned for the billeting, feeding, and otherwise caring for POWs. Initially, this can be labeled a leadership failure at the executive level as both belligerents had prisoners prior to the first shots at Fort Sumter. The POW system was born of reaction to circumstance rather than developed in anticipation of requirement. This ad hoc formulation of policy had a lethal impact on over 60,000 American soldiers.

The executive branches of both governments engaged in escalating policies of retaliation against the POWs designed to extort prisoner releases. The Union's ability to hold influential Confederate prisoners "trumped" the policies of retaliation and caused an eventual de-escalation of this program. In the wake of this de-escalation both belligerents were forced to permanently deal with the problem of housing and caring for tens of thousands POWs. Unfortunately, the prisoner populations at this time were overwhelming, often causing the structure to cave in upon itself.

¹ Admittedly, there is a stark difference between Civil War POW camps and Nazi death camps. The intent of the former was to hold battlefield prisoners, while the latter was literally designed to exterminate a race. The visual evidence of the former, however is strikingly similar to images of the latter.

Conclusion(s) or Recommendation(s): Northern prison systems ultimately came into being as a result of belated plans and were administered by officers experienced in military administration. The Southern prison system, on the other hand, developed as a result of a series of accidents. The Southern system did not come into its own until after Gettysburg, and, analogous to the progress of the war, proved a series of reactive moves that reflected the crumbling economy of the Confederacy. Media interpretation of POW camps would leave the South to bear history's shame for the deaths though both belligerents suffered similar numbers of POW casualties.

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Preface

"If you are able, save for them a place inside of you and save one backward glance when you are leaving for the places they can no longer go. Be not ashamed to say you loved them, though you may or may not have always.

Take what they have left and what they have taught you with their dying and keep it with your own. And in that time when men decide and feel safe to call the war insane, take one moment to embrace those gentle heroes you left behind"

-Major Michael O'Donnel, USA¹

American history is replete with examples of our desire to globally export democracy, and the American way of government. As a nation, we often offer ourselves up as the beacon for all things right and just. Yet, within our history exists an example of an American tragedy that offers visual evidence similar to that witnessed by U.S. soldiers at Dachau². The origins of the Civil War prisoner of war (POW) management system are rooted in policies that resulted in national tragedies for both the North and South. This paper reviews the national policies, military response to these policies, and individual leadership policies in order to determine whether the deaths were the result of a national strategy, government psychology, failed economies, failed military policy or individual shortcomings.

¹ Michael O'Donnel, "All POW-MIA," under POW-MIA Network, downloaded from Internet, under keyword POW (5 February 2000).

² Admittedly, there is a stark difference between Civil War POW camps and Nazi death camps. The intent of the former was to hold battlefield prisoners, while the latter was literally designed to exterminate a race. The visual evidence of the former (appendix A), however is strikingly similar to images of the latter.

My initial research centered on a review of the Official Record of the Civil War, and the reading of several books that trace the development of the POW system and the sufferings it imposed. Prior to the commencement of hostilities, the governments of the belligerents had not planned for the billeting, feeding, and otherwise caring for POWs. Initially, this can be labeled a leadership failure at the executive level as both belligerents had prisoners prior to the first shots at Fort Sumter.³ In my review I discovered that the POW system was born of reaction to circumstance rather than developed in anticipation of requirement. All too often, this 'reaction' was rooted in retaliation and a form of hostage negotiation. Ultimately, this ad hoc formulation of policy had a lethal impact on over 60,000 American soldiers.

President Lincoln's refusal to recognize the South and his eventual voiding of prisoner paroles caused the prisoner exchange mechanism to break down. Consequently, the executive branches of both governments engaged in escalating policies of retaliation against the POWs designed to extort prisoner releases. The respective congressional representatives would eventually sanction and demand these actions. The Union's ability to hold influential Confederate prisoners "trumped" the policies of retaliation and caused an eventual de-escalation of this program. In the wake of this de-escalation both belligerents were forced to permanently deal with the problem of housing and caring for tens of thousands POWs. Unfortunately, the prisoner populations at this time were overwhelming, often causing the structure to cave in upon itself. Both the North and South were then forced to play catch up with the housing and billeting requirements for

³ William Best Hesseltine, Civil War Prisons; A Study in War Psychology (New York: Frederick Unger Publishing Co., 1964), 6. Prior to hostilities, several states, that had seceded, found themselves in possession of unwanted federal garrisons. Specifically, 16 Federal companies under the command of a General Twiggs in Texas, and a brigade of Missouri militia ('suspected' of confederate loyalties) were imprisoned two months

upwards of 60,000 soldiers. Finances and infrastructure typically caused the remedies to arrive too late, with too small an impact.

Northern prison systems ultimately came into being as a result of belated plans and were administered by officers experienced in military administration. The Southern prison system, on the other hand, developed as a result of a series of accidents. The Southern system did not come into its own until after Gettysburg, and, analogous to the progress of the war, proved a series of reactive moves that reflected the crumbling economy of the Confederacy. Media interpretation of the POW camp deaths would ultimately leave the South to bear history's shame for the deaths though both the North and South suffered similar numbers of POW casualties.

before the first shots at Sumter. While of little significance to POW problem writ large, they were certainly demonstrative of problems to come.

Chapter 1

Introduction

"I have read in my earlier years about prisoners in the revolutionary war, and other wars. It sounded noble and heroic to be a prisoner of war, and accounts of their adventures were quite romantic; but the romance has been knocked out of the prisoner of war business, higher than a kite, it's a fraud" ⁴

- John Ransom, Andersonville prisoner

U.S. history is replete with examples of an American desire to export democracy, our way of government, to the world. We have often offered ourselves as the 'beacon' for all things right and just. Yet, within our history lie examples of human atrocity that stain the very legacy we hope to impress across state boundaries, oceans, and great ethnic divides. American soldiers freeing Jewish prisoners from the holocaust could have prepared themselves for the horrors they would witness, merely by reviewing congressional report #67.⁵ The pictures and prison accounts in this report would have clearly defined the presence of a similar American tragedy. How did the North and South, each claiming to represent democracy, fall so short of the constitutional guarantees of "life, liberty and the pursuit of happiness?" What were the policies that resulted in

⁴John L. Ransom, John Ransom's Andersonville Diary (New York: Berkley Books, 1988), 96-97.

⁵ During the repatriation of invalid troops, the press followed the prisoners to Annapolis and photographed and interviewed the newly released prisoners. Their articles and photographs formed a basis of claims of poor treatment that became Congressional Record #67 (see appendix A). This document became the cornerstone for the overstated legacy of the South's treatment of prisoners both in the newspapers and in the official government records.

national tragedies for both the North and South - and how could this happen in America?

I will review the national POW policies, military response to these policies, and individual leadership policies to determine if POW deaths were the result of a national plan, government psychology, failed military policy, or individual shortcomings.

Before we embark upon a study of the policies and their possible implication in thousands of POW deaths, we must first take a brief look at the Laws of War and their evolution through the ages. Religious leaders from Jesus Christ to St. Augustine to St. Thomas Aquinas have espoused great treatises concerning the morality of war. While the morality of the Civil War is not at issue, we will look at the policies that governed its conduct in order to determine whether the policies of Presidents Lincoln and Davis were so flawed that they created an environment for war crimes.

The men who have been forced to fight battles are often the same men who have written laws of war.⁶ Perhaps recognizing that the politicians who initiate war were incapable of abolishing it, the soldiers who fought and died in war sought to control or restrain the brutality of conflicts they were forced to endure.

As early as 1439 governments tried to impose laws that governed the prosecution of war.

*The King orders that each captain or lieutenant be held responsible for the abuses, ills and offences committed by members of his company, and that as soon as he receives any complaint concerning any such misdeed or abuse, he bring the offender to justice. . . . If he fails to do so or covers up the misdeed or delays taking action, or if, because of his negligence or otherwise, the offender escapes and thus evades punishment, the captain shall be deemed responsible for the offence as if he had committed it himself and be punished in the same way as the offender would have been.*⁷

⁶ Telford Taylor, "Just and Unjust Wars," in *The Art of Command*, by W.R. Kellner (New York; American Heritage Custom Publishing, 1988), 42.

⁷ Charles VII's ordinance cited in Theodor Meron, *Henry's Laws and Shakespeare's Wars* (Cambridge; Cambridge Univ. Press, 1993), p. 149, fn. 40.

However, history is remiss in providing examples of an internationally accepted code of laws that governed land warfare. Furthermore, history offers few examples of battlefield leaders who were punished for crimes that happened under their tutelage. In fact, it would not be until Napoleon's capture in 1815 that the world community would consider the prosecution of a national leader for his part in prosecution of a war.⁸ However, as the alliance could not agree on a legal method to handle Napoleon, he was dealt with politically and banished. The time was ripe, however, for an internationally accepted code that governed prosecution of land warfare. Such a set of rules would not be codified until after the onset of hostilities in the American Civil War.

Totally unprepared for war, and the governance of its brutality, President Lincoln commissioned Professor Francis Lieber of Columbia College, New York to write a code of conduct for armies in battle. Lieber published his code for Lincoln in 1863. In April of that same year, Lincoln approved and promulgated to the Army, General Order 100 (the Lieber Code - see appendix B). This first time attempt to codify the rules governing the conduct of war soon became the basis for national codes of conduct in Europe.⁹ Though it contained a variety of articles detailing the duties of a commander, the Code failed to suggest that a commander's failure to comply with these instructions was illegal and merited penalty.¹⁰ Nevertheless, the principles actually embodied in the Code, and the liability for issuing or executing illegal orders, were both confirmed in the 1865 trial

⁸ Abraham Lincoln, as prepared by Joseph Lieber, "The Lieber Code: Instructions for the Government of Armies of the United States in the Field (General Orders No. 100)," under Lawgiver.Org, downloaded from Internet, under keyword *Lieber Code*, (20 November 1999).

⁹ Lincoln and Lieber.

¹⁰ Lincoln and Lieber.

of Confederate Captain Henry Wirz, former commander of the Andersonville prison camp.

The Lieber Code spends a great deal of time discussing the handling of deserters, prisoners of war, hostages, and booty on the battlefield. Article 28 discusses prohibitions against retaliation. Hostage negotiation and retaliation would become commonplace for both belligerents throughout the war. Article 56 specifically prohibits "revenge...intentional infliction of suffering, or disgrace, by cruel imprisonment, want of food, by mutilation, death or any other barbarity." Violations of this article did occur on both sides of the Mason-Dixon line, often with the knowledge of the national leadership.¹¹ Article 58 specifically prohibits enslavement based on skin color, offering death as the punishment for this crime.¹² Southern failure to comply with this article led to the ultimate breakdown in the prisoner exchange program. Consequently, the South was forced to house more prisoners than she was capable of handling. Ironically, one could postulate that Northern Negro soldiers indirectly led to the emaciated conditions experienced by Union white soldiers who suffered in southern POW camps.¹³ Article 72 allows that each POW is entitled to keep valuables such as "watches or jewelry, as well as extra clothing. Large sums... shall be used to provide for their own support."¹⁴ Again, both the Blue and Gray violated this principle, thereby denying a POW's recourse to care for himself. Article 74 stipulates that POWs are prisoners of the government and not the individual.¹⁵ Accordingly, we should assume that it was the government (or insurrection

¹¹ Lincoln and Lieber.

¹² Lincoln and Lieber.

¹³ Put another way, the issue of Negro POW handling led to the breakdown of POW negotiations which resulted in the prolonged incarceration of white soldiers in deplorable camps.

¹⁴ Lincoln and Lieber.

¹⁵ Lincoln and Lieber.

leaders in the case of the South) who should be held accountable for the treatment of the prisoners. Article 77 prohibits the executions of prisoners who attempt to escape.

Violations of this article would later be used in the Wirz trial, setting the precedence in using the Code as a set of laws that could stand the test of trial. Article 79 requires the proper medical treatment of all wounded and ill prisoners.¹⁶ Each of these articles was violated. While not a complete discussion of the myriad articles that make up the Code, violations of these articles can be traced to the policies of the respective executive branches of government. Whether these violations were by design or default merits review. In the following chapter we will review the evolution of Civil War Prisoner (Mis)Management.

¹⁶ Lincoln and Lieber.

Chapter 2

Policy of the Cartel

*"That this foul deed shall smell above the earth
with carrion men, groaning for burial"¹⁷*

-Julius Caesar

Policy at the Onset

At the onset of hostilities, President Lincoln's objective was to preserve the Union and deny the secessionist goals of the South. President Davis was bent on secession as a means of preserving a way of life. In consonance with these political objectives a great deal of thought had been devoted to the means of the actual prosecution of a war; however, little thought had been devoted to the by-products that war produced. Specifically, little attention had been paid to the POW issue prior to the shots at Ft. Sumter. In retrospect, this seems odd, as POWs existed before the hostilities, affording the belligerent governments an opportunity to resolve this issue early in the war. Specifically, as southern states seceded from the Union, whole federal garrisons suddenly found themselves as prisoners to newly formed governments. However, there still

¹⁷ William Shakespeare, "Julius Caesar," Act III Scene I, under Searchable Shakespeare, downloaded from Internet, under keyword *Blood*, (15 January 2000).

remained no policy at the onset of actual hostilities.¹⁸ There was no policy to care for prisoners, there were no prisons, no commissary general, no prison clerks, no commanding officers, guards etc. Prison policy was often formed with little thought of the consequences to the prisoners and was often developed by default. All of the administrative requirements were ad hoc and borne out of hide. Only as an after thought did the governments of both belligerents finally deal with the issue.¹⁹ Born of necessity rather than developed by design, the ad hoc and reckless manner of forming national policy would have tragic implications for thousands of soldiers.

Before we begin the discussion of POW policy, we must first examine the status of 'POW' and its 1861 implications. We must also remember that, at this point in history, there was no code that governed the treatment of prisoners. All prisoner terms were based on historical practice and it would be another two years before President Lincoln would publish his General Order 100 to the Army.

A prisoner or confinee, was generally recognized as a general population prisoner who had not been paroled, or one who remained under absolute control of capturing military authority, and who, due to resistance, was afforded no special privileges.²⁰ At the commencement of hostilities, the South quickly found herself with a confinee population that she was not prepared to support. Therefore, in accordance with the prisoner management policies of the Winder Cartel, established during the War of 1812, the status of parolee was created. A parolee status would prohibit a soldier from bearing arms against the captor, visiting certain localities, or aiding/comforting his side.

¹⁸ Hesseltine, 6.

¹⁹ Hesseltine, 15.

²⁰ Hesseltine, 15.

Generally, belligerents would parole their prisoners within ten days of capture. A parolee could then return to his home of record and conduct his day to day life until a formal exchange between the belligerent governments occurred. Once formally exchanged, the parolee would return to full duty. This type of parolee had the effect of releasing the captor from the administrative burdens associated with a prison population. Parolees could also be confined indefinitely under the control of capturing military authorities. A prisoner in this status might enjoy certain privileges that allowed for work details, additional food, clothing, etc. Both sub-statuses of parolees would wreak havoc for each belligerent. With this understanding of the POW status, and issues involved, we can now examine the evolution of the policies that created the tragedies in Civil War POW camps.

As discussed, neither the North nor South had policies in effect that would govern the handling of POWs at the commencement of hostilities. Additionally, though the relatively few prisoners captured in 1861 brought the issue to light, they were not large enough in numbers to force the hand of either belligerent. Obviously both "nations" were worlds apart on resolving numerous issues that led to the first shots at Ft. Sumter, and the POW problem would have to stand in line behind a myriad other issues.

Lincoln's view of the South, or failure to recognize the South, created problems for the POW issue that would ring throughout the war. From the very onset of hostilities, Lincoln and his cabinet refused to recognize the secession of the states or the existence of a government in Richmond. Accordingly, Confederate troops were labeled as traitors or marauders and subject to prosecution accordingly. President Davis balked at this notion and demanded that Confederate troops receive the fair treatment generally afforded POWs. Though Lincoln wished an amicable resolution to this issue, he flatly refused to

conduct a policy that gave the appearance of a Union recognition of the Confederacy or her secession.²¹ It was Lincoln's intent to preserve the Union. In pursuit of this intent, he refused to "recognize" its division. On a political level, he intended to keep this conflict from being viewed as a war between nations. He viewed this conflict as the quelling of an uprising. Lincoln, therefore, refused to grant POW status to Confederate troops and seamen. Throughout the war, Confederate POWs were treated as prisoners, but also considered traitors.

The first test of the Lincoln policy came in June of 1861, with the handling of Confederate seamen. In accordance with custom, derived from treaty, hostile merchantmen were considered pirates and subject to trial and potential execution. This problem, particularly acute for naval marauders, whom Lincoln threatened to prosecute according to US piracy laws, transcended the whole POW issue and became the basis for President Davis' initial retaliatory reaction.²²

President Davis used this opportunity to galvanize Southern reaction to the Lincoln policy and issued a presidential decree (that had congressional support) threatening retaliation, in kind, to Union prisoners held in the South. As the South acquired more prisoners, Davis used this leverage to demand a civil prosecution of the war from Lincoln.²³ Specific Union prisoners, held in Richmond, were identified to suffer the fate of their Confederate counterparts. From this point on, hostage negotiation would be a

²¹ Hesselstine, 15.

²² Hesselstine, 7, Webb Garrison, "Scores of Hostages Were Pawns in the Power Struggle of the American Civil War," *Military History Magazine*, (June 1995), 77.

²³ Hesselstine, 9, 13,

staple of both administrations. President Davis embarked on a war of wills that he planned to wage through the medium of popular support and public opinion.

Union public opinion (not to mention letters and petitions from the prisoners themselves) demanded exchanges. Their cries of "not till the end of the war," and "no retaliation" established a "let my people go" theme that resonated throughout the Union. For the North this was an emotional topic that went to the issues of taking "care of our own," demonstrating government support of veterans, recruiting, and a host of other concerns rooted in the popular support that Lincoln required to wage war. For the South, the POW problem was an economic issue. A 'resource poor' Confederacy that was unable to care for her own populace could ill afford to hold prisoners. The Southern leadership understood their resource plight and did not wish to care for Northern prisoners.²⁴ The South was caught in the vicious circle of needing men to fight the war and needing men to tend the farm. Obviously, the requirement to wage war proved more important and the men who could have resolved their natural resource problems were stripped from the farms and sent to the battlefields, leaving untended farms to feed both the Confederacy and a growing POW population. Additionally, a 'population poor' Confederacy needed the exchange for manpower. On the battlefields, Lee's dwindling manpower was so affected by his growing prisoner population that he was forced to petition President Davis to negotiate with President Lincoln as ". . . it would be a great relief to [Lee's Army] if [Davis] could arrange a general exchange."²⁵ Lincoln, torn between his refusal to recognize the South and a need to resolve the POW issue, would

²⁴ James M. McPherson, Battle Cry of Freedom (New York: Ballantine Books, 1989), 791.

²⁵ U.S. War Department (comp.), The War of the Rebellion: Official Records of the Union and Confederate Armies, (Washington, 1880-1901), series 2, 111, 116

receive long-term criticism for what was described as an inhumane treatment policy.²⁶ Lincoln needed a policy that would satisfy public demand while maintaining the integrity of his non-recognition policy.

In the fall of 1861, the Generals in the field proposed field exchanges of prisoners that had roots and legal precedent in both the American Revolution and the War of 1812.²⁷ Such exchanges occurred at the General Officer level and were non-attributional to the Administration. The Administration, eager to find a way out from under the issue, eventually agreed to allow the Generals to make their own arrangements in the field.²⁸ Lincoln was satisfied that negotiating with a belligerent army, not government, allowed for an exchange of prisoners while still failing to recognize the South.²⁹ The policy of man for man and by grade seemed to satisfy all Northern goals and sentiments while alleviating the economic burden that the POW posed to the South.

However, the South was unhappy with 'who' they received in exchange. One drawback to the informal policy was that the belligerents could choose whom they exchanged and whom they retained. The informal policy seemed to favor North, as they released only those prisoners whose enlistment contracts had expired.³⁰ The Union, unlike the Confederacy, was in a position to retain prisoners without crumbling under the economic pressures imposed by such a decision. An additional Union idiosyncrasy imposed upon the Confederacy was the Union decision not to exchange rebel officers

²⁶ Hesseltine, 10-12.

²⁷ Hesseltine, 14-16.

²⁸ Hesseltine, 14-16.

²⁹ McPherson, 791.

³⁰ Hesseltine, 17, 21.

who had resigned federal commissions.³¹ This decision would have the affect of infuriating the southern political population as most Confederate Officers (and Union Officers for that matter) came from prominent families in a position to manipulate political strings.

In the meantime, Secretary of War Stanton, seeking to capitalize on the good will brought by the exchanges on the battlefield, hoped to further quell Northern opinion by visiting prisoners to see to their needs. This action, in the opening months of 1862, represented the Union's first attempts to establish a prison commission in order to deal with the problem. General Meigs was tasked to create a prison system as an adjunct responsibility to his duties as Quarter Master General. His research showed him that during the War of 1812 the billet of Commissary General of Prisoners had been created. Included in the duties of the billet were the accounting of POWs, supervising their exchange, caring for the captives, and delivering to the captives any supplies or funds forwarded to them. In the first years of the war, prison management was humane as both belligerents made reasonable efforts to properly care for and manage the POW issue. It was not until later in the war that treatment became poor. This poor treatment would be the result of a combination of Cartel failures and Confederate economic distress.³²

The exchanges under the auspices of the General Officers continued for several months. However, in the early spring of 1862, the issues of selective release and the reality that marauders would not be returned (Southern Naval personnel were at a

³¹ Hesselstine, 34.

³² Hesselstine, 20, 35.

premium) caused the South to cease the exchanges.³³ The South, desirous of a return of able-bodied soldiers and all her officers, demanded the conduct of a general exchange. In the interim, the Generals continued to exchange the sick and wounded.³⁴

Cartel of 1862

This breakdown in the prisoner exchange brought public outrage from both the Union and Confederate populations. Accordingly, in July of 1862, Secretary of War Stanton appointed General John A. Dix to negotiate with an appointed Southern peer. In response to the appointment, General Lee appointed General Daniel Hill to work with Dix in the creation of an exchange policy. In the course of a few short weeks the Dix-Hill Cartel (Cartel of 1862) was established in order to force the exchange issue (see appendix C). This agreement was based on the Winder Cartel of the War of 1812.³⁵

In accordance with this Cartel, both belligerents appointed Agents of Exchange and the exchanges commenced. Again, handled at the General Officer level, this Cartel enabled the Lincoln Administration to conduct its POW business without recognizing the South. In effect, the Cartel was an attempt to formalize the policies of the exchanges conducted by the General Officers in the field. Through formalization, it was hoped that exchanges would be equitable for both belligerents, while offering an avenue of address to prevent future cessation of exchanges. Initially, the Cartel proved effective at managing prisoner exchanges, while the Agents of the Exchange proved effective at resolving minor issues. However, issues that went to the very heart of the war would arise and cause further prisoner exchange breakdowns.

³³ O.R., series 2, III, 778-9.

³⁴ O.R., series 2, IV, 168.

Prior to a release or exchange of prisoners, Union leaders offered Confederate troops an opportunity to renounce the South and join North. Typically a third would oblige. Similar offers were made in the South, but were rarely taken up. While this would prove a sore point for both belligerents, there was little either side could do about the issue.³⁶ Fortunately, the Agents of the Exchange were able to keep a lid on this issue.³⁷ However, the North's decision to allow General Officers to seize property of disloyal citizens (southerners) created significant problems for the Cartel, when the property was a slave.³⁸ Union leaders freed the slaves and offered them the opportunity to take up arms against their former oppressors. In the North, this was viewed as an opportunity to provide the Negro an opportunity to contribute to the war effort, while Southerners viewed this as the North's attempt to incite rebellion throughout the South. By August of 1862 the Federals would begin enlisting Negro soldiers.³⁹ In retaliation, the South began a policy of excluding officers from trade. In fact, the South changed the status of Federal officers from "POW" to that of "hostage," clearly a retaliatory act.⁴⁰ Black Union soldiers also were excluded from exchange, and many were placed into slave status. The refusal of the South to treat Negro soldiers as POWs proved the significant stumbling block for the Cartel.⁴¹ Confederate Secretary of War Seddon directed that the South "ought never to be inconvenienced with such prisoners... summary execution must

³⁵ O.R., series 2, IV, 266.

³⁶ While this practice frustrated both belligerents, it proved to insignificant an issue to wrestle with, given the larger issues of Negro POW handling and officer exchanges.

³⁷ Hesselstine, 70; Ransom, 81, 164.

³⁸ Hesselstine, 71-72.

³⁹ Herman Hattaway and Archer Jones, How the North Won; A Military History of the Civil War (Urbana, IL: University of Illinois Press, 1991), 270-71.

⁴⁰ Hesselstine, 85; Ransom 87.

⁴¹ Hesselstine, 86; McPherson, 792.

therefore be inflicted on those taken."⁴² Accordingly, many Negro soldiers never achieved POW status as they were often executed, despite having flown the flag of truce. The Fort Pillow Massacre in April of 1864 is a representative example of this type of immoral slaughter of Negro troops by Confederate soldiers. Under a flag of truce and while begging for mercy, 200 black Union soldiers were executed by Confederate troops.⁴³ President Davis later took the issue a step further and demanded that the Confederate Congress sanction the trial of white officers in charge of Negro troops for inciting slaves to riot against their masters.⁴⁴ A furious Lincoln demanded an eye for an eye retaliation claiming that "for every soldier killed in violation of the laws of war...a rebel soldier will be executed; and for every one enslaved...a rebel soldier shall be placed at hard labor." It is interesting to note that Lincoln chose not to retaliate after the Fort Pillow Massacre, claiming that "once begun, there was no telling where [retaliation] would end."⁴⁵ The policy of retaliatory escalation, initiated by Davis and countered by Lincoln was in full 'swing.' Lincoln, however, had at least demonstrated a threshold through which he would not pass. Davis, on the other hand, had not yet demonstrated how far he was willing to let his retaliatory rhetoric 'swing.'

The policy issue involving paroles versus exchanges further exacerbated the problem. In accordance with the Cartel, the South immediately paroled prisoners upon capture, creating a parolee-caretaker problem for the North. Unable to care and house prisoners, who were pending parole, Southern leaders would merely forward lists of parole prisoners to the Agent of Exchange. Additionally, the South would often declare

⁴² McPherson, 793.

⁴³ McPherson, 793.

⁴⁴ Hesseltine, 88.

⁴⁵ McPherson, 794.

Confederate parolees as 'exchanged' and return them to duty prior to official authorization from the Agent of Exchange. One particular incident of this policy infuriated General Grant at Vicksburg in July of 1863. In an effort to avoid the housing of 30,000 Confederate troops captured at Vicksburg, Grant paroled them. Confederate leaders, in violation of the Cartel, then quickly declared them exchanged and returned them to full duty. Grant was furious at this chain of events, and enraged further when his army captured many of these same troops at Chattanooga.⁴⁶ The North protested this policy, but the Agents were able to keep the Cartel alive, though the North bore the brunt of the parolee issue. The Cartel had gone a short way to resolving the POW problem, though the accounting of parolees versus exchanges was another stumbling block seemingly bent to unravel the issue.

Parolees became as great a problem as the prisoners themselves. As required by the Cartel, belligerents of both sides were forced to maintain both enemy prisoners and their own parolees. The costs to maintain both (feed, house, clothe, provide back pay) were significant, (although the impact was greater in the South) not to mention the reality that the parolee status proved a free ticket home which only encouraged the 'surrender' desires of troops on both sides. In effect, the Cartel had created a form of legal desertion that the troops were quick to capitalize upon. In an effort to discourage the desire to surrender, Union parolees were forced into Union parolee camps until formally exchanged. Union leadership pursued this course of action in order to maintain their manpower levels. This policy change was a significant break from the traditional policy of releasing parolees from further active service. Not surprisingly, this change had the negative effect of

⁴⁶ McPherson, 792.

further alienating popular support over an already contentious issue. Eventually, these parolees would be sent west to fight Indians, as the terms of their parole did not prohibit them from taking up arms against the 'Red Man.'⁴⁷ In effect, the North was reassigning 'soldiers' to the Indian frontiers where they could fulfill their service obligations without violating the terms of their parole 'from the other war.' Union leadership soon advocated the abandonment of the parole policy so that the South would have to feed and maintain prisoners, a burden that would drain her.

Lincoln's issuance of the Emancipation Proclamation further aggravated the problem. The South, fighting for her freedom, now faced a Northern enemy who had the additional aim of eliminating the central aspect of her way of life. Again, the Confederate Congress, outraged at the Proclamation, authorized President Davis to retaliate. The South again took the lead in the retaliatory prison policies, this time legitimizing the act at the congressional level. The exchange policy, now on tenuous ground, nearly terminated on several occasions. Only public opinion and economic factors were able to keep it alive. Tensions and retaliatory threats continued to surround the marauder issue, officers, and black troops. Eventually, a few Southern officers were executed,⁴⁸ an act to which Lincoln was directly tied, though there was no retaliatory action from the South.

Exchange commissioners of both sides managed the Cartel as best they could,⁴⁹ despite the politics of the respective administrations. (Lincoln remained adamant in his refusal to recognize the South and demanded distance from the process.) The Cartel proved inefficient for officer exchanges. Many officers actually found themselves used

⁴⁷ Hesselstine, 75, 76, 77, 83, 91.

⁴⁸ Hesselstine, 94, Two Confederate officers, convicted of recruiting behind Union lines were court-martialed and executed. This order was done at General Burnside's order, with President Lincoln's approval. In effect, they were treated as traitors and spies. Execution was the common punishment for these crimes.

as political hostages (many officers on both sides were appointees due to political or financial status and made good hostages).⁵⁰ Fortunately, the Cartel remained successful at aiding the common enlisted soldier, and these exchanges remained a constant. Unfortunately, POW exchanges seemed less driven by a concern for the welfare of the men and more driven by political and economic pressure:

*prison population up = economic/public opinion pressure up = cartel
forced to work = reduced population and pressure = reduced cartel effectiveness
= increased retaliator threats... until the next battle brought more prisoners to
raise the population.*⁵¹

The escalatory policy of retaliation was spinning out of control. The POW issue gnawed at the backbone of public support and crippled the Administrations of both belligerents. Both Lincoln and Davis needed a set of rules or a code that both could live with and pacify their respective populations. Lieber Code 100, issued by Lincoln in April of 1863, went a long way to resolving the parolee issue and was adopted by both sides.⁵² Throughout this period the special exchange of enlisted soldiers continued, which served to alleviate some public opinion and economic concerns. General Order 100 stopped the parole issue for the Union. Specifically, Article 74 stipulated that prisoners were public enemies and therefore prisoners of the government. It further stipulated that prisoners

⁴⁹ Throughout the war, Cartel Commissioners arranged to meet, under flags of truce, at a number of points along the Potomac. Typically they held their brief meetings on barges or other harbor points and addressed their concerns.

⁵⁰ Ransom, 165.

⁵¹ Initially, I thought a timeline would sharpen my focus on battles and follow on POW increases. However, my research led me to conclude that the driving dynamic in exchange reform came from outside the camp in the form of public opinion. With the exception of the Battle of Vicksburg (discussed in the text), little exchange reform seemed tied to prisoner increases that followed major battles.

⁵² George Lewis and John Mewha, History of Prisoner of War Utilization by the United States Army 1776-1945 (DA Pamphlet No. 20-213) (Washington, D.C.), 1955, 31. In 1863, Dr Lieber, at Lincoln's request, wrote the "Instructions for the Government of Armies of the United States in the Field." Loosely based on the Treaty of Berlin, this code became widely accepted as the first codification of international laws relative to war in general, and POW handling in particular. Lincoln, who had become a self-taught student of the military art, hoped to civilize the war's brutality (the guerilla raids in Missouri and Kansas took the war to the people and were significantly more bloody than the war in the east) and set a pattern for POW handling. While it did little for the former, the Code did have an impact on the POW issue, while also asserting the 'moral high-ground' of the Lincoln administration vs the Davis administration.

were released by governments alone, according to the rules prescribed by the releasing authority. Accordingly, neither belligerent was bound by the parole policy and all parole statuses were voided. Consequently prison exchanges ceased and each side dealt with its growing prisoner population.⁵³

Though the exchange process ground to a halt, the escalatory process of retaliation strengthened. The acquisition of notable prisoners (most notably a Federal Congressman named Ely and Brigadier General Fitzhugh Lee; nephew of Robert E.,)⁵⁴ tipped the scales. The Congressman was traded back while the Union held the young Brigadier. President Lincoln himself designated Brigadier General Lee as the first Confederate Officer to be executed in retaliation for any Federal assassinations.⁵⁵ The North had gained a definite advantage and the retaliatory process subsided. With the problems of "parolee desertion" and retaliation 'resolved'; the POW issue became an economic issue that strangled the South, and the prisoners she held.

Post Cartel Policies and the Butler Exchanges

Exchanges of prisoners would occur sporadically for the balance of the war, though not formally sanctioned by the North. It was apparent that the South wanted (needed) exchanges to occur throughout the war. The Northern leadership (Lincoln, Stanton, and Grant) saw the exchanges as helping the South "re-enforce the very point [Grant] hoped to reduce,"⁵⁶ while all the exchanges did for the North was appeal to some sense of "humanity." By this stage of the war, the populous had been well educated on the

⁵³ Hesselstine, 95.

⁵⁴ Joseph L. Harsh, *Taken at the Flood*, (Kent, Ohio: Kent State University Press, 1999), 93; Hattaway and Jones, 733; Hesselstine, 96. There seems to be some confusion among the historians as to whether Fitzhugh was Lee's son or nephew. I believe he was the nephew of the great commander.

⁵⁵ Hesselstine, 97.

problems of the exchanges (parolees, officer/Negro issues, and the constant retaliatory threats) and adjusted to an "end of the war" policy. General Halleck directed his Commanders to "parole no prisoners [as] the enemy is forcing into the ranks [soldiers] paroled by General Grant."⁵⁷ Obviously, this hurt the morale of the imprisoned.

Having settled with the prospect of having to maintain prisoners for the balance of the war, each belligerent began the process of trying to provide for her prisoners. The North sent goods and monies to be directly applied to meet the requirements of Federal prisoners. It is interesting to note that an economically poor South was forced to seek a selective lift on embargoed items that were sold in the North. Proceeds were then to be applied to the requirements of Confederate prisoners. The South was struggling and "[would] rather fight than feed the prisoners. . . [as] it would be a great relief to be rid of them, as the blockade confine[d] [their] supplies and the consumers were now becoming more numerous than the producers."⁵⁸ This was an indicator of the economic strains that the Union blockade, the war, and POW policy were having on the South. Both belligerents, painted into the corner of having to permanently house prisoners, were squaring off on an 'economic battlefield.' The casualties on this battlefield were the prisoners who faced evils worse than the minnie ball, grape, or canister. The North was more prepared than the South to accept this burden and exchanges of goods on both sides for the prisoner's comfort were continued.

In December of 1863 the Union appointed General Benjamin Butler, a special agent of exchange, in the hopes of reestablishing the Cartel exchange process. The appointment infuriated Davis who refused to recognize Butler, characterizing him as a

⁵⁶ O.R., series 1, XVII/2, 566.

⁵⁷ O.R., series 2, VI, 78.

"beast."⁵⁹ Apparently the Lincoln administration thought it prudent to appoint the very officer who sacked and oversaw the ruthless imposition of martial law in Federally occupied New Orleans. To quiet his antagonists, Butler immediately exchanged several hundred prisoners and provided vaccines for the Union soldiers held in prison.

The South responded with a lesser amount, but refused to acknowledge Butler and only dealt with his subordinate. They developed their own politics of parolee/exchange accounting that bogged down the process making the prisoners de facto pawns for both governments. The problem revolved around each belligerent claiming the moral high ground for having released the greater number of prisoners. The bottom line in the game of Cartel 'hot-potato' was that neither belligerent wanted to stand accused of being the direct cause of the Cartel's failure. Butler used this opportunity to readdress the Negro issue, claiming that the "United States government would renew exchanges whenever the Confederacy was ready to exchange all classes of prisoners...we will not barter away the honor and faith of the Government of the United States.., to the colored soldiers in its ranks."⁶⁰ His claim revolved around the rules of war and the capture of property. According to rules of war, property transferred ownership to the capturing force; ergo the Union had a right to release its captured property, as it now owned it.⁶¹ Conversely, the Confederate exchange commissioner demanded a return to the exact provisions of the pre-Lieber Code Cartel, (i.e. parole), enslavement of colored soldiers, the prosecution of

⁵⁸ Hesselstine, 110,206; OR., series 2,III, 116.

⁵⁹ Hesselstine, 210. Admittedly, this appears to be a policy change in regards to Lincoln and his refusal to recognize the South. However, this gesture was Lincoln's reaction to public pressure that demanded that 'something' be done to alleviate the plight of the POWs. Butler's use of martial law greatly infuriated Southern leadership as it symbolized the first of many cracks in the Southern armor. This was probably the last time in US history that New Orleans could not be accused of having corrupt government leadership.

⁶⁰ McPherson, 799; OR., series 2,VII, 29-34.

⁶¹ Hesselstine, 219, 225.

officers who command colored troops, and the imprisonment of Butler for execution.⁶² Butler was infuriated and demanded retaliation. In lieu of retaliation, the North merely exchanged more prisoners.⁶³ This act proved a cunning political move that would undermine the South by creating a war psychosis about the South's evil handling of the POW issue that has lasted over 130 years.⁶⁴

This process continued through March of 1864. At this point the exchanges ceased again with the North able to claim that it was the South who would not comply. This game of tactical one-upmanship resulted in the cessation of exchanges that denied the South the manpower she needed, while saddling her with prisoners she was unable to maintain. The South was 'stuck' with the Cartel 'hot potato'. The North was now able to send goods for her prisoners held in the South and speak from a position of honor.⁶⁵

General Ulysses S. Grant was appointed as the commander of Union troops in the spring of 1864. One of his first acts as General of the Army included the halting of all exchanges. Torn between the suffering of the Union prisoners and the potential suffering of his soldiers who may have to fight exchanged Southerners, Grant decided that "it is humanity to those left in the ranks to fight our 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."⁶⁶ In a nutshell,

⁶² Hesselstine, 212.

⁶³ On the heels of an election victory, Lincoln was looking forward to reunification, Ergo, he was also fighting a war in the newspapers and needed to establish himself as the moral authority as well as the victor. While the South was successful in reestablishing the prisoner exchange that she desired, she failed to gain the upper moral hand in the situation. The North forcibly exchanged (perception is reality) under the pretense of Union and Emancipation, while the South was caught on the 'short end' having fought the argument from the angle of enslavement, 'disunion,' prosecution, and imprisonment.

⁶⁴ Hesselstine, 212.

⁶⁵ Hesselstine, 213,

⁶⁶ O.R., series 2,VII, 605-7.

Grant believed he would rather "feed the prisoners...than fight [against] them."⁶⁷ This policy was yet another branch of his attrition plan. In the wake of political retaliation, General Grant refused further prisoner exchanges on the grounds that released prisoners only served as a manpower pool for the Confederacy. He refused to return able-bodied Confederate troops in exchange for the emaciated skeletons he was receiving from Richmond and Andersonville.⁶⁸ The exchange of invalid prisoners continued throughout these deliberations.

Prisoner exchanges trickled to numbers that included only the sick and wounded (i.e., soldiers who could no longer fight). In early 1865, Grant began exchanging 3000 prisoners per week. Sensing the war's end was at hand, Grant recognized that moving these prisoners would further stress the South's over-taxed resources and failing lines of communication. Imagine going through the planning processes of providing guards, manpower, and railroad support in an effort to cling to dwindling public support, when you are already overwhelmed by close combat.⁶⁹ A review of both Union and Confederate prison camps will enable us to see the effects of the recurring theme of retaliation; a horrible theme for the democracies of the world.

⁶⁷ Mauriel Phillips Joslyn, "Who Caused Andersonville?" in Andersonville: The Southern Perspective. ed. J.H. Segars (Atlanta, Ga: Southern Heritage Press, 1995), 142.

⁶⁸ Hesselstine, 89, 228.

⁶⁹ Hesselstine, 228-31.

Chapter 3

Andersonville

*"A funny way of escape has just been discovered by Wirz. A man pretends to be dead and is carried on a stretcher, left with the row of the dead As soon as it gets dark Mr. Deadman jumps up and runs."*⁷⁰

-John Ransom, Andersonville prisoner

We have looked at the national policy of both belligerents through the history of the Cartel and how it ultimately forced the existence of the prisons. The problems associated with the creation of the prison system were generally the same for both sides. Neither belligerent had prepared an administrative infrastructure to care for prisoners, codified rules governing the management of prisoners, or built facilities for the housing of large numbers of prisoners. Furthermore, the Confederacy would lag well behind the Union in developing the systems necessary to house what eventually became a large prison population. However, as has been discussed earlier, the South generally sought the retaliatory measures that economics forced upon her. Furthermore, Federal prison diaries indicate that President Davis and his cabinet members visited Andersonville and other prisons on numerous occasions and therefore had direct knowledge of the degree of human suffering;⁷¹ sufferings that the President of the Confederacy saw first hand, and through inaction, condoned. Accordingly, we will take a look at Andersonville and the

⁷⁰ Ransom, 79.

⁷¹ Ransom, 38, 47.

sufferings therein; keeping in mind that it represents the manifestation of Executive level failings on both sides of the Mason-Dixon. As this chapter will provide only an overview of the conditions suffered by Union prisoners at Andersonville, I have provided an extract from the Official Records in the appendices written by the Surgeon General who more ably described the tragedy that was Andersonville. (see appendix D)

By 1864, prison conditions in Richmond were at a breaking point for prisoners and the citizens of Richmond. The war had taken a heavy economic toll and the citizens of Richmond were starving. Accordingly, so were the prisoners. Richmond was no longer able to deal with the number of prisoners within her city. Three years of war had left her resource poor.⁷² This starving and growing prisoner population caused many Southerners to fear a prison uprising. In response to this fear, the prisoners were transferred to Andersonville, Georgia.

Built in 1864, Andersonville was chosen because it minimized the guard requirements while reducing the likelihood of military raids to free the prisoners. Located near a railroad line and small stream, Andersonville seemed a good location to house the burgeoning prisoner population. The prison encompassed some twenty-six acres and was surrounded by large pine logs, 20 feet in length, that were placed five feet deep in the ground to create a rectangle-shaped wooden prison compound. (see Appendix E) Sentry boxes were placed at 30-yard intervals along the top of the walls. Along the interior of the prison, 19 feet from the prison wall, was a line of small wooden posts with a wood rail on top. This was known as the "deadline."⁷³ Guards stationed in the sentry boxes could shoot any prisoner who crossed the deadline. Small earthen forts around the

⁷² Hesseltine, 182-83.

⁷³ Ransom, 57, 260.

exterior of the prison were equipped with artillery pieces to put down disturbances within the compound and to defend against Union cavalry attacks.⁷⁴ Designed to hold 10,000 prisoners, the prison often held as many as 22,000 prisoners. At its peak in August 1864, the prison held more than 32,000.

Soldiers from throughout the Union and the District of Columbia were imprisoned at Andersonville. Included in this population were American Indians, African Americans, men from several foreign countries, and two women.⁷⁵ All prisoners found themselves confronting the same problems for survival, including the struggle to obtain shelter, clothing, food, water, and medical attention. Prisoners tried in various ways to make the most of a terrible situation. To cope with these conditions, prisoners turned to various activities. They carved objects, sang songs, played games such as checkers and cards, read any material they could obtain, and wrote letters and diaries.

Andersonville lacked the ability to provide life's basic necessities. Prisoners were without shelter and therefore exposed to the extreme seasonal climates. Crude dwellings made of cloth, mud bricks, tree limbs, and brush failed to provide adequate protection in the winter or summer months.⁷⁶ In many instances prisoners shared their homes with others while caring for those who were sick.

Clothing items were also in short supply at the prison and prisoners spent much of their time mending or fabricating clothing from available resources. Many prisoners had no clothing, thereby increasing their exposure to the elements.⁷⁷ When prisoners died

⁷⁴ Ransom, 260.

⁷⁵ Ransom, 261.

⁷⁶ Ransom, 262.

⁷⁷ Ransom, 61.

they were carried out of the prison to the "deadhouse".⁷⁸ Each prisoner was stripped of his clothes and these garments were then redistributed to the remaining prison population. In addition to being torn and generally unserviceable, the clothing was dirty, as soap and other cleaning items were rarely available. Prisoners often used sand as a soap substitute.⁷⁹ Many prisoners, such as John Ransom, made the most of his situation by operating a barbershop and a laundry service (using sand for soap) as a means of providing a diversion for himself while comforting those who were unable to care for themselves.

The most significant issue that the prisoners faced was a lack of food and water. The standard food ration was one-quarter pound of cornmeal and either one-third pound of bacon or one pound of beef per day. Other items such as peas or molasses were infrequently issued. Due to a lack of firewood and water meals were often cold and uncooked. Prisoners often combined their rations and cooked them together in an effort to care for each other. If the prisoners were lucky, and had access to money, they could do business with the prison store and purchase eggs, molasses, bacon, cornbread, and flour. More often, however, the Lieber Code was violated and the prisoners were not allowed to maintain their money or personal possessions.

An additional reason the Andersonville site was chosen stemmed from the availability of water provided by the small stream that flowed through the prison compound area. This stream, however, also flowed through two Confederate encampments and the prison bakery⁸⁰ before reaching the prisoners. By the time it

⁷⁸ Ransom, 265.

⁷⁹ Ransom, 84.

⁸⁰ Ransom, 261-3.

reached the prison compound, it was not potable. Unfortunately, this was the only water supply available for drinking, washing clothes, disposing of human excrement, and bathing. Frequently, after heavy rains, the stream would flood, sending the contents (feces, cleaning residue, dirty bath water, etc.) throughout the water supply while covering the ground throughout the camp after the water had subsided.⁸¹ In his diary, Ransom wrote "there is so much filth about the camp that it is terrible trying to live here."⁸²

It is no surprise that sickness became rampant in the prison. The hospital, originally located within the prison, was later moved outside. Tents and wooden buildings were built, but they could not accommodate the increasing number of sick. Typically twenty-five percent of all patients who received treatment died.⁸³ Many of the prisoners often refused to go to the hospital, fearing that a trip to the hospital ensured their death. In his book, *Civil War Prisons*, Dr. Win. Hesselstine related how a preventative medicine vaccination often led to death. In the vignette, prisoners were inoculated to prevent disease or infection. Unfortunately, the vial contained pus instead of serum and the site of injection became infected.⁸⁴ As the sanitary conditions of the camp were deplorable, the infected site became infested with maggots and body lice. Over time, the infected site became gangrenous, causing the patient to require hospital care. Once in the hospital, the affected limb required amputation. The discarded limb then lay in a pile outside of a hospital window spreading further disease, while the recent amputee grew more ill from the maggot infestation that now lived in his amputation wound. Eventually, the amputee

⁸¹ Ransom, 263,

⁸² Ransom, 66,

⁸³ Ransom, 270-272.

⁸⁴ Hesselstine, 128.

died. Further exacerbating the problem was the inadequate presence of trained medical personnel and supplies. While this proved to be a problem for both belligerents, it was an acute issue in all Southern hospitals.⁸⁵ Therefore, the very prisoners who required care often shunned the hospital and all forms of preventive medicine. Instead, they sought self-help and buddy-aid in the vermin-infested camp. The reality is that neither the hospital nor the camp offered the ill any respite from death's inevitable call. The leading causes of death as recorded in the Official Records were malnutrition, exposure, diarrhea, dysentery, gangrene, dropsy, and scurvy.⁸⁶

As General Sherman's army closed on the city of Atlanta, Confederate officials began to fear that Andersonville would prove too lucrative a target to bypass.⁸⁷ Accordingly, in September of 1864, the prisoners were moved to prison camps in Charleston and Savannah. These transfers proved the first of many. Constantly fearful of raids⁸⁸ from the now unstoppable Union juggernaut, the Confederate leadership frequently moved prisoners throughout the closing months of the war. In most instances, the care was better than that which was experienced at Andersonville.

An important post-war event occurred in the trial of Captain Henry Wirz, Commandant of the prison. At his trial, many former prisoners testified against him,

⁸⁵ Hesseltine, 152.

⁸⁶ It is interesting to note that of the 600,000+ deaths attributed to the war, fewer than 210,000 were battle deaths. The symptoms listed here are not listed in any specific order, as record keeping during this time was inconsistent. However, it is apparent that many of the sicknesses listed are sub-conditions of malnutrition.

⁸⁷ Hesseltine, 154.

⁸⁸ William C. Davis, *The Cause Lost* (Lawrence, KS: University Press of Kansas, 1996), 134-135; O.R. series 1, XLV/2, 97; O.R. series I, XXXVIII, 350. Raids designed to free POWs frequently played on the fears of the populace on both sides of the Potomac, but never materialized. Union fears peaked prior to the election of 1864 and, in fact, were well founded. Southern strategists hoped such a feat of bravado would strike terror in Union voters and cost Lincoln the election. Secret Service agents, however were able to stop such plans in their infancy. Confederate fears of the same were also well founded, as such a rescue attempt weighed heavily on Sherman's mind as he 'marched to the sea.' However, any thoughts he gave to

vividly relating the conditions at the prison. The former prisoners blamed Wirz as the cause of their suffering. However, history has shown that prison officials tried in vain to procure supplies for the prisoners.⁸⁹ Unfortunately, a blockade strangled South diverted supplies from the prison system for use in support of the war effort. However, in response to the public demand for justice, Wirz became the face that represented the evils of POW life and the unwitting dupe for two presidents. He was subsequently hanged. Wirz was probably as much a victim of the Executive level prisoner politics as the prisoners themselves.

As has been discussed earlier, the deteriorating economic conditions, inadequate rail system, and the need to focus all available resources on its own army, prohibited the Confederate government from providing the necessary housing, food, clothing, shelter, and medical care for its captives. These conditions, along with a breakdown of the prisoner exchange system, created much suffering and the high mortality rate. More than 45,000 Union soldiers were sent to Andersonville during the fourteen months of the prison's existence. Of these, some 12,912 died (see appendix F) from disease, malnutrition, overcrowding, or exposure.⁹⁰ They were buried in shallow trenches, shoulder to shoulder, in a cemetery near the prison. John Ransom credited his ability to survive to "an iron constitution that...carried [him] through, and above all a disposition to make the best of everything no matter how bad, and considerable willpower with the rest."⁹¹

the subject were always as a 'branch and sequel' mission to another tasking. He never conducted such a raid.

⁸⁹ The Official Records contain numerous letters that demonstrate an attempt to identify the problem and correct it.

⁹⁰ Terry B. Baldwin, "Clerk of the Dead" in Andersonville (Harrisburg, Pa: Eastern Acorn Press, 1971), 7.

⁹¹ Ransom, 159.

Chapter 4

Elmira

*"I speak in all reverence when I say that I do not believe such a spectacle was seen before on earth... On they came, a ghastly tide, with skeleton bones and lusterless eyes, and brains bereft of but one thought, and hearts purged of but one feeling, the thought of freedom, the love of home..."*⁹²

—Unknown

We have examined the national policy of both belligerents through the history of the Cartel and how it ultimately forced the existence of the prisons. However, in fairness to the Confederacy, the problems seen at Andersonville were also replicated in Union prison camps. Due to the lack of administrative infrastructure to care for prisoners, codified rules governing prison management, or facilities to house large numbers of prisoners Confederate prisoners in Union care suffered the same fate as their Northern cousins. However, the Union, unlike the Confederacy was not suffering from deteriorating economic conditions or inadequate rail systems. Unlike the South, the North did not have to decide between feeding her Armies or feeding her prisoners. In fact, it has been said that the Union soldier was the best-equipped and fed in military history.⁹³ Additionally, the North had not felt the heavy hand of war that the South had endured for nearly four years. With the exception of Antietam and Gettysburg, very little Union territory had

⁹² Richard A. Courtney, "Union Civil War Prison At Elmira," under Civil War Page, downloaded from Internet, under keyword *Elmira*, (5 February 2000).

⁹³ Hattaway and Jones, 139.

been raped clean of the resources, supplies and manpower that so greatly influenced the economies of the time. What then could have caused a 'not so war weary' Northern government to have inflicted such poor treatment upon the prisoners in her charge? If, in the final analysis, it can be said that the South simply did not have the economic means to care for her prisoners, then isn't the converse true; that the North did? I believe the answer lies in the 'psychosis of the war.'⁹⁴ As has been discussed, the South pursued the retaliatory measures that economics ultimately forced upon her. Unfortunately, Southern rhetoric was often 'validated' by the intolerable death rates and emaciated conditions perpetuated by Confederate prison camps. Accordingly, Northern leadership felt justified in retaliating 'in kind' against the South's 'retaliatory' actions against Union prisoners. The reality of the situation is that the North was retaliating against the very economic conditions that the Union war machine was imposing. Now we will take a look at Elmira and the Confederate sufferings therein. Again, we must keep in mind that this New York prison camp represents the failings of the Cartel on both sides of the Potomac.

Elmira prison camp was founded on May 15 1864, when Adjutant General E. D. Townsend reported that several empty barracks were available to house a large number of recently captured Confederates.⁹⁵ Major General Hoffman,⁹⁶ the Union Commissary General of Prisoners wrongly assumed that the prison site was capable of holding 10,000 prisoners. Colonel Eastman, Commandant of the newly formed prison camp (and therefore Captain Wirz's counterpart) informed Hoffman on May 23rd that the barracks

⁹⁴ Hesselstine, 173.

⁹⁵ Hesselstine, 200.

⁹⁶ MG Hoffman, then LTC Hoffman, was captured when stationed in Texas waiting to take command of the 6th Infantry. As a condition of parole he could not again bear arms against the Confederate Army. He was then appointed Commissary General of Prisoners.

could only hold "4,000, with plenty of room for another 1,000."⁹⁷ On June 22 Hoffman, not satisfied with these numbers, directed Eastman to "to make the area, being enclosed by a fence, enough to accomodate, [sic] in barracks and tents, 10,000 prisoners."⁹⁸ On June 30, 1864, Eastman replied that the camp was ready to receive prisoners, "as there will be about 50 companies of 200 men each (10,000)..." In reality, Eastman could not have increased the capacity of the prison facilities, in so short a time, to properly house 6,000 additional prisoners in both summer and winter.

Elmira prison was located on a 30-acre site, (see appendix G) along the banks of the Chemung River. The prison compound consisted of a fenced in area that contained 35 two-story barracks. Each building measured 100 x 20 feet with ceilings that could barely accommodate two rows of crude bunks.⁹⁹ The unsealed roofs on the wooden buildings could not adequately shelter the prisoners from the elements in poor weather. The decks were made of green lumber that had no foundations and lacked the ability to provide cover from the elements. The cookhouses and mess halls were located to the rear of the barracks and extended to the northern bank of Foster's Pond. The camp, designed to house 4,000 prisoners, often averaged as many as 9,600 prisoners.¹⁰⁰

Elmira, like the previously discussed Andersonville, failed to provide life's basic necessities. Housing posed a significant problem and was getting worse. Less than a month after the camp opened, almost 10,000 Confederates were inside its overcrowded walls. 'A' tents fell short of demand and hundreds of prisoners had to sleep in the open,

⁹⁷ Courtney from internet.

⁹⁸ O.R., series 2, VII, 394.

⁹⁹ Courtney from internet.

¹⁰⁰ Courtney from internet.

many of them without blankets.¹⁰¹ Eventually, these compounding factors would awaken the prisoners to Elmira's last, deadly secret. The prison, located in New York State, suffered from winters that were bitterly cold. Late in December, after urgent requests, Washington sent a few stoves to the prison. There were two small stoves for each barracks, and a few for the men still housed in tents. Prisoners received small wood rations only at 8 a.m. and at 8 p.m. During the 12-hour intervals they had to get warm as best they could. Moreover, with an average of 200 men to a barracks, each stove became the sole means of warmth for 100 men. One prisoner from Virginia wrote that the camp was "an excellent summer prison for southern soldiers, but an excellent place for them to find their graves in the winter."

Initially, clothing was one of the more pressing needs of the prisoners. The cry for clothing brought an instantaneous response from Southern families and friends. However, Eastman withheld issuance of the clothing until he could get permission for distribution from Hoffman. Hoffman's permission came in late August, but he imposed the restriction that only gray clothing could be issued. Piles of clothing of other colors were burned.¹⁰² All but a few coats, shirts and pairs of trousers were destroyed.

Unfortunately, winter struck early at the prison. Prisoners lacking blankets and wearing only rags collapsed from exposure. By early December, 1,600 men "entirely destitute of blankets" stood ankle deep in snow to answer morning roll call. In the second week of December, the Federal government issued clothing¹⁰³ (a step the Confederate government chose not to do) for 2,000 men to 8,400 Confederates then

¹⁰¹ O.R., series 2, VII, 560.

¹⁰² Courtney from internet. This action was in retaliation to the perceived starvation tactics "used" by Southern prison commandants.

¹⁰³ O.R., series 2, VIII, 189.

housed at the prison. In January, Confederate authorities sent a shipment of cotton Northward under a flag of truce.¹⁰⁴ The proceeds from the sale of the cotton were used to purchase clothing for the prisoners.

Another significant issue that the prisoners faced was a lack of food and water. The camp bakery had adequate facilities for feeding 5,000 prisoners. However, preparations for 10,000 prisoners were not made. By the end of July, some 4,424 prisoners were packed in the compound, with another 3,000 enroute. The total number leaped to 9,600 by mid-August. It took three hours to feed 10,000 men in shifts of 1,800 at a time.¹⁰⁵ The camp commander complained of the over crowded conditions, and was told that as long as the men got through their breakfast by 11 a.m. and dinner by 6 p.m. nothing more was necessary. In effect, the prisoners spent their day in one long feeding line, hoping to net two meals.

On August 18, Hoffman ordered prisoner rations restricted to bread and water, which resulted in an epidemic of scurvy.¹⁰⁶ By September 11, no less than 1,870 cases had been reported. In October, on Hoffman's (reluctant) order, the prisoners received a single small ration of fresh vegetables. However, it was not until December that the meager diet of bread and water was supplemented with a meat ration. Men were dying of starvation at the rate of 25 a day.

Within the prison walls stood a one-acre lagoon of water, known as Foster's Pond. The pond, a backwash from the river, served as both a latrine and garbage dump. Prison buildings were located on the high northern bank of the lagoon. The hospital was located

¹⁰⁴ Unable to send money, the economically strapped South was forced to send raw materials north for consignment.

¹⁰⁵ Courtney from internet.

¹⁰⁶ O.R., series 2, VII, 554-6.

on the lower southern level. Unfortunately, Union prison keepers would not realize until later that the pond would flood easily. Inevitably, the hospital became the flood basin for the pond and, ultimately, a breeding ground for hundreds of smallpox and diarrhea victims.

The runoff and sewage going into Foster's Pond was beginning to have the same effects on Confederate prisoners that a Georgia creek was having on their Union counterparts. One of the surgeons at the prison stated the case more pointedly when he surmised that an average of "7,000 prisoners released daily over 2,600 gallons of urine-highly loaded with nitrogenous material"¹⁰⁷ into Foster's Pond. Moreover, he noted, "the pond received the contents of the sinks and garbage of the camp until it became so offensive that vaults were dug on the banks of the pond for sinks." Washington was notified as early as August 17; however, it was not until late October that permission was received (again, a step the Confederate government did not pursue) to use prisoner labor to dig drainage ditches to remove the water and its refuse.¹⁰⁸ By December the odor was gone, and the disease rate began to drop.

Medical treatment of prisoners progressed from poor to deplorable. As early as July 11, 1864, a mere five days after the arrival of the first group of prisoners, Surgeon Inspector C. T. Alexander reported, "I found the sick.... in no way suitably provided for except for shelter; diet not suitable; some without bedsacks; blankets scarce." On September 21, Ward Assistant Anthony Keiley wrote in his diary: "As I went over to the

¹⁰⁷ O.R., series 2, VII, 604.

¹⁰⁸ Washington refers to Secretary of War Stanton. At this stage of the war, Stanton had created an organization that functioned similarly to today's National Command Authority. As Secretary, he received counsel from General Halleck (modern day CJCS) and then advised President Lincoln. Lincoln, who clearly understood the strategic aims of the war, remained well informed throughout the conflict. He understood the costs of total war and was willing to pay any price to preserve the Union.

first hospital this morning early, there were 18 dead bodies lying naked on the bare earth. Eleven more were added to the list by half past eight o'clock." By November the death toll in the hospitals had reached 755 men. A staff doctor informed Washington, "the entire command will be admitted to the hospital in less than a year and thirty-six percent will die." Washington either ignored or denied repeated requisitions for badly needed medicines, straw, and roofing material to complete the ceiling work was turned down without any reasons given. By late December at least 70 men were lying on the hospital floors because of a lack of beds and straw; another 200 diseased and dying men lay in the regular prisoner quarters because there was no room for them in the wards.¹⁰⁹

In a feeble effort to reduce the number of prisoners at Elmira, Washington ordered that prisoners physically unfit for duty would be exchanged. The order further stated that no Confederates would be shipped southward that were "too feeble to endure the journey." Accordingly, the camp commander was ordered to "have a careful inspection of the prisoners made by medical officers to select those who shall be transferred."

In October of 1864, Captain Munger, Inspector of Camps, wrote that "... during the past week over 1200 invalid prisoners, 300 of whom were from the hospital, were paroled and sent South for exchange..." The prisoners route of march was via train to Baltimore and followed by steamer to City Point for exchange. On October 14, Washington surgeons examined the 1200 prisoners who arrived by train at Baltimore. Five had died in route; a doctor claiming they were "unable to bear the journey." The physical condition of these men "was distressing in the extreme, and they should have never been permitted to leave Elmira."¹¹⁰ In a letter to Surgeon J. Simpson, US Army, A. Chapel, Surgeon, US

¹⁰⁹ Courtney from internet.

¹¹⁰ O.R., series 2, VII, 893.

Volunteers, wrote that he " ... went on board the steamer loaded with prisoners last evening... [and] found at least forty cases that should not have been sent...."

Several months later General Robert E. Lee surrendered at Appomattox, and the treatment and care of the prisoners improved significantly.¹¹¹ The paroling of prisoners began late in May, with the exception of those still confined to the hospitals. By the 5th of July, the prison camp was vacant and made ready for demolition.

More than 12,122 Confederate soldiers were imprisoned at the prison. Of these, some 2,933 died (see appendix H) of sickness, exposure, and disease.¹¹² Unlike the Andersonville commander, no Union Commandants suffered post war trials. Confederate prisoners, despite having suffered similarly as their Union counterparts, did not receive the symbolic justice that Union prisoners received when Wirz was hung. The psychosis had been complete. The victor had painted the loser as the demon and held him publicly accountable for the world to view. The Union war machine wreaked havoc on the South's deteriorating economy. Accordingly, the plight of Union prisoners worsened as the prospects of Union victory improved. Unfortunately, the South's economic instability was viewed in the light of political retaliation and acted upon in kind. History has seemingly condoned Union actions, as the South, and her Andersonville, remains the model for the evils that were Civil War prison camps.

¹¹¹ After Lee's surrender, there was no longer a Confederate army competing for southern resources. This fact, coupled with Northern assistance and a probable desire to mitigate Union wrath, led to the improved prisoner care.

¹¹² Courtney from internet; Macpherson, 797; O'Donnel from internet. Using mortality rates as the sole basis of comparison, one will note that prisoners at Andersonville (29%) fared worse than Elmira (24%). However, the highest mortality rate was experienced by prisoners at the Confederate prison in Salisbury, North Carolina (34%). Relative to other wars with American involvement, the Civil War POW mortality rate is eclipsed by only WWII. American mortality rates in Japanese death camps are rated at (37%), while mortality rates at Nazi POW camps were only (2%).

Chapter 5

Conclusion

*It was not war, It was murder...*¹¹³

—Gen. D.H. Hill, CSA

The victor often records the history of conflict. Accordingly, the victor paints the image of the vanquished. Throughout the war, Union journalists held the upper hand in painting the images and sentiments that have held 'true' for over 130 years. Right from the onset of hostilities, the press played a heavy role in shaping public opinion. In the early stages of the war, journalists exaggerated Union defeats. These exaggerations soon encompassed the issue of POW handling, as the poor showing of Union troops in the field resulted in a greater number of Union prisoners.¹¹⁴ Prisoners' diaries further fanned the bitter legacy, as the newspapers that related these stories, tended to overstate the wretched conditions that the POWs were forced to endure. Northern newspapers incited additional bitterness in their readers with published excerpts from these diaries that shaped a brutal and enduring image of the South during the war. The governments of both belligerents, used these readings as the basis for allegations of murder, which perpetuated and perhaps distorted, (on a historical level) the tragedy that befell Civil War

¹¹³ Hattaway and Jones, 199.

¹¹⁴ Hesseltine, 173.

POWs. While the prisons of both belligerents were equally as lethal, the North did a better job of portraying the South as the brutal beast.

The Dix-Hill Cartel was born of newspaper fueled, public, and congressional demands for prisoner exchanges. It is interesting to note that the Cartel fostered a belief in both the North and South that requirements for prisoner maintenance had been eliminated.¹¹⁵ Consequently, both belligerents conceded valuable opportunities to develop prison systems that would be needed later in the war.¹¹⁶ Furthermore, both belligerents used the Cartel as an excuse to dismantle the limited prison infrastructure they had assembled.¹¹⁷ Ergo, the breakdown of the Cartel saddled the South with a burgeoning prisoner population that her war wearied economy was ill equipped to handle. The Cartel, both in its inception and subsequent failure, proved a significant contributor to the sufferings of the prisoners.

Despite frequent breakdowns in the administration of the Cartel, the exchange of invalid prisoners would often continue throughout these deliberations.¹¹⁸ On one such repatriation of invalid troops, the free press followed the prisoners to Annapolis, where their photographs and exaggerated claims of poor treatment became the basis of Congressional Record #67.¹¹⁹ This document became the basis for the overstated legacy of the South's treatment of prisoners both in the press and in the official government records. Ironically, attempts designed to demonstrate humanity became the basis for perceived Southern brutality.

¹¹⁵ The creation of the Cartel caused both belligerents to believe that prisoners would be exchanged throughout the war. Ergo, there would be minimal requirements to house large numbers of prisoners and no requirement for facilities or policies to ensure prisoner care.

¹¹⁶ McPherson, 802.

¹¹⁷ Hesseltine, 54.

¹¹⁸ Hesseltine, 228.

¹¹⁹ Hesseltine, 228m.

The reality was that the prisoners came long before the prisons, and the POW policy was driven by a failure of the Cartel. As neither belligerent expected the war to last long, little was done to prepare the administrative, manpower, or facility requirements of a prison system. As both sides recognized that they would have to deal with a rapidly expanding prison population, a prison management system was forced into existence. Richmond was not able to deal with the number of prisoners within her city. Three years of war had left her resource poor. Her citizens were starving and therefore, so did the prisoners in her city limits. In the North, however, this plight was not perceived in this light. Rather, it was assumed that the South intentionally wrought the brutal treatment upon the Union troops.¹²⁰

The issue of Negro prisoners only exacerbated the existing issues, though it allowed the North, specifically General Butler, to manipulate the moral upper hand throughout the war. This upper hand, or psychosis, would last throughout the war and perhaps has lasted 130 years.

Rather than search for a solution, retaliation became the means of dealing with the issue. At the highest level of government, retaliation was advocated, as if it would enable the South to feed, house, and care for thousands of prisoners, when she could not care for her own. Unfortunately, southern rhetoric and southern congressional legislation concerning retaliation merely 'confirmed' suspicions that Union prisoners suffered as a result of deliberate planning.¹²¹ Union journalists were quick to make use of this rhetoric to 'confirm' the barbarity of the Confederate leadership, while also condoning as 'legitimate' the 'retaliatory' actions occurring in the North.

¹²⁰ Hesseltine, 182-3.

¹²¹ Hesseltine, 186-7.

Only after the salient points of retaliation were mitigated by the acquisition of prominent prisoners, did either side begin to deal with the prisoner issue. In a nutshell, one can look at Andersonville not as a planned event, but as an event borne of no planning and as an excuse to use humans as pawns in the politics and economics of war.¹²²

The practice of sending supplies only further demonstrated the South's poverty. Federal supplies were often used to lessen the effects of the Confederacy's inability to care for her own citizens and soldiers. Union journalists rightfully claimed that the 'Evil South' kept the supplies for their own people while Federal prisoners died at appalling rates¹²³ and are confirmed in Andersonville diaries. A New York Times article, using the diary material as fuel, extorted "Retaliation — is a terrible thing, but the miseries and pains and the slowly wasting of life of our brethren and friends in those horrible prisons is a worse thing. No. . . government ought to allow its soldiers to be treated for one day as ours have been treated for the last three years."¹²⁴ Northern leaders made good use of the same press to incite fury over the tragic care that prisoners received, as a means of raising the retaliation stakes. In accordance with the Cartel, each belligerent was required to feed the prisoners in a manner similar to the feeding of their own soldiers.¹²⁵ By 1864 the Confederacy was unable to feed her soldiers an 'official ration'. Inevitably, Union prisoners received an even lesser ration.¹²⁶ Therefore, shortcomings in the feeding of Union troops were perceived as acts of retaliation. Accordingly, the Union would 'justifiably' impose similar ration constraints on Confederate prisoners. A quick

¹²² Hesseltine, 185.

¹²³ Hesseltine, 191.

¹²⁴ New York Times, March 31, 1864. The press was able to gather first hand material, 'as it was happening' from escaped prisoners and the letters of prisoners still incarcerated in the various POW camps.

examination of this cycle demonstrates that the South's shortcomings in dealing with POWs were the result of worsening economic pressures brought about by the prolonged conflict. The very manner that Grant and Sherman waged war worsened conditions in the South, inevitably increasing the plight of the Union prisoner and his sufferings due to the ration-retaliation cycle. The North, however, could be accused of having waged a war of retaliation. Unfortunately, she determined punishment against physical conditions that were rooted in flawed economics. Perception, as painted by Union journalists, became reality.

The reality is that, even at reduced rations, Confederate prisoners were fed more than Confederate soldiers in the field.¹²⁷ In fact, Lincoln was briefed that "[ration retaliation would offer little effect], as the South was clearly unable to furnish its prisoners with adequate supplies."¹²⁸ Southern claims that prisoners were treated the same as citizens is a grim testament to the fact that the war was having a horrific affect on the South.

Historically, I believe we can state that President Davis actually pursued retaliation as a means of political warfare, but had the perceived practice of this policy forced upon him by economic conditions. Lincoln, on the other hand, saw the escalatory evil of retaliation and generally hoped to avoid it, but had it forced upon him as a result of the press' misinterpretation of the true roots of Confederate treatment of prisoners, as well as a relentless public demand for action. As the prison populations increased on both sides of the Mason-Dixon the situation only worsened. Realistically, however, it is evident that the evolution of the policies that governed the war's conduct were so flawed that they

¹²⁵ McPherson, 798.

¹²⁶ McPherson, 798.

¹²⁷ McPherson, 798.

¹²⁸ Hesseltine, 204; OR., series 2, VII, 570-2.

created an environment for the national tragedies that were the POW camps. The ad hoc formulation of national policy concerning the prisoners, the military's attempt to work around policy (specifically Lincoln's desire not to recognize the South), the South's failing economic system, and a few individual leadership failures led to tens of thousands of prisoner deaths. Treatment that could initially be classified as humane and proper care for the POWs would eventually devolve into treatment that became representative of the "intrinsic wickedness of a few desperate leaders, seconded by mercenary and heartless monsters."¹²⁹ This poor treatment would be the result of a combination of Cartel failures and Confederate economic distress. Any poor treatment accorded to Southern soldiers was always deemed retaliation for the poor treatment accorded Union troops. The reality is that the South simply did not have the means to care for Union prisoners.

¹²⁹ Lincoln and Lieber.

Union Prisoner of War¹³⁰

Appendix A



¹³⁰ Jack McKnight, "The Story of One Union Soldier," downloaded from Internet, under keyword *Andersonville*, (15 January 2000).

General Orders No. 100¹³¹

Appendix B

Excerpts from The Lieber Code:

INSTRUCTIONS FOR THE GOVERNMENT
OF ARMIES OF THE UNITED STATES
IN THE FIELD
General Orders No. 100
promulgated on April 24, 1863
by Abraham Lincoln
as prepared by Francis Lieber, LL.D.
SECTION I

Martial Law - Military jurisdiction - Military necessity — Retaliation

Article 14. Military necessity, as understood by modern civilized nations, consists in the necessity of those measures which are indispensable for securing the ends of the war, and which are lawful according to the modern law and usages of war.

Article 15. Military necessity admits of all direct destruction of life or limb of armed enemies, and of other persons whose destruction is incidentally unavoidable in the armed contests of the war; it allows of the capturing of every armed enemy, and every enemy of importance to the hostile government, or of peculiar danger to the captor; it allows of all destruction of property, and obstruction of the ways and channels of traffic, travel, or communication, and of all withholding of sustenance or means of life from the enemy; of the appropriation of whatever an enemy's country affords necessary for the subsistence and safety of the army, and of such deception as does not involve the breaking of good faith either positively pledged, regarding agreements entered into during the war, or supposed by the modern law of war to exist. Men who take up arms against one another in public war do not cease on this account to be moral beings, responsible to one another and to God.

Article 16. Military necessity does not admit of cruelty -- that is, the infliction of suffering for the sake of suffering or for revenge, nor of maiming or wounding except in fight, nor of torture to extort confessions. It does not admit of the use of poison in any way, nor of the wanton devastation of a district. It admits of deception, but disclaims acts of perfidy; and, in general, military necessity does not include any act of hostility which makes the return to peace

¹³¹ Lincoln and Lieber.

unnecessarily difficult.

Article 18. When a commander of a besieged place expels the noncombatants, in order to lessen the number of those who consume his stock of provisions, it is lawful, though an extreme measure, to drive them back, so as to hasten on the surrender.

Article 27. The law of war can no more wholly dispense with retaliation than can the law of nations, of which it is a branch. Yet civilized nations acknowledge retaliation as the sternest feature of war. A reckless enemy often leaves to his opponent no other means of securing himself against the repetition of barbarous outrage

Article 28. Retaliation will, therefore, never be resorted to as a measure of mere revenge, but only as a means of protective retribution, and moreover, cautiously and unavoidably; that is to say, retaliation shall only be resorted to after careful inquiry into the real occurrence, and the character of the misdeeds that may demand retribution.

Unjust or inconsiderate retaliation removes the belligerents farther and farther from the mitigating rules of regular war, and by rapid steps leads them nearer to the internecine wars of savages.

Article 29. Modern times are distinguished from earlier ages by the existence, at one and the same time, of many nations and great governments related to one another in close intercourse.

Peace is their normal condition; war is the exception. The ultimate object of all modern war is a renewed state of peace.

The more vigorously wars are pursued, the better it is for humanity. Sharp wars are brief.

SECTION II

Public and private property of the enemy - Protection of persons, and especially of women, of religion, the arts and sciences - Punishment of crimes against the inhabitants of hostile countries.

Article 31. A victorious army appropriates all public money, seizes all public movable property until further direction by its government, and sequesters for its own benefit or of that of its government all the revenues of real property belonging to the hostile government or nation. The title to such real property remains in abeyance during military occupation, and until the conquest is made complete.

Article 42. Slavery, complicating and confounding the ideas of property, [that is of a thing,] and of personality, [that is of humanity,] exists according to municipal or local law only. The law of nature and nations has never acknowledged it. The digest of the Roman law enacts the early dictum of the pagan jurist, that "so far as the law of nature is concerned, all men are equal." Fugitives escaping from a country in which they were slaves, villains, or serfs, into another country, have, for centuries past, been held free and acknowledged free by judicial decisions of European countries, even though the municipal law of the country in which the slave had taken refuge acknowledged slavery within its own dominions.

Article 43. Therefore, in a war between the United States and a belligerent which admits of slavery, if a person held in bondage by that belligerent be captured by or come as a fugitive under the protection of the military forces of the United States, such person is immediately entitled to the rights and privileges of a freeman. To return such person into slavery would amount to enslaving a free person, and neither the United States nor any officer under their authority can enslave any human

being. Moreover, a person so made free by the law of war is under the shield of the law of nations, and the former owner or State can have, by the law of postliminy, no belligerent lien or claim of service.

SECTION III

Deserters - Prisoners of war - Hostages - Booty on the battlefield

Article 49. A prisoner of war is a public enemy armed or attached to the hostile army for active aid, who has fallen into the hands of the captor, either fighting or wounded, on the field or in the hospital, by individual surrender or by capitulation.

All soldiers, of whatever species of arms; all men who belong to the rising en masse of the hostile country; all those who are attached to the army for its efficiency and promote directly the object of the war, except such as are hereinafter provided for; all disabled men or officers on the field or elsewhere, if captured; all enemies who have thrown away their arms and ask for quarter, are prisoners of war, and as such exposed to the inconveniences as well as entitled to the privileges of a prisoner of war.

Article 53. The enemy's chaplains, officers of the medical staff, apothecaries, hospital nurses and servants, if they fall into the hands of the American Army, are not prisoners of war, unless the commander has reasons to retain them. In this latter case; or if, at their own desire, they are allowed to remain with their captured companions, they are treated as prisoners of war, and may be exchanged if the commander sees fit.

Article 54. A hostage is a person accepted as a pledge for the fulfillment of an agreement concluded between belligerents during the war, or in consequence of a war. Hostages are rare in the present age.

Article 55. If a hostage is accepted, he is treated like a prisoner of war, according to rank and condition, as circumstances may admit.

Article 56. A prisoner of war is subject to no punishment for being a public enemy, nor is any revenge wreaked upon him by the intentional infliction of any suffering, or disgrace, by cruel imprisonment, want of food, by mutilation, death, or any other barbarity.

Article 57. So soon as a man is armed by a sovereign government and takes the soldier's oath of fidelity, he is a belligerent; his killing, wounding, or other warlike acts are not individual crimes or offenses. No belligerent has a right to declare that enemies of a certain class, color, or condition, when properly organized as soldiers, will not be treated by him as public enemies.

Article 58. The law of nations knows of no distinction of color, and if an enemy of the United States should enslave and sell any captured persons of their army, it would be a case for the severest retaliation, if not redressed upon complaint.

The United States cannot retaliate by enslavement; therefore death must be the retaliation for this crime against the law of nations.

Article 60. It is against the usage of modern war to resolve, in hatred and revenge, to give no quarter. No body of troops has the right to declare that it will not give, and therefore will not expect, quarter; but a commander is permitted to direct his troops to give no quarter, in great straits, when his own salvation makes it impossible to cumber himself with prisoners.

Article 68. Modern wars are not internecine wars, in which the killing of the enemy is the object. The destruction of the enemy in modern war, and, indeed, modern war itself, are means to obtain that

object of the belligerent which lies beyond the war.

Unnecessary or revengeful destruction of life is not lawful.

Article 69. Outposts, sentinels, or pickets are not to be fired upon, except to drive them in, or when a positive order, special or general, has been issued to that effect.

Article 70. The use of poison in any manner, be it to poison wells, or food, or arms, is wholly excluded from modern warfare. He that uses it puts himself out of the pale of the law and usages of war.

Article 71. Whoever intentionally inflicts additional wounds on an enemy already wholly disabled, or kills such an enemy, or who orders or encourages soldiers to do so, shall suffer death, if duly convicted, whether he belongs to the Army of the United States, or is an enemy captured after having committed his misdeed.

Article 72. Money and other valuables on the person of a prisoner, such as watches or jewelry, as well as extra clothing, are regarded by the American Army as the private property of the prisoner, and the appropriation of such valuables or money is considered dishonorable, and is prohibited. Nevertheless, if large sums are found upon the persons of prisoners, or in their possession, they shall be taken from them, and the surplus, after providing for their own support, appropriated for the use of the army, under the direction of the commander, unless otherwise ordered by the government. Nor can prisoners claim, as private property, large sums found and captured in their train, although they have been placed in the private luggage of the prisoners.

Article 73. All officers, when captured, must surrender their side arms to the captor. They may be restored to the prisoner in marked cases, by the commander, to signalize admiration of his distinguished bravery or approbation of his humane treatment of prisoners before his capture. The captured officer to whom they may be restored can not wear them during captivity.

Article 74. A prisoner of war, being a public enemy, is the prisoner of the government, and not of the captor. No ransom can be paid by a prisoner of war to his individual captor or to any officer in command. The government alone releases captives, according to rules prescribed by itself.

Article 75. Prisoners of war are subject to confinement or imprisonment such as may be deemed necessary on account of safety, but they are to be subjected to no other intentional suffering or indignity. The confinement and mode of treating a prisoner may be varied during his captivity according to the demands of safety.

Article 76. Prisoners of war shall be fed upon plain and wholesome food, whenever practicable, and treated with humanity.

They may be required to work for the benefit of the captor's government, according to their rank and condition.

Article 77. A prisoner of war who escapes may be shot or otherwise killed in his flight; but neither death nor any other punishment shall be inflicted upon him simply for his attempt to escape, which the law of war does not consider a crime. Stricter means of security shall be used after an unsuccessful attempt at escape.

If, however, a conspiracy is discovered, the purpose of which is a united or general escape, the conspirators may be rigorously punished, even with death; and capital punishment may also be inflicted upon prisoners of war discovered to have plotted rebellion against the authorities of the

captors, whether in union with fellow prisoners or other persons.

Article 78. If prisoners of war, having given no pledge nor made any promise on their honor, forcibly or otherwise escape, and are captured again in battle after having rejoined their own army, they shall not be punished for their escape, but shall be treated as simple prisoners of war, although they will be subjected to stricter confinement.

Article 79. Every captured wounded enemy shall be medically treated, according to the ability of the medical staff.

SECTION VI

Exchange of prisoners - Flags of truce - Flags of protection

Article 105. Exchanges of prisoners take place - number for number - rank for rank wounded for wounded - with added condition for added condition - such, for instance, as not to serve for a certain period.

Article 106. In exchanging prisoners of war, such numbers of persons of inferior rank may be substituted as an equivalent for one of superior rank as may be agreed upon by cartel, which requires the sanction of the government, or of the commander of the army in the field.

Article 107. A prisoner of war is in honor bound truly to state to the captor his rank; and he is not to assume a lower rank than belongs to him, in order to cause a more advantageous exchange, nor a higher rank, for the purpose of obtaining better treatment.

Offenses to the contrary have been justly punished by the commanders of released prisoners, and may be good cause for refusing to release such prisoners.

Article 108. The surplus number of prisoners of war remaining after an exchange has taken place is sometimes released either for the payment of a stipulated sum of money, or, in urgent cases, of provision, clothing, or other necessities.

Such arrangement, however, requires the sanction of the highest authority.

Article 109. The exchange of prisoners of war is an act of convenience to both belligerents. If no general cartel has been concluded, it cannot be demanded by either of them. No belligerent is obliged to exchange prisoners of war.

A cartel is voidable as soon as either party has violated it.

SECTION VII

Parole

Article 119. Prisoners of war may be released from captivity by exchange, and, under certain circumstances, also by parole.

Article 120. The term Parole designates the pledge of individual good faith and honor to do, or to omit doing, certain acts after he who gives his parole shall have been dismissed, wholly or partially, from the power of the captor.

Article 121. The pledge of the parole is always an individual, but not a private act.

Article 122. The parole applies chiefly to prisoners of war whom the captor allows to return to their country, or to live in greater freedom within the captor's country or territory, on conditions stated in the parole.

Article 123. Release of prisoners of war by exchange is the general rule; release by parole is the exception.

Article 124. Breaking the parole is punished with death when the person breaking the parole is captured again.

Accurate lists, therefore, of the paroled persons must be kept by the belligerents.

Article 125. When paroles are given and received there must be an exchange of two written documents, in which the name and rank of the paroled individuals are accurately and truthfully stated.

Article 126. Commissioned officers only are allowed to give their parole, and they can give it only with the permission of their superior, as long as a superior in rank is within reach.

Article 127. No noncommissioned officer or private can give his parole except through an officer. Individual paroles not given through an officer are not only void, but subject the individuals giving them to the punishment of death as deserters. The only admissible exception is where individuals, properly separated from their commands, have suffered long confinement without the possibility of being paroled through an officer.

Article 128. No paroling on the battlefield; no paroling of entire bodies of troops after a battle; and no dismissal of large numbers of prisoners, with a general declaration that they are paroled, is permitted, or of any value.

Article 129. In capitulations for the surrender of strong places or fortified camps the commanding officer, in cases of urgent necessity, may agree that the troops under his command shall not fight again during the war, unless exchanged.

Article 130. The usual pledge given in the parole is not to serve during the existing war, unless exchanged. This pledge refers only to the active service in the field, against the paroling belligerent or his allies actively engaged in the same war. These cases of breaking the parole are patent acts, and can be visited with the punishment of death; but the pledge does not refer to internal service, such as recruiting or drilling the recruits, fortifying places not besieged, quelling civil commotions, fighting against belligerents unconnected with the paroling belligerents, or to civil or diplomatic service for which the paroled officer may be employed.

Article 131. If the government does not approve of the parole, the paroled officer must return into captivity, and should the enemy refuse to receive him, he is free of his parole.

Dix — Hill Cartel¹³²

Appendix C

The undersigned having been commissioned by the authorities they respectively represent to make arrangements for a general exchange of prisoners of war have agreed to the following articles:

ARTICLE 1. It is hereby agreed and stipulated that all prisoners of war held by either party including those taken on private armed vessels known as privateers shall be discharged upon the conditions and terms following:

Prisoners to be exchanged man for man and officer for officer; privateers to be placed upon the footing of officers and men of the Navy.

Men and officers of lower grades may be exchanged for officers of a higher grade, and men and officers of different services may be exchanged according to the following scale of equivalents:

A general commanding in chief or an admiral shall be exchanged for officers of equal rank, or for sixty privates or common seamen.

A flag officer or major-general shall be exchanged for officers of equal rank, or for forty privates or common seamen.

A commodore carrying a broad pennant or a brigadier-general shall be exchanged for officers of equal rank, or twenty privates or common seamen.

A captain in the Navy or a colonel shall be exchanged for officers of equal rank, or for fifteen privates or common seamen.

A lieutenant-colonel or a commander in the Navy shall be exchanged for officers of equal rank, or for ten privates or common seamen.

A lieutenant-commander or a major shall be exchanged for officers of equal rank, or eight privates or common seamen.

A lieutenant or a master in the Navy or a captain in the Army or marines shall be exchanged for officers of equal rank, or six privates or common seamen.

Masters' mates in the Navy or lieutenants and ensigns in the Army shall be exchanged for officers of equal rank, or four privates or command seamen.

Midshipmen, warrant officers in the Navy, masters of merchant vessels and commanders of privateers shall be exchanged for officers of equal rank, or three privates or common seamen.

Second captains, lieutenants or mates of merchant vessels or privateers and all petty officers in the Navy and all non-commissioned officers <arm 17_267> in the

¹³² O.R., series 2, IV, 266-67.

Army or marines shall be severally exchanged for persons of equal rank, or for two privates or common seamen, and private soldiers or common seamen shall be exchanged for each other, man for man.

ART. 2. Local, State, civil and militia rank held by persons not in actual military service will not be recognized, the basis of exchange being the grade actually held in the naval and military service of the respective parties.

ART. 3. If citizens held by either party on charges of disloyalty or any alleged civil offense are exchanged it shall only be for citizens. Captured sutlers, teamsters and all civilians in the actual service of either party to be exchanged for persons in similar position.

ART. 4. All prisoners of war to be discharged on parole in ten days after their capture, and the prisoners now held and those hereafter taken to be transported to the points mutually agreed upon at the expense of the capturing party. The surplus prisoners not exchanged shall not be permitted to take up arms again, nor to serve as military police or constabulary force in any fort, garrison or field-work held by either of the respective parties, nor as guards of prisons, depots or stores, nor to discharge any duty usually performed by soldiers, until exchanged under the provisions of this cartel. The exchange is not to be considered complete until the officer or soldier exchanged for has been actually restored to the lines to which he belongs.

ART. 5. Each party upon the discharge of prisoners of the other party is authorized to discharge an equal number of their own officers or men from parole, furnishing at the same time to the other party a list of their prisoners discharged and of their own officers and men relieved from parole, thus enabling each party to relieve from parole such of their own officers and men as the party may choose. The lists thus mutually furnished will keep both parties advised of the true condition of the exchange of prisoners.

ART. 6. The stipulations and provisions above mentioned to be of binding obligation during the continuance of the war, it matters not which party may have the surplus of prisoners, the great principles involved being, first, an equitable exchange of prisoners, man for man, officer for officer, or officers of higher grade exchanged for officers of lower grade or for privates, according to the scale of equivalents; second, that privateers and officers and men of different services may be exchanged according to the same scale of equivalents; third, that all prisoners, of whatever arm of service, are to be exchanged or paroled in ten days from the time of their capture, if it be practicable to transfer them to their own lines in that time; if not, as soon thereafter as practicable; fourth, that no officer, soldier or employee, in the service of either party, is to be considered as exchanged and absolved from his parole until his equivalent has actually reached the lines of his friends; fifth, that the parole forbids the performance of field, garrison, police, or guard, or constabulary duty.

JOHN A. DIX,
Major-General.

D. H. HILL,
Major-General.

SUPPLEMENTARY ARTICLES.

ART. 7. All prisoners of war now held on either side and all prisoners hereafter taken shall be sent with all reasonable dispatch to A.M. Aiken's, below Dutch Gap, on the James River, Va., or to Vicksburg, on the Mississippi River, in the State of

Mississippi, and there exchanged or paroled until such exchange can be effected, notice being previously given by each party of the number of prisoners it will send and the time when they will be delivered at those points respectively; and in case the vicissitudes of war shall change the military relations of the places designated in this article to the contending parties so as to render the same inconvenient for the delivery and exchange of prisoners, other places bearing as nearly as may be the present local relations of said places to the lines of said parties shall be by mutual agreement substituted. But nothing in this article contained shall prevent the commanders of two opposing armies from exchanging prisoners or releasing them on parole from other points mutually agreed on by said commanders.

ART. 8. For the purpose of carrying into effect the foregoing articles of agreement each party will appoint two agents, to be called agents for the exchange of prisoners of war, whose duty it shall be to communicate with each other by correspondence and otherwise, to prepare the lists of prisoners, to attend to the delivery of the prisoners at the places agreed on and to carry out promptly, effectually and in good faith all the details and provisions of the said articles of agreement.

ART. 9. And in case any misunderstanding shall arise in regard to any clause or stipulation in the foregoing articles it is mutually agreed that such misunderstanding shall not interrupt the release of prisoners on parole, as herein provided, but shall be made the subject of friendly explanations in order that the object of this agreement may neither be defeated nor postponed.

JOHN A. DIX,
Major-General.

D. H. HILL,
Major-General.

Surgeon General's Report on Andersonville¹³³

Appendix D

The Confederate military prison at Andersonville, Ga., consists of a strong stockade, twenty feet in height, inclosing twenty-seven acres. The stockade is formed of strong pine logs, firmly planted in the ground. The main stockade is surrounded by two other similar rows of pine logs, the middle stockade being sixteen feet high and the outer twelve feet. These are intended for offense and defense. If the inner stockade should at any time be forced by the prisoners, the second forms another line of defense, whilst, in case of an attempt to deliver the prisoners by a force operating upon the exterior, the outer line forms an admirable protection to the Confederate troops and a most formidable obstacle to cavalry or infantry. The four angles of the outer line are strengthened by earth-works upon commanding eminences, from which the cannon, in case of an outbreak amongst the prisoners, may sweep the entire inclosure, and it was designed to connect these works by a line of rifle-pits running zigzag around the outer stockade. These rifle-pits have never been completed.

The ground inclosed by the innermost stockade lies in the form of a parallelogram, the larger diameter running almost due north and south. This space includes the northern and southern opposing sides of two hills, between which a stream of water runs from west to east. The surface soil of these hills is composed chiefly of sand with varying admixtures of clay and oxide of iron. The clay is sufficiently tenacious to give a considerable degree of consistency to the soil. The internal structure of the hills as revealed by the deep wells is similar to that already described. The alternate beds of clay and sand, as well as the oxide of iron, which forms in its various combinations a cement to the sand, allow of extensive tunneling. The prisoners not only constructed numerous dirt lints with balls of clay and sand taken from the wells which they have excavated all over these hills, but they have also in some cases tunneled extensively from these wells. The lower portions of these hills bordering on the stream are wet and boggy, from the constant oozing of water.

The stockade was built originally to accommodate only 10,000 prisoners, and included at first seventeen acres. Near the close of the month of June the area was enlarged by the addition of ten acres. The ground added was situated on the northern slope of the largest hill.

Within the circumscribed area of the stockade the Federal prisoners were compelled to perform all the offices of life--cooking, washing, urinating, defecation, exercise, and sleeping. The Federal prisoners were gathered from all parts of the Confederate States east of the Mississippi and crowded into this confined. For a considerable breadth of land along the stream flowing from west to east between the hills was low and boggy and was

¹³³ Wirz Trial Home Page, "The Wirz Trial," downloaded from Internet, under UMKC Law Review, under keyword *Trial Text*, (20 January 2000).

covered with the excrements of the men, and thus rendered wholly uninhabitable, and in fact useless for every purpose except that of defecation.

The pines and other small trees and shrubs which originally were scattered sparsely over these hills were in a short time cut down and consumed by the prisoners for firewood, and no shade tree was left in the entire inclosure of the stockade. With their characteristic industry and ingenuity the Federals constructed for themselves small huts and caves, and attempted to shield themselves from the rain and sun, and night damps and dew. But few tents were distributed to the prisoners, and these were in most cases torn and rotten. In the location and arrangement of these tents and huts no order appears to have been followed. In fact, regular streets appeared to be out of the question in so crowded an area; especially, too, as large bodies of prisoners were from time to time added suddenly without any previous preparation.

The irregular arrangement of the huts and imperfect shelters was very unfavorable for the maintenance of a proper system of police. The police and internal economy of the prison was left almost entirely in the hands of the prisoners themselves, the duties of the Confederate soldiers acting as guards being limited to the occupation of the boxes or lookouts ranged around the stockade at regular intervals, and to the manning of the batteries at the angles of the prison. Even judicial matters pertaining to themselves, as the detection and punishment of such crimes as theft and murder, appear to have been in a great measure abandoned to the prisoners.

The large number of men confined within the stockade soon, under a defective system of police, and with imperfect arrangements, covered the surface of the low grounds with excrements. The sinks over the lower portions of the stream were imperfect in their plan and structure, and the excrements were in large measure deposited so near the borders of the stream as not to be washed away, or else accumulated upon the low boggy ground. The volume of water was not sufficient to wash away the feces, and they accumulated in such quantities in the lower portion of the stream as to form a mass of liquid excrement. Heavy rains caused the waters of the stream to rise, and as the arrangements for the passage of the increased amounts of water out of the stockade were insufficient, the liquid feces overflowed the low grounds and covered them several inches after the subsidence of the waters. The action of the hot sun upon this putrefying mass of excrements and fragments of bread and meat and bones excited most rapid fermentation and developed a horrible stench. Improvements were projected for the removal of the filth and for the prevention of its accumulation, but they were only partially and imperfectly carried out.

As the forces of the prisoners were reduced by confinement, want of exercise, improper diet, and by scurvy, diarrhea, and dysentery, they were unable to evacuate their bowels within the stream or along its banks, and the excrements were deposited at the very doors of their tents. The vast majority appeared to lose all repulsion to filth, and both sick and well disregarded all the laws of hygiene and personal cleanliness.

The accommodations for the sick were imperfect and insufficient. From the organization of the prison, February 24, 1864, to May 22, the sick were treated within the stockade. In the crowded condition of the stockade, and with the tents and huts clustered thickly around the hospital, it was impossible to secure proper ventilation or to maintain the necessary police. The supply of medical officers has been insufficient from the foundation of the prison. The nurses and attendants upon the sick have been most generally Federal prisoners. From the want of proper police and hygienic regulations alone, it is not wonderful that from February 24 to September 21, 1864, 9,479 deaths (nearly one-third the entire number of prisoners) should have been recorded.

In the stockade, with the exception of the damp low lands bordering the small stream, the surface was covered with huts and small ragged tents, and parts of

blankets and fragments of oilcloth, coats, and blankets stretched upon sticks. The tents and huts were not arranged according to any order, and there was in most parts of the inclosure scarcely room for two men to walk abreast between the tents and huts.

I observed men urinating and evacuating their bowels at the very tent doors and around the little vessels in which they were cooking their food. Small pits, not more than a foot or two deep, nearly filled with soft offensive feces, were everywhere seen, and emitted under the hot sun a strong and disgusting odor. Masses of corn bread, bones, old rags, and filth of every description were scattered around or accumulated in large piles.

Each day the dead from the stockade were carried out by their fellow-prisoners and deposited upon the ground under a bush arbor just outside of the southwestern gate. From thence they were carried in carts to the burying ground one-quarter of a mile northwest of the prison. The dead were buried without coffins, side by side, in trenches four feet deep.

The low grounds bordering the stream were covered with human excrements and filth of all kinds, which in many places appeared to be alive with working maggots. An indescribable sickening stench arose from this fermenting morass of human dung and filth.

There were near 5,000 seriously ill Federals in the stockade and C. S. military prison hospital, and the deaths exceeded 100 per day, and large numbers of the prisoners who were walking about, and who had not been entered upon the sick reports, were suffering from severe and incurable diarrhea, dysentery; and scurvy. The sick were attended almost entirely by their fellow-prisoners, appointed as nurses; and as they received but little attention, they were compelled to exert themselves at all times to attend to the calls of nature, and hence they retained the power of moving about to within a comparatively short period of the close of life. Owing to the slow progress of the diseases most prevalent--diarrhea and chronic dysentery--the corpses were as a general rule emaciated.

I visited 2,000 sick within the stockade lying under four long sheds which had been built at the northern portion for barracks. At this time only one medical officer was in attendance, whereas at least twenty medical officers should have been employed.

So distressing was the service and so great were the obstacles to successful and satisfactory practice amongst these men, whose constitutions had been broken down by long confinement and whose moral energies had been sapped by the loss of all hope of exchange on the part of their Government, that the more energetic Confederate surgeons and assistant surgeons endeavored to get transfers to other fields of labor, preferring the hardships and exposure of service at the front. It is also to be considered that not only is there a scarcity of physicians in the Confederacy, but it is especially difficult to command the services of competent physicians in this sparsely settled country.

Scurvy, diarrhea, dysentery, and hospital gangrene were the prevailing diseases. The effects of scurvy were manifest on every hand, and in all its various stages, from the muddy, pale complexion, pale gums, feeble, languid, muscular motions, lowness of spirits and fetid breath, to the dusky, dirty, leaden complexion, swollen features, spongy, purple, livid fungoid bleeding gums, loose teeth, edematous limbs covered with livid vibices and petechiae, spasmodically flexed, painful and hardened extremities, spontaneous hemorrhages from mucus canals, and large ill-conditioned spreading ulcers, covered with a dark-purplish fungous growth. I observed that in some of the cases of scurvy the parotid glands were greatly swollen, and in some instances to such an extent as to preclude entirely the power to articulate. In several cases of dropsy of the abdomen and lower extremities, supervening upon scurvy, the patients affirmed that previously to the appearance of the dropsy they had suffered with profuse and obstinate diarrhea, and that when this was checked by a change of diet from Indian-corn bread, baked with the husk, to boiled rice the dropsy appeared.

The severe pains and livid patches were frequently associated with swellings in various parts, and especially in the lower extremities, accompanied with stiffness and contractions of the kneejoints and ankles, and often with a brawny feel of the parts, as if lymph had been effused between the integuments and aponeurosis, preventing the motion of the skin over the swollen parts.

Many of the prisoners believed that the scurvy was contagious, and I saw men guarding their wells and springs, fearing lest some man suffering with the scurvy might use the waters and thus poison them.

I observed also numerous cases of hospital gangrene and of spreading scorbutic ulcers, which had supervened upon slight injuries. The scorbutic ulcers presented a dark purple fungoid elevated surface, with livid swollen edges, and exuded a thin fetid sanious fluid instead of pus. Many ulcers which originated from the scorbutic condition of the system appeared to become truly gangrenous, assuming all the characteristics of hospital gangrene.

From the crowded condition, filthy habits, bad diet, and dejected, depressed condition of the prisoners, their systems had become so disordered that the smallest abrasion of the skin from the rubbing of a shoe, or from the effects of the hot sun, or from the prick of a splinter, or from scratching a mosquito bite, in some cases, took on rapid and frightful ulceration and gangrene.

The long use of salt meat, oftentimes imperfectly cured, as well as the almost total deprivation of vegetables and fruit, appeared to be the chief causes of the scurvy.

I carefully examined the bakery and the bread furnished the prisoners, and found that they were supplied almost entirely with corn bread from which the husk had not been separated. This husk acted as an irritant to the alimentary canal, without adding any nutriment to the bread.

The sick within the stockade lay under several long sheds, which were originally built for barracks. These sheds covered two floors, which were open on all sides. The sick lay upon the bare boards, or upon such ragged blankets as they possessed, without, as far as I observed, any bedding or even straw. Pits for the reception of faeces were dug within a few feet of the lower floor, and they were almost never unoccupied by those suffering with diarrhea.

The haggard, distressed countenances of these miserable, complaining, dejected, living skeletons, crying for medical aid and food, and cursing their Government for its refusal to exchange prisoners, and the ghastly corpses, with their glazed eyeballs staring up into vacant space, with the flies swarming down their open and grinning mouths, and over their ragged clothes, infested with numerous lice, as they lay amongst the sick and dying, formed a picture of helpless, hopeless misery, which it would be impossible to portray by words or by the brush. Some hundred or more of the prisoners had been released from confinement in the stockade on parole and filled various offices, as clerks, druggists, and carpenters, &c., in the various departments. These men were well clothed and presented a stout and healthy appearance, and as a general rule they presented a much more robust and healthy appearance than the Confederate troops guarding the prisoners.

The hospital is situated near the southeast corner of the stockade and covers about five acres of ground. The larger forest trees, as the pine and oak, have been left in their natural state and furnish pleasant shade to the patients. The ground slopes gently toward the south and east. A sluggish stream of water flows through the southern portion of the hospital grounds from west to east. The upper portion of this stream is used by the patients for washing, whilst along the borders of the lower portion logs have been ranged upon which the patients may sit and evacuate their bowels. This part of the stream was a semifluid mass of human excrements and offal and filth of all kinds. This immense cesspool fermenting beneath the hot sun emitted an overpowering stench. North of the

hospital grounds the stream which flows through the stockade pursues its sluggish and filthy course. The exhalations from this swamp, which is loaded with the excrements of the prisoners confined in the stockade, exert their deleterious influences upon the inmates of the hospital. The entire grounds are surrounded by a frail board fence and are strictly guarded by Confederate soldiers, and no prisoner, except the paroled attendants, is allowed to leave the prison.

The patients and attendants, near 2,000 in number, are crowded into this confined space and are but poorly supplied with old and ragged tents. Large numbers of them were without any bunks in the tents, and lay upon the ground, oftentimes without even a blanket. No beds or straw appeared to have been furnished.

The tents extend to within a few yards of the small stream, the eastern portion of which, as we have before said, is used as a privy and is loaded with excrements; and I observed a large pile of corn bread, bones, and filth of all kinds, thirty feet in diameter and several feet in height, swarming with myriads of flies, in a vacant space near the pots used for cooking. Millions of flies swarmed over everything and covered the faces of the sleeping patients, and crawled down their open mouths and deposited their maggots in the gangrenous wounds of the living and in the mouths of the dead. Mosquitoes in great numbers also infested the tents, and many of the patients were so stung by these pestiferous insects that they resembled those suffering with a slight attack of measles.

The police and hygiene of the hospital was defective in the extreme; the attendants, who appeared in almost every instance to have been selected from the prisoners, seemed to have in many cases but little interest in the welfare of their fellow captives. The accusation was made that the nurses in many cases robbed the sick of their clothing, money, and rations, and carried on a clandestine trade with the paroled prisoners and Confederate guards without the hospital inclosure in the clothing and effects of the sick, dying, and dead Federals. They certainly appeared to neglect the comfort and cleanliness of the sick intrusted to their care in a most shameful manner, even after making due allowances for the difficulties of the situation. Many of the sick were literally incrustated with dirt and filth and covered with vermin. When a gangrenous wound needed washing the limb was thrust out a little from the blanket or board or rags upon which the patient was lying, and water poured over it, and all the putrescent matters allowed to soak into the ground floor of the tent.

The supply of rags for dressing wounds was said to be very scant, and I saw the most filthy rags which had been applied several times and imperfectly washed used in dressing recent wounds. Where hospital gangrene was prevailing it was impossible for any wound to escape contagion under these circumstances. The results of the treatment of wounds in the hospital were of the most unsatisfactory character, from this neglect of cleanliness, in the dressings and wounds themselves, as well as from various other causes, which will be more fully considered. I saw several gangrenous wounds filled with maggots.

The manner of disposing of the dead was also calculated to depress the already desponding spirits of these men, many of whom had been confined for months, and even for near two years, in Richmond and other places, and whose strength had been wasted by bad air, bad food, and neglect of personal cleanliness. The dead-house is merely a frame covered with old tent cloths and a few bushes, situated in the southwestern corner of the hospital grounds. When a patient dies he is simply laid in the narrow street in front of his tent until he is removed by Federal negroes detailed to carry off the dead. If a patient dies during the night he lies there until the morning, and during the day even the dead were frequently allowed to remain for hours in these walks. In the dead-house the corpses lie upon the bare ground, and were in most cases covered with filth and vermin.

The cooking arrangements are of the most defective character. Four' large iron pots, similar to those used for boiling sugar cane, appeared to be the only cooking utensils furnished by the hospital for the cooking of near 2,000 men, and the patients were dependent in great measure upon their own miserable utensils. They were allowed to cook in the tent doors and in the lanes, and this was another source of filth and another favorable condition for the generation and multiplication of flies and other vermin. The air of the tents was foul and disagreeable in the extreme, and in fact the entire grounds emitted a most nauseous and disgusting smell.

I entered nearly all the tents and carefully examined the cases of interest, and especially the causes of gangrene, upon numerous occasions during the prosecution of my pathological inquiries at Andersonville, and therefore enjoyed every opportunity to judge correctly of the hygiene and police of the hospital. There appeared to be almost absolute indifference and neglect on the part of the patients of personal cleanliness; their persons and clothing in most instances, and especially of those suffering with gangrene and scorbutic ulcers, were filthy in the extreme and covered with vermin. It was too often the case that patients were received from the stockade in a most deplorable condition. I have seen men brought in from the stockade in a dying condition, begrimed from head to foot with their own excrements, and so black from smoke and filth that they resembled negroes rather than white men. That this description of the stockade and hospital has not been overdrawn will appear from the reports of the surgeons in charge appended to this report.

During this period of six months no less than 565 deaths are recorded under the head of morbi varii. In other words, these men died without having received sufficient medical attention for the determination of even the name of the disease causing death. The entire number of Federal prisoners confined at Andersonville was about 40,611, and during the period of near seven months, from February 24 to September 21, 9,479 deaths were recorded; that is, during this period near one-fourth, or, more exactly, one in 4.2, or 23.3 per cent., terminated fatally. This increase of mortality was due in great measure to the accumulation of the sources of disease, as the increase of excrements and filth of all kinds and the concentration of noxious effluvia, and also to the progressive effects of salt diet, crowding, and the hot climate.

If the Federal prisoners did not receive the rations to which they were entitled by the act of the Confederate Government, the deficiencies and irregularities were due either to the impossibility of securing regular supplies of provisions in the impoverished condition of the Confederacy, with the imperfect lines of communication, dilapidated but crowded railroad transportation, and with a currency depreciated to an almost nominal value, or to frauds committed by the officers in immediate charge of the subsistence department of the prisoners, and by the Federal prisoners themselves detailed to distribute rations within the stockade and hospital.

The results of my post-mortem examinations showed that in many of the cases of diarrhea and dysentery of long standing no treatment whatever would have availed, so thoroughly was the mucous membrane of the intestinal canal diseased. In those cases of diarrhea and dysentery which I examined after death the congestion of the mucous membrane was intense, and was often accompanied with ulceration and mortification. The mortification in many of these cases appeared to be similar in its nature and to be due to the same causes as that form of mortification known as hospital gangrene.

We have before alluded to the various symptoms manifested by this disease, as the enlargement of the parotid glands, the livid, swollen, spongy, fungoid gums, loose teeth, the dark purple blotches upon the skin, the hard rough feeling of the lower extremities, and the foul spreading scorbutic ulcers. The swelling of the parotid glands in these cases of scurvy was generally a fatal symptom, and in most cases preceded death by only a few

days. In this foul atmosphere the scorbutic ulcers, however excited, soon took on the appearance and action of hospital gangrene.

CONCLUSIONS

First. The great mortality amongst the Federal prisoners confined in the military prison at Andersonville was not referable to climatic causes or to the nature of the soil and waters.

Second. The chief causes of death were scurvy and its results, and bowel affections—chronic and acute diarrhea and dysentery. The bowel affections appear to have been due to the diet, the habits of the patients, the depressed, dejected state of the nervous system and moral and intellectual powers, and to the effluvia arising from the decomposing animal and vegetable filth. The effects of salt meat and an unvarying diet of corn-meal, with but few vegetables and imperfect supplies of vinegar and sirup, were manifested in the great prevalence of scurvy. This disease, without doubt, was also influenced to an important extent in its origin and course by the foul animal emanations.

Third. From the sameness of the food and from the action of poisonous gases in the densely crowded and filthy stockade and hospital, the blood was altered in its constitution even before the manifestation of actual disease. In both the well and the sick the red corpuscles were diminished, and in all diseases uncomplicated with inflammation the fibrinous element was deficient. In cases of ulceration of the mucous membrane of the intestinal canal the fibrinous element of the blood was increased; whilst in simple diarrhea, uncomplicated with ulceration, it was either diminished or else remained stationary. Heart clots were very common if not universally present in the cases of ulceration of the intestinal mucous membrane, whilst in the uncomplicated cases of diarrhea and scurvy the blood was fluid and did not coagulate readily, and the heart clots and fibrinous concretions were almost universally absent. From the watery condition of the blood there resulted various serous effusions into the pericardium, ventricles of the brain, and into the abdomen. In almost all the cases which I examined after death, even in the most emaciated, there was more or less serous effusion into the abdominal cavity. In cases of hospital gangrene of the extremities and in cases of gangrene of the intestines, heart clots and firm coagula were universally present. The presence of these clots in the cases of hospital gangrene, whilst they were absent in the cases in which there were no inflammatory symptoms, sustains the conclusion that hospital gangrene is a species of inflammation, imperfect and irregular though it may be in its progress, in which the fibrinous element and coagulation of the blood are increased, even in those who are suffering from such a condition of the blood, and from such diseases as are naturally accompanied with a decrease in the fibrinous constituent.

Fourth. The fact that hospital gangrene appeared in the stockade first, and originated spontaneously without any previous contagion and occurred sporadically all over the stockade and prison hospital, was proof positive that this disease will arise wherever the conditions of crowding, filth, foul air, and bad diet are present. The exhalations from the hospital and stockade appeared to exert these effects to a considerable distance outside of these localities. The origin of hospital gangrene amongst these prisoners appeared clearly to depend in great measure upon the state of the general system, induced by diet and various external noxious influences. The rapidity of the appearance and action of the gangrene depended upon the powers and state of the constitution, as well as upon the intensity of the poison in the atmosphere, or upon the direct application of poisonous matter to the wounded surface. This was further illustrated by the important fact that hospital gangrene, or a disease resembling it in all essential respects, attacked the intestinal canal of patients laboring under ulceration of the bowels, although there were no local manifestations of gangrene upon the surface of the body. This mode of

termination in cases of dysentery was quite common in the foul atmosphere of the C. S. military prison hospital, in the depressed, depraved condition of the system of these Federal prisoners.

Fifth. A scorbutic condition of the system appeared to favor the origin of foul ulcers, which frequently took on true hospital gangrene. Scurvy and hospital gangrene frequently existed in the same individual. In such cases vegetable diet with vegetable acids would remove the scorbutic condition without curing the hospital gangrene. As in the present case of Andersonville, so also in past times when medical hygiene was almost entirely neglected, these two diseases were almost universally associated in crowded ships. In many cases it was very difficult to decide at first whether the ulcer was a simple result of scurvy or of the action of the poison of hospital gangrene, for there was great similarity in the appearance of the ulcers in the two diseases.

Sixth. Gangrenous spots, followed by rapid destruction of tissue, appeared in some cases when there had been no known wound. Without such well-established facts it might be assumed that the disease was propagated from one patient to another. In such a filthy and crowded hospital as that of the C. S. military prison at Andersonville it was impossible to isolate the wounded from the sources of actual contact of the gangrenous matter. The flies swarming over the wounds and over filth of every kind, the filthy, imperfectly washed, and scant supplies of rags, and the limited supplies of washing utensils--the same washbowl serving for scores of patients--were sources of such constant circulation of the gangrenous matter that the disease might rapidly spread from a single gangrenous wound. The fact already stated that a form of moist gangrene resembling hospital gangrene was quite common in this foul atmosphere in cases of dysentery, both with and without the existence of the disease upon the exterior surface, not only demonstrates the dependence of the disease upon the state of the constitution, but proves in the clearest manner that neither the contact of the poisonous matter of gangrene nor the direct action of the poisoned atmosphere upon the ulcerated surface is necessary to the development of the disease.

Seventh. In this foul atmosphere amputation did not arrest hospital gangrene; the disease almost invariably returned. Almost every amputation was followed finally by death, either from the effects of gangrene or from the prevailing diarrhea and dysentery. Nitric acid and escharotics generally in this crowded atmosphere, loaded with noxious effluvia, exerted only temporary effects. After their application to the diseased surfaces the gangrene would frequently return with redoubled energy; and even after the gangrene had been completely removed by local and constitutional treatment, it would frequently return and destroy the patient. As far as my observation extended, very few of the cases of amputation for gangrene recovered. The progress of these cases was frequently very deceptive. I have observed after death the most extensive disorganization of the structures of the stump, where during life there was but little swelling of the part and the patient was apparently doing well. I endeavored to impress upon the medical officers the view that in this disease treatment was almost useless without an abundant supply of pure fresh air, nutritious food, and tonics and stimulants. Such changes, however, as would allow of the isolation of the cases of hospital gangrene appeared to be out of the power of the medical officers.

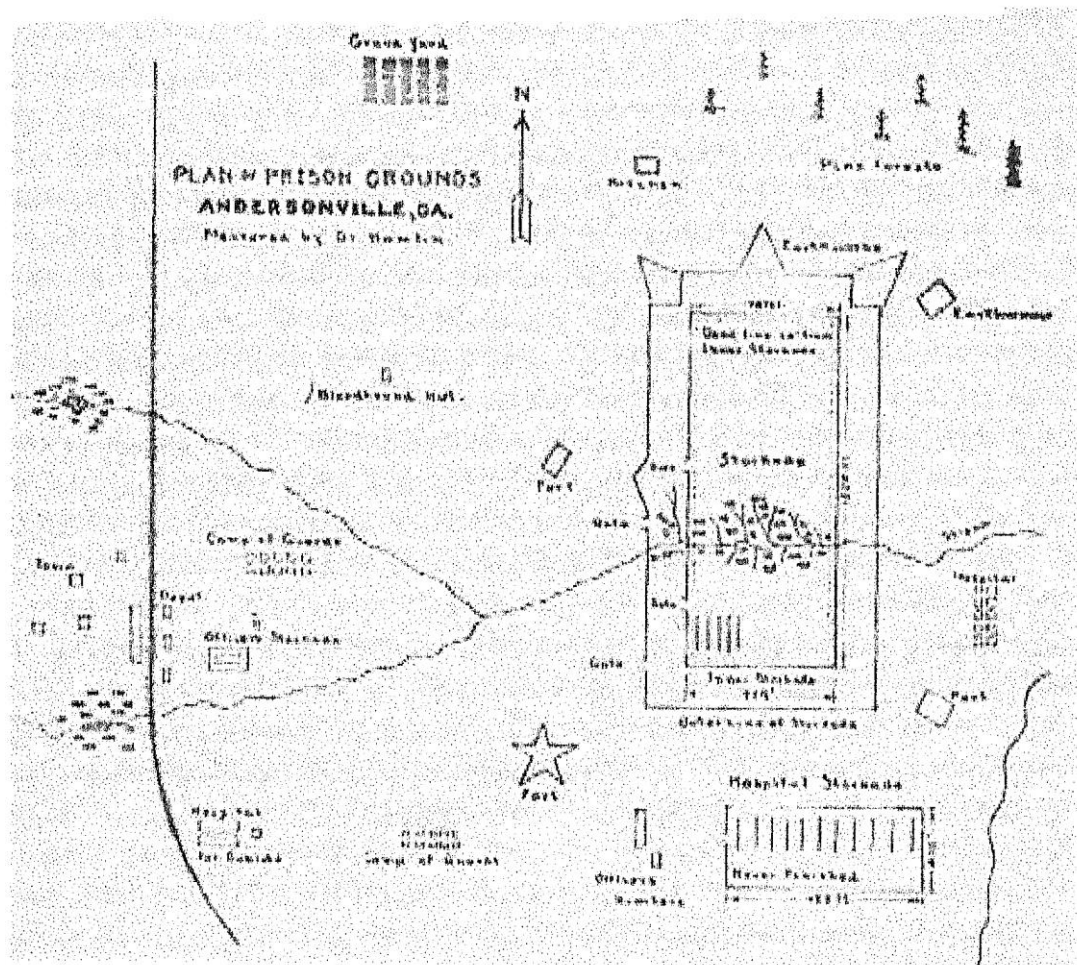
Eighth. The gangrenous mass was without true pus, and consisted chiefly of broken-down disorganized structures. The reaction of the gangrenous matter in certain stages was alkaline.

Ninth. The best, and in truth the only, means of protecting large armies and navies, as well as prisoners, from the ravages of hospital gangrene is to furnish liberal supplies of well-cured meat, together with fresh beef and vegetables, and to enforce a rigid system of hygiene.

Tenth. Finally, this gigantic mass of human misery calls loudly for relief, not only for the sake of the sufferers and humanity, but also on account of our own brave soldiers now captives in the hands of the Federal Government. Strict justice to the gallant men of the Confederate armies who have been or who may be so unfortunate as to be compelled to surrender in battle demands that the Confederate Government should adopt that course which will best secure their health and comfort in captivity, or at least leave their enemies without the shadow of an excuse for any violation of the rules of civilized warfare in the treatment of prisoners.

Andersonville Map¹³⁴

Appendix E



¹³⁴ Wirz Trial Page, "Wirz Trial," Internet download, under UMKC Law Review, keyword *Map*, (20 January 2000).

Andersonville Prison Death Records¹³⁵

Appendix F

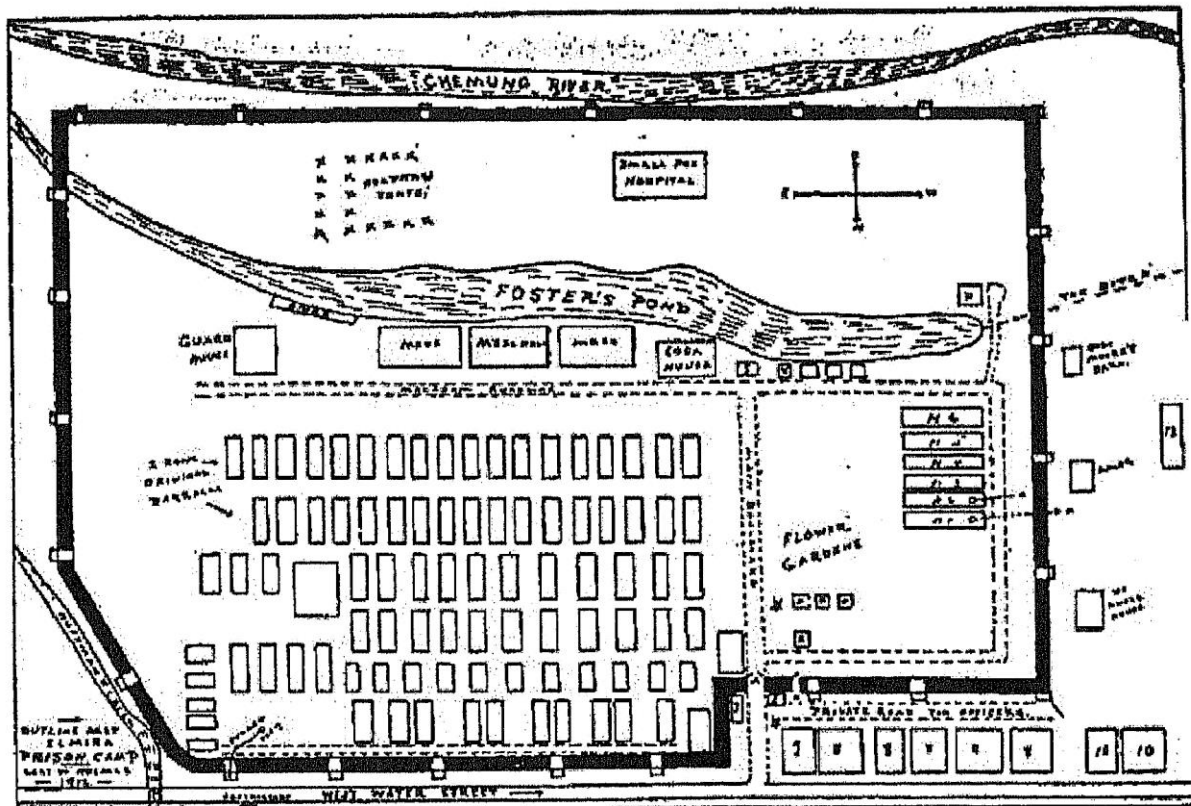
Day	Feb. 1864	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan. 1865	Feb.	March	April
1.	...	1	27	19	18	49	74	105	81	25	6	10	4	5	1
2.	...	2	21	7	21	45	74	104	49	26	5	6	6	2	...
3.	...	1	21	27	30	43	74	112	41	28	5	6	7	6	...
4.	...	1	21	13	31	51	74	96	65	35	7	5	6	6	...
5.	...	7	27	29	27	42	90	97	46	33	4	5	7	2	3
6.	...	4	22	12	34	32	103	105	49	35	9	7	8	8	...
7.	...	6	16	22	25	60	71	64	54	22	6	3	8	2	2
8.	...	6	15	20	32	22	96	109	50	22	5	6	8	6	1
9.	...	3	23	19	35	41	93	77	35	13	5	7	6	...	1
10.	...	...	24	31	45	57	85	100	63	12	6	5	11	2	1
11.	...	4	9	21	28	38	103	98	105	13	2	7	2	...	1
12.	...	3	27	17	30	54	81	111	75	11	12	8	3	12	...
13.	...	4	15	24	30	34	110	78	60	20	11	5	10	8	...
14.	...	3	27	26	55	57	113	102	78	13	4	5	5	4	1
15.	...	5	19	29	80	42	120	83	23	22	6	7	2	8	...
16.	...	4	13	28	24	55	108	100	53	21	5	9	7	3	2
17.	...	4	20	21	56	66	113	106	46	16	3	6	5	4	2
18.	...	6	17	23	31	69	89	127	53	19	5	6	3	6	1
19.	...	9	17	24	49	50	101	92	55	10	5	7	7	3	2
20.	...	11	22	25	43	66	107	98	41	6	4	6	3	4	1
21.	...	10	10	21	49	67	86	107	40	9	3	8	3	3	2
22.	...	11	15	21	42	63	122	37	51	16	3	6	8	1	2
23.	...	28	27	31	45	36	127	82	51	10	2	7	4	...	2
24.	...	12	15	29	50	69	102	77	67	12	7	3	1	3	...
25.	...	17	19	25	53	63	98	74	22	8	3	3	...	5	2
26.	...	20	19	27	53	65	103	49	71	13	10	10	5	...	...
27.	1	19	15	18	45	71	93	83	40	9	6	13	2	1	...
28.	...	18	24	28	45	80	89	75	37	9	2	5	6	...	1

¹³⁵ Wirz, keyword "death count".

29.		21	16	21	42	85	106	69	27	3	3	4		3	
30.		19	13	20	39	69	95	60	40	6	7	6			
31.		23		45		96	92		27		4	6			
Monthly Total	1	282	576	723	1,187	1,731	2,994	2,677	1,595	499	165	197	147	108	28
Grand Total	1	283	859	1,582	2,769	4,500	7,494	10,171	11,766	12,265	12,430	12,627	12,774	12,882	12,910

The official death toll at Andersonville is given at 13,171. There are 12,912 graves marked or identified at Andersonville.

Appendix G



¹³⁶ Courtney from internet.

Elmira Prison Death Records¹³⁷

Appendix H

Month	Arrivals	Oath Release	Death	Trans. for Exch.	Escaped
July	4424	.	11		2
August	5195	10	115	1	
September	0	13	385		
October	359	12	276	1264	11
November	380	23	207		1
December	374	30	269		2
January	501	20	285	2	
February	701	33	426	1491	
March	55	39	491	1518	
April	1	33	267		1
May	131	1144	131		
June	0	2509	54		
July	0	889	16	140	
Totals	12121	4755	2933	4416	17

¹³⁷ Courtney from internet.

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