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War Crimes and Atrocities of the Civil War

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Abstract

Ever since the earliest of times, tribes of men have sought the refuge of a group. With these groups, leaders are made. These leaders eventually want more not only for the land that they rule but for the self gratification they will receive. War is the unfortunately result of Tribes, Kingdoms, and Nations wanting that of another Tribe, Kingdom, or Nation. War will show an ugly face and so too does the unethical acts of war. These unforgivable acts include Atrocities and Crimes of War. They are the negative reflection carried by the Soldier in combat. They are also the pain that the Citizen carries from their loss during conflict. In this discussion we will explore what causes Soldiers and leaders to commit war crimes and atrocities as a result of stress, exhaustion, rage and poor leadership.

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Before we explore what causes Soldiers and leaders to commit war crimes and atrocities, we need to have a basic understanding of what is a War Crime and what is an Atrocity. The earliest records found that describe how groups of people conduct themselves during war can be traced back to the Chinese writings of Sun Tzu. In 600 B.C., he wrote “The Art of War” which describes how commanders will ensure that their Soldiers will conduct themselves with professionalism towards the people and their property during an armed conflict. It was not until the time of the ancient Greeks that the conduct of war would be viewed as law. Around 200 B.C., the ideology and conduct of how war was to be fought became more apparent in the formal writings and more specifically those of the Hindu code of Manu. The ideology of having rules to follow while countries would war against one another also appeared in Roman and European law. The first record of a trial for violating the law of war took place in Austria around 1474. Peter von Hagenbach was tried and convicted of rape, murder and other wartime atrocities. The Roman Empire sought this conviction on the basis that it was his duty as a knight to prevent such behavior and lead by example.

There are many definitions as to what is considered a War Crime and what is considered an Atrocity. The definition will vary depending on the culture, social norms, and beliefs of the Tribe, Kingdom or Nation asked.

Defining the term War Crime

Defining the term War Crime can be best described as the violation of a law or of an agreement between countries which carries a criminal penalty. Normally the law is a Law of War with international agreements of how nations will conduct war upon one another. Some factions based on their culture, social norms, beliefs or political agenda may not accept the agreement or

Law of War. This further complicates the process of justice. An example of a War Crime may include the mistreatment of prisoners, torture and genocide.

Defining the term Atrocities

Sometimes confused with the term War Crimes, Atrocities usually involve the unintentional killing or maiming of civilian and noncombatant citizens. It may also include the destruction of nonmilitary targets normally occupied by civilians. The unintentional maltreatment and killing of prisoners of war along with the use of weapons which cause unnecessary or superfluous injury can also be categorized as an atrocity of war. Put into simpler terms, an Atrocity is an act of war which may not violate any agreements or treaties but does violate the good moral character of a Nation or that of a professional warrior.

Examples of War Crimes and Atrocities

Many American citizens and Soldiers have faced the cruel and inhumane treatment of armed conflict to include the American Revolution and the American Civil War. In the American Civil War, Confederate Soldiers, Union Soldiers and citizens on both sides experienced the deplorable treatment and conditions of war in such places as Andersonville Prison, Rock Island, Elmira, and Camp Chase. To make matters worse military leaders on both sides not only turned a blind eye to the War Crimes and Atrocities of the period but some of them also lead these unthinkable acts. We will briefly review some of these events as well as some of the War Crimes and Atrocities lead by the military leaders which include but are not limited to the Palmyra Massacre, Shelton Laurel Massacre, Sherman's March and the Revenge of John Mosby. After reviewing some of the crimes and atrocities of the American Civil War it will be evident that Soldiers and leaders commit war crimes and atrocities as a result of stress, exhaustion, rage and poor leadership.

The Palmyra Massacre

The Palmyra Massacre occurred on October 18, 1862 in Palmyra, Missouri and is the result of retribution. On October 8, 1862, Andrew Allsman an older gentleman who was not a Soldier yet he was taken from his home without lawful cause by the Soldiers under the command of J.C. Porter. That same day a letter was dispatched from the local Provost Marshal, W.R. Strachan to J.C. Porter. Strachan informed Porter that if Mr. Allsman was not returned to his family unharmed in ten days that ten Soldiers under his command would be shot. Strachan further explained that this would be in retribution for the crime of illegally restraining Mr. Allsman from his liberty. He also stated that the ten men to be executed were those in custody for unlawfully being sworn to carry arms against the Government of the United States. Ten days passed and on October 18, 1862, ten Soldiers were executed in retaliation for the assumed killing of Mr. Allsman. The execution caused an outcry in the newspapers both home and abroad. General John McNeil who carried out the execution became known as the "Butcher of Palmyra". A second order effect of these illegal executions was that Confederate enlistments and reenlistments increased after word of the massacre was reported in the newspapers.

Andersonville Prison

The Atrocity of Andersonville Prison resulted from the second and third order effects of overcrowding. Andersonville Prison officially known as Camp Sumter was built in 1864 by the Confederate Army near Richmond, Virginia. It only operated for 14 months but during those 14 months many Atrocities took place there. Anderson Prison is one of the largest POW camps built during the Civil War. It was designed to not only house a larger number of federal prisoners at one time but the ability to better secure them. It was also assumed that there would also be an abundant supply of food to feed the projected prison population of 13,000. During the 14 months

that Andersonville Prison operated it was not uncommon for the population to exceed 32,000.

The Atrocity of the prison being overcrowded resulted in 28% of the total population expiring from disease, poor sanitation, malnutrition, overcrowding, and or exposure to the elements.

Shelton Laurel Massacre

Shelton Laurel Massacre was the result of stress, exhaustion, rage and the poor leadership of LTC Keith. LTC J.A. Keith commanded the 64th North Carolina Regiment. He experienced many challenges with unknown forces harassing his regiment. Because of his lack of ability to catch those who were presenting him these challenges he sought retribution on the people of Madison County, NC whom he thought were Union sympathizers. He ordered his Soldiers to apprehend those he thought were supporting the attacks on his men. The men of the 64th North Carolina Regiment apprehended 13 men and young boys. LTC Keith ordered that they all be shot in cold blood without trial. LTC Keith and his Soldiers also sought retribution against the relatives of 13 executed. Their cruelty included whipping and torture. Some of LTC Keith's other tragedies include the whipping and hanging of an 85 year old woman. On another occasion a young lady tied to a tree in the snow watched as her baby died from exposure because she would not tell of Union Soldiers. Unfortunately the military never took any action against LTC Keith or his men for these War Crimes and Atrocities.

Sherman's March

Sherman's March was the epitome of a leader committing, ordering and authorizing the illegal acts of war. From November 1864 to April 1865, General William T. Sherman marched through North Carolina, South Carolina and Georgia only to leave a trail of death and destruction. His carnage was not limited to the Confederate Forces but also included the noncombatants of the southern states. Gen Sherman condoned such crimes and atrocities as the

killing of prisoners, looting of the dead, rape, burning of hospitals, villages, and even entire cities. The astonishing thing about General Sherman's crimes is that both sides openly agree on the well documented cases of crime and atrocity. Even at times the Secretary of War, Edwin Stanton had heated discussions with the General about his tactics as well as his treatment of slaves. General Sherman was bold enough not only to commit these crimes but to challenge his Commander in Chief, President Lincoln in reference to the Emancipation Proclamation Act. Unbelievable as it may seem, General Sherman was never convicted of a single crime. In fact he was eventually promoted to Commander in Chief of the United States Army from March 8, 1869 to November 1, 1883.

Laws and Orders governing the conduct of war

The American Civil War was an interesting time in regards to the growth of the United States, her military and the ideologies that would shape her. During the American Civil War, Crimes and Atrocities are witnessed on both sides North and South. Even though General Orders were issued by the Field Commanders, many times leaders and Soldiers alike failed to follow them. It wasn't until April 24, 1863 that General Orders No. 100, prepared by Francis Lieber, and approved by President Lincoln gave 157 articles with detailed instructions for the Government of Armies of the United States in the Field to conduct war. This was a very important piece of legislature that was needed to govern the military of this fairly new country. Without it men used their own judgment to determine what the correct decision in the execution of war is.

Conclusion

In conclusion, we have viewed the term War Crime as well as Atrocities of war. In the few cases provided, it is evident that crimes and atrocities happen on both sides of any conflict. It is also evident that without detailed guidance of how to execute the order of war by the President of the United States, local leaders whether military or civilian will make decisions based upon personal stress felt due to significant emotional events, exhaustion and most often rage or retribution. This coupled with the lack of guidance and poor leadership only leads to a further continuance of hatred along with the continued cycle of War Crimes and Atrocities upon one another.

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