

From the Regimental Historian & Archivist

Mistreatment of U.S. Prisoners of War Resulted in a Death Sentence

On 10 November 1865, just seven months after major military operations between the Union and the Confederacy ended, Confederate Major (MAJ) Henry Wirz was hanged. His crime: “impairing and injuring the health ... and lives ... of large number of federal prisoners at Andersonville” and murder



Confederate Major Henry Wirz

of those prisoners, “in violation of the laws and customs of war.”

Born Heinrich Hartmann Wirz, in Zurich, Switzerland, in November 1823, Wirz emigrated with his family to the United States in 1849. He settled first in Kentucky, and then

in Louisiana. At the outbreak of the U.S. Civil War, Wirz enlisted as a private in the Louisiana Volunteers and saw combat at the Battle of Seven Pines in May 1862. He was badly wounded (losing the use of his right arm), but his combat valor resulted in a promotion to captain (CPT). As a result of his injuries, however, Wirz was transferred to the staff of General John H. Winder, who had responsibility for Confederate prisoner of war (POW) camps.

In February 1864, Wirz took command of Camp Sumter, a Confederate prisoner of war camp located in southern Georgia. The sixteen-acre camp was supposed to be a temporary prison where Union POWs would be held until they could be exchanged with Confederate POWs held in the North. After the Union ended these POW exchanges, however, this temporary prison camp became a permanent facility. Located near the railroad depot of Anderson, it soon was called Andersonville by its inmates.

Although it was built for

10,000 prisoners, Andersonville prison held some 32,000 Union POWs by August 1864; during the camp’s 14-month existence, roughly 45,000 Union POWs were incarcerated there. Known as a “hell-hole” by those imprisoned there, the

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monthly death rate from disease and starvation reached 3,000. The inadequate food and shelter for the POWs ultimately led to horrific results: one hundred prisoners died every day; about 13,000 would lose their lives by the end of the war. Wirz, as the commander of the military prison, was blamed for these deaths. His own personal cruelty---he imposed harsh discipline on Union POWs for disobeying POW camp

rules---also did not engender any sympathy for him.

After the Civil War ended in 1865, Wirz remained with his family near the Andersonville prison. Believing that his life was in danger from the Union POWs who were now free, MAJ Wirz (he had been promoted near the end of the war) wrote to General James H. Wilson, the Union commander at nearby Macon, Georgia, requesting protection. Wirz insisted that he had done nothing wrong, and that he had only been following orders at Andersonville. General Wilson’s response was to order Wirz’s arrest. Wirz was taken into custody and transferred to Washington, D.C., where he was imprisoned in the Old Capitol Prison.

On 23 August 1865, a military commission was convened to try MAJ Wirz for conspiracy “to impair and injure the health and to destroy lives ... of large numbers of federal prisoners at Andersonville” and “murder, in violation of the laws and customs of war.” Major General Lew Wallace (who had served on the military commission that had tried the Lincoln assassination conspirators and who today is best known as the author of the novel *Ben Hur*) was the president of

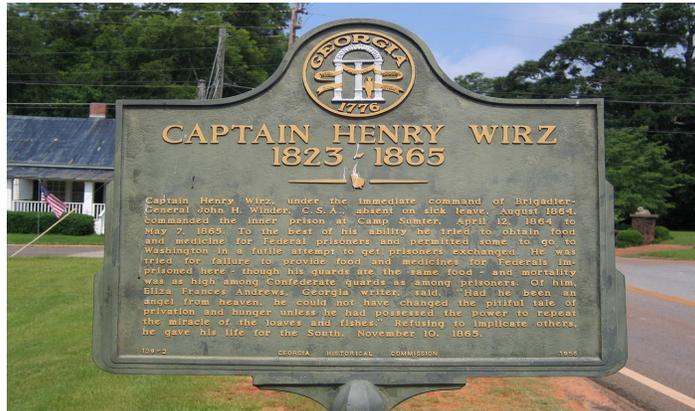
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the commission. He was joined by eight other Union officers.

While most of the evidence was hearsay (permitted under the rules governing the commission), what the panel heard was horrific. Roughly 150 witnesses testified. Wirz was described as cruel, uncaring, and unwilling to alleviate the suffering of the POWs. In retrospect, however, it seems clear that the very high mortality rate (13,000 died of the 45,000 incarcerated), weighed heavily on the minds of the panel. The survivors were described by Union medical officers as “mere skeletons” and “shadows of men.”

Wirz’s defense counsel attacked the jurisdiction of the commission, insisting that it lacked subject matter jurisdiction because the Civil War had ended and Wirz was entitled to have his case heard by a civilian jury. When this and other similar jurisdictional motions were denied by the commission, Wirz’s counsel presented evidence that he was a kind-hearted man, who did everything he could to better the conditions in the prison. Wirz had repeatedly written to his superiors, asking for additional food, clothing,



State of Georgia Historical Plaque

medicine and supplies, but these were not provided. Consequently, while not denying the horrible conditions at Andersonville, Wirz insisted that he had no alternative but to follow the orders of his superiors to keep the Union POWs imprisoned at Andersonville until they could be exchanged (or released at the end of hostilities).

In early November, the commission found Wirz guilty and sentenced him to death. Wirz asked for clemency, but President Andrew Johnson took no action on his request. As a result, MAJ Wirz went to the scaffold on 10 November 1865. As a rope was put around Wirz’s neck and a black hood placed over his head, the Union major in charge of the execution detail told the condemned man: “I have my orders.” Replied Wirz: “I know what orders are Major, and I am being hanged for obeying them.”

The Judge Advocate General, Brigadier General Joe Holt, later wrote to President Johnson that there had “at no time [been] a darker field of crime than Andersonville,” and Holt’s views certainly were held by the vast majority in the North. In the South, however, Wirz was viewed as a scapegoat. A June 1988 *Army Lawyer* article written by CPT Glen W. LaForce, for example, insisted that Wirz’s trial

was a “national disgrace.” After all, wrote LaForce, food was scarce throughout the South, and the Union’s blockade of Confederate ports meant that medicine needed at Andersonville was simply not available. Major Wirz had simply done the best he could under the circumstances. CPT LaForce also criticized the trial proceedings, arguing that Wirz had not received a fair trial. Measured by today’s standards of due process, this is a valid criticism and explains why the Wirz case remains controversial among historians.

Today, the Wirz trial stands for the proposition that a commander is responsible for the mistreatment of POWs or detainees in his custody, and that “I was following orders” is no defense to such mistreatment.



The Andersonville prison was described as a “Hell-Hole” by Union POWs.