

Context Under Pressure: The Henry Wirz Trial

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At 10:15 a.m. on 10 November 1865, the doors of The Capital Prison opened, revealing a sick old man. As he made his way through the courtyard to the scaffold, the crowd exploded with excitement, for this was the moment for which they had longed. The man, so hated for his involvement in the Andersonville prison camp, stood in stern silence as the charges were read. "Remember Andersonville!" pierced the morning air, reaching nearly deafening levels. This moment was the culmination of a long fight against a spiteful nation and a bruising political climate, and it was probably a relief to the tired ex-soldier. Moments before the noose was adjusted around his neck, the major directing the execution apologized for the way it was being carried out, explaining that he was only following orders. The weak old man looked up at the guard and responded, "I know what orders are Major. I am being hung for following them."¹

Soon after Captain Henry Wirz spoke these words, the trap door was sprung and he was executed for "conspiracy to commit murder, by allowing the conditions at Andersonville [prison camp] to exist," and for actual murder at the camp.² These charges were rendered in response to the atrocities that occurred in Andersonville, a Civil War prison camp for Union soldiers. Wirz commanded the camp for about one year beginning in April 1864, and nearly 13,000 men died in the camp's fifteen-month existence. Amazingly, Wirz was the only man to shoulder the blame for what happened there.³ However, what may be even more amazing, is the way the legal system of the United States convicted this man in a trial full of injustices that, by today's standards, would have been outrageous. In fact, the trial

was so botched that the issue at hand, war crimes, was pushed to the background. In the minds of most everyone, the guilty verdict was rendered even before the trial began. Wirz had to fight an overwhelmingly biased public opinion and an unforgiving political climate. Furthermore, he fell victim to a prejudiced jury and a crafty prosecutor. With this as the backdrop for the trial, the actual testimony and evidence became arbitrary, making irrelevant the question of whether Wirz really was simply following orders. This context provides the explanations for the unjust manner in which Wirz was arrested, convicted, and hung.

Had he known the odds he was to face, it is doubtful that Wirz ever would have accepted his assignment to take up the command at Andersonville Prison. The prison, in Sumpter County, Georgia, was built in an effort to alleviate some of the overcrowding at other prison camps. Construction began in December 1863, and the first prisoners arrived in late February 1864. Initially, conditions at the camp were good, but as the prison's population grew and the Confederacy's position in the war worsened, the prison conditions deteriorated. Though the prison was built to accommodate only ten thousand men, the number of prisoners reached almost twenty thousand by early June. Rations became scarce, disease became common, and the daily death rate exploded. In August of 1864, the prison population rose to thirty-three thousand men, only adding to the horrendous conditions. As the number of men on the inside of the prison increased, so did the number of men on the outside. Just outside the gates, heap of dead, rotting men became more layered every day. The problem grew worse when General Grant, in a letter to Secretary of

War Edwin Stanton, requested that the prisoner exchanges between the North and South cease, proclaiming that the "exchanges simply reinforce the enemy at once."⁴ Without any relief from overcrowding, food supplies dwindled causing disease to pervade throughout the camp. James Madison Page, a former prisoner at Andersonville, touched on the conditions, saying, "Scurvy is now fearfully prevalent. Hundreds are dying daily. It is caused by not having proper food—a change of food is absolutely necessary to relieve scurvy."⁵ Unbelievably, these horrendous conditions were attributed to a sole man—Henry Wirz.

Born in Zurich Switzerland in 1822, Wirz earned an M.D. degree from the University of Zurich. Penniless, he immigrated to Boston in 1849 and moved to Kentucky in 1854, where he married for a second time. Wirz set up shop as a physician in Kentucky, but he moved to Louisiana shortly afterward because of pressure from other doctors. He fell in love with the South, and upon the opening of the Civil War, enlisted in the Confederacy. After serving in the battle of Manassas, in which a bullet rendered his right arm useless, Wirz was commissioned as a captain. He quickly moved up the ranks of the Confederate army, and in late 1863, he was sent to Europe to carry special dispatches for Jefferson Davis.⁶ Upon his return, in April 1864, Wirz was ordered to take charge of the interior of Andersonville Prison. This order would prove fatal.

Wirz's job at the prison was to oversee routine operations, maintain order, and uphold the general condition of the prison. These responsibilities, according to Wirz's arrest warrant, were abused in ways that deliberately caused soldiers to die. Thus, in May 1865, Henry Wirz was arrested, and he stood trial on the twenty-first of August. A judge advocate, Norton Chipman, and a military commission were assigned by Edwin Stanton to govern the trial. Chipman acted as the prosecutor in a trial that was one-sided from the outset. All of the men of the military commission (essentially the jury) were former Union soldiers. "It would seem that the commission was top heavy with men too heavily involved in their home states to risk jeopardizing their, hoped for, postwar political career by finding Henry Wirz not

guilty."⁷ With this as the trial setting, things did not look good for Wirz, and his attorneys knew it. In fact, after Wirz's lawyers were denied relief from a charge on what they felt was double jeopardy, some of his legal team just quit. Hence, Wirz began his defense already in a hole that only got deeper as the trial wore on.

Although Wirz was found guilty, it is clear that equity and fairness did not dictate the order of the court. The most convincing evidence comes for the actual trial records themselves.⁸ The records unabashedly reveal a trial full of inconclusive and contradictory evidence, hearsay, and sometimes, downright lies. The first charge leveled against Wirz claimed that he allowed the conditions of the camp to decline enough to purposely cause soldiers' deaths. However, testimony from the trial uncovers that many things were out of Wirz's control. For example, a 5 July 1864 letter by Colonel D.T. Chandler, the Confederate adjutant and inspector, discusses the conditions of the prison this way: "There is no medical attendance provided within the stockade . . . The sanitary condition of the prison is as wretched as can be . . . I beg leave to recommend that no more prisoners be sent to this already overcrowded prison . . ." Not only does Chandler refuse to blame Wirz for the conditions, he commends him for the job he is doing. In the same letter, Chandler explains Wirz's attempts to sanitize the stream running through the camp, asserting, "An effort is being made by Captain Wirz, commanding the prison, to fill up the marsh and construct a sluice . . ."⁹ From this letter, it seems quite clear that Wirz was doing what he could.

Also in the *Official Records*, letters written by Wirz to his superiors repeatedly demonstrate that there was an effort to alleviate the miserable condition of the prison. They show that he was neither oblivious nor apathetic about the deteriorating conditions. In a letter to Captain R. D. Chapman, acting adjutant of the post of Andersonville, Wirz wrote: "The bread which is issued to the prisoners is of such inferior quality, . . . that it is almost unfit for use, and is increasing dysentery and other bowel complaints . . . Hoping that you will give this your attention as soon as possible . . ."¹⁰

In addition to the documents from the *Official Records*, letters from Wirz's supporters,

some of who are Union soldiers, plead that the conditions may have been inevitable. In a letter to the editor of the *New York Daily News* a former Andersonville prisoner explained that it did not seem fit to blame Wirz for the conditions. Upon hearing of Wirz's arrest, he penned:

The mortality at Andersonville resulted, mainly, from the following causes; First, want of proper food; second, from want of shelter; third, want of medical attention; fourth, causes of a purely local nature, coupled with the moral degradation exhibited by the prisoners themselves . . . I have no personal interest or object in making this statement, . . . Love of justice and an utter disbelief in the total depravity of man alone impel me.

And, above all, for the credit of our country, let it never be said that an American soldier, whether Northern or Southern, could deliberately assassinate thirteen thousand defenseless men, trusting to him alone for protection.¹¹

Despite Wirz's letters and the letters of his supporters, the military commission still felt compelled to convict. The prosecution was not finished, though, as they argued that Wirz was also a barbarous tyrant, guilty of murder.

As stated earlier, Wirz's responsibilities included maintaining order. He knew that keeping order in the prison entailed a certain system of obeying rules and following orders, in which he needed to be strong and stern. Without a strict system the prison would become dangerous. However, as his conviction demonstrates, Wirz was thought to have overstepped his command. During the trial, prisoners griped about the way Wirz treated them, explaining that he was a mean-spirited despot. In particular, soldiers testified about the brutality of some of Wirz's tactics such as the "dead line." The "dead line," a rail of logs that ran parallel to the inside walls, was created to aid in escape prevention. Anyone who crossed the line was to be shot by the guards. If prisoners were able to make it past the line, Wirz would employ dogs to track escaped prisoners. These tactics came under fire as the prosecution painted a terrifying portrait of Wirz. According to the prosecution, Wirz was "a man filled with venomous profanities . . . running around with a drawn pistol, screaming and

cursing. . . ."¹² Portraying Wirz as a mean and crazy maniac, the prosecution found it easy to pin the label murderer on him as well. Of the thirteen specifications in the second charge, eleven were for specific acts of murder by Wirz including shooting, stamping, and beating prisoners to death. But, again, examining the trial records, it seems that the prosecution was painting this picture from rather inconclusive testimony that was sensationalized into faulty conclusions about Wirz.

The records are full of testimony by Union soldiers who said that they never saw or heard of Wirz killing anyone. One such statement came from Robert Kelly, who testified: "I was a prisoner at Andersonville. . . . I was in the stockade from May 3 till September 10, 1864. During the time I was there, I cannot say that I knew or heard of Captain Wirz's kicking, striking, or shooting a prisoner, so that he died. . . ."¹³ However, statements like these seem to have been disregarded by the commission.

Instead, the more skewed testimony of some of the Union soldiers seems to have won the day in court. One of these rather vague testimonies came from Prescott Tracey who stated, "I never saw him commit act of cruelty . . . but I saw him give orders to do it, to shoot a man. I could not give the day exactly; . . . that is all I know."¹⁴

The one witness who did the most damage to Wirz was Felix de la Baume, who held the crowd spellbound with his masterful oratory. Baume descriptively testified that he saw Wirz shoot and kill many soldiers on many different occasions. However, a few weeks after the trial, some German soldiers recognized Baume as a fraud. After admitting that his real name was Felix de la Baume Oesser, he also admitted to perjury. Incidentally, Baume may not have been the only soldier to lie under oath. Many of Wirz's defenders argue that, given the resentment of Wirz, it is quite possible that many other witnesses lied.¹⁵

Numerous other injustices marred the trial as well; the reports from the prison doctors were mutilated, Union soldiers in defense of Wirz were not allowed to take the stand, and the priests and some of the Confederate guards that worked at Andersonville were not permitted to give a testimony. Regardless, Wirz was sent to the gallows in a trial that the major northern

newspapers had the audacity to label fair and appropriate. So, why would a nation tolerate such outright injustice? To shed light on the answer, the political climate and public opinion must be factored into the equation. These powerful and penetrating forces are strong enough to warrant claims that they, in fact, are the reasons for the wrongful trial and conviction.

In the post-Civil War period, the nation was still very much divided. Though the end of the war in 1865 was supposed to heal the nation's wounds, it could not erase the resentment of those involved. Despite winning the war, Northern public opinion remained hostile towards the South not only for the secession, but for the assassination of Abraham Lincoln. Northerners demanded revenge, jumping at any chance for it. This was obviously not a climate that Henry Wirz would have benefited from, for he was trampled by it.

The Northern newspapers played a key role in the stampede by opening the public's eyes to the atrocities at Andersonville. The papers enraged the already hostile public with biased articles and drawings. Feeding the people with many stories and photographs, the papers depicted Wirz (and the South) as inhumane. Edward Roberts, author of a recent history on Andersonville writes, "*Harper's Weekly* carried the first illustrations made from photographs taken of the released prisoners. The whole nation was shocked at what they saw."¹⁶ What they saw were photographs of men with bones poking through their skin, sores all over their emaciated bodies, and many times, bloody stumps where their feet once were. *Harper's* accompanied these pictures with biased coverage about Wirz. On 12 August 1865, before the trial even began, one article stated, "Of his guilt, there is no doubt, unless there be doubt whether there were an Andersonville Prison and whether he were the keeper—points which are not denied."¹⁷ In other attempts to sway the public, *Harper's* ran sketches that seemed to demonize Wirz. This type of propaganda was not only common to *Harper's*; many northern newspapers including the *New York Times*, the *Washington Post*, and the *New York Tribune* also covered the trial.

The *New York Times* covered the trial intensely, with almost exclusive front-page

coverage for many days in a row. Front-page titles like "AN INCARNATE FIEND—HOW CAPTAIN WERTZ[sic] MURDERED OUR PRISONERS," appeared in big bold print almost daily.¹⁸ Wirz's lawyers recognized how influential the papers could be, and thus they wrote to the *Times* expressing their concern. "We have seen in your paper an article in relation to the approaching trial of Captain Wertz[sic], which we think, in connection with others of a like nature, requires notice at our hands. . . . We appeal to the newspaper press not to bring its powerful influence to bear to prejudice the public mind against Captain Wirz."¹⁹ This statement, though, did not deter newspapers from printing accounts of Andersonville and Wirz that further infuriated the North. In his book, *The True Story of Andersonville Prison*, James M. Page explains this sentiment best, remarking, "At the close of the war, the feeling was so intense in the North on account of the suffering and mortality among the prisoners of war at Andersonville that something had to be done to satisfy the popular demand for the punishment of those supposed to be responsible for that suffering and the loss of life among these prisoners, and Major Wirz was doomed before he was tried, as the party for these results."²⁰ Unfortunately for Wirz, he not only had to battle this incensed public opinion, he also faced a political climate that when mixed with the public demand, combined to form a potent and deadly formula.

One reason for the unfavorable political climate was the personal agenda of Secretary of War Edwin Stanton. Edward Roberts, author of *Andersonville Journey*, sees Edwin Stanton as having considerable influence on the trial. Roberts attributes a large portion of a chapter to discussing Stanton's role in the trial. According to Roberts, "Stanton worried that what had been won on the battlefield, would now be lost in the post-war peace. He feared that in the euphoria of peace, the former leaders of the defeated Confederacy would simply return to their positions of power . . . just as if the Civil War had never occurred."²¹ Stanton felt that the former Confederacy leaders should be punished and Jefferson Davis was at the top the list. Stanton had Davis arrested on 10 May 1865 for treason against the United States. This charge,

though, did not satisfy Stanton because he was convinced that Davis had a hand in the assassination of Abraham Lincoln. After months of investigation, however, Stanton still had not gathered enough incriminating evidence; so Salmon Chase, Chief Justice of the Supreme Court, wrote Stanton requesting that Davis be released. Though this embarrassed Stanton, he still felt he could punish Davis—enter Henry Wirz. Stanton bet that Wirz would plea that he was following orders, which could provide a link to Davis. Wirz surprisingly pleaded that he too was a prisoner of war and that “the vagueness of time, place, and manner of the offenses made the charges valueless.”²² Regardless, it is rumored that even on the scaffold before the execution, Stanton reportedly offered Wirz clemency if he would just implicate Davis.²³ Wirz refused the offer, but as a result, he sealed his fate. Thus, Wirz again takes on the role as a victim of circumstance.

Though Stanton came up empty in his case against Davis, he still managed to save face by hanging Wirz. In the eyes of the public, someone still had to pay for the atrocities at Andersonville, and Wirz was a perfect candidate. Stanton was not immune from this tremendous public opinion, for he was “the recipient of a good deal of steady pressure from Northern Press and governors . . .”²⁴ Though he may have thought he failed because he could not nab Davis, he probably gained some political support by executing Wirz. For Stanton, this was a victory, in that he won public approval. As if battling Stanton’s political goals was not trying enough, yet another aspect of the political climate seems to have suffocated justice. Wirz also faced a nation in the midst of rebuilding that did not appear to want to deal with any more of the lingering effects of the Civil War.

Andrew Johnson took office on April 15, 1865, following Abraham Lincoln’s assassination. Johnson too had an agenda—one that entailed unifying and reconstructing the nation. He wanted to assimilate the South back into the national power base, but he wanted, also, to be careful not to surrender the spoils of victory gained by the North. “The president’s generous amnesty policies and the moderate background of his gubernatorial appointees complimented the limited demands he outlined for the Southern

restoration into the Union.”²⁵ Perhaps a little optimistic, Wirz saw some hope in the new president. In the days leading up to his execution, Wirz seemed to recognize that he had been bullied by a misguided public demand and unfavorable political climate, but he hoped that his luck would change if Johnson knew of his predicament. So Wirz, praying that Johnson would not be blinded by public demand, wrote this letter to the president:

With a trembling hand, with a heart filled with most conflicting emotions, and with a spirit hopeful one moment and despairing the next, I have taken the liberty of addressing you. . . . by thousands I am considered a monster of cruelty, a wretch that ought not pollute the earth any longer. . . . I doubt that I am the Captain Wirz spoken of. . . . there speaks a small but unmistakable voice within me that says: ‘Console Thyself, thou knowest thy innocence The pangs of death are short, and therefore I humbly pray that you will pass your sentence without delay. Give me liberty or death. The one I do not fear; the other I crave.’²⁶

This letter reveals much about Wirz’s character. Appealing to religion, patriotism, and justice, Wirz wrote in the hope that, in the end, equity would prevail. He appears confident of his innocence, yet he seems somewhat understanding of the circumstances that doomed him. It is difficult not to feel compassion for Wirz, yet, Johnson somehow managed this task. Johnson’s lack of response, though, is hardly surprising in light of the way Wirz was treated all along. Wirz’s lead attorney, Louis Schade, also wrote to Johnson highlighting the travesties of the trial, and again, pleading for help.²⁷ Neither letter, though, elicited any response from Johnson, which in itself, demonstrates that Johnson probably was more concerned with other matters.

It is conceivable that Johnson simply asked himself this question: Was saving one man from injustice worth losing the public’s favor? To a politician, public opinion is everything, and Johnson, being a politician himself, knew this. Granting Wirz clemency would have probably meant weathering a storm of criticism and rage. Because Johnson had only occupied the office for a couple of months, it is unlikely he would put his career on the line for a

man that was so hated anyway. Once again, Wirz did not catch a break in his battle with political powers. This time, the political powers delivered the final blow to Wirz.

Even to this day, there are many dissenting opinions about the guilt or innocence of Henry Wirz. What should not be debated, however, is the overwhelming evidence that demonstrates that political and public pressure ultimately killed him. Upon his arrest, Wirz truly had nothing working in his favor. He fell into a deadly trap woven by a ruthless public demand and a submissive political climate. Perhaps the best conclusions about the trial came from Louis Schade, Wirz's lead defender. In a long letter dated 4 April 1867, and addressed to the American public, Schade reflected on Wirz and the trial. His letter may best be summed up in one sentence: "He was doomed before he was heard, and even the permission to be heard

according to law was denied him."²⁸ His conviction raises important questions pertaining to the amount of influence outside forces (i.e. political pressure and public opinion) have on forcing the government's hand to satisfy political needs.

Undoubtedly, the influence of public and political pressure has had some effect throughout history, but just how much of an effect is largely debatable. However, if the sentiments of a large audience are made prevalent enough, it seems evident that decisions can hinge on those feelings. Factions opposing a deeply rooted sentiment are liable to be squashed; so sometimes the best advice for those who are attempting to fight the popular opinion is never to get into the ring. Unfortunately for Henry Wirz, the climate of the postbellum period refused to allow this option.

Notes

¹ *Harper's Weekly* 25 Nov. 1865. Much of the opening paragraph is a summary of the scene depicted in this issue of *Harper's Weekly*.

² Edward F. Roberts. *Andersonville Journey*. (Shippensburg, PA: Burd Street Press, 1998), 133.

³ Part of the reason that Wirz shouldered all of the blame was because he did not flee like some of his superiors. Also, General John Winder, the commander of all the Southern prisons, died of a heart attack before he could be charged with anything. However, in the first charge against Wirz, there is mention of conspiracy that indicts Winder and many others.

⁴ The United States War Department. *The War of Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*. (Washington D.C.: War Department, 1880-1901), Series 2, Volume 7, p. 662.

⁵ James Madison Page. *The true story of Andersonville Prison: a defense of Major Henry Wirz*. (New York: Neale, 1908), 46.

⁶ It is unclear exactly why Wirz was chosen and what these special dispatches entailed.

⁷ Roberts, *Andersonville Journey*, 111.

⁸ There are a couple of sources from which to draw the official records including *The War of Rebellion* series, *The Trial of Henry Wirz*, and *The Tragedy of Andersonville*.

⁹ General N.P. Chipman. *The Tragedy of Andersonville*. (San Francisco, CA: Blair-Murdoch Company, 1911), 66-68.

¹⁰ The United States War Department, *Official Records*, 207.

¹¹ Letter to the Editor, *New York Daily News* (9 August 1865) cited in S.W. Ashe. *The trial and death of Henry Wirz: with other matters pertaining thereto*. (Raleigh, NC: Uzzel, 1908), 46, 50.

¹² Roberts, *Andersonville Journey*, 119.

¹³ Chipman, *Tragedy*, 222.

¹⁴ *Ibid.*, 212.

¹⁵ Most of the argument comes from Rutherford's defense of Wirz.

¹⁶ Roberts, *Andersonville Journey*, 99.

¹⁷ *Harper's Weekly* 12 August 1865

¹⁸ *New York Times*, 4 August 1865

¹⁹ *Ibid.*

²⁰ Page, *True Story*, 11.

²¹ Roberts, *Andersonville Journey*, 105.

²² Rutherford, *Defense of Wirz*, 14

²³ Though there is no evidence of this, many Wirz defenders believe this story, in part, due to the letter by Wirz's attorney Louis Schade in which Schade recalls this event.

²⁴ Fletcher Pratt, *Stanton-Lincoln's Secretary of War*. (New York: WW Norton and Company, 1953), 337.

²⁵ Dan T. Carter, *When the War Was Over*. (Baton Rouge, LA: Louisiana Univ. Press, 1985), 28.

²⁶ Rutherford, *Defense of Wirz*, 85.

²⁷ Schade's letter can be found in the War Department's *Official Records*.

²⁸ Rutherford, *Defense of Wirz*, 29.

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