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Death At Elmira:
George W. Jernigan, William Hoffman, and
The Union Prison System

A thesis
presented to
the faculty of the Department of History
East Tennessee State University

In partial fulfillment
of the requirements for the degree
Master in Arts in History

by
T. Watson Jernigan
May, 2005

Dr. Andrew Slap, Chair
Dr. Stephen Fritz
Dr. Elwood Watson

Keywords: Elmira Prison Camp, William Hoffman,
Union Prison System

ABSTRACT

Death At Elmira:

George W. Jernigan, William Hoffman, and

The Union Prison System

by

T. Watson Jernigan

This thesis examines the interaction between the Union Prison System led by William Hoffman and the Confederate prisoners-of-war, specifically those held at Elmira, New York. By focusing on Hoffman's actions and decisions in the last year of the war, the Confederate death toll can be better understood.

The treatise relies heavily on *The War Of The Rebellion: A Compilation Of The Official Records Of The Union And Confederate Armies*. Two studies were indispensable for this study: Hesseltine's *Civil War Prisons: A Study in War Psychology*, and Leslie Hunter's Ph.D. Dissertation, *Warden for the Union: William Hoffman (1807-1884)*.

The conclusions of my research are: (A) William Hoffman developed a change in actions in 1864, and (B) these actions continued in the last year of the war. As a result of his actions and other factors, Elmira had the highest percentage of death of any Union prison camp. Hoffman's actions led to a higher death rate of Confederate prisoners than has been previously recognized.

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DEDICATION

This thesis is dedicated to:

GEORGE W. JERNIGAN (ca 1842-1865)

WATSON JERNIGAN (1848-1905)

RUPERT WATSON JERNIGAN (1889-1967)

It is done to honor my father:

RUPERT WATSON JERNIGAN, JR.

ACKNOWLEDGMENTS

I would like to thank the members of my committee for their guidance of an adult learner through the process of this thesis. To Drs. Dale Schmitt and Stephen Fritz whose gentle persuasion and care allowed me to fulfill my dream, I thank you. To Dr. Elwood Watson whose intellectual challenges made me rethink the history of my own life, I thank you. To Dr. Doug Burgess whose listening ear gave comfort to an adult learner, I thank you. To Dr. Andrew Slap whose patience and understanding were most helpful in completing this project, I truly thank you.

I would most especially like to thank Dr. Wayne Andrews for his unwavering support. His upbeat attitude on the progress of my degree was gratefully appreciated.

I would like to thank my mother, Henrietta Marsh Hopkins Jernigan, for giving me my love of history and an incurable thirst for knowledge. I would like to thank my father, Rupert Watson Jernigan, Jr., for an appreciation of genealogy and family history.

I would like to thank my children, April, Rachel, and Grace, for their support when I began this project and their continued love and support through its writing. Your comments were appreciated and needed. For my grandchildren, this is “to let you know who you are and where you came from.”

Lastly, to the Love of My Life, Linda, I can never thank-you enough for your support and love throughout this process. Through the periods of frustration and the long nights of research and writing, you were my ground. I am blessed to have a partner such as you—now and forever.

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CHAPTER 1

INTRODUCTION

Andersonville. Even today, the name resounds as a prime example of man's inhumanity to man. The records showed that over 13,000 Union prisoners-of-war (POWs) died in the small stockade in Georgia. The camp had a reputation for some of the worst conditions ever endured by any POW. Inadequate shelter (make-shift tents), poor water supply (a single stream supplying over 30,000 men), and horrific rations were among the conditions that caused the death of so many men. The images of the returning Union survivors were among the most striking photographs ever taken and compare to those of Holocaust victims of World War II. As a result of Andersonville, the people of the North demanded retaliation and accountability. The commandant of Andersonville, Henry Wirz, became the object of their scorn. There was no doubt that the conditions at Andersonville were horrific and the death toll was high. It was not, however, the only Civil War prison camp to have that reputation. The Union prison camp at Elmira, New York had the reputation of "Hellmira." During its twelve-month existence, one in every four of the prisoners who entered the camp was buried in Woodlawn Cemetery. That was a death rate comparable to Andersonville. Many of the survivors of Elmira wrote of inadequate shelter (housed in tents until December in New York State), the poisonous drinking water, and the poor rations. Yet, no Union commander had the accountability of Wirz. It is the thesis of this treatise that William Hoffman, Commissary-General of the Union Prison System, was in part responsible for the reputation of Elmira.

Following the Civil War, POWs, both Union and Confederate, wrote books about their experiences in prison camps. As most survivors passed away, the literature on the prison camps declined. In 1912, Clay W. Holmes wrote *The Elmira Prison Camp: A History of the Military Prison at Elmira, N.Y. July 6, 1864, to July 10, 1865*.¹ It was not until 1930 that another author tackled the subject of Civil War prisons and prisoners. William Best Hesseltine's *Civil War Prisons: A Study In War Psychology*² was the classic study on the subject and stood alone until the end of the century. In the 1990s, there was a resurgence of interest in this subject. Lonnie R. Speer's *Portals To Hell: Military Prisons of the Civil War*³ was the first of an increasing number of books on Civil War prisoners and their prison experience. The difference was that Northern prison camps have come under as much scrutiny as Andersonville. George Levy's *To Die in Chicago: Confederate Prisoners at Camp Douglas 1862-1865*⁴ discussed the prison facilities in Chicago, Illinois. By the turn of the century, Elmira and its reputation was the subject of several books. Michael Horigan's *Elmira: Death Camp of the North*⁵, Michael P. Gray's *The Business of Captivity: Elmira And Its Civil War Prison*⁶, and Philip Burnham's *So Far From Dixie: Confederates in Yankee Prisons*⁷ were new additions to literature scrutinizing the Union prison system, specifically Elmira. The increased interest in this subject served as the basis for James McPherson's comments. Writing in a new afterword to his classic, *Battle Cry Of*

¹ Clay W. Holmes, *The Elmira Prison Camp: A History of the Military Prison at Elmira, N.Y. July 6, 1864, to July 10, 1865* (New York: G. P. Putnam's Sons, 1912).

² William B. Hesseltine, *Civil War Prisons: A Study In War Psychology* (Columbus: The Ohio State University Press, 1930). Hereafter *Civil War Prisons*.

³ Lonnie R. Speer, *Portals To Hell: Military Prisons of the Civil War* (Mechanicsburg: Stackpole Books, 1997).

⁴ George Levy, *To Die in Chicago: Confederate Prisoners at Camp Douglas 1862-1865* (Gretna, Louisiana: Pelican Publishing Company, 1999).

⁵ Michael Horigan, *Elmira: Death Camp of the North* (Mechanicsburg: Stackpole Books, 2002).

⁶ Michael P. Gray, *The Business of Captivity: Elmira And Its Civil War Prison* (Kent: The Kent State University Press, 2001). Hereafter listed as: *The Business of Captivity*.

⁷ Philip Burnham, *So Far From Dixie: Confederates in Yankee Prisons* (Lanham, Maryland: Taylor Trade Publishing, 2003).

Freedom: The Civil War Era, he stated, “Civil War Prisons and Prisoners have finally begun to get the attention they have so long needed.”⁸

Along with this renewed interest in POW issues, new information became available to modern scholars. Some of this information led to a critical analysis of William Hoffman’s actions during the last year of the war. In his study, Hesseltine described a phenomenon of the North that he labeled, “war psychosis.” He wrote, “Apparently an inevitable concomitant of armed warfare is the hatred engendered in the minds of the contestants by the conflict. The spirit of patriotism which inspires men to answer the call of their country in its hour of need breeds within those men the fiercest antagonism toward that country’s enemies...Seemingly, it becomes for the supporters of one cause to identify their entire personality with that cause, to identify their opponents with the opposing cause, and to hate the supporters of the enemy cause with a venom which counterbalances their devotion to their own.”⁹ This condition of “war psychosis” created changes in the actions of individuals. Confederate prisoners endured hardship and suffering during the time frame of this condition. While not using the term “war psychosis,” McPherson wrote of this time frame, “Nevertheless, the reduction of prisoner rations was indicative of a hardening northern attitude. Combined with the huge increase in number of prisoners during 1864, this produced a deterioration of conditions in northern prisons until the suffering, sickness, and death in some of them rivaled that in southern prisons...”¹⁰

Leslie Gene Hunter wrote *Warden Of The North: William Hoffman (1807-1884)* as his Ph.D. dissertation in 1971. Using this “war psychosis” as a basis for his thesis, Hunter admitted Hoffman developed “war psychosis” during the last year of the war. He pointed to several

⁸ James M. McPherson, *Battle Cry Of Freedom: The Civil War Era* (New York: Ballentine Books, 1988), 864. An afterword written April 23, 2003.

decisions made by Hoffman that caused conditions for Confederate POWs to deteriorate. Hunter indicated that the time frame of Hoffman's "war psychosis" was limited, and quantitatively it had no appreciable impact upon prisoner outcomes. By the use of monthly mortality rates, he calculated the percentage of deaths for the prisoners. It was Hunter's thesis that other factors and conditions, not Hoffman's actions, caused the increase in Confederate death toll in the last year of the war.

The thesis of this treatise is that William Hoffman changed in his actions toward the Confederate prisoners during the last year of the war. It is the effect of these actions that caused significant problems for the Confederate captives, especially those located at Elmira. It will be shown that Hoffman's actions did affect the death toll at Elmira and that its reputation as "Hellmira" is at least in part due to Hoffman. Using *The War Of The Rebellion: A Compilation Of The Official Records Of The Union And Confederate Armies*, this thesis will show that certain decisions regarding Elmira were Hoffman's alone and that those decisions contributed to nearly 3,000 deaths in twelve months.

Whether being used to estimate casualties after battle or to denote the number of deaths in a prison camp, statistics are the cold reality of history. Yet, history is made up of individuals who become those statistics. During the last year of the war, more Confederate POWs including George W. Jernigan lost their lives in those prison camps than in the previous years. Jernigan's records showed he enlisted in the Confederate service in 1861 and served with the 20th NC Volunteer Infantry Regiment. He was captured after the battle of Harris Farm on May 20th, 1864, and entered Elmira's prison camp on July 6th of that year. He was number 275 through the

⁹ Hesselstine, *Civil War Prisons*, 172.

¹⁰ McPherson, *Battle Cry Of Freedom: The Civil War Era*, 798.

gates of the camp on its first day of operation. This thesis describes the conditions of Elmira Prison Camp and the death of George W. Jernigan.

CHAPTER 2

HISTORICAL DEVELOPMENT OF TREATMENT OF PRISONERS OF WAR

TO THE EXCHANGE CARTEL OF 1862

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.

Francis Lieber¹¹

Since the development of *Homo Sapiens* on the plains of East Africa, the history of Mankind has been marked by conflict between individuals, tribes of individuals, and ultimately, nation-states. As the complexity of the communities in conflict grew, unwritten and written laws arose that governed these conflicts. These laws addressed the behavior of combatants toward one another. As warfare changed, these laws were revised and expanded to include the treatment of non-combatants and captives. As the armies grew in size numerically, the care of large numbers of captives became an issue. Special rules and procedures were developed to deal with the number of prisoners held by each belligerent. On the eve of the Civil War, there was no codified written document for participants to follow in the treatment of captives. Even with codified rules and regulations, the ethical and moral treatment of captives plagued humanity even into the Twenty-First Century.

The first chapter of this thesis describes the development of behavior by captors toward captives from biblical times until the Nineteenth Century. As warfare changed, the chapter shows how the treatment of captives also changed. It explores the emergence of special procedures dealing with captives and the rationale behind their development. It reviews how the

enemies of the fledging United States of America treated captured American soldiers. It discusses the events leading to the first POWs during the Civil War and the subsequent attempts by newspapers and individuals to bring about the general release of those POWs. The chapter ends with the development of the Exchange Cartel of 1862 for the release of those captured soldiers. Finally, this chapter details the rise of the individual who had a tremendous impact on Confederate POWs...William Hoffman.

For the legal scholar, a cursory look at ancient civilizations revealed no POW issues. The maxim “to the victor go the spoils of war” meant no prisoners to care for or to exchange. In Deuteronomy Chapter 20 Verse 16-18, the Ancient Israelites were instructed as to their behavior against their neighbors:

“However, in the cities of the nations the Lord your God is giving to you as an inheritance, do not leave alive anything that breathes. Completely destroy them—the Hittites, Amorites, Canannites, Perizzites, Hivites, and Jebusites—As the Lord your God has commanded you. Otherwise, they will teach you to follow all the detestable things they do in worshipping their gods, and you will sin against the Lord your God.”¹²

The Ancient Middle East had military powers such as Assyrians, Chaldeans, and Egyptians who were more brutal than their predecessors. It was a region of retribution, slaughter, and enslavement of the vanquished.¹³ It was a region where numerous societies were vulnerable to threatening neighbors. Consequently, their warring behavior was more ruthless towards their foes.¹⁴ The numerically fewer their foes, the greater the chance for long-term survival.

Not all ancient societies treated their captives with marked disdain. Ancient Indians of North America had laws that forbade the killing of any enemy who had asked for quarter or

¹¹ Leon Friedman, Editor, *The Law of War* Vol. I (New York: Random House, Inc., 1972), 168.

¹² *The Holy Bible* New International Version Containing The Old Testament and The New Testament. (Grand Rapids: Zondervan Publishing House, 1984), 304.

¹³ Peter Karsten, *Law, Soldiers, and Combat* (Westport: Greenwood Press, 1976), 5.

surrender.¹⁵ Over the centuries, the Middle East evolved in its treatment of captives. With the fall of Jerusalem in 690 B.C.E. to the Babylonians, the treatment of the local Jewish populace was prescribed by specific guidelines. According to the Babylonian commander, Sennacherib, the conquered Jews were treated according to their involvement. The officials and patricians who had committed crimes were executed and their bodies placed on poles. Those citizens guilty of minor crimes were taken as POWs. The remainder of the citizenry was released. The conquered King of the Jews was required to pay personal tribute to Sennacherib.¹⁶ Over time, the treatment of POWs and non-combatants changed as they acquired a precious commodity—worth.

As ancient civilizations developed greater complexity and sophistication, their philosophies and goals changed. The need for slaves and unskilled labor increased as the economies of the ruling government became more sophisticated.¹⁷ For the Greek civilization, they were rarely free from attack either from outsiders (Greeks versus Persians) or among themselves (Athenians versus Syracusians). Yet, warring armies generally respected temples, priests, and sacred places. Prisoners were seldom mistreated as they could be exchanged, ransomed, or used as slaves to increase the value of the victorious city-state.¹⁸ In the Greek era only one in four battles ended with the total annihilation of prisoners.¹⁹ There was no

¹⁴ Ibid., 4.

¹⁵ Major Pat Reid MBE MC and Maurice Michael, *Prisoner Of War* (New York: Beaufort Book Publishers, 1978), 17.

¹⁶ Friedman, *The Law Of War*, 4.

¹⁷ Karsten, *Law, Soldiers, and Combat*, 4.

¹⁸ Ibid., 5.

¹⁹ Reid and Michael, *Prisoner Of War*, 28.

requirement for the battle to end in a slaughter of the prisoners and enslavement of the populace. However, it was still perfectly legal for the victorious army to treat its captives in this manner.²⁰

The Roman Empire was built on military might and political power. The Romans saw the same merit in prisoners, as did other civilizations. After the Punic War, with the rise of organized agriculture and mining, there was an increased need for able-bodied laborers, not slaughtered captives.²¹ Aiding the slave-traders in meeting this increased demand for skilled laborers was a change in the customary law of warfare or *ius belli*. Under the Romans, the *ius belli* included protection for ambassadors, temples, and persons who had been guaranteed quarter. It provided for the exchange of POWs. While the behavior of the Roman legions remained occasionally brutal, the need for economic labor advanced the treatment of POWs closer toward the modern laws of warfare.²²

With the fall of the Roman Empire and the rise of Christianity, brutal warfare that characterized earlier civilizations returned to the European lands. Tribal warfare (Visigoths, Franks, Saxons) led to a return of plundering and killing of non-combatants, especially prisoners. During the early Middle Ages, the Christian Church leaders tried to legislate restraint in battle. A constant theme for these early leaders was the use of penance for Christian soldiers in the constant warfare of the time.²³ In addition to penance requirements, the churches used penitential codes to standardize sanctions for transgressions committed by the populace including soldiers. These sanctions included penance for the killing of pagans and Jews. In 1008 C.E., the Corrector of Burchard of Worms included the following sanction: “Have you

²⁰ Karsten, *Law, Soldiers, and Combat*, 8.

²¹ Michael Rostovtzeff, *The Social & Economic History Of The Hellenistic World* Two Volumes (London, England: Oxford University Press, 1941), Vol. II, 1259-1261.

²² Karsten, *Law, Soldiers, and Combat*, 8-9.

²³ Friedman, *The Law Of War*, 7.

committed homicide in a war by the command of the lawful prince who had ordered this done for the sake of peace...then you shall do a penance for three forty-days periods on the appointed days.”²⁴

In addition to sanctions of penance, the early church leaders issued public decrees in an effort to restrain the cruelty of warfare. These decrees, called “Peace of God,” attempted to outlaw any fighting on the days Thursday through Sunday. The first “Peace of God” decree was issued in Charroux in 989 C.E. The Archbishop of Arles in 1035 C.E. issued another decree, entitled “Truce of God.” This decree beseeched all Christians to observe no fighting from Wednesday evening to Monday sunrise.²⁵ Despite the attempts at restraint, the brutality of warfare continued, as seen by the treatment of prisoners in the Crusades and in the Eastern Empire. A classic incident of this brutality was from Eastern Europe. In 1014 C.E., the Eastern Emperor, Basil II, defeated the Bulgarian army at the Battle of Balathisia. He blinded all of the captured prisoners. A relatively few prisoners were blinded in only one eye so they could lead their fellow countrymen home.

For those prisoners who were neither slaughtered nor enslaved, there was a way to regain their freedom. As early as the Code of Hammurabi, there were rules governing the paying of ransoms.²⁶ As Christian knights fought other Christian knights in the early Middle Ages, it was not unusual to be fighting friends and relatives. In these combative encounters, the captive prisoner was the personal property of his captor. Depending upon the status of his captive, the captor expected to collect more than the standard 80-100 drachmae, which was the average ransom of a captive in ancient times. By the early Middle Ages, the standard levy was the

²⁴ Ibid., 8.

²⁵ Ibid. 9.

equivalent of the captive's gross income for one year. If the prisoners were unable to pay the ransom, they were either hanged or set free without means to fend for themselves far from home.²⁷

As the early Middle Ages dissolved into the late Middle Ages, the treatment of POWs changed little. The outcome of their lives remained in the hands of their captors. The policy of ransoming continued as wealthy captives bought their freedom. The poorer prisoners were sent into enslavement while a select few captives were exchanged.²⁸ Europe between 1520 and 1650 C.E. was at war constantly with hardly a year of peace. Armies were raised by military contractors and were paid by their commanders in the field. Poor transportation limited the ability to feed these troops as they marched throughout the land. Consequently, the troops were forced to live off the surrounding countryside and towns. The anticipated result of sieges was plundering and sacking of the besieged town. With no means to care for prisoners and difficulty in maintaining discipline, the fate of captive soldiers and non-combatants alike was precarious. The brutality of the age extended to the soldiers as well. In 1642, the Articles of War for the English parliamentary army had forty-five offenses that were punishable by death.²⁹

The intensity of the warfare provoked a re-examination of the laws of war by scholars, theologians, and jurists, and included Francisco de Vitoria, Balthazar Ayala, Francisco Suarez, and Alberto Gentili, who reviewed the classical Greek and Roman writings on the laws of warfare. These authors combined classical writings with Christian dogma to produce manuscripts on the *ius belli* regarding the treatment of POWs. According to Gentili, in a just

²⁶ Reid and Michael, *Prisoner Of War*, 16.

²⁷ *Ibid.*, 19.

²⁸ Richard Garrett, *P.O.W.* (Newton Abbot, England: David & Charles Limited, 1981), 28.

²⁹ Geoffrey Parker, *Success Is Never Final: Empire, War, and Faith in Early Modern Europe* (New York: Basic Books, 2002), 154.

war the advent of professional armies allowed for the honorable surrender of soldiers.

Therefore, captives were not to be subjected to abuse.³⁰

The start of the modern law of war began with the publishing of *De Jure Belli et Pacis* (*On the Law of War and Peace*) by Hugo Grotius in 1625. Born in the Netherlands in 1583, Grotius was a lawyer and wrote briefs for the Dutch East India Company. He served the Dutch government in several high official positions. In 1619, he was forced to flee to France after he was sentenced to life-imprisonment for backing the losing party in a political quarrel. While there, he wrote his three-volume study that formed the basis for parts of The Hague and Geneva Conventions on the laws of war. The first volume examined the lawfulness of any war and the second volume the causes of war. Grotius created rules of international law by answering questions on the nature of war. To support his answers, he quoted the teachings of Ancient Israelites, Greeks, Romans and church founders such as St. Augustine.³¹

Grotius discussed the conduct of war including the treatment of POWs and civilians in his third volume. He advocated moderation of war and restraint of the use of poisons, but he was harsh in the treatment permitted towards prisoners. In Chapter IV, Section X entitled, “The right to inflict injury extends even over captives, and without limitation of time,” he wrote, “So far as the law of nations is concerned, the right of killing such slaves, that is, captives taken in war, is not precluded at any time, although it is restricted, now more, now less, by the laws of states.”³² By Chapter XIV, entitled, “Moderation in regard to prisoners of war,” the author argued that innocent prisoners, those who had not committed crimes, should not be killed; they should not be punished severely; and they should not be given excessively severe work. Grotius answered the

³⁰ Karsten, *Law, Soldiers, and Combat*, 13.

³¹ Friedman, *Law Of War*, 15.

question about captives in countries that did not have slavery. First, he recommended the exchange of POWs. If that was unavailable, he proposed the art of ransoming at a price that was not unfair. He quoted the ancient Greek sum of mina or the equivalent of one month's pay for the captive.³³

The treatise of Grotius contained a written code of conduct for combatants. In addition to this code, evolution in warfare created more restraint toward POWs. The rise of the nation-states removed the burden of sustaining forces in the field from military contractors to the nation-state itself. Combatants reached agreements that the wounded and sick POWs would be protected and exchanged as quickly as possible.³⁴ Formalized exchanges of POWs were tied to the traditional art of ransoming. By 1599, Spain and the Dutch Republic entered into a formal cartel for the exchange of prisoners—the *cuartel general*. This agreement stated that all POWs were to be exchanged within twenty-five days of capture. The exchanges were by equal rank of the prisoners until all possible POWs were exchanged. Any remaining captives were ransomed at the equivalent of one month's pay. There was an additional daily "entertainment" fee to be paid by the prisoner's country.³⁵ In addition to the law of war by Grotius, the precedents of exchange and ransom of POWs were in place by the 1700s.

Over the next 100 years, the dynastic wars of Europe were fought between the professional armies of the nation-states. During this time, two developments occurred in the treatment of POWs. As the exchange system for captives continued to improve, the art of ransoming died. Rather than buying their freedom, non-officer POWs simply waited their turn

³² Ibid., 35.

³³ Ibid., 111.

³⁴ Parker, *Success Is Never Final: Empire, War and Faith In Early Modern Europe*, 167.

³⁵ Ibid., 160.

for exchange rather than burden their families financially.³⁶ The second development concerned those officers who were held prisoner. In the wars between England and France, officers were allowed to give their *parole d'honneur*. This agreement was between the captured officer and his host captors. In exchange for his word of honor, the officer was granted the freedom to live outside any prison facility and to travel within a certain distance of his housing. By giving his word of honor, the officer promised not to escape or to perform acts that were detrimental to his host country's situation. He was required to report to the local authorities regularly. The paroled officers lived on monies sent from their governments and families, and from the sale of homemade crafts.³⁷

This system of paroles continued into the Napoleonic Wars of the early 1800s. The fortunes of non-commissioned officers who were held captive declined when the French Revolution created an environment of distrust. During the Conventions of 1793 and 1794, the French delegates banned the ransoming of prisoners. Consequently, the number of POWs held in England and France escalated. By 1799, there were 26,000 French POWs held in England. This number of POWs exceeded the total capacity of England's available space including prisons, fortresses, castles, and hulks of ships anchored in harbors. The British government addressed the problem by building the first POW camps. In 1797, construction began with the building of a POW camp at Norman Cross near Shelton. To alleviate the conditions caused by this overcrowded condition, attempts were made to exchange POWs between the two combatants. Unfortunately, extensive exchanges failed because the English and the French could not agree on conditions. The failure of large-scale exchanges left exchanges to older

³⁶ Garrett, *P.O.W.*, 31.

³⁷ Major Pat Reid MBE MC and Maurice Michael, *Prisoner Of War* (New York: Beaufort Books Publishers,

POWs, the sickly, and young boys.³⁸ The policy of prisoner exchange was to continue in the War of 1812 between the United States of America and Great Britain.

By 1861, there was no written unified code of conduct with regard to warfare and to the treatment of prisoners for the United States of America and its military forces. Without such a written code of warfare, any military action was open to unforeseen legal ramifications. For the Civil War, these ramifications began even before the firing on Fort Sumter on April 12th, 1861. On February 1st, the state secession convention of Texas passed the ordinance of secession severing the ties between Texas and the United States of America and the Federal government. At the time of the vote, the United States army had 2,649 regular army officers and enlisted men stationed in Texas.³⁹ The military personnel were under the leadership of Brevet Major General (Maj. Gen.) David E. Twiggs. These troops controlled the Federal governmental property including camps and forts within Texas. The state secession convention desired this property including the military equipment contained within the forts.

General (Gen.) Twiggs, who was born in 1790, had served in the regular army since the War of 1812. He fought with distinction in both the Black Hawk War and the Seminole Wars.⁴⁰ He accompanied Generals Zachary Taylor and Winfield Scott in the Mexican War where he was brevetted twice to the rank of Brevet Maj. Gen. By 1857, he was named commander of the Department of Texas. Twiggs was aware of the growing sectional conflict and its potential impact on his command. Before the Texas secession convention's vote, Twiggs had written to

1984), 97.

97.

³⁸ Garrett, *P.O.W.*, 50.

³⁹ *The War Of The Rebellion: A Compilation Of The Official Records of the Union And Confederate Armies* (Washington: U. S. Government Printing Office, 1901), Series II, Vol. I, 8. Hereafter listed as *O.R.*

⁴⁰ David S. Heidler and Jeanne T. Heidler, Editors, *Encyclopedia of the American Civil War: A Political, Social, and Military History* Four Volumes (Santa Barbara: ABC-CLIO, Inc., 2000), Vol. IV, 1986-1987.

the War Department in Washington requesting instructions as to his course of action. When no response was forthcoming, Twiggs proceeded to place his headquarters in San Antonio on alert, consolidated his forces from outlying posts, and ordered the protection of governmental property.⁴¹ For his efforts, the War Department relieved Gen. Twiggs of command and ordered Colonel (Col.) Carlos Waite to report to San Antonio to replace him.

Events in Texas moved faster than the War Department in Washington. Shortly after the ordinance of secession passed, the state convention appointed a Committee of Public Safety to negotiate with Gen. Twiggs for the transfer of Federal property from the United States government to the State of Texas. This committee named several commissions to request deliverance of all governmental property and military posts under Twiggs' command.⁴² At the time of their requests, these representatives of the State of Texas were in rebellion from the government of the United States of America. When Twiggs did not immediately meet their requests, the State of Texas reacted with a show of force. At 0400 hours on February 16th, 1861, a Texas militia force commanded by Col. Ben McCulloch entered the garrison of San Antonio. McCulloch commanded a force of 1000 volunteers and militia.⁴³ In the face of an overwhelming force, Twiggs and his command of 160 men surrendered the governmental property and military post under his control. He relinquished neither his troops nor their ordinance of light batteries.

Twiggs agreed to turn over the property on February 18th provided his troops retained their arms and clothing. He requested that transportation be obtained to move his troops from Texas.⁴⁴ The commissioners consented to his requests, but stipulated that the troops be sent by the way of the coast of Texas. They agreed the infantry and cavalry troops would retain their

⁴¹ Ibid., 1987.

⁴² *O.R.*, Series II, Vol. I, 3.

arms and their two batteries of light artillery. In a circular printed on February 18th, the state commissioners ordered that every facility be afforded to the troops, as “they are our friends.”⁴⁵ With the negotiations completed, the men of the San Antonio garrison (Company A, 8th Infantry and Company I, 1st Infantry) marched out of the garrison with the band playing “Red, White, and Blue.” The Sergeant Major of the regiment saved the regimental flag by wrapping it around his person, under his uniform.⁴⁶ The enlisted men and non-commissioned officers made camp about three miles from the city. The headquarters staff remained in town and was confined to the San Antonio barracks. By the next morning, Col. Waite arrived in the city to assume command of the forces in Texas. Maj. Gen. Twiggs was relieved of his command and retired to his home in New Orleans.

Col. Waite was left with an agreement with the Committee of Public Safety for the State of Texas. He did not have any binding contract with the government of the fledgling Confederate States of America. Per his agreement, Waite began concentrating his troops near Indianola in an effort to remove them from Texas soil. This concentration of armed troops created a stir in the newly formed Confederate Texas government. Responding to their concerns, higher Confederate governmental officials ordered Col. Earl Van Dorn to assume command of all Southern troops in Texas. The Adjutant and Inspector General’s Office instructed Van Dorn “to intercept and prevent the movement of the U.S. troops from the State of Texas.” Though some of the Union officers and enlisted men joined the Confederate States of America army, the

⁴³ Ibid., 2.

⁴⁴ Ibid., 4.

⁴⁵ Ibid., 6.

⁴⁶ Obituary of William Hoffman. *ASSEMBLY Magazine* Association of Graduates. (West Point: United States Military Academy), 37.

remainder of the Union troops was regarded as POWs.⁴⁷ This change of status for Union troops occurred on April 11th, 1861, before the firing on Fort Sumter.

Once the hostilities commenced, the Federal troops in Texas were without any agreement with regard to their safety. The Confederate government declared that the authority of the state's Committee of Public Safety had ended when Van Dorn assumed military control of Texas. As a state of war was not in effect when Twiggs made his agreement with the commissioners, the subsequent state of war negated the agreement.⁴⁸ Thus, all remaining Federal troops were to be captured and disarmed. Van Dorn coordinated the capture and surrender of the Federal troops. Some troops were captured en route to the coast and others were taken prisoner while on troop ships leaving Indianola. One of these troop steamers was the ill-fated Star of the West that had tried to reinforce Fort Sumter earlier in the year. As the Star of the West prepared to leave Indianola, Confederate volunteers boarded the ship and took the homebound troops captive. Between April 23rd and May 13th, all 2,649 officers and enlisted men of the United States army surrendered to Confederate authorities. The legal question was now, "What to do with these POWs?"

For several years, the European system of parole and exchange of POWs had existed. Captured prisoners were paroled to their homes to await exchange for another captured POW. The exchange occurred on paper and the soldier returned to his military unit and to the fighting. Legally speaking, this system existed between two separate, but equal, nation-states who were the belligerents. The difficulty faced by Waite and his troops was the questionable legal standing of the Confederate States of America. On April 23rd, a Captain (Capt.) Wilcox entered

⁴⁷ *O.R.*, Series II, Vol. I, 56.

⁴⁸ Lonnie R. Speer, *Portals To Hell: Military Prisons of the Civil War* (Mechanicsburg: Stackpole Books), 3.

the headquarters of Col. Waite in San Antonio. Wilcox informed Waite of his status as a POW. Waite questioned Wilcox by what authority he was a POW. The answer was by the power of the President of the Confederate States of America. Waite protested and denounced his status as “an act of unwarranted usurpation, and against the custom of war, and in violation of his personal rights.”⁴⁹ Despite strict legal standing, Waite and his troops were offered either acceptance as detained POWs or parole and safe passage to the North. Waite requested and was granted an additional twenty-four hours to consider their options. He reassembled with his officers and men at noon on April 24th. The majority overwhelmingly chose parole as the only method that would secure escape from Texas and place them within the authority of the Federal government.⁵⁰ A few of the commissioned officers and about fifteen percent of the regular troops were persuaded to join the Confederate army.⁵¹

Lieutenant Colonel (Lt. Col.) William Hoffman of the 8th Infantry was one of the officers under the command of Waite who opted for parole. Prior to accepting that parole, he requested, in writing, a note allowing him the privilege of reporting the facts of his arrest as a POW and of his command to the War Department.⁵² Upon receipt of that note, he accepted the following parole:

“I do hereby declare upon my honor and pledge myself as a gentleman and a soldier that I will not take arms or serve in the field against the Government of the Confederate States of America under my present or any other commission that I may hold during the existence of the present war between the United States and the Government of the Confederate States of America; that I will not correspond with the authorities of the United States either military or civil, giving information against the interest of the Confederate States of America until regularly exchanged.”⁵³

Hereafter listed as *Portals To Hell*.

⁴⁹ *O.R.*, Series II, Vol. I, 46.

⁵⁰ *Ibid.*, 48.

⁵¹ Speer, *Portals To Hell*, 3.

⁵² *O.R.*, Series II, Vol. I, 58.

⁵³ *Ibid.*, 58.

Once they had signed the above noted parole, the officers and enlisted men of the Texas command were permitted to sail for New York City. Not all of the remaining Federal troops were as lucky.

On May 10th, Van Dorn notified the Adjutant and Inspector General's Office that he had captured ten officers and 337 men under the command of Col. Reeke. Unlike Waite and the other 2,350 men of his command, Van Dorn indicated he was determined to hold these troops as POWs indefinitely.⁵⁴ Though the officers were to be considered for parole, Van Dorn insisted that the enlisted troops were to be held without opportunity for parole. What had transpired between April 24th and May 10th to create this environment for captured troops? The change in environment began shortly after the bombardment of Fort Sumter. On April 17th, President Jefferson Finis Davis issued a proclamation offering letter of marque and reprisal for individuals desiring to engage the Federal government. Though the Conference of Paris of 1856 had outlawed privateering, Davis' proclamation was still legal and valid. The United States of America had failed to accede to the proposal and had never signed the agreement. Thus, private individuals were able to seize Union ships for the Confederacy without legal ramifications by Davis' offer. President Abraham Lincoln countered with a proclamation on April 19th. He ordered that all vessels and crews taken in such actions would be considered pirates and dealt with in accordance to municipal law.⁵⁵ Lincoln's order meant that those captured in the act of privateering could be hanged. It was in response to Lincoln's order that Van Dorn declared his intentions.

⁵⁴ Ibid., 59.

⁵⁵ William B. Hesseltine, *Civil War Prisons: A Study in War Psychology* (Columbus: The Ohio State University Press, 1930), 8. Hereafter listed as: *Civil War Prisons*.

During the late spring of 1861, forces of the United States navy captured naval personnel operating under the letters of marquee issued by Davis. These naval officers and crewmen were placed in jails to await trials for piracy. The Lincoln administration initially received support for this hard-line policy from Republican newspapers such as the *New York Times*. The *Times* urged Lincoln to proceed with his policy despite a threat to retaliate against Confederate-held POWs if any naval personnel were executed. In the words of an editorial published July 13th, the editors encouraged the President to proceed with haste. “If t’were done, ‘twere well ‘twere done quickly.”⁵⁶

Support for the administration’s policy changed following the disastrous defeat at the battle of First Bull Run. The Confederate government now held a significant number of POWs including a member of the House of Representatives, the Honorable Alfred Ely, who was captured following the battle on July 21st. He was held in Richmond in a converted tobacco warehouse known as Libby’s Prison. Retaliation for Union treatment of Confederate naval personnel was now possible and likely. The quandary of the POW issue was a difficult one for the Lincoln administration. In Lincoln’s view, the Confederate government had not left the Union, but represented a rebellion against the legal government. Lincoln did not recognize the Confederate States of America as a legitimate belligerent. Consequently, under the laws of war, the Confederate government had no legal standing and was not able to exchange POWs. The administration’s policy dictated that no exchange of POWs be done for fear of inadvertently recognizing the Confederate government as a legitimate belligerent. The consequence of this policy was that POWs would be held until the end of the rebellion.

⁵⁶ *New York Times*, “A Threat From Richmond”, July 13, 1861, 4:5.

In response to the administration's policy, the Union officers and enlisted men who were held with Representative Ely petitioned Lincoln to effect their parole and release.⁵⁷ While there was no response from the administration, newspapers and individuals championed a change of policy by the government. The editors of the *New York Times* published a letter to the editor entitled, "The Disposal Of Prisoners." Printed on August 19th, the author forcibly argued the question, "Does an exchange of prisoners in a civil war imply a partial acknowledgement of the insurgents?" He cited the historical exchange of prisoners by combatants in previous civil wars without either side recognizing the other. In the author's opinion, "The exchange of prisoners involves no question of acknowledgement of right, but is a simple recognition of fact and reality." The letter was signed F.L.⁵⁸ The author was Francis Lieber, Chair of History and Political Economy at Columbia College in New York City. This college professor was much more than an interested observer of the ongoing conflict.

Francis Lieber had been born in Berlin, Prussia in March of 1798. He was the son of a Prussian iron maker and was influenced by the Napoleonic conquest of his native land. By 1815, he had joined the Prussian army serving in the Waterloo Campaign. Seriously wounded at the battle of Namur, he returned home for recovery and his education. During his formative years, he was classified a liberal thinker and imprisoned by the Prussian government. Upon completion of his doctorate, he was ordered to leave his residence and ultimately, entered the Greek War of independence with other German liberals. When disillusionment led him to flee to Italy, he made an income by tutoring the son of the German ambassador. He returned to Berlin in 1823 only to be arrested again by the government for his role in a "liberal" conspiracy. Aided by

⁵⁷ Charles Lanman, Editor, *Journal of Alfred Ely: A Prisoner Of War in Richmond* (New York: D. Appleton And Company, 1862), 25.

friends, Lieber was first released from prison and then escaped to England. He made his way to America, arriving in New York City in 1827.⁵⁹

To support himself, Lieber edited the *Encyclopedia Americana* from 1827 to 1835. Written by prominent authors, these thirteen volumes contained articles on history, politics, and science. By the end of 1835, he had accepted an offer to be Chair of History and Political Economy at South Carolina College. While teaching there, he wrote the first systematic works on political science examining the philosophy of the state. By the 1850s, Francis Lieber was considered the first political scientist in the United States. His time in the South was troubling for this liberal political scientist.⁶⁰

Despite having owned slaves and taught at a southern college, Lieber was one of the earliest critics of secession. His views on the state of the Union led to his resignation from South Carolina College in 1857. He returned to the North to find an offer from Columbia College. While teaching and writing at Columbia, Lieber discussed the breakdown of the Union. He wrote in 1860, “When nations go on recklessly as we do, dancing, drinking, laughing, defying right, morality, justice, (engaging in) money-making and murdering, God in his mercy has sometimes condescended to smite them and to smite them hard, in order to bring them to their senses and make them recover themselves.”⁶¹ During his time in America, he had cultivated many friends, including Republican politicians. Among these politicians was Senator Charles Sumner. Through his friendship with Sumner, Lieber had a conduit for his ideas to a wider audience.

⁵⁸ Francis Lieber, *New York Times*, “The Disposal Of Prisoners”, August 19, 1861, 5:3.

⁵⁹ Heidler and Heidler, *Encyclopedia of the American Civil War*, Vol. III, 1180.

⁶⁰ *Ibid.*, 1181.

⁶¹ Frank Freidel, *Francis Lieber, Nineteenth-Century Liberal* (Gloucester, Mass: Peter Smith, 1968), 299.

By 1861, Lieber cultivated a variety of lines of communication with high officials in Washington, including several generals in the Union army. He met with the President as the official representative of Columbia when the institution conferred an honorary degree upon Lincoln. Through other contacts, he made close friends with the Attorney General, Edward Bates. The Missourian was at that moment trying to defend Lincoln's suspension of the *Writ of Habeas Corpus* in April. With the help of noted Philadelphia lawyer, Horace Binney, Lieber published several pamphlets supporting the suspension and refuting the arguments of the Chief Justice, Roger Taney. These pamphlets were well received by the population as well as the Attorney General.⁶²

With his contacts and friends in Washington, Lieber was no casual observer of the ongoing conflict. The editors of the *New York Times* readily agreed. On the day, August 19th, that Lieber's letter was published, they noted, "we publish a communication from a gentleman whose initials sufficiently accredit his opinions as entitled to weight upon this subject."⁶³ Lieber concluded his letter of that date with the statement "nothing remains to be decided except the expediency or advantage, which we leave to the proper authorities. They must decide, in each case, whether it is advisable or not."⁶⁴ Others were not so gracious in their patience awaiting a decision from the Lincoln administration. As the voice of the POWs held in Richmond, Ely cried out for the attention of the government. He argued that POWs must be exchanged whatever may be the direct or implied consequences.⁶⁵ Another letter to the editors of the *Times* questioned, "Is it right that the prisoners receive nothing from a Government whose *peculiar*

⁶² Ibid., 311.

⁶³ *New York Times*, "Prisoners of War", August 19, 1861, 4:5.

⁶⁴ Lieber, *New York Times*, "The Disposal of Prisoners", August 19, 1861, 5:3.

⁶⁵ Lanman, *Journal of Alfred Ely: A Prisoner Of War in Richmond*, 68.

policy prevents the prisoner from supporting his family?”⁶⁶ By October, the editors themselves had joined in the clamor for exchange of prisoners. In an editorial published on October 8th, they noted that sufficient Confederate prisoners had been retained at the capture of the Hatteras forts to exchange for those held in Richmond. The editorial concluded there was “not only no reason why an exchange should not be negotiated, but every reason why it should; and if the Government will be at the trouble to revise its decisions upon the point, we feel an assurance that its previous judgment will be reversed. The question is one not only of urgent expediency, but of the merest humanity.”⁶⁷ Despite the pressure from Congress and newspapers, the Lincoln administration did not change its policy, but the issue of POWs was becoming a significant logistical problem for the government.

The outbreak of hostilities created chaos on both sides of the Potomac. The creation of military commands overnight overwhelmed even the best of planners. The low priority of POWs meant little if anything was done to prepare for the influx of human beings held captive for extended periods of time. Where would they be held? How would they be cared for? Who would be responsible for their conditions? These important questions were not addressed in the first months of the war. Thus, a converted tobacco warehouse was used for Union POWs, while standard city jails housed captured Confederate privateers.

The Quartermaster-General of the Union Army, Montgomery C. Meigs, recognized the need for some planning. It was under his command that the Confederate POWs would be placed. He wrote Secretary of War, Simon Cameron, on July 11th inquiring into the inevitable increase in POWs. He noted the difference in status between disloyal citizens and POWs, and depicted the

⁶⁶ Humanity, *New York Times*, “Our Soldiers Imprisoned at Castle Pinckney”, September 30, 1861, 5:4.

⁶⁷ *New York Times*, “National Prisoners at the South”, October 8, 1861, 4:3.

traditional conditions for the care of POWs, including their needs from shelter, medical care, and food. Meigs reminded Cameron of the office of Commissary of Prisoners, a historical title used in the War of 1812 with Great Britain. During that conflict, Gen. John Mason served, as the Commissary of Prisoners for the United States, while Mr. Thomas Barclay, the British Consul at New York, was his English counterpart.⁶⁸

Meigs described the duties of the job and the necessary qualifications of the individual named to this office. He specifically made a distinction between the position of Commissary of Prisoners and the Provost-Marshal, who was the chief superintendent of prisoners. As the job required a complete knowledge of military law and custom, the Commissary of Prisoners was considered a much higher position. In addition to a sound military background, the officer needed to be skilled in negotiating the exchange of prisoners as well as sound financial understanding due to the large sums of money that passed through his hands.⁶⁹ Until October 1861, the Secretary of War ignored the request by Meigs. By that time, the captured privateers and officers captured by McClellan in western Virginia were joined by troops who surrendered after the fall of the Hatteras Inlet forts. In the Western Theater, the POW camp near Columbus, Ohio, held both military captives and political prisoners. In Missouri, there was no system of order for the detainees. Citizens accused of disloyalty, guerillas, and Confederate soldiers were held in a confiscated medical college and a deserted slave pen in St. Louis.⁷⁰ The Union military prison system needed someone to create order out of this chaotic system.

On October 3rd, Meigs again wrote to Cameron about the need for establishing a depot for POWs on one of the islands in Lake Erie. Meigs recommended Lt. Col. William Hoffman of

⁶⁸ *O.R.*, Series II, Vol. 3, 8.

⁶⁹ *Ibid.*, 8.

the 8th Infantry regiment to the position of Commissary of Prisoners. In his correspondence, Meigs noted Hoffman was still on parole from the Texas surrender in April and was unable to take a field command.⁷¹ By Special Orders No. 284 and by order of the Secretary of War, Lt. Col. William Hoffman was detailed for duty as Commissary-General of Prisoners on October 23rd.⁷²

He was instructed to report for duty and to report to the Quarter-Master General for orders.

Meigs instructed Hoffman to evaluate the islands of Lake Erie for the purpose of creating a depot for Confederate POWs.

William Hoffman was a career military officer from a military family. His father was Lt. Col. William Hoffman. The older Hoffman was a First Lieutenant (Lt.) with the 41st Infantry during the War of 1812. Two of his brothers saw combat action with the regular army. One brother, Satterlee, was a Second Lieutenant in the First Artillery at the time of his death. On August 20, 1847, Satterlee was killed in action at the battle of Churubusco, Mexico. The other brother was a Second Lieutenant in the 6th Infantry. Alexander T. Hoffman was serving in the regular army in Florida at the time of his death in 1844. As for the younger William, he was born in New York City on December 2, 1807. Under the tutelage of the younger officers in his father's command, William's early education came on garrison duty.⁷³ Growing up in a large family dependent on meager military pay, Hoffman learned to be as close with a dollar as a necessity.⁷⁴

⁷⁰ Hesseltine, *Civil War Prisons*, 37.

⁷¹ *O.R.*, Series II, Vol. III, 48.

⁷² *Ibid.*, 121.

⁷³ Obituary of William Hoffman, *Assembly Magazine*, 36.

⁷⁴ Gray, *The Business of Captivity*, 161.

By age seventeen, Hoffman was appointed to the United States Military Academy (USMA) at West Point, New York and entered the Class of 1829 on July 1st, 1825. There were ninety-nine cadets admitted to that class. Upon graduation in 1829, Hoffman ranked 18th out of the 46 (18/46) surviving cadets. Fellow members of the Class of '29 included Seth Eastman (22/46), who was to be the first commandant at Elmira prison camp, Joseph Eggleston Johnston (13/46), and Robert Edward Lee, who ranked 2nd in the class.

Following graduation from the USMA, Hoffman was assigned garrison duty on the frontier like his father. He participated in the Seminole War and fought in the Indian Wars between 1837 and 1842. During the Mexican War, he was brevetted twice for gallantry and was wounded at the same battle that took his brother's life.⁷⁵ After the cessation of hostilities, Hoffman remained in the army and received promotion to Lt. Col. of the 8th Infantry just prior to the previously mentioned Texas surrender and subsequent parole. In appointing Hoffman as Commissary-General of Prisoners, Meigs named a career military man with organizational skills to match the enormity of the POW system. He also named an individual accustomed to military posts where expenditures were kept to a minimum.⁷⁶

Meigs notified Hoffman as of October 7th, 1861, of his appointment to the office of Commissary-General of Prisoners. He then instructed Hoffman to proceed to the area of Lake Erie near Sandusky, Ohio to explore the possibility of constructing a POW depot on one of the islands of Put-In-Bay.⁷⁷ His instructions to Hoffman included the specific requirements of the site chosen. He indicated the need for haste so that preparations for the camp could commence before winter. By October 22nd, Hoffman had completed his assignment and submitted his

⁷⁵ Heidler and Heidler, *Encyclopedia of the American Civil War: A Political, Social, and Military History*, Vol. II, 981.

report. The well-written and comprehensive report spoke to the thoroughness of its author. It also spoke to his manner of economy. He rejected one site because the rent was too high. Hoffman outlined the options on all islands including rental costs, transportation costs, ability to supply, and what it would require to create the site. He included an itemized estimated cost of creation of the camp with the additional costs of guards. The cost of housing approximately 1000 Confederate POWs was estimated at \$26,266 for total construction. The site chosen was Johnson's Island in Sandusky Bay.⁷⁸

By return correspondence dated October 26th, Meigs ordered Hoffman to proceed with the construction. He outlined the first of several regulations for the prisoners. Meigs recommended that "as far as practicable" the prisoners were required to furnish their own clothing. They were allowed to engage in any occupation that was profitable and did not interfere with their confinement. Meigs concluded with a fateful sentence for all future Confederate POWs. He wrote, "in all that is done the strictest economy consistent with security and proper welfare of the prisoners must be observed."⁷⁹ Hoffman was to follow Meigs' advice compulsively.

While Meigs and Hoffman prepared for the inevitable influx of POWs, the popular demand for the general exchange of prisoners continued both outside and inside Washington. Maj. Gen. Henry W. Halleck, who was commander of the Department of Missouri, expressed his opinion on the exchange of prisoners with his superior, Maj. Gen. George B. McClellan, Commander-In-Chief of the Federal army. Halleck saw the exchange as a mere military

⁷⁶ Gray, *The Business of Captivity*, 161.

⁷⁷ *O.R.*, Series II, Vol. III, 49.

⁷⁸ *Ibid.*, 54-56.

⁷⁹ *Ibid.*, 122-123.

convention and only a part of the ordinary *commercia belli*.⁸⁰ Halleck's opinion was more than just a military officer's point of view. Prior to the war, he had published *Elements of Military Art and Science* as well as the first English-language edition of Henri Jomini's *Vie Politique et Militaire de Napoleon*. Earlier in 1861, he had produced a treatise entitled *International Law*.⁸¹ He was a world-respected scholar and writer of military law. Inside Washington, Congress adopted a Joint Resolution "that the President of the United States be requested to inaugurate systematic measures for the exchange of prisoners in the present rebellion." The Joint Resolution noted that the exchange of prisoners had already been practiced indirectly by special exchanges.⁸²

These special exchanges began as an informal exchange of individuals between the two governments. When Flag Officer Louis M. Goldsborough, the commander of the squadron blockading Norfolk, had contacted Gen. Benjamin Huger, commander of the Confederate forces around Richmond, concerning the exchange of two lieutenants, the special exchanges began and flourished. Ultimately, Goldsborough relinquished his role in the exchanges in favor of Gen. Wool, field commander of Union troops at Norfolk. This system of exchanges was supported by the Lincoln administration. It allowed the Federal government to release prisoners without the dangerous practice of negotiations, which might accidentally recognize the status of the Confederate States of America.⁸³

The Lincoln administration began to weaken on its exchange of prisoners' policy in early 1862. As of January 7th, Halleck was instructed to obtain the release of the remainder of the 8th

⁸⁰ Ibid., 150-151.

⁸¹ Heidler and Heidler, *Encyclopedia of the American Civil War: A Political, Social, and Military History*, Vol. II, 908.

⁸² *O.R.*, Series II, Vol. III, 157.

⁸³ Hesselstine, *Civil War Prisons*, 17.

Infantry still held in Texas.⁸⁴ While further correspondence clarified that he was not to recognize the Confederate government, the administration was now in the business of prisoner exchange.⁸⁵ After twenty-two months of captivity, the remaining Texas troops were released on exchange as of February 25th, 1862.⁸⁶ Later in January of 1862, Edwin Masters Stanton was confirmed as the new Secretary of War. One of his first official statements declared that the duty of his department was to care for the prisoners in the South. The editors of the *New York Times* pressed for more than just care for the POWs. An editorial on January 25th stated, “the release can best be brought about by the informal process of exchange now inaugurated.”⁸⁷ Another editorial pushed the humanitarian aspect even further commenting, “The prolonged imprisonment of more than a thousand brave men, who did not run away from Bull Run had brought grief to numberless firesides and through months of suspense families and friends have awaited impatiently some action on the part of Government affording a hope that the prisoners should be restored to their duty and not to their households.”⁸⁸ Invoking the cause of humanitarianism, the editors of the *New York Times* pushed for a more general exchange of prisoners. On July 9th, the editors decried, “our captives pine, our wounded men die of grief, loneliness, and neglect, while the hearts of family and friends are breaking in the distant North to have them at home to nurse and tend.”⁸⁹

As it flourished, the business of special exchanges began to bend under the extensive clerical work. Wool offered Huger a proposal that would dispose of all captive prisoners held in

⁸⁴ *O.R.*, Series II, Vol. I, 69-70

⁸⁵ *Ibid.*, 74.

⁸⁶ Speer, *Portals To Hell*, 7.

⁸⁷ *New York Times*, “A Welcome Word From The Secretary Of War”, January 25, 1862, 4:5.

⁸⁸ *New York Times*, “The Exchange Of Prisoners”, February 3, 1862, 4:6.

⁸⁹ *New York Times*, “Our Prisoners Must Be Exchanged”, July 9, 1862, 4:5.

the North and the South.⁹⁰ On the same day that Wool transmitted his proposal to Huger, Gen. Ulysses S. Grant captured Fort Henry and 15,000 new Confederate POWs. The Union assault on Roanoke Island resulted in an additional 2,500 prisoners. The reality of confining, feeding, and guarding significant numbers of POWs exploded on the scene. Negotiations for a formal cartel for the exchange of prisoners commenced between the intermediaries of the two governments. Aided by the favorable exchange of wounded soldiers from the fighting around Richmond, Lincoln approved the plan of a formal cartel. He gave Gen. John Dix, who had replaced Gen. Wool, permission to enter into a formal agreement as long as he avoided any recognition of the Confederacy.⁹¹ Dix conferred with his Confederate counterpart, Gen. David Harvey Hill, on July 18th. The two intermediaries agreed to a rough draft in principle. Commissions of both governments ratified the formal cartel four days later.

On July 24th, 1862, Hoffman submitted to Stanton that the several prisons stations held approximately 20,500 Confederate POWs, the largest number held in the camp just outside Chicago named Camp Douglas. There were 7,800 prisoners interned in that camp.⁹² Earlier in July, Hoffman published a circular requiring the individual camps to keep track of the number of prisoners present, the number admitted each month, the number transferred out to other camps, as well as the number of captives who died, escaped, or were released. Hoffman required the number of prisoners who were sick to be included in those statistics. While some camps did not send reports in July, August, or September of 1862, the number of deaths among those held captive was small. Of those interned at Camp Douglas, there were 146 deaths in July and 117 deaths in August. With the exchange of prisoners occurring, the number of deaths at Camp

⁹⁰ *O.R.*, Series II, Vol. III, 266.

⁹¹ Hesselstine, *Civil War Prisons*, 32.

Douglas dropped to 26 in September.⁹³ The Exchange Cartel had the desired humanitarian effect on the POW issue. The *New York Times* saw another benefit from the implementation of the Cartel. On the same day that Hoffman corresponded to Stanton, the editors of the *New York Times* commented “that the return of these eight or ten thousand men would be the means of inducing twice or thrice that number to join the ranks of the army at once.”⁹⁴

During the first year of the war, the Lincoln administration insisted that the Confederate States of America had no legal standing. When this policy faced reality, there was a change in the adherence to the policy. The Federal government behaved as if the Confederacy was a legitimate belligerent. Union field commanders arranged battlefield truces with their Confederate counterparts and granted POW status to captives. By July of 1862, the administration even negotiated the regular exchange of military captives.⁹⁵ This conciliatory policy extended to the handling of the slavery issue in the Border States and the treatment of individual citizens near the fields of military operations. For the majority of the year, this conciliatory policy worked. The Border States remained in the Union and the Southern populace was treated with respect and mildness. When Maj. Gen. McClellan led the Army of The Potomac into Virginia’s peninsula, military troops guarded the doorways of the local inhabitants. With McClellan and his great army engaged in combat not more that ten miles from the capital of Richmond, the conciliatory policy of the Lincoln administration appeared to have won the war and reunited the Republic. All that remained was for McClellan to capture Richmond, end the

⁹² *O.R.*, Series II, Vol. IV, 278.

⁹³ *O.R.*, Series II, Vol. VIII, 986-987.

⁹⁴ *New York Times*, “Our Prisoners To Be Released At Last”, July 24, 1862, 4:3.

⁹⁵ Mark Grimsley, *The hard hand of war: Union Policy toward Southern civilians, 1861-1865* (Cambridge, England: Cambridge University Press, 1995), 13.

hostilities, free the remaining POWs, and negotiate the return of the Southern states to the bosom of the Union.

CHAPTER 3

TREATMENT OF CONFEDERATE POWs DURING THE EXCHANGE

CARTEL UNTIL THE SPRING OF 1864

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.

Francis Lieber⁹⁶

It never happened. The Peninsula Campaign of McClellan did not capture the capitol of Richmond. The war did not end in the spring of 1862 with the status quo intact concerning the issue of slavery. Instead, Gen. Robert E. Lee's new army, the Army of Northern Virginia, forced the Union troops away from the capitol of the Confederate States of America until they left the peninsula for the safety of the Potomac River. The war continued and resulted in revolutionary social change. The war and the revolution it created changed the fabric of the American scene, including the elimination of the South's peculiar institution, slavery. It also changed how Northerners and Southerners viewed each other, how their armies fought the war, and how governments treated the captives of their enemies. It was this last change that created significant hardship and even death for the Confederate POWs held in Northern prison camps, especially in the last full year of the war.

As the war continued, William Best Hesseltine noted the development in the North of a new phenomenon. He labeled this change "war psychosis." The definition of "war psychosis," according to Hesseltine, is the "hatred engendered in the minds of the contestants by the

⁹⁶ Friedman, *The Law of War*, 178.

conflict.” It led to a hatred of the supporters of the enemy cause with a venomous spirit.⁹⁷ While other historians did not use the same term, they noted a change in actions toward the prisoners after the collapse of the Exchange Cartel. The establishment of a standardized code for the prosecution of the war and the Emancipation Proclamation were two factors that help create the collapse of the Exchange Cartel. Other factors included the paroles at Vicksburg, the acrimonious behavior between the agents of exchange, and the role of Gen. U. S. Grant. Regardless of the cause of the end of the Exchange Cartel, the collapse was the event that propelled Hoffman into a more prominent role with regard to the Confederate POWs. The thesis of this chapter is that Hoffman developed a change in action in the spring of 1864. Whether or not this change reflected a developing “war psychosis,” Hoffman’s actions affected the care of the Confederate prisoners. His greater role allowed Hoffman to influence the welfare of the POWs substantially, especially those captives sent to the prison camp at Elmira.

For Francis Lieber, the events of 1862 brought both tragedy and triumph. Lieber had three sons of military age and all joined the army. Two sons, Hamilton and Norman, chose to fight for the preservation of the Union. A third son, Oscar, followed his path from Charleston, South Carolina to the Confederate forces defending Richmond against McClellan’s Army of The Potomac. As in many cases in this brutal war, Union regiments that included his brother, Norman, opposed Oscar Lieber and his Confederate comrades. Oscar was mortally wounded at the battle of Williamsburg though his father did not learn of his death until December 16, 1862. In a letter to his wife, Lieber expressed his mixed feelings over the loss of his son. “I can lay my hand on my heart,” he wrote, “ and say that unconditionally as I desire the South to be subdued

⁹⁷ Hesseltine, *Civil War Prisons*, 172.

and most wicked as I hold her cause to be, I know at the same time that God alone can weigh and judge each individual.”⁹⁸

Hamilton Lieber, who had enlisted in the Union Army, was sent to the Western Theater during the spring of 1862. He participated in the victory at Fort Donaldson, but was wounded and required the amputation of his arm. Upon learning of his son’s injury, Lieber made his way to the hospital where Hamilton was convalescing. While visiting his son, he made fast friends with a fellow expert on international law, Maj. Gen. Henry Halleck. Together, these two learned gentlemen embarked on a friendship that culminated in the rewriting of the laws of warfare.

While Halleck enjoyed the military success of his command, there were other issues that created difficulties—both militarily and legally. In the Western Theater, guerillas and marauders roamed the countryside causing destruction and mayhem, while demanding treatment as legitimate belligerents. Failure to comply with these demands created a vicious war of retaliation between these irregular forces where no prisoners expected to live after capture. The question before Halleck was the legal status of these irregular troops. Before reaching an answer to this question, he was summoned to Washington to replace McClellan as general-in-chief of all Union armies. Assuming command on July 11, 1862, Halleck researched the legal status of irregular troops and all guerilla forces and turned to his new friend, Francis Lieber, for another opinion.

In a letter addressed “My Dear Doctor” and dated August 6, 1862, Halleck placed the issue of guerilla warfare before Lieber. He wrote, “The rebel authorities claim the right to send men, in the garb of peaceful citizens, to waylay and attack our troops, to burn bridges and houses, and to destroy property and persons within our lines. They demand that such persons be

⁹⁸ Freidel, *Francis Lieber, Nineteenth Century Liberal*, 326.

treated as ordinary belligerents, and that when captured they have extended to them the same rights as other prisoners of war; they also threaten that if such persons be punished as marauders and spies they will retaliate by executing our prisoners of war in their possession.”⁹⁹ Within the month, Lieber had a sixteen-page answer for Halleck. In summary, Lieber divided the irregular troops into two classes. He depicted one class as partisans who were described as authorized troops engaged in guerilla tactics. These troops wore uniforms or some identification and conducted their operations properly. In Lieber’s opinion, partisans deserved treatment as belligerents, including prisoner-of-war status. For other troops, denoted by terms like self-contained guerillas or brigands, he was of another opinion. These individuals operated without authorization and were subject to summary execution if caught.¹⁰⁰ Halleck approved of the brief dissertation and ordered 5000 copies printed. These copies were sent to all field commanders for their use and guidance. On August 20, 1862, in a letter to Lieber, Halleck gave the dissertation high approval.¹⁰¹

Buoyed by his success on the guerilla treatise and requests for other legal opinions by new Secretary of War, Edwin Stanton, Lieber pushed for the formalization of a code of military law. On November 13, 1862, in a letter to Halleck, he proposed the development of a set of rules and definitions regarding the law and usages of war. He recommended that the President appoint a committee to create a code to define such terms as “prisoner-of-war” and “paroling,” with Halleck as its chairman. Lieber stated that if the President did not possess the authority for such

⁹⁹ *O.R.*, Series III, Vol. II, 301.

¹⁰⁰ *Ibid.*, 301-309.

¹⁰¹ Freidel, *Francis Lieber, Nineteenth Century Liberal*, 329.

a code on the rules of war, then Congress could enact it.¹⁰² When Halleck did not respond, Lieber sent several more letters during the months of November and December.

Lieber's persistence was rewarded, when he was invited to Washington by Halleck to create this code in early December. On December 17, 1862, by order of the Secretary of War, a committee of five individuals was impaneled as a board "to propose amendments or changes in the Rules and Articles of War, and a code of regulations for the government of armies in the field, as authorized by the laws and usages of war."¹⁰³ Joining Lieber on the committee were four generals: Maj. Gen. Ethan Allen Hitchcock, Maj. Gen. George Cadwalader, Maj. Gen. George L. Hartstuff, and Brig. Gen. John H. Martindale. Cadwalader and Martindale were lawyers with military backgrounds, Cadwalader having served in the Mexican War. Hartstuff was a former West Point instructor with field command experience.¹⁰⁴ Hitchcock was appointed President of the Board, which began its work immediately.

While Lieber desired a comprehensive reform of the entire military system, including revision of the curriculum at West Point, the Board members maintained a goal of revising the outdated articles of war and asked Lieber to draw up a code for the rules of land warfare.¹⁰⁵ Using classic treaties including the works of Hugo Grotius as well as Halleck's *International Law*, Lieber undertook the development of the draft. Conferring with esteemed colleagues as well as using newspaper clippings, he labored with the time-consuming task and finished the first draft in February of 1863.¹⁰⁶ The first draft was printed and sent to all officers for their comments and criticisms. While few responses were obtained, Lieber used the insight of

¹⁰² Ibid., 331.

¹⁰³ *O.R.*, Series III, Vol. II, 951.

¹⁰⁴ Freidel, *Francis Lieber, Nineteenth Century Liberal*, 332.

¹⁰⁵ Ibid., 333.

¹⁰⁶ Ibid., 333. Footnote Number 38.

Halleck and others to prepare a revised draft for consideration by the Board. By March of 1863, the Board and Lieber reviewed and revised this second draft before a final presentation.

Before the final presentation was delivered, Halleck authorized the distribution of the sections on parole and exchange of prisoners because of their importance. This distribution was made as General Orders No. 49 on February 28, 1863. Of the twelve regulations of this order, Numbers 3 and 10 had impact on the treatment of prisoner exchanges later in 1863. Number 3 stated: “No paroling on the battle-field. 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.” Number 10 declared: “While the pledging of the military parole is a voluntary act of the individual the capturing power is not obliged to grant it, nor is the Government of the individual paroled bound to approve or ratify it.”¹⁰⁷ General Orders No. 49 gave all field commanders strict guidelines with regard to paroles, including battlefield paroles and exchanges. In conjunction with the Articles of the Exchange Cartel, the process of paroles, particularly following the surrender of large number of troops, was now more restricted and subject to more scrutiny.

Just prior to the final presentation Lieber was asked to add sections on civil war, rebellion, and insurrection. Lieber responded with a six-page treatise on which he commented, “ticklish work, that.”¹⁰⁸ Halleck condensed Lieber’s work from six pages to a few paragraphs and included them in the final draft. The final form was published April 24, 1863, as General Orders No. 100. It was entitled, “Instructions for the Government of Armies of the United States in the Field” and was approved by the President of the United States who “commands that they

¹⁰⁷ *O.R.*, Series II, Vol. V, 306-307.

¹⁰⁸ Freidel, *Francis Lieber, Nineteenth Century Liberal*, 334.

be published for the information of all concerned.”¹⁰⁹ While the document had a lengthy title and came as a general order, it was referred to as “Lieber’s Code” for the man whose ideas it embodied.

The code has sound international law at its core. It was the western world’s first written code for the conduct of war. On subsequent military codes of conduct in warfare, its long-term impact was immeasurable. Lieber’s Code served as the basis for the codes of many European governments, including the Prussian Army Code of 1870. The code was used during the Franco-Prussian War of 1870. According to the German Army staff, not a single case arose to which its principles did not apply.¹¹⁰ In a letter to Halleck, Lieber wrote that General Orders No. 100 “will do honor to our country. The English, French and Germans will adopt it as a basis for similar works. It is a contribution by the U.S. to the stock of common civilization.”¹¹¹ Indeed, Lieber’s Code was accepted by the European powers and was a model for conventions regarding war in the late Nineteenth Century. The United States Army was still using parts of Lieber’s Code in 1940.

In the short term, the effectiveness of the code was due to its writing style and its writer. It was an admixture of military sternness and basic humanitarianism. To make it usable for battle-hardened Union officers in the field, the code was less a rigid legal document than a well-written essay on the ethics of conducting war.¹¹² The code contained strong prohibitions against wanton destruction and violence by Union forces but kept the barriers framed to allow latitude in individual actions. It prohibited destruction of the enemy’s property, churches, hospitals, and educational establishments in particular, but it allowed by “military necessity, the destruction or

¹⁰⁹ *O.R.*, Series II, Vol. V, 671-682.

¹¹⁰ Friedman, *Law Of War*, 152.

capture of the enemy, armed and unarmed, and of his property. Thus, the code contained sufficient latitude to allow Sherman's wide path of destruction through Georgia.¹¹³

The code's impact on the POW issue was immediate and far-reaching. Both General Orders No. 49 and No. 100 brought attention to the parole of captured enemy troops, as first discussed in Article 7 of the Dix-Hill Exchange Cartel of July of 1862. The cartel agreement had designated A. M. Aiken's Landing below Dutch Gap on the James River and Vicksburg on the Mississippi River as the exchange sites for captured enemy troops. Article 7 stated, "in the 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."¹¹⁴ These "other places" led to a lax system of paroles and exchanges, which General Orders No. 100 ended immediately. All prisoners were to be exchanged after actual possession of them and paroled only at official designated sites. Lieber's Code was one more blow to the Dix-Hill Exchange Cartel, which by April of 1863 was on the brink of collapse.

Upon signing the cartel, both sides began to the exchange of prisoners. By September 1862, most of the Confederate POWs in the West had been freed. The overall number of Confederate POWs held in the Northern prison system dropped dramatically. From a high of 18,347 prisoners retained on July 31st, 1862, the Exchange Cartel depleted this number to 5,012 by

¹¹¹ Grimsley, *The hard hand of war: Union Policy toward Southern Civilians, 1861-1865*, 149.

¹¹² Freidel, *Frances Lieber, Nineteenth Century Liberal*, 335.

the end of September. The decline in the number of POWs held continued throughout the remainder of the year. On January 1, 1863, only 1,286 Confederate POWs were held in Northern prison camps.¹¹⁵ The effectiveness of the cartel, however, was damaged severely by events in September 1862. These events began the collapse of the cartel that continued until the closing days of the war.

As with any system dependent on multiple individuals and accurate accounting, the Exchange Cartel developed a number of problems. In addition to the enormity of keeping track of all the transactions, the cartel suffered from suspected injustices perceived by one side or the other. By October of 1862, the Confederate agent of exchange, the Honorable Judge Robert Ould, wrote to his Union counterpart about alleged abuses of the exchange policy. Lt. Col. W. H. Ludlow was the recipient of that communication dated October 5th. Ould complained of the treatment of Missouri citizens and non-combatants; retention of captains of blockade running ships when captured; and other acts that violated the articles of the cartel.¹¹⁶ Ould wrote many letters similar to this one during his tenure as the Confederate agent of exchange, but these matters were minor compared to those introduced in September of 1862. Following McClellan's victory at the battle of Antietam, Lincoln announced his preliminary Emancipation Proclamation on September 21st. In addition to freeing certain African-American slaves after January 1, 1863, he indicated the willingness of the United States government to enlist and train African-American soldiers into the United States army. These troops were to be led by white officers.

Following the Confederate victory at Fredericksburg, Jefferson Davis issued a proclamation addressing the September proclamation of Lincoln. On December 24th, 1862,

¹¹³ *Ibid.*, 336.

¹¹⁴ *O.R.*, Series II, Vol. IV, 267.

General Orders No. 111 for the Confederate army announced, “the African slaves have not only been excited to insurrection by every license and encouragement but numbers of them have been armed for a servile war—a war in its nature far exceeding in horrors the most merciless atrocities of the savages.” The Commander-In-Chief of the Armies of the Confederate States then ordered “that all Negro slaves captured in arms be at once delivered over to the executive authorities of the respective States to which they belong to be dealt with according to the laws of said States [and] that the like orders be executed in all cases with respect to all commissioned officers of the United State when found serving in company with armed slaves in insurrection against the authorities of the different States of this Confederacy.”¹¹⁷ The existing punishment for insurrection by armed African-American slaves was death.

The Lincoln administration’s response was quick and decisive. On December 28th, Secretary of War Stanton ordered Ludlow to cease all exchanges of commissioned officers. Halleck extended this prohibition to the exchange of commissioned officers on the battlefield to all field commanders the next day. On January 12, 1863, Davis went further in his response to Lincoln’s now implemented Emancipation Proclamation. He ordered that all commissioned officers captured be turned over to state authorities for punishment unless the Confederate Congress supported his December proclamation. He did not include enlisted men who Davis felt were “unwilling instruments in the commission of these crimes.”¹¹⁸ Ludlow and Ould continued to exchange non-commissioned officers and enlisted personnel unabated in accordance with the articles of the Exchange Cartel. They were able to reach an agreement on those officers captured and ready for exchange before the January 12th date. It was not until May 1st, 1863, that the

¹¹⁵ *O.R.*, Series II, Vol. VIII, 986-988.

¹¹⁶ *O.R.*, Series II, Vol. V, 600-603.

Confederate Congress passed a joint resolution with regard to the proclamations of Lincoln and Davis. The joint resolution stated the following:

- (1) The commissioned officers of the enemy should not be delivered to state authorities, but ought to be dealt with and disposed of by the Confederate government.
- (2) The proclamations of the President of the United States dated September 22, 1862, and January 1, 1863, incite a servile war and if successful produce “atrocious consequences.” These proclamations may be met with retaliation.
- (3) The President of the Confederate States is authorized to “cause full and ample retaliation” for each violation of the laws of war.
- (4) All white officers of Negro troops were found to be inciting servile insurrection and if captured, should be put to death.
- (5) All Negro troops captured in Confederate States are to be delivered to state authorities and “dealt with according to the present or future laws of such states.”¹¹⁹

At a time when the concept of the Exchange Cartel was in serious question, General Orders No. 49 and No. 100 were issued. Ludlow was ordered to transmit the new orders to Ould with the announcement that all paroles given after their publication would be considered null and void.¹²⁰ While Ludlow, Ould, and even Hoffman corresponded and debated the exact timing of the enforcement of these orders, the exchange of officers ceased entirely after May 25th, 1863. Exchanges of non-commissioned officers and enlisted men did continue, but the role of paroles in the Exchange Cartel changed after the publication of additional general orders. On July 3, 1863, the office of the Secretary of War issued General Orders No. 207. These orders reiterated Article 7 of the Exchange Cartel and specifically stated, “According to the terms of this cartel all captures must be reduced to actual possession and all prisoners of war delivered at the places designated, there to be exchanged or paroled until exchange can be effected.” The new orders

¹¹⁷ Ibid., 795-797.

¹¹⁸ Ibid., 128, 130, 807-808.

¹¹⁹ Ibid., 940-941.

¹²⁰ Hesseltine, *Civil War Prisons*, 95.

pointed out cases where paroles occurred on the battlefield by officers other than the commanders, and cases where sick and wounded soldiers had been paroled and released in an effort to avoid guarding them. General Orders No. 207 stated flatly, “Such paroles are in violation of general orders and stipulations of the cartel and are null and void.”¹²¹

Among the three new general orders issued, the only legal paroles were those that conformed to the articles of the cartel. On July 6th, Halleck informed Ludlow to send General Orders No. 207 to Ould. He was to notify Ould that while officers of both armies had paroled and released prisoners in a manner not conforming to the cartel in the past, the government of the United States no longer recognized these paroles as legal. Halleck expected the Confederate States to do the same. Specifically, captives released without proper paroles were not considered POWs and therefore did not count in the exchange numbers.¹²² Ludlow’s letter to Ould was very direct. Any release of prisoners regarded as unauthorized was considered illegal and such prisoners were to be released as if they had never been captured.¹²³ While these events of late June and early July transpired, the city of Vicksburg and its defenders surrendered to Grant on July 4, 1863.

Ulysses S. Grant was no stranger to the POW issue. In 1861, when faced with a request for exchange of prisoners by Maj. Gen. Leonidas Polk, he argued the existing governmental position. His communication of October 14, 1861, read, “In regard to the exchange of prisoners proposed I can of my own accord make no move. I recognize no Southern confederacy.”¹²⁴ Later, it was his capture of Fort Donaldson along with its 15,000 prisoners that created the initial large demand for prison camps. Indirectly, this large number of prisoners led to the creation of

¹²¹ *O.R.*, Series II, Vol. VI, 78-79.

¹²² *Ibid.*, 85.

the Exchange Cartel and their subsequent release. During the initial phase of the Vicksburg Campaign, Grant objected to sending prisoners to Vicksburg for proper exchange, as Vicksburg was the western designation exchange site. His military logic was appropriate. He was opposed to sending troops to re-enforce the place that he wished to reduce.¹²⁵ Ultimately, these Confederate prisoners were diverted to the penitentiary at Alton, Illinois before being sent to the exchange site in the East, City Point. With his forces poised to accept the surrender of the city of Vicksburg in July of 1863, Grant debated the fate of the 30,000 Confederate defenders.

The climax of the Vicksburg Campaign began on July 1st when Lt. Gen. John C. Pemberton, commander of the embattled Confederate forces, polled his four division commanders regarding the feasibility of evacuation of Vicksburg. Two of the officers recommended surrender, while the other two indicated that an attempt to escape would not succeed.¹²⁶ Pemberton requested a face-to-face meeting with Grant on July 3rd, with a view of arranging terms for the capitulation of Vicksburg.¹²⁷ Pemberton and Grant met for an hour on that date without any successful decision being reached regarding the surrender of Vicksburg and its troops. It was agreed that Grant would send another letter before ten o'clock that evening giving his terms. At dusk, Grant met with his corps and division commanders to determine the fate of the Confederate troops. With the exception of Gen. Steele, the assembled officers favored paroling Pemberton's forces. While he wrote later that he had favored paroling, Grant was initially opposed to the plan proposed by Maj. Gen. James B. McPherson and "reluctantly

¹²³ Ibid., 90.

¹²⁴ *O.R.*, Series II, Vol. V, 511.

¹²⁵ Ibid., 180.

¹²⁶ Adam Badeau, *Military History of Ulysses S. Grant, From April, 1861, to April, 1865* Volume I (New York: D. Appleton And Company, 1868), 379.

¹²⁷ Ibid., 379.

gave way” to their plan.¹²⁸ His return letter to Pemberton on the evening of July 3rd read in part, “as soon as rolls can be made out, and paroles signed by officers and men, you will be allowed to march out of our lines, the officers taking with them their side-arms and clothing, and the field, staff, and cavalry officers one horse each. The rank and file will be allowed all their clothing but no other property...The paroles for [all sick and wounded] must be signed, however, whilst officers are present authorized to sign the roll of prisoners.”¹²⁹ At ten o’clock on Saturday, July 4th, 1863, the defenders of Vicksburg marched out of their positions, stacked their weapons, and returned to their breast works as POWs.

The decision to parole nearly 32,000 men and officers did not come easily.¹³⁰ Pemberton had a hand in forcing Grant’s decision. By rejecting terms of unconditional surrender, Pemberton place the burden of paroling his troops onto Grant. He knew that burden of sending that many troops North would place on Grant’s transportation system. It was discovered that the rebel intelligence service was intercepting and decoding messages between Grant and Rear Admiral (Adm.) David D. Porter. Pemberton was aware of the enormous strain shipping 30,000 POWs North would place on the river transportation.¹³¹ By forcing Grant to parole his troops, Pemberton opted to keep those troops in the South available for further duty at some time. For Grant, paroling this number of men came at a high cost of trust, not only in the Confederate authorities, but the Exchange Cartel as well.

¹²⁸ Bruce Catton, *Grant Moves South* (Boston: Little, Brown, And Company, 1960), 474.

¹²⁹ Badeau, *Military History of Ulysses S. Grant, From April, 1861, to April, 1865*, Vol., I, 382.

¹³⁰ *Ibid.*, 386. Badeau indicated the total number to be 31,600 troops including 2,153 officers of whom 15 were generals. There were 28,892 men paroled; over 1000 men escaped by avoiding detection; hundreds more died in hospitals before being paroled and 709 men refused parole and were sent North to Union prison camps.

¹³¹ Catton, *Grant Moves South*, 473.

Paroled soldiers were different from POWs sent to the enemy's prison camps. They belonged to their army and were to remain in a camp designated by their respective army commanders. They were subject to military discipline until properly exchanged, which then allowed them to return to active duty on the front lines. In reality, paroled soldiers sat around camp with other paroled soldiers doing nothing (as the Articles of the Cartel did not allow any military activity on parole), simply waiting to be allowed back into active duty. In theoretical terms, the troops paroled at Vicksburg were just like those men languishing in Northern POW camps; but these men were left in the vicinity of Vicksburg with their promises on paper not to fight for the South until the proper time. These promises came at a time when the intensity of the war effort by both sides was reaching new heights. If the Union experience with paroled soldiers was typical, then the recent Confederate captives were not likely to be effective soldiers for the foreseeable future. When Union troops had been paroled earlier in the war, they assumed they were out of the war and not subject to military discipline.¹³² Numerous complaints had been expressed regarding their behavior of Union troops on parole. Upon observing their behavior, a citizen of Columbus, Ohio wrote Stanton to complain, "unless the paroling system is abandoned we will be beaten by the number of paroled prisoners we shall have."¹³³ It was not a guarantee that these newly paroled Confederate prisoners would remain under military rule or discipline.

Grant's decision, whether his own or by the force of his commanders, made military sense. The transportation of this number to POWs to Northern prison camps placed the burden on Grant's troops isolated in Mississippi. These forces included those under Maj. Gen. William

¹³² Ibid., 473.

¹³³ Ibid., 474.

T. Sherman who were at that time chasing the rebel forces of Gen. Joseph E. Johnston near Jackson, Mississippi. Grant calculated the cost to include loss of river transportation as steamers took the POWs North, troops to act as guards to accompany the POWs to their destinations in the North, and the expense of feeding and caring for those POWs once they reached the Northern camps. Many of Pemberton's forces were from Texas and the Southwest. Judging from the Union experience, these paroled troops were expected to fade away to their homes as quickly as possible. If they did not go home, then they became the Confederate government's problem, not the Federal government. In the short term, their presence disrupted the military command around Vicksburg; but in the long term, their presence demonstrated to the South that their government could not manage its own people.¹³⁴ Grant's anticipation of this action was voiced when he wrote, "I knew many of them were tired of the war and would get home just as soon as they could."¹³⁵

While Grant's decision was correct militarily, it did have serious consequences in light of the turmoil raging over General Orders No. 49 and No. 207. Though it took until July 11th to complete the paroling process for the Vicksburg troops, Halleck's response to Grant's news was much quicker. On July 8th, he wrote Grant a terse note bordering on a rebuke. The note read, "I fear your paroling of the garrison at Vicksburg without actual delivery to a proper agent, as required by the seventh article of the cartel, may be construed into an absolute release, and that these men will be immediately placed in the ranks of the enemy. Such has been the case elsewhere."¹³⁶ He recommended retaining the paroled prisoners if they had not departed. Halleck's next communication indicated he had time to more thoroughly review Grant's actions.

¹³⁴ Ibid., 476.

¹³⁵ Ulysses S. Grant, *Personal Memoirs Of U. S. Grant* Volume I (New York: Charles L. Webster & Company,

He simply stated, “On a full examination of the question it is decided that you, as the commander of the army, were authorized to agree upon the parole and release of the garrison of Vicksburg with the general commanding the place.”¹³⁷

Maj. Gen. Nathaniel P. Banks followed the precedent set by Grant and paroled the garrison at Port Hudson, Louisiana when it surrendered upon hearing of the fall of Vicksburg. Once again Halleck was troubled by the conduct of the commanding officer, in this case, Banks. On July 25th, he noted, “It is very much to be regretted that the prisoners taken at Port Hudson were paroled. It is feared that the enemy will not regard such paroles on the ground that they were not in accordance with the cartel...I take it that the release and paroling of the soldiers was a voluntary act on your part and therefore not covered by the cartel.”¹³⁸ Banks responded that the arrangements were made with the Confederate commander of Port Hudson, Maj. Gen. Frank Gardner upon surrender of the garrison. He further declared that he did not have sufficient troops to guard the POWs.¹³⁹ The focus of Halleck’s concern was the sheer number of captured and paroled Confederate troops whose paroles were legally questioned. In addition to the 32,000 troops who surrendered at Vicksburg, Grant’s forces captured 3,000 troops at the battle of Champion’s Hill, 2,000 troops at the battle of Big Black Bridge, and 2,000 more troops at the battle of Port Gibson.¹⁴⁰ With the additional 5,500 enlisted men captured by Banks at Port Hudson, the July 1863 paroling process created nearly 45,000 paroles of questionable legality. It was not surprising that the anticipated response by the Confederate government became a point of discussion for Union officials.

1885), 561.

¹³⁶ *O.R.*, Series II, Vol. VI, 92-93.

¹³⁷ *Ibid.*, 97.

¹³⁸ *Ibid.*, 147-148.

¹³⁹ *O.R.*, Series I, Vol. XXVI, pt. I, 55-56.

Unsure of the Confederate response, Stanton, Hoffman, and Ludlow began to decelerate the exchange process. By July 13th, Hoffman indicated to Ludlow that no more Confederate POWs were to be shipped to the exchange site at City Point.¹⁴¹ Ludlow's answer revealed his concern that if no Southern POWs were sent South, then there would be no more deliveries of Union captives returning to the North. If the United States government did not continue to send men to the Confederacy, the Davis' administration would stop all returning Union prisoners.¹⁴² While the Union officials debated, the Confederate response to the July paroling process was received. Ould notified Ludlow on July 14th that he was declaring Lt. Gen. Pemberton, three major generals, nine brigadier generals, and three colonels unilaterally exchanged. He instructed Ludlow to take the equivalents of these officers out of those Union troops captured and paroled after the battle of Chancellorsville.¹⁴³ By return mail, Ludlow declined to accept Ould's unilateral declaration because of Confederate failure to exchange Union officers held by the Confederacy despite the offer to exchange equivalents for them in the past. He further rejected any attempts at special arrangements and requested Ould to notify the officers so named that their exchange was pending Federal approval. In addition, Ludlow invited Ould to a face-to-face meeting once Ludlow had the rolls of the paroles from Vicksburg. He encouraged Ould to return to the articles of the cartel and rhetorically asked, if Ould refused, what was the basis of his refusal.¹⁴⁴

The official correspondence between Ludlow and Ould deteriorated after this exchange. With each new communication, the distance between the two agents of exchange increased and

¹⁴⁰ Badeau, *Military History of Ulysses S. Grant From April, 1861, to April, 1865*, 398.

¹⁴¹ *O.R.*, Series II, Vol. VI, 112.

¹⁴² *Ibid.*, 126.

¹⁴³ *Ibid.*, 113.

¹⁴⁴ *Ibid.*, 116.

their personal acrimony increased.¹⁴⁵ The planned meeting between the two agents never transpired. Whether it was because of his staunch support of the articles of the cartel or his apparent loss of communication with Ould, General Orders No. 227 relieved Ludlow of his duties as agent of exchange for prisoners on July 23rd. Brig. Gen. Sullivan Amory Meredith was named as his replacement and assumed control of the exchange process.¹⁴⁶ The change of personnel did little to settle Ould's acrimony. His letters to Meredith differed little in their tone from the previous ones to Ludlow. The planned meeting between Ould and Ludlow did go forth, but now it was Ould and Meredith who met.

Meredith was unfamiliar with the duties of his new role, so he requested input for the upcoming meeting from his immediate superior, Maj. Gen. Ethan Allen Hitchcock, who had served as President of the Board on Lieber's Code. Meredith set an agenda for the meeting that included the requirement "that all officers commanding negro troops, and negro troops themselves, shall be treated as other prisoners of war, and exchanged in the same way."¹⁴⁷ Hitchcock forwarded Meredith's request up the chain of command to Halleck who responded to Meredith. He agreed in principle with the agenda items set by Meredith, including the question of African-American troops and their officers. In addition, Halleck gave the Union's view of the paroling process of July 1863 focusing on Lee's paroles of captives after the battle of Gettysburg. He flatly denied Ould's contention that Lee's paroles of wounded and captured Union troops were legal paroles. Meade had refused Lee's offer of special paroles following the battle of Gettysburg. This refusal meant the paroles were illegal even though Lee and his officers proceeded with them. Halleck instructed Meredith that he was authorized "to agree with

¹⁴⁵ Ibid., 125, 127, 128, 136-137, 151-152.

¹⁴⁶ Ibid., 141.

Mr. Ould that all paroles given by officers and men on either side between 23rd of May and 3rd of July not in conformity with the stipulations of the cartel be regarded as null and void, a declaration to that effect being published to the armies of both sides.”¹⁴⁸ This statement sidestepped the fact that both Gettysburg and Vicksburg ended after July 3rd. To Halleck and the Union command, Lee’s paroles at Gettysburg were illegal and Grant’s paroles at Vicksburg were legal and binding on the troops whose commanding officer agreed to them. By not including July 4th in the negotiations, Halleck preserved the large number of legal paroles at Vicksburg and theoretically, prevented those troops from reentering the Confederate army quickly.

Meredith made his report to Hitchcock following his meeting with Ould on August 25th, 1863. With the increasing acrimony between Ould and the Union exchange command, it was unlikely any headway could be obtained in regards to the paroles and exchange of prisoners. None was. Meredith noted that Ould rejected Halleck’s proposal on the parole issue. He had a counter proposal. He proposed that the paroles be established by the general orders of the United States, including General Orders No. 49, No. 100, and No. 207, according to the dates issued. If this proposal was rejected, then the paroles and exchanges reverted to older practices such as Ould’s unilateral declaration. Ould offered to exchange officers for officers of the same grade, except those who were in command of African-American troops. Meredith declined this proposal. As for African-American troops, according to Meredith, Ould stated, “that they (the rebels) would ‘die in the last ditch’ before giving up the right to send slaves back to slavery as property recaptured.” Though Meredith stated that the Confederate government wished to

¹⁴⁷ Ibid., 185.

¹⁴⁸ Ibid., 199.

continue exchanging non-commissioned officers and privates as usual, he concluded his report, “No agreement as to exchanges was arrived at.”¹⁴⁹

Before any decision was reached regarding Ould’s statements, Meredith received a series of letters from Ould demanding action on the matters discussed at their most recent meeting. In his letters, Ould charged that the United States government had no intention of answering his proposals and informed Meredith that the Confederate authorities were now at liberty to choose any course of action they deemed proper.¹⁵⁰ Apparently, this threat was aimed at the paroles obtained at Vicksburg. Ould informed Meredith that by virtue of the articles of the cartel, he declared the prisoners captured by Grant at Vicksburg exchanged before the week was out.¹⁵¹ In essence, Ould and the Confederate authorities had on paper “exchanged” Pemberton’s troops and made them eligible for immediate active duty in the Confederate army.

Ould, who faced questions on the legality of his declarations, had significant reasons for making such a decision. Following the surrender of Vicksburg and the paroling process of July, the Confederate authorities faced the same difficulties with paroled soldiers that the Union authorities had faced previously. During the initial phases of the Exchange Cartel, the South maintained more prisoners than the North. When a Confederate POW was released, he was able to get back to his regiment as soon as he reached the front. While furloughs were not granted, as was the practice in the Union army, the returning Confederate soldiers received backpay and new clothing. The problems of discipline experienced throughout the Northern parole camps did not develop in the South until after the fall of Vicksburg.¹⁵² Pemberton had granted furloughs to the paroled men who had already left for their homes, much as Grant had anticipated. The

¹⁴⁹ Ibid., 226.

¹⁵⁰ Ibid., 266.

Confederate authorities recalled the paroled men and assigned them to a parole camp at Demopolis, Alabama. By August 24th, Pemberton informed James A. Seddon, Confederate Secretary of War, that the paroled prisoners believed they could not be held for military service until exchanged. He pointed out that prominent citizens of the area were encouraging the soldiers.¹⁵³ Rather than dealing with the problem of paroled prisoners as the North had been forced to do, Ould and the Confederate government opted to forego formalities and simply “exchanged” these troops and placed them back into active service. A camp for returning paroled prisoners was created at Enterprise, Mississippi, under the command of Lt. Gen. William J. Hardee. There were preparations made for returning these troops to the battlefield.¹⁵⁴

The real question was whether Ould’s unilateral decision was legal. Halleck emphatically did not think so. When Grant requested clarification as to the status of paroled Confederates, Halleck sent him a copy of Ould’s declaration for the exchange of rebel prisoners. Grant was informed that 16,000 of the prisoners he paroled at Vicksburg were now released from their paroles and returned to active duty. All of the captives paroled by Grant and Banks were to be put in the ranks confronting Gen. Rosecrans near Chattanooga. Halleck’s bitter report was, “After violating the cartel in every possible way, they (Ould and the Confederates) now violate the plainest law of war and principles of humanity.”¹⁵⁵ As for the paroles at Port Hudson, he wrote to Banks that the fact that Maj. Gen. Gardner was a captive at the time the agreement was signed negated the paroles. Halleck concluded that had the agreement been reached before

¹⁵¹ *Ibid.*, 279, 280.

¹⁵² Hesseltine, *Civil War Prisons*, 76-77.

¹⁵³ *O.R.*, Series II, Vol. VI, 224.

¹⁵⁴ *Ibid.*, 232-233.

¹⁵⁵ *O.R.*, Series I, Vol. XXX, pt. Iii, 694.

Gardner's surrender, the paroles would have been within the articles of the cartel.¹⁵⁶ The conclusion was that there was little to be done other than declare Ould's actions illegal and not send any more Confederate prisoners to the exchange point. Otherwise, there was nothing Halleck, Hitchcock, Meredith, or Grant could do.

Hoffman, who kept the parole and exchange rolls, was assigned the task of determining the number of paroled Union troops available for exchange. After calculating that number to be about 19,000 enlisted men, he forwarded dispatch concerning Ould's declaration of exchanges to Meredith.¹⁵⁷ Hoffman deduced that Ould had declared approximately 29,000 equivalent enlisted men exchanged. This figure left a balance of roughly 10,000 equivalent troops owed to the Union army. Hoffman recommended to Stanton that Meredith declare all Union officers and enlisted personnel captured and paroled before September 1st exchanged.¹⁵⁸ Meredith and Ould met for a second time on September 22nd during which meeting Ould agreed that his actions were not in accordance with the terms of the articles of the cartel. He argued that they were in line with earlier dealings with Ludlow. Ould went further and asked for acknowledgement of 4,800 paroles from Gettysburg. This request was made despite his previous statement that all paroles not given at the exchange point after May 22nd were null and void.¹⁵⁹ Given the requests of Ould and the response of Meredith, no agreement on the parole issue was reached in September or during the remainder of the year. Over the new two months, Meredith and Ould disputed the validity of the paroles of 1863 including the actual number of paroles, their legality, and the discrepancy between their figures. As with Ludlow, Ould's remarks became more acrimonious; and once again, alienation of the Union agent of exchange occurred. For his part,

¹⁵⁷ Ibid., 298.

Meredith became equally involved with this personal debate. In a reply to Ould's communication of October 31st, Meredith stated, "I would have been surprised at its contents had I not been previously acquainted with your habit of special pleading and of perverting the truth."¹⁶⁰

Hitchcock was caught up in the acrimonious nature of this diatribe. When Ould produced a list of 18,867 paroles from his own investigations, Hitchcock was immediately suspicious. He accused Ould of leaving out vital information on the captives and failing to again meet the articles of the cartel. He implied that many of the paroles were non-combatant citizens of the states of Kentucky and Tennessee.¹⁶¹ In a letter to Meredith dated November 21st, Ould rebutted Hitchcock's allegations in a stepwise fashion. He explained and defended his declarations of paroles starting in September of 1863. He stated, "As to all paroles given after the 3rd of July 1863, I will allow General Orders No. 207 to have full force. No paroles from and after that date are to be valid, unless the paroling is in pursuance of the agreement of the commanders of two opposing armies."¹⁶² The paroles between Grant and Pemberton at Vicksburg were somehow ignored. Ould's defense did elicit an apology from Hitchcock who indicated that he had misunderstood the purpose of Ould's communication regarding paroles. However, Hitchcock reiterated that the present parole controversy had its origin in the January 12th declaration regarding treatment of African-American troops and their commanders.¹⁶³ In response to the growing public awareness of the lack of prisoner exchanges, Hitchcock redirected the focus of the prisoner issue to the treatment of African-American troops.

¹⁵⁸ Ibid., 306-307.

¹⁵⁹ Ibid., 312-313.

¹⁶⁰ Ibid., 504.

¹⁶¹ Ibid., 471-472.

¹⁶² Ibid., 549.

On November 10th, the *New York Times* reported that Union POWs were starving because of the parole controversy.¹⁶⁴ To respond to the reports of the newspapers, both Halleck and Hitchcock prepared statements supporting the Union position on the prisoner exchange issue. Both documents were designed to elicit public support for the administration's policies. In his annual report to Stanton on November 15th, Halleck illuminated the difference in treatment between the rebel prisoners and Union POWs held in the South. Halleck pronounced, "Rebel prisoners held by the United States have been uniformly treated with consideration and kindness." The Southern POWs were supported with all clothing and food as Union soldiers in the field as compared to Union POWs who were stripped of their blankets, clothing, and shoes even in winter weather. They were fed damaged rations or actually starved. Halleck compared their treatment to that of the Christian captives at the hands of the pirates of Tripoli, the hulks of the British ships during the Revolutionary War, and the fate of prisoners at the "Black Hole of Calcutta."¹⁶⁵ Hitchcock, who received permission from Stanton, wrote an open letter to the Editors of the *New York Times*. In that letter published December 2nd, Hitchcock outlined for the public the events of 1863 starting with the effect of the Emancipation Proclamation on the issue of prisoners. By using individual cases, Hitchcock described for the public the South's contempt for African-American troops and African-American non-combatants. He placed the blame for the parole controversy directly on Ould and the Confederate authorities. He assured the populace that the Government was doing everything in its power to held the Union POWs. In a

¹⁶³ Ibid., 590-591.

¹⁶⁴ *New York Times*, "The Exchange of Prisoners", November 10, 1863, 4:3.

¹⁶⁵ *O.R.*, Series II, Vol. VI, 523-524.

dramatic finish, he concluded that with the help of the African-American troops, the Government was capable of defeating the South and ending slavery.¹⁶⁶

The public response to Halleck and Hitchcock's statements was not uniformly favorable. As stated in the *National Intelligencer*, it was believed that if the agents of exchange were removed and new commissioners appointed, the prisoners would be exchanged in a matter of weeks.¹⁶⁷ Other newspapers, including ones in Ohio where Copperhead sentiment was high, decried the administration's attempt to use the African-American prisoner issue to terminate the exchanges. In reviewing published correspondence of the agents of exchange, the general public had concluded that the African-American prisoner issue was not the most important issue.¹⁶⁸ To maintain the public's focus on the African-American issue, Hitchcock issued a postscript to his initial letter. He emphatically wrote, "The simple truth is that the recent correspondence grew out of...the proclamation of Mr. Davis and the proceedings of the rebel Congress on that subject."¹⁶⁹ Amid the swirling controversy, Hitchcock offered to resign his position as Commissioner of Exchange.¹⁷⁰

Though Hitchcock's resignation was refused, the Lincoln administration, under attack to do something to help the Union POWs, named a Special Agent of Exchange. The nominee came as a surprise to Davis, Ould, and the entire Confederacy. On December 17th, Hitchcock notified Maj. Gen. Benjamin F. Butler that he was to take charge of the exchange of prisoners at City Point. Butler, who was to be assisted by Meredith, was to make exchanges man for man and officer for officer of equal rank. African-American troops were to be exchanged in the same

¹⁶⁶ *New York Times*, "Exchange of Prisoners: Important Statement by Major-Gen. Hitchcock", December 2, 1863, 4:5.

¹⁶⁷ Hesselstine, *Civil War Prisons*, 112. Footnote Number 198.

¹⁶⁸ *Ibid.*, 113.

¹⁶⁹ *O.R.*, Series II, Vol. VI, 617.

manner as white troops. Their white officers were to be treated equally as well. Matters concerning the legality of paroles and the excess of prisoners were to be tabled at present.¹⁷¹ Butler was the same officer denounced for his behavior as Commander of New Orleans by President Davis on December 24th, 1862. In the same proclamation outlining the treatment of African-American troops and their officers, Davis had condemned Butler as an “outlaw and a common enemy of mankind.” He ordered that in the event of Butler’s capture, the commanding officer should execute him immediately by hanging.¹⁷² Ould protested Butler’s appointment and indicated he was not to be recognized by the Confederate authorities as an agent of exchange.¹⁷³ Because of events that occurred earlier in the month, the people of Richmond were divided on the issue of Butler’s appointment. Upon learning of an outbreak of smallpox among the Union POWs held in Richmond, Butler, without orders, dispatched six thousand smallpox vaccinations to the Richmond area.¹⁷⁴

The appointment of Butler had the effect of hardening the positions of the two sides and slowing the exchange process even further. For the South, it was a matter of pride in supporting Davis against the “Beast Of New Orleans.” The *New York Times* noted a statement from the *Richmond Whig* concerning Butler. In a January 19th statement the *Richmond Whig* urged its readers, “Determined as the enemy are to interpose the obnoxious Beast in the way of a solution of this vexed problem, it is now reduced to a question of endurance, each side hoping the other will back down. Whatever may have been the course of our Government heretofore in retaliation matters, it is applauded and sustained by the country in adhering to its proclamation

¹⁷⁰ Ibid., 638-639.

¹⁷¹ Ibid., 711-712.

¹⁷² *O.R.*, Series II, Vol. V, 795-797.

¹⁷³ *O.R.*, Series II, Vol. VI, 768.

¹⁷⁴ Ibid., 658.

outlawing Butler”¹⁷⁵ On the Union side, it became a matter of “national honor” to support whomever the administration appointed to the position.¹⁷⁶ Between December of 1863 and March of 1864, Butler did achieve token success in exchanging sick and wounded prisoners, but there was no resumption of wholesale exchanges. He did this without official recognition from the Confederate government.

On March 29th, 1864, Butler received a communication fro Ould addressed to “U. S. Agent of Exchange.” In that note, Ould invited Butler to meet with him to discuss matters regarding the exchange of prisoners.¹⁷⁷ Butler related the salient points of their March 31st meeting in a memorandum to Stanton. In summary, Butler recommended settling on all points of contention, including the parole issue, except for the treatment of African-American troops. He reasoned, “So that this point may be left standing out sharply alone, and in regard to it, to insist that the cartel applies...to those colored prisoners of war and that no further exchange can on by the delivery of prisoners captured, until this point is yielded”¹⁷⁸ Hitchcock, who was still concerned about the parole issue, registered his disagreement with Butler’s assessment. Again, he argued against the legality of Ould’s unilateral declarations and now included the argument that General Order No. 207 was intended solely for the use by Union troops and was not to be considered as a substitute for the Articles of the Cartel.¹⁷⁹

As Butler and Hitchcock were staunch defenders of their positions, the matter was referred to the new General-In-Chief for all the Armies of the Union, Ulysses S. Grant. Upon his promotion to Lt. Gen., Grant was elevated to that position on March 3rd, 1864. With his

¹⁷⁵ *New York Times*, “The Prisoners” quoting the *Richmond Whig*, February 2, 1864, 1:4.

¹⁷⁶ Hesselstine, *Civil War Prisons*, 114.

¹⁷⁷ *O.R.*, Series II, Vol. VI, 1111.

¹⁷⁸ Benjamin F. Butler, *Autobiography and Personal Reminiscences for Major General Benj. F. Butler, Butler’s Book* (Boston: A.M. Thayer and Co., 1892), 592. Hereafter *Butler’s Book*.

acceptance of that post, he inherited from Halleck not only Butler and Hitchcock, but also the parole and exchange issue as well. In a private interview with Butler on April 1st, Grant discussed his view of the prisoner exchange policy. Reflecting on his experience with returned POWs, Grant stated that every rebel soldier returned by Union authorities went straight into the rebel battle lines. In his opinion, those Union troops returned were mostly disabled men. Grant pointed out that exchanged Union soldiers were granted an immediate three-month furlough as per rules and regulations. These men were allowed to go home, and very few ever returned to the army. It was Grant's view that newer troops, who had not volunteered for service, would be less likely to surrender quickly in order to avoid campaigning and fighting if there was no parole and exchange policy.¹⁸⁰

Butler's memorandum to Stanton was dated April 9th, while Hitchcock's response, also to Stanton, was sent April 14th. Upon receipt of their correspondence, Grant ordered Butler to decline all further negotiations with Ould until he reviewed the situation. On the evening of April 14th, Stanton met with Grant and Hitchcock regarding the parole controversy. Stanton instructed Hitchcock to have Hoffman prepare a statement of Union and Confederate POWs received and delivered since the beginning of 1864 for Grant's review.¹⁸¹ The next day Hoffman's report was enclosed with a note from Hitchcock to Grant. Hoffman's calculations showed an indebtedness of 11,591 prisoners owed to the Union army. His report finished by pointing out that Ould had recently declared all rebel prisoners delivered to City Point before January 1st, 1864 and all Vicksburg prisoners assembled at Enterprise, Mississippi prior to

¹⁷⁹ *O.R.*, Series II, Vol. VII, 29-34.

¹⁸⁰ Butler, *Butler's Book*, 592-594.

¹⁸¹ *O.R.* Series II, Vol. VII, 53-54.

November 14, 1863 as exchanged.¹⁸² Grant's decision on the parole and exchange policy was published on April 17th, 1864 and addressed the validity of the paroles of the prisoners at Vicksburg and Port Hudson and the status of African-American soldiers. He ordered that "until there is released to us a sufficient number of officers and men as were captured and paroles at Vicksburg and Port Hudson not another Confederate prisoner of war will be paroles or exchanged." As to African-American troops, Grant indicated that no distinction would be made in the exchange of white and colored prisoners.¹⁸³ Grant's decision terminated the parole and exchange policy for the upcoming Spring Offensive of 1864. Any Confederate soldier captured during that time would be transported North to a POW camp.

Of the individuals, aside from the prisoners, involved with the decline and final collapse of the Exchange Cartel, few individuals were as directly affected as William Hoffman. During his tenure as Commissary-General of the Prisoners, he had dealt with the ever-changing environment of the Union prison system. From the capture of Fort Donaldson and its 15,000 Confederate troops by Grant in February 1862 through the Exchange Cartel to Grant's decision in April of 1864 ending all prisoner exchanges, Hoffman adapted to the changes as professionally as possible. By the spring of 1864, he had withstood the day-to-day work of maintaining the Union prison system for nearly two and a half years. Dealing with government and state officials, camp commanders, and paroled Union troops impacted Hoffman. The degree of this impact was seen in his actions toward his Confederate charges, starting in late spring of 1864.

¹⁸² Ibid., 55-56.

¹⁸³ Ibid., 62.

Hoffman had barely begun his organization of the Union prison system when Fort Donaldson fell. He was preparing Johnson's Island for the initial 500 to 600 prisoners, when the 15,000 Confederate POWs landed in Union possession. As high-ranking military officials, specifically Halleck and McClellan, gave different and contradictory orders regarding the dispersal of the POWs, chaos commenced. Despite difficulties with communications, Halleck dispersed the captives to various cities in Illinois, Indiana, and Ohio. From this group of sites, permanent camps were established at Chicago (Camp Douglas), Springfield (Camp Butler), Indianapolis (Camp Morton), and Columbus (Camp Chase). Halleck continued to give instructions to the officers in command of these camps until Hoffman took charge. To understand the situation better, Hoffman toured the prisons, which were created out of necessity by Halleck, and ordered improvements.¹⁸⁴

Administration of prisoner-of-war camps required a great deal more than prisoners and a location. To start, the prisoners had to be guarded by someone. When nearly seven thousand Confederate POWs from Fort Donaldson entered Chicago, there was no organized force to guard them. After communication with Halleck, the Mayor of Chicago assigned the city police force to guard them until Union troops arrived.¹⁸⁵ Rules and regulations for the governance of the camps were needed for such items as visitation by relatives, prisoner purchases of supplies and sundries, and prisoner correspondence. By February 28th, 1862, Hoffman began setting up the regulations of the camps. He wrote the Governor of Ohio, Honorable David Tod, that no visitors except near relatives should be admitted to the camp and only by written permission. Prisoners were allowed to purchase items such as books and newspapers through an authorized agent

¹⁸⁴ Leslie Hunter, *Warden Of The North: William Hoffman (1807-1884)*, 51.

¹⁸⁵ *O.R.*, Series II, Vol. III, 315-316.

known as a sutler, but other items such as liquor and sidearms were strictly prohibited. The prisoners were able to send and receive letters as long as they were of one page, were opened for inspection by prison officials, and contained no objectionable material.¹⁸⁶

Besides guarding the prisoners and establishing guidelines for their captivity, the United States government was required to feed the prisoners. According to international law and the regulations of the U. S. army, the POWs were entitled to the same ration as the enlisted men in the United States Army. In 1862, a single ration, or what a soldier received in one day, consisted of: twelve ounces of pork or bacon or one pound four ounces of salt or fresh beef; one pound six ounces of soft bread or flour or one pound four ounces of hard bread or one pound four ounces of corn meal. For every 100 rations (or the size of a company of troops), there was to be distributed: one peck of beans or pease; ten pounds of rice or hominy; ten pounds of green coffee or eight pounds of roasted and ground coffee, or one pound eight ounces of tea; fifteen pounds of sugar; one pound four ounces of candles; four pounds of soap; two quarts of salt; four quarts of vinegar; four ounces of pepper; a half bushel or potatoes, and one quart of molasses.¹⁸⁷ A regiment, which was comprised of approximately 1000 men, received 750 pounds of pork or bacon or 1250 pounds of salt or fresh beef. 15,000 Confederate POWs were to receive daily fifteen times that amount. Contracts were made with local merchants for these rations. The average daily cost per prisoner was ten to fifteen cents.¹⁸⁸

The United States government had not planned for such an infusion of prisoners and was not prepared for the great cost of care and feeding of the prisoners. Reviving an old frontier post method for saving money, Hoffman created a “general fund for the benefit of the prisoners” or a

¹⁸⁶ Ibid., 337.

¹⁸⁷ John D. Billings, *Hardtack And Coffee or The Unwritten Story of Army Life* (Williamstown, MA: Corner House

prison fund.¹⁸⁹ On March 7th, Hoffman informed Col. James A. Mulligan, Commander at Camp Douglas that, “The regular ration is larger than is necessary for men living quietly in camp, and by judiciously withholding some part of it to be sold to the commissary a fund may be created with which many articles needful to the prisoners may be purchased and thus save expenses to the government.¹⁹⁰ The traditional method of creating such a fund was to have a bakery make the daily bread for the troops. The bakery was either on the site or contracted to a local baker. The troops were then issued twenty-two ounces (one pound, six ounces) of bread, not flour, daily. As twenty-two ounces of bread required less than twenty-two ounces of flour to produce, there was a surplus amount of flour saved. This surplus was sold back to the commissary or to the local baker. The money generated became the prison fund for needed prisoner improvements.¹⁹¹ The prison fund became a source of consternation by the end of the war.

Another requirement of the government was the clothing of the POWs. At the start of the war, Hoffman allowed prisoners to receive clothing from friends and family and even allowed money from the citizenry of the North to purchase clothes for the POWs.¹⁹² Meigs ordered Hoffman to furnish to the prisoners, “what is absolutely necessary to prevent their suffering...the United States will supply such blankets, cooking utensils, and clothing as are necessary to prevent real suffering.”¹⁹³ Some of this clothing included defective clothing that had been rejected as unfit for the army’s use. There were two exceptions to the clothing rules. Hoffman decided against issuing drawers and socks to prisoners except those POWs who were sick. The

Publishers, 1973), 111-112. Originally published 1887. Hereafter *Hardtack And Coffee*.

¹⁸⁸ *O.R.*, Series II, Vol. III, 604-605.

¹⁸⁹ *O.R.*, Series II, Vol. IV, 152.

¹⁹⁰ *O.R.*, Series II, Vol. III, 361.

¹⁹¹ Hunter, *Warden Of The North: William Hoffman (1807)1884*, 84-85.

¹⁹² *O.R.*, Series II, Vol. III, 762-763.

¹⁹³ *Ibid.*, 316-317.

second exception occurred just before the cartel took force. He rejected issuing any clothing to a prisoner about to be exchanged. As the prisoner would take the clothing into the front lines, it was almost a direct issue to the Southern army.¹⁹⁴

To bring all prison camps into line with the various recommendations, Hoffman issued a circular on July 7th, 1862. There were eleven items contained within the circular. Among these items were the duties of the commanding officer at the camp including the creation of proper rolls for accounting of prisoners. These rolls were to be sent as monthly reports and were to include figures on prisoners held, transferred, sick, or expired. Prior to July 1st, there had been no reports concerning the number or condition of the prisoners including the number of deaths that occurred. Hereafter, there were accurate reports regarding the status of POWs at the various Union prison camps. All of these reports were sent directly to Hoffman. The circular spelled out the regulations for the privileges of the POWs and placed the sutler and his merchandise under the control of the commanding officer. Finally, the parole or release of prisoners by anyone other than the War Department or the Commissary-General was forbidden.¹⁹⁵

With further Union victories in the Western Theater, the number of Confederate POWs increased, causing overcrowding in the existing camps. With the July 7th circular, Hoffman learned that there were 19,413 POWs held as of June 30th.¹⁹⁶ In an effort to alleviate the overcrowded conditions, Hoffman sent Capt. H. M. Lazelle to New York State. Lazelle was to evaluate possible sites for future prison camps. One of the sites evaluated by Lazelle was Camp Revedezvous located at Elmira, New York.¹⁹⁷

¹⁹⁴ *O.R.*, Series II, Vol. IV, 152.

¹⁹⁵ *Ibid.*, 152-153.

¹⁹⁶ *O.R.*, Series II, Vol. VIII, 986.

¹⁹⁷ *O.R.*, Series II, Vol. IV, 67-75.

Just prior to the Exchange Cartel in July of 1862, the status of the imprisoned Confederate POWs was established. The prisoner was entitled to clothing and blankets provided by the U. S. government. If he was ill, he was allowed visits from close family if they proved to be loyal. He received packages and letters from family and friends. These packages contained additional clothing and food supplies. The prisoner was allotted the same daily ration as the enlisted men in the U. S. army received including meat and vegetables. If these items were insufficient or unfit, the prisoner had access to the camp sutler and his merchandise including food. There were no restrictions on the money sent by family and friends to the prisoners except the camp authorities held it in a personal account for the prisoner. As Hoffman's actions changed, these rights and privileges were restricted and diminished the prisoner's chance of survival.

When the Exchange Cartel was signed July 22nd, 1862, Hoffman's role in the Union prison system changed. His responsibility shifted to the delivery of prisoners to the exchange sites, while the agents of exchange conducted the actual exchange of prisoners. Within the first two months of the program, the number of Confederate POWs dropped precipitously. From the 19,413 captives held in June, the Union prison camps enrolled only 13,241 POWs as of August 31st. The decline continued through the fall of 1862 until January 1st, 1863 when Hoffman oversaw only 1,286 prisoners.¹⁹⁸ As there was no longer a need to create more camps, Hoffman inspected several existing camps. Those found to have deficiencies were closed. By the end of December, the remaining POWs were housed in three camps—Camp Chase (Ohio), Johnson's Island (Ohio), and Alton Prison (Illinois).¹⁹⁹ Besides decreasing the number of remaining

¹⁹⁸ *O.R.*, Series II, Vol. VIII, 986-988.

¹⁹⁹ Hunter, *Warden Of The North: William Hoffman (1807-1884)*, 107.

POWs, the Exchange Cartel impacted the mortality among the prisoners. There were only forty-seven deaths recorded in December 1862 in the Union prison system.²⁰⁰ The coming of 1863 brought not only resurgence in the number of prisoners but also the number of deaths.

Hoffman's duties altered with the decrease in Confederate POWs and the increase in paroled Union officers and enlisted personnel. The behavior of these Union troops was unmilitary and undisciplined. According to Gen. Lew Wallace, the men refused to perform any military duties or to be disciplined while on parole. He indicated that many simply deserted.²⁰¹ There did not appear to be much difference in managing these men as opposed to caring for the Confederate POWs. Former prison camps were reactivated to house these troops. As for the number of Confederates held, even with the suspension of the exchange of officers in December, 1862, the number of POWs remained low through the first six months of 1863. On May 31st, the camp commanders reported a total of 3,708 POWs for the entire Union prison system, while one month later the figure had reached 6,062 Confederate captives.²⁰²

As the events of July 1st-4th at Gettysburg and Vicksburg unfolded, Hoffman's focus returned to caring for an increasing number of prisoners. By the end of July, the Union prison system counted 17,457 POWs or nearly three times as many men as detained a month earlier.²⁰³ Hoffman ordered the reopening of several abandoned camps such as Camp Douglas and Camp Morton. The reopening of these camps occurred before the deficiencies noted earlier had been repaired. As in early 1862, the system seemed overwhelmed by the rapid rise of incoming prisoners. As the second half of 1863 progressed, the rapidly increasing number of detained

²⁰⁰ *O.R.*, Series II, Vol. VIII, 988.

²⁰¹ *O.R.*, Series II, Vol. IV, 563.

²⁰² *O.R.*, Series II, Vol. VIII, 990.

²⁰³ *Ibid.*, 991.

captives was associated with an increasing number of deaths among the prisoners.²⁰⁴ While the increasing number of deaths was not entirely Hoffman's fault, his actions during this timeframe were a source of examination.

In his classic study of Civil War prisons, published in 1930, William B. Hesseltine wrote, "Apparently an inevitable concomitant of armed warfare is the hatred engendered in the minds of the contestants by the conflict. The spirit of patriotism which inspires men to answer the call of their country in its hour of need breeds within those men the fiercest antagonism toward that country's enemies."²⁰⁵ Hesseltine labeled this philosophy "war psychosis." He expanded his reasoning in Chapter IX, which he entitled, "War Psychosis And The Northern Prisons." The thesis of this chapter was that as a result of this "war psychosis," the Union officials imposed restrictions on the prisoners it held. Hesseltine argued these restrictions were in retaliation to the public perception that Confederate prison officials were intentionally mistreating Union captives. At the same time, it was a perception that the rebel prisoners were receiving luxurious treatment in the Union prison camps.²⁰⁶ Hesseltine's thesis was that every deficiency in the Union prison system from 1862 was the result of this "war psychosis." The biographer of William Hoffman took a different stance. While Hunter agreed with Hesseltine that Hoffman was eventually caught up with the condition labeled "war psychosis," he argued that it did not manifest in Hoffman's actions until the end of 1863.²⁰⁷ A review of Hoffman's correspondence in 1863 supported Hunter's thesis.

In looking that the treatment of POWs, there were consistently two areas of concern—clothing and food. With regard to the former concern, Hoffman's correspondence remained

²⁰⁴ Ibid., 991-993.

²⁰⁵ Hesseltine, *Civil War Prisons*, 172.

fairly consistent throughout much of 1863. In 1862, Meigs had urged Hoffman to make use of defective clothing for the prisoners, including blankets.²⁰⁸ Following the deterioration of the cartel, Hoffman's restrictions concerning clothing were consistent with previous circulars. He notified the camp surgeon in New York that it was not the intention to issue more clothing than was absolutely necessary. While Hoffman reduced the amount of clothing requisitioned by the surgeon, he indicated that he would accept explanations for the original requisition. In correspondence with Maj. W. S. Pierson, camp commander at Johnson's Island, he was specific in the privileges of the rebel officers and their clothing. He restricted their purchasing of clothing to a single suit of outer clothes and a change of underclothes. While Hoffman prohibited the purchase of boots, he allowed the purchase of shoes, if of poor quality, and coats and pants, if of gray cloth, plain buttons, and no trimmings. Pierson responded and requested clarification on packages received by the officers from friends containing clothing and boots. Hoffman replied that Pierson was not permitted to allow the prisoners to add to their clothing. They were to remain in the clothes they brought with them. The prisoners were neither to request nor to receive packages containing clothing and, especially, boots. These packages were to be returned to the individuals who sent them.²⁰⁹ Hoffman stood firm that prisoners were allowed one set of outer garments and a change of underclothes.

The clothing issue continued to manifest itself as the summer of 1863 concluded. Pierson addressed the difficulty of the color of clothing. He stated that some boxes contained cheap and second-hand clothing which was not always gray in color. His interest was in outfitting some prisoners who were nearly naked and others who did not have a change of underclothes.

²⁰⁶ Hunter, *Warden Of The North: William Hoffman (1807-1884)*, 175.

²⁰⁷ *Ibid.*, 178.

Hoffman referred Pierson to his July 7th, 1862 circular, specifically paragraph No. 4, regarding the distribution of clothing as necessary. The intention, he wrote, was to prevent the facilitation of a prisoner trying to escape in a crowd. He left the deviation from the prescribed color to the discretion of Pierson.²¹⁰ Well-meaning friends of the captives were not the only ones interested in supplying the POWs with clothing.

On August 19th, Hoffman inquired of Surgeon J. Simons, camp surgeon in New York, with regard to an article published in the *New York Herald*. He asked about a certain Reverend (Rev.) Mr. Goss who was reported to be acting in concert with the authorities to supply the prisoners with what the Government refused to furnish. He reminded the surgeon that no contributions of clothing were to be received without authorization from his office and any clothing was to be limited to the amounts already stated. Simons responded that only the clothing sent by Hoffman had been issued and in accordance with the standing regulations. While he knew nothing of the *New York Herald* article, the aforementioned Rev. Goss had visited the camp to inquire about the needs of the prisoners. Nothing further had been heard from him. Simons mentioned that he had distributed hats, shoes, and a few undershirts received from Rev. Mr. Dillon, but upon receipt of orders, this practice was stopped immediately. Of note was his statement, "I regret that the issue of these articles has caused the most extravagant reports to be made by mischievous, untruthful, and designing parties."²¹¹ To the Northern public, the perception of the treatment of the Confederate POWs was the reality.

This problem with perception of the treatment of Confederate POWs vexed Hoffman in his dealing with camp commanders. A communication, written September 11th, to Brig. Gen.

²⁰⁸ *O.R.*, Series II, Vol. III, 317.

²⁰⁹ *O.R.*, Series II, Vol. VI, 158, 161, 184, 192-193.

E.R.S. Canby by Hoffman reiterated his stance on the clothing situation. The prisoners were to receive only clothing necessary to have the standard issue—an outer garment suit and a change of underclothes. He acknowledged complaints by the rebel authorities that the Confederate POWs were refused such favors as clothing and money allowed to Union prisoners. Hoffman concluded, “Though it is well known that the Union prisoners in Richmond are badly abused it is well to avoid giving [Confederate officials] any opportunity to refer to anything we do as an example or excuse.” This concern dominated a letter sent at the end of September to the commanding officer of the Department of the Monongahela. Hoffman indicated he had been informed of comments, made in Pittsburgh, about the many indulgences afforded the POWs held at the Allegheny Penitentiary. These indulgences were attributed to Hoffman’s orders. Hoffman’s firm retort reminded the commanding officer that no instructions regarding the treatment of POWs other than the standard regulations had been sent. These instructions “do not authorize anything but what is necessary and proper, neither excessive clothing nor luxuries of any kind.”²¹²

If Hoffman was affected by “war psychosis,” the coming of the winter 1863-1864 was a time his actions could affect the prisoners. At the present time, his response to the clothing issue remained consistent. On September 30th, he informed Pierson that the prisoners would be in need of warmer clothing when winter came. Hoffman recommended to Pierson to allow prisoners to purchase overcoats or undergarments “when, in your judgment, it is absolutely necessary.” Pierson gave permission to the sutler to sell coarse gray overcoats, but replied to Hoffman, it was impossible to return the overcoats of other colors because the express company

²¹⁰ Ibid., 201, 214.

²¹¹ Ibid., 218, 223.

demanded prepayment. To the commanders of Camp Morton and Camp Douglas, the message was clear, concise, and similar. Clothing was to be received from immediate family only—neither friends nor sympathizers. The prisoner was not to be given any more than was absolutely necessary. Hoffman even appealed to Meigs to prepare for the coming winter. He requested that extra quantities of clothing be reserved for an expected increase in POWs. This request was needed because “it has been found necessary, out of humane considerations, to issue considerable quantities to rebel prisoners who are generally found in a destitute condition.”²¹³

While Hoffman did not seem to be affected by the “war psychosis,” the deterioration of the cartel and the acrimony between the governmental officials of both sides began to exert itself. By mid-October, Hoffman wrote to the camp commanders of Camp Chase and Point Lookout that their requests for improvements in their camps were denied by Stanton. In the case of Point Lookout, Stanton refused to approve the construction of barracks forcing Hoffman to recommend placing POWs in tents. No barracks for housing prisoners were ever built at Point Lookout. November of 1863 brought the annual report of Halleck to Stanton. Halleck exonerated the treatment of rebel prisoners, while stating, “the horrors of ‘Belle Isle’ and ‘Libby Prison’ exceed even those of the ‘British Hulks’ or the ‘Black Hole of Calcutta’.”²¹⁴ Hitchcock’s late November letter to the *New York Times* only increased the public’s perception of the dichotomy between official statements and reality in the treatment of the POWs.

Given the positions of Stanton, Halleck, and Hitchcock, the Union response to the deteriorating circumstances was one of increasing rigidity. Other officials in the Union prison system had already started to affect the soldiers. In the creation of the prison fund, Hoffman

²¹² Ibid., 289-290, 324.

²¹³ Ibid., 330, 353, 503-504, 525-526, 468.

desired its use “to make the prisoners as comfortable as circumstances will admit and at the same time to relieve the Government as far as possible of the expense of their keeping.”²¹⁵ The standard ration lacked a significant amount of fresh vegetables and the prison fund was intended to purchase them. By November, scurvy began to appear among the Confederate POWs because camp commanders did not use the prison fund as it was intended.²¹⁶ Despite attempts by well-meaning citizens at Fort Delaware, between November 1863 and February 1864, one in every eight Confederate prisoners had scurvy.²¹⁷ Even Hoffman added to the plight of the prisoners when he eliminated the boxes of foodstuffs received by the prisoners from family and friends. On November 9th, he informed the camp commander at Point Lookout, “As the prisoners are bountifully supplied with provisions, I do not think it well to permit them to receive boxes of eatables from their friends, and I suggest you have them informed that such articles will not hereafter be delivered.”²¹⁸ As the year of 1863 closed, the restrictions on the Confederate captives tightened.

Throughout the fall of 1863, there were reports of the shocking physical condition of the Union POWs held near Richmond. As more news was reported to the War Department, Hoffman notified certain camp commanders to prepare for prisoner unrest in the coming weeks. On November 11th, he requested three companies of men to be sent to Johnson’s Island “in view of the closer restrictions which may have to be placed on the prisoners of war in a short time.” While Hoffman prepared for greater changes, more information reached him regarding the plight of Union captives. In a note from the Chaplain of the Tenth Connecticut Volunteers, he learned

²¹⁴ Ibid., 389-390, 524.

²¹⁵ *O.R.*, Series II, Vol. V, 367.

²¹⁶ Lonnie R. Speer, *War of Vengeance: Acts of Retaliation Against Civil War POWs* (Mechanicsburg: Stackpole Books, 2002), 119.

²¹⁷ Speer, *Portals To Hell*, 194.

of the poor conditions that abounded in Richmond. Hoffman was told that upwards of ten Union prisoners died daily and that they received little or no ration of food. The chaplain even noted a conversation with a Confederate official who confirmed that men held at Belle Isle were starving to death. The next day, more information reached Hoffman confirming the truth about the status of the Union POWs. Dr. A. M. Clark, Surgeon and Acting Medical Inspector, viewed the paroled Union troops returning to Annapolis. He found men “suffering from scurvy, hospital gangrene, pneumonia, and some, though laboring under no disease, were actually dying of starvation.”²¹⁹ While Hoffman made arrangements for provisions for the returning troops, the perception of the ill treatment of Union captives now seemed to be reality.

As tension over treatment of POWs escalated between the two sides, the focus of discussion became Northern retaliation. In a letter to Stanton, the Judge Advocate of the United States Army commented on the intolerable treatment afforded the Union captives. His recommendation was to treat the Confederate POWs exactly how the Union troops were being treated. “Retaliation for outrages...is...an inadequate mode of redress,” he stated, “but it is the only one within the reach of the Government.” The judge believed if such retaliatory measures were promptly adopted, it would go far in repressing such barbaric practices. Even the Union POWs recommended retaliation by the government. They recommended retaliation against the officers, not against the private soldier in captivity. On December 1st, Hoffman notified the camp commanders that all trade by camp sutlers was prohibited from that date. In a letter to the camp commander at Fort Delaware the next day, he confirmed the December 1st restriction. Hoffman noted that the prisoners would not be allowed to receive provisions from any person

²¹⁸ *O.R.*, Series II, Vol. VI, 489.

²¹⁹ *Ibid.*, 500, 530, 535.

such as a sutler. He indicated that the prisoners' rations, with the vegetables purchased by the prison fund, were ample and nothing more was to be allowed.²²⁰

Initially, it appeared that this retaliation policy was short-lived. By December 14th, Hoffman was writing to Stanton about the prohibition of the trade with sutlers. Camp commanders had requested clarification on the prohibition of the sale of tobacco, pipes, letter paper, and stamps. As for tobacco, Hoffman made the argument that its absence was a greater inducement to escape for the deprived POWs. He stated that if the POWs were not allowed to purchase tobacco, it should be purchased by the prison fund. When Stanton decided the treatment of Union prisoners had improved, he ordered Hitchcock to notify Hoffman of a policy change. On December 29th, Hoffman was informed that the prisoners were allowed to purchase such items that may be necessary for their comfort. These "few other things" included tobacco.²²¹

In reality, the retaliation policy continued into the next year. With regard to rations and extra provisions, the retaliation lasted until the end of February 1864. From his negotiations with Ould, Butler reported to Hoffman that packages from Union families were not being received by their loved ones held captive in the South. Butler argued while he knew the Confederate POWs were well supplied with clothing and food, their Union counterparts relied almost exclusively on those packages from family and friends. He desired to have the packages delivered. He was not able to ask Ould to deliver the packages to Union prisoners if Hoffman refused to allow similar packages to the Confederate POWs. Hoffman responded by requesting Stanton to approve the reciprocal agreement proposed by Butler. Hoffman maintained the stance

²²⁰ Ibid., 459-460, 482-483, 625, 628.

²²¹ Ibid., 702, 774.

preventing Confederate POWs from purchasing clothing and other items that enabled prisoners to fit themselves for transfer to the South. On March 9th, Hoffman notified Butler that the delivery of supplies and provisions to prisoners by family and friends could resume. Two days later, he wrote the camp commanders of the change in policy. There was a list of contraband items, which included uniform clothing, weapons of any kind, intoxicating liquors and any excess clothing over what was required.²²² Home packages were acceptable to Hoffman, but the privilege of open access by prisoners was not. Between December 1st, 1863, and March 1st, 1864, Hoffman's monthly reports showed 2,205 Confederate POWs died.²²³ While there was a relaxation in the regulations, the over-all retaliation policy continued by the Union officials including Hoffman.

Retaliation gained momentum with each new transport of returning paroled prisoners. The *New York Times* lamented, "We've not heard as much lately as formerly of the maltreatment of prisoners in Richmond, but it has not abated. Nay, their diabolism will never abate as long as it is in their power to exercise it. The slaveholder is born to tyranny and reared to cruelty."²²⁴ Once Grant announced there would be no further prisoner exchanges, Hoffman's retaliatory response was instigated. Knowing this new policy meant a dramatic increase in the number of prisoners in Union camps, Hoffman issued a circular on April 20th, 1864. Similar to the July 7th, 1862 circular, this document listed the regulations controlling the stations where POWs and political or state prisoners were held. While this circular had eighteen paragraphs compared to eleven for the 1862 circular, many paragraphs were very similar regarding the functioning of the camps. Other paragraphs were expanded versions of previous ones, giving more specific

²²² Ibid., 974, 983-984, 1027, 1036.

²²³ *O.R.*, Series II, Vol. VIII, 993-994.

instructions. Paragraph V denoted “the prison fund” and described its operation. In the same paragraph, Hoffman ordered a 20% reduction in rations.²²⁵ There were reductions in bread (4 ounces soft bread; 2 ounces hard bread; 2 ounces corn-meal), pork or bacon (2 ounces), beef (6 ounces or 30% reduction), and potatoes (from 84 pounds per 100 men to 30 pounds per 100 men). Before the circular was fully implemented, Hoffman made a critical trip. He traveled to Annapolis to see for himself the effects of Confederate treatment on paroled Union POWs. This trip would affect both Hoffman and his Confederate charges.

At the behest of Stanton, on May 2nd Hoffman went to Annapolis to see the released POWs from Richmond. His report, filed the following day, described the scene. He wrote, “The enlisted men...were, with few exceptions in very sad plight, mentally and physically, having for months been exposed to all the changes of the weather with no other protection than a very insufficient supply of worthless tents, and with an allowance of food scarcely sufficient to prevent starvation, even if of wholesome quality, but as it was made of coarsely ground corn, including the husks...if it did not kill by starvation it was sure to do it by the disease it created.” Hoffman noted that some men were mere skeletons and others expressed limited mental energy to go with their dispirited physical appearance. Of the 363 enlisted men returned, he projected that 50 to 100 would start to recover in ten days. Of the remaining, he projected that 50 to 100 would very slowly regain their health. In his conclusion, he asked and answered the question, “Can an army keep the field and be active and efficient on the same fare that kills prisoners of

²²⁴ *New York Times*, April 22, 1864.

²²⁵ *O.R.*, Series II, Vol. VII, 72-75. The ration for issue to prisoners will be composed as follows: Hard bread, 14 ounces per one ration, or 18 ounces soft bread, one ration; corn-meal 18 ounces per one ration; beef, 14 ounces per one ration; bacon or pork, 10 ounces per one ration; beans, 6 quarts per 100 men; hominy or rice, 8 pounds per 100 men; sugar 14 pounds per 100 men; R. coffee, 5 pounds, or 7 pounds raw, per 100 men; tea, 18 ounces per 100 men; soap, 4 ounces per 100 men; adamantine candles, 5 candles per 100 men; tallow candles, 6 candles per 100

war at a frightful percentage?” For Hoffman, the answer was, “I think not; no man can believe it, and while a practice so shocking to humanity is persisted in by the rebel authorities I would very respectfully urge that retaliatory measures be at once instituted by subjecting the officers we now hold as prisoners of war to a similar treatment.”²²⁶

While Stanton sent Hoffman’s report to the House Committee on the Conduct of the War and urged them to visit Annapolis, Hoffman returned to the business of the Union prison system. On May 19th, he proposed another reduction in the daily ration for the POWs. In his proposed reduction, he proceeded by saying, “I have the honor to suggest that the ration as now issued to prisoners of war may be considerably reduced without depriving them of the food necessary to keep them in health.” In comparison to the April 20th reduction, this new proposal reduced soft bread another two ounces; cornmeal two more ounces; tea two more ounces; potatoes an additional fifteen pounds per 100 men (from 30 pounds to 15 pounds per 100 men); elimination of candles; and sugar and coffee issued only every other day. The proposal was sent to Stanton who referred it to Chief-of –Staff Halleck, Commissary-General of Subsistence J. P. Taylor, and Acting Surgeon-General J. K. Barnes. Halleck wanted to eliminate tea, coffee, and sugar completely and reduce the ration to match that issued to Confederate troops by their authorities. Barnes pointed out the needs of the sick and wounded, which precluded Halleck’s recommendation. Halleck approved tea, coffee, and sugar for the sick and wounded, but the new ration was passed with the additional elimination of tea, coffee, and sugar for the general POW population. While Stanton gave the final approval, the reductions in rations originated with

men; salt 2 quarts per 100 men; molasses, 1 quart per 100 men; potatoes, 30 pounds per 100 men. When beans were issued hominy or rice will not be.

²²⁶ Ibid., 110-111.

Hoffman alone.²²⁷ The new ration for POWs went into effect on June 1st, 1864 or slightly more than a month before the prison camp at Elmira, New York opened its gates.

During much of 1863, Hoffman's communications, especially about clothing, seemed consistent and uniform. In regard to the timing of a change in Hoffman's actions, Hunter's thesis appeared accurate. The end of November and the start of December 1863 did mark a change in Hoffman's proclamations and his actions toward the captives. The second half of Hunter's thesis was that this change in actions by Hoffman had limited, if any, impact on the prison conditions and the mortality of the Confederate POWs. At that moment, Confederate troops were being captured by the Army of The Potomac in the scrub forest of Virginia, known as "The Wilderness." The fate of those new prisoners rested in whether the change in Hoffman's actions were temporary or were to continue during what was the last year of the war.

²²⁷ Ibid., 150-151.

CHAPTER 4

GEORGE W. JERNIGAN: HIS HISTORICAL BACKGROUND AND INVOLVEMENT IN THE CIVIL WAR FROM ENLISTMENT TO CAPTURE AND ENTRANCE TO ELMIRA PRISON CAMP

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.

Francis Lieber²²⁸

In the annals of military history, great commands have always been studied for their accomplishments. These commanders were examined for character traits that made them great generals and leaders. Hannibal in the Alps, Caesar at the Rubicon, and Napoleon in Austria became legendary figures who were studied and evaluated. Their tactics, organizational skills, and personal courage were studied to identify why their armies were triumphant; yet, all of these great generals had armies made up of individual soldiers who performed heroic acts of bravery that led to those victories. Since the spring of 1862, Gen. Robert E. Lee had led the Army of Northern Virginia to miraculous victories on the field of battle. This army, like other great armies, was composed of ordinary soldiers bound together by loyalty and forged for greatness in battle. One such soldier of the Army of Northern Virginia was Private (Pvt.) George W. Jernigan of Company E of the 20th North Carolina Volunteer Regiment.

This chapter shows the ancestry of George W. Jernigan, especially the immigration of Thomas Jernigan to the colony of Virginia in 1635. It discusses the movement of the Jernigan

²²⁸ Friedman, *The Law of War*, 168.

family to Duplin County, North Carolina and discusses his direct lineage including his grandfather, George Jernigan, hodom. With his military records starting in 1861, the chapter explores George's enlistment and placement in the 20th North Carolina Regiment Infantry. There is a brief overview of the military campaigns of the 20th NC Regiment prior to the onset of the Spring Offensive of 1864. Starting with the forced march of May 4th, 1864, the chapter evaluates in detail the rigorous fighting of the first three weeks of May including the impact of sleep deprivation and "combat fatigue" on the members of the 20th NC including Jernigan. This intense study recounts a detailed discussion of the battle of Harris Farm on May 19th-20th, 1864 culminating in the capture of George W. Jernigan by Union forces. The chapter concludes with a look at the travels of Jernigan through the Union prison system until his arrival at Elmira Prison Camp on July 6, 1864.

Jernigan's journey to the battlefields of the American Civil War began over two centuries before with the immigration of Thomas Jernigan from England. Thomas was born in England in 1614 and entered the Virginia colony by way of Bermuda in 1635.²²⁹ The Jernigan ancestry was Danish with the spelling of Jernegan or Jernengham. In 1030, the King of Denmark brought several military men to the island of England. King Canute gave said Jernegan/Jernengham certain manors in Norfolk.²³⁰ The Jernegan family was mentioned in English documents throughout the Eleventh, Twelfth, and Thirteenth Centuries. Sir Hubert Jernegan, Knight of Horham in Suffolk, was involved in the insurrection of the Barons against King John (ca 1167-1216), which resulted in the Magna Carta. Upon accession of King Henry III, he submitted to

²²⁹ Lillian Jernigan Worley, *Jernigan Reunion: A Gathering of Some of the Descendants of Thomas Jernigan, Immigrant 1635 of Nansemond County, Virginia Particularly the Family of His Great-Grandson Henry Jernigan (ca. 1710-1783), Planter of Johnston County, North Carolina* Third Printing (Lakeland, FL: Jernigan Family Association and Registry, 2003), 1. Hereafter *Jernigan Reunion*.

²³⁰ *Ibid.*, xii.

the new crown and obtained his pardon.²³¹ The lineage of Jernegan, including knights and baronets, served the Crown of England with honor and distinction especially in the Sixteenth Century. Sir Henry Jernegan or Jerningham was named Vice-Chamberlain and Master of her household by Queen Mary I. In 1547, the Queen and her husband, King Philip of Spain, gave him the manor at Cossey.²³²

As for Thomas Jernigan, he was one of 129 persons examined at Gravesend, England, on June 10, 1635, “by the Minister of Gravesend, concerning their conformities to the orders and discipline of the Church of England, as it now stands established, and took the oath of allegiance.”²³³ According to volume 6 on page 146 of *Land Patents In Virginia, 1666-1669*, Thomas Jernegan received a land grant of 250 acres in Nansemond County, Virginia, on May 16, 1668. This land grant adjoined the lands of Aylington and William Moore.²³⁴ By the 1730s, the Jernigans had moved to North Carolina and settled in Bertie County. In 1776, George Jernigan had a will probated in that county. He was the son of John Jernigan of Upper Nansemond County, Virginia and was married twice. With each wife, he had a son whom he named George. The two sons were George the Planter by his first wife, Hannah and George Jernigan, hodom by his second wife, Ferebee Odom. Both Ferebee and George Jernigan, hodom were named in his probated will.²³⁵ George Jernigan, hodom was born in 1758 and first married a woman named Ann, who resided in Bertie County.²³⁶ They had six children together and remained in Bertie

²³¹ Ibid., xii.

²³² Ibid., xiv.

²³³ Ibid., 1.

²³⁴ Ibid., 1.

²³⁵ Ibid., 151.

²³⁶ It is difficult to understand why George Jernigan, hodom would sign his name in such a manner. One explanation

is that he was differentiating between himself, his half-brother, and his father. His mother’s maiden name probably Odom and he chose to distinguish himself this way. He had a son named Odom and hodom was

County until 1789. In that year, they sold all of their land and property and moved to Duplin County, North Carolina. George and Ann settled in Goshen Swamp, west of Goldsboro and on the road to Kenansville, North Carolina.²³⁷ When Ann died in 1796, George married Elizabeth Winters on March 1st of that year. Wm. Dickson, the County Clerk, witnessed the marriage and John Whitehead was the bondsman.²³⁸ George and Elizabeth had three children together including Odom Jernigan born around 1810.

While living in Duplin County, Odom Jernigan married Helen Walker, who was twelve years his junior. The couple was to have eight children together. According to the Seventh Census of 1850, Odom's family included his wife and three children of the home. The children were George W. (age 9), Mary (age 4), and Watson (age 2).²³⁹ By the Census of 1860, Odom, who was now 50, and his wife, Helen, now 38, had six children in the household. Besides George W. (age 18), Mary (age 14), and Watson (age 13), the Jernigan family had Clinton (age 10), Sarah E. (age 6), and Susan (age 3). For all of Duplin County in 1860, Watson was the only Watson Jernigan listed in this census.²⁴⁰ Further research documented two other children of Odom and Helen who were not available for the Census of 1860.²⁴¹ Of Odom and Helen's male children, only George W. was of age to enlist in the armed forces of North Carolina in 1861.

With the commencement of hostilities upon the firing on Fort Sumter, the young men of Duplin County eagerly offered their services to the State of North Carolina. The students of

mispronounced for Odom. A similar case was found in Cumberland County, N.C., *Jernigan Reunion*, 152
²³⁷ Ibid., 186-187.

²³⁸ Cora Bass, *Marriage Bonds Of Duplin County North Carolina 1749-1868* (Greenville, SC: Southern Historical Press, Inc., 2001), 52.

²³⁹ M432, Roll 629, *Population Schedules Of The Seventh Census Of The United States 1850. North Carolina: Duplin and Edgecomb Counties* (Washington: The National Archives and Records Service, 1863).

²⁴⁰ M653, Roll 896, *Population Schedules Of The Eighth Census Of The United States 1860. North Carolina: Davie, Duplin, Edgecomb Counties* (Washington: The National Archives and Records Service, 1863).

²⁴¹ Rupert W. Jernigan, Jr., *The Ancestors and Descendants of J. Wesley Bright (1873-1938)*, Frederick M. Hopkins

Franklin Military Institute and the young farmers of the county created a company of young soldiers. Of the latter group, George W. Jernigan was mustered into the service of his state on April 16, 1861. Captain Thomas S. Kenan enrolled him into the company known as Light Infantry (Duplin Rifles) assigned to the 2nd Regiment of North Carolina volunteers. He enlisted for six months and began training at the old fair grounds at Raleigh. The training continued near Garysburg, North Carolina later that spring. While training at Garysburg, the company was officially organized as the 2nd Regiment North Carolina Infantry (Volunteers) with the Duplin Rifles listed as (1st) Company (Co.) C. The regiment was officially created on May 15, 1861, in response to acts ratified by the North Carolina General Assembly during its ongoing session.

On May 22nd, the newly designated 2nd Regiment left Garysburg for Richmond by rail. Upon arrival in Richmond, the troops were directed to Norfolk where an attack was expected momentarily.²⁴² The regiment encamped at Camp Carolina during the summer months of 1861 prior to taking up winter quarters at Camp Arrington near Sewell's Point Battery. As they had enlisted for six months, the enlistments of Company C (Duplin Rifles) expired during their time at Camp Arrington. George W. Jernigan was mustered out of the 2nd Regiment on November 18, 1861, when the regiment received a new designation as the 12th Regiment North Carolina Infantry Troops. Jernigan was listed as absent from the regiment when he was mustered out, as he was classified sick and confined to the Regimental Hospital in Norfolk, Virginia.

The North Carolina General Assembly was responsible for the reassignment of regimental numbers. In May of 1861, it had ratified not one, but two simultaneous plans for

(1864-1948), *Watson Jernigan (1848-1905), and Henry E. Marsh (1855-1922)* (Charleston, WV: Self-published, 1967), Library of Congress Catalog Card Number: 67:30442, 22.

²⁴² Walter A. Montgomery, "Twelfth Regiment", Walter Clark, Ed. *Histories of the Several Regiments and Battalions from North Carolina in the Great War 1861-'65* Five Volumes (Raleigh: State of North Carolina, 1901), Vol. I, 607. Hereafter listed as *Histories of Several Regiments*.

enlistment of troops. On May 8th, it ratified “An Act to Raise Ten Thousand State Troops.” These state troops were to consist of eight regiments of infantry, one regiment of cavalry, and one regiment of artillery. These troops were to serve for the war unless discharged sooner. They were designed to serve North Carolina and only North Carolina. There was no provision within the act to transfer the troops to the Confederate States of America. On May 10th, the General Assembly passed legislation entitled, “An Act To Provide For The Public Defense.” These volunteers were to be enlisted for twelve months and offered to the Confederate States of America or any one of the slave-holding states.²⁴³ The difficulty was the simultaneous enlistment of troops into regiments with the same number, but different classification (volunteers versus state troops). On June 27th, the ten regiments of state troops were transferred to the Confederate States of America. The state troops were assigned the original numbers one through ten. The fourteen volunteer regiments were required to add ten to their original number. The 2nd Regiment of North Carolina Volunteers became the 12th Regiment of North Carolina (state troops). Captain (Capt.) Claudius B. Denson’s company known as the Confederate Grays of the 10th Regiment North Carolina Infantry (volunteers) was reassigned as Company E 20th Regiment North Carolina Infantry (state troops).

In April of 1861, students of the Franklin Military School in Duplin County formed the Confederate Grays. Their principal, Capt. Denson, led them. By May, these troops were transported to Fort Johnston near Smithville, North Carolina located at the mouth of the Cape Fear River below Wilmington. During the first year of the war, the 20th regiment and Company E garrisoned at different points from Wilmington to Smithville. On January 8, 1862, George W.

²⁴³ Ibid., Vol. I, 607.

Jernigan, who had recovered from his illness of November, joined them. He listed his occupation as farmer and indicated he stood 5 feet 6 inches tall.²⁴⁴

As the duties were neither dangerous nor burdensome, the troops became restless for battle action. According to the historian of the 20th regiment, they longed “to snatch from the shock of battle, the clash of resounding arms, the sulphurous canopy and din of courageous conflict glimpses of the bright laurels.”²⁴⁵ By mid-June 1862, the 20th NC Regiment was ordered to the vicinity around Richmond. On June 17th, Co. E reached their destination and went into camp on the Charles City Road.²⁴⁶ The 20th NC Regiment consisted of 1,012 men and officers and was assigned to Gen. Samuel Garland’s Brigade. The brigade was composed of the 5th NC, 38th VA, 23rd NC, 24th NC, and 2nd Fl regiments along with the newly arrived 20th NC Regiment.

After being initiated in battle on June 26th, the 20th NC, including Co. E and Jernigan, were fully engaged in the battle of Gaines Mill on June 27th. During the latter portion of the battle, the brigade charged and captured a section of Union artillery supported by U. S. Army regulars commanded by Gen. George Sykes. Garland noted, “The effect of our appearance at this opportune juncture [upon the enemy’s flank], cheering and charging, decided the fate of the day. The enemy broke and retreated, made a second brief stand, which induced my immediate command to halt under good cover of the bank on the roadside and return their fire, when charging forward again, they broke and scattered in every direction.”²⁴⁷ In the charge at Gaines Mill, Co. E sustained eight men killed or mortally wounded; wounds permanently disabled four

²⁴⁴ M270, Roll 273, *Compiled Service Records Of Confederate Soldiers Who Served in Organizations from the State of North Carolina, 20th Regiment Infantry*.

²⁴⁵ Thomas F. Toon, “Twentieth Regiment”, Walter Clark, Ed. *Histories of Several Regiments*, Vol. II, 113.

²⁴⁶ North Carolina Infantry 20th Regiment, 1861-1865 Company E, *History of Company E, 20th N.C. Regiment 1861-1865* (Goldsboro: Nash Brothers Book and Commercial Printers, 1905), 5.

²⁴⁷ Daniel H. Hill, “Lee’s Attacks North Of The Chickahominy”, Robert U. Johnson and Clarence C. Buel, Eds. *Battles And Leaders Of The Civil War* Four Volumes. (New York: The Century Co., 1887-1888), Vol. 2,

other troops. Eight to ten other soldiers were wounded but returned to duty. Of the 60 men who charged into battle, the company lost twelve men or 20% of its number.²⁴⁸

Within a couple of weeks, the regiment was involved in the battle of Malvern Hill. The regiment was unable to reach its objective and turned back with significant losses. Five more men were killed or mortally wounded, while two others were wounded and disabled. Another six troops were wounded but reported for duty. For the Seven Days Campaign, Co. E had thirteen members killed or mortally wounded and six men permanently disabled. A permanent loss of nineteen men out of an effective force of sixty soldiers—over 30% losses.²⁴⁹ The 20th NC Regiment had 93 men killed, 281 men wounded, and six missing of the original 1,012 men or 37.5% casualties for the campaign.²⁵⁰

Co. E lost another nine men in the swamps around Richmond from camp fever before being ordered to Manassas Junction, Virginia. Though not engaged in the battle of Second Bull Run, the 20th NC and Co. E continued northward toward the Virginia-Maryland state line. On September 14th, Garland's Brigade was involved in the battle of South Mountain at Fox's Gap. It was at this critical junction that "scarce a thousand" North Carolinians were asked to hold the gap at all hazards against three thousand enemy forces.²⁵¹ In the ensuing fight, Capt. L.T. Hicks of Co. E noted that the enemy came within fifteen feet before the regiment retreated down the

356.

²⁴⁸ North Carolina Infantry 20th Regiment, 1861-1865 Company E, *History Of Company E, 20th Regiment 1861-1865*, 5.

²⁴⁹ *Ibid.*, 6.

²⁵⁰ Louis H. Manarin, "20th Regiment N.C. Troops", (10th Regiment N. C. Volunteers)", Weymouth T. Jordan, Jr., Ed, *North Carolina Troops 1861-1865 A Roster Infantry (16th-18th And 20th-21st Regiments)* (Raleigh: Division Of Archives And History, 1977), Vol. VI, 425.

²⁵¹ Daniel H. Hill, "The Battle Of South Mountain, or Boonsboro", Johnson and Buel, *Battles And Leaders Of The Civil War*, vol. 2, 562-563.

mountain, which was so steep that the enemy fired over their heads.²⁵² Besides the loss of two more men from Co. E 20th NC, the brigade suffered the loss of its gallant leader, Gen. Garland.

By September 17th, the 20th NC Regiment had reformed and participated in the battle of Antietam. Col. Duncan McRae, commander of the 5th NC Regiment, was now in command of the brigade as it was ordered to support Maj. Gen. Thomas J. (Stonewall) Jackson's right flank. McRae commented, "Coming in sight of the enemy, the firing was commenced steadily and with good will, and from an excellent position, but unaccountably to me, an order was given to cease firing—that General Ripley's brigade was in front. This produced great confusion, and in the midst of it a force of enemy appearing on the right, [the brigade] commenced to break and a general panic ensued. It was in vain that the field and most of the company officers exerted themselves to rally it."²⁵³ Though broken in the morning, remnants of the brigade under the command of Col. Alfred Iverson, commander of the 20th NC, rallied and defended the Confederate positions at the Blood Lane against Union attacks in the early afternoon. Following the conclusion of the bloodiest day in American military history, the Army Of Northern Virginia retired across the Potomac River. During the Maryland Campaign, the brigade lost 40 men killed, 210 wounded, and 187 missing.²⁵⁴

The year of 1862 ended with the battle of Fredericksburg, fought on December 13th. After the Maryland Campaign, Iverson was given command of the brigade and promoted to Brig. Gen. He took the brigade from the Shenandoah Valley to the Port Royal area of Virginia to prevent Union troop crossings over the Rappahannock River. As part of Lt. Gen. Daniel H. Hill's Division, the brigade was ordered to Fredericksburg on December 12th where it formed

²⁵² Toon, "Twentieth Regiment", Walter Clark, Ed., *Histories of Several Regiments*, Vol. II, 115.

²⁵³ Manarin, "20th Regiment N.C. Troops", (10th Regiment N.C. Volunteers)", Jordan, Jr., Ed. *North Carolina*

part of the defensive line on the Confederate right flank. During the actual battle, the 20th NC Regiment was not engaged and was held in reserve. There were no casualties for Co. E, but the regiment lost three men to enemy artillery fire.²⁵⁵

By the spring of 1863, Iverson's Brigade was comprised of the 5th NC, 12th NC, 20th NC, and 23rd NC regiments after the 13th NC Regiment had been transferred in October of 1862. Col. Thomas F. Toon led the 20th NC in place of the promoted Brig. Gen. Iverson. The regiment remained a portion of Stonewall Jackson's Corps and as such participated in the flanking march around the Union forces at the battle of Chancellorsville. The entire brigade was involved in the May 1st evening attack on the Union right flank. The troops were also hotly engaged in the frontal assaults on Union positions on the evening of May 2nd and the morning of May 3rd. During the Chancellorsville Campaign, the regiment lost 15 men killed, 67 wounded, and 18 missing or 100 more casualties from their original 1,012 men and officers.²⁵⁶

Following the victory at Chancellorsville and the death of Jackson, the 20th NC Regiment was reassigned to Maj. Gen. Robert E. Rodes' Division of Lt. Gen. Richard S. Ewell's Second Corps. After being the first troops to enter Maryland and Pennsylvania, Iverson's Brigade was engaged in the first day's fighting at the battle of Gettysburg. Poorly led by Iverson, the brigade suffered enfilading fires from Union troops protected by a small stonewall. Four men of Co. E were killed and six more were seriously wounded and disabled. Every one of the thirty members of the company then present were killed, wounded, or captured. Only nine men were captured unhurt, including three officers.²⁵⁷ At least two members of the 20th NC Regiment survived the

Troops 1861-1865 A Roster Infantry (16th-18th And 20th-21st Regiments), Vol. VI, 426.

²⁵⁴ *Ibid.*, 426.

²⁵⁵ *Ibid.*, 427.

²⁵⁶ *Ibid.*, 428.

²⁵⁷ North Carolina Infantry 20th Regiment 1861-1865 Company E, *History Of Company E, 20th NC Regiment 1861-*

fighting at Gettysburg. One of those survivors was Iverson who did not go into battle with his troops. He was relieved of his command following the campaign and transferred to the authority of his home state of Georgia. The other survivor was Pvt. George W. Jernigan. He had been assigned to the Provost Guard at Division Headquarters in early 1863 and he saw no action in either the Chancellorsville or Gettysburg Campaign.²⁵⁸

During the winter of 1863-1864, the North Carolina brigade rested and refitted. The Tar Heels, under the command of Brig. Gen. Robert Daniel Johnston, were allotted two-month leave from their units prior to the spring campaign. According to his military records, George W. Jernigan was furloughed from January 1st to February 28th, 1864.²⁵⁹ In February, Johnston received orders to detach from Maj. Gen. Robert E. Rodes' Division and to proceed to Hanover Junction.²⁶⁰ The brigade encamped near Taylorsville, Virginia near Hanover Court House. This station town was on the Richmond, Fredericksburg, & Potomac Railroad about twenty miles north of Richmond. The brigade's assignment was to guard the railroad bridges of the North and South Anna Rivers. With no enemy troops in the area and actual barracks in which to sleep, the time was spent in "good country with hospitable people including charming young ladies."²⁶¹ The troops were outfitted with neat uniforms and pleated-bosom shirts. A few members of the 23rd NC Regiment actually boarded out of camp in nearby houses.²⁶² The North Carolinians held a political convention in Taylorsville for the election of a governor of their home state. The

1865, 19.

²⁵⁸ M270, Roll 273, *Compiled Service Records of Confederate Soldiers Who Served In Organizations from the State of North Carolina, 20th Regiment Infantry.*

²⁵⁹ Ibid.

²⁶⁰ Letter from Robert D. Johnston, Copy of Official Report on Johnston's Brigade during the battle of The Wilderness. Dated January 1865. John W. Daniel Collection, Duke University, William R. Perkins Library, 1.

²⁶¹ Toon, "Twentieth Regiment", Walter Clark, Ed. *Histories of the Several Regiments*, Vol. II, 120.

²⁶² V.E. Turner and H.C. Wall, "Twenty-Third Regiment", Walter Clark, Ed., *Histories of the Several Regiments*,

brigade endorsed the incumbent, Zebulon R. Vance, against his opponent, William H. Holden. To a man, it was known that this lull would not last and it did not.²⁶³

By May of 1864, the brigade was at full strength and well rested. In the history of warfare, the traditional model of warfare had been the campaign of marching armies followed by a short, tense battle with the victor holding the field of battle. After the engagement, the armies disengaged and retired to rest before campaigning once again. In 1861, the battle of First Bull Run was a prototype for this style of campaign albeit affected by the time constraints of the “90-day wonders.” These men were the initial recruits who had volunteered for three months or 90 days. However, in 1864, the armies of the United States of America and the Confederate States of America were locked in mortal combat daily from May 4th to June 18th. The tension and strain on the men enduring this new style of campaign was seen and clearly documented in letters from the frontlines to loved ones at home. The physical and mental tension generated by this style of warfare was not studied until the Twentieth Century. This style extracted immense energy from the troops and affected their ability to wage war.

By the time of World War II, the term “combat fatigue” was defined as the condition of fighting personnel resulting from the cumulative effect of fighting (and its horrors), sleep deprivation, and extreme psychological stress. During the 1944 Normandy campaign, studies showed that a soldier’s period of maximum efficiency was about thirty days. Approximately 2% of the soldiers were able to resist these effects for extended periods of time.²⁶⁴ Most troops did not resist the stressors for that long. In Normandy, the treatment for “combat fatigue” was

Vol. II, 241.

²⁶³ Donald C. Pfanz, *Richard S. Ewell: A Soldier's Life* (Chapel Hill: The University of North Carolina Press, 1998), 360.

²⁶⁴ Joshua S. Goldstein, *War and Gender: How Gender Shapes the War System and Vice Versa* (Cambridge, England: Cambridge University Press, 2001), 258.

withdrawal from the fighting and provisions of hot food, clean clothes, and rest. Other names have been used since World War II for the long-term effects of this condition. In the later Twentieth Century, the term for long-term effect has been post-traumatic stress syndrome (PTSD). Symptoms of PTSD have been identified in the accounts of veterans from the Civil War.²⁶⁵ Unfortunately, therapy was not available for the forces fighting in 1864 and they suffered accordingly.

The Spring Campaign of 1864 opened on May 3rd. On that evening, Lt. Benjamin L. Wynn, officer in charge of the signal station on Clark's Mountain, reported unusual activity in the camps of the Army of The Potomac.²⁶⁶ Numbering nearly 120,000 troops, the Army of The Potomac was commanded by Maj. Gen. George Gordon Meade, victor of the battle of Gettysburg. Accompanying Meade and his army was Lt. Gen. Grant, overall commander of all Union forces. Grant's orders of movement were aimed at forcing Lee from behind his fortified earthworks and onto open ground where Grant's advantage in men and material could be maximized.²⁶⁷ For Grant, his choice of crossing the Rapidan River below Lee's forces meant that he had to go through Virginia's infamous "Wilderness."

The Wilderness was a region of dense woods and few clearings that in 1863 forced Maj. Gen. Joseph Hooker to realize that panic might occur in an instant. Decades of iron mining had stripped the initial stand of timber from the area. A second-growth forest of blackjack oak and pine took its place. The trees rarely exceeded thirty feet in height and the undergrowth flourished among the shorter trees.²⁶⁸ The Wilderness neutralized Grant's strength of numbers in

²⁶⁵ Ibid., 259.

²⁶⁶ Pfanz, *Richard S. Ewell: A Soldier's Life*, 361.

²⁶⁷ Gordon C. Rhea, *The Battle Of The Wilderness, May 5-6, 1864* (Baton Rouge: Louisiana State University Press, 1994), 51.

²⁶⁸ Pfanz, *Richard S. Ewell: A Soldier's Life*, 362.

infantry, artillery, and cavalry. Lee opposed Grant's force with only 65,000 men in the Army of Northern Virginia. These number included troops such as Johnston's Brigade still encamped at Hanover Junction near Richmond.

Upon learning of Grant's movement, Lee sent for Johnston and the North Carolinians. He was to bring his brigade to the Wilderness area as quickly as possible. On May 4th, Johnston received orders to rejoin his division then confronting the enemy near Locus Grove on the Orange and Fredericksburg Road. The brigade left Hanover Junction on the afternoon of that date.²⁶⁹ The brigade, all 1,350 strong, marched some sixty-six miles without bivouac or significant rest to reach the Plank Road near the Wilderness Tavern. Marching thirty-three miles in one day, Jernigan and the Tar Heels arrived about noon on May 6th. They were directed to the Confederate left flank to guard the roads leading to Maj. Gen. Jubal A. Early's rear, which they did about 1:00 P.M.²⁷⁰ The forced march was so severe that the historian of the 23rd NC Regiment noted army mules fell dead in their traces on the way.²⁷¹

The arrival of Johnston's Tar Heels strengthened the Confederate left flank and supported the troops of Brig. Gen. John B. Gordon. During the daytime of May 6th, Gordon had argued with his superior, Lt. Gen. Ewell that the Confederates should attack the unsupported Union right flank. As commander of the Second Corps, Ewell conferred with Early and delayed any attack until further investigation occurred. The Union right flank was held, but not supported, by Maj. Gen. John Sedgwick's Sixth Corps. Fighting on May 5th had depleted the troops under Sedgwick and there were continued losses due to Confederate artillery barrages on the next day.

²⁶⁹ Letter of Robert D. Johnston. Copy of the Official Report on Johnston's Brigade during the battle of the Wilderness. Dated January 1865, 1.

²⁷⁰ *Ibid.*, 1.

²⁷¹ Turner and Wall, "Twenty-Third Regiment", Walter Clark, Ed. *Histories of the Several Regiments*, Vol. II, 241.

Opposite the now deployed but exhausted North Carolinians was Brig. Gen. Truman Seymour's 2nd Brigade of the 3rd Division (Rickett's) of the Sixth Corps. When Brig. Gen. Thomas H. Neil's 3rd Brigade of the 2nd Division (Getty's) was shifted south to fill gaps in the Sixth Corps line, the thinned out Union troops were stretched even further.²⁷² To compensate for these moves, Sedgwick shifted three New York regiments of Brig. Gen. Alexander Shaler's 4th Brigade of the 1st Division (Wright's) to the Union right wing. According to Shaler, this transfer was not enough. By twilight of May 6th, he noted, "The most extraordinary fact was seen that any army of 100,000 men had its right flank in the air with a single line of battle without entrenchments."²⁷³

After a personal inspection of his left flank late in the afternoon, Ewell agreed to Gordon's attack. He postponed the offensive until sunset when fading light would conceal the small attacking force, create panic in the Federal lines and minimize Confederate losses if forced to retreat.²⁷⁴ About an hour before sunset, Early ordered Johnston to report with his brigade to Gordon. Johnston rapidly moved the brigade, including Jernigan and the 20th regiment, about one half-mile to the right and formed behind Gordon's men.²⁷⁵ On Gordon's right flank was Brig. Gen. John Pegram's Brigade of Virginians. The plan was for the three brigades to advance simultaneously to affect the collapse of Sedgwick's right flank and, hopefully, the collapse of the right flank of the entire Union army.

The initial burst of the Confederate attack disintegrated Shaler's formation and swept away Seymour's line of defense. Sedgwick was nearly captured. Both Shaler and Seymour

²⁷² Rhea, *The Battle Of The Wilderness: May 4-6, 1864*, 411.

²⁷³ *Ibid.*, 411.

²⁷⁴ Pfanz, *Richard S. Ewell: A Soldier's Life*, 373.

²⁷⁵ Letter of Robert D. Johnston, Copy of the Official Report on Johnston's Brigade during the battle of the Wilderness. Dated January 1865, 1.

were taken prisoner along with 600 Union troops. The generals were later reunited at Robertson's Tavern behind Ewell's lines.²⁷⁶ At the height of the Federal panic, a Union staff officer rushed to Grant and warned, "General Grant, this is a crisis that cannot be looked upon too seriously. I know Lee's methods well by past experience; he will throw his own army between us and the Rapidan, and cut us off completely from our communications." According to Horace Porter, Grant's classic reply was, "Oh I am heartily tired of hearing about what Lee is going to do. Some of you think he is suddenly going to turn a double somersault, and land in our rear and on both of our flanks at the same time. Go back to your command, and try to think what we are going to do ourselves, instead of what Lee is going to do."²⁷⁷

In fact, the coming of nightfall, the entanglements of the Wilderness, and stubborn resistance by Neil's Brigade slowed the advance. Neil's formation bent to absorb the attacks from the front by Pegram's Virginians and Gordon's Georgians. Johnston's North Carolinians were largely ineffective. Lack of direct communication at the command level prevented coordination of the attack, especially in the thickets of the Wilderness. Johnston noted, "I was the character of the ground."²⁷⁸ Shortly after the attack was launched, the Tar Heels lost contact with Gordon's advancing troops. "It was impossible to see anything in front of the line fifty feet and I had to be guided by the noise and the firing which commenced in a few moments and soon became very warm," Johnston later recalled.²⁷⁹ Jernigan and the 20th NC Regiment pushed forward across the Germanna Ford Road with little opposition.

²⁷⁶ Rhea, *The Battle Of The Wilderness: May 5-6, 1864*, 420.

²⁷⁷ *Ibid.*, 421-422.

²⁷⁸ Letter of Robert D. Johnston, Copy of the Official Report on Johnston's Brigade during the battle of the Wilderness. Dated January 1865, 2.

²⁷⁹ *Ibid.*, 2.

While the Tar Heels were able to occupy territory to the rear of the Federal lines, they did little real damage. The brigade charged a house defended by sharpshooters. The captured the sharpshooters along with two commissioned officers. During this lull, heavy firing was heard to the rear of the command. Johnston turned his brigade back toward the Germanna Ford Road. Prior to reaching the road, commands of officers directing movements of troops were heard. Johnston inquired, "What command is this?" The reply was the 137th Pennsylvania Regiment of such a brigade and division.²⁸⁰ Recognizing that the Union troops were reforming, Johnston quickly led his brigade back across the Germanna Ford Road. Once across the road, the Tar Heels rejoined Gordon's Brigade that now occupied former Federal entrenchments. The North Carolinians remained alert the rest of the evening prepared for any counterattack.²⁸¹ Though Gordon's twilight assault created debate in the post war era among participants on how close he came to rolling up the Union army, Johnston had his own opinion. He reflected, "If proper information had been given me, I could have accomplished a great deal more and believe that the results of the action would have been far greater and more disastrous to the enemy."²⁸²

Regardless of any future debate, the coming of nightfall on May 6th ended the battle of the Wilderness. On May 7th, amid frequent skirmishing, Grant and Lee deliberated over their next move. While Lee was uncertain as to Grant's plans, he figured that Spotsylvania Court House was a part of those plans.²⁸³ While maintaining the bulk of the army in the Wilderness, he decided to send one corps of infantry towards Spotsylvania Court House while Grant's plans were revealed. Lee ordered the First Corps, now led by Maj. Gen. Richard H. Anderson, to

²⁸⁰ Ibid., 3.

²⁸¹ Ibid., 3.

²⁸² Ibid., 3.

²⁸³ Gordon C. Rhea, *The Battles For Spotsylvania Court House And The Road To Yellow Tavern, May 7-12, 1864* (Baton Rouge: Louisiana State University Press, 1997), 43.

begin a march south at 3:00 A.M. on May 8th. Anderson assumed the command of the First Corps when Lt. Gen. James Longstreet was severely wounded by Confederate troops on the first day's fighting in the Wilderness. Around 7:00 P.M. Lee conferred with Anderson about his assignment. Anderson noted in his report that Lee stated, "I have reason to believe that the enemy is withdrawing his forces from our front and will strike us next at that point. I wish you to be there to meet him, and in order to do so, you must be in motion by three o'clock in the morning."²⁸⁴ By 10:00 P.M., Anderson had First Corps in motion. The stench of the battlefield and the burning of the woods of the Wilderness forced Anderson to continue southward through the night allowing him to beat the Union troops to Spotsylvania Court House.

The movement of First Corps had a direct impact on Second Corps and Jernigan's 20th NC Regiment. To maintain the Confederate line, elements of Ewell's Second Corps moved into positions previously held by First Corps. The shifting of troops created an accordion-like effect of closing and extending of the men throughout the night. It gave no rest for the weary as sleep deprived men stumbled and fell into gullies.²⁸⁵ Sleep deprivation and physical exhaustion stalked the boys from Duplin County.

By the following morning, the Army of Northern Virginia confirmed that Grant and his troops had left the Wilderness. Lee received reports from Maj. Gen. "JEB" Stuart indicating that the Union Army filled the Brock Road leading south. This information validated that Grant was going to Spotsylvania Court House on his route toward Richmond or to use it to protect his left flank as he retreated toward Fredericksburg. Lee's response was to put the remainder of the army in motion toward Spotsylvania Court House. While Third Corps remained in place,

²⁸⁴ Ibid., 28.

²⁸⁵ Ibid., 29.

Ewell's Second Corps was ordered to move southward to support Anderson's First Corps. Third Corps also had a new commander. The previous commander, Lt. Gen. Ambrose Powell (A.P.) Hill, was unable to perform his duties due to recurring illness. Lee chose Early to temporarily command that corps. Casualties (Longstreet) and illness (Hill) forced changes in the command structure. Other command changes occurred that were not mandated. On May 8th when Early took command of Third Corps, Lee placed Gordon in charge of Early's old division. To equal the size of the Second Corps' divisions, Johnston's North Carolinians were transferred from Rodes' Division to Gordon's Division. In his history, the 23rd NC Regiment historian commented that this change was much to the brigade's regret.²⁸⁶

The 20th NC Regiment reached the area of Spotsylvania Court House around sunset of May 8th after a difficult march through the dust and heat from the burning woods.²⁸⁷ They took up their positions on the Confederate right flank just past Anderson's First Corps. Lee's chief engineer, Martin Smith, had constructed a line of defense extending some five to seven miles through the woods and farms of the area. Anchored by Anderson's First Corps on the left bank of the Po River, the defensive line moved past Laurel Hill and Old Cold Harbor Road to the area of the Harrison House. The terrain's natural contour swung north and created an area of higher ground. This area was defended to prevent the Union army from using it to command the surrounding territory. This region was in the shape of a horseshoe created by the natural contour of the land. This "horseshoe" salient was the focus of the upcoming battle. The Second Corps including Jernigan's 20th regiment was placed at this very angle. Until Early's Third Corps reached the battlefield, the Confederate right flank was unprotected.

²⁸⁶ Turner and Wall, "Twenty-Third Regiment", Walter Clark, Ed., *Histories of Several Regiments*, Vol. II, 241.

²⁸⁷ Toon, "Twentieth Regiment", Walter Clark, Ed., *Histories of Several Regiments*, Vol. II, 120.

As with other battles in the Civil War such as Bull Run (Henry House) and Antietam (Dunkard Church), Spotsylvania Court House's "horseshoe" salient had a residential landmark. A man named McCoull owned the land around the salient. It was his house with its two chimneys, located at the center of the salient, which was seen about the entrenchments that surrounded it.²⁸⁸ To the rear of the salient, the Harrison House was located. This house was approximately one half mile from the McCoull homestead. These two houses, located in the salient, were the measuring landmarks for the advances and retreats for the impending battle.

Regardless of its location, military dictum mandated that high ground must be defended. As the Napoleonic era of open battles with linear formations passed from the military scene, a system of entrenchments developed. Consequently, neither army slept during the nights after reaching Spotsylvania Court House. Though exhausted by four days of marching and fighting, the rebel infantrymen worked through the night preparing defensive entrenchments with cups and bayonets. They cut down pine trees to build breastworks with small hand axes only three inches wide.²⁸⁹ They stacked these trees in front of their lines with loopholes for firing. They cleared fields of fire and erected intertwined branches of obstruction called abatis. Andrew Humphreys, Army of The Potomac's chief of staff, noted, "With such intrenchments as these, having artillery throughout, with flank fire along their lines whenever practicable...the strength of an army sustaining attack was more that quadrupled, provided they had force enough to man the entrenchments as well."²⁹⁰ The exhausted rebel defenders rested where they stood on the dawn of May 9th.

²⁸⁸ John Cannan, *Bloody Angle: Hancock's Assault on the Mule Shoe Salient, May 12, 1864* (Cambridge, MA: Da Capo Press, 2002), 23.

²⁹⁰ *Ibid.*, 67-69.

Early's Third Corps had reached Shady Grove Church Road on the evening of May 8th. By the next day, the plan was from them to assume their positions on the Confederate right flank. Until they achieved their position, Johnston's North Carolinians were ordered to reconnoiter the area toward the Fredericksburg Road and the Beverly house. They moved from their positions behind Second Corps toward the Ni River along the Fredericksburg Road. Brig. Gen. William C. Wickham's horse artillery, joined Johnston and 300-400 men of the brigade as they moved toward the Beverly house. Their objective was to hold up the advance of Brig. Gen. Orlando B. Wilcox's Division of Maj. Gen. Ambrose E. Burnside's Ninth Corps until Early's troops were in position.²⁹¹

These Union troops included the 60th Ohio Regiment, which had been recruited just three weeks previous and had never faced "the elephant" of combat. Johnston's Tar Heels attacked the Ohioans and scattered them as they advanced toward the Beverly house. They enfiladed the 1st Michigan Sharpshooters with fire causing significant damage. The Union infantrymen recovered from the shock of Johnston's charge. Led by the regiments including the 50th Pennsylvania, 20th Michigan, and 79th New York, they swept toward the now outnumbered Tar Heels. As recounted in the history of the 23rd NC Regiment, the historian recalled, "but seeing himself nearly enveloped by the enemy in overwhelming force, Johnston withdrew his brigade in time to escape capture." The 23rd NC Regiment lost some 20-30 men in this reconnaissance.²⁹² The skirmish ended with the Union forces in control of the southern bank of the Ni River and Johnston back closer to Spotsylvania Court House. In the meantime, Early and his men arrived and deployed across the Fredericksburg Road anchoring the Confederate right flank.

²⁹¹ Rhea, *The Battles For Spotsylvania Court House And The Road To Yellow Tavern, May 7-12, 1864*, 105.

²⁹² Turner and Wall, "Twenty-Third Regiment", Walter Clark, Ed., *Histories of Several Regiments*, Vol. II, 241.

May 10th, 1864 was a date that shines in the history of the 20th NC Regiment. During much of this day, the area of the “horseshoe” salient (now dubbed the Mule Shoe) was quiet. The North Carolina brigade was concealed behind a pine thicket where it rested in support of Second Corps troops including the brigades of Brig. Gen. Junius Daniel and Brig. Gen. George Doles.²⁹³ In the Union lines, Col. Emory Upton, commander of the 2nd Brigade of 1st Division (Wright’s) of Sedgwick’s Sixth Corps, formulated a plan of attack designed to penetrate the formidable Confederate entrenchments. He argued that the way to penetrate such breastworks was to reach them quickly. There was to be no firing and reloading during the charge. The foray demanded quick action to enter the entrenchments. Follow up by supporting troops was needed to open the breach once the line was penetrated.²⁹⁴ Upon approval from Grant, Upton and twelve hand-picked regiments from Sixth Corps were prepared for a 5:00 P.M. attack on the west side of the Mule Shoe. The target of their attack was Doles’ Georgians.

Due to delays from the chain of command, it was 6:35 P.M. before the preparatory artillery bombardment ended and the Union forces attacked led by Upton. Without stopping to fire a shot, the forward wave of troops braved two volleys from the Confederate lines before clawing their way into Doles’ Georgians. The lightning quick foray was a smashing success. When the Union troops broke through the defenses, the Georgians were scattered and began surrendering wholesale. Nearly fifty years later, the fighting and surrendering was remembered by one of Doles’ Georgians. Pvt. H. T. Davenport, Company A of the 12th Georgia Regiment, wrote, “Oh, how plainly I can even now—Feby 19/1904—see it all, hear it all—feel it all. The musketry, cannon, the Blue dead, the Gray dead, the groans, the oaths, the prayers, the tears.

²⁹³ Ibid., 242.

²⁹⁴ Rhea, *The Battles For Spotsylvania Court House And The Road To Yellow Tavern, May 7-12, 1864*, 163.

And my capture-my being hurried to the rear, and that mean coward in Blue on horse-back, who thrust his sabre into me while I was an unarmed prisoner.”²⁹⁵ While Upton taught the military world a lesson in tactics in breaching a strongly fortified entrenchment, he learned a valuable lesson in return. To expand a breach opened in a defensive line, the attacking forces required additional reinforcements. Without further reinforcements, Upton’s attackers became defenders.

Spearheaded by Ewell personally, the resistance by Second Corps came to life. He rode up to Johnston and shouted, “Charge ‘em, General. Damn ‘em, charge ‘em.”²⁹⁶ Lee, who had been near the Harrison home when Upton broke through Doles’ defenses, arrived mounted on Traveller at the moment Johnston’s Tar Heels double-quickened to the scene. As opposed to the Wilderness incident where Lee verbally urged the Texans into battle, he rose in his saddle and pointed toward the breach in the line. The North Carolinians promised to retake the line if he left the field.²⁹⁷ As Capt. A. T. Cole of the 23rd regiment wrote, “Just as the brigade faced by the left flank and advanced towards the enemy, I saw facing the head of the column General Lee on horseback, hat in hand, cheering on the men, within not more that 100 yards of the enemy.”²⁹⁸ Johnston’s men then charged the line of battle, recovered the works and restored the line of battle.²⁹⁹ The charge regained not only the breastworks, but also several pieces of artillery, which were still in position. The surviving artillerymen turned the artillery pieces on the retreating Union troops causing much damage. During the initial onslaught, the quick-thinking

²⁹⁵ John B. Gordon, *Reminiscences Of The Civil War* (New York: Charles Scribner’s Sons, 1903), 272-273.

²⁹⁶ Rhea, *The Battles For Spotsylvania Court House And The Road To Yellow Tavern, May 7-12, 1864*, 171.

²⁹⁷ *Ibid.*, 170.

²⁹⁸ Turner and Wall, “Twenty-Third Regiment”, Walter Clark, Ed., *Histories of Several Regiments*, Vol. II, 242.

²⁹⁹ Robert D. Johnston to John W. Daniel, August 6, 1895. John W. Daniel Collection, William R. Perkins Library Duke University, 3.

cannoneers of the Richmond Howitzer's had removed the rammers when they fled their position, rendering the artillery pieces useless to the Union attackers.³⁰⁰

There remained one final act of gallantry on this day of Confederate success. During the brigade's charge, Maj. John F. Brooks of the 20th regiment, and Capt. Joseph F. Johnston, and Aide-de-camp of Johnston, raced each other for a Federal flag planted on the now abandoned embankment. According to Johnston, "The whole brigade and the Genl. Commanding must have seen the race. The contest was so close that both reached the breastworks almost at the same instant. Just as Capt. Johnston reached out his hand to seize the coveted prize his foot stumbled, he tumbled into the ditch and Brooks had the flag."³⁰¹ Brooks took the prize to the rear and presented it to Lee. He requested that it be sent back to the governor of North Carolina as one of the trophies of the brigade. The following letter was later sent to the 20th NC

Regiment:

Headquarters
Army Northern Virginia
May 16, 1864

Sir: Yesterday evening the enemy penetrated a part of our line and planted his colors upon the temporary breastworks erected by our troops. He was immediately repulsed, and among the brave men who met him the Twentieth North Carolina, under Colonel T. F. Toon, of the brigade, commanded by General R. D. Johnston, captured the Vol. flag. It was brought to me by Major Jno. S. Brooks, of that regiment, who received his promotion for gallantry in the battle of Chancellorsville, with the request that it be given to Governor Vance. I take great pleasure in complying with the wish of the gallant captors, and respectfully ask that it be granted, and that these colors be presented to the State of North Carolina as another evidence of valor and devotion that have made her name eminent in the armies of the Confederacy.

Very Respectfully, Your obedient servant,

R. E. Lee, General

Hon. Secretary of War, Richmond, Va.³⁰²

³⁰⁰ Rhea, *The Battles For Spotsylvania Court House And The Road To Yellow Tavern, May 7-12, 1864*, 173.

³⁰¹ Robert D. Johnston to John W. Daniel, August 6, 1895, 3.

³⁰² Toon, "Twentieth Regiment", Walter Clark, Ed., *Histories of Several Regiments*, Vol. II, 120-121.

Without reinforcements, Upton was forced to retire from the salient due to the counterattacks by Johnston's North Carolinians and other brigades. By 7:30 P.M., Upton had retired to the Federal lines in good order though retreating across open ground left many injured and wounded soldiers abandoned.³⁰³ Upton calculated his losses at approximately 1,000 men who were killed, wounded, or missing. The 49th Pennsylvania Regiment was effectively halved by the assault.³⁰⁴ Ewell's official report on the assault was written ten months after the event. He reported a total loss of 650 casualties including 350 prisoners.³⁰⁵ However, these numbers, especially regarding the number of men lost as prisoners, seemed low to the individual soldiers. Doles' Brigade left their encampment prior to the battle of the Wilderness with 1,567 men in three regiments. On the evening of May 10th, the brigade numbered 550.³⁰⁶ Daniel's Brigade lost over 400 soldiers in addition to Doles' estimated 600 casualties. Gen. Marsena R. Patrick, Provost Marshall of the Army of The Potomac, recorded 913 enlisted men and 37 officers were captured by Upton's force.³⁰⁷ At the end of the day, Ewell's losses were greater than Upton's based on all accounting. The near success of Upton's assault was not lost on the command chain of the Union army.

When May 11th broke over the Virginia battlefield, the rains of May came. There were the cold, miserable rains that made the ground of the Mule Shoe salient a muddy mess. The Confederate defenders spent a long, sleepless night on May 11th-12th. Again, the cruel hand of sleep deprivation gripped the Dublin County troops. Johnston's Brigade was bivouacked near the Harrison house along with Pegram's Virginians, led by Col. John S. Hoffman. The third

³⁰³ Rhea, *The Battles For Spotsylvania Court House And The Road To Yellow Tavern, May 7-12, 1864*, 173.

³⁰⁴ *Ibid.*, 175.

³⁰⁵ William D. Matter, *If It Takes All Summer: The Battle Of Spotsylvania* (Chapel Hill: The University of North Carolina Press, 1988), 167.

³⁰⁶ Rhea, *The Battles For Spotsylvania Court House And The Road To Yellow Tavern, May 7-12, 1864*, 176.

brigade of Gordon's Division—Col. Clement A. Evans' Georgians (Gordon's former command)—occupied the front of the McCoull house. These placements allowed Gordon to support either Maj. Gen. Edward Johnson's Division or Rodes' Division, depending upon the circumstances.³⁰⁸ During the morning hours of May 12th, sounds of a possible Federal attack reached the Confederate lines. Gordon was ordered to reinforce Johnson's troops, who were entrenched at the toe of the Mule Shoe. While Evans' Georgians moved behind Daniel's North Carolinians, Hoffman's Virginians advanced to the second line of trenches behind two of Johnson's brigades. These maneuvers left Johnston's Brigade as the sole remaining immediate reserve for the Mule Shoe.

As dawn approached, the weather remained inhospitable for the Confederate defenders. Mist and fog shrouded the entire battlefield including the Mule Shoe. At 4:35 A.M., Union troops under the leadership of Maj. Gen. Winfield Scott Hancock attacked Johnson's position with a force greater by thousands than the one Pickett had mustered in his famed charge at Gettysburg ten months earlier.³⁰⁹ Some 20,000 troops smashed into the Mule Shoe salient and "swept over the Stonewall Brigade like an avalanche."³¹⁰ Opposed by only 2,000 rebel defenders, the struggle for the breastworks lasted only the briefest of time. Once inside the Mule Shoe, the attackers' momentum carried them toward the McCoull house.

At the Harrison house, Gordon, who had risen early, was with Johnston when they heard of the Federal assault. Gordon immediately ordered the North Carolinians toward the breach. Johnston moved his brigade of perhaps 600 men across an open field into a virgin forest with

³⁰⁷ Matter, *If It Takes All Summer: The Battle Of Spotsylvania*, 167.

³⁰⁸ Rhea, *The Battles For Spotsylvania Court House And The Road To Yellow Tavern, May 7-12, 1864*, 246.

³⁰⁹ *Ibid.*, 230.

³¹⁰ Robert D. Johnston to John W. Daniel, August 6, 1895, 3-4.

thickened undergrowth.³¹¹ Upon entering the woods, Johnston noted the strong force opposing his brigade. The Tar Heels confronted a force of division strength with their meager force. So close were the opposing forces that the Tar Heels could hear the commands of the Union officers.³¹²

With an open field extending a quarter of a mile to the rear, the North Carolinians stood and fought. On at least two occasions, Union officers stepped forward and demanded that the brigade surrender to a larger force. The first time ended when Col. Thomas M. Garrett of the 5th NC cried out to “shoot the d____d rascal” and he was instantly shot down.³¹³ While receiving enfilading fire by the right and left flanks, the brigade was forced backward by overwhelming numbers.³¹⁴ After “one of the bloodiest combats of the war and with heavy loss, the brigade retreated fighting desperately as it went.”³¹⁵ As the brigade reformed, Johnston grabbed the flag of his old regiment (23rd NC Regiment) and leaped to the front of the brigade. Ordering a charge, Johnston and the Tar Heels rose and dashed toward the enemy. Johnston recalled, “To my astonishment [they] gave way and we followed them through the woods recapturing the lines from which Edward Johnson had been expelled a few hours before.”³¹⁶ Upon reaching the breastworks and planting the flag of the 23rd regiment in the ground, Johnston received a severe scalp wound that forced him to retire from the battlefield. Command of the brigade passed to Garrett who was mortally wounded in the head a short time later. Though wounded as well,

³¹¹ Ibid., 4.

³¹² Ibid., 4.

³¹³ Ibid., 5.

³¹⁴ James C. MacRae and C. M. Busbee, “Fifth Regiment”, Walter Clark, Ed., *Histories of Several Regiments*, Vol. I, 289.

³¹⁵ Turner and Wall, “Twenty-Third Regiment”, Walter Clark, Ed., *Histories of the Several Regiments*, Vol. II, 244.

³¹⁶ Robert D. Johnston to John W. Daniel. Dated August 6, 1895, 5. This account agrees with the account of the 23rd NC Regiment’s historian, Capt. V. E. Turner, A.Q.M., in Walter Clark’s compilation.

Toon of the 20th NC assumed command. Toon noted that Maj. Brooks, who had won the race for the Federal flag on the 10th, leaped wildly in the air, grasped his side, and fell dead while urging the 20th NC to the hottest conflict they ever fought.³¹⁷ Though deprived of Johnston's leadership, the North Carolinians remained in place until withdrawn to a new line of fortifications at 9:00 P.M.³¹⁸ The charge stabilized the Mule Shoe's eastern sector for the Army of Northern Virginia. The western sector was the site of ferocious fighting that lasted well into the night. The glorious charge had been costly. Besides the loss of Col. Garrett, the 5th NC Regiment had only 42 men answer the roll call that night.³¹⁹

Previously during this war, the Union commander would have retreated towards Fredericksburg and safety after the results of the fighting of May 10th and 12th. Grant was unlike any of the previous Union commanders in the Eastern Theater. The objective of the Overland Campaign was the destruction of Lee's Army of Northern Virginia. The ultimate goal was to fight Lee on open ground. Maneuvers were begun to achieve that goal in the days following Hancock's assault. While the terrible weather of May continued, Grant began the long arduous process of moving his army toward Lee's right flank. Between May 12th and 18th, Grant ordered Maj. Gen. Gouverneur K. Warren's Fifth Corps and Brig. Gen. Horatio G. Wright's Sixth Corps (Sedgwick's Corps) from the Union left flank to its right flank. These two corps was positioned to accompany Burnside's Ninth Corps in a southward movement toward the North Anna River.

When Anderson's First Corps was shifted to the Confederate right flank to balance Warren and Wright's maneuvers, Ewell's Second Corps became Lee's left flank. Opposing Ewell was Hancock's Second Corps. In an attempt to lure Lee into open territory, Grant

³¹⁷ Toon, "Twentieth Regiment", Walter Clark, Ed., *Histories of the Several Regiments*, Vol. II, 121.

³¹⁸ *Ibid.*, 121.

instructed Hancock to move Second Corps east to Guinea Station.³²⁰ After dark on May 18th, Second Corps troops were in motion toward Anderson's Mill east of Spotsylvania Court House. By the morning of the 19th, Grant wanted Warren, Wright, and Burnside moving toward Massaponax Church Road with Hancock in the rear. By the evening of the 19th, Hancock was to set off in a march that would get Lee onto open ground.³²¹ For the Union army, their maneuvering had left a gap on their right flank undefended. This gap included a stretch of Fredericksburg Road between the Ni River and Gordon Road. The Fredericksburg Road was the lifeline of provisions and ammunition between Belle Plain and the Army of The Potomac. In one sense, this oversight gave Lee an opportunity to cut Grant off from his base of supply. Though Lee was aware of the shifting positions of Grant's army, he was not aware of the exact location and strength of Grant's right flank. He ordered Ewell to advance from his positions and to locate the right flank of the Federal line.³²²

Lee's orders to Ewell emphasized the need to "demonstrate against the enemy in his front" and "to find Grant's right and develop his purpose."³²³ Ewell's concern was avoiding a frontal attack against entrenched troops. He erroneously believed that Hancock and Second Corps of the Army of The Potomac "were strongly intrenched in front."³²⁴ He persuaded Lee to allow him to take the entire Second Corps on a reconnaissance in force around Hancock's suspected positions. He understood his orders from Lee to engage the enemy as to ascertain if

³¹⁹ MacRae and Busbee, "Fifth Regiment", Walter Clark, Ed., *Histories of the Several Regiments*, Vol. I, 289.

³²⁰ Gordon C. Rhea, *To The North Anna River: Grant and Lee, May 13-25, 1864* (Baton Rouge: Louisiana State University Press, 2000), 156.

³²¹ *Ibid.*, 157.

³²² Matter, *If It Takes All Summer: The Battle of Spotsylvania*, 317.

³²³ Ewell's report, *O.R.*, Series I, Vol. XXXVI, pt. 1, 1073; Lee to Seddon, May 19, 1864, *ibid.*, pt. 2, 1022.

³²⁴ Ewell's report, *O.R.*, Series I, Vol. XXXVI, pt. 1, 1073.

Grant was moving to the Confederate right. As noted, Hancock and Second Corps had already vacated their entrenched positions in front of Second Corps.

According to Ewell's plan, Second Corps was on the move by 3:00P.M. on the afternoon of May 19th. These troops were not the same men who stepped off toward the Wilderness on May 2nd. Col. Bryan Grimes wrote to his wife on this date, "Have been fighting more or less every day...Nearly all fagged out and need rest."³²⁵ In addition to fatigue, the corps had lost over one-half of its fighting strength during the campaign. Previously numbering nearly 13,500 effective infantry and 2,000 artillery personnel, Ewell counted about 6,000 men capable of duty.³²⁶ Johnston's Brigade, now led by Toon, had the additional forced march of May 4th-6th to increase their level of sleep deprivation and fatigue.

Still believing that Hancock remained entrenched to his front, Ewell sent Second Corps on a long and needless detour by way of the Brook Road before moving toward the Fredericksburg Road.³²⁷ Prior to leaving, Ewell had added Lt. Col. Carter M. Braxton's six-gun battery to his force. Due to the conditions of the rain-soaked muddy roads and the nature of the Ni River, Braxton and his field pieces were unable to continue the march after three to four miles. He turned back to the original entrenchments while the infantry pressed forward. The reconnaissance in force continued down the Gordon Road before turning toward the Harris Farm located just in front of the Fredericksburg Road.

When Union officers uncovered the gap in their defenses, they moved to defend it. Warren sent Col. J. Howard Kitching's Brigade to fill the void in the lines. Initially, Kitching's men were the 6th New York Heavy Artillery (H.A.) and the 15th New York Heavy Artillery. On

³²⁵ Noah Andre Trudeau, *Bloody Roads South: The Wilderness To Cold Harbor, May-June 1864* (Baton Rouge: Louisiana State University Press, 1989), 201.

the 18th, the 2nd Battalion, 4th New York Heavy Artillery, reinforced these troops. The men of a Heavy Artillery regiment were not trained infantrymen. There were regiments organized to man the heavy-caliber guns in the forts surrounding Washington, DC³²⁸ Little fighting had occurred in and around Washington during the war and these regiments were used for visiting VIPs and official inspections. Veteran combat troops dubbed these troops, “bandbox regiments.” What the Heavies, as they were called, lacked in training and experience, they made up for in numbers. Their regimental strength numbered between eighteen and twenty-two hundred.³²⁹ The brigade of North Carolinians including the 20th NC Regiment barely numbered 600 at this time.

Kitching’s 4th NY H.A. was in position around the Harris Farm by mid-afternoon of the 19th. Upon increased reports of Confederate probes in their sector, Meade ordered Brig. Gen. Robert O. Tyler of 4th Division of Hancock’s Second Corps to move his brigade of five large H.A. regiments to support Kitching. The 1st Massachusetts H.A. reached the Harris Farm around 2:30 P.M. By 4:00P.M. when the first contact with Confederate troops occurred, the Federal command had closed the undefended gap and placed five H.A. regiments on the front line and one H.A. regiment in reserve.

Leading the reconnaissance in force was Brig. Gen. Stephen Dodson Ramseur and his brigade of North Carolinians from Rodes’ Division. It was his skirmishers who initiated the battle of Harris Farm against the Heavies, already prepared for battle. Ramseur’s skirmishers began firing at the pickets of the 4th NY H.A. Arriving on the field of battle, Ramseur noted the increasing strength of the opposing Union troops. Though the rest of the corps was not in

³²⁶ Ewell’s report, *O.R.*, Series I, Vol. XXXVI, pt. 1, 1070.

³²⁷ Pfanz, *Richard S. Ewell: A Soldier’s Life*, 392..

³²⁸ Trudeau, *Bloody Roads South: The Wilderness To Cold Harbor, May-June 1864*, 198.

³²⁹ *Ibid.*, 198.

position, Ramseur decided that delay in action “would cause disaster.”³³⁰ He requested and received permission to attack the Heavies around the Harris Farm. Ramseur’s Tar Heels charged the 4th NY H.A. and drove them backward with great loss. Flanking artillery fire stalled the Confederates. Upon recognizing that his flanks were partially enveloped by superior numbers, Ramseur ordered a withdrawal of some 200 yards. Rodes Division’s other two brigades consisting of Grimes’ North Carolinians and Brig. Gen. Cullen A. Battle’s Alabamians joined them.³³¹

Gordon’s Division including Toon’s Brigade and the 20th NC Regiment reached the battlefield and deployed on Rodes’ right flank. As Gordon emerged between the Alsop and Peyton houses, he ordered Col. Zebulon York’s Brigade of Louisianans and the remnants of Maj. Gen. Edward “Allegheny” Johnson’s Division forward. Like Ramseur’s men, these troops met with initial success before being forced to retreat. Unlike Ramseur’s men, their retreat almost turned into a rout as Johnson’s men scrambled for the rear. Hoffman’s Virginians, aided by Ramseur’s men, stabilized the front of the rebel lines. Ewell was on the battlefield and directed Hoffman’s men in defending against Federal attacks. His sorrel mare was hit and killed and Ewell fell heavily to the ground. Nearby troops rolled the dead horse off the one-legged general and encouraged him to evacuate to the rear.³³²

The battle raged for another three hours in an increasing downpour. By 6:00 P.M. Union reinforcements made their way to the aid of the Heavies. Maj. Gen. David B. Birney’s 3rd Division “moved up very promptly and went into action about 6:15 P.M. on [the] right of Gen.

³³⁰ *O.R.*, Series I, Vol. XXXVI, pt. 2, 1082.

³³¹ *Ibid.*, 1083.

³³² Pfanz, *Richard S. Ewell: A Soldier’s Life*, 393.

Tyler.”³³³ The total effective force under Tyler and Kitching’s commands numbered close to 10,000 men not counting Birney’s reinforcements. Aided by Brig. Gen. Thomas L. Rosser’s horse artillery, the Confederate Second Corps stabilized their defensive front and fought until darkness in the driving downpour. On both sides the casualties were significant, especially among the inexperienced Heavies seeing action for the first time. By 9:00 P.M., the firing between the lines had ceased. Within the hour, Ewell’s Second Corps was ordered to withdraw to their original trench positions. Their retreat was hampered by darkness, by incessant rain, and by combat fatigue. When the firing stopped, many of the Confederate troops fell asleep at their positions, worn out by nearly three weeks of constant marching and fighting. Most of Second Corps were able to return to their lines. However, a number of men were simply too exhausted to move without and rest and were ultimately captured.³³⁴

The conclusion of the battle of Harris Farm marked the close of the battle of Spotsylvania Court House. Lee wrote to J.A. Seddon, Secretary of War, “The enemy continues to drift toward our right. To develop his purpose General Ewell was directed to cross the Ny and find his right. He discovered his main body between the Spotsylvania and Fredericksburg Road and the Telegraph Road, and returned within our lines.”³³⁵ The battle of Harris Farm marked the end of much more than either the battle of Spotsylvania Court House or the attempt by Lee to ascertain the movements of Grant’s forces. In his report on the Spring Offensive of 1864 written ten months later, Ewell estimated his losses at Harris Farm at about 900 men killed, wounded, or missing.³³⁶ Union losses were listed at 1,535 troops killed, wounded, or missing. The net effect of nearly 2,500 casualties was to delay Grant’s movements for twenty-four hours. For this delay,

³³³ *O.R.*, Series I, Vol. XXXVI, pt. 2, 362.

³³⁴ Matter, *If It Takes All Summer: The Battle Of Spotsylvania*, 326.

Ewell lost nearly 10% of his corps in an erroneous assumption regarding the position of Hancock's Second Corps. His fall from his mount during the conflict cost him much more. Coupled with diarrhea developed while marching toward the North Anna River, Ewell voluntarily relinquished command of the Second Corps to Early.³³⁷ During his absence, Lee replaced Ewell with Early on a permanent basis. Lt. Gen. Richard S. Ewell never led Second Corps again.

The battle of Harris Farm was also the end of fighting for other soldiers as well. During the night retreat of May 19th-May 20th, scores of soldiers were captured as Second Corps groped its way back to their trenches. Toon's Brigade with Jernigan's 20th NC Regiment acted as the rear guard. Thus, Jernigan and his fellow Tar Heels were at the end of a retreat hampered by darkness, poor terrain, and a cold rain. By May 20th, Tyler and Birney turned over 421 Confederate POWs to the Union Provost Marshal. One of those 421 prisoners was George W. Jernigan.

At the start of the Spring Offensive of 1864, Grant had 120,000 blue-clad men in the Army of The Potomac. To supply such a force, a depot was needed that was accessible to the front lines and had the capacity to hold large quantities of material. Wagon trains of ammunition and provisions were sent from this depot daily. Coming from the battlefields were ambulances filled with wounded soldiers of both armies. In addition to the wounded rebel soldiers, the Federal authorities needed a location for captured POWs. Belle Plain, Virginia, which was located seven miles to the east of Fredericksburg on the mouth of the Potomac Creek, became that depot in the spring of 1864. Reinforcements and supplies for the Federal war machine

³³⁵ *O.R.*, Series I, Vol. XXXVI, pt. 2, 1022.

³³⁶ *O.R.*, Series I, Vol. XXXVI, pt.1, 1073

passed from Belle Plain to Grant along the Fredericksburg Road. It was this road that Ewell and the Second Corps were attempting to reach on May 19th. In the opposite direction, caravans of wounded soldiers and columns of POWs paraded. Upon his capture at Harris Farm, Jernigan began his trek into the Union Prison System. His first stop was Belle Plain and the Punch Bowl.

Nestled in a small valley surrounded by a low ridge, the collection site for Confederate POWs resembled a punch bowl. The prisoners were easily watched by Union guards who set up camps including batteries of artillery along the ridgeline. There was a small stream that passed through the cleft in the surrounding hills.³³⁸ As the Exchange Cartel had failed and Grant had terminated all prisoner exchanges, all rebel troops captured from May 5th through May 20th were detained in this location at Belle Plain. While they awaited transportation to Northern prison camps, they received adequate rations.³³⁹ On May 23rd, Grant left Spotsylvania Court House for the North Anna River. The depot was moved from Belle Plain to Port Royal, which was located on the Rappahannock River. All Confederate POWs, including Jernigan, were sent on to Northern prison camps when the depot was changed.³⁴⁰ Steamers sent Jernigan and his fellow captives to their next destination, Point Lookout, Maryland.

Point Lookout Military Prison opened in August of 1863 and was located on the tip of the peninsula formed at the junction of the Potomac River and the Chesapeake Bay. Prior to the war, it had been a seashore resort for eastern shore vacationers. During its operation in the war, it was the major camp for Confederate POWs from the Eastern Theater. The compound of forty acres was sealed off from the rest of the peninsula by a fifteen-foot-high board fence with a

³³⁷ Ibid., 1074.

³³⁸ Holland Thompson, "Volume Seven: Prisons and Hospitals", Francis Trevelyn Miller, Ed., *The Photographic History of The Civil War* (New York: Castle Books, 1957), 39. Originally published in 1911.

³³⁹ Ibid., 154-155.

³⁴⁰ Ibid., 4.

gallery along the top for guards.³⁴¹ Inside these forty acres, a vast number of POWs were held—up to 20,000 men on several occasions. The prisoners lived in tents on a flat stretch of sand bare of any vegetation.³⁴² During the conflict, over 50,000 Confederate captives were interned at Point Lookout. Most of these men were transferred to other prison camps in the North. However, 3,584 prisoners perished at Point Lookout during its twenty-two month existence.³⁴³

When Jernigan arrived in May of 1864, the camp numbered 5,741 prisoners and he was one of 6,876 captives to join the camp during the month.³⁴⁴ Upon arrival, he and his fellow prisoners were searched for hidden currency and had the contents of their pockets turned out onto the ground.³⁴⁵ Jernigan was assigned a tent and awaited his fate. Exposure to the elements, poor water supply, and overcrowding by even more POWs was his future at Point Lookout. As the number of captives increased in Maryland, pressure was created to transfer some of these men to other facilities including a new camp in New York. Among the 12,671 POWs at Point Lookout in June of 1864, Jernigan was designated for transfer to another facility in early July.

On June 30th, preparations were made for the transfer of 2,000 POWs from Point Lookout to a new facility. They were to be divided into groups of 400 men guarded by a detachment of one hundred guards. Prior to transfer, all of the men were given two days of cooked rations. On July 2nd, the first group of prisoners assembled at the main gate of the Point Lookout camp. Jernigan was one of those 400. The POWs were marched down to the dock to board steamers. Their trip took them down the Chesapeake Bay, past Hampton Roads and into the Atlantic

³⁴¹ Speer, *Portals To Hell*, 151.

³⁴² *Ibid.*, 152.

³⁴³ *Ibid.*, 329.

³⁴⁴ *O.R.*, Series II, Vol. VIII, 996.

³⁴⁵ Burnham, *So Far From Dixie: Confederates in Yankee Prisons*, 40.

Ocean, then up the Delaware Peninsula and Jersey Shore for New York Harbor.³⁴⁶ Though the journey was short, the experience was miserable. Besides limited space on the steamers, there were no sleeping accommodations. A number of captives were already ill prior to the voyage. The combination of ocean waves and fatty pork rations did not help them improve.³⁴⁷ Many more POWs became sick due to the ocean voyage itself. With the lack of sleeping accommodations, the prisoners were forced to sleep standing up. Upon reaching the New York Harbor, the POWs were marched across the Hudson River to Jersey City. One captured rebel, noting the enormous wealth of the city, marveled at the resilience of the Confederacy to take on such a foe.³⁴⁸

At Jersey City, Jernigan and his fellow POWs boarded Erie Railway boxcars for the trip to Elmira that took 17-20 hours. Delays for fuel and water were expected. The time of the trip was increased by necessary prisoner head counts. While the guards ordered strict silence from their captives, the Southern POWs persuaded civilians to slip them tobacco and crackers.³⁴⁹ At 6:00 A.M. on Wednesday, July 6, 1864, the first Confederate POWs were greeted by hundreds of Elmirans who had gathered in the early morning to glimpse these first arrivals.³⁵⁰ In columns of four, Jernigan and the other POWs marched south on Main Street and then west onto Water Street to the entrance of the camp. Charles Fairman in the *Elmira Advertiser* described this march. He wrote, “Although lean and lank, yet evidently possessing the vigor and litheness to go through thick and thin. Of course they were black, sunburnt and dirty; but they took their lot

³⁴⁶ Gray, *The Business of Captivity*, 10.

³⁴⁷ *Ibid.*, 11.

³⁴⁸ Burnham, *So Far From Dixie: Confederate in Yankee Prisons*, 43.

³⁴⁹ Gray, *The Business of Captivity*, 11.

³⁵⁰ Horigan, *Elmira: Death Camp of the North*, 34.

cheerily and laughed and joked among themselves...They marched off lively towards Barracks No. 3 from the depot, seemingly gratified by their recent change of base.”³⁵¹

For approximately two miles, Jernigan marched past the stately elms, the exquisite village green, and the elegant buildings of the business district of Elmira to his new residence. The heavy, thick gates of Elmira Prison Camp awaited their arrival.³⁵² A. J. Madra of Tarboro, North Carolina and a member of the 30th NC Regiment was first through the gates. Madra, who survived Elmira, recalled, “I was at the head of the column, walking by the side of a U. S. sergeant, and he remarked to me: “You are the first “Reb” in the prison’.”³⁵³ George W. Jernigan was number 275 through the gates of “Helmira.” Unlike Madra, he was never to see North Carolina again.³⁵⁴

³⁵¹ Ibid., 35.

³⁵² Ibid., 34.

³⁵³ Ibid., 35.

³⁵⁴ M 598, Roll 65. *Selected Records Of The War Department Relating To Confederate Prisoners Of War 1861-1865. Elmira N.Y., Military Prison* General Registers of Prisoners, 1862-1865, (Washington: The National Archives and Records Service, 1965).

CHAPTER 5

HOFFMAN'S DECISIONS AT ELMIRA MILITARY PRISON AND THEIR EFFECT ON THE HEALTH OF CONFEDERATE POWs

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 civil imprisonment, want of food, by mutilation, death, or any other barbarity.

Francis Lieber³⁵⁵

“If there ever was a hell on earth, Elmira prison was that hell...”³⁵⁶ These words, penned in 1926 by a former POW held at Elmira, reflected the deep seated animosity that the military prison camp generate. For some Confederate soldiers, Elmira represented the worst conditions the Union Prison system created. For nearly 3,000 other prisoners, Elmira represented a final resting place earning its title “Death Camp of the North.” The opening of Elmira in July of 1864 came at a time at which the intensity of the Civil War was increasing. “The hatred engendered in the minds of the contestants of the conflict”³⁵⁷ drove the North and the South farther apart and hardened their hearts and minds. This “war psychosis” created an environment in which behavior unimaginable earlier in the war became common and accepted. The tragedy for Elmira was it came to represent some of the worst of the Union’s behavior toward their Confederate captives.

While institutions or governments may embody a certain philosophy or “corporate culture,” it is the daily decisions by individuals that put their philosophy into practice. The thesis of this chapter is that the decisions made by Hoffman directly affected the Confederate

³⁵⁵ Friedman, *The Law of War*, 169.

³⁵⁶ F. S. Wade, “Getting Out of Prison,” *Confederate Veteran* XXXIV (1926): 379-380.

³⁵⁷ Hesselstine, *Civil War Prisons*, 172.

prisoners at Elmira. In the twelve-month existence, Elmira had the highest death rate of any camp in the Union prison system. Many factors, some controllable such as the number of POWs sent to Elmira and some uncontrollable such as the severe weather, created this high percentage of death. Yet, Hoffman's decisions also affected the fate of Confederate prisoners at Elmira. His decisions regarding the population of the camp, the drainage of Foster's Pond, and the building of barracks all caused the Elmira captives hardship and suffering. Unlike Hunter's contention, the change in actions by Hoffman in the last year of the war did have an impact on the condition of Confederate POWs.

During the 1862 buildup of Confederate POWs, Capt. H. M. Lazelle was ordered by Hoffman "to visit the permanent camps at Albany, Utica, Rochester, and Elmira, N.Y. and also the U. S. barracks at Buffalo to ascertain their capacity for quartering troops and to make a written report thereon accompanied by a general plan of each camp."³⁵⁸ Lazelle's report of June 25th, 1862, dealt with the camp located at Elmira, N.Y., which he visited around the 19th of June. Lazelle noted that the camp at Elmira consisted of four separate camps respectively named Camp Rathbun, Arnot Barracks, Post Barracks, and Camp Robinson Barracks. For all four camps, Lazelle estimated a total capacity of 10,500 POWs if the present sleeping arrangements were adjusted. He included diagrams of each camp as per Hoffman's instructions and finished his report by noting that Elmira was connected by railroad to Baltimore, Maryland via Harrisburg, Pennsylvania. The total distance from Elmira to Baltimore was 202 miles less than by way of Albany and New York City.³⁵⁹

³⁵⁸ *O.R.*, Series II, Vol. IV, 67.

³⁵⁹ *Ibid.*, 74.

Lazelle's New York itinerary took him to the major cities of Albany, Rochester, and Buffalo. The inclusion of Elmira seemed unusual, but the military facilities at Elmira reflected its location and topography. From the earliest settlements of Indians and white settlers, Elmira's Chemung Valley was conducive to economic and military activity. The valley acted as a natural corridor from west to east. By 1833, the town of Elmira and its businessmen were connected by the Chemung Canal to Seneca Lake, one of New York's Finger Lakes. The age of the railroad reached Elmira in 1849. The completion of the New York and Erie Railroad in October brought the following pronouncement from a local newspaper, "We are now placed within about fourteen hours of the city of New York. It is a great era in the history of our country to be in connection with the great market of our union in so short a period."³⁶⁰ More railroad building continued in western New York State including rails running northward parallel to the Chemung Canal. Upon completion of the north-south tracks of the Northern Central Railroad into Pennsylvania, the Chemung Valley was accessible from all four directions by the vehicles of the newest technology. By 1860, Elmira was a town of 8,682 citizens and the surrounding Chemung County enhanced the industrial town with an abundant agricultural economy.³⁶¹

With the firing on Fort Sumter, Lincoln issued a request for 75,000 volunteers to suppress the rebellion. When New York Governor Edwin D. Morgan announced on April 17th, 1861 that Albany, New York City, and Elmira were the military depots for New York State, the prominence of Elmira was solidified. Most newly recruited soldiers were assigned to one of the four military camps set up during May and June of 1861 around Elmira. One of these camps was formed from land leased from William Foster, an Elmira citizen. His property, which was

³⁶⁰ Horigan, *Elmira: Death Camp of the North*, 2.

³⁶¹ *Ibid.*, 3.

located approximately one mile west of downtown, had once been a portion of the racecourse for the local fairgrounds. The plot of land encompassed a rough 300-yard by 500-yard rectangle. It was generally flat, but the contour sloped toward the south and the Chemung River. The army leased the right to use the land, including an elongated pond located at the back of the property near the river. In honor of its landowner, the pond was named Foster's Pond.³⁶²

Foster's property became known as Camp Rathbun and accommodated military personnel from the onset of hostilities until Lazelle inspected it. In his report, Lazelle noted that the camp was fenced on the east, west, and north by a four and a half foot fence of horizontal slats nailed to upright posts, which were five feet in height. The southern boundary was the Chemung River and Foster's Pond. The camp was divided by a camp road, which separated the barracks. There were twenty barracks with ten on each side of the road. Each barracks measured 88' by 18' by 8' and was furnished with wooden bunks. The bunks were placed end to end on the long side of the barracks and numbered twelve sets of two double bunks. There was room for approximately 100 men. Lazelle estimated that a different arrangement of the bunks could increase the capacity of each barracks by 50 men. The estimated total capacity of Camp Rathbun in 1862 was 2,000 troops as the bunks were set or 3,000 troops if they were rearranged.³⁶³

The remainder of Camp Rathbun was described in Lazelle's report. There were several buildings including two houses for guards (located at the front of the camp on either side of the main entrance), a sutler's store building, and the staff quarters consisting of five equally dimensioned rooms. Closer to Foster's Pond were the mess halls. Each hall contained tables

³⁶² Gray, *The Business of Captivity*, 3.

³⁶³ *O.R.*, Series II, Vol. IV, 68.

and benches for 1,000 men. The kitchen, located between the two mess halls, was complete with cooking facilities. It had a steam engine, large ranges, furnaces, and boilers sufficient to cook for 2,000 men at one time. In Lazelle's diagram of the camp, he indicated the fresh water wells for the camp were positioned in a shed to the rear of the kitchen. Each well was provided with a pump. Lazelle did have one note of concern in his report. He described the sinks as insufficient, incomplete, and filthy.³⁶⁴ In addition to the inadequate sinks for just 2,000 troops, the location of the fresh water wells was worrisome. These wells provided the troops with all of their water for cooking and drinking. Initially Foster's Pond was used for bathing and washing by the troops. Given the proximity of the wells to Foster's Pond, any contamination of Foster's Pond had the potential to contaminate the water supply for the entire camp.

After the onset of the Exchange Cartel of 1862, the urgency for additional space abated for Hoffman. As for Elmira's four camps, Post Barracks and Camp Robinson Barracks were disbanded and never used again. When the Federal Government assumed control of military installations in 1863, Elmira was named headquarters for the western part of New York State in the Department of the East. Upon implementation of conscription, the War Department designated the Elmira site as Draft Rendezvous.³⁶⁵ Arnot Barracks and Camp Rathbun were designated Barracks Number 1 and Barracks Number 3 respectively. With the addition of ten new barracks, Barracks Number 3 increased its capacity for troops. Each of the new barracks was 25' by 80' by 12' high and could accommodate 150 men. There was now a total of thirty

³⁶⁴ Ibid., 68. (Note: For the reader's understanding, the term sink used here substitutes for latrine)

³⁶⁵ Gray, *The Business of Captivity*, 4.

barracks constructed on Foster's property, giving a maximum capacity for 4,000 troops (with crowding) in the barracks.³⁶⁶

By May of 1864, the effective collapse of the Exchange Cartel and Grant's Overland Campaign had markedly increased the number of Confederate POWs. Hoffman searched for sites to transport prisoners to relieve the existing overcrowded conditions at Point Lookout Military Prison. At Elmira, six companies of the 179th New York Volunteers had recently departed. Their departure left the thirty barracks at Barracks Number 3 empty.³⁶⁷ Assistant Adjutant-General Edward D. Townsend notified Hoffman of this fact on May 14th, 1864. Townsend wrote, "I am today informed that there are quite a number of barracks at Elmira, N. Y. which are not occupied, and are fit to hold rebel prisoners. Quite a large number of those lately captured could be accommodated at this place. I give you this information for you to make such use of it as you think proper."³⁶⁸ Hoffman knew exactly what to do with that kind of information. He informed Stanton on May 19th of the overcrowded conditions at Point Lookout where 10,000 POWs were located. He respectfully suggested that one set of barracks at Elmira be appropriated for the overflow of Point Lookout. The plan was to ship the prisoners directly from Belle Plain on steamers to New York City and then to Elmira by railroad cars. Finally, in a terribly fateful assessment, Hoffman stated, "I am informed there are barracks there available which have, by crowding, received 12,000 volunteers. By fencing them in at a cost of about \$2,000 they may be relied on to receive 8,000 or possibly 10,000 prisoners."³⁶⁹ Hoffman's assessment was apparently based on Lazelle's 1862 report, but the decision on the number of

³⁶⁶ Horigan, *Elmira: Death Camp of the North*, 29.

³⁶⁷ Gray, *The Business of Captivity*, 6.

³⁶⁸ *O.R.*, Series II, Vol. VII, 146.

³⁶⁹ *Ibid.*, 152.

prisoners to be encamped was Hoffman's. This assessment haunted the captives at Elmira for its entire existence.

On the day he notified Stanton of his plan to occupy Elmira's barracks, Hoffman alerted on old acquaintance of his new command. Lt. Col. Seth Eastman, commander of Draft Rendezvous, was ordered "to set apart the barracks on the Chemung River at Elmira as a depot for prisoners of war."³⁷⁰ Eastman, who previously managed prisoners at McLean Barracks as Military Governor of Cincinnati,³⁷¹ had been a classmate of Hoffman's at West Point. Hoffman further instructed Eastman to enclose the barracks with a suitable fence similar to ones at other depots. His communication gave exact details of the fence required including the height of the fence and requirements for the sentries. He finished by stating that he not only expected 8,000 to 10,000 prisoners, but that the barracks might be needed within ten days.³⁷²

Four days later Eastman responded to Hoffman's letter. His report mirrored Lazelle's 1862 inspection with regard to the status of Barracks Number 3. He noted the absence of a hospital on site, but assured Hoffman that the mess halls could seat 1,200 to 1,500 troops at a time. His understanding was that the kitchens would handle 5,000 troops daily. His communication indicated the work on the fence had been started and would probably be finished in ten days. While Eastman was concerned about a shortage of guard personnel, he was confident the barracks would hold 4,000 POWs with tents accommodating approximately 1,000 more prisoners.³⁷³ In Eastman's estimation, the capacity of Barracks Number 3 was 5,000 prisoners or one-half of Hoffman's proposed number.

³⁷⁰ Ibid., 152.

³⁷¹ Gray, *The Business of Captivity*, 7.

³⁷² *O.R.*, Series II, Vol. VII, 152.

³⁷³ Ibid., 157.

While work proceeded on the fence, officials in Washington were considering alternative sites. On May 30th, Eastman received word that Elmira was no longer considered a site for POWs.³⁷⁴ Regardless, he finished the fence project shortly after June 5th. The twelve-foot high fence extended 5,610 feet around the roughly rectangular plot. A main gate faced the Foster's residence on Water Street. A wooden walkway was set on the outside of the fence—eight-feet high and four-feet wide. Sentry boxes were set at intervals with diamond-shaped windows to visualize the entire area in foul weather. There were forty-seven sentry boxes accessed by stairways on the outside of the structure. The walkways had railings in place to help during the night watch.³⁷⁵ On June 22nd, new communications ordered Eastman to prepare Elmira for prisoners a per Hoffman's May 19th instructions. Hoffman reiterated his instructions to Eastman. "In establishing the fence it is advisable, if practicable," he wrote, "to inclose ground enough to accommodate in barracks and tents 10,000 prisoners."³⁷⁶ Eight days later, Hoffman notified the commanding officer at Point Lookout to prepare for the transfer of 2,000 prisoners to Draft Rendezvous barracks in groups of 400 men accompanied by 100 guards.³⁷⁷

Before the first contingent of prisoners including George W. Jernigan reached Elmira, Eastman had completed the fence project. Yet, the campground had no hospital on site and barracks capacity for only 4,000 men. Tents were to be used for the additional POWs. Besides no hospital, Elmira had been assigned no medical personnel. There were no military medical personnel on hand to meet the first POWs. At Camp Douglas in Chicago, at least six Chicago physicians were hired to treat the prisoners.³⁷⁸ In regard to rations, Hoffman's May 19th

³⁷⁴ Horigan, *Elmira: Death Camp of the North*, 30.

³⁷⁵ Gray, *The Business of Captivity*, 9.

³⁷⁶ *O.R.*, Series II, Vol. VII, 394.

³⁷⁷ *Ibid.*, 424.

³⁷⁸ Levy, *To Die in Chicago: Confederate Prisoners at Camp Douglas 1862-1865*, 26.

reduction was made official on June 1st. The circular required reductions in bread, cornmeal, and potatoes. Sugar and coffee or tea was excluded to healthy POWs. The sick or wounded prisoners were to receive reduced quantities on an every other day basis.³⁷⁹ Into this situation, 8,000 to 10,000 prisoners were to be placed.

Within the first week of arrival of prisoners, the camp census was 1,151 POWs, including George W. Jernigan and two distant cousins, Lewis and Cader Jernigan, from Wayne County, North Carolina. They had served in Company H of the 20th NC Regiment and were also captured during the Overland Campaign. By July 12th, Elmira had received its first official evaluation. Lt. Col. Charles T. Alexander, Surgeon and Acting Medical Inspector, reviewed the camp on July 11th. His report, which was filed directly to Hoffman on July 14th, found the camp in good condition. His assessment indicated that the barracks would hold 5,000 men and tents could contain 3,000 to 5,000 additional prisoners. Alexander's assessment matched Hoffman's expectations. There were shortcomings according to Alexander. The prisoners had no proper hospital organization. They were cared for by a local surgeon, William Wey, who visited the camp once daily in his role as surgeon for the Union troops. Among Alexander's recommendations were a 300-bed hospital, a laundry, and "the immediate necessity of a competent surgeon to take charge."³⁸⁰

The condition of the sinks after only one week of occupancy was a significant portion of Alexander's report. The Medical Inspector detailed the close proximity of the sinks to a stagnant slough. His concern was the sinks might become offensive and a source of disease. The slough described was Foster's Pond. Alexander's remedy was "either to bring water from the city of

³⁷⁹ *O.R.*, Series II, Vol. VII, 183.

³⁸⁰ *Ibid.*, 465.

Elmira and construct new sinks with suitable drainage, or to cause the river near which the camp is situated to communicate with the slough, thereby providing a running stream through the camp”³⁸¹ By the ninth day of the camp’s existence, Hoffman was informed of the potential hazard Foster’s Pond posed to the POWs and a remedy—proper drainage—had been suggested.

Shortly thereafter, Eastman and Elmira received an important visitor. On July 19th, Hoffman arrived in town and registered at a local hotel. He dined with his classmate that evening before touring the camp the following day. Accompanied by Eastman, Hoffman inspected the camp, which still lacked a hospital and a complete medical staff, and Foster’s Pond. Upon finishing his inspection, Hoffman returned to Washington on the evening train. While he left no new orders regarding the camp or Foster’s Pond, he did communicate with the press. The following day the *Elmira Advertiser* reported, “Col. Hoffman spent the day yesterday in examining into the condition of those at Barracks No. 3. He professed himself highly pleased with the accommodations and arrangements which have been devised for their comfort.”³⁸² By the end of July, the official camp census stood at 4,424 prisoners with eleven who had died and two prisoners listed as escaped.³⁸³

August at Elmira brought significant changes for the prisoners encamped there. It also brought a marked increase in the number of POWs. The camp census doubled during the first half of the month. When the fifteenth detachment of POWs arrived on August 18th, the camp counted 9,262 prisoners.³⁸⁴ As this number far exceeded the maximum capacity of the barracks, tents were set up on the grounds, which formerly was the old racecourse. Tents quickly became

³⁸¹ Ibid.

³⁸² Horigan, *Elmira: Death Camp of the North*, 44.

³⁸³ *O.R.*, Series II, Vol. VIII, 997.

³⁸⁴ Gray, *The Business of Captivity*, 19.

in short supply. By August 7th, Eastman notified Hoffman that he was out of tents and requisitioned more. Because of this tent shortage, a portion of the military guard was transferred to Barracks Number 1. Eastman inquired as to the regulations regarding clothing for the prisoners.³⁸⁵ Hoffman reassured Eastman that he had the Quartermaster-General forwarding more tents without delay. He reminded Eastman that only clothing of gray coloring could be issued to prisoners and that prisoners were not allowed to purchase tools and leather for repairing shoes.³⁸⁶ In the coming winter, many prisoners developed frostbite due to a lack of quality shoes.

Tools and leather were soon not the only things the prisoners were denied. Earlier in 1864, Hoffman had enforced regulations prohibiting the sending of boxes of supplies from friends and families to the POWs. At the behest of Butler, these regulations had been relaxed. Prisoners were allowed to receive boxes containing “nothing harmful or contraband” and were allowed to purchase certain supplies including clothing from the sutlers. Hoffman noted he did not concur with Butler’s recommendations and indicated he had been the one who suggested the limitations placed on this privilege.³⁸⁷ On August 10th, Hoffman again suspended this privilege. The circular read, “It is ordered that hereafter no supplies of any kind will be furnished to prisoners of war by their relatives or friends except in the cases of illness...”³⁸⁸ The list of articles that could be sold by the sutlers was included in the circular. While tobacco was still on the list, it did not contain foodstuffs, especially fresh vegetables and fruits. In essence, Hoffman

³⁸⁵ *O.R.*, Series II, Vol. VII, 560.

³⁸⁶ *Ibid.*, 584.

³⁸⁷ *Ibid.*, 531.

³⁸⁸ *Ibid.*, 573.

had eliminated the major source of supplementation of the existing rations left to the POWs. Their diet was now largely bread and water with a small amount of meat.

In response to a question from the camp commander at Camp Chase, Hoffman gave an illustration of the extent of this suspension. Col. W. P. Richardson requested clarification of the August 10th circular with regard to disposal of supplies already received. He reported, “The consequence is the accumulation of a large amount of supplies, the greater portion of which are of a perishable nature... Will you instruct men what disposition to make of these articles?” In a response to Richardson on August 26th, Hoffman instructed that the supplies were to be disposed as the prisoner saw fit. The supplies were either to be sold and the money credited to the prisoner or to be returned to the donor, if the prisoner paid the expense of sending it back.³⁸⁹ Regardless, the supplies already in the possession of camp officials were not to be made available to the individual prisoner.

The prisoners soon felt the new regulations. Without the availability of fresh vegetables and fruits and the diminished rations of June 1st, the prisoners at Elmira experienced a large increase in the incidence of scurvy. By August 26th, Lt. Lounsbury, Acting Assistant Adjutant-General, received a report listing 793 cases of scurvy among the 9,300 POWs in camp. The report stated that scurvy did not arise from any sanitary neglect and recommended an extra issue of one ration per week of potatoes, cabbage, or onions to the prisoners in general and daily issue of the ration to prisoners with scurvy. This report was indorsed by Eastman and referred to Hoffman. Eastman noted the hospital fund could not cover the enormous cost and asked to use the prison fund to cover the expense. He recommended further that sutlers be permitted to sell

³⁸⁹ Ibid., 672, 680

green vegetables to the prisoners during the time that scurvy was present. Within two weeks, Hoffman approved Eastman's request.³⁹⁰

Elmira's new Head Surgeon, Maj. Eugene F. Sanger, wrote this medical report to Lounsbury. Sanger was in Baltimore after participating in the Red River Campaign when on July 29th, he received orders to assume the position of Chief Surgeon at Barracks Number 3. He reported for duty on August 6th, or four weeks and three days after the camp opened. Within a week, Sanger had serious concerns about the camp, especially Foster's Pond. In his report to Lounsbury, Sanger described in detail the condition of the pond, which he thought of as a pool of standing water. He indicated that one large sink used by the POWs stood directly over the pond, which received fecal matter hourly. Sanger calculated that "seven thousand men will pass 2,600 gallons of urine daily, which was highly loaded with nitrogenous material." He reviewed the possibility of neutralizing the stench of the pool with chemicals, but rejected this idea due to the quantity and expense of the chemical needed. His final solution was one already proposed by Alexander. Sanger wrote, "The remedy then is to pass a current of water through this putrid matter...A large drain should be dug through the low run in the camp proper, and emptying drains should be dug from the main drain to the pond...Unless the laws of hygiene are carefully studied and observed in crowded camps disease is the inevitable consequence."³⁹¹

In reporting the condition of Foster's Pond, Sanger was joined by Eastman who wrote Hoffman directly. On August 17th, Eastman pointed out the offensive odor emanating from the pond. He predicted as well that sickness would occur if the situation were not fixed very shortly. Like Alexander and Sanger, Eastman echoed, "The only remedy for this is to dig a ditch from the

³⁹⁰ Ibid., 682, 683, 785.

³⁹¹ Ibid., 604, 605.

pond to the river so that the water will run freely through it.” Unlike the previous two observers, Eastman proposed a plan of action and had already commissioned a survey into the project. He estimated the length of the ditch to be a mile. In his opinion, the only objection to the project was it might do some damage to the land through which the ditch ran. It appeared he had already conferred with the property owners as he reported, “They have, however, no objection to having the ditch dug.” Eastman closed his report by requesting Hoffman to give instructions for this project quickly. He concluded, “For if the work is to be done, it should be done immediately.”³⁹²

Hoffman telegraphed Eastman the next day requesting a copy of the survey. Eastman complied with this request and added more details regarding the ditch project. He noted the length to be roughly 5,960 feet with an average depth of six feet except in a certain area where it would be seven feet. As Eastman’s plan called for an open ditch, two of the four involved landowners refused to allow the work to proceed. They feared that the next rainfall would ruin their land between the ditch and the river. Owing to a region-wide drought in the summer of 1864, Eastman rejected the possibility of bringing water to the camp from the city water-works. The drought caused the town of Elmira to have difficulty supplying its own inhabitants with water. Eastman estimated the cost of the project at \$5,000. Eastman did observe that should heavy rains come shortly then the work would not be required.³⁹³ While 553 prisoners lay ill in the hospital tents and another 558 awaited admission, this hope for rain and solution to the problem of Foster’s Pond never materialized. The death count at Elmira rose from eleven in July

³⁹² Ibid., 604.

³⁹³ Ibid., 1004-1005.

to 115 for August.³⁹⁴ Unlike the two-week response to the concerns about scurvy, Eastman never heard from Hoffman regarding the Foster's Pond drainage ditch project.

The end of August also brought the end for a quick release from Elmira and elsewhere for the Confederate POWs. Wilber Wightman Grambling, who was a member of the 5th Florida Volunteer Regiment, was captured on May 6th at the battle of the Wilderness. Transferred from Washington, he entered Elmira on July 25th. In his diary dated Saturday, Aug. 20, 1864, he wrote, "The exchange question is still being agitated very much. Report says (said to be reliable) commencing 10th Sept. all over plus to be paroled & all to have 60 days furlough on our return."³⁹⁵ Prisoners heard rumors of all types daily. However, the *New York Times* gave some credibility to this one. In an editorial on August 23rd, the editors noted the condition of "our poor, suffering, half-famished soldiers now prisoners in the south." They concluded, "In view of this condition of things, then, we can conceive of nothing more proper for the War Department to do in the premises than find a way at once to make a general sweeping exchange of prisoners."³⁹⁶ The next day, the *New York Times* again called attention, in graphic detail, to the conditions at Andersonville. Their call to the Lincoln administration and military leaders was simple. The editors stated, "The duty of the military authorities is surely clear. Exchange the white prisoners man for man at least; if no better can be done for the negro troops now, their time will come anon, unless the South is to have a monopoly of the capture of prisoners."³⁹⁷ While the editors of the *New York Times* called for the exchange of prisoners, and prisoners such

³⁹⁴ *O.R.*, Series II, Vol. VIII, 997.

³⁹⁵ W. W. Grambling, "Diary of W. W. Grambling", <http://www.angelfire.com/ny5/elmiraprison/gramling.html>.
Downloaded 3/3/2002.

³⁹⁶ *New York Times*, August 23, 1864, 4:4.

³⁹⁷ *New York Times*, August 24, 1864, 4:4.

as Grant hoped for it, one Union military leader was opposed to any exchange of POWs—Grant.

Grant's position on the exchange of prisoners was not created in August of 1864 as some historians have implied. In his study, *Battle Cry of Freedom: The Civil War Era*, James M. McPherson wrote, "A good many historians—especially those of southern birth—have pointed to Grant's remarks (of August 1864) as the real reason for the North's refusal to exchange. Concern for the rights of black soldiers, in this view, was just for show. The northern strategy of a war of attrition, therefore, was responsible for the horrors of Andersonville and the suffering of prisoners on both sides. This position is untenable. Grant expressed his opinion more than a year after the exchange cartel had broken down over the Negro prisoner question." McPherson noted such Southern historians as William Hesseeltine and Shelby Foote as well as a non-Southerner, James Ford Rhodes as proponents of this view."³⁹⁸ McPherson was right in that Grant did not order the halt of exchanges for the purpose of attrition, but Grant had already halted the exchanges in April of 1864. In his order of April 17th, Grant wrote Butler that the validity of the paroles of the prisoners captured at Vicksburg and Port Hudson and the status of African-American prisoners were the only points that required instructions. Failure to agree to both or either of these points by the Confederate authorities was to be regarded as a refusal on their part to agree to further exchanges of prisoners.³⁹⁹ Grant was on record well before his comments of August 1864 concerning the exchange of prisoners. In August, he used the concept of attrition to strengthen his previously stated position. It was not until October of 1864 that the treatment of African-American POWs was the stumbling block between Grant and Lee for the

³⁹⁸ McPherson, *Battle Cry Of Freedom: The Civil War Era*, 799-800.

³⁹⁹ *O.R.*, Series II, Vol. VII, 62-63.

resumption of the exchange of prisoners. McPherson did not acknowledge Grant's previous statements when he wrote his comments.

In a letter to Butler on August 18th, Grant confirmed his injunction on exchanges of prisoners. He wrote, "I am opposed to exchanges being made until the whole matter is put on a footing giving equal advantages to us with those given to the enemy. In the meantime I direct that no flags of truce be sent to the enemy nor any arrangements entered into with him without my first being advised of what is being done and yielding my consent to it."⁴⁰⁰ Grant followed up these statements with another letter to Butler dated the same day. Voicing the concerns from his April discussion with Butler, Grant commented, "Every man we hold, when released on parole or otherwise, becomes an active soldier against us at once either directly or indirectly. If we commence a system of exchange which liberates all prisoners taken, we will have to fight on until the whole South is exterminated. If we hold those caught they amount to no more than dead men." Grant explained his overall view of prisoner exchanges in a letter to Secretary of State William H. Seward on August 19th. He insisted, "We ought not to make a single exchange nor release a prisoner on any pretext whatever until the war closes. We have got to fight until the military power of the South is exhausted, and if we release or exchange prisoners captured it simply becomes a war of extermination."⁴⁰¹ There was to be no general exchange for the prisoners at Elmira or any Union prison camp.

Despite the drought in Chemung County during the summer, the local newspapers reported excellent crops of fruits including apples, pears, and peaches as well as a variety of

⁴⁰⁰ Ibid., 606.

⁴⁰¹ Ibid., 607, 615.

fresh vegetables including potatoes.⁴⁰² In his response to Eastman on September 8th, Hoffman did allow sutlers to sell fresh fruits and vegetables to those prisoners who could afford them.⁴⁰³ By September 11th, there were 1,870 reported cases of scurvy.⁴⁰⁴ As for the rations received by the prisoners after the circular of August 10th by Hoffman, a letter secreted out of Elmira by a prisoner, John Brunson, shed light on their fare. Brunson wrote to his sister, “I will give you some idea of my solution. I would never have written to you for money, but I am almost starved to death. I only get two meals a day, breakfast and supper. For breakfast I get one-third of a pound of bread and a small piece of meat, for supper the same quantity of bread and not any meat, but a small plate of warm water called soup.”⁴⁰⁵ The debate over the quantity and quality of rations for any POW was an ongoing and never ending one. For those POWs who felt their rations did not satisfy their needs, there were alternative sources of food.

One evening a prisoner was brought before the camp’s officer for suspicious behavior. When questioned as to his behavior, the prisoner answered he had been hunting. The officer queried the prisoner as to what type of game he was hunting. The prisoner quickly replied, “rats.”⁴⁰⁶ With the deterioration of Foster’s Pond, the camp’s rodent population had increased dramatically. The rodents emerged toward evening from deep holes buried into the side of the pond. When a rat was sighted, according to one prisoner, “Such a hurrah and such a chase and such a volley of stones! You would have thought it was our Battalion of Sharpshooters in charge.”⁴⁰⁷ The prisoners prepared the rats either by frying or grilling. In the market place of

⁴⁰² Horigan, *Elmira: Death Camp of the North*, 71.

⁴⁰³ *O.R.*, Series II, Vol. VII, 785.

⁴⁰⁴ James I. Robertson, Jr., “The Scourge of Elmira,” William B. Hesseltine, Ed., *Civil War Prisons* (Kent: The Kent State University Press, 1962), 88.

⁴⁰⁵ *O.R.*, Series II, Vol. VIII, 52-53.

⁴⁰⁶ Gray, *The Business of Captivity*, 40.

⁴⁰⁷ *Ibid.*

the camp, a rat was worth four or five cents, five chews of tobacco, or a loaf of bread.⁴⁰⁸ Rats were not the only other source of dietary supplementation. Pets, especially dogs, of the townspeople were known to wander near the camp and never return. The punishment for being caught eating dog was the wearing of a barrel shirt. The offending prisoner was forced to wear a barrel and walk around camp for a specified number of hours. The barrel had attached to it a sign, which read, “I eat a dog.”⁴⁰⁹ Other offenses by prisoners were punished in a similar fashion.

In his report on the camp for September 25th, Capt. Munger, Camp Inspecting Officer, advised the camp commander, “During the past week there have been 112 deaths, reaching one day 29. There seems little doubt numbers have died both in quarters and hospital for want of proper food.”⁴¹⁰ The receiver of Munger’s report was the new camp commander, Col. Benjamin Tracy, who assumed command of Elmira on September 20th. He replaced Eastman who was relieved of command due to health reasons. Tracy forwarded Munger’s report to Hoffman with his own attachment. He noted extensive scurvy and the offensive smell from the sinks, which permeated into the tents of the prisoners. Tracy became the fourth officer to alert Hoffman to the effects of Foster’s Pond. He wrote, “There is a pond of stagnant water in the center, which renders camp unhealthy.” His remedy echoed the other officers—drain water from the river through the camp.⁴¹¹ In a month in which no new prisoners arrived and fresh fruits and vegetables were accessible to all prisoners, sick and well, the death toll at Elmira did not

⁴⁰⁸ Ibid., 41.

⁴⁰⁹ Holmes, *The Elmira Prison Camp: A History of the Military Prison at Elmira, N.Y. July 6, 1864, to July 10, 1865*, 367. Illustration Plate #24 located after page 72.

⁴¹⁰ *O.R.*, Series II, Vol. VII, 878.

⁴¹¹ Ibid., 878.

improve. It increased from 115 to 385, which was the most for any camp in the Union prison system.⁴¹² Elmira contributed 44% of all Confederate POW deaths that month.

Tracy's concern for the effect of Foster's Pond as the source of the camp's diseased state was well founded. Following the problems with scurvy, a significant number of the camp's inhabitants developed "chronic diarrhea." Seventy-five years after being a prisoner at Elmira, James Hoffman recalled that the "well water looked pure and good but was deadly poison to our men."⁴¹³ The location of the wells to Foster's Pond made them susceptible to ground contamination from the bacterial infestation of the pond. The Confederate POWs developed symptoms of contaminated well water—headaches, dizziness, fever, coughing, nausea and vomiting, and chills. Weakened by scurvy, the prisoners succumbed to dehydration and electrolyte imbalance.⁴¹⁴ As American medicine and its practitioners had not yet accepted Louis Pasteur's germ theory, the most logical way to stop the well water contamination was to drain Foster's Pond.

Munger's next report to Tracy did nothing to alleviate Tracy's concerns. In his report dated October 16th, Munger noted there were 588 patients in the hospital and 1,021 POWs receiving medical treatment in their dwellings. Even after the transfer of 1,200 invalid prisoners in October, there were forty-four deaths recorded in the camp in the last four days. Munger speculated, "The cause of this amount of sickness and death is a matter of deep interest. That the existence of a large body of filthy, stagnant water within the camp has much to do with it can admit of no doubt." In his communication with Hoffman four days later, Tracy enclosed

⁴¹² *O.R.*, Series II, Vol. VIII, 998.

⁴¹³ Horigan, *Elmira: Death Camp of the North*, 75.

⁴¹⁴ *Ibid.*

Munger's report. He admitted that the mortality rate at Elmira was so great as to require a most rigid investigation as to its cause. As for the future, he prognosticated, "If the rate of mortality for the last two months should continue for a year you can easily calculate the number of prisoners there would be left here for exchange."⁴¹⁵

Eastman had been ill the last month of his military career and Tracy was younger, more energetic and aggressive. He persisted in calling Hoffman's attention to the dangers of Foster's Pond. In another October communication to Hoffman, Tracy wrote, "The continued prevalence of disease and death in this camp impels me to call the attention of the authorities to what is apparently the cause, to wit, the existence of a stagnant pond of water within the inclosure. Nothing else that I can see produces the large mortality among the prisoners."⁴¹⁶ The letter gave Tracy's opinion as to how to drain Foster's Pond. Rather than an open trench, as proposed by Eastman, Tracy recommended the use of pipe buried in a closed system. The distance of pipe required remained approximately 6,000 feet. He proposed to lay six-inch diameter wooden pipe at a cost of seventy-five cents per foot. His projected estimated cost was higher than Eastman's projection. Tracy estimated a cost of \$6,000 per mile. He reminded Hoffman that his attention had been called to this "almost intolerable nuisance" in Eastman's letter of August 17th. To aid in Hoffman's recollection, Tracy enclosed the August 21st telegram from Eastman outlining his plan. As opposed to Eastman's open ditch plan, Tracy found the landowners did not object to the closed system. He finished by stating, "It seems to me that a due regard for the lives of the prisoners confined here require that some method of introducing a running stream of water through the camp should be adopted." Hoffman passed along Tracy's letter with Eastman's

⁴¹⁵ *O.R.*, Series II, Vol. VII, 996,997.

⁴¹⁶ *Ibid.*, 1003.

attachment to Halleck. He agreed that a pipe of two-inch plank should be laid and estimated the cost of not over \$1,000.⁴¹⁷

By October 23rd, Hoffman had answered Tracy's letter and request. He approved Tracy's suggestion regarding the construction of a closed drainage system. As per Tracy's plan, the labor for the construction was to be performed by prisoners. The prison fund was to pay for all expenses. Hoffman did not stop at just an approval. As with his instructions to Eastman regarding Elmira's fence, he detailed to Tracy exactly how the pipe was to be constructed. The degree of detail extended to the description of the fitting of each length of pipe to insure a closed joint. He further estimated that the "whole work should not cost over \$120," as opposed to his original estimate to Halleck of \$1,000. Echoing Eastman's previous wishful thinking, Hoffman concluded, "The fall rains may be expected to come on very soon, which for the winter will do away with the necessity of the work."⁴¹⁸ Despite transferring 1,264 invalid prisoners for exchange, Elmira's death toll for October was 276. The number was again the highest for any camp in the Union prison system. The next highest death toll was at Camp Chase, which had 113 deaths or less than half of Elmira's total.⁴¹⁹

Three days later, Tracy notified Hoffman that he was ready to proceed with a work force of 125-150 prisoners. The work was to commence immediately unless Tracy heard back from Hoffman. He predicted, "The whole work can be completed in from twelve to fifteen days from commencement."⁴²⁰ Tracy's prediction was far from accurate. Part of the problem was the soil between the pond and the river. He originally stated it was very light soil and easily dug.

⁴¹⁷ Ibid., 1004.

⁴¹⁸ Ibid., 1025.

⁴¹⁹ *O.R.*, Series II, Vol. VIII, 998.

⁴²⁰ *O.R.*, Series II, Vol. VII, 1042-1043.

Unfortunately, the prison workforce found quicksand in certain areas and extremely coarse gravel in others. Tracy commented that the soil appeared to have been the riverbed previously. Several unanticipated delays were necessitated by the severe weather in Chemung County in November and December. The river caused occasional flooding, which required extensive pumping. Instead of the projected twelve to fifteen days, the ditch project required sixty-seven days of work. When completed, the cost of the project was \$2,000 as opposed to Hoffman's estimation of \$120. On January 1st, 1865, Tracy boasted to Hoffman that the conduit worked "like a charm." Meanwhile, since the opening of Elmira Prison Camp, 1,263 Confederate POWs had perished.⁴²¹

The ditch project was not the only concern for Tracy during this time. At the beginning of October, the thirty established barracks at Elmira housed 3,873 prisoners. As the camp's census was 9,063 POWs, there were 5,190 men encamped in 1,038 "A" tents located on the old racecourse.⁴²² The overcrowded conditions had begun with the earliest arrivals. Following his request for more tents in August, Eastman foresaw the need for permanent winter quarters. As early as August 28th, he had requested information from Hoffman regarding arrangements for the winter quarters. He recommended that the construction commence immediately, owing to the difficulty of the supply of lumber. Hoffman, in his response on September 8th, told Eastman to order Sibley tents for October. Without additional explanation, Hoffman simply stated, "Barracks for guards, or additional ones for the prisoners will not be put up for present." By the end of September, it was Tracy's turn to recommend additional barracks. He echoed Munger's September 25th report that the men in tents suffered from the weather. Hoffman gave his

⁴²¹ Horigan, *Elmira: Death Camp of the North*, 135.

⁴²² Gray, *The Business of Captivity*, 55.

approval for the erection of shed barracks for the POWs on October 3rd. As fit Hoffman's demonstrated management style, he gave Tracy not only a description of how the barracks were to be constructed, but also a diagram on how the building was to be arranged. His plan called for bunks to be built in three tiers as opposed to the double tiers of the other barracks. By mid-October, he had also approved the erection of barracks for the depot guard. Hoffman directed that "the barracks will be built after the style of those directed for the prisoners, and in every way the closest economy will be studied."⁴²³

Three major building projects including the ditch project, the additional barracks for the prisoners, and the barracks for the depot guard, commenced during the month of October. All three projects required lumber, building materials, skilled laborers from the community, and prisoner workforce. Despite shortages of timber, progress was made by mid-November. Six new barracks had been completed for the prisoners and another four were almost finished.⁴²⁴ By December, there were serious shortages of lumber supplies. In the report to Tracy for the week of December 11th, three more barracks had been erected, but the last one of the buildings was incomplete because there was no lumber on hand.⁴²⁵ Construction was halted again because of a scarcity of lumber the week before Christmas. On Christmas Day, the weather at Elmira was more pleasant as the temperatures rose. The rise in temperatures was enjoyed by the 900 POWs still living in tents. By New Year's Day, 1865, all of the 8,401 prisoners were sheltered in barracks.⁴²⁶

It was good that all the prisoners were housed in barracks by January 1st after the camp opened July 6th. The question remained of why it took so long to get approval to build the

⁴²³ *O.R.*, Series II, Vol. VII, 693, 786, 878, 918-919, 989-990.

⁴²⁴ Gray, *The Business of Captivity*, 58.

barracks. From his personal visit on July 20th, Hoffman was aware of the lack of space for accommodating 10,000 prisoners in the existing barracks. In light of Grant's rejection of a general exchange, the War Department knew that winter quarters were needed. During August, Eastman had reminded Hoffman of the need for more housing. The topic was discussed when more tents were requisitioned and again when Eastman inquired about the arrangements for winter quarters. Still, Hoffman delayed giving his approval until severe weather had already begun in October. During this three-month delay, Elmira had a death toll of 808 prisoners. The next highest death toll of a Union prison camp was Camp Douglas, which was located in Chicago. The death toll for that camp in the same three months was 649 POWs out of a total enrollment of 7,999 prisoners or comparable to Elmira's census.⁴²⁷

While all prisoners were housed in barracks by New Year's Day, there was significant overcrowding in each building. The twenty original barracks had capacity of one hundred men, which the newer barracks—the ten built before 1864 and the thirty-five just completed—were designed to accommodate 120-150 prisoners. Almost 200 men were posted in each building.⁴²⁸ The winter in Elmira, which had started as of October 10th, was severe even for New York State. During the winter, the temperature twice dropped to eighteen degrees below zero and blizzards left several feet of snow.⁴²⁹ The bunks were built to accommodate two men, but in severe weather as many as four occupied the same bunk. Marcus Toney remembered the winter of 1864-1865. He noted that “two of the prisoners slept with their heads toward the east, and two with heads toward the west, and of course had to be on their sides; and when ready to change

⁴²⁵ *O.R.*, Series II, Vol. VII, 1213.

⁴²⁶ Gray, *The Business of Captivity*, 61.

⁴²⁷ *O.R.*, Series II, Vol. VIII, 998-999.

⁴²⁸ Gray, *The Business of Captivity*, 61.

⁴²⁹ Holmes, *The Elmira Prison Camp: A History of the Military Prison at Elmira, N.Y. July 6, 1864 to July 10,*

positions, one would call out, 'All turn to the right'; and the next call would be, 'All turn to the left.' The turns had to be made as stated or there would be collisions. Of course the men did not disrobe in extreme cold weather, and on awakening in the morning their feet would be in each other's face."⁴³⁰

Overcrowding in the barracks caused concern for others than just the prisoners. Maj. Anthony E. Stocker, the camp's new Chief Surgeon who replaced Sanger, worried that the overcrowding of the barracks was an invitation for medical catastrophe. In a private letter to Tracy on the last day of December 1864, he voiced his concerns and fears. He wrote, "The buildings already erected and in use for the accommodation of prisoners are too crowded, needing more light and ventilation if practicable. The present effects of too crowded buildings are to produce in their occupants a low form of Pneumonia or Inflammation of the Lungs, a form of disease greatly on the increase, and to propagate contagious and infectious diseases, especially of Small-Pox, now also on the increase."⁴³¹ At the time of Stocker's letter, pneumonia had already claimed the life of Lewis M. Jernigan, who died on December 28, 1864.⁴³² Smallpox was already at Elmira and had been transmitted to sixty-three prisoners, which did not include two prisoners who died of the illness earlier.⁴³³

The arrival of the smallpox virus was traced to a Fort Morgan captive who entered the camp at the end of October. While that prisoner recovered from the disease, it was not before he infected other prisoners. By December, the outbreak of the illness was threatening to become an

1865, 69.

⁴³⁰ Horgan, *Elmira: Death Camp of the North*, 133.

⁴³¹ Gray, *The Business of Captivity*, 185. A private letter from Stocker to Tracy, Footnote #34.

⁴³² M598, Roll 67, *United State War Department. Selected Records of the War Department to Confederate Prisoners of War 1861-1865. Elmira register of POWs confined and deceased.*

⁴³³ Gray, *The Business of Captivity*, 71.

epidemic. The camp report for December 18th noted several cases of smallpox with one death from the illness. The dead prisoner was buried within the compound.⁴³⁴ By January 1st, there were ninety-five new cases with nine deaths attributed to the disease. The inspecting officer stated that all clothing belonging to the victims had been destroyed.⁴³⁵ As the number of cases increased, Tracy was advised by the Washington authorities to prepare temporary facilities to isolate the infected patients. They suggested a site within the camp if possible, but he was authorized to place these facilities outside the compound if the prisoners were well guarded.⁴³⁶

When the number of smallpox cases increased to 126 including ten deaths, Tracy and Stocker created a temporary hospital of “A” tents in the area just across Foster’s Pond. As Stocker prepared to initiate vaccinations for the camp, Tracy informed Washington, “We hope we have got control of this disease (smallpox) and will be able to keep it within bounds.”⁴³⁷ Again, Tracy’s prediction was inaccurate. By the end of January, there were so many smallpox victims in the temporary tents that plans were made to construct a more permanent smallpox hospital. Stocker vaccinated 5,600 men in January as a result of the reported 397 cases of smallpox.⁴³⁸ The death toll for Elmira for January 1865, including the smallpox deaths, was 285. This number was the third highest for the Union prisons system behind Camp Douglas (308) and Camp Chase (293). There were officially 1,015 prisoners listed as sick. This number was by far the most of any camp that month. Camp Douglas had 511 officially listed POWs as sick with a

⁴³⁴ *O.R.*, Series II, Vol. VII, 1240.

⁴³⁵ *O.R.*, Series II, Vol. VIII, 3-4.

⁴³⁶ *Ibid.*, 24-25.

⁴³⁷ *Ibid.*, 39.

⁴³⁸ Gray, *The Business of Captivity*, 71.

census of 11,711 prisoners, while Camp Chase listed 535 men on the sick list with a census of 9,423, both camps with larger prisoner populations than Elmira.⁴³⁹

Despite attempts at vaccination, many new cases of smallpox were reported. The procedure for treatment was vivid for Marcus Toney. Remembering his stay in the smallpox tent hospital (January 25th-29th), Toney recalled, “I walked across the lake [Foster’s Pond] and commenced my search at the head of a row of tents...I found a tent with two patients...and I crawled in...once a day a waiter brought some tea and bread...The second night one of our bedfellows died...We had about eight blankets, but could not keep warm.”⁴⁴⁰ Personnel, including doctors, nurses, waiters, and wardmasters who were resistant to the disease, tended to the sick and dying. There was no medical therapy available for the patients. The disease had to run its course and the patient hoped to survive. Because of the irritating blisters of smallpox, many patients had to be kept from scratching their sores, which in some cases created the appearance of one continuous scab.⁴⁴¹ The smallpox epidemic lasted for the first three months of 1865. Some 400 men perished directly from smallpox during that time. By April, the camp began to experience milder temperature and the warmer weather brought a merciful end to the outbreak of smallpox.⁴⁴²

Since August of 1864, there had been pressure on the Lincoln administration to affect a general exchange of prisoners. During the fall months, there had been informal exchanges of sick and invalid prisoners in small numbers. In October, Elmira transferred 1,264 prisoners and Point Lookout sent 2,879 POWs for exchange. Returning Union prisoners with their stories of

⁴³⁹ *O.R.*, Series II, Vol. VIII, 1000.

⁴⁴⁰ Horigan, *Elmira: Death Camp of the North*, 167.

⁴⁴¹ Gray, *The Business of Captivity*, 72.

⁴⁴² *Ibid.*, 73.

cruelty, especially at the hands of the commandant of Andersonville, increased the pressure on Grant to create a general exchange.⁴⁴³ While previous attempts at a general exchange had broken down over the issue of African-American troops, the attitude of the Southern leaders was changing. By mid-January 1865, Grant notified Stanton that he had authorized Col. Mulford to renew negotiations for the exchange of all prisoners now held by either party. These negotiations quickly led to an agreement, which included the exchange of prisoners held in prison camps and not under charges.⁴⁴⁴

For the captives of Elmira, this agreement meant release from overcrowded conditions and the severe weather of winter. It also meant a journey, which taxed even healthy men. In the October exchange, five prisoners had died on the train trip to Baltimore and one prisoner had succumbed after his arrival there. Many other prisoners, who made the trip, were hospitalized until they recovered enough to proceed.⁴⁴⁵ When Hoffman notified Tracy on February 4th of the impending exchange, he reminded Hoffman of the difficulties faced in October. He recommended that the prisoners be sent to New York City on the Erie Railroad and then onto Baltimore. Hoffman rejected Tracy's suggestion and ordered the men onto the Northern Central Railroad. Tracy prepared for the departure of 3,000 prisoners from Elmira.⁴⁴⁶ While Tracy's preparations continued, the first detachment of exchanged POWs arrived in Baltimore, three of the prisoners had died en route because of chronic diarrhea and nineteen were hospitalized being unable to proceed further in the journey. One of those prisoners hospitalized had smallpox.⁴⁴⁷

⁴⁴³ Hesseltine, *Civil War Prisons*, 229.

⁴⁴⁴ *O.R.*, Series II, Vol. VIII, 98,63.

⁴⁴⁵ *O.R.*, Series II, Vol. VII, 844.

⁴⁴⁶ *O.R.*, Series II, Vol. VIII, 182.

⁴⁴⁷ *Ibid.*, 231.

In accordance with Hoffman's arrangements, the first detachment of 500 prisoners marched out of Barracks Number 3 at 4:30 P.M. on February 13th, 1865. Their final destination was City Point, Virginia and the exchange site before their final journey home. Their itinerary had them march to the railroad depot before boarding a Northern Central Railroad train bound for Baltimore. Once in Maryland, the prisoners were to be transported by steamer to Point Lookout before embarking for City Point. The *Elmira Advertiser* was once again present to record the prisoner's activities. The newspaper reported:

“The sick and disabled were removed in a long line of baggage wagons and stowed away in the cars comfortably as could be arranged for them. A few so ill to be unable to sit up were tenderly cared for in the Hospital ambulance, in which they were carried to the train...They looked hopeful even through the diseases under which many were laboring or recovering from. The glad prospect of home once more, even in its devastation and desolation, seemed to light up the countenances of all, and the sick and weary took a fresh cling to life, that they might have strength to greet loved ones once more.”⁴⁴⁸

As those prisoners made ready for their journey home, another prisoner made his final journey as well. The resumption of the exchange of prisoners came too late for George W. Jernigan. He died on February 12th, 1865 with “variola” listed as the cause of death. Variola was a smallpox related disease that infected those persons who had already been afflicted with smallpox or who had been vaccinated against the disease.⁴⁴⁹ Examination of the records kept at Elmira Prison Camp revealed no deaths from smallpox. While many men were listed as dying from pneumonia, chronic diarrhea, and variola, no prisoner was given smallpox as their cause of death.⁴⁵⁰ George W. Jernigan was transported to the dead-house, which was located on the west

⁴⁴⁸ Horigan, *Elmira: Death Camp of the North*, 170.

⁴⁴⁹ Hunter, *Warden For The Union: General William Hoffman (1807-1884)*, 133.

⁴⁵⁰ M598, Roll 67. *United States War Department. Selected Records of the War Department Relating to Confederate Prisoners of War 1861-1865. Elmira Registry of POWs confined and deceased.*

side of the camp on the flat near the river.⁴⁵¹ This 16' by 30' by 12' building was where the deceased were kept and prepared for burial.

Confederate prisoners administered to the deceased captives. Methodically, the deceased was placed in a pine box, which had been built on site by the POWs. The deceased's clothing and even jewelry were left alone and buried with the prisoner. The name, rank, company, regiment, grave number, and date of death were recorded on paper and on the lid of the coffin. The paper was then placed in a bottle. The bottle was placed into the coffin before the lid was nailed shut.⁴⁵² The coffins were then loaded onto a customized hearse driven by John Donohoe, who received \$60 per month for his services.⁴⁵³ Six coffins were placed into the hearse—four on the inside and two on top—for the drive to the Woodlawn Cemetery, which was a mile-and-a-half north of the prison camp.

When Elmira opened in July of 1864, Eastman recognized the need for burial space for the deceased POWs. He requested Hoffman to authorize leasing space in the local cemetery, Woodlawn Cemetery. Hoffman approved Eastman's request to lease a half-acre plot for \$300 as a burial ground for the prisoners. Eastman was also given permission to employ a laborer at \$40 per month to dig graves.⁴⁵⁴ As the Confederate dead increased, there was need for more space at Woodlawn Cemetery. The Mayor of Elmira leased additional space to the government on January 1st, 1865. The cost of this additional space was \$600.⁴⁵⁵

⁴⁵¹ Holmes, *The Elmira Prison Camp: A History of the Military Prison at Elmira, N.Y. July 6, 1864 to July 10, 1865*, 131.

⁴⁵² *Ibid.*, 129.

⁴⁵³ Gray, *The Business of Captivity*, 95.

⁴⁵⁴ *O.R.*, Series II, Vol. VII, 505.

⁴⁵⁵ Holmes, *The Elmira Prison Camp: A History of the Military Prison at Elmira, N.Y. July 6, 1864 to July 10, 1865*, 130.

When the coffins reached Woodlawn Cemetery, it fell to the laborer to bury the dead. It was in this individual that the deceased Confederate prisoners and their families were blessed. The sexton of Woodlawn Cemetery was John W. Jones, who was a runaway slave from the Elzy Plantation in Virginia. With his brother, George, and several others, Jones escaped from Virginia in 1844 and settled in Elmira. After teaching himself to read and write, he was sexton of a local church for many years. In the position of sexton of Woodlawn Cemetery, he directed the burial of the Confederate coffins into trenches dug into the ground from north to south. The coffins were then placed at equal distances from east to west. In all, there were thirty-six trenches extending across the plot. At the head of each grave, there was placed a wooden slab containing all the information neatly painted from the lid of the coffin.⁴⁵⁶ Jones meticulously kept records and noted the location of each Confederate deceased. Lewis M. Jernigan was buried in grave number 1297, while George W. Jernigan rested in grave number 2072. Unlike other prison camps such as Camp Douglas, family and friends of the fallen POWs were able to locate their loved ones thanks to Jones and his meticulous records.

During the months of February and March, the exchanges of prisoners continued. In February, Tracy transferred for exchange 1,491 prisoners, but the death toll was 426 men or approximately fifteen deaths per day including the death of George W. Jernigan. Despite sending another 1,518 POWs in March for exchange, the highest monthly death toll was recorded. In March of 1865, 491 men perished during its thirty-one days or just fewer than sixteen deaths per day. Yet, Elmira did not have the highest death toll for the prison system. Camp Chase in Ohio held that honor with 499 deaths. As of April 1st, the camp census was

⁴⁵⁶ Ibid.

5,054, but the overall death toll had reached 2,465 captives at Elmira out of a total of 11,990 prisoners held in its walls at some point.⁴⁵⁷

April of 1865 brought spring to Elmira and relief from the smallpox epidemic. It also brought news from the South. In his diary, Grambling chronicled the final news Lee's army. On April 3rd, Grambling noted, "Reports say that Richmond evacuated." This was followed by his entry for April 10th, "Reports say, it is published on bulletinboard that Lee has surrendered his army also that we are to be paroled immediately." The diary noted Grambling's resignation on April 13th with his acceptance of the reality of Lee's surrender to Grant.⁴⁵⁸ Lee's surrender did not end the prisoner's stay at Elmira. It was announced that the War Department was compiling names of prisoners willing to take the Oath of Allegiance. Those men who accepted the offer and took the oath were to be released. Those who refused were to remain captives.⁴⁵⁹ Grambling initially resisted the offer. He wrote on April 24th, "Took the names of all citizen oath takers, all who willing to take the oath and those who won't take the oath. I am still a R B REB." Two days later, he had a change of heart. The diary entry read, "Most all have applied to take the oath and I was weak enough to do so also. Sorry for it since try and live in the hopes that it will prove for the best."⁴⁶⁰ Grambling and the other oath takers had good reason to take heart over pride. Elmira's death toll for April was 276 prisoners, again the highest of any Union prison camp.⁴⁶¹

⁴⁵⁷ *O.R.*, Series II, Vol. VIII, 1001.

⁴⁵⁸ Grambling, "Diary of W. W. Grambling", <http://www.angelfire.com/ny5/elmiraprisn/gramling.html>.
Downloaded 3/3/2002.

⁴⁵⁹ Gray, *The Business of Captivity*, 148.

⁴⁶⁰ Grambling, "Diary of W. W. Grambling", <http://www.angelfire.com/ny5/elmiraprisn/gramling.html>.
Downloaded 3/3/2002.

⁴⁶¹ *O.R.*, Series II, Vol. VIII, 1001.

During May and June, Elmira's prison population diminished in prisoners as 1,144 ex-Confederates left alive and another 131 POWs were buried in Woodlawn Cemetery.⁴⁶² It diminished in Union officers as well. Tracy submitted his resignation to the War Department and was replaced on June 17th. June saw the release of another 2,509 captives with only 54 deaths recorded. Of those released, Cader Jernigan was released on June 16th.⁴⁶³ Prior to leaving, he raised his right hand and repeated, "I, Cader Jernigan, do solemnly swear, in the presence of Almighty God, that I will henceforth faithfully support, protect and defend the Constitution of the United States, and the Union of the States thereunder; and that I will, in the like manner, abide by and faithfully support all laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves: So help me God."⁴⁶⁴ In July, the end came quickly for Elmira's military prison. On July 11th, the final detachment of 256 ex-Confederate POWs made their way out of the gates of Barracks Number 3 and turned onto Water Street headed for downtown Elmira and the train depot. The last of Elmira's captives, some 142 men too ill to travel, were transferred to Elmira's Union Hospital where seventeen more Confederate deaths occurred between July 12th and September 1st.⁴⁶⁵

Elmira Military Prison Camp was in existence only twelve months, but it has earned a long lasting reputation. During its months of operation, it had the highest death rate percentage of any Union prison system camp. Of the total of 12,122 Confederate POWs housed in Elmira, there were 2,950 deaths including 2,933 known Confederate soldiers, 24 civilians, and seven

⁴⁶² Ibid., 1002.

⁴⁶³ M598, Roll 67, *United States War Department. Selected Records of the War Department to Confederate Prisoners of War 1861-1865. Elmira register of POWs confined and deceased.*

⁴⁶⁴ Gray, *The Business of Captivity*, 149.

⁴⁶⁵ Horigan, *Elmira: Death Camp of the North*, 179-180.

unknown Confederates.⁴⁶⁶ There were many factors contributing to the 24.3% death rate. There was no doubt that location and weather played a part in the deaths at Elmira. Other intangibles such as the condition of the Confederate soldiers upon admission to the camp must also be given consideration. However, at several critical junctions, Hoffman's decisions affected the direction of the camp's destiny and created an environment that added to the death toll. From the start, it was his decision to place 8,000 to 10,000 prisoners in a camp prepared to receive half that number. His failure to respond to multiple communications regarding Foster's Pond meant a delay in the improvement of the camp. This delay was costly in terms of money and in terms of men. The number of prisoners who died with the diagnosis of Chronic Diarrhea was substantial. Finally, his refusal to acknowledge Eastman's request concerning winter quarters did not fit his management style, which could be considered one of micromanaging. There were many factors beyond Hoffman's control. These factors led to a portion of Elmira's death toll and its subsequent reputation. However, Hoffman's decisions affected the conditions at Elmira, and ultimately, the welfare of the prisoners. A portion of Elmira's reputation must be laid at his feet. He did play a role in the "Death Camp of the North."

⁴⁶⁶ Ibid., 180.

CHAPTER 6

CONCLUSIONS

Throughout history, the fate of prisoners-of-war has been of limited interest to the general populace of the nation-states. There is current media coverage of the treatment of Iraqi POWs, but the coverage has not been paramount in the overall reporting of the war. In general, POWs are a low priority not only for the public but also for the governments who hold them. In regards to food, clothing, and shelter, the status of prisoner comfort is negligible. Their deaths do not seem as glorified as those of soldiers who die in combat on the battlefield. The surge of recent literature on Civil War prisoners is, as McPherson stated, “attention they so long needed.”⁴⁶⁷

For the Civil War captives, the duration of the war and the immense numbers of men held captive were factors in the story of these men. As Hesseltine’s classic study demonstrated, the longer a conflict continued the greater the animosity needed to sustain the nation’s war effort. There was no doubt that neither side was prepared for the vast number of prisoners that each ultimately held. It was to William Hoffman’s credit that he initially improved the chaos of the Northern prison system in the time before the Exchange Cartel. However, the long-term effort of caring for nearly 65,000 men required a much greater commitment. The location of camp sites, the availability of support services including transportation and food, the behavior of individuals including guards, officers, or camp commanders, as well as the condition of the arriving prisoners were all factors involved in the care of the prisoners. A decrease in the daily ration for a Confederate prisoner affected that soldier’s chance of survival, especially if that soldier entered

⁴⁶⁷ McPherson, *Battle Cry Of Freedom: The Civil War Era*, 864. An afterward written April 23, 2003.

the camp already malnourished with a case of scurvy. Thus, any increase in the death toll of Confederate POWs was related to many factors involving the prison system, the different camps, condition of soldiers when they became POWs, and individuals in offices of authority over the prisoners.

It was the development of a change in actions as a feature of the treatment of POWs that illuminated Hoffman. Whether a writer, such as Hesseltine, labeled this change “war psychosis” or simply a hardening of the behavior as written by McPherson, it was the change of action that mattered. When questions concerning responsibility for poor living conditions and increases in death rates of prisoners arose, the accused was usually the leader of the government. For the Confederacy, with the death of Gen. John H. Winder and the hanging of Henry Wirz of Andersonville, Jefferson Davis became the main suspect. Following the war, several politicians placed Davis at the heart of a conspiracy to deliberately kill Union POWs. For the Union, the prime figure was not Abraham Lincoln, but his Secretary of War, Edwin Stanton, whose wartime rhetoric and post-war reconstruction stance made him a target of Confederate accusations.

For the writer, Bruce Catton, Stanton was the culprit behind the great suffering by Confederate POWs. In *Grant Takes Command*, Catton argued that Grant and Stanton refused to make prisoner exchanges despite the greater need for Union troops on the front line.⁴⁶⁸ He wrote that the no-exchange policy was Stanton’s and his arguments convinced Grant. Catton claimed the basis of Stanton’s arguments was that to make exchanges was to abandon the African-American troops and their officers. His second argument was that the South needed its manpower and it stood to gain more than the Union in any parole and exchange policy.⁴⁶⁹

⁴⁶⁸ Bruce Catton, *Grant Takes Command* (Boston: Little, Brown, And Company, 1968), 370.

⁴⁶⁹ *Ibid.*, 372.

Grant's early war experiences and his subsequent dealing with the parole fiasco at Vicksburg made this argument seem unlikely. Grant's attitude toward the prisoners appeared to be set prior to assuming the position of Lieutenant General. His plans for the Spring Offensive of 1864 revolved around the application of constant pressure on the Southern resources, including troops. Even before his pronouncements in August of 1864, Grant had eliminated the exchange and parole process in response to the Confederate government's handling of the paroles involving Vicksburg and Gettysburg as well as the response to the issue of African-American troops. Catton was not the only historian who points to Stanton as the culprit.

Michael Horigan, author of *Elmira: Death Camp of the North*, stated, "Secretary Stanton, a man of profound calculations, saw to it that a handful of his ranking officers implemented a policy of retaliation—a policy that turned Elmira into a death camp."⁴⁷⁰ He listed seventeen reasons why Elmira's death toll was so great. Chief among Horigan's complaints was Stanton's call for retaliation in April of 1864. While the leader of any institution may have developed a specific "corporate culture", it was still individuals, who created the expression of that culture. Of Horigan's seventeen concerns, the actions directly related to Hoffman involved at least ten of the concerns, including the placement of 10,000 POWs at Elmira, the lack of medical staff and facilities, the delays in the building of the barracks, and the late start on the drainage of Foster's Pond. The *Official Records* pointed to Hoffman as the author of these decisions, rather than to an individual carrying out the orders of a superior.

The personality of William Hoffman had many qualities as seen by various historians. Lonnie R. Speer characterized Hoffman as "a methodical, budget-conscious administrator [who]

⁴⁷⁰ Horigan, *Elmira: Death Camp of the North*, 191.

insisted that money be spent only on absolute necessities.”⁴⁷¹ “Obedient, intelligent, and [a] tireless official” described Hoffman as seen by the author, George Levy.⁴⁷² J. Michael Martinez contended Hoffman “oversaw the conditions and treatment of Confederate prisoners with an almost fanatical parsimony that bordered on obsession.”⁴⁷³ Even his biographer, Leslie Gene Hunter, noted, “Concerned with the most minute formalities of military conduct and proper protocol, [Hoffman] expected precision and perfection in the reports, returns, records, and rolls of his subalterns.”⁴⁷⁴ By consensus, Hoffman came across as a methodical perfectionist, frugal to a parsimonious degree, given to limited deviation from his duties. During the spring of 1864 and after, Hoffman’s actions belied this description. The actions and decisions by Hoffman were not like the ones taken earlier in the war by this individual. Whether it was “war psychosis” as alleged by Hesseltine and Hunter or simply a hardening of attitude as stated by McPherson, Hoffman’s actions toward Confederate POWs were not the same starting in early 1864.

Hunter, in his dissertation, pointed to the critical period of April 1864 to February 1865 as the time frame for Hoffman’s “war psychosis.” During this time, Hoffman created the April 20th circular, which reduced the rations to the POWs, visited Annapolis and viewed the returning Union prisoners, and recommended on May 19th to Stanton a further reduction of the rations for the prisoners. In August of 1864, Hoffman eliminated the supplemental ration boxes from families as well as prisoner trading with sutlers. The opening of Elmira occurred during this time frame. Elmira seemed to bear the brunt of Hoffman’s change in actions and decisions.

⁴⁷¹ Speer, *Portals To Hell*, 11.

⁴⁷² Levy, *To Die in Chicago: Confederate Prisoners at Camp Douglas 1862-1865*, 41.

⁴⁷³ J. Michael Martinez, *Life And Death In Civil War Prisons: The Parallel Torments Of Corporal John Wesley Minnich, C.S.A. And Sergeant Warren Lee Gross, U.S.A.* (Nashville: Rutledge Hill Press, 2004), 47.

⁴⁷⁴ Hunter, *Warden For The Union: William Hoffman (1807-1884)*, 3.

The criticism of Hoffman as being partially responsible for Elmira's death rate focused on his actions during the start of the camp. The two major areas of criticism were the commitment of 8,000 to 10,000 prisoners into the space allocated and the failure to recognize the potential impact of Foster's Pond. While other concerns existed such as the lack of medical staff and hospital facilities, Hoffman's handling of the opening of Elmira would be less troublesome if he had not personally visited the camp on July 20th. As an experienced frontier officer, Hoffman should have seen the potential problems given the overcrowding of the camp. The very day of his visit Hoffman ordered more prisoners sent to Elmira from Washington, DC despite the fact that the camp contained nearly 4,000 POWs. This number of POWs filled the capacity of the existing barracks. There were no accommodations for additional captives at this time. Yet, Hoffman continued to add more prisoners.

Another point of criticism was the drainage of Foster's Pond. Hunter wrote, "When the commander recommended the construction of a sewage system over one mile in length to the Chemung River, which would drain the large stagnant pond of water within the prison, Hoffman approved."⁴⁷⁵ Hunter did not give any background to the request or any time frame. Hoffman did approve Tracy's request, but his approval was in October. In a letter in August, Eastman reminded Hoffman of the offensive stench of Foster's Pond. While Hoffman responded to Eastman's plea for fresh vegetables and fruits for the prisoners with scurvy within two weeks, he made no comment on Foster's Pond. He delayed his decision until October and even then, proposed to see if the fall rains would alleviate the necessity of the job. These actions were from an individual who routinely wrote camp commanders on the depth that poles should be placed

⁴⁷⁵ Ibid., 207.

for fencing. For a man who appeared to micromanage, it seems unlikely that Hoffman simply overlooked the need for the drainage of Foster's Pond. If Eastman's proposed plan was impractical, Hoffman was not above offering his opinion. In the case of other camps, he routinely offered his recommendation regarding the type of cooking kettles to be used as well as other specific instructions regarding the building of barracks. When Tracy presented his plan to Hoffman, Hoffman response was to give detailed instructions on how to form the pipefittings for a tight seal. Based on his performance, Hoffman's dealing with Foster's Pond does not seem to be one of overlooking a memo. Horigan concluded, "The delay of addressing the condition of Foster's Pond can be directly traced to the commissary general of prisoners."⁴⁷⁶

Lastly, the delay in providing winter quarters for the prisoners at Elmira appeared to be Hoffman's decision. As opposed to other camps where Hoffman reported that Stanton declined to build more barracks, there was no such statement here from Hoffman. The delay led to prisoners still in tents in December in Elmira. When the new barracks were built, there was severe overcrowding for the prisoners. As seen by Stocker's letter to Tracy, communicable diseases such as pneumonia and smallpox flourished in such a setting. Hoffman did not cause the smallpox epidemic. Many other campsites had outbreaks of smallpox that caused troops as well as prisoners to die. Yet, an environment where men were crammed into small spaces allowed any communicable disease to spread with more intensity whether it was a viral flu syndrome or smallpox. The Surgeon General's Office evaluated the sickness and mortality of Confederate prisoners following the war. The conclusions of their study were published in the *Medical History of the War of the Rebellion*. With regard to Elmira, the medical examiners

⁴⁷⁶ Horigan, *Elmira: Death Camp of the North*, 135.

concluded, “Large mortality was undoubtedly referable to over-crowding, insufficient hospital accommodations, and insufficient protection from the cold of the northern climate.”⁴⁷⁷ At Elmira, decisions regarding the number of prisoners, building of winter quarters, and the drainage of Foster’s Pond was the privy of one individual—William Hoffman. He must bear part of the responsibility of Elmira’s death toll and reputation as “Hellmira.”

The second half of Hunter’s thesis was that Hoffman’s “war psychosis” did not greatly affect the prisoners. He admitted that Hoffman did show the effects of “war psychosis,” but it had no appreciable impact on prison conditions.⁴⁷⁸ To further his argument, Hunter used a monthly mortality rate as the indicator for the impact of Hoffman’s “war psychosis.” Using the number of monthly deaths divided by the total number of prisoners, Hunter presented information as a percentage. He noted from March 1864 to June 1864, the monthly mortality rate declined from 1.99% in March (675 deaths/33,802 prisoners) to 0.98% in June (413/33,598) and to 1.26% in July (625/49,544). The mortality rate did not reflect the retaliation from Hoffman’s “war psychosis” concluded Hunter.⁴⁷⁹ The problem with this statement was that the figures came before Elmira opened, before restrictions on boxes of foodstuffs, and before winter’s effect and overcrowding in the barracks were felt. Using Hunter’s table, the statistics reflected the full effect of Hoffman’s “war psychosis.” For months December 1864 to March 1865, the mortality rate jumped from 1.26% (July) to a range of 2.15% in December (1094/50,834) to 2.78% in both February (1819/65,322) and March (1451/52,189).⁴⁸⁰ The effect

⁴⁷⁷ Gray, *The Business of Captivity*, 154.

⁴⁷⁸ Hunter, *Warden For The Union: William Hoffman (1807-1884)*, 197.

⁴⁷⁹ *Ibid.*, 212.

⁴⁸⁰ *Ibid.*, 209.

of Hoffman's "war psychosis" on the monthly mortality rate was an increase from 1,26% to 2.78% or an increase of 220%.

The accepted figures on total deaths of Civil War prisoners, Union and Confederate, came from a 1904 history by James Ford Rhodes. Rhodes quoted Gen. F. C. Ainsworth, Chief of the Record and Pension Office, in his history. Rhodes wrote, "It appears that 211,411 Union soldiers were captured during the civil war, of which number 16,668 were paroled on the field and 30, 218 died while in captivity; and that 462,634 Confederate soldiers were captured during the war, of which number 24,769 were paroled on the field and 25,976 died while in captivity. Thus, the mortality was a little over 12 per cent in the North and 15.5 at the South."⁴⁸¹ While Hunter calculated a slightly different figure, most texts, including McPherson's *Battle Cry Of Freedom: The Civil War Era* and *Ordeal By Fire: The Civil War and Reconstruction*, used these figures on the death rate of Civil War POWs. From July 1862 through November 1865, the figures from the monthly reports to Hoffman showed only 20,338 deaths in all Union prison camps. Hunter attributed this large discrepancy to deaths of prisoners who were wounded or sick when captured and died in Union hospitals. He concluded that less than 10% of Confederate captives died in Union prison camps.⁴⁸² Hunter's calculation made Elmira's death rate of 24.3% even more impressive. As for other Union prison camps, they did not have the same death rate as Elmira. Camp Alton and Camp Rock Island had a death rate of 14%, while Camp Chase reported a 13% death rate. Camp Morton in Indiana was at 10%, while Fort Delaware demonstrated a 9% death rate. Two camps had very low percentage of deaths, but for

⁴⁸¹ James Ford Rhodes, *History Of The United States From The Compromise Of 1850 To The Final Restoration Of Home Rule At The South In 1877* (New York: The Macmillan Company, 1904), 507-508.

⁴⁸² Hunter, *Warden For The North: William Hoffman (1807-1884)*, 206.

different reasons. Point Lookout in Maryland had a death rate of only 0.06%, but this rate was in part due to the significant number of prisoners, nearly 40,000 men, who passed through this camp. Further, most of the POWs held at Point Lookout were transferred to other camps reasonably quickly. The other camp with a low death rate was the first camp, Johnson's Island. The death rate at Johnson's Island was 0.03%, but this camp housed only officers during the entire war and had a limited census.⁴⁸³ The camp most similar to Elmira was Camp Douglas in Chicago, Illinois. It had been both a mustering camp and a prison camp like Elmira. Both camps had about the same census of prisoners. Overall, Camp Douglas had a death rate of 15%.⁴⁸⁴ For the time frame June 1st, 1863 to May 31st, 1864, Camp Douglas had an average monthly census of 5,304 prisoners with a total death toll of 536 POWs. For the following year, June 1st, 1864, to May 31st, 1865, the average monthly census increased to 7,821 POWs. It was during this time that Hoffman's actions changed toward the Confederate captives. Camp Douglas experienced a death toll during that year of 1,801 prisoners or more that three times the number for the previous year. During its twelve-month existence, Elmira had an average monthly census of 7,212 prisoners, yet, as shown, its death toll was over a thousand men greater than Camp Douglas at 2,893 POWs, including George W. Jernigan.⁴⁸⁵

There does not appear to be any data on the deaths in Union prison camps broken down by year. Such figures were difficult to generate because of the nature of the prison system. Elmira was open only twelve months and that makes the 1864-1865 mortality percentage easy to calculate. However, prisoners who entered Elmira were transfers from other prisons. The death

⁴⁸³ Gray, *The Business of Captivity*, 154.

⁴⁸⁴ Levy, *To Die in Chicago: Confederate Prisoners at Camp Douglas 1862-1865*, 273.

⁴⁸⁵ *O.R.*, Series II, Vol. VIII, 986-1004.

rate percentage was figured by the total number of deaths divided by the total number of prisoners who entered the camp. These figures did not reflect deaths if they occurred elsewhere such as another camp or at home after being exchanged. Breaking these figures down year-by-year was very difficult. There was one statistic that came close. This statistic was the yearly death rate per thousand prisoners for the Union prison camps. The figures for the major camps were as follows: Alton, 55.0; Camp Douglas, 44.1; Rock Island, 98.0; Camp Morton, 46.7; Johnson's Island, 9.8; Fort Delaware, 45.4; Point Lookout, 46.4; and Elmira, 241.0.⁴⁸⁶ The gross death figures from 1864-1865 were still impressive in their own right. Of the 20,338 deaths recorded from July of 1862 to November of 1865, only 646 deaths occurred after May 31st, 1865. Removing this number from the overall death total left 19,692 deaths during the wartime operations of the camps. From June 1st (the start of the May 19th reduction in rations) to May 31st, 1865 (when most camps were in the process of releasing prisoners), there were 12,075 Confederate deaths. Out of the total of 19,692 deaths, 61.3% occurred in the last year of the war. Using Rhodes' number of 25,796 total Confederate deaths during captivity, the percentage of deaths in the last year of the war was still an impressive 48.0% or nearly one-half of all Confederate POW deaths.

Hoffman's performance gave another indicator to use for judgment. This indicator was the prison funds that accumulated during the war. On October 19th, 1865, Hoffman submitted his report on the prison funds generated by the individual camps. He remitted to the government a total of \$1,845,125.99 from twenty-five camps. The breakdown by year for these funds revealed a noteworthy trend. In 1862, the prison funds showed a year-end balance of \$17,000

⁴⁸⁶ Gray, *The Business of Captivity*, 154.

with a total of \$40,000 accumulated funds, while there was \$23,000 in expenses. The following year the funds accumulated \$293,000 with expenses of only \$136,000. These expenses left a fund balance of \$157,000. The percentage of prison funds remaining at year's end increased from 42.5% to 53.6%. By 1864 with the dramatic increase in the prisoner population, the prison funds accumulated \$1,560,000. Expenses were only \$522,000 or an excess of \$1,038,000. The percentage of funds that remained was 66.7%. As Hunter wrote, "A consolidated report showed that for the years 1862-1865 over \$3,000,000 accumulated in the numerous prison funds, and over \$1,245,000 of this sum was spent."⁴⁸⁷ As for Elmira's fund, the camp showed a balance of \$58,151.54 at the end of the war. This amount placed Elmira in eighth place over-all of the twenty-five camps. All camps with higher total numbers reflected camps that were open longer.⁴⁸⁸ Horigan concluded, "Little did they [prisoners] know that at the time of their captivity that less than 44 percent of appropriated funds would be spent for food and other essential needs."⁴⁸⁹

There is little doubt that the Confederate POW death toll in 1864-1865 was a multifactorial problem. The physical condition of the prisoners who presented in a debilitated state was a factor that cannot be overlooked. Hoffman was unable to prevent the severe winter of 1864,-1865, neither was he able to prevent the spread of communicable diseases such as pneumonia and smallpox. He was most certainly unable to control such variables as availability of lumber and building supplies, the composition of the soil surrounding the camps, and the impact of contamination of ground water. With all of these factors accepted, there is an

⁴⁸⁷ Hunter, *Warden For The North: William Hoffman (1807-1884)*, 160.

⁴⁸⁸ *O.R.*, Series II, Vol. VIII, 768.

⁴⁸⁹ Horigan, *Elmira: Death Camp of the North*, 86-87.

inescapable fact—more Confederates died and a lower percentage of money was spent during the time of Hoffman’s change in action toward the Confederate captives. There is one final note. Comparing Andersonville and Elmira, their respective commanders had different outcomes. Henry Wirz received a death sentence, while Brevet Maj. Gen. William Hoffman received a pension.

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VITA

T. WATSON JERNIGAN

Personal Data: Date of Birth: June 16, 1949

Place of Birth: Fort Bragg, North Carolina

Marital Status: Married

Children: April, Rachel, Grace

Grandchildren: Gabriel Edward, McKinley Sue-Anna

Education: Denison University, 1971, Bachelor of Arts (History)

West Virginia University School of Medicine, 1975

Doctor of Medicine (M.D.)

Akron City Hospital Residency Obstetrics and Gynecology 1975-1979

East Tennessee State University, 2005, Master of Arts (History)

Professional

Experience: Private Practice in Ob-Gyn Johnson City, Tennessee 1979-1986, 1997-Present

East Tennessee State University James H. Quillen College of Medicine

Department of Obstetrics and Gynecology 1986-1997

Assistant Professor (Tenured)

Interim Chairman Department of Obstetrics and Gynecology

Clinical Adjunct Faculty 1979-1986; 1997-Present

East Tennessee State University James H. Quillen College Of Medicine

Department of Anatomy

Adjunct Faculty 1997-Present

Organizations: Fellow of the American College Of Obstetricians and Gynecologists

Founding Member, North American Menopause Society

Phi Alpha Theta 1969-171, President 1969-1970 (Denison University)

Phi Kappa Phi Honor Society 2004 (East Tennessee State University)