

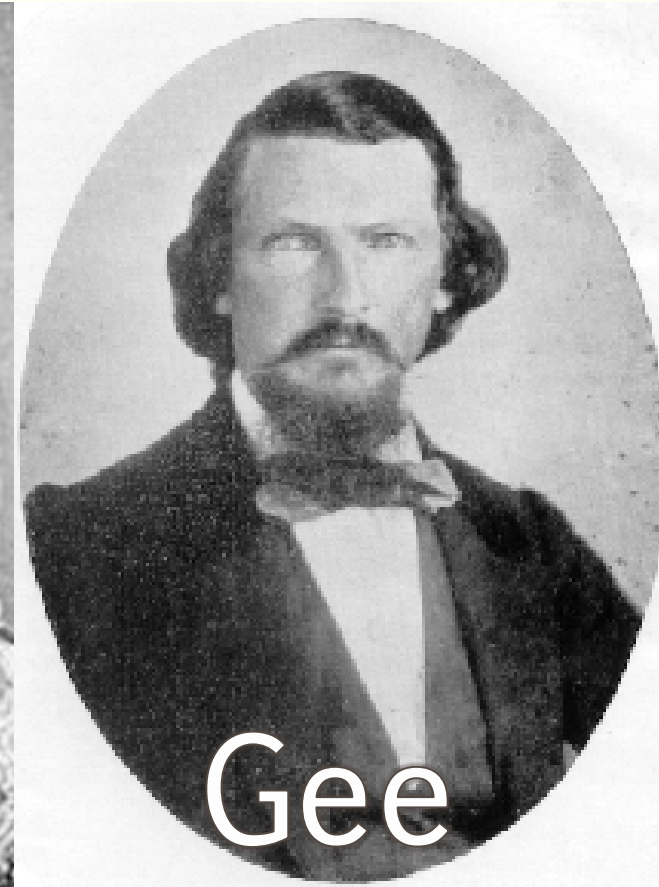
INCONSISTENCIES IN POST-CIVIL WAR TRIALS

A comparative study on the military trials
of Henry Wirz and John Gee

By: Amanda Johnson



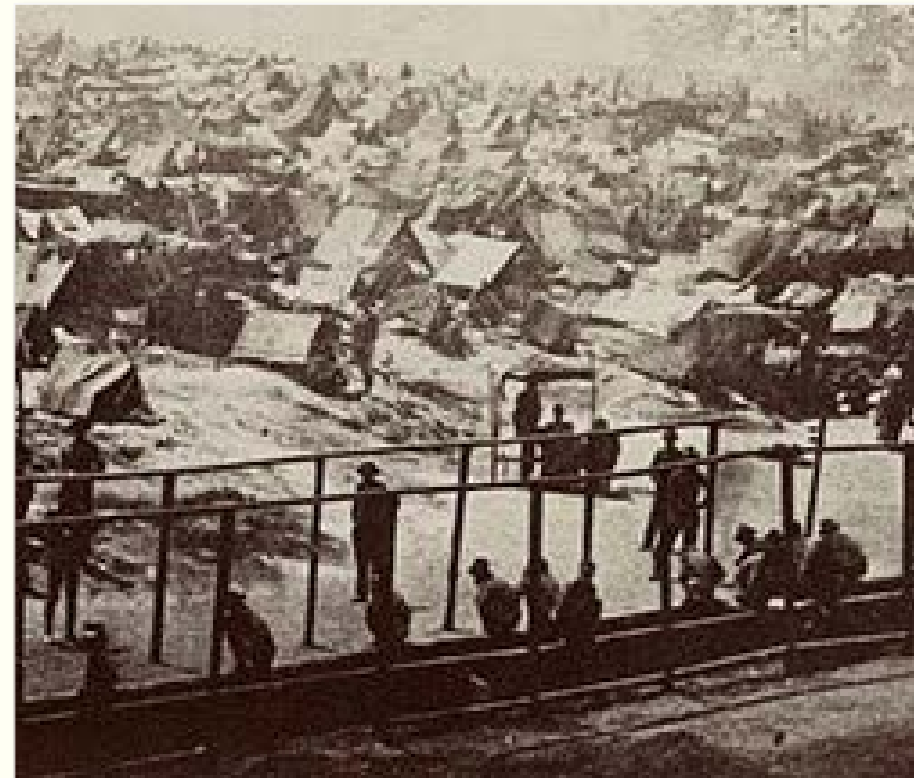
Wirz



Gee

Background

- Wirz and Gee were commanders of Confederate prisoner of war camps
 - Wirz was in charge of Andersonville (Fort Sumter), and Gee of Salisbury
- Henry Wirz found **guilty**, executed Nov. 1865
- John Gee found **not guilty**, acquitted 1866
- Camp conditions were equally horrific under their care
- What led to such drastically different trial outcomes of these men, who commanded camps under similar circumstances and took similar actions?



Historiography

- Supporters of Wirz's Conviction

- N.P. Chipman, *The Tragedy of Andersonville: The Trial of Captain Henry Wirz*, 1911
 - Emphasizes **Wirz's violent personality**, witness testimony of his violence against prisoners

- Earliest, most comprehensive critique of Wirz's Conviction

- Randolph R Stevenson, *The Southern Side; Or, Andersonville Prison*, 1876
 - Emphasizes **lack of adequate resources** for growing camp, inability of Confederate Government to support prison camps, inconsistent and **false witness testimonies** in the trial

- Contemporary Authors, focus on singular influences

- William Marvel, *Andersonville: The Last Depot*
 - Argues Wirz trial was an example of **Northern Aggression**, Wirz was a **scapegoat** for Union policy and strategy mistakes which lead to horrible camp conditions – Wirz was not their chief complaint
- Donald R. Pierce,
 - Argues that the Union purposefully used the **cessation of prisoner exchange** to stifle Confederate resources and manpower, hurt both sides, especially prisoner of war camps

Inconsistencies in Post-Civil War Trials: Key Issues

Trial Proceedings

- Proximity to Wars End
- Conspiracy Charge
- Influence of Judge Advocate

Economic Status

- Personal and Estate Assets
- Slaveholding Status
- Inheritance, Social Impact of Family Economic Status

Media Portrayal

- Demonization
- Neutrality

Importance of Comparative Study

- The impact of social, political, and economic factors on judicial neutrality.



TRIAL PROCEEDINGS

The impact of the Judge Advocate, proximity to wars end, importance of conspiracy charge

Impact of Proximity to War's End, Intent behind Charges

Wirz Trial

- 3 Months after Civil War ended, In Washington DC
 - Issue of obtaining documents, no additional time allotted
- Wording in charge specifications
 - inhumane, demon, evil
- Charge of Conspiracy
 - Urgency to convict to bolster conspiracy charges of higher officials
 - Central Arguments intended to connect Wirz to greater conspiracy, withholding of witnesses

Gee Trial

- Nearly a year after Civil War Ended, in North Carolina
 - Documents supporting defense would have been collected and organized, more easily obtained
 - Granted extra time to prep for trial
- Wording excluded strong language
 - “reckless” instead of evil or malicious
- No Charge of Conspiracy
 - No urgency for quick conviction
 - No need to connect to higher ranking “evil doers”

Impact of Judge Advocate

Wirz Trial

- Judge Advocate Actions
 - Wirz relied on the Judge Advocate and the US government to fund witness acquisition
 - Restricted and denied defense time to find and prepare witnesses
- Restriction of Witness Testimony and Adjournments
 - Hearsay for defense not allowed, but ok for prosecution
- 60 Debates between Judge Advocate Defense Attorneys
 - Threat of Duel!
 - Limited Access and Availability of confiscated Confederate documents, deliberate restriction of these documents, letters, etc.

Gee Trial

- Given Ample time to Prepare
 - Granted additional time to locate and prep witnesses, adjournments granted without issue
 - Witnesses not belligerently objected to
- Virtually no interference by the Judge Advocate
 - No Witness or evidence restriction
 - Witness testimony and evidence not belligerently objected to
- No petty bickering between attorneys and Judge Advocate

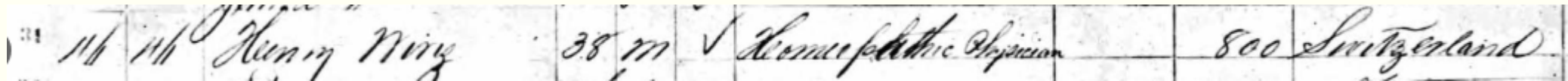


PRE-WAR ECONOMIC STATUS

The ability to fund defense and acquire witnesses, impact of economic status on witness testimony

Economic Resources to Fund Defense

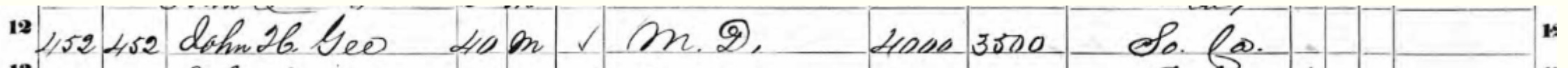
1860s US Federal Census



A handwritten entry from the 1860 US Federal Census for Henry Wirz. The entry is written in cursive and includes the name, age, sex, occupation, and value of real and personal estate.

11	11	Henry Wirz	38 m	✓	Homeopathic Physician	800	Switzerland
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- Above image shows Wirz's \$800 in personal estate



A handwritten entry from the 1860 US Federal Census for John H. Gee. The entry includes the name, age, sex, occupation, and values for real and personal estate.

12	152	John H. Gee	40 m	✓	M. D.	4000	3500	So. Ga.				
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- Image above shows Gee's \$4000 in real estate, 3500 in personal estate

Slave Holding Status and Inheritance

- Wirz
 - There is no documentation available that suggests that Wirz inherited a large sum or owned slaves
- Gee:
 - Son of wealthy slaveholder and landowner; father had at least 78 slaves and 1300 acres of land which were left to his children
 - Gee owned at least two slaves himself, according to slave schedules

Economic Status Put Wirz at Disadvantage

- Gee could sell property to fund trial (did put it up for sale during the trial)
 - Wirz did not have assets to sell; relied on government and donations to fund defense
 - This reliance was a point of contention between the Judge Advocate and Wirz's attorneys
- Gee had wealthy family friends who hosted multiple events for donations
 - Wirz published adds in the newspaper begging for donations
- Wealthy Family friends provided positive witness testimony on Gee's behalf during trial;
 - Wirz did not have influential friends to witness on his behalf, positive witness testimony was actively hindered by the Judge Advocate



MEDIA PORTRAYAL

Media and Historical Myth

Media Portrayal

Wirz

The Fiendish Tortures.
ANOTHER CHAPTER.
Andersonville Horrors Continued.
The “Dead Line” Described.
DEATH COURTED TO END MISERY.
How the Dead Were Buried.
Mr. Ambrose Spencer, whose first letter we published a few days ago, has contributed another painfully interesting narrative in relation to the inhuman monsters who tortured our soldiers in the prison-pen at Andersonville. We reproduce the material portion of his statement:

Gee

The Gazette & Comet
TRIAL OF MAJOR GEE.—It is understood that Major John H. Gee, of Florida, who has been on trial at Raleigh, N. C., for alleged cruelty to Federal prisoners, has been acquitted. A correspondent of the Richmond Examiner sums up the facts established by the testimony in the case as follows:

Media Portrayal Complicated, Not Influential

Wirz

- Few, if any, papers published positive characterization of Wirz, many were neutral
- Many included strong language of Wirz, depicting him as evil and malicious
 - Obvious and outright attempts to portray him as evil
- Even those which did not use strong language implied his guilt

Gee

- Few, if any, paper portrayed Gee positively; most were neutral
 - There were no outright attempts to portray him as a saint.
- None include strong negative language of Gee's character or portrayed him as evil or malicious
- None allege his guilt



FINDINGS FROM THE COMPARATIVE STUDY

Impact of Judge Advocate, Media Portrayal, and Pre-War Economic Status on Neutrality

Findings of comparative study

The Trial of Henry Wirz

- Trial Proceedings:
 - Judge Advocate highly influenced trial proceedings: withholding witness testimonies, retraction of subpoenas
 - Constant debate between Judge Advocate and Defense attorneys
- Pre-War Economic Status:
 - Wirz owned no land, had little personal wealth.
 - Wirz unable to fund his own trial, relied on Judge Advocate/the US government to aid in funding his defense
 - Sought donations to fund trial
- Media Portrayal
 - Often negatively portrayed in the press,
 - Few positive character witnesses or letters on his behalf
 - Many neutral publications

The Trial of John H. Gee

- Trial Proceedings:
 - Judge Advocate interfered significantly less
 - *Zero* debates between attorneys and the court
- Pre-War Economic Status
 - Son of wealthy southern land and slave owner
 - Owned land and slaves, financial assets available to him
 - Members of parents social circle provided positive witness testimony and donations during the trial
- Media Portrayal
 - No overly positive representations
 - Mostly neutral



THE IMPORTANCE OF COMPARATIVE STUDY

Evaluating influence and bias, providing deeper understanding

Comparative analysis illuminates social, political, and economic impact on neutrality in US Justice System

- Demonstrates the impact of economic inequalities on trial procedures and outcomes
- Reveals how media coverage influences trial conduct, especially how propaganda can sway public opinion in favor of particular trial outcomes
- Allows scholars to evaluate the biases of judiciary members and inaccuracy in historical scholarship

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