

A Defense of Captain Henry Wirz by Louis Schade

To the American Public:

Intending to leave the United States, I feel it my duty before I start to fulfill a promise which, a few hours before his death, I gave to my unfortunate client, Captain Henry Wirz, who was executed at Washington on the 10th of November 1865. Protesting up to the last moment his innocence of those monstrous crimes with which he was charged, he received my word that, having failed to save him from a felon's doom, I would as long as I lived do everything in my power to clear his memory. I did that the more readily, as I was then already convinced that he suffered wrongfully. Since that time his unfortunate children, both here and in Europe, have constantly implored me to wipe out the terrible stains which now cover the name of their father.

Though the times do not seem propitious for obtaining justice, yet, considering that man is mortal, I will, before entering upon a perilous voyage, perform my duty to those innocent orphans and also to myself. I will now give a brief statement of the causes which led to the arrest and execution of Captain Wirz.

In April 1865, President Johnson issued a proclamation stating that from evidence in the possession of the Bureau of Military Justice it appeared that Jefferson Davis was implicated in the assassination of Abraham Lincoln, and for that reason the President offered one hundred thousand dollars for the capture of the then fugitive ex-President of the Southern Confederacy. That testimony has since been found to be entirely false and a mere fabrication, and the suborner, Conover, is now under sentence in the jail in this city, the two perjurers whom he suborned having turned state's evidence against him; whilst the individual by whom Conover was suborned has not yet been brought to justice.

Certain high and influential enemies of Jefferson Davis, either then already aware of the character of the testimony of those witnesses, or not thinking their testimony quite sufficient to hang Mr. Davis, expected to find the wanting material in the terrible mortality of Union prisoners

at Andersonville.

Orders were issued accordingly to arrest a subaltern officer, Captian Wirz, a poor, friendless, and wounded prisoner of war (he being included in the surrender of General Johnston) and besides, a foreigner by birth. On the ninth of May. he was placed in the Old Capital prison at Washington, and from that time the greater part of the Northern press was busily engaged in forming the unfortunate man in the eyes of the Northern people into such a monster that it became almost impossible to obtain counsel; even his countryman, the Swiss Consul-General, publicly refused to accept money to defray the expenses of the trial. He was doomed before he was heard, and even the permission to be heard according to law was denied him, To increase the excitement and give eclat to the proceeding and to influence still more the public mind, the trial took place under the very dome of the Capitol of the nation. A military commission, presided over by a despotic general, was formed, and the paroled prisoner of war, his wounds still open, was so feeble that he had to recline during the trial on a sofa. How that trial was conducted the whole world knows!

The enemies of generosity and humanity believed it to be a sure thing to get at Jefferson Davis, therefore the first charge was that of conspiracy between Henry Wirz, Jefferson Davis, Howel Cobb, Richard B. Winder, R. R. Stevenson, W. J. W. Kerr, and a number of others to kill the Union prisoners. The trial lasted for three months; but fortunately for the blood-thirsty instigators, not a particle of evidence was produced showing the existence of such a conspiracy; yet Captian Wirz was found guilty of that charge!

Having thus failed, another effort was made. On the night before the execution of the prisoner (November 9, 1865) a telegram was sent to the Northern press from this city, stating that Wirz had made important disclosures to General L. C. Baker, the well-known detective, implicating Jefferson Davis, and that the confession would probably be given to the public. On the same evening some parties came to the confession of Wirz, Rev. Father Boyle, and also to me, one of them informing me that a high Cabinet official wished to assure Wirz that if he would implicate Jefferson Davis with the atrocities committed at

Andersonville, his sentence would be commuted. The messenger requested me to inform Wirz of this. In the presence of Father Boyle, I told Wirz next morning what had happened.

The Captain simply and quietly replied, "Mr. Schade, you know that I have always told you that I do not know anything about Jefferson Davis. He had no connection with me as to what was done at Andersonville. If I knew anything about him, I would not become a traitor against him or anybody else even to save my life."

He likewise denied that he had ever made any statement to General Baker. Thus ended the attempt to suborn Captain Wirz against Jefferson Davis. That alone shows what a man he was. How many of his defamers would have done the same? With his wounded arm in a sling, the poor paroled prisoner mounted the scaffold two hours later. His last words were that he died innocent and so he did.

The 10th of November, 1865, will indeed be a black stain upon the pages of American history.

To weaken the effect of his declaration of innocence and of the noble manner in which Wirz died, a telegram was manufactured here and sent North stating that on the 27th of October, Mrs. Wirz (who actually on that day was nine hundred miles from Washington) had been prevented by that Stantonian *deus ex machina*, General L. C. Baker, from poisoning her husband. Thus at the time when the unfortunate family lost their husband and father, a cowardly and atrocious attempt was made to blacken their character also. On the next day, I branded the whole as a lie, and since then I have never heard of it again, though it emanated from a brigadier-general of the United States Army.

All those who were charged with having conspired with Captain Wirz have since been released, except Jefferson Davis. Captain Winder was let off without trial; and if any of the others have been tried, which I do not know, certainly not one of them has been hanged. As Captain Wirz could not conspire alone, nobody will now, in view of that important fact, consider him guilty of that charge.

As to "murder in violation of the laws and customs of war," I do not hesitate to assert that about one hundred and forty-five out of one hundred and sixty witnesses that testified on both sides, declared during the trial that Captain Wirz never murdered or killed any Union prisoners with his own hands or otherwise.

Those witnesses, some twelve or fifteen, who testified that they saw Wirz kill prisoners with his own hands or otherwise, swore falsely, abundant proof of that assertion being in existence. The hands of Captain Henry Wirz are clear of the blood of prisoners of war. He would certainly have at least intimated to me a knowledge of the alleged murders with which he was charged. No names of the alleged murdered men could be given, and when it was done no such prisoner could be found or identified.

The terrible scene in court when he was confronted with one of the witnesses, and the latter insisting that Wirz was the man who killed a certain Union prisoner which irritated Wirz so much that he nearly fainted, will still be remembered. That witness, Gray, swore falsely, and God alone knows what the poor innocent prisoner must have suffered at that moment. The scene was depicted and illustrated in the Northern newspapers as if Wirz had broken down on account of his guilt. Seldom has a mortal man suffered more than that friendless and forsaken man.

But who is responsible for the many lives that were lost at Andersonville and in the Southern prisons? That question has not fully been settled, but history will yet tell on whose heads the guilt for those sacrificed hecatombs of human beings is to be placed. It was certainly not the fault of poor Wirz, when in consequence of medicines being declared contraband of war by the North, the Union prisoners died for the want of the same. How often have we read during the war that ladies going South had been arrested and placed in the Old Capitol Prison by the Union authorities, because quine and other medicine had been found in their clothing! Our Navy prevented the ingress of medical stores from the seaside and our troops repeatedly destroyed drug stores and even the supplies of private physicians in the South.

Thus the scarcity of medicine became general all over the South.

That provisions in the South were scarce will astonish nobody, when it is remembered how the war was carried on. General Sheridan boasted in his report that in the Shenandoah Valley alone he burned more than two thousand barns filled with wheat and corn and all the mills in the whole tract of country; that he destroyed all factories and killed or drove off every animal, even poultry, that could contribute to human sustenance. And these desolations were repeated in different parts of the South, and so thoroughly that money had to be appropriated to keep the people from starving. The destruction of railroads and other means of transportation by which food could be supplied by abundant districts to those without it increased the difficulties in giving sufficient food to our prisoners.

The Confederate authorities, aware of their inability to maintain the prisoners, informed the Northern agents of the great mortality, and urgently requested that the prisoners should be exchanged, even without regard to the surplus, which the Confederates had on the exchange roll from former exchanges -- that is, man for man. But our War Department did not consent to an exchange. They did not want to "exchange skeletons for healthy men." Finally, when all hopes for exchange were gone, Colonel Ould, the Confederate Commissioner of Exchange, offered early in August, 1864, to deliver up all sick and wounded without requiring an equivalent in return, and pledged that the number would amount to ten or fifteen thousand, and if it did not, he would make up either number by adding well men. Although this offer was made in August, the transportation was not sent for them until December, although he urged that haste be made. During that very period most of the deaths occurred. It might be well to inquire who these "skeletons" were that Secretary of War Stanton did not want to exchange for healthy men.

A noble and brave soldier never permits his antagonist to be calumniated and trampled upon after an honorable surrender. Besides, notwithstanding the decision of the highest legal tribunal in the land that military commissions are unconstitutional, and earnest and able protestations of President Johnson and the results of military

commissions, yet such military commissions are again established by recent legislation of Congress all over the suffering and starving South. History is just, and, as Mr. Lincoln used to say, "We cannot escape history." Puritanical hypocrisy, self-adulation, and self-glorification will not save the enemies of liberty from their just punishment. Not even Christian burial of the remains of Captain Wirz has been allowed by Secretary Stanton. They still lie side by side with those of another and acknowledged victim of military commissions, the unfortunate Mrs. Surratt, in the yard of the former jail of this city.

If anybody should desire to reply to this, I politely beg that it may be done before the first of May next, as I shall leave the country -- but to return in the fall. After that day letters will reach me in care of the American Legation or Mr. Benedete Bobzani, Leipsig Street, No. 38, Berlin, Prussia.

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