

Episode 170: Dealing with Deserters

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On January 6, 1864 Confederate President Jefferson Davis commuted the death sentence of a young Virginia private who had been charged with desertion. In an interesting coincidence, Abraham Lincoln commuted a similar sentence for a Union soldier the very next day. When asked for a reason, Lincoln replied "...because I am trying to evade the butchering business lately."

Many men on both sides of the Civil War deserted their armies, either temporarily or permanently. Sometimes men left to tend to their families and sometimes because they could take no more fighting. How these men were handled when they returned or were captured depended on the timing and sometimes on the mood of the commanding officer.

Both armies made desertion a capital offense. The Confederate articles of war stated that "all officers and soldiers who have received pay, or have been duly enlisted in the services of the Confederate States, and shall be convicted of having deserted the same, shall suffer death, or such other punishment as, by sentence of a court-martial, shall be inflicted." On the Union side, the General Orders of the War Department stated that deserters were "to be shot to death with musketry, at such time and place as the commanding General may direct."

Desertion became much more common as the war progressed and volunteers were replaced by draftees. The glorious days of chivalry in the spring and summer of 1861 had been replaced by days of brutal and seemingly endless killing. Northern officials estimated that as many as one in five men had deserted during the course of the war. It was worse for the Confederates, who estimated a loss of as many as a third of their men to desertion.

Because of the large numbers of deserters, not all could be executed despite it being a capital offense. Some were branded with a D or sentenced to hard labor, while others were simply accepted back onto the regimental roster. In March of 1863, Lincoln put out a general call of amnesty for the 125,000 Union men then missing from their units. Lincoln's order stated that if the deserters returned to their units, there would be no punishment.

For an unlucky few, the charge of desertion meant that they would be executed as an example for the rest of the troops. From the many men on both sides who deserted, about 500 were executed. Confederate generals Stonewall Jackson and Braxton Bragg were notorious for executing any deserters in their armies. Robert E. Lee, initially more lenient on desertion, came over time to believe that executions of deserters were the only way to hold the army together.

In a typical execution, the members of the condemned's regiment would form three sides of a square. The condemned man or men would then be marched under guard out to form the fourth side of the square while the regimental band played the Dead March. After the regimental officer read the charges, a chaplain would offer prayers to the condemned men. The men were then blindfolded and sometimes tied to stakes. A firing squad would then line up a short distance away within the square. After the commands of "ready, aim and fire", the regiment was marched past the bodies of the dead.

Prisoners who were not shot were hung. In the most infamous mass execution of the war, Confederate general George Pickett sentenced 22 deserters to be hung in February 1864. Despite these public displays of punishment, large scale desertion continued until the war ended.

