

BLAME THE SURGEON

by

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Although much has been written about improvements in the Federal medical system during the Civil War, the following court martial illustrates the problems a regimental surgeon had in establishing a field hospital in late 1862. The medical system did not provide the hospital with supplies, did not attempt to communicate with him, and during the trial, refused to admit any mistakes on their part. The field officers and soldiers who testified, and served on the court martial board, obviously did not understand the medical thinking of the time and were clearly hostile to the men in the medical service. The victim of this situation was Dr. Luther Thomas.

Luther Thomas was made surgeon of the 26th Regiment New Jersey Volunteers in September 1862. His troubles started about three months later when he was ordered, on the night of December 10, 1862, to establish and take charge of a hospital at White Oak Church, Virginia. He was supplied with nothing but sick patients and this assignment resulted in his being court martialed on two charges. The first charge was for being drunk on duty and the second charge was for conduct to the prejudice of good order and military discipline. This latter charge had four specifications. The first three were for using insulting and abusive language and improper manners to hospital staff and patients. The fourth was for not furnishing the sick with sufficient food, medicine, shelter and attention.

The prosecution produced twelve witnesses. Four men not part of the hospital staff testified that the doctor appeared to be under the influence of spirits and one of these hostile witnesses stated that the doctor had reeled in his saddle and fallen off his horse. A Lieutenant of the 7th Mass. Infantry had put his horse in a nearby shed which Dr. Thomas had planned to use as a hospital structure. When the doctor removed the horse, there was a confrontation. The Provost Marshal, who also testified, had told the doctor the shed was within Division lines and could not be used for a hospital. He threatened the doctor with arrest if he "used any more language like that" and told the guard to shoot anyone who removed the horse. Both stated that Thomas appeared drunk. None had seen him drinking.

The Medical Director of the Second Division, Sixth Corps, Surgeon S.J. Allen then took the witness stand. He had visited the hospital every day from the 11th to the 17th but he stated he knew nothing about the conditions of the hospital (which seem strange) and had not seen Thomas intoxicated. Thomas had reported to him that he was not well supplied with medicines or rations. Allen had told Thomas to get the supplies elsewhere: that the commissary of the Second Brigade was within 100 rods (1,600 feet) and the brigade supply wagons with medicine were on their side of the river. Allen had seen Thomas making a personal effort to obtain supplies. He further reported that the order for removal of the sick from the hospital had come from Surgeon O'Leary, Medical Director of the Corps.

The accusations of abusive behavior were made by two witnesses. A hospital steward of the 77th New York Volunteers, who was not a member of the hospital staff, had approached

Thomas and asked him where were the sick of the 3rd Brigade. The surgeon told him to look in the barn or there about. The steward supposedly looked for the men three times and returned to the doctor each time and harassed him because he could not find the men. Finally, Thomas told him that he wasn't the keeper of the sick, if he would look for them he could find them and that he "didn't care a damn for the sick anyway." On December 18, Thomas also supposedly shook his fist at a private of the 77th New York Volunteers, a patient in the hospital, and said, "You are no more sick than the Devil is" or words to that effect.

A private of the 77th New York Volunteers provided information concerning the patients who were marched from the hospital to their regiments to provide additional space for more sick men. As previously testified by the Division Medical Director, the order for this movement was from the Medical Director of the Corps. About fifty or sixty men, who supposedly were able to travel, were selected by Dr. Thomas, his associates and the private himself. They were each given 30 diarrhea pills and were to obtain provisions from the first commissary they met. After only a half mile, several men could not go further and a couple with severe diarrhea could not take care of themselves. The next morning attempts to obtain rations from local commissary were unsuccessful and about twenty men started out for the landing. The private stated that all of the men were able to reach their regiments if they took their time, but what finally happened to these men was not made clear.

The Commissary of Subsistence, Third Brigade, stated his commissary stores were within a hundred yards of the White Oak Church. He did not mention if he had made any attempts to inform the hospital staff of his location.

A captain from the 33rd New York Volunteers provided his accusations concerning conditions at the hospital. He had arrived around midnight on the tenth of December and took up quarters at a nearby private home for about two weeks. For the first five days, he visited the hospital daily, "looking after his boys." He stated that rations were inadequate, that the barn and church were full of patients, and that the men had to build themselves structures with boughs for cover. The church was without heat and supposedly four men froze to death. Two of the patients from the 77th New York Volunteers, who had also accused Thomas of being drunk, stated that all they had to eat for the first 3-4 days was two crackers and a cup of coffee.

The defense presented nine witnesses and a rather extensive written statement by Surgeon Thomas. The private, who took care of Thomas's horse, stated that the saddle was defective, which explained his trouble with his horse. After riding his horse, the surgeon had easily climbed up and down a ladder and therefore was not drunk.

A nurse who had been with Thomas the whole time provided a detailed description of what had happened. The only medicines available were those brought by Thomas. On their arrival at White Oak Church, the church was already full of patients. The building was dirty and the patients were lying on the bare floor. Thomas ordered the building cleaned, straw brought from the barn for beds and those who could walk moved to the barn. The patients were divided into squads and nurses were assigned to the charge of so many men. Soon the barn could not

hold all the sick and men were detailed to build structures with tree boughs against the side of the barn to hold 30 or 40 patients. The witness thought the barn held 150 or 160 men. The first day the nurse had ridden out on horseback to obtain stores, but had been unable to find a commissary. Thomas finally did find one and rations were obtained in spite of requisition problems. The night they arrived Thomas had ordered two hospital tents. The first was put up the first day and the other one the second night. On December 14th, the nurse had gone to the store house of the General Hospital, over the river, but had been informed they did not have supplies to spare. He said Thomas had taken good care of the patients, had not fallen off his horse or had he been intoxicated. The patients were provided with soup when available, a cup of coffee 2-3 times a day and hard tack a couple of times a day.

A private from the 6th Maine Regiment Volunteers, who was ward clerk and had been at the hospital from the first, testified as to what he had seen. The patients on the 11th of December had to use the rations from their haversacks because the commissaries of the 2nd and 3rd Brigades and the 2nd Division stated that they were not entitled to anything until the 13th. In spite of this, they did obtain rations on the morning of the 12th and after that time the men were fed three meals a day. The average number of patients from December 11th to the 20th was 250, and ranged from 200 to 370 men. He knew of eleven men who died. Fever was the main cause of death and none froze to death. He had been with the doctor every day and had not seen him drunk.

The hospital steward, a private of the 43rd New York, testified that all the statements of the captain of the 33rd New York Volunteers, a prosecution witness, were untrue.

The man who served as cook responded that supplies were sufficient and he had never seen Dr. Thomas drunk.

Three patients reported they had adequate rations even to an open box of crackers left in the barn, and that they had received good care.

Surgeon Thomas in his statement, reported the only medicine they had initially was from his full medicine chest; none had been supplied for the hospital. Cooking utensils had to be borrowed, since they also had not been supplied for the hospital. One nurse was appointed to each hospital tent, one to each temporary shelter and three for the barn. In the church were principally cases of typhoid fever, most of them the malignant type. No fire was required there for several days and a stove was put up as soon as it was available. Artificial heat was considered detrimental to fever patients, especially in such close quarters and the main object was to obtain good ventilation. Also, patients recovering from protracted fevers have increased appetites and would frequently eat things that would be fatal. To eat such things as apples, pickles and cheese would have caused "injury to the sick and give more cause for death or protracted illness than any degree of cold from which they would have suffered in the church." At the time he had difficulty about the shed, Thomas was not feeling well; he shortly came down with jaundice.

The judge advocate made an impassioned and biased statement. He said "believing much that is charged in the specifications has been proven." He stated he and the court did not believe the witnesses for the defense and went as far as to say, "I know this general Court Martial will allow no mistaken feeling of mercy to prevent justice being done, as well to the country and the service, as the weak and helpless who were left in his charge."

After due consideration, the court found Thomas guilty of all charges except for the 2nd and 3rd specifications of the 2nd charge. These two specifications dealt with Thomas allegedly telling one patient he was not sick and Thomas' supposed responsibility for the men who had been marched away from the hospital. Thomas was cashiered, the officer equivalent of a dishonorable discharge.

However, the proceeding were disapproved by Ambrose Burnside, then commanding the Army of the Potomac, as not justified under the 89th Article of War. Burnside's recommendations were approved by President Lincoln. Thomas was honorably mustered out of the army June 27, 1863 and did not live long afterwards. He died in May 1864.

Sources

Records of the Judge Advocate General, Proceedings of Courts Martial and Courts of Inquiry, RG 153, File No. LL 80. National Archives.

Medical Officers File. RG 94, Entry 561. National Archives.

Thomas, Luther G. Surg. 26th. N.J. Inf. RG-23, M-550. National Archives.