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TARNISHED SCALPELS

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Tarnished Scalpels

The Court-Martials
of Fifty Union
Surgeons

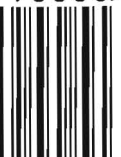
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& Jack D. Welsh, M.D.

Foreword by Robert K. Krick

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Chapter Sixteen

Charles E. Briggs

The movie *Glory* showed the trials, tribulations, and triumphs of the 54th Massachusetts Infantry (colored), an inspiring story of the bravery and dedication of a pioneering regiment of African American troops. Not all the drama of that regiment was encompassed in the cinematic version—and certainly not the charges of cruelty and malpractice filed against Surgeon Briggs.¹

He was a graduate of Harvard and received his medical degree in 1856. His first war service was with the 24th Massachusetts, seeing action in the Carolinas as an assistant surgeon. He was promoted and appointed surgeon of the 54th Massachusetts on November 24, 1863.²

Almost exactly one year later, an event occurred that seems unparalleled in Civil War records. It began with the court-martial of seventeen-year-old Pvt. James Riley of Company H, 54th Massachusetts (colored).³ Riley was charged with bestiality, that he “did on the fifth day of November 1864 between the hours of 8:00 and 9:00 o’clock P.M. proceed to the stable of the horses of the Field and Staff of the 54th Massachusetts Volunteers and then and there hold sexual connexion with a mare. All this at Morris Island, South Carolina.”

The first to testify was Pvt. John Brown. “I heard a fuss over at the stables and went over. Riley was about a pace from the mare, right behind her. He said he was getting hay, but the mare’s head was tied down close to the manger, Riley’s pants were unbuttoned, the mare’s private parts were wet, and there were horse hairs on Riley’s coat. He ran, but we caught him and took him to the doctor. It was after dark.”

Dr. Briggs told the court that he went immediately thereafter to the stables.

A candle was brought and I examined [the] prisoner’s clothes. I found one short hair from the coat of a horse on the right breast of Riley’s coat toward his waist. I found no other horse hair about him. His clothes were not wet. Several buttons [were] presumed to be wanting in the front of his trousers. His trousers gaped in front so that



When Col. Robert Gould Shaw asked Harvard-trained Dr. Charles E. Briggs why he had mutilated a soldier’s penis with a scalpel and hot iron, Briggs refused to answer. MASSACHUSETTS COMMANDERY, MILITARY ORDER OF THE LOYAL LEGION, USAMHI

his private parts were visible. His private parts were dry. I found no horse hair on his body. His penis was slightly swollen, the prepuce drawn back. I am uncertain whether he pulled the prepuce back to show me the organ or not.

I had the mare brought into the stable. The mare is naturally skittish, but showed unusual irritability, snapping and biting at him, more than is customary with me. Riley had been thrust with considerable violence into the stable striking the mare, and perhaps that irritated her. The mare’s private parts were dry. On the right flank about eight inches from the anus horizontally was a small glutinous mass, partially rubbed into the mare’s hair. If it was semen, the odor was overpowered by the natural odor of the mare. The mare’s head was drawn downward to the manger by the halter. I sent the man to the guard house. My assumptions are based on the words of the men who captured Private Riley. My examination did not conclusively prove that Riley had intercourse with the mare. The effects of masturbation would appear to be the same as those of intercourse.”

In other testimony, Riley’s captain described him as being “of good character,” while Pvt. John Davis, who had known Riley since age three, also spoke well of him. After the testimony was concluded, the Court deliberated and gave their verdict: not guilty.

The trial was held on Sunday, November 9, 1863. At 10:00 that night, Briggs “without the knowledge or consent of his regimental commander or of

Turner
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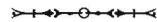
the regimental Officer of the Day sent to the regimental guard house for two sentinels and did place them as a guard over his own tent." Briggs then "caused Private James Riley . . . to be taken under a double guard to his own private tent and did cause him to be partially stripped, gagged, and bound down upon a bed and did then and there inflict upon him the act of circumcision as a punishment . . . and to make the punishment more painful and severe did scar the cut parts with a hot iron, without the administration of anesthetics." Briggs then returned Riley to the regimental guardhouse (it is unclear why he was still in the guardhouse, having been acquitted) "and did neglect to take measures to alleviate the pain."

That same night, the commander of the 54th Massachusetts, Col. Robert G. Shaw, demanded a written report from Briggs concerning Riley's circumcision. No reply. The following day, the commander repeated his order for the production of a report, again receiving no reply. When confronted, Briggs said, "I do not recognize that you have the right to demand such a report."

What followed next seems a mystery. Briggs was not court-martialed. A thorough search of the court-martial index, as well as scrutiny of his medical officer file, compiled service record and pension file, enhanced by Archivist Michael P. Musick's search of record group 94 (Letters Received, Colored Troops) and Briggs's record with the 24th Massachusetts, shows only the charges and specifications but no actual court-martial. What is most likely is that the case was dropped. But why? Thus far, the record is silent.

Dr. Briggs was mustered out of the service August 20, 1865. In 1869 he married Rebecca Whitaker in St. Louis, Missouri. In 1871 he signed a memorandum, in which he gave his rank as "Acting Assistant Surgeon," USA. Later that same year, his contract was terminated. He died in Boston in June 1894 at the age of sixty-one, from cancer of the gall bladder, and was buried at Pembroke, Massachusetts, the place of his birth.

Even less is known of the fate of Private Riley. He was wounded in battle July 16, 1863, at James Island, South Carolina; the nature of his wound is not recorded. There is no application for pension; there is no further record of his life.



COMMENT: From a medical-legal point of view, Briggs's actions seem to be clear malpractice, combined with assault and battery. This case, in the absence of further facts, could give rise to the wildest flights of speculation. Briggs's testimony was very helpful to Riley and seems the basis for Riley's acquittal. Why would Briggs then turn on Riley? Did Briggs secretly feel that Riley was guilty, even when the objective medical evidence did not support a finding of guilt? Did Briggs feel that he was to be the agent of a justice higher than a mere mortal tribunal, a sort of "Vengeance is mine, saith the Lord"? (Carnal connection with other species is one of the oldest Judeo-Christian "abominations.") Did

Briggs feel that Riley's *possible* transgression reflected ill upon the regiment—or upon the concept of African American men in uniform? Or perhaps, deep in his heart, Briggs, like the Southern plantation owners, feared that the "darkness of Africa" lay just beneath the surface, ready to break out in bestiality and lust, an outbreak to be nipped in the bud (so to speak) by the symbolic double castration of circumcision and the hot iron? And what of the African American troops who were Briggs's accomplices in this act? Did they assist out of fear of white authority or out of a repugnance for Riley's (possible) intercourse with the mare?

A whole other realm of speculation rests upon the old boy network. Briggs was a Harvard man; this was a Massachusetts regiment. The 54th was supposed to reflect the patriotism and reliability of Negro troops, and their officers were to reflect the white, liberal, Republican, and abolitionists' highest hopes for an oppressed race. The public disgrace that would attach to the publicity of a trial, with the sensationalist newspapers in a feeding frenzy over (hypothetical) black bestiality and (almost certain) white sadism, would be a great setback for the cause of the North. But, once again, these are flights of fancy. The record allows us to present what is known. Other researchers may find the answers to what remains unknown, to pierce the veil of mystery, to relive and exorcise our vision of the doctor with his knife and glowing iron, menacing the bound and gagged Riley, struggling on the cot, wide-eyed with terror.