

### Medical Malpractice: From Drunkenness To Desertion, Some Union Doctors Did More Than Surgery

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## Review

### MEDICAL MALPRACTICE

**From drunkenness to desertion, some Union doctors did more than surgery**

**D'Onofrio, Peter J.**

**Summer 2000**

**Lowry, Thomas P. and Welsh, Jack D.** *Tarnished Scalpels: The Court-Martials of Fifty Union Surgeons*. Stackpole Books, 2000-06-01. ISBN 811716031

**Tarnished Scalpels** tells the story of 50 Union doctors who, for various reasons, faced military court-martials, some for misdeeds that stagger the imagination. Society of Civil War Surgeons members Thomas P. Lowry, author of *The Story the Soldiers Wouldn't Tell* and *Tarnished Eagles*, and Jack D. Welsh, author of *Medical Histories of Union Generals* and *Medical Histories of Confederate Generals*, have collaborated to produce an exceptional new book.

The court-martials are organized into six sections that contain cases of failure to practice proper medicine and of failure to follow military rules and regulations. One important fact that Lowry and Welsh point out in their introduction is that, "In order to judge whether a doctor has failed to practice his art correctly, it is necessary to understand what he should have known, not by our standards but by his."

#### **Patient neglect and doctor incompetence**

In the first section, entitled "Care of patients," the reader is presented with 14 cases in which doctors were charged with patient neglect. Many were acquitted due to unsubstantiated facts or maliciousness on the part of the accuser. Others were found guilty of neglect, incompetence, "conduct unbecoming," etc. In the next section, we encounter cases that are "Stranger than fiction," including that of a surgeon who performed a circumcision without anesthetic and "did scar the cut parts with a hot iron." He was never court-martialed. "Misuse of food and money," the third chapter, revolves around those doctors who were charged with the misuse of hospital food and money, or simply of "messaging" (i.e., eating) with

enlisted men. Many, it seems, were unjustly accused.

"Wine and women" details those doctors who were court-martialed for imbibing while on duty or for becoming involved with ladies of ill repute. "Rules and Authority," the fifth section, reminds readers that many of the Civil War doctors were in civilian practice before the conflict erupted. Not only did they have to deal with the medical hierarchy, but they suddenly had to contend with the rules and regulations of army life. Many ran afoul of those regulations, including one Clement A. Finley, who became Surgeon General in June 1861. Finley eventually faced numerous court-martials for "conduct unbecoming an officer and gentleman," "disobedience," and "violation of the 88th paragraph of the Medical Regulations of the Army." The final section in **Tarnished Scalpels** deals with doctors who were charged with being "Absent Without Leave." Finally, three appendices accompany this volume and provide the reader with further explanations about aspects of the court-martials and how they were discovered by the authors.

**Tarnished Scalpels** is an extremely well-written and well-documented book. Some of the cases presented make one wonder how these medical men advanced as far as they did. In other instances, the reader will sympathize with the doctor for the frivolousness of the charges and the waste not only his time, but that of a sitting court. The result is easy to read, with each case including the factual details and a commentary by Lowry and Welsh that fills in the gaps in the factual record.

*Peter J. D'Onofrio is president of the Society of Civil War Surgeons and editor of the Society's quarterly publication, The Journal of Civil War Medicine. He has authored a compilation of primary sources dealing with Civil War-era medicine that is scheduled for publication later this year.*